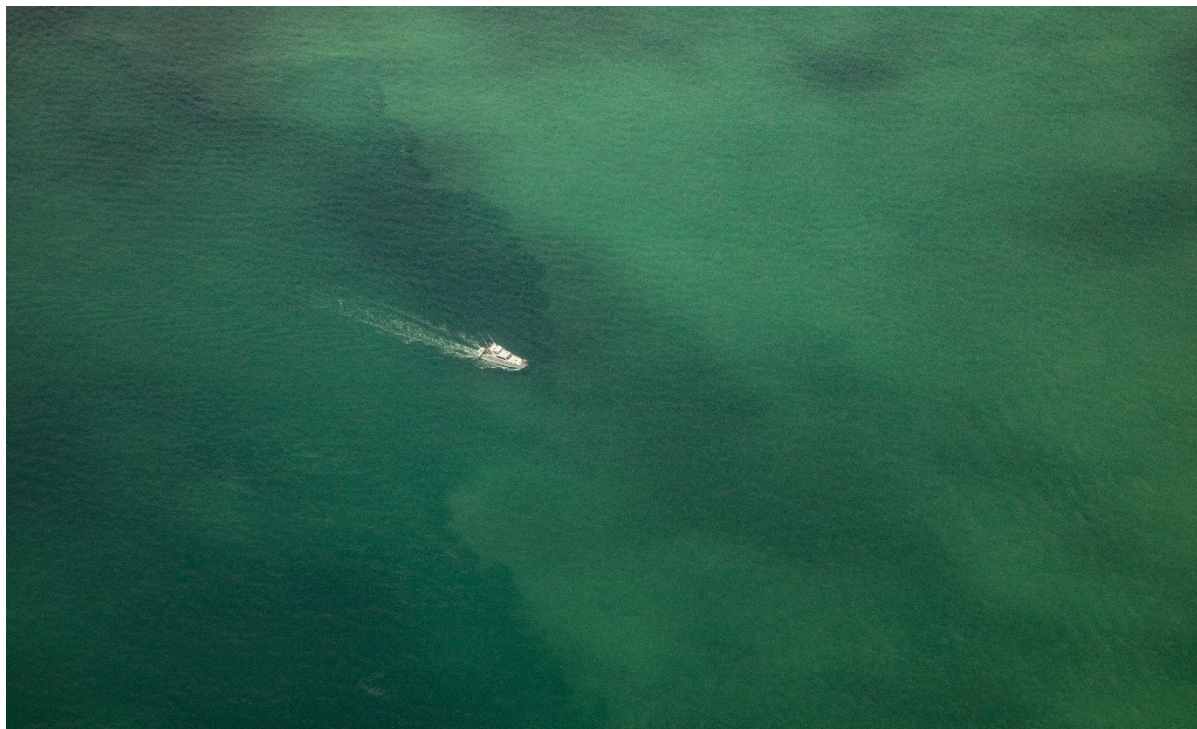


Submission on the Natural Environment Bill and Planning Bill

To: The Environment Select Committee

From: Stet Limited

10 February 2026



Sediment plumes in the Hauraki Gulf Marine Park. Photo by Shaun Lee.

1. Introduction

STET Limited thanks the Environment Select Committee for the opportunity to submit on the Natural Environment Bill and the Planning Bill. STET Limited supports restoration and conservation projects in New Zealand

We support the necessity of resource management reform; the Resource Management Act 1991 (RMA) has failed to prevent the degradation of our natural environment over the last 35 years and is no longer fit-for-purpose. However, we do not support the Bills in their current form. Our overriding concern is that these reforms, while framed as "economic," fail to recognize that our economy and survival depend entirely on a thriving natural environment.

2. The Economic Case for Natural Capital

The Government has described these Bills as the largest economic reforms in a generation. STET Limited asserts that the most effective way to build a resilient economy is to invest in our natural capital, rather than dismantling the few protections it has left. A healthy environment is the bedrock of New Zealand's wellbeing and economic prosperity.

3. Critical Concerns: Regulatory Relief and the "Right to Pollute"

The proposed frameworks for regulatory relief (Part 4 of Schedule 3 of the Planning Bill) are the most damaging aspects of the legislation.

Pressure on Councils: The requirement for councils to create "relief frameworks" for rules affecting private land use will create immense pressure to compensate landowners for basic public interest regulations.

The Right to Destroy: By requiring compensation for rules that protect terrestrial biodiversity or native bush, the Bills essentially create a "right to destroy nature" that has never existed in New Zealand law.

Compensating Polluters: Most concerning is the "severe impairment" threshold (Clause 122 of the Natural Environment Bill), which could force the public to pay polluters—including large corporations—to stop polluting the commons. There is no "property right to pollute," yet these Bills create a double standard where there is no equivalent "polluter-pays" principle.

STET Limited recommendation: Remove the specified rules relief pathway entirely to prevent mass regulatory retreat by councils.



Selfie by Shaun Lee of his arm buried in mud up to his elbow near Ponui Island.

4. Sedimentation and Coastal Health

STET Limited is deeply alarmed by the lack of robust protections against sedimentation. Human activity—including deforestation, intensive agriculture, and urban development—has caused sedimentation rates in New Zealand estuaries to skyrocket far beyond natural recovery levels.

- **Catastrophic Acceleration:** Pre-human sedimentation rates were typically between 0.1 and 0.5 mm/year. Today, rates frequently range from 2 to over 10 mm/year, often reaching 25 mm/year in tidal creeks.
- **Ecological Suffocation:** Excess sediment acts as a physical toxin, clogging the gills of filter-feeders like cockles, pipi, and scallops, and smothering the hard surfaces required for pāua and kelp attachment.
- **Marine Darkwaves:** Suspended sediment causes "coastal darkening" or marine darkwaves—intense periods of underwater darkness that halt photosynthesis in kelp forests and seagrass meadows, the primary "nurseries" for 40% of coastal fish species.
- **Economic Liability:** Sedimentation degrades New Zealand's natural capital, which contributes an estimated \$57 billion annually to human welfare. Treating contaminated water and restoring degraded ecosystems already costs millions—potentially billions—of dollars.

The current Bills fail to address these risks and, in several areas, actively weaken existing protections. STET Limited advocates for the following changes:

1. **Strengthen Environmental Limits** (NE Bill, Clause 56)

The Bill currently allows regional councils to "balance" environmental limits against economic aspirations. This is scientifically unsound.

- The Fix: Limits must be set using biophysical criteria alone to safeguard life-supporting capacity.
- The Fix: Limits must explicitly cover known stressors like sediment and nutrients, moving away from the current general subject areas.

2. **Remove "Regulatory Relief" for Polluters** (Planning Bill, Schedule 3)

The proposed "relief framework" requires councils to compensate landowners for rules that protect the environment.

- The Fix: Remove the specified rules relief pathway entirely. Public funds must not be used to compensate polluters for not polluting the commons, which would be a complete reversal of the polluter-pays principle.

3. Close Infrastructure Loopholes (NE Bill, Clause 164)

Currently, "significant infrastructure" is exempt from complying with environmental limits if it offers a public benefit .

- The Fix: This exemption must be removed. Infrastructure projects are often major sources of sediment; allowing them to override limits defeats the purpose of the legislation .

4. Expand Standing and Public Participation (NE Bill, Clause 145)

The Bills restrict submission rights to "residents" of a region, cutting out national watchdogs and NGOs .

- The Fix: Reinstate broad public involvement. Sediment from one region's rivers often causes coastal darkening in another region's marine areas; all New Zealanders have a legitimate interest in these common pool resources.



Sediment in the Piako River, Waikato Region. Photo by Shaun Lee.

5. Strengthening Environmental Limits

While we support the inclusion of an explicit framework for environmental limits, the current "skeleton" is too weak.

Specific Stresses: Limits must be set for specific known stressors, including sediment and nutrients, and must be based solely on biophysical criteria.

The Balancing Problem: Clause 56 of the Natural Environment Bill inappropriately requires councils to balance environmental limits against "economic aspirations". A limit is not a true limit if it can be traded away for development imperatives; it should be an absolute "line in the sand" to prevent further degradation.

Infrastructure Exemptions: The ability for "significant infrastructure" to override environmental limits is a loophole so broad it undermines the entire framework.

6. Omission of the Hauraki Gulf Marine Park Act

We note with significant concern that the new Bills do not include any references to the Hauraki Gulf Marine Park Act 2000 or the recently passed Hauraki Gulf/Tikapa Moana Marine Protection Act 2025. The Hauraki Gulf is a highly depleted and stressed environment that requires integrated management across land and sea boundaries. Failing to acknowledge these specific statutory protections creates legal uncertainty and risks further degradation of one of New Zealand's most valued marine areas.



A 'leaking' building site in Auckland. Photo by Shaun Lee.

7. Public Participation and Standing

The Bills drastically curtail the ability of the public and environmental NGOs to participate in decision-making.

Regional Restrictions: Restricting submitters to "residents" of a region ignores the fact that all New Zealanders have a stake in common pool resources like our oceans and endangered species.

Constraint on Appeals: The move toward "standardised provisions" effectively removes merit appeals for those concerned about unique local environments.

8. Summary of Requested Changes

To ensure these Bills protect our natural capital and aquatic health, STET Limited requests the following:

Remove Part 4 of Schedule 3 of the Planning Bill regarding regulatory relief for specified rules.

Amend Clause 122 (NE Bill) to ensure relief cannot be provided for restrictions that control impacts on common pool resources.

Replace "Seek to Achieve" with a requirement to "establish and defend" environmental limits.

Remove the "balancing" requirement in Clause 56, ensuring limits are based on life-supporting capacity, not economic trade-offs.

Include explicit references to the Hauraki Gulf Marine Park Act and the polluter-pays principle.

Thank you for considering our recommendations.

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