

13 February 2026

Attn: Hon. Catherine Wedd
Chairperson
Environment Select Committee
Parliament Buildings
Wellington



Federated Mountain Clubs of New Zealand Inc.

Submission on the Planning & Natural Environment Bills

Kia ora Ms Wedd,

1. Thank you for the opportunity to comment on the Planning and Natural Environment (NEB) Bills.
2. We wish to be heard in support of our submission.
3. Our references to supporting material are listed as footnotes to this submission. The changes to the wording of Bill that FMC is seeking are underlined or shown as strikethroughs.
4. Federated Mountain Clubs (FMC) was founded in 1931, and advocates for New Zealand's backcountry and outdoor recreation on behalf of over 22,000 members in 100 clubs. Our objectives are to promote non-commercial outdoor recreation, the conservation and wise management of, and public access to, New Zealand's natural areas, mountains, lakes, rivers and coast.
5. Our organisation has a strong interest in the intrinsic values that make New Zealand's great outdoors such a special place. We strongly support measures to protect the natural environment, however, the primary focus of our submission is to ensure that these bills protect and enhance public access to publicly owned lands as well as the coast and freshwater bodies. At least since the Resource Management Act (RMA) in 1991, that focus has been narrow, and on public access to rivers, lakes and the coast. A snapshot from Herenga ā Nuku information shows that access to rivers, lakes and coasts is not unduly problematic relative to access problems more generally.¹
6. With increasing pressure to subdivide land to accommodate population growth and commercial development, public access to conservation land, reserves, other public lands and open spaces, especially peri-urban parks, is being lost.
7. Outdoor recreation confers a wide range of social, cultural, as well as physical health, mental, and spiritual well-being benefits². Public access to green spaces and public lands is

¹ See: Herenga ā Nuku [State of Public Access Report 2025](#).

² MOH 2026 *Being Physically active* .

<https://info.health.nz/health-topics/keeping-healthy/being-physically-active/physical-activity> Dearing, C & Paton 2022 Can physical activity be simplified for health benefit? NZMA 135(1558)
<https://nzmi.org.nz/media/pages/journal/vol-135-no-1558/can-physical-activity-be-simplified-for-health-benefit/3620a6728f-1696478999/can-physical-activity-be-simplified-for-health-benefit.pdf> See also Ministry for the Environment & Stats NZ (2025). New Zealand's Environmental Reporting Series: Our environment 2025

increasingly being recognised as a means of promoting people's physical activity and mental well-being³.

General comments on the proposed bills

8. FMC supports, in principle, many of the features in the proposed new bills, specifically:
 - Mandatory environmental limits and targets for air, biodiversity habitats and ecosystems, coastal waters, estuaries, freshwater, and soil (NEB s45-s65).
 - The hierarchy of planning instruments, including the national planning framework, to provide the strategic planning and regulatory direction to protect the environment and manage human activities (s12, s 68-s90 NEB).
 - Simplifying the planning framework to 15 Natural Environment plans (s91 – s 122 NEB
 - Retaining the water conservation order provisions (s 124 & Schedule 4 NEB).

Nonetheless, we have many concerns about the proposed bills and the remainder of our submission deals with these.

Lack of cross party support for resource management legislation

9. The last 9 years has seen constant meddling with the environmental statutes. The RMA has been amended⁴, replaced with the Natural Built and Environment Act 2023, then repealed again. Separately there has been a Covid-19 Fast Track, the Fast-Track Approvals Act 2024 and now New Zealanders are being asked to submit again on these Planning and Natural Environment Bills, which then pull in the opposite direction, proposing to curtail peoples' rights to comment on local projects that concretely affect them. Only some of the many of the failures attributed to the RMA arise from the law itself. Many come from the inability of political parties to work collaboratively to put in place an enduring set of environment and planning statutes. Many come from a failure by central governments to use the existing instruments – policy statements and standards – and to invest resources in acquiring high quality information about the environment⁵. Many more come from the effect of local government culture on implementation - the default RMA position on land use has always been the “you can use land as you like” unless a rule says you cannot.

The natural environment is treated as an adjunct to the planning process

9. The Bills bundle the natural environment with people and communities. As a consequence, the natural environment will continue to be one of the many matters that are traded off against the wellbeing of communities and people. This is exemplified by the Bills' Goals, where the quality of the natural environment is just one of many potentially conflicting outcomes to be met by the national planning framework and accompanying plans. If the

| Tō tātou taiao <https://environment.govt.nz/assets/publications/our-environment-2025.pdf>
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³ DOC 2015 *The contribution of natural environments to our health and well being*
<https://www.doc.govt.nz/globalassets/documents/conservation/human-values/health-and-wellbeing-benefit-s-of-conservation.pdf> Downloaded 25 January 2026

⁴ Palmer, G 2016 *The Resource Amendment Bill, the Productivity Commission Report and the Future of Planning for the Environment in New Zealand Policy Quarterly* 12: (4) 71-76
<https://ojs.wgtn.ac.nz/pq/article/view/4622/4109> Downloaded 25/1/2026

⁵ PCE 2024 *Rethinking the RMA: the need for enduring reform*
<https://pce.parliament.nz/our-work/news/rethinking-the-rma-the-need-for-enduring-reform> Downloaded 25/January /2026

proposed legislation does not provide the necessary guidance, then it will be left to the Minister, National Planning Framework, and/or the courts to try and resolve conflicts and issues on a case by case basis, by applying a balancing or trading off at the expense of the natural environment.

10. The natural environment is not an inexhaustible resource, nor is it to be treated as an adjunct to the debates and litigation over the use of natural and/ or physical resources. The physical environment includes many resources that are in public ownership – air, freshwater, sea, and conservation land. A healthy functioning natural environment is essential if New Zealand’s society and economy is to be sustained and supported over the coming decades and centuries.
11. Despite all the rhetoric about ‘a clean green’ New Zealand, sustainable management, and the production of numerous policies and plans, New Zealand’s natural environment is continuing to deteriorate. The latest State of Environment report ‘Our environment 2025 Tō tātou taiao’⁶ paints a depressing picture of environmental degradation across the land, freshwater, sea and atmosphere.
12. Both local and central governments have a tendency to ignore substantive policy issues for years until they are confronted with them. Over the next 30 years, there will be significant, foreseeable pressures on, and perturbations to, the natural environment that need to be anticipated and planned for. By 2040, New Zealand’s population is projected to exceed 6 million⁷ placing increasing demand for green spaces and access to the natural environment. Global warming will exert increasingly pronounced effects on communities, the economy and the landscape as the on the country’s climate and sea levels respond to increasing temperatures⁸. During this period, it is highly likely that there will be a major natural hazard event in the country, such as an earthquake on the Alpine Fault⁹ or another eruption on Mt Taranaki¹⁰.
13. In our view, both Bills must explicitly recognise the primary role that the natural environment, and its associated biophysical processes play in supporting and constraining peoples’ wellbeing, our communities, and our economy. The proposed “national environmental limits” and “outcomes for the natural environment” would in turn provide the framework for urban growth and economic development.

Increasing ministerial control and diminishing public input

14. FMC is also concerned at the trend in recent legislation to place increasing amount of ministerial control over decision making while reducing the opportunities for oversight by local communities. Under the guise of policy direction from central government there is a real danger that political expediency will be used to justify planning decisions. This has undoubtedly happened recently in relation to density rules in affluent areas of inner Auckland.

⁶ Ministry for the Environment & Stats NZ (2025). New Zealand’s Environmental Reporting Series: Our environment 2025 | Tō tātou taiao

<https://environment.govt.nz/assets/publications/our-environment-2025.pdf> Downloaded 25 January 2026

⁷ <https://www.stats.govt.nz/news/new-zealands-population-likely-to-reach-6-million-before-2040/> Downloaded 25 January 2026

⁸ <https://searise.nz/resources/factsheets/> Downloaded 25 January 2026

⁹ <https://www.gns.cri.nz/research-projects/alpine-fault-magnitude-8/> Downloaded 25 January 2026

¹⁰

<https://www.rnz.co.nz/news/country/557625/taranaki-maunga-could-erupt-in-next-50-years-isolating-5000-farms> Downloaded 25 January 2026

15. Recent examples include the proposed changes to conservation management planning¹¹ and the development and review of the National Conservation Policy Statement, which would be transferred from the New Zealand Conservation Authority and regional conservation board to the Minister of Conservation. The Fast Track Approvals Act and subsequent Amendment Act are designed to limit public input and scrutiny of proposed projects. Under these statutes, the government policy statements can effectively direct or expedite any project on the grounds of purported regional or national benefits.
16. The Planning Bill also introduces national instruments to centralise the direction of the planning system¹². While consistency across the country in many instances may be desirable, they will not be subject to any set of general principles, rather they are designed to achieve a set of policy outcomes.¹³

Specific Recommendations

17. In the following sections, we propose a number of amendments to the proposed bills:

Natural Environment Bill

Clause 3 Interpretation

Definition of 'Natural environment'

18. The proposed definition for natural environment' emphasises the biological aspects of the environment, but they do not explicitly acknowledge the geomorphic and other physical processes that operate across the regions, forming and shaping the landscape, defining its natural character, creating the ecological habitats and providing a range of ecosystem services, and which have a profound influence on the shape of our communities. For example the Tairāwhiti region is composed of highly erodible sediments. Canterbury is flatland composed of readily permeable gravels. These compositions matter for land use planning, as Tairāwhiti forestry slash and Canterbury freshwater nitrate issues show.
19. The role of geomorphic processes is implied in these definitions, but whether or not it is explicitly acknowledged or provided for will depend on the imagination and breadth of thinking of decision makers and planning committees. The recent tragic events at Mt Maunganui highlight the consequences of disregarding geomorphic processes. We regard this as a serious omission as one of the reasons for the NEB and associated statutes, is managing the effects of natural hazards, such as landslides, increasing coastal inundation of roads and communities, and more intense flooding.
20. The word 'plants' is repeated in the definition. It could be removed from clause (a) :
21. **FMC seeks** the following changes to the wording of these definitions or words to similar effect:

Natural environment includes,—

(a) *land, water, air, soil, minerals, energy, ~~plants~~*:

¹¹ DOC 2024 Modernising conservation land management Department of Conservation <https://www.doc.govt.nz/get-involved/have-your-say/all-consultations/2024-consultations/help-us-modernise-conservation-land-management/> Downloaded 28 Jan 2026

¹² Clause 44, Planning Bill

¹³ Clause 11 'Goals', Planning Bill

(b) plants (excluding pest species), animals (excluding humans, domesticated animals, or pest species), and their habitats:

(c) ecosystems and their constituent parts

(d) geomorphic and natural physical processes that change the form and surface of the landscape, including glaciation, sedimentation and fluvial processes.

Clause 11 Goals

22. A statute should state clearly its intent. This will be used by the Courts, Ministers and decision makers to interpret the statute's provisions.
23. The Explanatory Note states that there is no hierarchy among the Goals. We see problems with this 'hands off' approach:
- The proposed wording of the clause is very broad and lacks clarity. It merely places a mild obligation on "all persons .. to seek to achieve the following goals". Pretty much anything could be encompassed under such a broad set of requirements.
 - The NEB relies on a hierarchy of planning instruments to implement the goals. In turn these need to be guided by a set of principles.
 - Both National Policy Statements for Freshwater Management and Highly Productive Land recognise that New Zealand society and economy depend on a healthy, functioning natural environment. Interestingly, both documents give primacy to the natural environment, over the use of the natural resources, a tacit recognition that local and central governments have failed to do so.
24. FMC would like to see a simple, clear statement of purpose that reflects the environment we live in. The principles would underpin all decision making. The quality and the integrity of the natural environment and its biophysical processes is given primacy in the purpose and architecture of the legislation. Within the constraints set by the natural environment, people and communities can determine how to use and develop it for their social, economic and cultural well-being and health. The objective for the 'Te Mana o Te Wai, National Policy Statement for Freshwater Management 2020' is a good example of clear, well written set of priorities, for managing the country's freshwater resources¹⁴.
25. **FMC submits** that Clause 11 should be 'be rewritten as follows (or words to similar effect):

Purpose of this Act'

"The purpose of this Act is to –

1) protect the natural environment and where possible, restore the ecological integrity and functioning of the natural environment;

2) Subject to (1), allow people and communities to protect, use and develop the environment in a way that:

a) supports the well- being of present generations without compromising the well-being of future generations; and

b) complies with the environmental limits and their associated targets; and

¹⁴ MFE 2020

<https://environment.govt.nz/publications/national-policy-statement-for-freshwater-management//>

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c) avoids, or remedies or mitigates any adverse effects of the use or development of the natural environment.”

Planning Bill

Clause 3 Interpretation

26. Unlike the RMA, the Planning Bill does not explicitly refer to amenity values', apart from a limited reference to them in water conservation orders (s. 1, Schedule 4 NEB). We understand that this is deliberate - and reflects an impatience with "NIMBYism", particularly as regards urban densification or major infrastructure.
27. Yet recreational amenity, such as walking, kayaking, fishing, biking, sailing, etc, is well ingrained into New Zealand's culture, and an important part of sustaining the social, cultural, physical and mental well-being of people and communities¹⁵. What are we if not a nation of fishers, hunters, walkers and campers?
28. Under the RMA this recreational amenity has been attached to ideas of access to water-bodies, and implemented through esplanade strips, Water Conservation Orders and the like. Yet recreational amenity is not just an attribute of outstanding water bodies, but is also an important part of many modified landscapes and water bodies. It is unwise to assume that it is already included in the proposed definitions, unless there is a specific reference to 'recreational amenity', recreational values are likely to be overlooked or discounted in the planning or consenting process.
29. Recognising a concept of amenity in the Bill may be a step too far. If it is, FMC submits that this dimension of recreational amenity must be reflected in a "Goal" as below.

Clause 11 Goals

Public access

30. We strongly support an outcome to protect public access to and along the coast, lakes, rivers, wetlands and their margins (cl 11(1) f)). Access to and along our water bodies has been a traditional right for centuries in New Zealand and the clause reflects its statutory predecessors, the RMA 1991 and the Town & Country Planning Act 1977.
31. Nonetheless, this view of public access is dated, and it does not reflect the breadth and type of outdoor recreational activities undertaken today. Outdoor recreational activities are not confined to the coast and fresh water bodies. Conservation land and local authority walkways, parks and reserves are also used extensively for a wide range of outdoor activities. The current network of tracks, trails and rights of way comprises:
 - Department of Conservation tracks, including the Great Walks.
 - Te Araroa Trail which shares Department of Conservation tracks, public walkways, tracks over private land.
 - Nga Haerenga (New Zealand Cycle Trail) and other cycle networks,

¹⁵ Ministry for the Environment & Stats NZ (2025). New Zealand's Environmental Reporting Series: Our environment 2025 | Tō tātou taiao
<https://environment.govt.nz/assets/publications/our-environment-2025.pdf> Downloaded 25 January 2026

- Local authority tracks, cycleways, mountain bike tracks and pathways'
 - Private tracks and trails, some of which are commercial operations;
 - Mountain bike tracks developed by clubs.
 - Formed and unformed legal roads.
 - Access strips, esplanade reserves and strips.
 - Informal "ghost tracks", usually with a private landowner's express or tacit understanding.
32. In an increasingly urbanised and sedentary society, the health benefits of regular exercise in the outdoors are well understood. Many local authorities have developed 'green strategies'¹⁶ to encourage people to connect with nature and to guide the development of green spaces and networks. While FMC strongly supports these initiatives, strategies generally express intentions and aims, they do not have the same legal standing as planning documents and resource consent processes when it comes to securing long term public access to outdoor spaces. With the projected increase in population growth (para 12) there will be greater demand for good public infrastructure, including green spaces and public accessways. This will require the same farsighted thinking that has led to the creation of many regional parks.
33. In many areas, informal agreements with landowners have allowed public access to water bodies, coastal areas, and public lands. Nonetheless, these access arrangements are conditional and depend on the goodwill of the landowners, which may be lost if the property is sold or the landowner's circumstances change.
34. The new regional spatial plans will bring together a large number of disparate elements- social, environment, cultural and infrastructure - into a single plan. During the development of these plans, it is essential that one of the underpinning principles is that the present and future generations of New Zealanders have free, certain, enduring and practical walking access to the outdoors (including around the coast and lakes, and to public lands). Public access is not to be lost, or an item to be traded off against other provisions.
35. The draft wording in Clause 11(f) merely requires councils to maintain the status quo and not enhance or improve public access. A significant omission as the regional spatial plans are intended to be forward looking (e.g s 67(a)) and meet the needs of an increasing population. Conservation land and other public reserves comprise a significant area of New Zealand's land mass. However, public access to these areas is being lost by unplanned or sporadic subdivision or urban development
36. The public access provisions should be strengthened by adding the words '*and publicly owned natural spaces*' to clause 5 (h) and including recreational amenity as a specific outcome as part of the 'diverse and changing needs of people and communities .." .
37. **FMC submits** that Clause 11 should be 'be rewritten as follows (or words to similar effect):
- (f) to maintain and enhance public access to and along the coastal marine area, lakes, ~~and~~ rivers, and publicly owned natural land:*

¹⁶ For example: Christchurch Public Open Space Strategy 2010-2040
<https://ccc.govt.nz/assets/Documents/The-Council/Plans-Strategies-Policies-Bylaws/Strategies/PublicOpenSpaceStrategy.pdf> Kapiti Coast <https://www.kapiticoast.govt.nz/media/13xm3fej/open-space-strategy.pdf>
 Whakatane <https://www.whakatane.govt.nz/files/documents/2025-09/whakatane-district-open-spaces-strategy.pdf>
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38. Critically clause 184 - Overview of responsibilities of territorial authorities - should be amended in like manner.

Esplanade reserves, Esplanade strips, access strips

39. Further to our comments above, we note that urban peri-urban areas on the edges of towns and cities often give access to some of the most popular and beloved tracks, while at the same time being under the highest threat of loss to subdivision. Consider if ready access to Auckland's Cornwall Park or Waitakere Ranges, Wellington's Town Belt or Christchurch's Port Hills was not possible. These are some of the older parks and reserves, but losses of access are a real potential in fast-growing areas.
40. **FMC submits** that small and simple changes could help with this. It is to amend Schedule 6 cl 4(c) as follows:

Esplanade reserves, Esplanade strips, access strips

Schedule 6 (4) (c) Additional information required in application for subdivision consent

(c) the locations and areas of new reserves or easements to be created, including any access for walking or cycling, esplanade reserves and esplanade strips:

(d) the locations and areas of any existing unformed legal roads, esplanade reserves, esplanade strips, and access strips:

41. **FMC submits** that Schedule 7 Clause 10 should also be amended to ensure that where a subdivision limits access to public land (i.e. land held by local authorities or government agencies or with a QEII Open Space covenant allowing public access) that the subdivision consent must include conditions protecting access to that land. No completion certificate should be issuable under Schedule 7 clause 26 without such protections being registered.

Public Notification

42. FMC is very concerned by the limitation on submission rights for groups, such as our own, as appearing for example in cl 125 for planning consents, and in Schedule 3 clause 17 in relation to plan changes. We recognise that this change too is animated by a frustration with "NIMBYism" but for these reasons we regard the notification provisions in the Bill as unacceptably narrow, and say that there are possible and workable changes to extend these rights in a limited way.
43. FMC's interest is very seldom in saying "no", or pretending we have the mana to carry such a demand. Our interest is always in ensuring the public interest in recreation, most often through access but sometimes issues like natural quiet and visual amenity, is at least tabled for decision-makers to consider. In this way we play our part in surfacing all of the issues with proposals - so that things are not overlooked - and in this
44. FMC is named in other legislation, and one possibility may be to name FMC and other organisations in a Schedule relating to notification, which would yield a conceptual "list" for limited notification. The same list could be created in policy statements or plans, in particular National Planning Standards, or other regulations regulations - such that Ministers would retain additional and on-going discretion to admit constructive groups like ourselves, and deny pure NIMBY's. Some may criticise such a list as allowing submissions only under threat, or allowing a vector through which submissions might be "stacked" (for example admitting industry associations but not ENGOs or vice-versa). We recognise that such lists could be contentious, but suggest the political incentives are to accept the reality

of tit-for-tat, so that a sensible and stable list would emerge - likely including groups current Ministers might take umbrage with.

45. Another possibility would be to a paragraph (e) in the definition of “built environment” recognising the “ability of people and communities to access land and waterways”.

Water conservation orders

46. **FMC strongly** supports the inclusion of the Water Conservation Order (WCO) provisions¹⁷, and the provisions for new water conservation orders.
47. Nonetheless the purpose of the WCOs, which is to protect outstanding water bodies¹⁸, is undermined by the weak legal effect of the WCO. Consent authorities must not grant a water permit, a coastal permit or discharge permit if the permit is “inconsistent” with the provisions of the WCO¹⁹ or impose any conditions to ensure the the provisions of the WCO are not “compromised”²⁰.
48. Both these terms are open to a wide degree of interpretation. For example, ‘inconsistent’ could be interpreted to have a weak meaning such as ‘out of step’ to a strong meaning ‘incompatible’. Similarly with the word ‘compromise’. By how much and to what extent does ‘compromise’ mean. Inevitably, there will be litigation and debate over individual consent applications and pressure placed on consent authorities so that compromises are made to resolve the issue.
49. In our view, these clauses should be amended so that it is clear that the provisions of the WCO have primacy over the right to undertake activities. In other words, ‘no means no’! The use of vague negative terms confuses how the words should be interpreted and are unnecessary. For clarity, the restrictions in the clauses should be expressed as a positive direction.
50. The terms ‘inconsistent’ and ‘compromised’ in Clause 3, Schedule 4 should be replaced as follows:
- (a) *must not grant a water permit, coastal permit, or discharge permit if the grant of that permit would be ~~inconsistent~~ contrary to with any restriction or prohibition or any other provision of the order.*
 - (b) ...
 - (c) *must, in granting any water permit, coastal permit, or discharge permit, impose any conditions that are necessary to ensure that the provisions of the water conservation order are ~~not compromised~~ maintained.*

Thank you for the opportunity to comment on the draft bills.

Yours sincerely,



Megan Dimozantos

President, Federated Mountain Clubs of New Zealand

¹⁷ Clause 124, Schedule 4, NEB

¹⁸ Clause 1 Schedule 4, NEB

¹⁹ Clause 3 (2) (a) Schedule 4, NEB

²⁰ Clause 3 (2) (c) Schedule 4, NEB