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**Submission to discussion documents to inform resource management reform  
of regulation of infrastructure and development and the primary sector  
(packages 1 and 2)**

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**Ngāti Kahungunu Iwi**  
I N C O R P O R A T E D

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## Introduction

1. **Ngāti Kahungunu** has the third largest iwi population (95,751<sup>1</sup>) and the second largest tribal rohe and coastline, from Paritu on the coast north of Wairoa and extending inland across the Wharerata ranges down towards Tararua ranges and Turakirae on the southern Wairarapa coastline.

The mission of Ngāti Kahungunu Iwi Incorporated is:

*“To enhance the mana and well-being of Ngāti Kahungunu”.*

2. The iwi authority maintains an independent position to advocate for the rights and practices of Ngāti Kahungunu. Tāngata whenua hold significant connection to the natural environment, this includes an obligation to tiaki (care and protect) the natural environment for future generations.
3. This submission is made on behalf of Ngāti Kahungunu Iwi Incorporated representing the aspirations and rights of the iwi in the context of the discussion documents to inform resource management reform of regulation of infrastructure and development and the primary sector. We highlight the importance of upholding Te Tiriti o Waitangi, self-determination and partnership, prioritising environmental stewardship, and adopting nature-based solutions that align with tikanga Māori.

## Submission – Package 1: Infrastructure and Development

4. Ngāti Kahungunu Iwi Incorporated does not support the use of a risk-based approach to natural hazard management as proposed in Package 1. Our preference is for a precautionary approach, grounded in whakapapa, mātauranga Māori, and lived experience. This includes strong planning constraints on residential development—including papakāinga—in areas exposed to flooding (including climate-enhanced rainfall and catchment changes), coastal erosion and inundation (including sea level rise), tsunami risk, and liquefaction-prone soils.
5. Our recent experiences during Cyclone Gabrielle provide a stark reminder that the planning system must no longer treat extreme weather events as “low probability” outliers. We are actively engaged in reimagining our relationship with rivers and the broader water system—moving away from engineered control toward nature-based solutions that are adaptive, grounded in tikanga, and designed to restore rather than resist the taiao.

## Risk vs Precaution – Why the Government’s approach is Incompatible

6. We are concerned that the proposed policy shifts in Package 1 are based on an increasingly technocratic, probabilistic, and “acceptable risk” framing. These include: the planned National Policy Statement on Natural Hazard Risk, and provisions enabling housing and infrastructure where “residual” or “tolerable” risk is deemed acceptable by councils.
7. From the Ngāti Kahungunu perspective:
  - i. Risk-based thinking focuses on outcomes after harm has already occurred or been narrowly modelled.

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<sup>1</sup> <https://tewhata.io/ngati-kahungunu-collective/>

- ii. It allows infrastructure to be approved if the likelihood of failure is low, even when the consequences (loss of life, cultural sites, environmental destruction) are catastrophic.
  - iii. It fails to honour mātauranga-informed understandings of place, where past flooding, shifting river paths, or signs in the whenua are part of our inherited knowledge of danger and resilience.
8. Precaution, by contrast, is proactive. It asks: “What does it mean to live safely and respectfully within a dynamic natural system?” It prefers avoidance and restoration, not simply impact mitigation.

**Cyclone Gabrielle and the Case for a Precautionary Paradigm**

9. Ngāti Kahungunu whānau, marae, and hapū were directly affected by Cyclone Gabrielle. Some communities were left isolated, inundated, and without lifelines for days. Importantly, some marae are located in areas that have flooded before and are likely to again. We have observed river systems forced to adapt to land use change and stopbanks—this made flooding worse for some communities. In some cases, Māori land was lost, but was not formally recognised as having flood protection deficiencies due to outdated hazard maps or planning assumptions.
10. In response, we are working to reimagine flood protection, drawing on nature-based solutions. Restore floodplains and allow rivers room to move, and are considering relocation and managed retreat options, where appropriate and led by the community.
11. These approaches are not compatible with a risk-based consent pathway that continues to allow ad hoc development behind a façade of "managed" hazard risk.

**Specific comments on the Proposed NES for Papakāinga**

12. Ngāti Kahungunu Iwi Incorporated supports the intent and direction of the proposed National Environmental Standard (NES) for Papakāinga. The proposal acknowledges the fundamental right of tāngata whenua to live on, develop, and sustain a relationship with their ancestral lands in a way that reflects mātauranga Māori, tikanga and traditional models of Māori commerce—where living, working, and thriving are integrated on the whenua.
13. As highlighted in our previous submission on the now-repealed Natural and Built Environments Act, only approximately 3% of Aotearoa’s land base remains in Māori ownership, and much of this whenua is burdened by planning regimes and institutional barriers that restrict our ability to be true tangata whenua—people of the land, exercising tino rangatiratanga and kaitiakitanga. The NES for Papakāinga represents a rare and overdue regulatory effort to remove inequitable restrictions and enable whenua Māori to be developed in culturally appropriate, resilient and self-determined ways.
14. We note the following areas of strong alignment with the policy intent:
- i. Recognition of Whānau-Led Living and Commerce: The NES enables the co-location of housing, kainga-based enterprise, māra kai, and papakāinga structures. This aligns with traditional patterns of Māori settlement and supports intergenerational living and

wellbeing. We support the recognition of these holistic models as valid and desirable planning outcomes.

- ii. **Correcting Historical Planning Injustices:** Historically, tangata whenua have faced disproportionately high planning barriers to developing our own whenua. The NES appropriately shifts the burden of justification away from tangata whenua and toward local authorities and agencies. We urge that implementation guidance and funding also be provided to support capacity within iwi, hapū and whānau.
- iii. **Enabling Self-Determination and Reconnection:** The NES supports an enduring kaupapa: the restoration of ahi kā, mana whenua, and our ability to enact rangatiratanga on the whenua. It must be ensured, however, that this standard is not undermined by broader planning frameworks (e.g. regional spatial strategies, infrastructure overlays) that override papakāinga development zones in the name of national or economic priorities.

### **Recommendations**

15. We support the NES for Papakāinga in principle and recommend the following:

- i. **Strengthen legal status of the NES:** Ensure its provisions cannot be overridden by regional spatial planning instruments that prioritise infrastructure, urban intensification, or environmental protection in ways that limit Māori land use without due regard to tino rangatiratanga.

16. **Clarify permitted activities:** Ensure that a wide range of papakāinga-related activities (including māra kai, kaimoana storage, small-scale commercial uses, communal infrastructure) are explicitly included as permitted or controlled activities.

- ii. **Support capacity building:** Resource hapū and iwi to develop papakāinga planning frameworks and support mātauranga-led design through funding and technical assistance.
- iii. **Respect for tikanga and mana whenua design:** Encourage local authorities to defer to mana whenua-led planning and design frameworks, consistent with the "Mana Whenua Design" principle articulated in our 2023 submission.

17. The proposed NES for Papakāinga is a rare and commendable step toward supporting Māori communities to reclaim and reinhabit our ancestral lands on our own terms. It represents a move away from the colonial legacy of land planning and toward a future of Māori-led development and resilience. Ngāti Kahungunu supports this proposal, and urges its timely implementation with robust legal protections and adequate resources for those it is intended to empower.

### **Papakāinga and Natural Hazards – A Balanced View**

18. While we strongly support the proposed NES for Papakāinga, we must make it clear that papakāinga development must not come at the expense of safety, mauri or the long-term wellbeing of our people.

19. It is not consistent with tikanga or intergenerational care to enable housing on floodplains, tsunami evacuation zones, or liquefaction zones without clear, iwi-led hazard assessments and

retreat planning. Just as mainstream housing should be relocated away from high-risk areas, so too should papakāinga be developed in safe, climate-resilient locations, and funded accordingly.

## **Recommendations**

20. We recommend the following:

- i. Reject a risk-based policy direction and hence do not adopt the proposed risk-based NPS on natural hazards. Remove the ability for infrastructure or housing to proceed in high-hazard zones under an “acceptable risk” standard.
- ii. Adopt a precautionary framework which requires national direction and regional plans to identify no-build zones for high-hazard areas (floodways, erosion-prone cliffs, tsunami zones). Prioritise avoidance of exposure, not just structural mitigation. Promote managed retreat in partnership with tangata whenua.
- iii. Resource Iwi-Led Hazard and Floodplain Planning: Provide funding and support for iwi and hapū to develop tikanga-based hazard assessments, including matauranga Māori and historical flooding data. Enable hapū-led floodplain maps to be included in planning frameworks.
- iv. Prioritise Nature-Based Solutions: All national direction and consenting frameworks should require assessment of nature-based alternatives, including room-for-river strategies, wetland restoration, and strategic retreat. Promote integration of mātauranga Māori and ecological design in hazard mitigation planning.

## **Conclusion**

21. Ngāti Kahungunu urges the Crown to shift away from a narrow, risk-based development model toward a precautionary, place-based, and intergenerational paradigm that is better aligned with the realities of climate change, lived Māori experience, and Te Tiriti o Waitangi.
22. The purpose of environmental and development planning must be to protect people, places and whakapapa—not merely to enable infrastructure under a veneer of “acceptable risk.”

## **Submission – Package 2: Primary Sector**

23. Ngāti Kahungunu Iwi Incorporated welcomes the opportunity to comment on the proposals contained within Package 2 of the Resource Management System reforms, which focus on the primary sector and its interaction with land and freshwater resources.
24. As a large iwi with a diverse rohe extending across productive rural landscapes, forestry blocks, significant freshwater catchments, coastal marine environments, and customary fisheries, Ngāti Kahungunu has a long-standing interest in the sustainable management of natural resources. This interest is underpinned by kaitiakitanga responsibilities and a commitment to the intergenerational wellbeing of both our people and the environment.
25. The iwi's position is informed by decades of involvement in regional planning processes, resource consent matters, and environmental monitoring. In this context, Ngāti Kahungunu acknowledges the critical role that primary industries play in regional economies, including their potential to contribute to local employment and whānau prosperity. However, the iwi is equally concerned that ongoing environmental degradation — particularly in freshwater ecosystems and coastal receiving environments — reflects an imbalance between productive land use and the health of the natural world.
26. Ngāti Kahungunu therefore approaches these reforms with a focus on:
  - i. Ensuring that land and water use gives effect to Te Mana o te Wai,
  - ii. Strengthening environmental safeguards rather than weakening them, and
  - iii. Embedding tangata whenua values and governance roles into decision-making processes.
27. While some proposals within Package 2 may be enabling for Māori land development or offer regulatory clarity, others risk undermining environmental baselines, sidelining mātauranga Māori, and entrenching patterns of cumulative degradation. This submission offers targeted comments on several proposals within Package 2, including the proposed National Environmental Standard for Marine Aquaculture, changes to the National Environmental Standard for Commercial Forestry, amendments to the New Zealand Coastal Policy Statement and National Policy Statement for Highly Productive Land, and new provisions that seek to enable extractive industries such as quarrying and mining within sensitive freshwater and biodiversity areas.
28. In each case, Ngāti Kahungunu provides recommendations to better align the proposals with Te Tiriti o Waitangi, the principles of sustainable management, and the iwi's own policy objectives.

### **National Environmental Standard for Marine Aquaculture**

29. Ngāti Kahungunu Iwi Incorporated cautiously supports the development of a National Environmental Standard for Marine Aquaculture only where it enables restoration-focused, iwi-led innovation and provides strong protections for coastal ecosystems and tikanga-based marine management.
30. The NES must not simply streamline or deregulate industrial-scale aquaculture. Instead, it must

support tikanga-aligned use of consented space, enable iwi-led research and innovation, and ensure mana whenua decision-making in ecological effects management, especially for taonga species and customary marine areas.

### **Kahungunu Context – Existing Consents and Aspirations**

31. Ngāti Kahungunu has existing consented marine space that is actively being explored for a spat catching trial and nursery functions for green shell mussels. This initiative is intended not only for commercial return but for enhancing local spat supply chains, building regional aquaculture knowledge systems, and understanding cumulative ecological effects of aquaculture on benthic environments and biodiversity.
32. We are not passive stakeholders. We are knowledge holders, innovators, and Treaty partners. A functioning NES must reflect and uplift that role.
33. The concerns with the current NES direction are that while the proposal is framed as “improving consistency and efficiency,” it risks undermining regional variability in ecological, cultural, and hydrodynamic conditions.
34. Moreover, the NES appears to treat aquaculture as a purely commercial land use, rather than recognising the inherent tikanga and mātauranga responsibilities attached to marine space.

### **Recommendations**

35. We recommend the following refinements to the NES for Marine Aquaculture:
  - i. Explicitly Provide for Iwi-Led Research and Trial Activities
  - ii. Embed Cultural Effects Assessment Requirements Support and Fund Iwi Ecological Monitoring
  - iii. Protect Non-Commercial Customary Marine Areas
  - iv. Require Nature-Positive Innovation.

### **National Environmental Standard for Commercial Forestry (NES-CF)**

36. Ngāti Kahungunu does not support the proposed changes to the NES-CF in their current form, particularly those that seek to simplify or weaken regulatory oversight for plantation and exotic forestry. The environmental, cultural, and social impacts of poorly regulated forestry are significant in our rohe and downstream environments.

### **Context and Concerns**

37. Post-harvest woody debris and sediment runoff from commercial forestry has devastated catchments during major storm events (e.g. Gabrielle). Forestry operations have at times proceeded without engagement or without full understanding of cumulative hydrological and ecological effects.

### **Recommendations**

38. We recommend the following:

- i. Strengthen environmental thresholds
- ii. Require Te Mana o te Wai assessments for forestry operations
- iii. Establish mandatory post-harvest recovery plans
- iv. Include iwi authorities in pre-harvest environmental certification

#### **New Zealand Coastal Policy Statement (NZCPS)**

39. Ngāti Kahungunu supports the retention and strengthening of the NZCPS, particularly policies related to:

- i. Recognition of tangata whenua values
- ii. Preservation of natural character
- iii. Avoidance of inappropriate development

#### **Recommendations**

- i. Do not dilute precautionary or natural character policies
- ii. Include Te Mana o Te Moana as a guiding principle
- iii. Recognise iwi/hapū coastal plans and indicators

#### **National Policy Statement for Highly Productive Land (NPS-HPL)**

40. Ngāti Kahungunu supports the intent to protect highly productive soils, but the NPS-HPL must be carefully balanced with māori land aspirations and customary kai systems.

#### **Recommendations**

41. We recommend the following:

- i. Broaden definitions of "productive use"
- ii. Prevent NPS-HPL from blocking papakāinga
- iii. Require engagement before zoning Māori land

#### **Quarrying and Mining Provisions – Across Multiple Instruments**

42. Ngāti Kahungunu is cautious about proposed amendments to enable more aggregate extraction under the NPS-IB, NPS-FM, NES-FW, and NPS-HPL. While there may be opportunities to align extraction with flood management and ecological restoration, this must give effect to Te Mana o te Wai and uphold iwi values.

#### **Kahungunu Example – Integrated River and Gravel Management**

43. Ngāti Kahungunu supports gravel extraction from river berms only where it aligns with stopbank reconfiguration and floodplain restoration, enhances aquifer recharge capacity, and involves hapū-led planning and monitoring.

## Recommendations

44. We recommend the following:

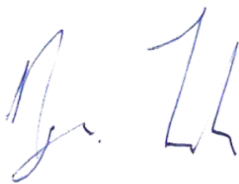
- i. Align quarrying with Te Mana o te Wai
- ii. Prohibit activity near culturally sensitive sites
- iii. Require iwi-developed cultural thresholds
- iv. Support regional strategies with co-governance

## Final Note

45. Ngāti Kahungunu supports a primary sector that feeds our people, restores our rivers and ocean, and honours our obligations to future generations. That will not be achieved by deregulation, but by planning grounded in whakapapa, intergenerational foresight, and the lived experience of whānau who are in daily relationship with the land and water.

46. For any additional information on this submission, please contact Ngaio Tiuka, Pouarataki – Te Taiao me ona Rawa (Director of Environment and Natural Resources), [ngaio@kahungunu.iwi.nz](mailto:ngaio@kahungunu.iwi.nz).

Nā,



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