

Resource Management Reforms: Select Committee Report Review

Summary

Fish and Game advocated strongly for changes to ensure Fish and Game's mandate and functions were protected, including the protection of access, recreation, and habitats for trout, salmon, and game birds. Unfortunately, the Select Committee's recommendations largely ignored or rejected these requested changes.

The legislation fails to explicitly protect valued introduced species or the recreational interests of hunters and anglers. Limits cannot be set to protect trout and salmon.

The new system is heavily 'top-down'. Regional council's will have to follow national rules, and if the national rules do not provide for the interests of hunters and anglers, there will be very little Fish and Game can do at the local level to remedy this.

Fish and Game will have incredibly limited opportunities to advocate for mitigating the effects of activities on habitat and access at the local level. Opportunities to address the effects on hunting and fishing habitat and access during individual resource consents are likely to be significantly fewer than currently. This lockout is driven by the new system's deliberate push for fewer consents, less public notification, and limited standing for organisations like Fish and Game to intervene.

Table 1 below summarises the key submission points and the key implications of the Bills as amended by select committee. Table 2 provides more detail on what was sought through submissions, and how the select committee responded.

Table 1: Summary of key submission points and implications for Fish and Game.

Topic		What this means for Fish and Game
Environmental Limits & Bottom Lines		Developers get a free pass to degrade waterways if a project is deemed "publicly beneficial."
Trout, salmon and game birds		Because limits can only protect native species, councils cannot set limits to protect trout and salmon habitats, or habitat for game birds.
Goals fail to recognise recreation, access and habitat		Fish and Game will have to fight hard at the national level to ensure the Minister protects these values in national rules.
Effects Management		A win for Fish and Game.
Wetlands		Wetlands are now included in the definition of freshwater ecosystem. Wetland protections are weak and wetlands remain at severe risk of incremental damage and drainage.
Fish and Game consultation		Fish and Game is not guaranteed a seat at the table when the most powerful rules are written.
Esplanade reserves		Public access along waterways is at risk of being weakened or compensated away instead of protected.
Sports Fish and Game Management Plans		Regional councils can legally ignore Fish and Game's regional data and management objectives.
Wildlife approvals		Regional council's can issue wildlife permits without having regard to the SFGMP.
Water Conservation Orders		The WCO tool for protecting nationally significant fishing rivers remains, with better monitoring provisions
Environmental Bottom Lines for discharge effects		The 'significant adverse effects' bottom line for discharge permits and permitted activity rules in the RMA (s70/s107) has not been retained.

Table 2: Analysis of key submission points against Select Committee Recommendations

Topic	Fish and Game Submission Point	Select Committee Response	What this means for Fish and Game
Environmental Limits & Bottom Lines	Implement firm bottom lines with fewer exceptions. Fish and Game advocated for a firmer limits framework, explicitly including "valued introduced species" (trout and salmon) in ecosystem health definitions.	Rejected; exceptions were expanded. The Committee declined to embed hard bottom lines, concluding the Natural Environment Bill strikes a "good balance" between resources and economic growth. They broadened the ability to breach environmental limits, expanding the exemption from just "significant infrastructure" to include "other publicly beneficial activities."	Developers get a free pass to degrade waterways if a project is deemed "publicly beneficial."
Trout, salmon and game birds	Include valued introduced species in definitions. Fish and Game requested that "ecosystem health" and "life-supporting capacity" definitions be expanded to include valued introduced species like trout and salmon, allowing limits to be set to protect their habitat.	Critical Loophole The definition of 'ecosystem' in Clause 45 was amended to include biological life of both "indigenous and introduced species". However, this didn't carry over into the definition of 'life-supporting capacity,' which still only references indigenous life. Because 'ecosystem health limits' are set to protect 'life-supporting capacity', the entire limits framework is legally anchored to indigenous species, excluding protection for sports fish and game birds.	Major advocacy risk. Because the law's limits are anchored only to native species, councils cannot set limits to protect trout and salmon fisheries, or habitat for game birds.
Goals fail to recognise recreation, access and habitat	Explicitly include recreation, access, and habitat. Fish and Game advocated for targeted amendments to the goals framework to explicitly include fishing, hunting, recreation, public access, and the protection of habitats for sport fish and game birds.	Rejected specific inclusion; added general goal. The Committee explicitly noted Fish and Game's request but declined to include it, stating "not every topic is covered in the goals". Instead, they added a broader goal to the Natural Environment Bill: "to support and enable enhancement of the natural environment."	Loss of priority. Recreation and access are not recognised as goals. F&G will have to fight hard at the national level to ensure the Minister protects these values in national rules.
Effects Management	Replace "minimise" with "mitigate". Fish and Game argued that a narrow focus on "minimising" adverse effects prevents the ability to negotiate fair responses (like alternative access or substitute recreational opportunities) to unavoidable loss.	Accepted. The Committee acknowledged Fish and Game's concerns that "minimise" is subjective and less clear than the established term "mitigate" used in RMA section 17. They recommended amending the bills to address this wording.	A win for Fish and Game.
Sequencing Issue (RSPs vs Limits)	Do not lock in development capacity before limits are set. Several submitters warned that developing Regional Spatial Plans (RSPs) before Natural Environment Plans (NEPs) risks allocating development capacity before the biophysical constraints of freshwater systems are properly understood.	Sequence retained, but safeguards added. The Committee explicitly declined to change the sequence of the plan-making process. Instead, they proposed exceptions so councils are not required to implement Regional Spatial Plans when setting ecosystem health limits. They also added a requirement to review Regional Spatial Plans once new information (like limits) is set, and extended transition timeframes by 9 months.	Planning risks. There is still a risk councils will zone for development before knowing the environmental constraints.
Wetlands	Define and protect wetlands. Requested a clear statutory definition of "wetland" and explicit direction for national instruments and plans to identify, protect, and restore them.	Largely Rejected / Minor Definition Tweak The Committee did not adopt Fish and Game's request for a standalone statutory definition of "wetland," nor did they add explicit requirements to protect or restore them. Their only action was a minor amendment to Clause 45, explicitly listing "wetlands" as part of the broader definition of "freshwater ecosystems." This explicitly includes them in the limits framework, but fails to provide the targeted protections Fish and Game sought.	Wetland protections are weak and wetlands remain at severe risk of incremental damage and drainage.

Fish and Game consultation	Mandatory consultation and statutory recognition. Fish and Game strongly advocated that there must be mandatory consultation with Fish and Game when national instruments are developed.	Rejected. The Committee did not add requirements to consult Fish and Game. They recommended the Minister must provide draft proposals to groups or sectors "that the Minister considers appropriate", leaving consultation entirely at the Minister's discretion.	Loss of guaranteed input. Fish and Game is not guaranteed a seat at the table when the most powerful rules are written.
Esplanade reserves	Strengthen esplanade provisions. Fish and Game raised concerns that the Planning Bill weakens the current esplanade reserves/strips provisions that provide new access to rivers and lakes. Fish and Game advocated retaining the 20-metre minimum width and strong, protections for public access.	Administrative response only. The Committee did not adopt the substantive requests regarding the 20m minimum width or compensation.	Access threats. Public access along waterways is at risk of being weakened or compensated away instead of protected.
Sports Fish and Game Management Plans	Statutory recognition in plan-making Requested that Sports Fish and Game Management Plans (SFGMPs) be formally recognised by decision-makers in plan-making and consenting, as they currently are under the RMA.	No response / Not accepted. The Committee did not add requirements to integrate SFGMPs into the planning hierarchy or require decision-makers to consider them.	Wasted resources. Regional councils can legally ignore F&G's regional data and management objectives.
Wildlife approvals	Delete Clause 128 in full. Fish and Game strongly opposed the clause allowing regional councils to issue "wildlife approvals" for game birds, arguing it would fragment decision-making and dilute Fish and Game's statutory functions under the Wildlife Act 1953.	Clause retained The Committee did not delete the clause but introduced a new, somewhat narrower framework (Schedule 2A) to run alongside the Wildlife Act. This allows regional councils to undertake their functions without having regard to SFGMPs.	Fragmented system. Regional council's can issue wildlife permits without having regard to the SFGMP. Fish and Game will need to navigate a more complex system and work to educate councils on these approvals
Enforcement and compliance	Empower F&G officers Fish and Game requested that officers be able to be warranted as enforcement officers for investigating breaches affecting sports fish and game bird habitats, and sought the ability to retain infringement fees.	No response. The Select Committee reports do not contain provisions enabling Fish and Game officers to act as warranted enforcement officers or retain infringement fees under the new bills.	Reliance on councils. Fish and Game must continue to rely entirely on regional councils to enforce environmental breaches that affect habitat of sports fish and game birds.
Water Conservation Orders	Retain and strengthen WCOs. Fish and Game strongly supported keeping WCOs to protect outstanding freshwater values and sought changes to ensure decision-makers must comply with their restrictions.	Accepted and enhanced monitoring. The Committee retained WCOs and introduced a new requirement for regional councils to regularly review, monitor, and report on the implementation and effectiveness of WCOs.	The WCO tool for protecting nationally significant fishing rivers remains legally binding.
Environmental Bottom Lines for discharge effects	Carry over RMA s70/s107 bottom lines. Fish and Game advocated for retaining the 'significant adverse effects' bottom for discharge permits.	Rejected. The Committee did not carry over sections 70 and 107 of the RMA. The system relies instead on the broader environmental limits framework and discretionary assessments.	