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INTRODUCTION

1. This submission is made by Ngā Waihua o Paerangi Trust on the proposals related to infrastructure, development and the primary sector national direction. The submission covers:
 - (a) Our organisation, Ngā Waihua o Paerangi Trust;
 - (b) our position
 - (c) the detailed reasoning behind this position.

ABOUT NGĀTI RANGI

2. Ngāti Rangī is a founding iwi of the Whanganui confederation of tribes, located in the central plateau region at the western and southern foot of Mount Ruapehu. Ngāti Rangī has beneficiaries located globally. The principal townships within the area of interest of the iwi are Ohakune, Raetihi and Waiouru.
3. As part of the Ngāti Rangī settlement, Te Tōtarahoe o Paerangi Trust was established by deed of trust dated 9 March 2018 as the entity to implement the terms of Rukutia Te Mana (Ngāti Rangī Deed of Settlement),¹ and receive and manage the settlement

¹ Refer to [Rukutia Te Mana, the Ngāti Rangī Deed of Settlement 2019](#) and the [Ngāti Rangī Claims Settlement Act 2019](#)

redress, on behalf and for the benefit of Ngāti Rangi. On the 15th of September 2018 and by resolution of the board members, the name Ngāti Rangi Trust was changed to Ngā Waihua o Paerangi Trust.

4. This submission has been developed by the operational arm, Ngā Waihua o Paerangi Trust ('Ngā Waihua o Paerangi'), for Te Totarahoe o Paerangi Trust.
5. The vision statement for Ngāti Rangi is: "Kia mura ai te ora o Ngāti Rangi nui tonu ki tua o te 1,000 tau. Ngāti Rangi continues to vibrantly exist in 1,000 years." This vision statement means Ngāti Rangi will continue to thrive and prosper for a thousand years and beyond.
6. The commitment to ensuring that Ngāti Rangi whānau thrive and prosper, requires that equitable access and outcomes as anticipated under Te Tiriti o Waitangi are considered as critical to the wellbeing and aspirations of whānau.
7. Furthermore, the Ngāti Rangi Deed of Settlement agreed to four guiding principles for our relationship with the Crown:
 - **Kia mau ki te wairua o Te Tiriti o Waitangi** *To uphold the spirit of the Treaty of Waitangi*
 - **Ahakoā haere te Karauna ki whea, ka haere hoki a Ngāti Rangi** *Where the Crown goes, so goes Ngāti Rangi*
 - **Ka whakaae te Karauna ki te mana motuhake o Ngāti Rangi** *Acknowledgment of te mana motu hake o Ngāti Rangi*
 - **Ka whakaora ana to matau mana kia toitu a Ngāti Rangi me ngā hapū, nga whānau me ngā tini uri** *Restoration of a cultural, environmental, economic, familial and social base of Ngāti Rangi.*

National direction: Infrastructure, development and the primary sector

8. Ngāti Rangi contributes to resource consent decisions by both the Ruapehu District Council and Horizons Regional Council as part of a Tiriti partnership. Ngāti Rangi has an environmental team (Pae Whakahā), which ensures that consent decisions are made with consideration for both environmental sustainability and cultural sensitivity.
9. The Taiao Management Plan is our key guiding document. This contains rules and policies for sustainable development that is conducted in a culturally appropriate manner. Our Plan requires cultural considerations such as requiring mihi whakatau and induction for workers on projects. Accidental discovery protocols are also required to

safeguard any taonga accidentally disturbed by earthworks.

10. Two of our environment team have completed the *Making Good Decisions* qualification to become accredited independent commissioners under the Resource Management Act. We draw on this experience as environmental regulators and experts in resource management in this submission.

Part 2.1: National Policy Statement for Infrastructure

11. **Q1-4:** The proposed NPS-I is attempting to fix something that is not broken. It is premised on a number of statements from the Minister, which are unsubstantiated and questionable. The Minister mentions a culture of 'no', which would appear to be a party political viewpoint. The Ministry for the Environment's data show that around 99% of consent applications are accepted. The few that have been refused are those that have particularly serious environmental consequences, and it is concerning that these may be allowed in by the back door of the Fast Track Act.
12. Similarly the statement that the RMA has obstructed growth and not enabled it, is mere speculation and a statement of opinion. The RMA has promoted sustainable growth. It has disallowed only the most egregious examples of environmental destruction.
13. Ngāti Rangi is open to changes in the RMA, which has become a cumbersome piece of legislation. It is significant that both this government and the former one have proposed alternatives. However, we will oppose any changes where the basis for environmental revisionism is predicated simply on property rights.
14. There is no reason why the interests of property owners should take priority over the objectives of the Resource Management Act. These include not only the environment, but tikanga Māori, other customary rights, health and safety, social cohesion and overall economic wellbeing.
15. In this regard, we are concerned that Treaty rights are not mentioned anywhere in the objectives of the proposed NPS-I. Te Tiriti o Waitangi, is a core founding document for our nation and it should be a core part of all legislative considerations.
16. **Q5:** Ngati Rangi oppose relaxing the exceptions that would allow infrastructure to be located in sensitive areas such as the coast. The term 'operational need' appears to be a catch-all that will allow destructive practices to be sited in sensitive areas simply because this is the cheapest option.

17. **Q7:** We certainly support the sharing of resources, including AEEs and other analyses. This is one way the RMA can be improved. This is something we have already addressed in our response to the Fresh Water discussion document (Q1).
18. **Q8:** Ngāti Rangi support the existing Honohono a Rohe provisions. Any consents, concessions or infrastructure changes should require consultation with tangata whenua.
19. **Q9:** It is concerning that the emphasis is on the convenience for the applicants, and not on the effects on others. Re-consenting should require a fresh look at all provisions of the consent, not just rubber stamping. This is the reason why consents have an expiry date. Several factors may have changed between the time of first consenting and the date of renewal. These could include:
 20. **Advances in knowledge:** We can provide an example from our own consenting process. Ngāti Rangi have been consulted on a consent extension for discharge to air. When the original consent was granted the main concern with particulates was those under 10 microns (PM10). Since then, more has been discovered about smaller particles (PM2.5) that can penetrate the lungs and get into the blood stream. These were discharged at dangerous levels, necessitating a refusal of the consent as written.
 21. **Changing legal requirements.** Advances in knowledge, awareness and interaction with the taiao has led to corresponding changes in legislation. One example is the requirement for fish passage, as stipulated in the National Environmental Standard for Freshwater. Any consent renewal application for a culvert or weir should have to comply with these provisions even if the original consent did not have to.
 22. **Changing environmental conditions.** Regulators should have the flexibility to change consent conditions or to refuse consents if for example the conservation status of a species has changed to threatened or endangered, if urban development near the site has made noise abatement a more serious concern, or if there has been an overloading of the wastewater treatment plant, rendering the infrastructure project unsustainable.
 23. **Behaviour of the applicant.** Applicants who have repeatedly violated consent conditions should be monitored more stringently or refused a consent when the time for renewal is up.
24. **Q10:** This government agrees with Ngāti Rangi that housing supply is in a critical condition. In some cases reverse sensitivity could apply, but this should be on a case-by-case basis. It makes no sense to allow a blanket rule that imposes reverse sensitivity

restrictions on new housing development close to a polluting or intrusive industrial estate. The health and wellbeing of communities should take priority over industrial profits.

Part 2.2: National Policy Statement for Renewable Electricity Generation

25. Electricity generation is of particular importance to Ngāti Rangī due to several historical and current events, as detailed below.
26. The pulp and paper mill run by WPI closed down in September 2024 citing high electricity prices as a major contributing factor. This led to the loss of over 250 jobs, as well as the knock-on economic effect on our local community. WPI had been discharging wastewater into the Whangaehu River. Ngāti Rangī have been in negotiations with WPI on how they can mitigate their impact. Since WPI has closed down, our river has been noticeably cleaner. Nevertheless, our stance is that we did not want WPI to close down. We recognised the benefits it had for our community. We did, however, want it to clean up its mess.
27. Manawa energy is using the Fast Track Act to gain permission to develop a huge wind farm in our rohe. Ngāti Rangī support renewable energy in general, but we are keen for the applicant to address our cultural and environmental concerns. A major concern for us is that the turbines are in the flight path of the endangered pekapeka (long tailed bat). Unlike the case with birds, who collide with turbines by accident and can be warned away with various devices, bats are attracted to turbines by the noise they make.
28. Genesis Energy divert water to the Moawhango Dam for electricity generation from the 22 tributaries of the Whangaehu River, including three major rivers. The Whangaehu catchment is contained in Te Waiū o Te Ika. This has special significance in our Deed of Settlement Rukutia Te Mana as '*a single and integrated whole*'. Recently Genesis agreed to return some of the water to our awa, and our relationship with Genesis has been more respectful.
29. Helios Energy have applied for a resource consent for a solar farm. Ngāti Rangī approved this.
30. The National Grid runs across our rohe, close to our ancestral maunga Ruapehu.
31. **Q12-16:** The issue with electricity supply, renewable or not, is that the present system allows private companies to prioritise short term economic gain over what is best for society or the environment. This cannot be solved by simply tinkering with objectives.

It requires major legislative changes that will prioritise the provision of sustainable energy over the interests of energy and other suppliers. Some examples come to mind.

32. At a community meeting in Raetihi prior to WPI closing down, representatives from management, the union and the public all agreed that the government could keep the mill running if they wanted to with a stroke of a pen. They simply needed to direct their majority-shareholder gentailers to charge a fairer price.
33. According to the New Zealand Wind Energy Association, there are several on shore wind farm sites already consented and ready to go, but the developers are delaying construction until the price is right². Two wind farm operators off the South Taranaki Bight have withdrawn their applications due to an ironsands mine being given priority consent under the Fast Track Act in the same place. The operators state that offshore wind farms are incompatible with offshore mining due to damage to infrastructure.
34. The National Grid is vulnerable to damage from volcanic eruptions, with the corresponding ash clouds and pyroclastic flow.
35. Any changes to National Environmental Standards or any other legislation must start with the acknowledgement that cheap renewable energy is a public good, and that continuation of supply should take precedence over private profit. It may require legislative changes that go beyond delegated legislation under the RMA.
36. Such legislative changes would allow the WPI mill to continue operating. Continued supply of electricity at a fair price could be provided on the condition the mill cleaned up its discharges, including discharge to our Whangaehu River.
37. Such legislation would require Manawa and other on-shore wind farm providers to build in already consented areas. The bats would be saved. It would provide priority for off-shore wind production over destructive operations such as mining. It would also encourage development of solar farms such as Helios.
38. As a result, sustainable wind and solar farms would be common, fairly priced and will provide for human wellbeing and carbon reduction. This means that hydro power, which is considered renewable energy in spite of the damage to river ecosystems, will be phased out in favour of onshore wind, offshore wind and solar. The eastern and western diversions from Genesis will be reduced and finally stopped. The culturally significant

² <https://www.windenergy.org.nz/onshore-wind/onshore-windfarm-pipeline/>

Whanganui and Whangaehu Rivers will flow freely again.

39. Wind and solar farms would be able to generate electricity for local supply. Legislation that gives effect to public good concerns would ensure that there would be sufficient supply from smaller scale generators to cope with major damage to our national grid through natural disasters.
40. In terms of Table 3 on p. 24, local authorities, people and communities, applicants such as WPI and off-shore wind farms, and Māori groups responsible as tangata tiaki for the taiao, will all benefit. Our environment will also benefit long term.

Part 2.3: National Policy Statement on Electricity Transmission

41. **Q17-20:** Electricity transmission and distribution would also benefit from primary or delegated legislation that starts with the premise that electricity is a public good and requires regulation for the good of everyone. Electricity is so important and vital for human wellbeing that it should not be left to the vagaries of the market.
42. **Q21:** Ngāti Rangī supports objectives of reducing greenhouse gas emissions and improving human wellbeing with cheaper reliable electricity.
43. **Q22-23:** Ngāti Rangī support a policy that requires decision makers to place priority on community wellbeing and environmental sustainability, just as is the case for electricity
44. **Q24-25:** Ngāti Rangī support the electricity regulator selecting routes that will best serve community and environmental interests. This must include security of supply. The National Grid runs right through the Ngāti Rangī rohe, and it is located in a hazardous area near an active volcano. Security of supply could be better attained by allowing several smaller generators rather than relying on one concentrated grid.
45. **Q26:** Affected iwi should always be consulted through Honohono a Rohe and Tiriti provisions on any matters relating to electricity supply or distribution. Ngāti Rangī has an ongoing constructive relationship with Genesis and with Helios, and we are in negotiations with Manawa Energy over their wind farm proposal.
46. **Q27:** The existing RMA provisions provide for managing adverse effects and for allowing development in areas not protected by Section 6 of the RMA.
47. **Q28:** The existing RMA framework allows for balancing of both positive and negative

effects. This would include positive effects of listed on p.30.

48. **Q29:** The Electricity Act already allows routine works on existing infrastructure. An example is the Lines Company being allowed to trim trees that are too close to the network.
49. **Q30:** There are two policies that have not been mentioned. One is to encourage undergrounding where this is practicable. This will mean less damage to vegetation when trimming trees, and installing power poles. It will also mean less of an eyesore.
50. A more urgent policy, and one that would be best addressed by an Act of Parliament, would be to expand the scope of the EECA. This agency could collaborate with other agencies such as Kainga Ora to ensure that new builds are energy efficient, provide subsidies to allow insulation and retro-fitting, provide free or subsidised audits to households to encourage energy efficiency, and provide free advice over the phone or email. EECA could also provide research and policy advice on ways to reduce energy use overall, such as more efficient heating, lighting, building and urban design with conservation in mind.
51. This shift in policy from production to conservation would only work if electricity is declared in legislation as a public good and regulated accordingly. Profit making gentailers would have a conflict of interest in promoting energy savings as it would detract from profits.
52. **Q31-32:** Collaboration and consultation with developers and electricity suppliers to assure stability and energy efficiency would best be dealt with by an Act of Parliament and an electricity regulator responsible for managing supply and efficiency as a public good.

Part 2.4: National Environmental Standards for Electricity Transmission Activities

53. **Q33-35:** As a general principle, we do not support relaxing environmental standards. Any activity that is discretionary is discretionary for a reason. We note that requiring a resource consent for maintenance is more costly, so of course under the present for-profit model, electricity suppliers would lobby against this.
54. If electricity is regulated as a public good and not a commercial commodity, then it would be easier to ensure that necessary maintenance is done in a more sustainable manner, while keeping compliance costs down.

55. Our Taiao Management Plan supports any initiatives that will reduce emissions. We also support electric cars. We therefore commend any initiative that will improve EV charging infrastructure. This is particularly important in isolated rural areas such as ours where 'range anxiety' is a real concern.
56. **Q36:** We support any proposals that would restrict inappropriate development and subdivision under high voltage electricity lines. We would also support any initiatives that will prepare for rapid response in case the lines are damaged by an eruption.
57. **Q37-39:** As noted in our response to Q33-35 above, we do not support relaxing environmental standards.
58. **Q40-43:** We do not support relaxing environmental standards. We do support compliance with safety standards.
59. **Q44-45:** As a general principle, National Direction regulations are a minimum standard. It is appropriate that plans can be more stringent, but they should not be more lenient.
60. **Q46-47:** Charging EVs at home and at work is already permitted. If extra buildings or concreting is required then existing RMA provisions should be applied. In most cases a resource consent should not be required. Ngāti Rangī supports subsidies for EVs. These may take the form of rebates for EV purchases or allowing subsidised construction of fast charging outlets at homes or businesses.
61. **Q48-49:** Construction, operation and maintenance of EV charging infrastructure should follow existing RMA provisions. In most cases a resource consent should not be required. Since EV charging is a public good, then any compliance costs associated with discretionary consents could be subsidised under new regulations or acts. In return, suppliers should be limited in how much they charge.
62. **Q50:** Ngāti Rangī supports EV charging infrastructure for heavy vehicles. These are the ones that are generally more polluting and intrusive in their ICE version. Electrification is particularly appropriate for public transport. Charging infrastructure for larger vehicles is more likely to require a resource consent. Our response to Q48-49 still stands for these facilities.

Part 2.5: National Environmental Standards for Telecommunication Facilities

63. Ngāti Rangī is situated in an isolated part of the North Island. In addition, our staff often work in the ngāhere and on the maunga in areas that are even more isolated than the

town. Provision of reliable and strong telecommunications is therefore important for us.

64. Telecommunications also contribute to a lower environmental footprint generally. It allows more people to work from home and to conduct remote teleconferences, thereby cutting back on consumption of fossil fuels from car and aeroplane journeys. Ngāti Rangī therefore supports the provision of telecommunication facilities.
65. At the same time, we acknowledge that non-ionising radiation in high quantities may be harmful, and there are landscape values that require consideration. The NES-TF is set up to balance the needs for telecommunication with environmental and health considerations. The provisions in this section are technical and need to be discussed with experts in telecommunication and its effects.
66. We are however concerned with the one-sided consultation process. On p. 44 and p. 47 the document provides the point of view of telecommunication providers, stating what *'telecommunication providers have told the government'*. There is no indication of what other stakeholders, including communities, health professionals or iwi have advised.
67. Telecommunications, like electricity, can be considered a public good; one that keeps people connected and reduces fossil fuel use. It should therefore be treated the same way. Rather than a blanket relaxation of environmental standards, a better approach would be to reduce compliance costs through subsidies, and at the same time restricting the charges that private companies can levy for their services.

Part 3.1: National Environmental Standards for Granny Flats and

Part 3.2: National Environmental Standards for Papakāinga

68. Housing shortages is a concern within our rohe. This is exacerbated by most domestic housing in Ohakune being taken up by AirBnb and holiday homes. These are vacant for most of the year, while many of our local community are finding it hard to find warm, dry homes.
69. Another factor that restricts housing in rural areas is the overloading of waste-water treatment plants. Economies of scale allow efficient wastewater processing in Auckland and other large centres. Rural councils have a small pool of ratepayers to draw upon so their water infrastructure is often under-resourced.
70. In Ohakune, our wastewater treatment plant has been subject to an abatement notice for over a year due to being on the cusp of causing unacceptable leakage into the

Mangawhero River. This means that new subdivisions that may alleviate the housing crisis have to be put on hold. The scrapping of the Three Waters and the delay in establishing the Local Water Done Well entities means that this situation is unlikely to improve any time soon.

71. Ngāti Rangi therefore approve in principle any provisions that will assist with increasing our housing stock. We are particularly pleased with new provisions that will free up restrictions for building papakainga, although we also emphasize that environmental considerations should be taken into account. Rather than relaxing environmental provisions, we would prefer an option of subsidising or waiving compliance costs.
72. We also approve in principle the provisions of allowing granny flats. In this case we would support subsidy or waiver of compliance costs only where the 'granny flat' is not being used for commercial purposes.
73. We suggest that any government serious about alleviating housing poverty, particularly in rural areas, should also implement the following.
 - **Implement regulations, such as a 'ghost tax' on empty houses**, or other regulations to free up housing stock and to discourage owners from keeping their homes empty³.
 - **Restrict voting rights in local body elections to those who live in the region.** This will prevent out-of-towners from having inordinate power to stymie social housing initiatives, as has been seen in Ohakune with the Teitei Drive subdivision.
 - **Concentrate resources on fixing up existing housing stock** rather than new builds such as covered by the proposed 'granny flat' legislation.
 - **Provide subsidies for wastewater systems** and other infrastructure that will assist in new housing subdivisions.

Part 3.3: National Policy Statement for Natural Hazards

74. Ngāti Rangi is situated on the slopes of an active volcano that last erupted in 2007. In 1953 a lahar caused by an eruption swept a train off the bridge at Tangiwai, resulting in the death of 151 people.
75. Ngāti Rangi have lived on the slope of Ruapehu for around 1000 years, and we have

³ The Spanish government is making moves in this direction. 3 June 2025, The Independent: Spanish government's tourism warning after Airbnb ordered to remove thousands of rentals

become skilled in reading his moods. We are presently collaborating with Massey University on a research project on combining mātauranga Māori with established science in predicting danger from the mountain.

76. Ngāti Rangi is part of the disaster preparedness response and we work closely with GNS science, local councils, other iwi and the Department of Conservation to ensure the public is protected from disasters. **Q71:** We are therefore concerned that the risks from eruption have not been included in the proposed Standard.
77. **Q72:** There is no reason why primary production should not be included. The following are ways in which primary production could be affected by natural disasters
- A flood in 2018 caused 400,000 cubic metres of forestry slash to clog waterways, damage farms, and litter beaches.
 - Forestry could be a fire risk in the event of an eruption.
 - Animals on farms routinely drown in flash floods.
 - A tsunami that swamps an aquaculture facility could have major effects
 - Siting mines or quarries in areas subject to landslides would not be an intelligent thing to do
 - Mines could get flooded or collapse in earthquakes, increasing the risk to miners.
78. **Q73:** A National Direction instrument would be an appropriate way to manage hazard risk. This should include hazards from eruptions. The Whakaari disaster highlighted the need for national direction in other parts of the country.
79. **Q74:** We support this proposal. Local communities, including iwi, would have greater understanding of local conditions.
80. **Q75:** The proposed revisions should also improve decision-making for any new infrastructure or development, including primary production.
81. **Q76-77:** We support the concept of using both probability and consequences in risk assessment. What should also be considered is the cost and benefit of taking the risk, and who benefits or is harmed. Privatising gains and socialising risks is not acceptable.
82. **Q78-79:** We disagree that increasing process requirements for resource consents is

not appropriate. It can be particularly appropriate in many cases where the consequences are socialised and gains are privatised. “Growth” is not an excuse for this, unless the benefits of growth are shared by those who take the risk.

83. An example of the disproportionate distribution of risks and benefits is oil slicks, caused by either natural disasters or carelessness. In these cases when things went well, the oil companies gained. When things went badly, the environment, animals and coastal communities suffered. The Rena disaster provides another example closer to home.
84. **Q80-81:** It goes without saying that best available information should be used in risk assessment (or any other policy). But this requires adequate funding to science, including blue-skies research. This is contrary to the government policy to only funding science that can be readily commercialised.
85. **Q82:** Additional support, apart from research funding above, would be logistic support for disaster preparedness agencies. This includes iwi. During the Auckland floods in 2022, marae opened their door to environmental refugees washed out by floods, and contributed a great deal to the disaster effort. These need to be adequately resourced.
86. **Q82:** Agree the NZCPS should prevail.

DISCUSSION DOCUMENT – PRIMARY SECTOR

Part 2.1: National Environmental Standards for Marine Aquaculture

87. Ngāti Rangi is an inland iwi, so is not directly involved with marine aquaculture. We do however have an interest in preserving the environment, including the marine environment, and we stand in solidarity with coastal iwi.
88. Many coastal iwi have interests in aquaculture facilities. We do not oppose the industry as such. We do however acknowledge that aquaculture has the potential to damage the marine environment if not run intelligently and sustainably.
89. **Q1.** Being unable to change a farm structure without also changing the species they are farming does seem a valid complaint that can be amended. It appears as if this was a drafting error.
90. The second concern, that farmers are unable to add spat catching during consenting is not valid. There is nowhere in the regulations 26,29,32 and 35 that state farmers require a consent to add spat catching to farms already farming bivalves, which is the

way that an official described this concern during the consultation event.

91. These regulations do state that farmers are not allowed to alter the sub-surface structures without a consent. Far from there being 'no rationale for this prohibition' as stated by the discussion document, a ten minute search on Google pulled up a DOC report from 2003, which mentioned reported exclusion of dolphins from mussel farm areas, and entanglement and death of whales as rationale. The report continues with discussions on how the construction of large-scale mussel farms across the seasonal migration route of large whales is 'particularly worrying'⁴. Using Google Scholar on citations for this report revealed a more recent review by international scientists on the dangers of finfish and shellfish aquaculture on the attraction and repulsion of mobile wild organisms⁵
92. Adding spat catching where this alters sub-surface structures should require a separate consent. This discussion document needs to address valid concerns as demonstrated in the academic studies above, and as validated by past events.
93. We agree a consistent approach to consenting is necessary. Consistent does not mean slack. Any procedures for consenting need to be worked out in consultation with experts.
94. **Q2&3.** We oppose any more lenient provisions, except for those that are correcting drafting errors. Based on their lack of knowledge or research ability demonstrated in our response to Q1, we have no confidence in the ecological expertise of the Minister's office.
95. **Q4-6.** We oppose any more lenient provisions. Ecology is complex and there could be many unintended consequences. Spat rope entangling marine mammals and birds is just one example that the minister's office did not pick up. Any proposed changes must be made in consultation with experts before going out to public scrutiny.
96. **Q7-9.** We see no objections in making small scale monitoring of water conditions a permitted activity. This would save costs for minor monitoring procedures. Ngati Rangī conduct a great deal of monitoring in our own waterways to understand them better.
97. We do however object to bypassing Tiriti Rights, including those provided for by

⁴ Lloyd, B. (2003) Potential effects of mussel farming on New Zealand's marine mammals and seabirds: a discussion document. Department of Conservation

⁵ Callier, M. D., Byron, C. J., Bengtson, D. A., Cranford, P. J., Cross, S. F., Focken, U., & McKindsey, C. W. (2018). Attraction and repulsion of mobile wild organisms to finfish and shellfish aquaculture: a review. *Reviews in aquaculture*, 10(4), 924-949. <https://onlinelibrary.wiley.com/doi/pdf/10.1111/raq.12208>

legislation. It is of particular concern that the discussion document frames this as a good thing. Iwi and hapū with statutory customary rights should not only be consulted before any monitoring takes place, they should be involved in the monitoring activity as much as practicable.

Part 2.: National Environmental Standards for Commercial Forestry

98. Ngāti Rangī owns the land that contains hectares of the Karioi pine forest. The forest is leased to Ernslaw One. Until the mill closed down in September 2024 due to high electricity prices set by government-owned companies plus decline in demand, the WPI sawmill and pulp and paper mill processed the Ernslaw One trees. WPI provided employment to our community and uri and also contributed generously to the community. Ngāti Rangī certainly have an interest in keeping the forestry and wood processing industry going.
99. At the same time, we acknowledge that forestry and wood processing when not conducted with sustainability in mind, is a destructive industry. This is not only due to slash and other concerns in the NES-FM, but also discharges of wood effluent into our waterways, and particulate matter into the air.
100. Our position is that we support environmental controls on forestry and wood processing. We support a continuation of the timber industries, while also promoting research and development into transitioning to alternative less destructive land uses.
101. **Q10.** Section 6(1)(a) should stand. It gives effect to Te Mana o Te Wai, which Ngāti Rangī support. See our submission on the Freshwater discussion document.
102. Under the heading 'treaty considerations' the discussion document states that repealing 6(4A) may reduce the influence of tangata whenua on forestry management in areas over which they are kaitiaki. Ngāti Rangī takes its role as tangata tiaki seriously. We also own land that is placed in forestry. We therefore oppose repealing this regulation. It may not have been applied before, as the discussion document points out, but this in no way implies it will not be applied in the future.
103. **Q11.** The regulations as they stand are perfectly clear and certain. The amendments proposed have nothing to do with 'clarity' and 'certainty'. They have everything to do with lowering environmental standards, which we oppose.
104. **Q12.** Ngāti Rangī has a stake in commercial forestry. We consider however that factors other than commercial gain should be considered when setting environmental policy.

105. **Q13-19.** We see nothing wrong in principle with a slash management risk assessment approach. It must however be formulated by suitably qualified scientists independent of the forestry industry and the minister's office. This must be followed by consultation with experts and with stakeholders, which includes iwi.
106. We are however concerned with the way that the present regulations are denigrated by the discussion document. In 2018, Ernslaw One was responsible for 400,000 cubic metres of forestry slash clogging waterways, damaging farms, and littering beaches. They were found to be in breach of the RMA and fined a total of \$355,000 in 2024. They lost their Forest Stewardship Certification as a result.
107. Given the damage that slash causes, any regulations that restricts slash being washed down would help mitigate the damage from slash. This should be a matter of common sense. In stating that there is no evidence for any effect, the discussion document makes the common error of confusing absence of evidence with evidence of absence.
108. The burden of proof must be on those denying common sense conclusions.
109. This is enshrined in environmental law and policy as the precautionary approach. If there is a possibility, based on common sense, that something may be environmentally harmful, the burden of proof is on the polluter, not the regulator.
110. Principle 15 of the Rio Declaration on Environment and Development (1992) states that: *"in order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation"*.
111. The precautionary approach is also in the preamble to the Convention on Biodiversity, which New Zealand is a signatory to. This states that : *"where there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimize such a threat"*.
112. The idea of the precautionary approach is that stakes as well as odds need to be considered. To use global climate change as an example. When the effect of global warming was first mooted, there was less certainty of its effects than there is now. However, if we assumed global climate change is not real and continued to pollute, the effect could be disastrous. If we assumed it is real, and we turned out to be wrong, the effect would be comparatively minor. There would also still be other benefits such as

cleaner air.

113. The same can be said with slash. If we assume that the regulation 69 is ineffective and we are wrong, the disaster in Gisborne shows that the results could be catastrophic. If we assume they are effective and we are wrong, this just means some inconveniences for forestry operators (including Ngāti Rangī). These will be compensated for or even outweighed by other positive results from controlling slash. Our view is that until a scientifically robust and fully consulted Slash Management Plan is in place, the regulations should stand.
114. **Q20.** Schedule 3 sets out the requirements for afforestation and reforestation plans. It includes maps of the area, location of wetland, rivers and drinking water supplies, and slash storage areas. It requires sediment management plans and consideration of effects. All these requirements are reasonable given that planting and replanting forests can have environmental effects. The requirements are also in line with standard AEE requirements for resource consents.
115. We support the retention of the requirement for afforestation and replanting plans (Regulations 10A and 77A). The fact that such plans are already required for quarrying, earthworks and harvest are immaterial. A plan should be required for any activity that is likely to have environmental effects.
116. **Q21.** The word 'debris' is mentioned 22 times in the NES-CF. It should therefore not be removed. The word 'woody' could be removed instead, so it is clear it refers to any sort of debris.
117. We don't understand what is meant by *'the proposal is to amend wilding tree risk and control regulations 11(4)(b) and 79(5)(b) to simplify wording and link the required activity to the notice requirement'*. We therefore oppose this.
118. We support the amendment to 71A(b). This appears to have been a drafting error.

Part 2.3: New Zealand coastal policy statement

119. Although Ngāti Rangī is an inland iwi, we have links to the coast through Te Waiū o Te Ika. As set out in our Deed of Settlement Rukutia Te Mana, this comprises the entire catchment of the Whangaehu River including all tributaries lakes and wetlands connected to the awa, from Te Wai ā-moe (Crater Lake) to the sea. Te Waiū-o-Te-Ika is a living and indivisible whole, comprising physical, mineral and metaphysical elements, giving life and healing to its surroundings and communities

120. The Whangaehu River is an example of a naturally acid waterway from volcanic activity. It is the mineral content of the water that gives it the range of colours.
121. The minerals from our maunga enrich the moana. Ngāti Rangi traditions state how whales would congregate in the sea by the Whangaehu estuary to take advantage of the healing waters from the dissolved minerals. This is where the name Te Waiū o Te Ika (the milk of the fish) comes from.
122. There is some historical evidence for this from Wakefield's account in his 1839-44 notes⁶. Wakefield describes the South Taranaki Bight from Cape Egmont to Kapiti, as 'Mothering Bay', because it was a calving ground for the Tohorā whale (*Eubalaena australis*).
123. Regrettably, the decimation of this species by the whaling industry put an end to this context. We look forward however to a time when the whale population has recovered sufficiently for 'Mothering Bay' to exist once more. Ngāti Rangi therefore have an interest in preservation of the coastal ecosystem, particularly the South Taranaki Bight where Te Waiū flows into.
124. The ocean is also an important habitat for the tuna (long finned eel), a taonga species in our inland waterways. Present knowledge places the spawning ground close to New Caledonia or Tonga. Young glass eels then drift to the New Zealand coast and migrate up estuaries. Unpolluted, nutrient rich ocean water is essential for this. The ecology of migratory fish species is just one demonstration about how the whenua and the moana are interlinked. When one suffers, so does the other.
125. Ngāti Rangi therefore stand in solidarity with coastal iwi in protecting our moana.

What problems does the proposal aim to address?

126. The RMA and its delegated legislation seek to balance environmental, cultural, social and economic factors. Economic activity is therefore only one aspect of resource management. The coastal policy statement similarly places higher value on environmental, cultural and social aspects. This can be seen in the seven objectives, which cover:

- **Objective 1&2:** Environmental

⁶ Cited by Robn Burgess (1997). *Whaling: thematic study*. Report prepared for the Department of Conservation.

- **Objective 3:** Cultural (Tiriti o Waitangi and tāngata whenua)
- **Objective 4:** Social and cultural (recreation)
- **Objective 5:** Social (safety)
- **Objective 6:** Social, economic, cultural
- **Objective 7:** International obligations.

127. The principal act and the delegated Coastal Policy Statement place environment, social and cultural concerns before economic ones. When economics is mentioned it is about 'economic wellbeing' of society. As we mentioned in our submission on freshwater national direction changes, provision for specific economic activities such as minerals extraction goes well beyond this.

128. **Q22.** As presently worded, policy 6 (1)(a) and 6(2)(a), recognise the potential of some forms of development for social, economic and cultural well-being of communities. Renewable energy and extraction of minerals are two specific examples given. The proposal however is to reword this so that these are 'required', using similar wording policy 9 on ports.

129. This is a dangerous change because it is giving priority to large scale potentially destructive development over smaller scale development that may equally provide for 'social economic and cultural well-being'. Such favouritism to particular extractive industries has no place in a National Direction document that is about sustainable development.

130. **Q23.** The proposed provisions to provide priority to mining and large scale electricity production over other forms of sustainable development would not ensure that wider coastal and marine values are appropriately considered. They are not designed to. As the discussion document states, they are designed to 'elevate the importance' of 'priority activities'.

131. Ngāti Rangi supports settlement acts that provide compensation for past wrongs. We support the Maori Commercial Claims Settlement Act 2004. However, we are also tangata tiaki for the environment. We therefore cannot support construction of aquaculture without due process to ensure the environment is protected.

132. A better way to both protect the environment and the rights of coastal iwi would be to

waive fees for resource management consents and assessments of environmental effects. If the AEEs could be shared on a central database, as suggested in Q1 of the Fresh water discussion document, then this could benefit everyone in the industry.

133. Regarding social and economic benefits of aquaculture, these are obvious in terms of creating employment. Cultural and environmental benefits are less obvious. In fact aquaculture activities can be damaging to the environment, as discussed in our response to Q1. The best that can be said for aquaculture is that it may be less damaging than commercial fishing, or animal agriculture on land. But these are arguments for more sustainable fishing and land agriculture, or transitioning to a low emissions plant-based economy as suggested by the Productivity Commission in 2018. They are not arguments for promoting another potentially destructive activity.
134. Q25. Ngāti Rangī do not support the proposed changes, nor any others.

Part 2.4: National Policy Statement for Highly Productive Land

135. Most of the land around Raetihi, Ohakune and the main road corridors where Ngāti Rangī is based is LUC3. There is certainly a shortage of housing around our area, so we would support any means of loosening restrictions. At the same time, the council wastewater treatment plant is presently non-compliant and subject to an abatement notice. In keeping with most rural councils, it does not have the resources to service more properties, and this is unlikely to change until the new Local Water Done Well entity is established.
136. If the government wishes to free up land for urban development, changing zoning regulations is only part of the solution. It also needs to ensure that infrastructure is fit for purpose.
137. **Q25.** Ngāti Rangī would support LUC3 land being freed up for urban development, as this would alleviate the housing crisis. We are more cautious about allowing rural lifestyle development. Any changes in the LUC3 designation need to be accompanied by infrastructure improvements.
138. During discussions with Ministry officials, we were told that the purpose of the NPS-HPL was not so much food security, which would be better addressed by promoting a low emissions plant-based economy, but protecting the carefully built-up soil. Soil is a taonga. This being the case, the best use for such a taonga would be to reforest or rewild into suitable native vegetation. This could be done in conjunction with urban

development by requiring appropriate native planting on all subdivisions.

139. **Q26.** We would support any provisions that would allow for more affordable housing. We would not support plan changes for developments that would put housing out of the reach of ordinary people, such as developing more ski lodges, holiday homes or hotels.
140. **Q27.** Consequential amendments are matters best left to experts such as the Parliamentary Counsel Office.
141. **Q28-Q30.** We suggest that Special Agricultural Areas be applied to present LUC1-3 land in places where there are local initiatives in place to establish sustainable horticulture as an alternative to more environmentally destructive land use, or where there is present reliance on single industrial sites like WPI for employment. This will allow the NPS-HPL to fulfil its original purpose of food (and economic) security. It will also have an environmental protection function.
142. **Q31.** Ngāti Rangi are submitting separately on the discussion document for Freshwater.
143. **Q32.** Ngāti Rangi oppose the proposed changes to the RMA. The matter is therefore moot

Part 2.5: Multiple instruments for quarrying and mining provisions

144. **Q33-34.** Our Taiao Management Plan opposes mining and quarrying except in special circumstances. We support the way that the NPS-IB and NPS-FM protect biodiversity and freshwater respectively. While we have less respect for the NPS-HPL and would allow LUC3 land to be used for urban development, we oppose allowing LUC3 land for mining and quarrying. It is extractive and destructive. The land would be better used for sustainable growing.
145. The changes state they are interested in 'consistency'. This could be just as easily achieved by adjusting rules so they are the same as the strictest out of the National Direction instruments. They could make them consistently strong. Instead they choose to make them consistently weak, demonstrating their true agenda.
146. **Q35.** "Operational need" should not be added. This simply removes protections against extractive industries.

Part 2.6: Stock exclusion regulations

147. **Q36.** Degradation of waterways has accelerated with the expansion and intensification

of animal agriculture. Major pollutants carried by animals include faecal coliforms, nitrogen and phosphorus (nutrients) and sediment⁷. A public meeting hosted by Horizons on proposed changes to their One Plan last year confirmed that most rivers and streams within their area are over the limit for these pollutants allowed by the One Plan.

148. The Stock Exclusion Regulations place some restrictions on grazing animals close to waterways, but they are woefully inadequate in protecting water bodies. Dairy cows and pigs are fully restricted from streams, but bovines raised for beef as well as deer are only restricted from low slope land. Sheep are not excluded at all.
149. Low slope land is a proxy for intensity. The idea being that a few animals will not do any harm. The regulations make no biological sense. All grazing animals contribute to major pollutants, including sheep. High slope land may mean fewer animals, but the steeper slope means that harmful silt, nutrients and faecal coliforms will wash into rivers faster.
150. The Ngāti Rangi Taiao Management Plan excludes all unfenced grazing animals from near streams. This is based on tiaki taiao, science and consistency. Our Taiao Management Plan provides 'clarity' and 'certainty', something this discussion document promotes as a good thing.
151. The Stock Exclusion regulations need to be tightened in line with scientific findings and the laws of physics. It makes no sense to loosen them.
152. As far as comparing costs to benefits, the benefit is always to an individual. The losses are to the ecosystem. Some may argue that animal farmers are providing positive externalities through employment, so there is a public good. In this, they are no different from any other business. A case could certainly be made for public subsidies to those employing locals. However, this should be based on the number of staff, not the type of business. It should also be paid by Treasury, not by the taiao.
153. Other argue that what is good for farmers is good for the country, that private wealth will magically 'trickle down'. This theory has been continually discredited by reputable economists and does not even need to be considered. Prosperity is best achieved by increasing funds to the less well off, who will spend it in the community.

⁷ Prickett, M., & Joy, M. K. (2024). Aotearoa New Zealand's new Government proposal to remove hard-won protection for waterways will worsen the country's freshwater crisis. *Inland Waters*, (just-accepted), 1-20.

Section 3: Implementation of primary sector instruments

154. **Q37-38:** 'As soon as practicable' stresses the level of urgency and seriousness that is required for environmental protection, while also allowing leeway in cases where immediate implementation would be too difficult. It should remain.
155. **Q39:** It is perfectly reasonable to require all plan changes to fully implement a national policy statement before or at plan review. Exceptions can be dealt with on a case-by-case basis, where immediate change may not be 'practicable'.
156. **Q40:** When it comes to environmental protection, non-statutory provisions (aka 'self-regulation') does not work, as can be seen in the history of freshwater protection. Voluntary provisions such as the 'clean stream accord' have been ineffective. This can be compared to the effectiveness of statutory instruments such as Te Mana o Te Wai, as stipulated in the NPS-FM.⁸

⁸ Prickett, M., & Joy, M. K. (2024).