



To: Environment Committee, New Zealand Parliament

Submission from: Endangered Species Foundation (ESF) / Tāngaro Tuia te Ora

Subject: Submission on Planning Bill and the Natural Environment Bill (RMA Reform)

Date: 12 February 2026

1. Introduction

Tāngaro Tuia te Ora, Endangered Species Foundation (ESF) welcomes the opportunity to submit on the Planning Bill and the Natural Environment Bill.

ESF is a registered charity dedicated to protecting Aotearoa New Zealand's most vulnerable indigenous species and habitats. With over 7,500 species currently at risk of extinction (and 800 of those at high risk) our mission is to ensure that no further species are lost to history. We believe that robust, integrated environmental legislation is the only way to safeguard these taonga for future generations.

2. Summary of Position

The Endangered Species Foundation strongly opposes the proposed changes in their current form. The proposed replacement model risks accelerating our national biodiversity crisis. Specifically, we are concerned that:

- The **separation of land-use planning from natural environment management** will lead to fragmented decision-making.
- The **prioritisation of property rights** over ecological health will allow "creeping" habitat destruction on private land.
- The **erosion of Iwi and community voices** will remove the primary advocates for at-risk species and local ecosystems.
- The **narrowing of "effects"** and the reduction of public submission rights will sideline expert voices needed to protect "unseen" species.

3. Key Points of Opposition

3.1. Fragmentation of Decision-Making (The Two-Bill Split)

The split into a Planning Bill and a Natural Environment Bill creates a false dichotomy between development and nature.

- **The Risk:** Under the current proposal, land-use decisions could be made without sufficient integration of the ecological requirements of the Natural Environment Bill. For endangered species, habitat is not a separate sector; it is the foundation upon which all land use occurs.
- **Recommendation:** We urge the Committee to retain a unified legislative framework that ensures environmental health is a prerequisite for, not a competing interest with, urban development.

3.2. Prioritisation of Property Rights and "Regulatory Takings"

The focus on property rights as a primary driver for the new system is a significant step backward for biodiversity.

- **The Risk:** Many of New Zealand's most endangered species exist on private land. If landowners are compensated for "regulatory takings," which occurs when they are told they cannot destroy a Significant Natural Area, councils will face immense financial pressure to permit the destruction of habitat to avoid litigation.
- **The Reality:** Biodiversity loss is an irreversible externality. A property right should not include the right to destroy habitats and drive species closer to extinction.

3.3. Erosion of Iwi and Community Voice

The proposed reforms risk dismantling the partnership model of environmental management in Aotearoa.

- **The Marginalisation of Te Tiriti o Waitangi:** The focus on "streamlining" often translates to bypassing the deep consultation required to honour Te Tiriti. By separating planning from protection, the role of Iwi as kaitiaki is threatened, particularly regarding taonga species and valued natural areas. The bill needs to provide leadership and partnership roles for hapū and iwi to enable genuine implementation of Te Tiriti, including treaty settlement rights and crown obligations.
- **The "Directly Affected" Barrier:** Restricting submission rights to only those with a financial or immediate physical stake excludes the wider community. Communities are often the first to identify local ecological changes, such as the decline of a specific bird population or the pollution of a local stream.
- **Voice for the Voiceless:** Endangered species cannot submit on a bill. Without a broad legal avenue for NGOs and community groups to act as their proxy, these species lose their only advocates in the planning process.

3.4. Erosion of the "Precautionary Principle"

The new system shifts from "managing effects" to "environmental limits." While limits are useful in theory, they are often set based on incomplete data.

- **The Risk:** For many of our at-risk species, we do not yet have the data to set "safe" ecosystem health limits. Shifting to a system that permits activities by default unless they breach a limit is dangerous and risky.
- **Recommendation:** The "Precautionary Principle" must remain at the heart of the legislation. Where the impacts on a species are unknown, the law must err on the side of protection.

3.5. Weakening of Wildlife Protections

We are deeply concerned by reports that the reforms may allow councils to authorise harm to wildlife: a power previously held by the Department of Conservation (DOC) under the Wildlife Act.

- **The Risk:** Local councils often lack the specialist conservation expertise required to make life-or-death decisions for threatened species. Subsuming wildlife permits into a "fast-track" or "simplified" planning process will result in avoidable deaths of taonga species.

3.6. Management of Freshwater and Commercial Use

The Foundation is concerned that the new bills fail to address the inequity of commercial water use and the protection of our wai.

- **Commercial Exploitation:** Currently, commercial entities (such as water bottling companies) can take vast quantities of pure water for minimal cost, while the ecosystems they draw from, and the species within them, suffer.
- **Te Mana o te Wai:** The removal of the "Te Mana o te Wai" hierarchy, which prioritises the health of the water first, is a critical failure. Water management must be about more than just "allocation" or "caps": it must be about life-sustaining capacity, and respecting and restoring the value of wai for all peoples.

4. Conclusion

Aotearoa has been a world leader in conservation, yet we are at a tipping point. We cannot afford "faster and simpler" processes if they result in "faster and simpler" destruction of crucial habitats.

We need tangible goals and measurable targets to improve the health of our environment, not allow further degradation of te taiao.

The Endangered Species Foundation calls on the Government to:

1. **Integrate** the Planning and Natural Environment Bills into a single, cohesive framework.
2. **Uphold the Te Tiriti o Waitangi principles** and strengthen provisions that ensure Iwi and Hapū are partners in decision-making.
3. **Maintain broad standing** for public, scientists, economists, NGO and other relevant submissions from experts, to ensure the environment has a voice.
4. **Ensure that biodiversity restoration** is a mandatory bottom line, not a negotiable trade-off.

We wish to be heard in support of this submission.

Ngā mihi,

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