



ARCHDIOCESE OF WELLINGTON

SUBMISSION TO THE ENVIRONMENT SELECT COMMITTEE ON THE NATURAL ENVIRONMENT BILL AND THE PLANNING BILL 2025

‘.....the technocratic paradigm underlying the current process of environmental decay is a certain way of understanding human life and activity that has gone awry to the serious detriment to the world around us. Deep down, it consists in thinking as if reality, goodness and truth automatically flow from technological and economic powers as such.it then becomes easy to accept the idea of infinite or unlimited growth ...Everything that exists ceases to be a gift for which we should be thankful, esteem and cherish and instead becomes a slave, prey to any whim of the human mind and its capacities’ (Apostolic Exhortation, Laudate Deum, Pope Francis, to All People of Good Will on the Climate Crisis, paragraphs 20 and 22).

1. **Introduction**

The Wellington Catholic Archdiocese Commission for Ecology, Justice and Peace is established to:

...contribute to and participate in work for justice and peace inspired and informed by Catholic Social Teaching.

The Commission’s key responsibilities are:

- *Supporting the communities of the Archdiocese and wider community to hear and actively respond to the cry of the earth and the cry of the poor;*
- *Scrutinising all issues and institutions in society and in the Archdiocese in the light of Catholic social teaching¹.*

These Catholic social teaching principles are broadly shared by many others, regardless of religious background.

2. **Position on the Natural Environment Bill (NEB) and the Planning Bill (PB)**

The Commission is concerned about the negative environmental and ecological impact of these two Bills, especially when these Bills make environmental protection dependent on uncertain ecological baselines and acceptable limits. Furthermore, the Commission questions the ability of both Bills in practice to foster appropriate and adequate expertise and consultation through Te Tiriti o Waitangi, with vicarious and broad powers vested upon the Minister of the Environment or regional councils to set target limits and intervene with nebulous inferences to “Māori interests”. At the same time, the Commission rejects the feasibility of a set of goals through which the permits process is exercised that have “no inherent hierarchy”, and the questionable ability of both Bills to integrate their processes to bring about clear decision-making that prioritises ecological considerations rather than a narrow focus on unlimited economic growth. Finally, the Commission rejects any process or legislation that allows

¹[Catholic Social Teaching | Discover Social Justice – Get Involved Today — Caritas Aotearoa New Zealand](#)

environmental protection to be highly driven by the economics of ‘regulatory relief’ (or regulatory takings), and fears that dependence of regional councils on whether they can compensate individual landowners to protect significant natural areas (SNA) or sites significant to Māori, means that protection will eventually cease, due to the staggering costs of compensation to significant individual landowners or iwi.

3. **Ecological Conversion at the heart of caring for the Natural Environment - Stewardship (Kaitiakitanga) and the Common Good (He Painga mō te Katoa).**

“To achieve such reconciliation, we must examine our lives and acknowledge the ways in which we have harmed God’s creation through our actions and our failure to act. We need to experience a conversion, or change of heart” (Encyclical *Laudato Si’*, Pope Francis, *On Care of Our Common Home*, paragraph 218)².

In the definitions of the NEB, e.g. the *Purpose, goals and principles*, the NEB aims to “...achieve no net loss in indigenous biodiversity”. This is ecologically weak and is not consistent with another goal: “safeguard the life-supporting capacity of air, soil, water and ecosystems”

- Biodiversity in ecology is defined as the inherent pattern of richness of different species within an ecosystem³. Allowing calculated biodiversity offsets and compensation assumes ecosystems are interchangeable. Under this assumption and model, any habitats and species are considered replaceable. However, there is an estimated 80,000 unique and endemic species to Aotearoa New Zealand⁴. Such biodiversity implies that the New Zealand ecosystem is sustained upon intricate and complex connections and relationships between all these species. For example, if the critically endangered Archey's Frog⁵ becomes extinct in one location, but some other indigenous lifeform appears and replaces it in another part of Aotearoa New Zealand, that is seemingly acceptable under the model promoted by this Bill. While the discovery of new indigenous species is not uncommon⁶, they may exist at a different trophic (food web, predator-prey) level, in a disconnected part of Aotearoa New Zealand to the original indigenous species that has become extinct. To only consider the net mass balance of indigenous species in an ecosystem, without assessing the relationships and connections between species, completely misses the importance of biodiversity in a sustainable ecosystem⁷. The life-supporting capacity of “air, soil, water and ecosystems” not only relies on the richness of species but the habitats not being fragmented, which severs interactions between species. Therefore, the intent to achieve “no net loss in indigenous biodiversity” speaks more of an intent justifying a “failure to act” rather than aspirational environmental protection, guardianship and stewardship (kaitiakitanga), and care for the Earth.

²[Laudato Si' \(24 May 2015\)](#)

³Wildlife Society Bulletin 1996, 24(4):738-749, [Defining Biodiversity](#)

⁴[New Zealand's Biodiversity • Environment Guide](#)

⁵[Archey's Frog](#)

⁶[New Zealand Journal of Zoology](#) 2025, 52(5):812-820, <https://doi.org/10.1080/03014223.2025.2525262>

⁷Indian Journal of Biology 2017, 4(2):158-159.

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'It is not enough, however, to think of different species merely as potential “resources” to be exploited, while overlooking the fact that they have value in themselves. Each year sees the disappearance of thousands of plant and animal species which we will never know, which our children will never see, because they have been lost for ever. The great majority become extinct for reasons related to human activity. Because of us, thousands of species will no longer give glory to God by their very existence, nor convey their message to us. We have no such right'. (Encyclical Laudato Si, Pope Francis, On Care of Our Common Home, paragraph 33).

- Prohibited activities are categorised only as ones which have an '*unacceptable level of harm*' (NEB, Clause 32). In effect, the threshold for concern from environmental harm has been raised. Under this premise, if there is some harm, it could still be permissible under a restricted discretionary activity or discretionary activity permit, providing that the risks of harm can be managed according to the measures of environmental limits. In addition, permitted activities can be defined as “a) ...*achieves the desired level of use, development, or protection of the natural environment*”. Therefore, even permitted activities are open to interpretation from the various conditions attached to the clause. To put utility of the natural environment on an equal footing with environmental protection suggests that the Bill allows for “unlimited or infinite growth” simply from a classical economic perspective and allows for consideration of permissible activities without necessarily considering environmental impact.
- Environmental limits may entrench degraded ecosystems, where limits may be set based on already degraded conditions rather than healthy ecological baselines. These risks allowing ongoing environmental decline instead of encouraging ecosystem recovery and restoration⁸. Furthermore, because of the overhaul of ecological instruments, such as the National Policy Statement for Freshwater Management (NPS-FS)⁹, which promotes a hierarchy of cultural and intrinsic values (Te Mana o Te Wai) for which water use and activity must adhere to, the responsibility of setting environmental limits is vested upon regional councils.
- The Bills do not indicate what outcomes to environmental protection or otherwise regional councils must achieve, except under the Bills, regional councils can redefine environmental limits (Clause 47(2)) if they see the opportunity for factoring in “economic needs or aspirations”¹⁰. This approach to environmental management, particularly of natural entities of national importance to human health – such as drinking water, infringes not only on the lack of consideration for appropriate stewardship and care for the environment, but also affects the common good of communities, especially when something as vital as clean drinking water can be put at risk. This reiterates the general policy statement of the NEB, which is concerned for “unlocking development capacity for housing and business growth”. Promoting development alongside environmental protection without establishing a clear hierarchy on how such a notion is achieved in environmental plans is flawed. Development objectives can override ecological protection, creating a risk that considerations for ecological, Te Tiriti o Waitangi, climate change and long-term survival of humans and other species will be traded off against economic priorities. By the definitions attempting to 'unlock' and

⁸Marine and Freshwater Research, (2013) 64 (5): 387–400. <https://doi.org/10.1071/MF12153>

⁹[National Policy Statement for Freshwater Management | Ministry for the Environment](#)

¹⁰[Media release: Drinking water source protection downgraded in proposed RMA replacement | PHCC](#)

'utilise' economic potentials without much regard for ecological matters implies that both Bills support the stunted vision that regulation is bad and short-term gain is good. This violates the Common Good for all of Creation.

- The impacts of environmental protection concerning climate change is insufficiently integrated into the NEB. The NEB requests that under the obligations of a regional council in setting up a natural environment management plan, that they have regard to the impacts of climate change through the Climate Change Response Act 2002 (Clause 97(4)(c)(v)) and that the resilience of the plan to climate change, and other pressures and disturbances to the environment through natural disasters, be considered and explored (Clause 57(e)). However, such environment plans do not necessarily have to prioritise mitigations against climate change. Furthermore, how provisions in these Omnibus Bills will work with other legislation or regulations in practice, such as the Emission Reduction Plans (ERP)¹¹ in a target of 'net zero' in carbon emissions by 2050, remains to be seen.
- It is unclear how development of spatial plans through the PB can be practically feasible before the ecological impacts evaluated by ministers and regional councils through the NEB are completed. Furthermore, it is also unclear how co-ordination with the Fast Track Approvals Act 2024, which provides an alternative pathway for "activities and projects of national significance" to be permitted, will in fact make both the NEB and PB superfluous substitutions for the already weakened Resource Management Act 1991 (RMA).
- Static environmental limits for indicators, such as contaminants or toxins, may fail to protect ecosystems under rapidly changing environmental conditions. Indeed, narrowing which effects are assessed will lead to cumulative environmental impacts being overlooked. Ecological damage often results from many small, incremental activities rather than a single major disturbance. In terms of ecotoxicology, cumulative effects can be chronic and can only be monitored over time¹². Subtle changes to the environment can be sublethal to organisms that take years to observe or understand. The uncertainty means that any activity that introduces a particular contaminant/toxin into the ecosystem, for example, any low levels of a particular contaminant cannot be deemed ambiguously "acceptable" or "less than minor" without thorough evidence and data of its persistence, effects and impacts on a wide variety of flora, fauna and habitats. For example, there are incomplete datasets on the toxicity of nitrate runoff from farming activities, and certain bottom lines, such as the 2.4 mg/L toxicity limit set for rivers and streams because of detectable toxicity in certain species of fish, could be considered too high¹³. Algal blooms and hypoxia of fish from a lack of dissolved oxygen in the water occur at levels lower than this limit¹⁴. These instances of algal blooms could be considered 'barely noticeable' and would be considered permissible and "not more than minor" without scrutiny¹⁵. Indeed, this adaptive management model adopted in both Bills favours approval over precaution and allows activities to proceed despite

¹¹[New Zealand's second emissions reduction plan 2026–30: Amended January 2026 | Ministry for the Environment](#)

¹²Biological Reviews 2023, <https://doi.org/10.1111/brv.13015>

¹³[Risks-associated-with-nitrates-in-drinking-water.pdf](#)

¹⁴[Anglers becoming endangered species on some Canterbury rivers | RNZ News](#)

¹⁵Science of the Total Environment 2025, 1002:180549, <https://doi.org/10.1016/j.scitotenv.2025.180549>

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significant ecological uncertainty (i.e. the *precautionary principle* – “better safe than sorry”)¹⁶. This approach places ecological systems, and indeed, human health, at risk¹⁷.

- The permitting system in the NEB also sets higher thresholds for public notification and submissions, thereby reducing opportunities for wider expert and community input. Data limitations undermine sound ecological decisions. Many ecosystems lack sufficient baseline data. Reliance on “best available information” may result in decisions being made with incomplete ecological understanding.

4. **Subsidiarity, Participation and Solidarity.**

The two Bills both do not mention Tino Rangatiratanga as a foundational premise for the ‘use and development’ of the natural environment. This is evident as defined in the definitions of the NEB:

“... provide for Māori interests through Māori participation in the development of national instruments, spatial planning, and natural environment plans; and 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 enabling the development and protection of identified Māori land.”

- Under these Bills, Te Tiriti o Waitangi is effectively replaced by the nebulous concept of “Māori interests”, considered in line with other goals that do not conform to a hierarchy of values. If Tino Rangatiratanga is not specifically operative as the overarching consideration in land ‘use’ and ‘development’, it will be at the prerogative of the regional councils or the Minister of Environment to seek limited consultation from Māori from an advisory position. This contrasts with the current RMA (section 8):

“In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)”.

Such clauses connect the practice of the principles of Te Tiriti o Waitangi being exercised inasmuch that there is a guaranteed understanding and duty between Māori and the Crown to act reasonably and in good faith. In addition, there is the duty of the Crown to actively protect Māori interests, through participatory, informed decision making, which in most cases almost always involve extensive consultation processes. Both Bills imply that such extensive consultation processes and the specific reference of the principles of Te Tiriti o Waitangi in overarching considerations seemingly affect efficiency processes for land use or development. Through whakapapa, Māori have an inherent connection to the environment and processes fixated on expedition of use and development of the natural environment undoubtedly raises participatory issues for Māori. Furthermore, Māori have the competent capabilities at the least centralised level

¹⁶Virginia Environmental Law Journal 1995, 14, 422-453

¹⁷International Environmental Agreements: Politics, Law and Economics 2025, 25, 449-468, [Climate neutrality through green growth? Addressing possible tensions between the European green deal and the precautionary principle | International Environmental Agreements: Politics, Law and Economics | Springer Nature Link](#)

to make overarching decisions without being sidelined to advisory capacities. As such, iwi and hapu risk the loss of the exercise of subsidiarity¹⁸.

- The national standardisation of methodology in planning and consultation also ignores local ecology. Standardised national rules, when applied, do not adequately reflect the diversity and complexity of local ecosystems (see above) by a top-down, ‘funnel’ approach of environmental management in the NEB, which is hybridised with economic interests as a “purpose, goal or principle”. Such uniformity of approach also risks the exercise of subsidiarity in the management of diverse local ecosystems in particular regions. Effective environmental management involves place-specific ecological knowledge and identification of site-specific ecological risks.

5. **The Dignity of Work and Human Dignity**

- Work that is currently vested upon the Minister of Conservation (i.e. granting permits to “regulate, control, or prohibit the keeping, breeding, disposing, or farming of any wildlife”, Wildlife Act 41(2)(h)) is now vested upon regional councils under the NEB. Under the current legal status quo, the Minister for Conservation, in granting these permits, rely on the advice of ecological experts in the Department of Conservation (DoC). In the effort to streamline regional councils and governmental departments, recent funding cuts to DoC has meant the layoff of staff, in the intent of saving costs¹⁹. These cost savings risk the loss of expertise in making fully informed decisions for any party to grant permits.
- Regional councils have experienced recent restructure because of funding cuts²⁰. Current staff in both departments are facing more responsibility through decreased collegiality. Such increased workloads and responsibilities on both DoC and regional councils is not reasonable and proportionate to the decrease in staff in both departments. The Bills therefore raise questions about the confusion and duplicity of roles and responsibilities and the human dignity of work in council and governmental departments. Furthermore, the Bills require regional councils to map spatial plans within two years of development, from the usual six or seven years²¹. Ultimately, the risk of rushing the development of regional plans also means that a lack of consultation and participation from the public on matters concerning Significant Natural Areas (SNA). Since 2024, there has been a hiatus on the responsibility of regional councils to identify SNA under their governance. While the Bill reintroduces the need for SNA to be identified, it is questionable whether councils do have enough human capacities or expertise to carry out work identifying SNA and implementing the collated data into spatial plans within a short timeframe.

6. **Distributive Justice:**

The Bills are intent on the understanding of ‘regulatory relief’ or ‘regulatory takings’, in accordance to libertarian ideals championing individual property rights and the rights of

¹⁸[On the Global Phenomenon of Rights of Nature from a European Environmental Law Perspective: A New Alliance with Nature - Repository of the Academy's Library, https://doi.org/10.56037/978-963-646-471-4](https://doi.org/10.56037/978-963-646-471-4)

¹⁹[Department of Conservation could lose another 68 roles in effort to cut costs | RNZ News](#)

²⁰[Simpler, more cost-effective local government | Beehive.govt.nz](https://www.beehive.govt.nz)

²¹[Government unveils major overhaul of New Zealand's planning system | Ministry for the Environment](#)

individual landowners. This concept is addressed in the Regulatory Standards Act 2025 (section 9(b) and (c)):

“legislation should not unduly diminish a person’s liberty, personal security, freedom of choice or action, or rights to own, use, and dispose of property, except as is necessary to provide for, or protect, any such liberty, freedom, or right of another person:..”

“legislation should not take or severely impair, or authorise the taking or severe impairment of, property without the consent of the owner unless (i) there is a good justification for the taking or severe impairment; and (ii) fair compensation for the taking or severe impairment is provided to the owner; and (iii) the compensation is provided, to the extent practicable, by or on behalf of the persons who obtain the benefit of the taking or severe impairment.”

- If a significant individual landowner has a SNA on their property and they wish to carry out a non-environmentally compliant activity, then the regional council can stop them; however, the council has to compensate the landowner for the loss of potential economic gain from the use and development of their private property, if the non-environmentally compliant went ahead, under various mechanisms (PB, Part 4). This premise is nebulous and dangerous. Recently restructured regional councils do not necessarily have the extra monetary capacity to pay out the many potential compensations. Furthermore, the compensation of associated iwi for the loss of productivity on their own lands will yield extra financial burdens on the regional councils.
- Recent conversations about rates²² suggest that regional councils, under the direction of the Local Government Minister, have agreed to capped rate increases to no more than a 4% per capita per year, due to the cost-of-living crisis. However, if the financial burdens of regulatory relief are also placed onto regional councils, and there are many compensations, it is questionable whether local governments and regional councils can afford both rate caps, while at the same time manage submissions for regulatory relief from individual landowners and iwi. Indeed, the entity of regional councils consisting of separate regional councillors have been abolished, with the local council and district councils supplanting the role of regional councils²³.
- The ecology of economics imply that both rate caps and regulatory relief are untenable for regional councils, district councils or local government. For intended caps on future rate hikes to be affordable, burdens and responsibility of regulatory relief placed on councils must be removed and never implemented by any clause of the NEB and PB. The co-existence of such legislative tensions raises questions about equity and distributive justice, where responsibility and financial or economic pressure is placed unjustly on one portion of the population (whether it be local government/district council/regional council, or if capped rate increases fail to supply the demands of regulatory relief and the caps are removed, rate-payers and citizens). The removal of caps for citizens and ratepayers favouring the compensation of landowners, because they cannot ‘use’ their ‘own’ land for non-environmentally compliant activities, also

²²[Getting rates under control for ratepayers | Beehive.govt.nz](#)

²³[No more regional councils - major shake-up of local government announced | RNZ News](#)

identifies with the intent of promoting economic gains for would-be polluters, who are ‘failing to act’ through ecological conversion. The ownership of private property does not mean individuals can renege on the responsibility for the care of the Earth and the surrounding ecosystem through the entitlement of personal use²⁴. Pope Francis states that:

“...responsibility for Earth means that human beings, endowed with intelligence, must respect the laws of nature and the delicate equilibria existing between the creatures of this world...To be wise we need to grasp the variety of things in their multiple relationships.” (Apostolic Exhortation, *Laudate Deum*, Pope Francis, *To All People of Good Will on the Climate Crisis*, paragraphs 62 - 63)²⁵.

7. Summary

- Both the NEB and the PB seek to dismantle a framework of hierarchies for environmental protection and considers use and development for economic and growth purposes to be an equally desirable goal in the place of environmental protection.
- Environmental protection and the criteria for permissible activities are based upon uncertain limits, for which the evidential bases of the set limits are scientifically incomplete. The nature and intricacies of biodiversity in ecosystems is inadequately addressed through the concept of ‘no net loss of indigenous biodiversity’.
- Paying individuals to protect the environment, rather than instilling a responsibility of ecological conversion, as stewards of Creation, opens the possibility that significant natural environments (SNA) will only be protected if already-merged local council and government bodies have the budget.
- The principles of Te Tiriti o Waitangi have been replaced with nebulous references to “Māori interests” as one of several principle goals, which mean that Te Tiriti will no longer necessarily be an integral framework for deliberations.

²⁴Worldviews 2018, 22(2), [Pope Francis and Catholic Social Teaching on Ecology](#)

²⁵["Laudate Deum": Apostolic Exhortation to all people of good will on the climate crisis \(4 October 2023\)](#)