



13 February 2026

**Submission on the Natural Environment Bill and Planning Bill**

This submission is provided by Fish & Game New Zealand (hereinafter referred to as **Fish and Game**).

**Contact Details**

Helen Brosnan

E: [hbrosnan@fishandgame.org.nz](mailto:hbrosnan@fishandgame.org.nz)

P: 021486034

A handwritten signature in black ink, appearing to read "Helen Brosnan", is shown on a light-colored background.

on behalf of  
Corina Jordan, CEO  
New Zealand Fish and Game Council

## Summary of submission

1. Fish and Game Council is a statutory entity established under the Conservation Act 1987 with statutory responsibilities under that Act and the Wildlife Act. The New Zealand Fish and Game Council was established to “represent nationally the interests of anglers and hunters and provide co-ordination of the management, enhancement, and maintenance of sports fish and game” (Conservation Act 1987, section 26B(1)).
2. The New Zealand Fish and Game Council has a statutory function to “advocate generally and in any statutory planning process the interests of the New Zealand Fish and Game Council and, with its agreement, of any Fish and Game Council in the management of sports fish and game, and habitats (Conservation Act 1987, section 26C(1)(g)).
3. When Fish and Game raises concerns about elements of the Natural Environment Bill and Planning Bill, it does so as a statutory manager, a democratically governed organisation, and a representative of a significant and economically important constituency.
4. Fish and Game supports the development of legislation to replace the RMA and to halt environmental degradation and restore the natural environment. The Natural Environment Bill and Planning Bill (called, “the Bills” in this submission) take steps towards this outcome, and Fish and Game support that intent.
5. However, the Bills fall short of their intention of protecting and enhancing the natural environment. In their current form, the Bills do not provide for protection of the hunting, fishing, and recreation values of hundreds of thousands of New Zealanders that Fish and Game works on behalf of.
6. Fish and Game’s experience is that positive outcomes for people and the environment are achieved when legislation provides for the following key elements;
  - i. Recognition of the values for freshwater including fishing, hunting, cultural, and recreational values;
  - ii. Recognition of sports fish, gamebirds, and their habitats;
  - iii. clear hierarchies that prioritise environmental health,
  - iv. binding, enforceable environmental bottom lines,
  - v. directive wording that reduces uncertainty and conflict, and
  - vi. meaningful participation by those with statutory and practical responsibilities for managing the environment.

7. These elements are absent or diluted in the Bills. As a result, fishing, hunting and recreation are not recognised nor valued, environmental degradation will continue, and public confidence in the system will be undermined.
8. The Bills do not provide a mechanism to protect the habitats of Fish and Game species like trout and salmon, and they do not provide adequate opportunities for Fish and Game to advocate for the values of hunters and anglers.
9. A core concern for Fish and Game is that the Bills do not provide an adequate framework to protect and enhance the habitats Fish and Game is mandated to manage — including trout and salmon habitat and wetlands supporting game birds — and they do not sufficiently recognise recreation and access as values that should be actively provided for in the new system.
10. In particular, Fish and Game seeks targeted amendments to ensure:
  - The **goals** framework explicitly includes fishing, hunting, recreation, access, and habitat for sport fish and game birds;
  - The **limits framework** can be used to protect trout and salmon habitat (in addition to indigenous biodiversity), and sets firm environmental bottom line with fewer carve-outs and clearer interim arrangements;
  - **Wetlands** are defined and must be protected through national direction and plans.
11. Fish and Game is mandated to manage valued introduced species — like trout and salmon habitat and to advocate for the habitat that supports those valued introduced species. In order to fulfil our statutory mandate, Fish and Game must be involved in all processes that may affect freshwater, public access, or the habitat of sport fish and game birds. This includes being involved early in the development of national instruments that affect these values.
12. Fish and Game prepares statutory management plans for the species we manage and the habitats we advocate for. These Sports Fish and Game Management Plans must be included in plan-making and consenting processes, so that those decisions are consistent with the requirements for management of these species and habitats under the Conservation and Wildlife Acts.

13. Effective compliance and enforcement is critical to the success of the new regime. Fish and Game supports strengthening enforcement provisions. Fish and Game is an experienced and effective enforcement agency in its own right, with warranted officers active 'on the ground'. Fish and Game wants these officers to be empowered to take action under the new compliance and enforcement arrangements when sport fish and game bird habitat is impacted.
14. Fish and Game supports the inclusion of clear obligations to give effect to the principles of the Treaty of Waitangi and supports decision-makers giving meaningful consideration to iwi interests, values, and mātauranga within the new system.
15. Fish and Game supports the retention of Water Conservation Orders (WCOs) in the Bills, and seeks changes to ensure they are effective at protecting outstanding values from being compromised. They must have clear legal effect that requires compliance with their provisions, and ensures they are explicitly and consistently integrated into consenting and plan-making provisions.
16. The Planning Bill's weakening of esplanade reserves/strips must be reversed to secure riparian margins and permanent public access, including retaining the 20m minimum width and removing compensation signals that would deter councils from requiring access.
17. Finally, Fish and Game is concerned that the Bills' approach to effects management may not provide adequate tools to respond to unavoidable loss of environmental and recreational values held in common, and seeks amendments that preserve workable pathways for mitigation (and, where appropriate, negotiated outcomes) to maintain public confidence and real-world environmental and recreational outcomes.
18. The targeted amendments sought in this submission will strengthen the integrity of the new framework and ensure the Bills achieve durable environmental outcomes while protecting recreation, access, and the future of hunting and fishing in New Zealand.

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## About Fish and Game

19. Fish and Game is the statutory manager for sports fish and game birds, established under the Conservation Act 1987 with statutory responsibilities under that Act and the Wildlife Act. We've included more information about Fish and Game in Appendix Four.
20. When Fish and Game raises concerns about elements of the Natural Environment Bill and Planning Bill, it does so as a statutory manager, a democratically governed organisation, and a representative of a significant and economically important constituency.
21. Fish and Game comprises 13 Councils, including 12 regional Councils and one national Council. Collectively, we represent 140,000 anglers and hunters. These are not passive supporters; they are licence holders who fund, govern and direct the organisation.
22. Recreational fishing and game bird hunting are also economically significant. In 2024, the total angling trip-related spend of \$113.0 million–\$138.6 million results in \$96.0 million–\$117.7 million in total output, contributes \$66.2 million–\$81.2 million in total value added (GDP), generates \$10.6 million–\$13.0 million in GST and supports 952–1,168 jobs across New Zealand.<sup>1</sup>
23. Fish and Game is entirely user-funded. Its statutory functions are carried out through licence-holder fees and private contributions, not through central or government funding. This “user pays, user says” model gives Fish and Game a high degree of accountability.
24. When Fish and Game engages in advocacy, it does so on behalf of those who actively use lakes, rivers, and wetlands. The organisation's positions are shaped by lived experience on the ground, by people who fish, hunt and spend time in these environments, and see change firsthand.
25. Fish and Game's advocacy is driven by a clear, consistent mandate from its licence holders. Research spanning three decades confirms this direction: a 1995 report identified habitat protection as the organisation's most important function; 2023 research identified public access and environmental stewardship as top priorities; and 2025 data confirms

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<sup>1</sup> The value of freshwater angling: Assessing the economic contribution and wellbeing benefits of recreational angling in New Zealand. New Zealand Institute of Economic Research. November 2024.

77.5% support for local decision-making autonomy. When Fish and Game submits on these Bills, it does so with the explicit backing of its user base.

26. Fish and Game Councils advocate not only for anglers and hunters, but for the protection and restoration of the habitats those activities depend on. Overwhelmingly, licence holders have directed Councils to seek stronger environmental protection, improved water quality, maintained flows, healthy wetlands, and secure public access.
27. Since the enactment of the RMA in 1991, Fish and Game has been deeply involved in freshwater and habitat management across New Zealand, including decision-making and planning processes that have driven real change.
28. The outcomes Fish and Game have achieved through those processes were driven by regionally based staff with long-standing relationships with their communities, supported by planning and policy specialists with deep expertise in freshwater management and implementation.
29. This submission is informed by that experience. It reflects not only technical expertise, but the collective voice of tens of thousands of New Zealanders who rely on healthy, accessible environments for recreation, food gathering, wellbeing, and connection to place.

**The Bills put the future of hunting and fishing at risk.**

30. We are very concerned that there is nothing in the Bills that recognises and provides for hunting and fishing values, nor which recognise sports fish, gamebirds and their habitats. In particular, existing provisions in the RMA which recognise and protect the habitat of trout and salmon (section 7(h)) are absent from the proposed Bills.
31. While it may not reflect the intent of the legislation, there is Nothing in the proposed Bills that guarantees or enhances access to waterways for anglers, hunters or the wider public, and nothing enables Fish and Game to carry out its statutory function to advocate for the habitat of trout and salmon or the wetlands that support game birds.
32. These are not peripheral concerns. They go to the heart of whether wild freshwater fisheries and game bird hunting are valued and can continue to exist in New Zealand.

33. The Bills require freshwater limits to be set to protect ecosystem health. Ecosystem health is defined solely by the ability of an ecosystem to support indigenous species. The ability of an ecosystem to support trout and salmon is not recognised in the draft Bills, and they do not make it possible to set limits that protect the habitat of trout and salmon.
34. Fish and Game is the statutory manager of sport fish and game birds. That role depends on the ability to protect and enhance habitats that support these valued introduced species. If habitat protection for trout, and salmon is excluded from the goals, limits and rules framework in the Bills, Fish and Game cannot perform that statutory function in any meaningful way.
35. The implications extend beyond fisheries. Wetlands that support game birds, already reduced to a fraction of their original extent, do not have a clear definition or protection in the Bills. Without changes to the Bills, incremental loss through drainage and modification will continue. As wetland extent and function decline, game bird populations decline with them, and hunting opportunities will be lost. Once lost, wetlands are exceptionally difficult to restore.
36. A resource management system that cannot protect the habitats of species Parliament has explicitly mandated Fish and Game to manage is a system that has failed at a fundamental level. Fish and Game is not asking for special treatment. It is asking for the ability to continue doing the job Parliament created it to do.

**The Bills need more environmental safeguards built in.**

37. Fish and Game seeks amendments to embed minimum environmental safeguards in the primary legislation, including:
- a) a clear hierarchy that prioritises environmental protection where there is conflict;
  - b) fewer and narrower exceptions to environmental limits;
  - c) explicit integration of Water Conservation Orders across plan-making, limits-setting and permits; and
  - d) stronger direction to manage cumulative effects.

38. The Bills rely heavily on future national instruments, discretionary processes and ministerial decision-making to give effect to its purpose, goals and limits. This will achieve the government's goal of more centralised decision-making and less case-by-case discretion. However, the current Bills lack adequate safeguards to ensure minimum environmental quality and protect what New Zealanders value. The minimal safeguards that exist can be eroded by individual or council decisions, with no overarching environmental goals guaranteed. Without clear embedded safeguards in the primary legislation, there is a real risk that environmental values will be sidelined in favour of more easily quantifiable or politically expedient objectives. This would undermine both environmental outcomes and the public support required to achieve them.
39. While the Natural Environment Bill lists environmental goals, these outcomes are not prioritised. Resolving conflicts between outcomes is expressly deferred to national instruments rather than addressed through a clear statutory hierarchy. This means that freshwater and biodiversity are not guaranteed protection but are subject to future Ministerial decisions on national instruments.

**The Goals are too narrow and fail to recognise recreation, access, and habitat.**

40. Fish and Game submits that the Bills should be amended to:
- Include recreation and enhancement of public access as goals.
  - Recognise the protection and enhancement of habitat for trout and salmon.
  - Direct that these goals must be actively provided for, rather than treated as secondary or optional considerations.
41. Fish and Game supports the inclusion of clear statutory goals in the Bills to guide environmental and spatial planning. However, the current goals are too narrow and do not adequately reflect the full range of values held by New Zealanders.
42. The goals need to explicitly recognise:
- recreation, maintenance and enhancement of access to natural environments, and
  - protection of habitats that support trout, salmon, and game birds.

43. The omission of these goals from the Bills is significant. These values are central to our statutory purpose. Without them, we cannot fulfil our statutory obligation to protect these habitats and continue our work alongside New Zealanders to provide a high-quality fishing and gamebird hunting experience.
44. For hunters and anglers, access to rivers, lakes and wetlands is a key issue. It determines whether the right to hunt and fish can be exercised at all. A system that only maintains existing access entrenches the historic loss of access and favours those who already control riparian land. Enhancement and restoration of access is therefore essential to equity, recreation, and stewardship outcomes.
45. The Bills' goals do not recognise valued introduced species. While protection of indigenous species and habitats is critical and strongly supported by Fish and Game, valued introduced species must also be recognised. Failing to protect valued introduced species, like trout and salmon, creates a distorted picture of how ecosystems function in practice and how communities interact with them. Trout, salmon and game birds are embedded in our ecosystems. They are a cornerstone of recreation, food harvesting and wellbeing for many New Zealanders.
46. Fish and Game's experience in freshwater management is that where these values are not explicitly recognised at a high level in legislation, they are treated as secondary or optional considerations, or entirely excluded from decision-making.
47. The closed nature of the goals list exacerbates this risk. By limiting decision-makers to a prescribed set of goals that does not include recreation, improvement of access, and the protection of habitats for sports fish and game birds, the Bill constrains the ability of plans and national instruments to actively provide for these values, even where doing so would support the wishes of the community.

**The Limits framework will not protect trout and salmon.**

48. Fish and Game submits that the Bills should be amended to:
- change the definition of life-supporting capacity to reflect ecosystem health and be inclusive of valued introduced species,

- Include a firmer limits framework with fewer exceptions,
- embed environmental bottom lines in the legislation rather than relying on Ministerial discretion through the national direction process.

49. The use of complementary tools such as catchment groups, farm plans and non-regulatory programmes is supported, provided that the limits framework is firm.

50. The Bills seek to manage resource use within limits. Fish and Game supports that aim. However, the limits framework needs to change to ensure the Bills live up to that promise.

51. Fish and Game's experience in the resource management space is that clear limits matter. Where national direction is strong, change can occur. Where safeguards are vague or deferred, degradation occurs, sometimes irreversibly.

52. Fish and Game is concerned that the Bill does not clearly provide for environmental limits to be expressed and implemented as resource take or allocation caps (for example, maximum allocatable flow/volume). In the absence of a clear requirement that allocation caps give effect to environmental limits and protect aquatic habitat, there is a real risk that caps will be set primarily to enable development rather than to protect freshwater ecosystems and recreational fisheries. Limits framed solely through land-use and input/output proxies are not an adequate substitute for firm allocation limits, as they perpetuate risk and over-allocation and lead to habitat degradation. The Bill should expressly provide for take and allocation limits as tools necessary to give effect to ecosystem health limits and Water Conservation Orders.

53. The Bill proposes limits to protect life-supporting capacity, set at the regional level, based on national instruments. Unfortunately, the definition of ecosystem health includes only indigenous species, so, as currently worded, it would not allow limits to be set to protect the habitat of trout and salmon.

54. Trout and salmon are not peripheral or competing values to indigenous biodiversity; they are indicators of ecosystem condition and rely on the same physical, chemical, and biological processes that support indigenous species. The habitat requirements of trout and salmon are well studied and extremely well known. Compared with the habitat

requirements of most indigenous fish species, trout and salmon require more water of higher quality.

55. Excluding trout and salmon from the concept of ecosystem health and not allowing limits to be set to protect their habitat will have a chilling impact. Without water quality, quantity, and habitat that support trout and salmon, environmental quality will likely decline and eventually become so poor that it no longer supports a wild sport fishery in most parts of New Zealand. This threatens a much-loved outdoor pastime and a fishing tourism industry.
  
56. The limits framework is also subject to multiple caveats and exceptions, making it more of a 'guideline framework' than a limits framework. Limits are framed as flexible tools rather than firm environmental bottom lines. Of particular concern is the treatment of interim limits. These appear to be set through an "action plan" process, rather than being clearly embedded within the natural environment plan itself. It is unclear whether these action plans form part of the statutory planning framework, how they are enforced, or how they interact with interim consenting decisions.
  
57. Fish and Game is concerned that the Natural Environment Bill does not clearly provide for environmental limits to be expressed and implemented as resource take or allocation caps (for example, maximum allocatable flow/volume). Limits framed solely through land-use and input/output proxies are not an adequate substitute for firm allocation limits, as they perpetuate risk and over-allocation and lead to habitat degradation. The Bill should expressly provide for take and allocation limits as tools necessary to give effect to ecosystem health limits and Water Conservation Orders.

**Wetlands are undefined and unprotected.**

58. Fish and Game submit that the Bills must:
  - Include a clear definition of "wetland."
  - Ensure that wetlands are protected, maintained, and restored,
  - Provide direction that national instruments and natural environment plans must include specific provisions for wetland identification, protection, and enhancement.

59. Wetlands are among New Zealand's most threatened ecosystems and play a critical role in supporting freshwater quality, drought and flood resilience for communities, biodiversity, and habitat for game birds. As currently drafted, the Bill represents a significant step backwards in the way wetlands are treated.
60. The Bills does not contain a definition of wetland, and lacks explicit mechanisms for their identification, protection and restoration, creating significant uncertainty and risk. It is entirely unclear in the current drafting how wetlands are intended to be treated under the new system. It is unclear whether wetlands are to be protected through outcomes, limits, national instruments, or regional plans, or whether they risk falling entirely between these mechanisms. There is also no requirement for regional spatial plans to identify wetlands as areas that are inherently unsuitable or highly constrained for development, meaning that wetlands may be inadvertently allocated for activities that are incompatible with their ecological and habitat functions. This uncertainty is particularly concerning given that wetlands are often small, intermittent, or modified, yet remain critically important for game birds, fish spawning, and water quality.
61. Wetlands warrant explicit recognition and protection in the Natural Environment Bill due to their disproportionate loss, exceptional ecological importance, and critical role in supporting freshwater quality, biodiversity, climate resilience, and recreation. Evidence shows that approximately 90% of New Zealand's original wetlands have been lost, with the greatest losses occurring in fertile lowland and intermittent wetland types that are most valuable for water quality and game bird habitat. Despite existing RMA protections, wetland loss has continued, with nearly 6,000 hectares lost between 1996 and 2021, demonstrating that generalised ecosystem references are insufficient to prevent incremental degradation. Wetlands provide high-value ecosystem services, including nutrient assimilation, flood attenuation, maintenance of base flows, carbon sequestration, and habitat for fish and waterfowl, and on a per-hectare basis have been shown to deliver the highest economic value of any ecosystem type in some regions.<sup>2</sup> Wetlands are a vital tool in climate adaption, and can buffer flood flows, increase drought resilience of freshwater ecosystems and the communities that rely on them.

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<sup>2</sup> Inclusion of Wetlands in the Natural Environment Bill 2026, Nicholas Singers, Appendix Three

62. Without a clear statutory definition of wetlands and explicit duties for their identification, protection, and restoration, the Bills risks repeating historic failures and allowing continued “death by a thousand cuts” loss of wetlands that underpin freshwater health, game bird populations, and recreational use.
63. For Fish and Game, the loss of wetlands has direct and tangible consequences. Reduced wetland extent and function lead to declines in populations of indigenous and valued introduced species, diminished downstream water quality, and reduced opportunities for recreation. Once lost, these environments are exceptionally difficult, and sometimes impossible, to restore.
64. Fish and Game’s experience, echoed by both hunters and landowners, is that current regulatory approaches to wetlands often deter restoration rather than enable it. Draconian consent requirements, high costs, and uncertainty have created perverse incentives that lead landowners to avoid improving degraded wetlands for fear of triggering consent obligations.
65. A framework that seeks to halt wetland loss must also actively support wetland creation, enhancement, and restoration. Without clear enabling pathways, the Bill risks locking in degraded states and missing significant opportunities to improve biodiversity, water quality, and game bird habitat.
66. Fish and Game’s detailed wetland evidence is provided in Appendix Three, and the specific drafting amendments sought are set out in Appendix One.

**Fish and Game must be consulted in the development of national instruments and plans.**

67. Fish and Game submits that the Bills must:
- include the requirement to consult with Fish and Game prior to releasing a proposed national instrument that may affect freshwater, the habitat of sport fish and game birds, public access or recreation.
68. National instruments will play a central and powerful role under the proposed system, replacing National Policy Statements and National Environmental Standards. They will resolve conflicts between goals and set direction for achieving them. Given their binding

and directive nature, the process for developing national instruments must be robust and inclusive. However, the Bills only have minimal, highly constrained consultation requirements.

69. Fish and Game, have a statutory role in managing sport fish and game birds and have extensive experience and knowledge in freshwater planning issues that affect those species. There should be an obligation to engage with Fish and Game on those matters, when developing national instruments plans, and decision-making frameworks

70. National instruments will have their greatest impact when they are both directive and well-informed. Once national instruments are in place, they will dictate how conflicts between environmental protection and development are resolved. If recreation and habitat values are not properly understood and provided for early in the development of national instruments, they may be excluded from consideration in regional planning and consenting decisions for years to come.

71. Fish and Game have specialist expertise in hunting and fishing recreation values, and habitats for legally protected valued introduced species. As statutory manager of sports fish and game birds, and representatives of the values of hundreds of thousands of New Zealanders, Fish and Game should be involved early in the process of developing national direction, to ensure national direction is consistent with the legislation protecting these species and values.

72. Refer to the tables in Appendices One and Two for our specific recommendations.

**The Bills must allow for mitigation of adverse effects.**

73. Fish and Game submits that the Bills must:

- Provide for mitigation of adverse effects (not just minimisation),

74. Fish and Game is concerned that the Bills do not include mitigation as an option to manage adverse effects.

75. Meaningful environmental and recreational outcomes are achieved through mitigation frameworks that allow for innovative responses where avoidance of effects is not

possible. For example, the provision of alternative access, enhancement of remaining habitat, or the creation of substitute recreational opportunities where natural river values have been lost or modified by large infrastructure such as hydro schemes.

76. A narrow focus on “minimisation” risks foreclosing these outcomes. It reduces decision-making to a technical exercise and removes communities' and recreational groups' ability to negotiate fair and practical responses to unavoidable loss. By contrast, mitigation provides a pathway to address real-world trade-offs and deliver outcomes that, while not equivalent to the lost environment, recognise and respond to the loss experienced by the public.

77. If the Government intends to move toward compensation frameworks for private landowners affected by environmental limits or controls, it must also confront the absence of any equivalent recognition of loss to the commons. Recreational fisheries, river access, and public use values can be permanently diminished by development, yet the current Bills provides no mechanism to acknowledge or address those losses. Fish and Game submits that this imbalance undermines both equity and public confidence in the new system.

78. Fish and Game’s clause-specific amendments sought in relation to effects management are set out in Appendix One.

**Esplanade provisions must be strengthened.**

79. Esplanade reserves and esplanade strips are long-standing, foundational tools within New Zealand’s planning system. They serve multiple critical public-good functions: protecting riparian margins and freshwater ecosystems, reducing exposure to natural hazards, and securing permanent public access to rivers, lakes, and the coast. These mechanisms have been integral to the RMA's operations for decades and have shaped public expectations regarding access to freshwater environments.

80. The Planning Bill weakens these mechanisms in several key respects. In particular, clause 84 allows councils to waive esplanade reserve requirements entirely, and Schedule 7 introduces a framework that risks treating esplanade reserves and strips as compensable

regulatory takings. These changes would fundamentally alter the regulatory bargain that has long underpinned subdivision in New Zealand.

81. Esplanade reserves and strips are not regulatory takings. They arise only where a landowner chooses to subdivide land and generate new private value. Subdivision is a voluntary activity that confers significant economic benefit, and esplanade requirements are a predictable and well-established part of that process—alongside roads, reserves, and infrastructure. In the case of esplanade strips, no land is acquired; ownership remains with the landowner, and obligations operate through a covenant mechanism. Treating these requirements as takings would undermine not only esplanade provisions, but also the broader system of covenants and conditions that support environmental protection across New Zealand.
82. Weakening esplanade provisions would have irreversible consequences. Once subdivision occurs without securing riparian margins and access, opportunities to protect waterways and provide public access are permanently lost. Councils would be discouraged from requiring esplanade reserves due to financial risk, developers would be incentivised to push development closer to waterbodies, and ratepayers would ultimately bear the cost of restoring access and managing future hazard risks.
83. Fish and Game submits that esplanade reserves and strips must remain uncompensated regulatory tools, with a clear minimum width (retaining the 20-metre standard), strong protections for access continuity, and limited, tightly controlled circumstances for closure. Regional spatial plans should require mapping of public access networks and priority esplanade corridors, and land use plans must implement those corridors through subdivision controls.
84. Public access to freshwater is not incidental to environmental management—it is central to recreation, cultural connection, and public stewardship of rivers, lakes, and wetlands. A planning system that erodes access incrementally through discretionary waivers and compensation pressures will fail future generations.
85. For Fish and Game’s licence holders, loss and fragmentation of access to freshwater and wetlands is the most immediate and pressing threat to hunting and fishing, and must be

treated as a primary issue rather than an incidental outcome of environmental management.

86. Fish and Game's primary concerns arise from clause 84 and Schedule 7 (including clauses 39–40, 48, 50–53 and Part 4) of the Planning Bill.

87. Fish and Game's clause-specific amendments sought in relation to effects management are set out in Appendix Two.

**Sports Fish Game Management Plans must be recognised in statutory processes.**

88. Fish and Game submits that the Bills should:

- require councils and planning committees to have regard to Sports Fish and Game Management Plans in decision-making

89. Sports Fish and Game Management Plans are statutory instruments prepared under legislation and reflect decades of investment in monitoring, research and engagement at a regional level. These plans are a key mechanism through which Fish and Game fulfils its statutory functions.

90. Under the Resource Management Act 1991, there is a clear and well-established requirement for plan-makers to consider management plans and strategies prepared under other Acts. In particular, sections 61(2)(a)(i), 66(2)(c)(i), and 74(2)(b)(i) of the RMA require regional councils and territorial authorities, when preparing or changing a regional policy statement, regional plan, or district plan, to have regard to relevant management plans and strategies prepared under other legislation.

91. The proposed Planning Bill and Natural Environment Bill do not include an equivalent obligation. As drafted, there is no general requirement for decision-makers to have regard to management plans prepared under other Acts when preparing spatial plans, natural environment plans, land use plans, or when setting environmental limits, considering national instruments, or determining resource consents and permits. This represents a material departure from the existing RMA framework and risks severing the connection between established statutory management regimes and the new planning system.

92. The absence of explicit recognition in the Bills risks marginalising Fish and Game’s role in the new system and disconnecting planning and consenting decisions from established management frameworks. This is particularly concerning given the Bills’ reliance on regional planning and national instruments, where opportunities for participation are already constrained.
93. Both the Planning Bill and the Natural Environment Bill should carry forward the effect of sections 61(2)(a)(i), 66(2)(c)(i), and 74(2)(b)(i) of the RMA by expressly requiring decision-makers to have regard to relevant management plans and strategies prepared under other Acts, including Sports Fish and Game Management Plans. This requirement should apply to:
- the preparation and change of spatial plans, natural environment plans, and land use plans;
  - the development of national instruments;
  - the setting and implementation of environmental limits; and the consideration of resource consents and natural resource permits where activities may affect the habitat of sports fish and game birds.
94. Refer to the tables in Appendices One and Two for our specific recommendations.

**Wildlife approvals must remain with Fish and Game.**

95. Fish and Game is concerned about clause 128 of the Natural Environment Bill, which enables a natural resource permit to include a “wildlife approval” authorising acts or omissions that would otherwise constitute offences under the Wildlife Act 1953, including in relation to game birds.
96. Clause 128 would allow regional councils, through the natural resource permitting process, to grant wildlife approvals for game birds. This would fragment wildlife decision-making, undermine the coherence of the Wildlife Act regime, and risk inconsistent outcomes for species that are managed nationally rather than regionally. It would also dilute Fish and Game’s ability to carry out its statutory functions and create unnecessary overlap between regulatory systems that serve different purposes.

97. Fish and Game submits that clause 128 should be deleted in full, and that wildlife approvals for game birds should continue to be administered exclusively under the Wildlife Act 1953 by Fish and Game as the statutory manager.

**Fish and Game should take a greater role in enforcement and compliance.**

98. Fish and Game submits that the Bills should be amended to:

- enable Fish and Game officers to be warranted as enforcement officers for the purposes of investigating, infringing, and prosecuting breaches that affect the habitat of sports fish and game birds.

99. Fish and Game supports the strengthening of enforcement powers under the Bills, including improved council powers and the ability for other persons to take enforcement action for breaches of plans and consents. Effective enforcement is essential to maintaining public confidence in the system and ensuring environmental outcomes are achieved.

100. Fish and Game already undertakes significant compliance and enforcement work, particularly under the Wildlife Act 1953, and does so on a scale that exceeds that of other agencies.

101. This enforcement role is a core part of Fish and Game's statutory function. Fish and Game Councils employ trained officers who operate on the ground, regularly monitoring waterways, wetlands, and habitats, investigating breaches, and taking enforcement action where required. This work is informed by deep local knowledge and long-term presence in the regions, allowing issues to be identified early and addressed before irreversible harm occurs.

102. The Bill proposes a framework that means limits, plans and outcomes will be central to decision-making. For that framework to succeed, compliance and enforcement must be credible and visible. Councils alone are unlikely to have the capacity to monitor all breaches affecting freshwater and habitat. Fish and Game's existing presence and expertise make it well placed to support and complement council enforcement functions. This would not duplicate council functions, but would strengthen the overall enforcement network and improve outcomes on the ground.

103. Refer to the tables in Appendices One and Two for our specific recommendations.

**Water Conservation Orders should remain and be strengthened.**

104. Water Conservation Orders (WCOs) are one of the strongest and most enduring freshwater protection tools in New Zealand’s resource management system. They exist to recognise and protect outstanding freshwater values, including ecological, recreational, fisheries, and natural character values. Fish and Game has been instrumental in securing many of New Zealand’s existing WCOs and has extensive experience working with them in both planning and consenting contexts.

105. WCOs are not aspirational instruments. They have real legal effect and operate as binding constraints on decision-making, ensuring that outstanding freshwater values are protected from incremental degradation over time. For Fish and Game, WCOs have been critical to protecting nationally and regionally significant trout and salmon fisheries, maintaining minimum flows, preventing inappropriate damming, and safeguarding river systems that support recreation and biodiversity.

106. Fish and Game supports the retention of Water Conservation Orders under the Natural Environment Act framework and welcomes the inclusion of Schedule 4. However, the effectiveness of WCOs under the new system depends entirely on whether the legislation clearly requires compliance with their provisions, rather than merely avoiding inconsistency with them.

107. Fish and Game supports amendments to Schedule 4, clause 3, to clearly state that a Water Conservation Order requires decision-makers to comply with its restrictions, prohibitions, and protections, and to ensure that the outstanding values identified in an order are not compromised. Fish and Game supports the use of the phrase “are not compromised” rather than “maintained”, as this allows for a substantive assessment of the condition and protection of the outstanding values themselves, rather than a narrow or technical assessment of whether individual clauses have been breached. This approach better reflects the purpose of WCOs and aligns with their long-term conservation intent.

108. It is also critical that Water Conservation Orders are not sidelined in day-to-day decision-making under the new regime. Fish and Game seeks amendments to explicitly

reference WCOs in the Natural Environment Act provisions governing the consideration of natural resource permits and planning consents. Without this clarity, there is a real risk that WCOs will be overlooked or treated as secondary considerations in permit assessments, particularly where competing objectives or national instruments apply.

**Environmental bottom-lines for discharge effects in the RMA should be carried over.**

109. New Zealand's modern approach to controlling contaminant discharges has a long legislative lineage that predates the Resource Management Act 1991 (RMA). The foundations of the current system were established under the Water and Soil Conservation Act 1967 (WSCA), which vested in the Crown the sole right to discharge waste into natural waters and established a permit-based regime administered by Regional Water Boards.
110. The WSCA was explicitly concerned with the conservation, allocation, use, and quality of natural water. Its framework anticipated national direction through water quality classifications and minimum standards, and imposed clear controls on the authorisation of discharges. While later jurisprudence and Waitangi Tribunal commentary identified significant shortcomings in the WSCA particularly its failure to adequately recognise Māori interests and cultural relationships with waterways the Act nonetheless established a clear principle: discharges to water were not a right, but a controlled activity subject to strong public oversight.
111. When the RMA consolidated more than fifty statutes into a single effects-based framework, this principle was retained and strengthened. In the freshwater context, it was most clearly expressed through sections 70 and 107, which constrained both plan-making and consenting. Section 70 limited the scope of regional plan rules permitting discharges, while section 107 imposed a firm bottom-line test preventing the grant of discharge consents where specified adverse receiving-water effects would occur after reasonable mixing, subject only to narrow exceptions. These provisions provided enduring and enforceable protections for water quality, aquatic life, and amenity values, including those relied upon by anglers and hunters.

112. Under the Natural Environment Bill (NEB), contaminant discharges to land, air, and water are restricted unless expressly enabled by national rules, plan rules, or a natural resource permit. The Bill replaces resource consents with natural resource permits and introduces an environmental limits framework for ecosystem health and human health, supported by precautionary and best practicable option principles.
113. The NEB does not carry forward the explicit receiving-water bottom lines that were a defining feature of the RMA's approach to discharges. In particular, the Bill does not replicate the section 107 test that prohibited granting discharge consents where, after reasonable mixing, effects such as conspicuous films, scums or suspended materials, significant changes in colour or clarity, objectionable odour, rendering freshwater unsuitable for stock drinking, or significant adverse effects on aquatic life would occur.
114. Instead, the NEB relies on environmental limits, national instruments, and general adverse-effects assessment to manage discharges. While these tools are important, their effectiveness depends heavily on how limits are set, how national direction is framed, and how decision-makers apply discretion in practice. The absence of a clear, statutory refusal threshold risks weakening protections that have been central to freshwater management for more than three decades.
115. The Planning Bill does not regulate contaminant discharges and therefore contains no equivalents to RMA sections 70 or 107. While this reflects the Bill's land-use focus, it underscores the need for the NEB to provide a complete and robust discharge control framework.
116. From Fish and Game's perspective, clear and enforceable bottom lines are essential to protecting aquatic habitat, water clarity, and the recreational and ecological values associated with rivers, lakes, and wetlands. Sections 70 and 107 of the RMA achieved this by embedding non-negotiable limits on the effects of discharges, rather than relying solely on discretionary judgement or downstream instruments
117. Fish and Game submits that this protection should be explicitly carried forward into the NEB. The preferred approach is to include a provision prohibiting the granting of a natural resource permit for a discharge that, after reasonable mixing, would cause

specified adverse receiving-water effects, subject only to tightly defined exceptions (for example, temporary effects associated with maintenance activities where effects are minimised and promptly remedied). A companion provision should prevent natural environment plan rules from authorising those same effects.

118. Without these safeguards, the new system risks losing the clarity and durability of freshwater protections that have been a cornerstone of New Zealand's discharge control regime since the RMA, and before that, the WSCA, at a time when freshwater ecosystems and the values they support are already under significant pressure.

### **Treaty of Waitangi and recognition of Iwi interests and values.**

119. The Expert Advisory Group to the Government recommended clauses in the Bills to give effect to the principles of the Treaty of Waitangi. Fish and Game is required under the Conservation Act to give effect to the principles of the Treaty of Waitangi. Fish and Game is committed to being a good Treaty partner and recognises that this commitment is an ongoing obligation that must be actively supported. Fish and Game supports the inclusion of a clear statutory Treaty obligation in the Bills.

120. For Fish and Game, part of being a good Treaty partner means listening. Iwi and hapū hold enduring relationships with water, lands, and the environment, and bring mātauranga and values that are essential to understanding iwi values, connections, and aspirations in relation to those environments.

121. Fish and Game supports and encourages decision-makers to carefully consider iwi submissions on the Bills and to ensure that the final legislation meaningfully reflects iwi interests and values. The effectiveness and legitimacy of the new resource management system will depend in large part on the extent to which it genuinely gives effect to the principles of the Treaty of Waitangi.

### **Detailed changes are needed.**

122. Some of the detailed changes to the Bills that are needed to address the issues raised in this submission are set out in Appendix One and Two. Additional changes will

also be required to ensure there are appropriate linkages and consistency between different parts of the Bills and between the Bills.

123. In addition to the issues and solutions identified in this submission, Fish and Game also supports the issues raised and necessary changes identified in the submission of Environmental Defence Society, in relation to regulatory relief, environmental limits, and public participation.

**Appendix One: Table of Detailed Wording Changes – Natural Environment Bill**

Topic	Relevant clauses	Key issues	Solution sought
Wetlands	Part 1 and Limits Framework	No statutory definition of “wetland” and no clear direction on how wetlands must be identified, mapped, protected, or restored under the new system. This creates a real risk that wetlands—especially small, intermittent, modified, or privately-owned wetlands—will fall between the cracks (e.g., not picked up in limits, not prioritised in plans, and not consistently regulated). Given wetlands are typically lost through incremental drainage and modification, the lack of clear duties will enable ongoing “death by a thousand cuts” loss of wetland extent and function.	Insert a clear statutory definition of “wetland” and require national instruments and plans to identify and protect wetlands.  “Wetland includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions”
Wetlands	General	As drafted, the Bill does not require councils to set ecosystem health limits that specifically protect wetlands. Wetlands risk being treated as secondary or residual features within freshwater or land-based limits, rather than as critical ecosystems with distinct vulnerability to incremental loss. Without explicit direction, limits may be set that technically comply with ecosystem health requirements while still allowing continued wetland drainage, infilling, modification, and functional decline.	Add specific changes to limits sections to require councils to set limits that protect wetlands.
Wetlands	General	The Bill does not distinguish between activities that degrade wetlands and those that restore or create them. As a result, restoration activities may face the same or higher regulatory burden as destructive activities, discouraging landowners from improving wetland condition.	Require national instruments and plans to provide permitted or streamlined consenting pathways for wetland creation, restoration, and enhancement activities where adverse effects are avoided or temporary.
Public access	Clauses 4, 11, 92	Access is treated as incidental to environmental outcomes rather than a core value. There is no obligation to enhance or restore access over time, despite widespread historic loss affecting hunters and anglers.	Insert explicit duty to protect, enhance, and restore public access to rivers, lakes, and wetlands, with particular regard to recreational hunting and fishing access.
Recognition of SFG	General	The Bills do not recognise SFGMPs as a statutory planning framework that should inform plan-making and consenting. Without an explicit “have regard to” requirement, councils and	Insert explicit requirement to have regard to SFGMPs in plan-making and consenting.

Topic	Relevant clauses	Key issues	Solution sought
Management Plans (general)		decision-makers can lawfully ignore SFGMP objectives, monitoring data, and management priorities, despite Fish and Game’s statutory role and decades of investment. This undermines consistency, wastes established evidence bases, and weakens habitat protection outcomes for sport fish and game birds.	
Discharge Provisions  Bottom-line constraints on plan rules for discharges	New Clause  (Carry over provisions from s70 and s107 RMA)  clauses 21–24 (general discharge restrictions); clauses 154–171 (decision-making); clauses 45–67 (environmental limits)	The Natural Environment Bill does not carry forward the explicit receiving-water bottom lines established by sections 70 and 107 of the RMA. In particular, it lacks a mandatory refusal test for discharge permits where, after reasonable mixing, specified adverse effects occur in freshwater, and it does not constrain plan rules from permitting those effects. Reliance on environmental limits and general effects assessment alone weakens protections that have been central to freshwater management for decades and risks inconsistent application and erosion of aquatic habitat, water clarity, and recreation values.	Insert provisions in the Natural Environment Bill that: <ul style="list-style-type: none"> <li>prohibit the granting of a discharge permit where, after reasonable mixing, specified adverse receiving-water effects would occur (mirroring RMA s 107, as amended), subject only to tightly defined exceptions; and</li> <li>prevent natural environment plan rules from authorising those same effects (mirroring RMA s 70, as amended).</li> </ul>
Discharge provisions  Reasonable mixing and methodology	New Clause	The Natural Environment Bill does not define or provide a methodology for “reasonable mixing”, despite relying on limits and effects assessments to manage discharges. The absence of a clear definition risks uncertainty, inconsistent application, and erosion of receiving-water protections previously secured through established RMA jurisprudence and national direction.	Include a definition of ‘reasonable mixing’

Topic	Relevant clauses	Key issues	Solution sought
Definition – Bed	Part 1 Interpretation	As drafted, the definition of ‘bed’ does not adequately address braided rivers and does not address wetlands at all, creating uncertainty for habitat protection.	Amend definition to better reflect braided river systems and wetlands. “Bed includes the land underlying braided rivers and wetlands, whether permanently or intermittently inundated.”
Definition – Land	Part 1 Interpretation	As drafted, the definition of ‘land’ excludes the bed of a lake or river, but the Bill does not clearly specify where regulation of those beds occurs.	Clarify regulatory responsibility for beds of rivers and lakes.
Definition – Qualifying Resident	Part 1 Interpretation	Subclause (d) is internally inconsistent and appears to reference “district” when the consent and plan functions relevant to the Bill are exercised at a regional scale. This creates confusion about who qualifies, risks excluding legitimate submitters/stakeholders, and will lead to inconsistent application across regions.	Amend wording for consistency. d) a person, other than a natural person, that has an office, or operates, in the district the region
Definition – River	Part 1 Interpretation	This definition has been a persistent source of interpretation difficulty under the RMA. Use of this same definition is a missed opportunity to clarify or improve on the framework. Key issues include: <ul style="list-style-type: none"> <li>• The inclusion of “intermittently flowing” has been critical in case law, particularly for ephemeral and braided rivers.</li> <li>• The inclusion of “modified watercourse” has generated significant litigation over what degree of modification still qualifies as a river.</li> <li>• The exclusion of artificial watercourses has also been heavily contested, especially where natural watercourses have been realigned or engineered.</li> </ul>	Redraft definition to reflect case law and reduce uncertainty.  <b>River</b> means a watercourse, together with its bed and banks, that conveys freshwater within bank margins, whether continually or intermittently, and includes: a) a braided river; b) a watercourse that has been modified, realigned, channelised, or engineered, so long as it continues to perform the hydrological and ecological functions of a natural watercourse; and c) tributaries, side channels, and anabranches that convey freshwater within defined margins; but does not include: (d) a purely artificial channel that is constructed solely for the purpose of conveying water for irrigation, drainage, or

Topic	Relevant clauses	Key issues	Solution sought
			supply and does not replace or perform the hydrological functions of a previously existing natural watercourse.
Definition – Water body	Part 1 Interpretation	The definition treats a “water body” as only the water itself, not the bed or margins. In practice, many effects occur on the bed and margins (habitat, vegetation clearance, sediment disturbance, structures). Excluding the bed/margins creates ambiguity and increases the risk that effects on habitat are under-assessed or treated as outside the concept of a “water body”.	Expand definition to include bed and margins and their associated ecosystems.  <b>water body</b> means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, <b>including bed and margins and their associated ecosystems</b> , that is not located within the coastal marine area
Purpose	Clause 4	As drafted, the purpose is focussed on the natural environment, and it excludes people’s interactions with it for recreation, access and sport.  The definition of natural environment excludes humans. The purpose of the NE Bill therefore is enhancement of the natural environment itself, and its exploitation, but not the enjoyment people gain from it.	Amend purpose to explicitly recognise recreation, access to natural environments.  The purpose of this Act is to establish a framework for the use, protection, and enhancement of the natural environment, <b>and for enabling recreation and public access to natural environments, in a manner that maintains and enhances ecological integrity.</b>
Goals	Clause 11	The goals list is narrow and does not include recreation, public access, or the protection and enhancement of habitat that supports sport fish and game birds. If these values are missing from the closed goals framework, decision-makers may be unable (or reluctant) to actively provide for them in national instruments and plans. This risks systematically excluding habitat and access outcomes, even where they align with broader ecosystem health objectives and community values.	Insert explicit goals for: Recreation and enjoyment of the natural environment enhancement and protection of public access; and protection and enhancement of habitat for trout, salmon, and game birds
Considering Effects of Activities	Clause 14	Subclause (b) restricts a decision makers scope to only effects not regulated by the Planning Act. The Planning Act potentially regulates all land use activities. The definition of ‘land’ in the	Delete 14(b) or define and clarify the definitions of land and the scope of the Planning Bill so that the beds of rivers and lakes and both the land and freshwater components

Topic	Relevant clauses	Key issues	Solution sought
		<p>Planning Bill is much broader than the definition in the Natural Environment Bill, and includes land covered by water. This means the beds of rivers and lakes and the land component of wetlands are potentially regulated under the Planning Act, and cannot be considered under the Natural Environment Bill. That is probably not the intention, but that is what the current drafting provides for. The definitions of land and the scope of the Planning Bill and Natural Environment Bill need to be more clearly delineated and the overlaps more clearly addressed.</p>	<p>of wetlands are addressed and regulated by the Natural Environment Bill. Amend the Bills so that land use activities that impact freshwater, such as earthworks that discharge sediment and discharges that result from land use activities can be clearly regulated by the Natural Environment Bill.</p>
<p>Considering adverse effects of activities</p>	<p>Clause 15</p>	<p>Clause 15 does not have any clear effects management hierarchy, expressly stating that avoidance, remediation, offsetting, and compensation are not ordered by importance. This departs from established environmental management principles and risks normalising offsetting and compensation as substitutes for avoidance.</p>	<p>Include a clear effects management hierarchy and require strong, directive guidance on cumulative effects in national instruments.</p>
<p>Restrictions on use of beds of rivers and lakes</p>	<p>Clause 19</p>	<p>Spawning and incubation habitats are the most sensitive and irreplaceable components of river and lake ecosystems. Minor disturbance to beds during spawning periods can result in complete recruitment failure for a season. Explicit protection is therefore necessary to avoid ambiguity and ensure consistent application across regions.</p>	<p>Amend as follows:</p> <ul style="list-style-type: none"> <li>3) A person must not do any of the following activities in a manner that contravenes an instrument specified in subsection (4) unless the activity is expressly allowed by a permit or allowed by section 25: <ul style="list-style-type: none"> <li>a) enter onto or pass across the bed of a river or lake:</li> <li>b) damage, destroy, disturb, or remove a plant or a part of a plant, whether exotic or indigenous, in, on, or under the bed of a lake or river:</li> <li>c) damage, destroy, disturb, or remove the habitats of exotic or indigenous plants or</li> </ul> </li> </ul>

Topic	Relevant clauses	Key issues	Solution sought
			<p>parts of plants in, on, or under the bed of a lake or river:</p> <p>d) damage, destroy, disturb, or remove the habitats of animals, <u>including spawning sites</u>, in, on, or under the bed of a lake or river.</p>
Restrictions relating to water	Clause 20	Clause 20 does not explicitly include Water Conservation Orders in the list of instruments that constrain water-related activities. This risks WCO restrictions being treated as peripheral rather than binding constraints.	<p>i. The instruments referred to in subsection (1) are</p> <p>a) a national rule; or</p> <p>b) a rule in a plan; or</p> <p>c) a rule in a proposed plan that has legal effect; or</p> <p>d) a water services standard.</p> <p>e) <u>A water conservation order</u></p>
	Clause 21	Clause 21 establishes a framework for authorising discharges but does not address situations where environmental degradation occurs while activities remain technically within caps or limits. Without an explicit safeguard, limits risk being treated as safe harbours, preventing adaptive responses to cumulative effects, lagged ecological impacts, or declining receiving environments. This is particularly problematic for nutrients, sediment, and temperature-related discharges.	<p>6) <u>Nothing in this section limits the ability of a consent authority to impose, amend, or review conditions on a permit to address environmental degradation, including where adverse effects occur below an applicable environmental limit, cap, or allocation threshold.</u></p> <p>2) The instruments referred to in subsection (1) are</p> <p>a) a national rule; or</p> <p>b) a rule in a plan; or</p> <p>c) a rule in a proposed plan that has legal effect; or</p> <p>d) a water services standard.</p> <p>e) <u>A water conservation order</u></p>

Topic	Relevant clauses	Key issues	Solution sought
Certain existing activities allowed	Clause 25	Support	Retain as drafted
Duty to avoid, minimise or remedy adverse effects	Clause 26	Clause 26's reliance on "minimise" may be too narrow in cases of unavoidable loss of environmental and recreational values.	Replace "minimise" with "mitigate"
Other legal requirements not affected	Clause 27	Support	Retain as drafted
Principles for classifying activities	Clause 32	<p>Clause 32 sets too low a bar for classifying activities as permitted (e.g., effects are "acceptable" or "well understood"), which is not an effects threshold and does not ensure effects are actually minor or manageable. This is risky in freshwater, wetlands, and high-value habitats where "well understood" effects can have large impacts (especially cumulatively). The framework also risks assuming cumulative effects are already managed through allocation, even where catchments are already over-allocated or degraded.</p> <p>Additionally, As drafted, the clause does not ensure that permitted activities support the protection and enhancement of freshwater ecosystems and associated habitats.</p>	<p>Require a precautionary approach for freshwater, wetlands, and high-value habitats, with stricter thresholds for permitted activities.</p> <p>Include protection and enhancement of ecosystems as a permitted activity.</p>
Specified prohibited activities	Clause 35	<p>Clause 35 represents a significant shift away from the RMA's prohibition-first approach to environmental protection.</p> <p>Under the RMA, Parliament established a clear framework whereby environmentally risky activities were prohibited unless expressly allowed, signalling a strong protective intent and placing the onus on proponents to justify activity. Clause 35 instead adopts a narrow</p>	Retain a broader statutory framework for prohibited activities.

Topic	Relevant clauses	Key issues	Solution sought
		<p>list of prohibited activities, implying that all other activities are permissible in principle unless later restricted.</p> <p>Fish and Game is concerned that this approach weakens environmental safeguards, elevates reliance on future instruments and discretionary processes, and reduces Parliament’s ability to set firm, non-negotiable environmental boundaries. The Bill should retain the ability for prohibited activity status to be used as a legitimate and meaningful protection tool, particularly for nationally important environments, freshwater systems, and habitats supporting significant ecological and recreational values.</p>	
Permitted activity rules	Clause 39	<p>Clause 39 appears to limit permitted activities to those requiring only administrative oversight. The clause relies on s169 permit conditions, which relate only to administrative, monitoring, and bond matters and do not allow substantive conditions to manage environmental effects. This creates a gap for activities with minor but real effects that are commonly managed through conditions. It is also unclear what “specified requirements” are, where they are set, and how effects on the wider environment are addressed. This risks either uncontrolled effects or unnecessary escalation to higher activity classes.</p>	Clarify that permitted activities may be subject to enforceable substantive requirements set in plans or national instruments.
Definition – life supporting capacity of the natural environment	Clause 45	<p>Ecosystem health / life-supporting capacity is framed only around indigenous species and excludes habitat for valued introduced species like trout and salmon. This creates a structural gap: limits and outcomes could be set in ways that technically meet “ecosystem health” while allowing degradation of sport fish habitat and the recreational values Parliament has directed Fish and Game to manage.</p>	Amend to ecosystem health or expand definition to include valued introduced species.

Topic	Relevant clauses	Key issues	Solution sought
How Environmental Limits are expressed	Clause 48	The drafting blurs the distinction between what limits apply to (the state/condition of a management unit) and how activities are regulated (permitted vs consented). This creates uncertainty about whether limits operate as binding bottom lines, or as optional benchmarks that can be worked around through permitted activity pathways or plan rules.	Amend wording to: An environmental limit must be expressed as— c) a biophysical state for a management unit; or the amount of harm or stress to the natural environment <b>permitted allowable</b> in a management unit.
Where ecosystem health limits must be set	Clause 50	Without a requirement for the Minister to set methods and minimum acceptable values/national bottom lines, each region may develop different methods, thresholds, and indicators. That risks inconsistency, variable protection standards between catchments, and a “race to the bottom” where economic pressure drives weaker methods. Nationally consistent baselines are particularly important for wetlands and freshwater where cumulative pressures are widespread.	Require the Minister to set methods and national bottom lines for ecosystem health limits.
Criteria for decisions relating to environmental limits	Clause 52	As drafted, it is unclear when and how prioritisation is to occur, what constitutes the “most urgent and important matters,” and whether prioritisation could justify delaying action. The threshold for acting, “prevent significant or irreversible harm,” sets a weaker standard for the natural environment than for human health, creating an unjustified hierarchy. It is also unclear whether the Minister may or must set minimum acceptable values or environmental bottom lines when specifying methods or attributes. Inconsistent wording across subsections creates uncertainty and risks delayed or weakened limit-setting.	Clarify that clause 52 requires proactive limit-setting to prevent environmental degradation, including the setting of minimum environmental bottom lines.
Specifying methodologies for setting ecosystem health limits	Clause 54	The test for approving methods is weaker than the standard councils will be held to when implementing limits. This risks methods being approved that do not reliably achieve the purpose of ecosystem health limits, leading to ineffective or non-comparable	d) be satisfied that the methodology <b>supports achieves</b> the purpose of the ecosystem health limits (to protect the life-supporting capacity of the national environment)..’

Topic	Relevant clauses	Key issues	Solution sought
		limits across regions and undermining the credibility of the limits framework.	
Tools for managing resources to which limits apply	Clause 60	Clause 60 provides that environmental limits may be expressed in terms of land use and inputs or outputs, but does not clearly provide for limits to be expressed as resource take or allocation caps. This creates uncertainty about whether councils can set firm limits on total water abstraction (e.g. maximum allocatable flow or volume) as part of the limits framework.	Amend wording to: <ul style="list-style-type: none"> <li>2. 2) The tools for managing a natural resource that is subject to an environmental limit are as follows, and must be used by a regional council in accordance with this section and any requirements in national standards: <ul style="list-style-type: none"> <li>a. a cap on resource use:</li> <li>b. an action plan:</li> <li>c. <a href="#">take limits</a></li> </ul> </li> </ul>
Process for making national instrument	Clause 70	National instruments will be highly directive and will shape what councils can do in plans and consenting. Current arrangements under the RMA require plans and consenting to have regard to Sports Fish and Game Management Plans, and Fish and Game are consulted or notified when they affect sports fish and gamebird habitat. To ensure Fish and Game and the species they manage have equivalent recognition in the regime, there should be an explicit requirement to consult Fish and Game in the preparation of national instruments to recognise its statutory management role and existing evidence base.	Add a requirement to consult with Fish and Game on matters that impact the habitat of trout, salmon or game birds. <p>Amend wording to include:</p> <a href="#">The Minister must consult the Fish and Game Council on any proposal that may impact the habitat of trout and salmon or game birds.</a>
Regional Council must implement national instrument	Clause 71	The Bill requires regional councils to implement national instruments but does not clearly explain what the “relevant process” is for amending a natural environment plan to do so. This creates uncertainty and risk of inconsistent approaches across regions, delays in implementation, and legal challenge.	Define or cross-reference the “relevant process”. Ensure there is a clear timeframe and pathway for incorporating national instruments into plans.
National policy direction may	Clause 80	The safeguard test uses the word “severe”, which sets an extremely high threshold before national policy direction is constrained. This	Amend wording to:

Topic	Relevant clauses	Key issues	Solution sought
restrict how goals may be achieved		risks enabling national direction that causes significant environmental harm provided it is not “severe”. The wording is inconsistent with other parts of the Bill that use “significant or irreversible harm” language.	c) the direction will not result in <del>severe and significant or</del> irreversible adverse effects to people and the natural environment.
Purpose of natural environment plan	Clause 92	Clause 92 sets out the purpose of natural environment plans but does not clearly state that plans must operate within environmental limits. This creates a risk that plans focus on “direction” and “management” without being legally anchored to limits as non-negotiable bottom lines.	Add “within environmental limits” to clause 92(a)
Core Obligations when preparing and deciding natural environment plan	Clause 97	Clause 97 does not clearly require plan-making and decision-making to operate within limits. It also does not include any requirement to consider Sports Fish and Game Management Plans, despite those being statutory instruments and central to Fish and Game’s habitat management role.	<p>Insert an express requirement that plans must be prepared and decided within environmental limits.</p> <p>Add to have regard to SFGMP in relation to habitat of trout and salmon.</p> <p>2) A regional council must make its decisions in accordance with its responsibilities and functions under sections 221 to 223 so that the resulting natural environment plan—</p> <ul style="list-style-type: none"> <li>a) implements— <ul style="list-style-type: none"> <li>i. the national policy direction; and 25</li> <li>ii. any national standard; and</li> <li>iii. any relevant provision in a regional spatial plan; and</li> <li>iv. <del>any relevant water conservation order</del></li> <li>v. subject to paragraphs (i) to (iii), any agreed action in an action plan; and</li> </ul> </li> <li>b) ensures that environmental limits are complied with; and</li> <li>c) <del>is not inconsistent with a water conservation order.</del></li> </ul>

Topic	Relevant clauses	Key issues	Solution sought
			<p>4) ...</p> <p>b) have regard to—</p> <ul style="list-style-type: none"> <li>i) any statutory acknowledgement that applies to the area to which the proposed natural environment plan or private plan change applies; and</li> <li>ii) any relevant planning document recognised by an iwi authority and lodged with the regional council; and</li> <li>iii) <a href="#">Sports Fish and Game Management Plans in relation to habitat of trout and salmon.</a></li> </ul>
Rules may allocate natural resource activity	Clause 99	The Bill allows allocation rules but does not expressly require allocations to be set within environmental limits or to reduce existing over-allocation. This risks reproducing RMA-era problems (overallocation locked in by plan rules), undermining the credibility of limits as binding bottom lines.	Add an explicit requirement that any allocation rules must be consistent with, and not cause or perpetuate breaches of, environmental limits.
Methods relating to incentives	Clause 105	The Bill enables “incentives” but does not define what counts as an incentive or ensure incentives cannot undermine limits (e.g., by encouraging activity that breaches limits or locking in unsustainable use).	Define “incentive” and require that incentives must be consistent with environmental limits and outcomes.
Environment Court may give directions in respect of land subject to controls	Clause 122	Clause 122 risks materially constraining the ability of regional councils to impose or maintain resource-use caps, including allocation limits for freshwater takes and other resource uses that directly affect rivers, lakes, wetlands, and habitat for sports fish and game birds. Resource-use caps are a critical tool for managing cumulative effects and preventing overallocation. Fish and Game is concerned that clause 122 may enable development pressure or	Amend clause 122 to explicitly confirm that nothing in this section limits or overrides a regional council’s ability to set and enforce resource-use caps or allocation limits necessary to achieve ecosystem health limits, protect freshwater habitats, and manage cumulative effects.

Topic	Relevant clauses	Key issues	Solution sought
		national direction to override regionally appropriate caps, undermining environmental limits and weakening the effectiveness of catchment-based management.	Ensure that national direction cannot be used to dilute or remove regionally justified caps that are required to protect environmental bottom lines.
Natural Resource Permit may include wildlife approval	Clause 128	Fish and Game should continue to be the agency that processes wildlife permits for game birds. Game birds are covered by the provisions listed in clause 128. Fish and Game processes permits for these animals in an efficient and timely manner. Fish and Game is the statutory agency with specific expertise to manage these species. It is inappropriate for regional councils to take over this role.	Delete clause 128 in full  <del>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</del>
New Section 'Application affecting the habitat of trout and salmon or the habitat of game birds'	New clause	Fish and Game's statutory role depends on early involvement in decisions affecting habitat, but the notification/affected person framework can exclude Fish and Game unless it meets narrow "person affected" tests designed for private impacts. This risks decisions being made without the relevant statutory manager's technical input, and without adequate scrutiny of cumulative or catchment-wide effects on habitat, access, and recreational fisheries/hunting values.	Insert a new clause requiring referral/notification to Fish and Game where an activity may have more than minor effects on habitat of trout/salmon/game birds (or where catchment-wide effects on fisheries/hunting values may occur). Example wording: <u>"If the activity would affect the habitat of trout and salmon or the habitat of game birds, the application should be forwarded to F&amp;G for comment"</u>
Request for further information	Clause 140	The RFI threshold is framed too narrowly and may discourage early requests for information needed to properly assess effects, limit compliance, and conditions. This increases the risk of poor decisions and weak conditions (or reliance on post-decision enforcement), and shifts cost/risk to councils and submitters through later disputes. In a system that reduces other safeguards, the RFI power needs to be clearly workable.	Broaden the RFI test to allow information requests where necessary to assess: <ul style="list-style-type: none"> <li>a) effects,</li> <li>b) consistency with plans/national instruments</li> <li>c) limits compliance, and</li> <li>d) appropriate conditions.</li> </ul> Replace "only if satisfied" with a more workable necessity test.

Topic	Relevant clauses	Key issues	Solution sought
Notification requirements of section 145 does not apply	Clause 146	<p>Clause 146 significantly narrows opportunities for participation in resource consent processes, particularly for activities with incremental or cumulative effects.</p> <p>As drafted, Fish and Game may not be notified of applications that affect habitat it is statutorily required to manage, unless it meets the narrow definition of an affected person. This risks excluding relevant technical expertise and undermines effective management of effects.</p> <p>This section also frames environmental effects primarily through their impact on identifiable persons, rather than on the natural environment itself. This approach risks excluding participation where activities affect freshwater, wetlands, or habitat values that are collectively held, incrementally degraded, or managed through statutory roles rather than private ownership. Fish and Game is the statutory manager of sports fish and game birds and their habitat. That role depends on early involvement in decisions affecting natural resources that do not belong to any one person but are used and valued by many.</p>	<p>Provide that statutory managers of natural resources must be notified of applications affecting those resources, even where effects do not give rise to an affected person under section 149.</p> <p>Clarify that where cumulative effects on natural resources are likely, notification must not be limited by the absence of identifiable affected persons.</p>
Whether significant adverse effects on natural resources or people	Clause 148	<p>This clause narrows the circumstances in which adverse effects on natural resources are acknowledged as significant for notification purposes.</p> <p>Subclause (2)(b) prevents consideration of adverse effects that are authorised by plan rules, even where those effects may be significant or cumulatively significant.</p> <p>This approach assumes that plan rules are always environmentally appropriate and up to date, which experience shows is not the case.</p>	<p>Whether significant adverse effects on natural resources or people</p> <ol style="list-style-type: none"> <li>1) This section applies to a permit authority that is deciding, under section 145(6)(a), whether an activity will have or is likely to have significant adverse effects on natural resources or people.</li> <li>2) A permit authority must not have regard to— <ol style="list-style-type: none"> <li>a) any effect on persons who own or occupy the land in, on, or over which the activity will occur; and</li> </ol> </li> </ol>

Topic	Relevant clauses	Key issues	Solution sought
		<p>Subclause (3) accepts that significant effects can be permitted, is discretionary, limited in scope and inconsistent with the concept that significant adverse effects should trigger scrutiny rather than be procedurally excluded.</p>	<p><del>b) any adverse effect of the activity if a rule in a natural environment plan or national rule permits an activity with that effect, subject to subsection (3); and</del></p> <p>c) in the case of a restricted discretionary activity, any adverse effect of the activity that does not relate to a matter for which a rule in a natural environment plan or national rule reserves discretion; and</p> <p>d) trade competition and the effects of trade competition; and</p> <p>e) any effect on a person who has given written approval to the relevant application.</p> <p>3) <del>If the activity is a natural resource use activity, the permit authority must may, in its discretion,</del> consider any adverse effect of the activity on natural resources and people regardless of whether a rule in a natural environment plan or national rule permits an activity with that effect.</p>
Whether person is affected person	Clause 149	<p>Clause 149 defines affected persons by reference to effects on individuals or residents of a management unit and requires many environmental effects to be disregarded where authorised by plan rules.</p> <p>Subclause (1) (a) (ii) is narrow and needs to align with the 'relevant person' definition i.e. lives, pays rates, or does business in the catchment.</p> <p>As drafted, Fish and Game may not be considered an affected person even where activities have more than minor adverse effects on the habitat of trout, salmon, or game birds. Catchment-wide and</p>	<p>Amend clause 149 to deem Fish and Game an affected person where activities have more than minor adverse effects on the habitat of trout, salmon, or game birds, and to require public notification where activities have more than minor effects at a catchment or management-unit scale.</p>

Topic	Relevant clauses	Key issues	Solution sought
		cumulative effects may also fail to trigger notification, despite significant impacts on freshwater ecosystems.	
Matters that permit authority must disregard	Clause 155	Clause 155 requires decision-makers to disregard adverse effects on the natural environment where those effects are permitted by plan or national rules. This risks “locking in” outdated or permissive plan settings and undermines adaptive responses to declining freshwater and wetland condition. It also weakens the ability to address cumulative effects where permitted activity pathways are a key driver of incremental habitat loss.	Delete wording as follows:  <del>(b) any adverse effect of the activity on the natural environment if the natural environment plan or a national rule permits an activity with that effect, subject to sections 156(2):</del>
Consideration of natural resource permit application	Clause 156	Given WCOs protect outstanding values through binding restrictions/prohibitions, the Act should clearly require decision-makers to apply and comply with WCO provisions when assessing permits, not treat them as secondary or merely “relevant if raised”.	d) any relevant provisions of—  (i) the natural environment plan or proposed plan:  (ii) the regional spatial plan or proposed regional spatial plan, if the application is for an activity that is a discretionary activity:  (iii) <u>any water conservation order:</u>
General requirements before conditions may be included	Clause 186	Clause 186 does not enable the review of existing consents when new environmental limits or resource-use caps are set. This risks entrenching overallocation and allowing existing consents to continue causing harm even after limits are established.	Amend clause 186 to explicitly provide that the setting of a new environmental limit or resource-use cap is a mandatory trigger for the review of existing consents, where necessary to achieve compliance with limits and protect ecosystem health.  <u>“a consent authority must consider reviewing consent conditions where a new environmental limit or resource-</u>

Topic	Relevant clauses	Key issues	Solution sought
			<p><b>use cap is set, including to reduce allocations, amend conditions, or impose adaptive management measures necessary to achieve compliance with the limit.”</b></p>
Public notification, submissions, and hearing, etc	Clause 188	<p>Fish and Game oppose subclause (3) of clause 188 in that it excludes participation by all parties other than the permit holder in consent reviews undertaken to give effect to plan rules and environmental limits. Notification should occur as normal to allow for due process.</p> <p>Additionally, subclause (4) should provide participation rights to allow statutory managers of affected resources to make submissions and be heard in consent reviews relating to environmental limits, resource-use caps, or habitat protection.</p>	
Matters to be considered in review	Clause 189	<p>Clause 189(1)(a) requires councils to consider whether an activity will remain viable following a consent review. This requirement constrains the ability to fundamentally amend consents when reviews are triggered to implement environmental limits or resource-use caps, undermining limits as binding bottom lines</p>	<p>Amend clause 189 to clarify that where consent reviews are undertaken to give effect to environmental limits or resource-use caps, viability considerations must not prevent the imposition of conditions necessary to achieve compliance with limits.</p>
Decisions on review of permit conditions	Clause 190	<p>Clause 190 does not clearly provide an effective “backstop” where a consent review identifies serious issues that cannot be remedied through amended conditions. As drafted, it is unclear whether cancellation is available where (for example) a permit has been relied on to cause ongoing significant harm, or where inaccurate application information has undermined the integrity of the original decision. Without a clear cancellation pathway, councils may be forced to tolerate ongoing adverse effects even where limits, caps, or environmental bottom lines are being breached.</p>	<p>4) A permit authority may cancel a natural resource permit if</p> <ul style="list-style-type: none"> <li>a) it reviews the permit under section 186(1)(f); and</li> <li>b) the application for the permit contained inaccuracies that the authority considers materially influenced the decision made on the application;</li> </ul> <p><b>and or</b></p> <ul style="list-style-type: none"> <li>c) there are significant adverse effects on natural resources or people resulting from the exercise of the permit.</li> </ul>

Topic	Relevant clauses	Key issues	Solution sought
Permit authority may treat certain activities as permitted activities	Clause 199	Clause 199 risks expanding permitted activity pathways in a way that prevents councils from imposing enforceable, effects-based controls where they are needed (especially for cumulative effects).	Reinstate ability to manage cumulative adverse effects and ensure decision-makers can address cumulative impacts even where individual effects are small.
Right to apply may be transferred	Clause 205	Clause 205 allows transfer of a “right to apply” without clearly requiring the public-good basis for granting that right to continue to be met after transfer. This creates a loophole where rights granted for a specific public interest purpose can be commodified or transferred to parties who do not deliver that purpose, undermining the integrity of the original decision and potentially increasing effects (including on habitat and access) without fresh scrutiny.	Allow conditions restricting transfer, or require reassessment of public-good basis on transfer.
Overview of responsibilities of regional councils	Clause 221	The wording implies councils “manage the quality of water” (and biodiversity) rather than managing activities to achieve (and protect/enhance) water quality and biodiversity outcomes. This framing matters because it can narrow interpretation of council functions and downplay proactive duties to protect and enhance outcomes—particularly where degradation is driven by diffuse land use and cumulative effects. Clearer wording would better align council functions with an outcomes/limits regime and avoid arguments that councils lack mandate for protective or restorative action.	Amend wording to emphasise protection and enhancement of water quality and biodiversity outcomes through managing activities, not “regulating water.”
	Clause 15		d) monitoring the effect of and implementation of this Act (including any regulations in force under it), national policy direction, <b>and</b> national Standards <b>and water conservation orders</b>

Topic	Relevant clauses	Key issues	Solution sought
Functions of Regional Councils	Clause 222	Ensure water conservation orders are not overlooked.	<p>(1) Every regional council has the following functions</p> <p>Planning and related functions</p> <p>(a) making and maintaining a natural environment plan for the region; and</p> <p>(b) administering and implementing the natural environment plan, including—</p> <p>(i) setting the environmental limits for the region; and</p> <p>(ii) <u>implementing water conservation orders</u>; and</p> <p>(iii) acting as a permitting authority for the region; and</p> <p>(iv) undertaking monitoring, enforcement, and compliance actions to achieve compliance with this Act, national standards, regulations, water conservation orders and the provisions of the plan; and</p> <p>...</p> <p>Monitoring and enforcing compliance</p>

Topic	Relevant clauses	Key issues	Solution sought
			<p>(2) In addition to the general responsibility of every regional council, the following are the functions and responsibilities of a regional council within its region:</p> <p>(a) monitoring compliance with standards, rules, <u>water conservation orders</u> and permits and responding proportionately, consistently, and reasonably to non-compliance using the functions and powers available to them under this Act, so as to promote compliance, in a way that gives effect to the purpose, goals, and procedural principles of this Act.</p>
Allocation of natural resources	Clause 223	Council functions do not clearly connect key drivers of freshwater and wetland degradation (especially land use intensification) to allocation and limits implementation. Without an explicit functional basis for managing land use drivers, allocating biodiversity/freshwater pressures, and protecting riverbeds and associated habitat, councils may face arguments that they lack mandate to set enforceable controls needed to achieve ecosystem health limits and protect habitat (including trout/salmon/game bird habitat). This is particularly problematic where cumulative effects arise from multiple small land-use decisions across a catchment.	Add explicit land use and allocation functions necessary to achieve ecosystem health limits and protect habitat, including riverbed/habitat protection.
Information gathering,	Clause 227	Lack of clear statutory direction requiring compliance with Water Conservation Orders risks undermining their legal effect and long-	2) Monitoring must include consideration of the following:

Topic	Relevant clauses	Key issues	Solution sought
monitoring, and keeping records		term protection of outstanding freshwater values, including fisheries.	a) the efficiency and effectiveness of limits, rules, or other methods in the regional plan <a href="#">and water conservation orders</a> ; and
Definition applying in this subpart	Clause 231	Fish and Game is not included as a public authority despite being a statutory body that should be able to receive delegations/roles like RMA s33 “statutory authority.”	Amend wording to: Public authority means the following: a) a local authority; and b) a government department; and c) a joint committee; and d) a local board e) <a href="#">a Fish and Game council</a>
Duty to give certain information	Clause 243	Lack of clear statutory direction requiring compliance with Water Conservation Orders risks undermining their legal effect and long-term protection of outstanding freshwater values, including fisheries.	1) This section applies if an enforcement officer has reasonable grounds to believe that a person (person A) is breaching, or has breached, an obligation under or a provision of this Act, a national rule, a regulation, a plan rule, <a href="#">a restriction or prohibition in a water conservation order</a> , or a natural resource permit
Authorisation and responsibilities of enforcement officers	Clause 244	Fish and Game has on-the-ground enforcement capability and an established statutory role in relation to sport fish and game birds and their habitat, but the Bill does not clearly enable its officers to be authorised as enforcement officers.	b) A local authority may authorise the following to carry out all or any of the functions and powers as an enforcement officer under this Act: c) any of its officers; or d) any of the officers of any other local authority, the Ministry for Primary Industries, the Department of Conservation, or Maritime New Zealand.

Topic	Relevant clauses	Key issues	Solution sought
			<p>e) <a href="#">Fish and Game in relation to sport fish and game birds and their habitat</a></p>
Terms used in this section and sections 246 to 252	Clause 245	Lack of clear statutory direction requiring compliance with Water Conservation Orders risks undermining their legal effect and long-term protection of outstanding freshwater values, including fisheries.	<p>a contravention of a provision of this Act, any regulations, a rule in a plan, a rule in a proposed plan that has legal effect, a national rule, <a href="#">a restriction or prohibition in a water conservation order</a> or a natural resource permit; or</p> <p><b>incident</b> means an occurrence that may, directly or indirectly, be linked to—</p> <p>a) a contravention or possible contravention of a provision of this Act, any regulations, a rule in a plan, a national rule, <a href="#">a restriction or prohibition in a water conservation order</a> or a or a natural resource permit; or</p> <p>b) a failure or possible failure to comply with a requirement of an enforcement order or an abatement notice</p>
Scope of enforcement order	258	As drafted, the Bills do not consistently or explicitly require decision-makers to comply with the provisions of Water Conservation Orders when setting environmental limits, preparing plans, or assessing permits. This risks WCOs being treated as secondary or discretionary considerations, rather than as binding instruments intended to protect outstanding freshwater values from incremental degradation.	<p>1) An enforcement order is an order made under section 263 by the Environment Court or an Environment Judge sitting in the District Court that may do any 1 or more of the following</p> <p>a) require a person to cease, or prohibit a person from commencing, any- thing done or to be done by or on behalf of that</p>

Topic	Relevant clauses	Key issues	Solution sought
			<p>person, that, in the opinion of the court,</p> <ul style="list-style-type: none"> <li>(i) contravenes or is likely to contravene this Act, regulations, a rule in a plan, a rule in a proposed plan, <a href="#">a restriction or prohibition in a water conservation order</a> or a natural resource permit; or</li> <li>(ii) is or is likely to be noxious, dangerous, offensive, or objectionable to such an extent that it has or is likely to have an adverse effect on natural resources or people:</li> </ul> <p>b) require a person to do something that, in the opinion of the court, is necessary in order to</p> <ul style="list-style-type: none"> <li>(i) ensure compliance by or on behalf of that person with this Act, any regulations, a rule in a plan, a rule in a proposed plan, <a href="#">a restriction or prohibition in a water conservation order</a> or a natural resource permit; or</li> <li>(ii) avoid, minimise, or remedy any actual or likely adverse effect on natural resources or people caused by or on behalf of that</li> </ul>

Topic	Relevant clauses	Key issues	Solution sought
			<p style="text-align: center;">person:</p> <p>c) require a person to minimise or remedy any adverse effect on natural resources or people caused by or on behalf of that person:</p> <p>d) require a person to pay money to or reimburse any other person for any actual and reasonable costs and expenses which that other person has incurred or is likely to incur in avoiding, minimising, or remedying any adverse effect on natural resources or people, where the person against whom the order is sought fails to comply with—</p> <p>(i) an order under any other paragraph of this subsection; or</p> <p>(ii) an abatement notice; or</p> <p>(iii) a rule in a plan or a proposed plan, <a href="#">a restriction or prohibition in a water conservation order</a> or a natural resource permit; or</p> <p>(iv) any of that person’s other obligations under this Act:</p>
Application for enforcement order	Clause 260	Support	Retain as drafted

Topic	Relevant clauses	Key issues	Solution sought
Scope of Abatement Notice	Clause 266	As drafted, the Bills do not consistently or explicitly require decision-makers to comply with the provisions of Water Conservation Orders when setting environmental limits, preparing plans, or assessing permits. This risks WCOs being treated as secondary or discretionary considerations, rather than as binding instruments intended to protect outstanding freshwater values from incremental degradation.	<ol style="list-style-type: none"> <li>1) An abatement notice may be served on any person by an enforcement officer <ol style="list-style-type: none"> <li>a) requiring the person to cease, or prohibiting that person from starting, anything done or to be done by or on behalf of that person that, in the opinion of the enforcement officer, <ol style="list-style-type: none"> <li>i) contravenes or is likely to contravene this Act, a national rule, a regulation, a rule in a plan or a proposed plan, <a href="#">a restriction or prohibition in a water conservation order</a> or a natural resource permit; or</li> <li>ii) is or is likely to be noxious, dangerous, offensive, or objectionable to such an extent that it has or is likely to have an adverse effect on natural resources or people:</li> </ol> </li> <li>b) requiring that person to do something that, in the opinion of the enforcement officer, is necessary <ol style="list-style-type: none"> <li>i) to ensure compliance by or on behalf of that person with this Act, a national rule, a regulation, a rule in a plan or a proposed plan, <a href="#">a restriction or prohibition in a water conservation order</a> or a natural resource permit; or</li> </ol> </li> </ol> </li> </ol>

Topic	Relevant clauses	Key issues	Solution sought
			<ul style="list-style-type: none"> <li>ii) to avoid, minimise, or remedy any actual or likely adverse effect on natural resources or people <ul style="list-style-type: none"> <li>A) caused by or on behalf of the person; or</li> <li>B) relating to any land of which the person is the owner or occupier:</li> </ul> </li> </ul>
Payment of Infringement fees	Clause 295	If Fish and Game undertakes enforcement, it needs ability to retain infringement fees (or at least fund enforcement costs), to cover the cost of that additional enforcement work.	<ul style="list-style-type: none"> <li>1) A local authority is entitled to retain all infringement fees received by it in respect of infringement offences where the infringement notice was issued by an enforcement officer of that authority.</li> <li>2) However, any infringement fee relating to an infringement notice issued by an enforcement officer appointed by the EPA may be retained by the EPA <u>or Fish and Game Council.</u></li> </ul>
Local authorities to prepare compliance and enforcement strategy	Clause 298	Sports Fish and Game Management plans should also be taken into account in the preparation of compliance and enforcement strategies.	<ul style="list-style-type: none"> <li>1) A local authority must prepare and publish a compliance and enforcement strategy, in the prescribed manner and setting out the prescribed criteria, that takes into account relevant Treaty settlements, and voluntary or statutory agreements with local iwi, hapū, or Māori (including Mana Whakahono ā Rohe agreements) <u>and Sports Fish and Game Management Plans.</u></li> <li>2) When developing a compliance and enforcement strategy, local authorities must work with iwi authorities and groups that represent hapū within</li> </ul>

Topic	Relevant clauses	Key issues	Solution sought
			the region <u>and Fish and Game Councils, where it relates to sports fish and game bird habitat.</u>
Emergency response regulations	Clause 305	As drafted, this clause is not well aligned with the Bill’s purpose. Wording should ensure emergency regulations remain within limits and include consultation with Fish and Game.	<p>2) Before recommending emergency response regulations, the Minister must—</p> <ul style="list-style-type: none"> <li>a) be satisfied that the proposed regulations are necessary or desirable <u>to avoid harm to people and environments and is within limits for the purpose of this Act:</u></li> <li>b) be satisfied that the proposed regulations are not broader than is reasonably necessary:</li> <li>c) consider the effects on natural resources or people that could occur as a result of the proposed regulations and whether any adverse effects can be avoided, remedied, or minimised</li> <li>d) consult the Minister for Emergency Management and Recovery:</li> <li>e) consult the Minister of Conservation if the regulations affect the coastal marine area:</li> <li>f) <u>consult Fish and Game where regulations affect habitat of sports fish and game birds.</u></li> </ul>
Regulations relating to natural resource levies	Clause 313	If Fish and Game is take on new enforcement roles, there may be a needs to provide additional funding mechanisms. The Act should enable the Minister to provide for that funding, if it is required.	(b) to fund central Government <u>and</u> regional councils <u>and Fish and Game Councils</u> to undertake their functions and duties, and exercise their powers under this Act, to the extent that the costs of those activities are not recovered through other mechanisms under this Act.
Conditions to be satisfied	Clause 314	Ensuring charges/rates align with actual costs and include Fish and Game costs where applicable.	(3) For regulations recommended under section 313(2)(b), the Minister must, after considering information provided

Topic	Relevant clauses	Key issues	Solution sought
before regulations made under section 313			by local authorities or relevant central government agencies relating to the costs of the following activities, ensure the rate does not exceed the costs of those activities:
Information required in application for natural resource permit	Schedule 2, Clause 2	Without an explicit requirement to assess effects on sports fish and game bird habitat and against Sports Fish and Game Management Plans, applicants may lawfully omit information that is critical to understanding habitat loss, flow impacts, wetland modification, and cumulative effects.	<p>2) An application must include an assessment of the activity against—</p> <ul style="list-style-type: none"> <li>a) any relevant provisions of the plan or proposed plan or national rule; and</li> <li>b) any relevant provisions of other key instruments if, and only to the extent that, the matter is not addressed by the plan or proposed plan or national rule.</li> <li>c) <u>if the activity affects the habitat of SFGB then an assessment against the SFGMP and effects on the habitat</u></li> </ul>
Information required in application for natural resource permit	Schedule 2, Clause 5	Clause 5 allows AEEs to address matters only to the extent relevant to plans/national rules, which risks applicants lawfully omitting information on sport fish and game bird habitat unless SFGMPs are expressly included and habitat effects are explicitly within scope.	<p>5 Information required in assessment of environmental effects</p> <ul style="list-style-type: none"> <li>1) Information included in an assessment of environmental effects under clause 2(3)— <ul style="list-style-type: none"> <li>a) need only address a matter to the extent that the information is relevant to the provisions of a plan or proposed plan or national rule or <u>a sports fish and game management plan</u>; and</li> <li>b) must include detail proportionate to the scale and significance of the activity.</li> </ul> </li> </ul>



**Appendix Two: Table of Detailed Wording Changes – Planning Bill**

Topic	Relevant clauses	Key issues	Solution sought
Goals	Clause 11	Clause 11 requires the system to “maintain” public access but does not require enhancement or restoration of access over time. In many catchments, access to rivers and lakes has already been fragmented or lost through historic subdivision and development. A maintenance-only obligation entrenches existing access gaps and fails to address cumulative loss of public access to freshwater environments.	Amend clause 11 to require the system to maintain <b>and enhance</b> public access to and along rivers, lakes, wetlands, and the coastal marine area.
Effects outside the scope of this Act	Clause 14	Clause 14 frames the consideration of effects narrowly and relies heavily on effects already identified in plans or instruments. This risks excluding important effects on freshwater ecosystems, aquatic habitat connectivity, and recreational freshwater uses (including fishing and hunting) where those values have not yet been expressly identified or mapped in plans.	Amend clause 14 to explicitly include “Effects on freshwater ecosystem integrity, aquatic habitat connectivity, and recreational freshwater uses (including fishing and hunting values)” as in-scope effects, regardless of whether they have been previously identified in a plan or instrument.
Considering adverse effects of activities	Clause 15	Clause 15 does not establish a clear effects management hierarchy and allows avoidance, mitigation, offsetting, and compensation to be treated as interchangeable. In freshwater environments, this risks normalising offsetting or compensation in circumstances where irreversible loss of river, wetland, or habitat values occurs. This undermines long-established environmental management principles and weakens protection for sensitive freshwater systems and associated recreational values.	Insert clear direction that in relation to rivers, lakes, wetlands, and their margins, avoidance of adverse effects must be prioritised over offsetting or compensation unless avoidance is demonstrably impracticable.
Process for making national instrument	Clause 46	There is no explicit requirement to consult Fish and Game, notwithstanding its statutory role in managing sport fish and game birds and long-standing involvement in freshwater planning.	Amend clause 46 to require consultation with Fish and Game where a proposed national instrument may affect freshwater, wetlands, or the habitat of sport fish and game birds, or recreational access and use of freshwater environments.

Topic	Relevant clauses	Key issues	Solution sought
Purpose of regional spatial plans	Clause 67	Clause 67 allows regional spatial plans to allocate development potential without a clear requirement that freshwater environmental limits are already set and complied with. This risks repeating RMA-era problems where development capacity is allocated in over-allocated or degraded catchments, creating pressure to weaken limits later and undermining catchment-based management.	Insert an explicit restriction that regional spatial plans must not allocate development potential in catchments where freshwater environmental limits have not yet been set or are already exceeded.
Land use plans	Clause 78-80	The framework for national standards risks creating a “one-size-fits-all” approach that constrains regional ability to respond to unique freshwater systems, fisheries, and game habitats. Without clear direction, bespoke protections may be treated as exceptional or discouraged, even where regionally significant fisheries or habitats warrant stronger protection. Additionally, clause 80 does not require consultation with Fish and Game during land use plan preparation, despite Fish and Game’s statutory role and the direct effects land use decisions can have on freshwater quality, habitat, and access.	<p>Require national standards to:</p> <ul style="list-style-type: none"> <li>● Enable bespoke freshwater protections, not just allow them</li> <li>● Explicitly recognise regionally significant fisheries and game habitats as grounds for bespoke provisions</li> </ul> <p>And:</p> <p style="padding-left: 40px;">Insert an explicit requirement to consult Fish and Game during preparation and amendment of land use plans where provisions may affect freshwater systems, wetlands, or the habitat of sport fish and game birds.</p> <p>And:</p> <p>Require mapped continuous public access corridors.</p>
Plan must not permit activity	Clause 82	Clause 82 enables activities to be classified as permitted without sufficient safeguards to prevent activities with more than minor	Amend clause 82 to provide that activities that would have more than minor adverse effects on nationally or

Topic	Relevant clauses	Key issues	Solution sought
that has certain effects on protected customary rights		effects on freshwater ecosystems or recreational freshwater uses from proceeding without scrutiny. This is particularly risky in sensitive catchments where cumulative effects are already significant.	regionally significant freshwater ecosystems or recreational freshwater uses must not be classified as permitted activities.
Rules that modify requirements for esplanade reserves	Clause 84	Clause 84 allows councils to choose not to require esplanade reserves in certain circumstances. This represents a weakening of long-standing mechanisms that secure public access to waterways and protect riparian margins. Given increasing pressure on freshwater environments and access, this discretion risks permanent loss of access and riparian protection opportunities.	Amend clause 84 by removing subsection (b) so that esplanade reserves cannot be waived entirely. Retain esplanade reserves as a core tool for protecting riparian margins and public access.
Further provisions relating to plans	Schedule 3	Schedule 3 enables regulatory relief without sufficient safeguards to ensure ecological outcomes or protection of long-term public interests.	Require that: <ul style="list-style-type: none"> <li>• Any regulatory relief scheme include ecological enhancement funding</li> <li>• Relief decisions explicitly consider long-term public interest benefits</li> </ul>
Further provisions relating to subdivision and reclamation	Schedule 7 clauses 39-40	The Bill allows variable and reduced widths of esplanade reserves, weakening certainty and protection compared to the RMA. Reduced widths compromise access continuity, ecological function, and hazard mitigation.	Retain the 20-metre minimum width requirement from the RMA for esplanade reserves and strips.
Further provisions relating to subdivision and reclamation	Schedule 7 clauses 39, 48	The Bill allows closures for safety or security without sufficient safeguards, risking permanent or excessive restrictions on public access.	Require least-restrictive closure, time-limited restrictions, and provision of alternative access where closure is necessary.

Topic	Relevant clauses	Key issues	Solution sought
Further provisions relating to subdivision and reclamation	Schedule 7 clauses 50-53	Where reserves or strips are impracticable, there is no guaranteed fallback mechanism to secure access, risking permanent gaps.	Mandate fallback access arrangements within 6 months where an esplanade reserve or strip cannot be created.
Further provisions relating to subdivision and reclamation	Schedule 7 Part 4	Treating esplanade reserves or strips as compensable “regulatory takings” would undermine long-established planning practice, discourage councils from requiring access, and shift costs to ratepayers. Esplanade reserves arise only on subdivision and strips do not involve land acquisition.	Provide that no compensation applies to the first 20 metres of esplanade reserve or strip; compensation only applies to exceptional loss beyond that width. Exclude esplanade/access requirements from “severe impairment” relief.
Notification	Clause 123-131	Clauses 123–131 frame participation primarily around directly affected landowners or residents. This risks excluding organisations with statutory responsibilities for freshwater and biodiversity, including Fish and Game, from processes where activities affect shared public resources and cumulative catchment-scale values.	Insert explicit statutory recognition that national organisations with statutory freshwater or biodiversity functions (including Fish and Game Councils) are entitled to be treated as affected persons for activities affecting freshwater ecosystems.
Particular conditions that may be included in planning consents	Clause 151	The Bill does not clearly enable conditions securing esplanade reserves, strips, or access corridors as part of subdivision approvals.	Add explicit authority to impose conditions securing esplanade reserves, esplanade strips, and access strips as part of subdivision consent approvals.

**Appendix Three: Inclusion of Wetlands in the Natural Environment Bill 2026, Nicholas Singers**

## **Inclusion of wetlands within the Natural Environment Bill 2026**

Nicholas J. D. Singers. M.Sc.; Freelance Ecologist (see appendix for qualifications and experience)

### **Introduction**

This paper covers the following matters in relation to the inclusion of wetlands in the Natural Environment Bill (NEB):

- What is a wetland?
- Why should wetlands be recognised within the NEB?
- Overview of inclusion and importance of wetlands in the Resource Management Act.
- Changes needed to the NEB to better encompass, safeguard, and protect wetlands.

### **What is a wetland?**

Wetlands are defined as *'permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions'*<sup>1</sup>.

Wetlands occur from sea level to mountain tops so encompass a wide range of climates. The water which supports wetlands can be saline, brackish or freshwater via rainfall, springs or overland flow. Different sources of water have different nutrients. Seasonally water tables can vary from being below ground in droughts to being submerged by up to 50 cm in the wettest periods. These abiotic factors influence what ecosystem and habitat types are present. Wetlands ecosystem and habitats range from shallow water to tall swamp forest and from tidal rushes to alpine cushion bogs. Consequently, they support a very wide diversity of plants and animals.

### **Why should wetlands be recognised within the NEB?**

There has been a disproportionate loss of wetlands in New Zealand with a far greater loss in our most developed regions and intermittent and more fertile wetland types<sup>2</sup>. For example, approximately 6% of 'swamps' remain<sup>3</sup>. Swamps encompass shallow water, raupō, sedges, harakeke (flax), shrubs and cabbage trees, and are the primary habitat that support wetland game bird populations<sup>4</sup>.

Despite the inclusion of wetlands within the Resource Management Act 1991, and regulations to better protect them, loss of wetland extent is still occurring. For example, between 1996 and 2021, a loss of approximately 5,954 hectares of wetland were measured<sup>2</sup>.

Wetlands provide a broad range of high value ecosystem services<sup>5</sup>. They are part of the water cycle and are often described as being the 'kidneys of the land'. They improve water quality by assimilating sediments and nutrients including denitrifying nitrates to the atmosphere. They also help to mitigate flood impacts especially by reducing peak water levels and then release stored water slowly, maintaining stream and river flow.

The trend of many freshwater domains across much of developed regions in New Zealand is declining and there is a strong connection with population density and a more degraded environment<sup>6</sup>. To reverse this trend, in these regions, districts and cities we need to retain the wetlands we have and expand their extent and functionality, including building and restoring constructed wetlands designed for specific outcomes.

Wetlands sequester large amounts of soil carbon and, on an area for area, basis sequester more carbon than any other ecosystem on Earth. Globally they contain 20–25% of the world’s organic soil carbon<sup>7</sup>. In New Zealand it is estimated that 36 Tg of carbon is stored in the upper 30 cm of wetland soils, rising to 164 Tg if the full peat profile is considered<sup>5</sup>. When wetlands are developed such as into pasture, this stored carbon is oxidised and released into the atmosphere. New Zealand is struggling to reduce its carbon footprint<sup>8</sup> and retaining existing wetland is an inexpensive method to assist with this goal.

The economic value of ecosystem services for wetlands has been estimated. The value of water regulation alone from wetlands was estimated at NZ\$3,403 million in 2013<sup>9</sup>. On a per hectare basis wetlands had the highest value per hectare of all ecosystems assessed in the Manawatu Whanganui Region of \$43,320<sup>10</sup>.

Wetlands also provide habitat for a wide variety of plants and animals. They support fish populations which are food such as whitebait, tuna (eels) and waterfowl. They have significant recreational and cultural values for Māori and New Zealanders. Fish and Game NZ sell approximately 40,000 duck shooting licenses though more landowners hunt on private land.

New Zealand wetlands occur from sea level to mountain tops. Of the 149 described ecosystem types<sup>4</sup>, 21% are wetlands, and include swamp forest, 25 freshwater and seepages and 3 estuarine wetland types. To maintain indigenous biodiversity a full range of wetland ecosystems need protection and conservation management. Some small wetlands on private land are critical for safeguarding rare and threatened species<sup>11</sup>.

Wetlands also contain a disproportionate plant diversity. There are 341 endemic and native obligate and facultative wetland plants within the New Zealand wetland plant indicator ratings (2021)<sup>12</sup>. This is 17% of the total endemic and native flora of New Zealand. Yet prior to human arrival, wetlands were thought to only occupy 9.2% of New Zealand’ surface area<sup>3</sup>.

Wetlands are also particularly vulnerable to modification from a wide range of threats associated with land use and development, water abstraction, nutrient enrichment and invasive species. In most developed places in New Zealand wetlands are no longer being formed, such as after large floods because of the intensive management of our land. Consequently, the wetlands remaining are precious and require protection.

### **The inclusion of and importance of wetlands within the Resource Management Act**

The Resource Management Act includes wetlands within the definition of “water body” and a specific definition of “wetland”. Section 6 ‘Matters of Importance’ provisions to preserve the natural character of wetlands and to protect them from inappropriate subdivision, use, and development. The functions of regional councils under the RMA includes management of effects on waterbodies, including the quality, quantity, indigenous biodiversity, and managing their beds. This gives regional councils explicit ability to manage and regulate wetlands.

Wetlands were specifically included within the RMA because land development of New Zealand, resulted in a high loss of wetland extent (c.90%+) due to clearance, drainage and conversion to agriculture and urban land<sup>2</sup>. Often the wetland area that remains, is a fraction of the former extent, being fragmented and compromised by drainage and surrounding land uses. In some regions such as

Hawkes Bay the remaining extent is less than 5%<sup>13</sup> with most wetlands being small. The inclusion of wetlands in the Act recognised the importance of wetlands for biodiversity, as well as their unique role with providing essential ecosystem services, such as filtering water and carbon sequestration, as well as for their cultural and recreational values.

This direction created the emphasis for local and national government and research agencies to improve the understanding of the extent, diversity and ecological health of the wetland resource.

Protecting our Places (2007)<sup>14</sup> and more recently the National Policy Statement for Freshwater (2020) (NPSFM) and Resource Management (National Environmental Standards for Freshwater (2020) (NESF) directed local and central government to improve data and better protect wetlands.

Policy 6 of the NPSFM exemplifies this direction *'There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.'*

The NESF strengthened regulatory oversight for a range of activities, making earthworks, vegetation clearance and modifying the wetland hydrology discretionary whilst drainage of natural inland wetlands was either non-complying or prohibited. These regulations attempt to restrict the causes of continued wetland loss.

This emphasis provides local governments the regulatory mechanisms to protect wetlands. Further, with wetlands included in the RMA, it has resulted in local governments prioritising and undertaking active management to protect a wide range of wetlands ecosystem types, working collaboratively with landowners and other agencies. Through this focus landowners have increasingly become involved with wetland protection.

Fish and Game New Zealand have assisted many landowners to restore and create wetland habitat and have led several large wetland restoration projects such as Para Swamp, the largest remaining wetland within Marlborough District. Through revenue provided by duck shooters licenses, the Game Bird Habitat Trust has either managed existing wetlands and or constructed new wetlands totalling 563 hectares, between 2019 and 2025. In addition to providing and improving game bird habitat, restored and constructed wetlands have improved habitat for native wetland biodiversity, such as increasing spawning habitat for native fish (whitebait) and providing more and better quality habitat for other wetland birds.

Wetlands are increasingly valued by the agricultural industry. The Dairy NZ website expresses the following *'Wetlands have an important part to play in reducing our environmental footprint.... Wetlands help reduce flooding by acting as a sponge, and improve water quality by trapping, filtering, and removing nutrients and contaminants, especially sediment, nitrogen and phosphorus'*. Dairy NZ, in collaboration with the National Institute of Water and Atmosphere (NIWA), the Ministry of Primary Industries and farmers, constructed six wetlands to measure the efficacy of wetlands to assimilate nutrients and pathogens<sup>15</sup>.

With RMA inclusion of wetland protections promoted, and industry delivering wetland construction and science, there is a greater understanding of the values of wetlands by New Zealanders, especially within rural New Zealand. Many farmers have protected wetlands within freshwater farm plans and are actively managing them. With the proliferation of catchment management groups, wetlands are often the first areas to be prioritised for protection and management by rural communities. As

examples, for two Hawkes Bay wetland restoration projects, which I wrote restoration plans for, Wanstead Wetland<sup>16</sup> and Lake Runanga<sup>17</sup>, two catchment groups have contributed to restoration costs.

Constructed wetlands as management tools (to capture sediment and nutrients) are increasingly becoming common and are now routinely being built as treatment devices as part of large infrastructure projects for Roads of National Significance and within urban areas. This further increases recognition of the value wetlands provide to maintain and or improve water quality.

### **How can the NEB be improved to better safeguard and protect wetlands?**

Unlike the RMA wetlands are not explicitly included to be protected though are encompassed within more general terms such as ecosystems. Given their value I consider this to be deficient.

This should be achieved by incorporating wetlands explicitly into the relevant parts of the NEB to ensure they are safeguarded and protected. A definition of wetland should be provided in the NEB, that mirrors the definition in the RMA. My experience using this is that the definition works, though I do consider that there is scope to include a wider range of induced wetlands associated anthropogenically landforms, as exclusions within the NPSFM definition.

Wetlands should be explicitly provided for within the goals of the NEB.

The NEB as drafted requires limits and regulation for 'water'. As set out earlier, wetlands [are both wet and dry environments, and sometimes will be addressed by provisions relating to 'water' and sometimes they will not. It is important that wetlands are specifically included. This could be by mentioning wetlands specifically in the appropriate places, or by using the term 'waterbodies' to encompass multiple types of environments, including wetlands.

I understand that goal 11c is purposefully written to protect human health caused by the discharge of pollutants. Environmentally however, the best way to do this is to avoid and manage pollutants entering the environment in the first place so they do not impact the environment health. I therefore consider that environmental health needs to be included in parallel within human health within this goal.

This is particularly pertinent in the contamination of the natural environment and water by plant available nutrients, which can lead to blooms of toxic cyanobacteria which can be detrimental to wildlife, humans and pet dogs<sup>18</sup>. For example, avian botulism, caused by the *Clostridium botulinum* bacteria is exacerbated by high nutrient levels in water and outbreaks regularly cause the death of 1000's of ducks and waterfowl annually. Other cyanobacteria can cause severe impacts to a wide range of organisms, including humans and dogs. This issue is of particular significance to Fish and Game New Zealand because it directly effects the valued fish and game species managed by them.

This relationship provides a real example why it is critical to include the natural environment within goal 11(c). Without this inclusion, it will be more difficult to protect human health from contaminants.

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### **Appendix: Professional Expertise**

My name is Nicholas James Drysdale Singers. I am a freelance ecologist residing in the Taupō District and principally working within the North Island.

I hold a BSc (1994) in Plant Health and Ecology and a MSc (1997) in Ecology from Massey University. My thesis research was on a dune wetland ecosystem.

I have 28 years' experience in ecology, with a focus on wetland ecology.

From 1998 to 2012, I worked as a plant ecologist for the Department of Conservation in the Central North Island. In that role I surveyed hundreds of wetlands and developed management programmes to protect many of these.

Since 2012, I have been a freelance ecologist. This role, in relation to wetlands, involves delineating wetlands, mapping habitat, preparing conservation action plans, assessing values, assessing effects including on several roads of national importance and I also undertake technical reviews of consents that affect wetlands for Greater Wellington Regional Council and the Hawkes Bay Regional Council (HBRC), which requires an understanding of pertinent national and regional policy statements and regulations.

I was the wetland technical expert for HBRC in an Environment Court hearing (ENV-2013-WLG-000054) which debated the definition of 'wetlands' in the Hawke's Bay Regional Policy Statement (RPS) and its application to map five specific wetlands within the Hawke's Bay region. More recently, in 2022, I technically reviewed HBRC's wetland spatial layer which involved checking 4078 wetland polygons and adding a further 1193 new wetlands.

Over my career I have trained ecologists and land managers with wetland surveying and delineation, including Waikato Regional Council land management staff in 2024.

## Appendix Four – About Fish and Game



# What does Fish & Game do?

**Who are we?** Fish & Game New Zealand manages, maintains and enhances sports fish and game birds and their freshwater habitats in the best long-term interests of anglers, hunters and all New Zealanders.

### Our vision

A New Zealand where freshwater habitats and species flourish, where game bird hunting and fishing traditions thrive and all New Zealanders enjoy access to sustainable wild fish and game resources.

### What we do

- Manage fishing and hunting regulations
- Conduct research to monitor fish and game bird populations
- Collaborate with communities to protect natural habitats
- Provide educational programmes and resources
- Advocate for valued habitats and species
- Negotiate and maintain access for anglers, hunters and all New Zealanders

**Together, let's ensure a thriving future for fishing and game bird hunting!**

[fishandgame.org.nz](http://fishandgame.org.nz)

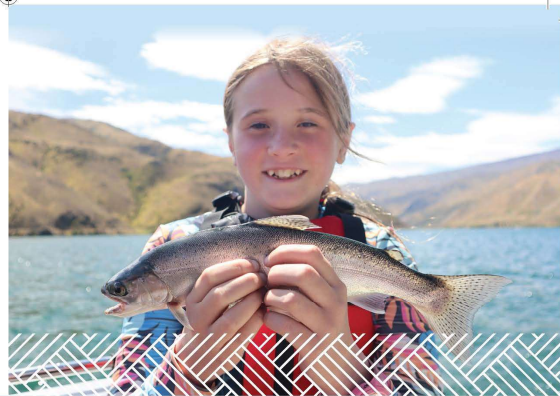
**#ReWild**



## What does Fish & Game do?

**Species management:** We monitor and survey species populations; set season regulations; and sustainably manage pressure on the resource.

**Habitat protection:** Advocate and take action to protect and enhance lakes, rivers, streams and wetlands; and secure 'national park' status to important rivers through Water Conservation Orders.



**Access and participation:** Negotiate and advocate so all New Zealanders can access our natural places; maintain access signage, information and brochures; organise fishing and hunting events and classes.

**Public awareness:** Maintain public advocacy; schools programmes; website and newsletters; community liaison; promote the right of licensed anglers and game bird hunters to pursue their chosen pastime.

**Compliance:** Recruit, train, equip and coordinate warranted rangers, to educate and enforce regulations to ensure the fish and game resource is sustained.

**Licensing:** Provide a nationwide licensing system with a range of licence categories and sales channels that makes it easy to buy a licence. We are solely funded by licence holders.



**Council:** Hold public meetings of elected licence holders to approve regulations and budgets, set policies and provide governance for the Fish & Game system.

**Coordination and planning:** Provide research, planning and reporting; financial management and general coordination across Fish & Game New Zealand.

[fishandgame.org.nz](http://fishandgame.org.nz) #ReWild

# Species we manage



Black Swan Kakianau



Californiaian Quail Koitareke



Mallard Rakiraki



Paradise Shelduck Pütakitaki



Pheasant Peihana



Pukeko



Shoveler Kuruwhengi



Chukar



Grey Duck Pāpera



Brown Trout



Rainbow Trout



Chinook Salmon



Sockeye Salmon



Brook Trout



Tiger Trout



Perch



Tench

