

Submission on the Planning Bill and the Natural Environment Bill

to the Environment Committee of Parliament

13 February 2026

Tēnā koutou,

Introduction

1. The Outdoor Access Commission, Herenga ā Nuku Aotearoa, is the Crown agent responsible for improving and protecting outdoor public access. Therefore, we welcome the opportunity to submit on the parts of these two Bills relevant to public outdoor access.
2. Our governing piece of legislation is the Walking Access Act 2008. The primary purpose of the Walking Access Act 2008 is 'to provide the New Zealand public with free, certain, enduring, and practical walking access to the outdoors'.
3. We administer a national strategy on outdoor access, including tracks and trails. We play a role in negotiating, establishing and improving outdoor access for New Zealanders. This includes increasing awareness of public access and ensuring it endures over time.
4. Our mandate includes all forms of public access, including by foot, bike, horse and vehicle – and for a variety of uses, including hunting and fishing. We map outdoor access, provide information to the public, oversee a code of responsible conduct in the outdoors, help to resolve access issues and negotiate new access. The commission has a team in Wellington and a network of regional field advisors. An independent board governs our work.

Executive summary

5. We strongly support the inclusion of public access in the Planning Bill and recommend its inclusion in the National Policy Direction.
6. We recommend expanding the goal of the Bills to reflect the full scope of access in the Walking Access Act 2008.
7. We ask that public access be included as a goal in the Natural Environment Bill.
8. We support the retention and strengthening of legal instruments that enable public access (esplanade strips, access strips, easements).

9. We recommend that moveable access instruments be reinstated or introduced.
10. We request amendments to ensure national bodies with relevant mandates can submit on planning matters.

Part 1: The Bills are an opportunity to enhance public access

11. The commission believes the proposed Bills offer opportunities to protect and enhance public outdoor access. Strengthening public access provisions within the Bills will create greater benefits for New Zealanders and support several of the Bills' high-level goals.
12. We welcome the inclusion of public outdoor access and connectivity as a goal of the Planning Bill. To achieve this goal, public outdoor access and connectivity must also be clearly articulated in the National Policy Direction. We recommend that the Walking Access Act 2008 underpin those aspects of the National Policy Direction.
13. Furthermore, we recommend that a National Policy Direction be developed and implemented to support public access and consistency nationwide, and to ensure that it is considered through every opportunity, whether developing national standards or regional spatial plans, or considering new resource consent applications.

Recommendation 1

We recommend that public access be included in bespoke plans. We have seen some territorial authorities give landowners or developers an advantage when they include public access in their proposals. The new legislation should promote this, as it incentivises the creation of a public good at no additional cost to landowners or territorial authorities.

14. Two other key parts of our submission, detailed below, are:
 - a. the opportunity presented by the Planning Bill to reform moveable forms of access instruments— and
 - b. Addressing the long-standing issue of landlocked Māori land and the role public access can play in resolving it.
15. These reforms could significantly improve public access and strengthen regional economies, while ensuring people can reach and enjoy their natural environment safely and responsibly.
16. We prepared this submission with a focus on the factors that matter most to communities — ensuring meaningful access to places of importance, supporting strong and prosperous towns and rural areas, enabling climate resilience and environmental protection, meeting diverse access needs, and planning access early so development strengthens rather than restricts connections. See Appendix 1 for more details.

Part 2: Public access and shared provisions in the Bills

17. Our experience tells us that one of the best and most sustainable ways to achieve public access is when it is considered early, as a planning goal. Once development is complete, it is far harder—and more expensive—to retrofit walkways, river access, or cycle links.
18. Public access to the outdoors connects urban, peri-urban and rural landscapes across New Zealand. It ranges from very local to landscape scale. When enacted, the Bills will be critical for protecting existing public access and ensuring future development and land-use decisions progress with public access in mind from the outset. Refer to the case study example of good inclusion of public access in planning decisions, Appendix 2
19. More people and more new building projects are placing pressure on how much public access there is, how good it is, and how well different areas are connected across New Zealand. This is likely to keep happening.
20. A single coherent national strategy for planning public access at local, regional, and national levels is important for protecting and improving public outdoor access as cities grow quickly and land use changes.
21. Ensuring public access is included in planning will directly help achieve several Goals listed in section 11 of the Planning Bill and section 11 of the Natural Environment Bill.

Part 3: Public access and the Planning Bill

22. We strongly support the inclusion of Public Access as a goal in the Planning Bill (Subpart I – Core provisions for decision-making, s. 11 (1) (f) to maintain public access to and along the coastal marine area, lakes, and rivers).
23. However, other key public access considerations should be addressed within that goal statement, and we point to Sections 9 and 11 of the Walking Access Act 2008 for direction.
24. Various benefits of public access are recognised in The Walking Access Act 2008. For example, in the Act’s Purpose statement, the principal benefit is public enjoyment of the outdoors— and walking access across public and private land is noted as a key mechanism. (ref WAA 2008 s.3 Purpose). The purpose in the Walking Access Act aligns closely with the purpose stated in the Planning Bill:

“The purpose of this Act is to establish a framework for planning and regulating the use, development, and **enjoyment** of land.” (The Planning Bill s.4 Purpose)
25. The Walking Access Act goes on to describe priorities for negotiating walking access over private land that the Commission must take into account, and one key aspect of this is access negotiations to address current access gaps, including:
 - a. to and along coastlines, rivers or lakes

- b. to conservation areas
- c. to areas of scenic or recreational value
- d. to sports fish and game

Recommendation 2

To address these known public access gaps, we propose that the Planning Bill can be improved by the following wording within the Planning Bill, s.11 Goals:

(f) to maintain, extend or optimise public access to and along coastlines, lakes, and rivers.

(new sub clause) to address gaps in public access:

- i. to and along coastlines, rivers or lakes
- ii. to conservation areas
- iii. to areas of scenic or recreational value
- iv. to sports fish and game
- v. to connect areas of existing legal public access.

26. Improving the goal for public access identified in section 11 of the Planning Act will additionally strengthen other identified goals in section 11 through:
- a. individual health and well-being
 - b. social ties and connections
 - c. economic growth
 - d. well-designed towns and rural areas
 - e. infrastructure planning
 - f. keeping communities safe from natural hazards
 - g. protection of indigenous biodiversity

Public outdoor access enables the following goals in the Planning Bill:

27. *Planning Bill s.11 ss. 1(b) to support and enable economic growth and change by enabling the use and development of land:* – we know from research that developers are often aware of the value of public access connectivity, and that the economic value of developments is often increased by good public outdoor access and provision – however, piecemeal planning controls can get in the way. A consistent national approach to planning that integrates public access early will save developers money and improve the long-term value of their investment. (Holly Stevens, [Greenways, property developers and the use of incentives](#))

28. *Planning Bill s.11 ss. 1(c) to create well-functioning urban and rural areas:* – Good connections and appropriate and safe infrastructure in new towns reduce pressure on other infrastructure (such as formed roads). This, in turn, increases the value of the infrastructure and reduces future costs for councils and ratepayers.
29. *Planning Bill s.11 ss. 1(d) to enable competitive urban land markets by making land available to meet current and expected demand for business and residential use and development:* quality outdoor access connectivity adds value to a range of developments and plays a pivotal role in new urban areas on the edges of rural landscapes.
30. *Planning Bill s.11 ss.1 (e) to plan and provide for infrastructure to meet current and expected demand:*

Access and infrastructure (such as off-road trails and footpath connections to local parks) are critical to address active recreation needs. Sport NZ's Active NZ Survey shows that walking and cycling are the most popular types of physical activity. These casual outdoor activities have some of the lowest barriers for uptake in areas where there is safe infrastructure.

31. *Planning Bill s.11 ss. 1 (g) to protect from inappropriate development the identified values and characteristics of–*
- a. *areas of high natural character within the coastal environment, wetlands, and lakes and rivers and their margins*
 - b. *outstanding natural features and landscapes*
 - c. *sites of significant historic heritage:*

Outdoor recreation and public access can transform residents into stewards and protectors of the land they use. If people can access nature, they are likely to value and protect it.

32. A large meta-analysis by academics at Victoria University found a strong, positive relationship between access to nature and pro-environmental behaviour. People who feel more connected to local natural places tend to recycle more, support conservation policies, volunteer in environmental projects, and adopt sustainable habits. (Whitburn, J., Linklater, W., & Abrahamse, W. (2020). Meta-analysis of human connection to nature and pro-environmental behaviour. *Conservation Biology*, 34(1), 180-193. <https://doi.org/10.1111/cobi.13381>)

33. *Planning Bill s.11 ss 1 (h) to safeguard communities from the effects of natural hazards through proportionate and risk-based planning:*

Well-designed public outdoor access supports community emergency resilience and disaster recovery. For example, Te Ara Tipuna, a trail connections project on the East Coast of the North Island, is designed to provide future critical alternative emergency vehicle access for resupply and recovery when SH35 is flooded, and communities are cut off.

34. *Planning Bill s.11 ss. 1 (i) to provide for Māori interests through—*
- a. *(i) Māori participation in the development of national instruments, spatial planning, and land use plans; and*
 - b. *(ii) the identification and protection of sites of significance to Māori (including wāhi tapu, water bodies, or sites in or on the coastal marine area); and*
 - c. *(iii) enabling the development and protection of identified Māori land.*
35. In relation to s11 ss 1 (i) public access instruments, such as easements, can be effective tools for enabling the development and protection of a particular class of Māori land: landlocked turewhenua land (land held under te Ture Whenua Māori Act 1993).
36. Access to landlocked turewhenua is a known issue. MPI estimates that one third of turewhenua land is effectively landlocked – this means that the Purpose of the Planning Act will have very limited effect in terms of use, development and enjoyment of those land blocks – unless there is policy direction to direct planning solutions. The same applies to the identification and protection of landlocked sites of significance to Māori, such as wāhi tapu.
37. Public access is of particular importance to tangata whenua. Traditional mana whenua did not align with today's legal ownership-based land tenure system. Access to forests and resources was governed via an interwoven system of genealogy, environment, need, relationships, and beliefs. In today's world, whilst many tangata whenua hold fast to this tradition, it cannot be readily expressed over all of New Zealand because of private land ownership. Public spaces, however, allow all cultures to express their ideas and identities and are therefore largely compatible with traditional mana whenua.
38. Tangata whenua are more likely to live in urban areas and at a lower socioeconomic level. Both facts significantly limit the ability of tangata whenua to access the remote outdoors. This means a proactive approach to protecting and extending public access within the urban development context is vital for Māori health and wellbeing.
39. Many remote ahuhenua blocks currently lie dormant because the public access routes are not known. Opening up these blocks for use and appropriate development is a significant economic and cultural growth opportunity for tangata whenua and New Zealand as a whole. Strengthened public access provision within the Bill will align with the development of land also returned to Māori via Te Tiriti.

Recommendation 3

The Bill can be improved by including a subclause under both section 10(2) and Schedule 5, clause 2, that strengthens access to landlocked land and provides opportunities for infrastructure development. The subclause wording proposed is:

(c) consider the creation of practical legal access to get to landlocked land blocks.

Public outdoor access consultation and submissions

40. It is important for the public to have a say on changes to public access. The Bill provides a consultation and submission process for qualifying residents of the district in which the application relates.
41. The purpose of the Walking Access Act 2008 is “to provide the New Zealand public with free, certain, enduring, and practical walking access to the outdoors (including around the coast and lakes, along rivers, and to public resources) so that the public can enjoy the outdoors...”.
42. Under the provisions of the Act, the commission acts as the government’s adviser on public outdoor access. It is essential that the commission be able to participate in the planning process by submitting opinions in the national interest on plans or notified consent applications. As drafted in the Planning Bill, section 131 and clause 17 of Schedule 3 seem to prevent this. Specifically, the commission is not a qualifying resident of any district; and the commission has the mandate to represent the collective interests of the general public in outdoor access.
43. Public access connects across property, parcel and title boundaries, across landholding entities and across the landscape. It crosses district and regional boundaries in many places. It is critical that national bodies can provide submissions on relevant matters.

Recommendation 4

The Bill should be improved by including a further subclause (c) under section 131 and clause 17 of Schedule 3 that provides for bodies with a national mandate of relevance to the application.

Public Access: technical aspects of the Planning Bill

Schedule 7 of the Planning Bill

44. We strongly support the inclusion of the meaning of ‘relevant land’ in clause 38, Schedule 7. This will mean that the required consent of any interested holder will apply only to the land over which the esplanade strips or access strips are being created.
45. We strongly support the inclusion of clause 41, Schedule 7, which supplements existing land that has already been set aside. Public access that has been compromised over time through erosion by rivers and the coast can now be reinstated through this clause.

Recommendation 5

We have identified incorrect cross-referencing in clause 9, Schedule 7. The reference in clause 9(b) to ‘clause 42’ should be corrected to ‘clause 41, as clause 41 relates to esplanade reserves required to supplement land previously set aside or reserved. Clause 9(c) references ‘if an esplanade strip is required’ then ‘see clause 53’; however, clause 47 appears more appropriate as the reference to esplanade strips. Clause 53 is appropriate as

the reference for access strips, so potentially 'esplanade strip' should be replaced with 'access strip'.

46. We are concerned that section 233 of the Resource Management Act has not been included in the Planning Bill. This provided for esplanade strips to move as the river moves course over time, to ensure that public access (and the other purposes of the esplanade strip) remain attached to the physical riverbank. The effects of erosion and accretion over time impact most rivers, and it is essential that public access connectivity along rivers and the coast remains. This is reinforced by section 11(1)(f), which includes maintaining public access to and along the coastal marine area, lakes, and rivers as one of the goals required under the Bill. The maintenance of public access along waterways needs to be provided for by moveable esplanade strips.

Recommendation 6

We recommend that wording be added as a new clause in Schedule 7 of the Bill (following clause 45 on how esplanade strips are created):

Effect of change to boundary of esplanade strip

- 1) Where, for any reason, the mark of any mean high water springs or the bank of any river or the margin of any lake alters, and the alteration affects an existing esplanade strip within an allotment, a new esplanade strip coinciding with such alteration shall be deemed to have been created simultaneously with every such alteration within the allotment.
 - 2) Any instrument creating any existing esplanade strip shall continue in existence and shall apply to a new esplanade strip created under subsection (1) without alteration, except as to the location of the strip.
 - 3) Every esplanade strip created by subsection (1) shall be of such dimensions and be situated and subject to the same conditions as if it had been created by an instrument continued under subsection (2) and shall extinguish in whole or in part, as the case may require, the existing esplanade strip which would have continued but for the alterations referred to in subsection (1).
 - 4) Subject to this section, the provisions of this Act shall apply to every esplanade strip created by subsection (1).
 - 5) Any person having an interest in land affected by the new esplanade strip created under subsection (1) shall be bound by the instrument applying to that strip.
47. We are also concerned about the resilience of access strips created under Subpart 2 of Schedule 7 to environmental change. Goal 11(1)(h) of the Bill requires the safeguarding of communities from the effects of natural hazards. Section 184(2)(d) of the Bill requires territorial authorities to manage the effects of natural hazards.
48. We have already identified in this submission how public access through easements and access strips provides alternative practical access to damaged roads for community resilience and connectivity in events of natural hazards and climate change impact recovery.

49. The interpretation of 'natural hazard' in the Bill includes the effects of climate change, erosion, landslides, and flooding. Access strips can provide the same option for movability as esplanade strips do by attaching the access strip to formed tracks and trails. If a landslip, flooding, or other natural hazard requires the physical track or trail to move, the access strip will move accordingly with the physical trail it attaches to.

Recommendation 7

We recommend that wording be added as a new clause in Schedule 7 of the Bill (following clause 52 on how access strips are created) to provide for access strips to align with the movement of physical tracks and trails:

Effect of change to boundary of access strip

- 1) Where, for any reason, the location of any physical track or trail alters, and the alteration affects an access strip within an allotment, a new access strip coinciding with such alteration shall be deemed to have been created simultaneously with every such alteration within the allotment.
- 2) Any instrument creating any existing access strip shall continue in existence and shall apply to a new access strip created under subsection (1) without alteration, except as to the location of the strip.
- 3) Every access strip created by subsection (1) shall be of such dimensions and be situated and subject to the same conditions as if it had been created by an instrument continued under subsection (2) and shall extinguish in whole or in part, as the case may require, the existing access strip which would have continued but for the alterations referred to in subsection (1).
- 4) Subject to this section, the provisions of this Act shall apply to every access strip created by subsection (1).
- 5) Any person having an interest in land affected by the new access strip created under subsection (1) shall be bound by the instrument applying to that strip.

Part 4: Public access and the Natural Environment Bill provisions

50. Public access has not been included as a goal in section 11 of the Natural Planning Act. The purpose of the Natural Environment Bill is to establish a framework for the use, protection and enhancement of the natural environment (section 4 Natural Environment Bill). Public access aligns with these purposes and other goals in section 11.
51. Natural Environment Bill s.11(b) '*to safeguard the life-supporting capacity of air, water, soil, and ecosystems*'.
52. Public access provides the mechanism to enable ecosystem protection and restoration through catchment restoration, trapping, and hunting projects.
53. Natural Environment Bill s.11(e) '*to manage the effects of natural hazards associated with the use or protection of natural resources through proportionate and risk-based planning*'

54. Public access provides alternative practical access for community resilience and connectivity for disaster recovery in the event of natural hazards and climate change impacts.
55. Natural Environment Bill s.11(f) to provide for Māori interests through–
- (i) Māori participation in the development of national instruments, spatial planning, and land use plans; and*
- (ii) the identification and protection of sites of significance to Māori (including wāhi tapu, water bodies, or sites in or on the coastal marine area); and*
- (iii) enabling the development and protection of identified Māori land.*
56. Public access instruments, such as easements, can be effective tools for enabling the use and economic development of land-locked turewhenua land (land held under te Ture Whenua Māori Act 1993).
57. Many remote Ahuwhenua blocks currently lie dormant simply because the public access routes are not known. Opening up these blocks for use and appropriate development is a significant growth opportunity for tangata whenua and the New Zealand economy as a whole. Strengthened public access provisions in the new bill will better align with the development of Ahuwhenua blocks and with land returned to Māori under Te Tiriti.

Recommendation 8

To address the absence of public access as a goal, we propose that the Natural Environment Bill can be improved by the following wording within the Natural Environment Bill, s.11 Goals:

(new subclause) to maintain, extend or optimise public access to and along coastlines, lakes, and rivers.

(new sub clause) to address gaps in public access:

- i. to and along coastlines, rivers or lakes
- ii. to conservation areas
- iii. to areas of scenic or recreational value
- iv. to sports fish and game
- v. to connect areas of existing legal public access.

Conclusion

58. We welcome the opportunity to comment on these two Bills.
59. We strongly support the inclusion of public access in the Planning Bill and recommend that it be clearly embedded within the National Policy Direction, with the goals of both Bills

expanded to reflect the full scope of access provided for in the Walking Access Act 2008. We further recommend that public access be explicitly included as a goal in the Natural Environment Bill. We support the retention and strengthening of legal instruments that enable public access—including esplanade strips, access strips and easements—and propose that moveable access instruments be reinstated or introduced to ensure long-term resilience.

60. We would welcome the opportunity to speak to this submission. Our contact details are info@herengaanuku.govt.nz and [04 815 8502](tel:048158502).



Dr Dan Wildy

Tumuaki | Chief Executive

Appendix 1

Considerations

61. While preparing this submission, we focused on factors we know matter to communities across New Zealand:
- a. **Community control of local resources**, and the freedom to reach places of cultural, recreational, and environmental importance.
 - b. **Heritage, tradition, and stewardship**, which underpin strong outdoor recreation cultures.
 - c. **Rural prosperity and regional development**, supported by trails and access that bring visitors and spending into communities.
 - d. **Prosperous, well-connected towns**, where outdoor access routes support both daily life and recreation.
 - e. **Climate resilience**, including alternative access routes that help isolated communities during floods and storms.
 - f. **Environmental protection**, because safe access supports conservation action, pest control, and nature restoration.
 - g. **Diverse access needs**, from urban footpaths to maunga, rivers, wetlands and the coastal marine area.
 - h. **Planning access early**, so development supports good connections rather than creating new barriers.

Appendix 2

Kaikōura District Council case study

An example of clear planning rules improving public access is Kaikōura District Council prioritising public access in its long-term plans and spatial plan. This has contributed to the council securing outside funding for projects, including links to the seal colony from the west end of town and the “Whale Trail” cycleway and walkway connecting Kaikōura to Picton (Kaikōura Spatial Plan, 2025).

Planning measures taken include:

- a. Identifying unformed legal roads, esplanade strips, and reserves for public use to improve public access in and around the overall region.
- b. Identifying the importance of walking, cycling, BMXing, horse riding, and other non-carbon-emitting transport modes for community wellbeing, public access and environmental sustainability (Walking and Riding Strategy 2025).
- c. Providing detailed maps, goals, and plans for achieving effective outcomes.
- d. Approving unformed legal roads for walking, cycling and access to conservation areas.
- e. Integrating access projects in the town with wider projects to limit costs and increase the tourism benefits.