



Te Kaahui o Rauru

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Ministry for the Environment
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Teena koe,

Proposed Changes to National Direction for Package 2 the Primary Sector

We appreciate the opportunity to provide a submission on the national direction for package 2, the primary sector.

It is concerning that the Government is replacing the Resource Management Act with new legislation premised on property rights.

Property-rights-based environmental laws give legally recognised, often tradable rights to individuals or groups to use natural resources. This represents a shift away from public-good regulation and central planning toward more market-based mechanisms but must be designed carefully to uphold Te Tiriti o Waitangi, protect the environment, and avoid inequities—especially for Maaori.

Maaori have been unwavering in balancing their interests in resource management, and its care in accordance with Te Tiriti and tikanga Maaori, without inappropriately pitting these priorities against economic opportunity. These changes to national direction instruments for the primary sector, as they stand, directly conflict with these priorities and with Section 8 of the Resource Management Act 1991.

The proposals are attempts to lower environmental regulation to achieve economic viability which begs the questions – how sustainable are these activities? We encourage the Government to ensure a resource management systems and primary sector that is holistic, sustainable and productive for our current and future generations.

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Introduction

1. This submission is made by Te Kaahui o Rauru on proposals to amend policy instruments that relate to the primary sector, including:
 - (a) Amendments to Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020
 - (b) Amendments to Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017
 - (c) Amendments to New Zealand Coastal Policy Statement 2010
 - (d) Amendments to National Policy Statement for Highly Productive Land 2022
 - (e) Amendments to Resource Management (Stock Exclusion) Regulations 2020
 - (f) Amendments to mining and quarrying provisions in:
 - (i) National Policy Statement for Indigenous Biodiversity 2023
 - (ii) National Policy Statement for Highly Productive Land 2022
 - (iii) National Policy Statement for Freshwater Management 2020
 - (iv) Resource Management (National Environmental Standards for Freshwater) Regulations 2020
2. The submission covers:
 - (i) who we are;
 - (ii) our overall position;
 - (iii) the reasons for that position; and
 - (iv) recommendations to enable the Crown to fulfil its obligations under te Tiriti o Waitangi.
3. We have chosen not to respond directly to the questions provided in the discussion document on the proposed amendments as we have found them both leading, inaccurate and poorly drafted.
4. Instead, we will respond directly to the proposals themselves. Please note that nothing in this response should be taken as consent to any of the proposals.

Te Kaahui o Rauru

5. Te Kaahui o Rauru advocates for the interests of Ngaa Rauru Kiihahi supporting the social, cultural, economic and environmental interests of Ngaa Rauru Kiihahi uri wherever they may reside. This response is made in light of our responsibility to ensure those rights and interests are recognised, protected, and upheld by the Crown.
6. We note that the Ngaa Rauru Kiihahi Claims Settlement Act 2005 was negotiated for historical claims against breaches of te Tiriti o Waitangi and contains a Crown apology which states:
 - the Crown seeks to atone for these wrongs;
 - the Crown seeks being part of the process of healing with the settlement; and
 - the Crown looks forward to building a relationship of mutual trust, co-operation, and respect for te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
7. The introduction of these proposals take place against a backdrop of:
 - a steadily deteriorating Crown-Maaori relationship; and
 - consistently poor policy development, consultation, and due diligence by the government.

Recent Changes to Primary and Secondary Legislation

8. We acknowledge that the government has been clear that it intends to replace the Resource Management Act 1991 with two separate Acts – The Planning Act and The Natural Environment Act - premised on property rights.
9. The path forward to enable large scale changes to national direction has been set in recent changes to multiple legislative instruments which were introduced last year. We list some of these here noting that more Bills have yet to proceed through the Select Committee process and gain royal assent (Table 1). We have actively opposed these changes through the Select Committee process.
10. Following these rushed Bills and the amendments they contained, the National Iwi Chairs Forum raised their concerns on the coalition government's performance to the United Nations Human Rights Committee¹.

11. Table 1. Bills introduced in 2024

Bill	Effect
<p>Resource Management (Freshwater and Other Matters) Amendment Bill (gained assent 24/10/24)</p>	<ul style="list-style-type: none"> • New definition of national direction included which applies to NES, national planning standards, NPS and NZCPS. • Changes to national direction – Clause 11 replaces the Heading to Section 46A with “Process for preparing national environmental standards and national policy statements”. • Removes the single process for preparing national direction (including a board of inquiry, public notification, submissions – all have been repealed). • Provides for several reasons the Minister can disregard the process in 46A for amending national direction – Section 46A requires that notice is given to the public and iwi authorities, they are given adequate time to make submissions – those submissions became the subject of a report and recommendations made to the Minister. • Provides for a three-year halt on NPS-IB matters including identification and notification of SNA’s in plans or plan changes, obligations on local authorities to review and assess it district and whether any changes are needed in their 10-yearly plan reviews. • Amendments to section 92 prevent a consent authority from requesting further information or commissioning a report on the Te Mana o te Wai hierarchy or the objective of the NPS-FM. Consent authorities must also disregard those matters when considering application or submission. • Schedule 4 (information required in applications for resource consent) is amended to prevent Te Mana o te Wai or the objective of the NPS-FM being included in information requirements.
<p>Resource Management (Consenting and Other System Changes) Amendment Bill (Committee of the Whole House – 16/07/25)</p>	<ul style="list-style-type: none"> • New section 100 would require consent authorities to not hold a hearing on a resource consent application unless it determines it need more information. • Allows the Minister to direct a local authority to prepare or make a plan change to address any non-compliance with a national policy statement or use a planning process under an Act specified by the Minister for that purpose. • Amendment to Section 70 enables a regional council to include a rule in a regional plan that allows certain types of discharges as a permitted activity that may allow significant adverse effects on aquatic life if the council is satisfied that there are already significant adverse effects of that kind in the receiving waters.

	<ul style="list-style-type: none"> • Amendment to Section 88 allows applications for a resource consent to be accepted although they are not fully compliant with the information requirements of Section 88(2)(b). The applicant only need provide information at a level of detail that is proportionate to the nature and significance of the activity. • Replacement of Section 100 provides that a consent authority must not hold a hearing if it determines that it has sufficient information to decide the application, and provides some parameters for making that determination. • Provides for a new definition of approved industry organisation as approved by the Minister. Such organisations will be enabled to certify and audit freshwater farm plans.
<p>Local Government (Water Services Preliminary Arrangements) Bill (gained assent 02/09/2024)</p>	<ul style="list-style-type: none"> • Requires territorial authorities to prepare a water services delivery plan identifying the current state of water services and a demonstration of their commitment to delivering water services in the future. Those plans must cover a period of not less than 10 consecutive financial years beginning with the 2024/2025 financial year. The Bill provides for the Secretary of Local Government to make rules relating to water services delivery plans. • Part 3 provides greater flexibility in relation to a territorial authority using a council-controlled organisation under the LGA 2002 to deliver water services.
<p>Local Government (Water Services) Bill (Second Reading – 16/07/2025)</p>	<p><i>Amendments to Taumata Arowai – the Water Services Regulator Act 2020</i></p> <ul style="list-style-type: none"> • Subpart 8 removes giving effect to Te Mana o te Wai from the list of objectives of the newly named Water Services Authority. • Clause 227 would provide for the granting of a resource consent for an activity which meets the requirements of a wastewater environmental performance standard or a stormwater environmental performance standard for a period of 35 years. • Clause 293 replaces Section 12(2) of the Act to require that the responsible Minister must appoint only people who, in the Minister’s opinion, have the appropriate knowledge, skills, and experience to assist the Water Services Authority Board to perform its role. The Act currently require the responsible Minister to appoint members to the Board who, collectively, have knowledge and experience of, and capability in 5 significant areas including te Tiriti o Waitangi (the Treaty of Waitangi) and its principles. <p><i>Amendments to the Water Services Act 2021</i></p> <ul style="list-style-type: none"> • Clause 304 repeals Section 14 of the Act in its entirety (Te Mana o te Wai meaning, application, and effect). • Clause 296 replaces Section 18 to remove reference to giving effect to Te Mana o te Wai as an operating principle which guides and informs The Water Services Authority in the performance and delivery of its objectives, functions, and duties.

Amendments to Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020

12. The current regulations embed treaty settlement considerations by requiring proactive engagement with tangata whenua through Schedule 6 obligations seeking the views of tangata whenua on draft applications, recognition of Maaori rights in the context of customary marine title groups and protected customary rights groups, and providing a structured process for incorporating Maaori perspectives into marine aquaculture management.

Problem definition

13. The Government considers that New Zealand's primary sector has been hindered by overly complex and restrictive processes within the RMA and intends to boost productivity across the primary sector by reducing 'red tape' and improving regulatory clarity to drive exports while maintaining environmental outcomes.
14. Key amendments aim to simplify consenting, expand consent eligibility, streamline specific applications to change consent conditions, and better enabling research consents.

Risks identified with the proposed changes

15. There is a risk that the rights provided for under Treaty settlements and the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA) may be limited by these amendments. We recommend that notification requirements are designed to enable Maaori participation in decision-making through a pre-application tangata whenua process where possible, or through limited notification.
16. In addition, these amendments could streamline consenting processes and limit Maaori input into these decisions. We recommend including appropriate matters of control and discretion in the NES-MA that include tangata whenua values, which will ensure these values are considered in decision-making.

Matters of control

17. We note that matters of control should be designed to provide sufficient scope to address risks while enabling a wide range of changes.
18. Given this, we would like to see changes to the matters of control specified in attachments 2.1 and 2.1.1 to protect tangata whenua values and rights, provide clear guidance on how Maaori input is factored into decision-making, and maintain flexibility to address region-specific cultural and environmental concerns.

Research and trial activities on existing farms and in new spaces, including making some activities permitted

19. Generally, there is support for the proposed changes that better enable research and trial activities and facilitate easier consenting processes. This could enable greater Maaori participation in developing aquaculture. However, we are concerned that making some small scale, low-risk activities permitted will limit tangata whenua input and the extent to which they can influence consent decisions. With that, we do not support permitted activities and recommend that matters of control are included to enable Maaori participation and respect MACA and Treaty settlement obligations.

Te Kaahui o Rauru Position

20. We support growing our economy and improving productivity. Where we diverge from the Government's opinion is that this can only be achieved by undermining statutory recognition afforded to Māori through Treaty settlements and MACA. This is shown by the large number of permitted activities being proposed in these resource management amendments.
21. For this reason, we do not support research and trials as permitted activities and recommend mechanisms that encourage Māori input into decision-making in relation to these activities as well as reconsenting and change of consent conditions.

Amendments to Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017

22. The current regulations establish clear environmental standards and controls for commercial forestry activities in New Zealand. They aim to promote sustainable forestry practices by managing potential environmental effects such as sediment runoff, water quality impacts, noise, dust, and effects on indigenous wildlife and habitats.

Problem definition

23. The Government considers the core problem is the lack of clarity, certainty, and efficiency in the NES-CF framework, particularly in slash management regulations and councils' ability to impose more stringent rules, which together hinder effective forestry management and sector growth.
24. The amendments seek a balance between providing flexibility for councils to manage local environmental risks and ensuring a nationally consistent, clear, and efficient regulatory framework for the commercial forestry sector.

Addressing council ability to introduce more stringent rules than in the NES-CF

25. We support the proposed amendment to regulation 6(1)(a) that would enable councils to adopt specific land use changes, overlays, or rules that directly address and manage significant risks, particularly in high-risk areas such as those prone to severe erosion or extreme weather events. Whilst as a region we have less forestry than areas such as Gisborne it is important to manage risks locally when required.

Council's broad discretion to set more stringent rules to control aspects of afforestation

26. We support the repeal of regulation 6(4A) which enhances certainty and clarity regarding the regulation of afforestation in particular on red-zoned land, enabling councils to tailor rules to protect highly erosion-prone or otherwise sensitive areas, which could allow them to decline a consent. Whilst some iwi and hapū of Taranaki have economic interests in forestry and afforestation, these activities are always managed in accordance with the land's capacity.

Introducing a slash management risk assessment approach

27. We support the amendment of regulation 69(5-7) to improve the workability of slash management risk assessments to prevent damage to land, waterways, and downstream communities. Whilst we support this amendment, focus and attention is needed to support smaller iwi and hapū forest owners to meet these new requirements.

28. Slash management risk assessments do not address controls or protections specifically in relation to native species or biodiversity considerations beyond environmental risk generally. We recommend that these assessments identify, assess, and mitigate the destruction of these species and their habitats as a priority.

Remove the requirement for afforestation and replanting plans

29. We oppose the removal of the requirement to prepare afforestation and replanting plans. These plans are important for balancing environmental protection with enabling efficient, certain, and sustainable forestry investment and operations.

Te Kaahui o Rauru Position

30. Commercial forestry underpins broader economic activity, including employment opportunities and downstream industries (processing, export), that benefit Maaori communities economically.
31. We support the councils' ability to set more stringent rules in terms of risk management and aspects of afforestation; improved workability of slash management risk assessments and the inclusion of biodiversity mitigations; and the continued need for afforestation and replanting plans.

Amendments to New Zealand Coastal Policy Statement 2010

Problem definition

32. The Government wants to better enable priority activities (i.e., specified infrastructure, renewable electricity generation, electricity transmission, aquaculture and resource extraction) while still protecting the environment.
33. The current New Zealand Coastal Policy Statement 2010 (NZCPS) is seen as a barrier to efficient development of these priority activities. The problem is that the current NZCPS provisions both protect coastal values and aim to enable priority activities, but some policies - especially around avoidance of adverse effects and the narrow test for activities in the CMA - restrict development efficiency.
34. The key amendments are intended to:
- strengthen the language in policy 6 to better enable development of priority activities;
 - recognise that priority activities may have a functional or operational need to be located in the coastal marine area;
 - direct decision-makers to provide for aquaculture activities within aquaculture settlement areas; and
 - give more recognition to the cultural and environmental benefits of aquaculture.

Enabling more priority activities and implementing before wider resource management reform

35. We oppose the inclusion of resource extraction as a priority activity in the coastal marine environment. In our view, resource extraction is not considered to have national or regional importance and should not be given particular consideration in planning and decision-making.
36. Furthermore, we oppose these amendments to Policy 6(1)(a) and (g), which strengthen the wording to be more directive towards priority activities (i.e., specified infrastructure, renewable electricity

generation, electricity transmission, aquaculture and resource extraction), with the exemption of aquaculture and renewable electricity generation activities that are owned by iwi and hapuu.

37. We oppose the Governments proposal to expand the test from functional needs into a ‘functional or operational needs’ test which would make it easier for these priority activities to be located in the coastal marine area.
38. With that said, where iwi and hapuu own aquaculture and renewable electricity generation we require a more pragmatic interpretation of ‘functional need’ as was recently demonstrated in the case of Poutama Kaitiaki Charitable Trust v Taranaki Regional Council (commonly referred to as ‘Mt Messenger’) in the context of freshwater regulations.
39. In our view, the proposed amendments may lead to more activities being consented in the coastal environment or receiving more favorable conditions. This could negatively affect cultural values including the exercise of kaitiakitanga by tangata whenua, especially if new activities are permitted in areas where iwi and hapuu would prefer to undertake alternative activities or manage those activities themselves. This has the potential to impact on Treaty settlements, customary marine title and protected customary rights.

Providing for aquaculture activities within aquaculture settlement areas

40. We support the proposed amendments to Policy 8. The amendments direct decision makers to explicitly provide for aquaculture activities within aquaculture settlement areas in regional planning and resource consent decisions. This is intended to enable Maaori to realise the potential of these settlement areas as assets for aquaculture development.
41. Furthermore, we support the wording of policy 8(b) to include the “social and economic benefits of aquaculture” as well as the amendment of “cultural and environmental benefits of aquaculture”. This new definition may support the uptake of new aquaculture opportunities by requiring the consideration of a wide range of benefits by decision-makers.

Te Kaahui o Rauru Position

42. In our view, caution is still required when considering priority activities within the coastal marine environment.
43. We would like to see continued avoidance of adverse effects and the narrow test for activities in the coastal marine environment, in particular for resource extraction, thus restricting development efficiency for activities that do not contribute to national or regional benefits.

Amendments to National Policy Statement for Highly Productive Land 2022

Problem definition

44. The Government considers that the current National Policy Statement for Highly Productive Land (NPS-HPL) captures too much land that is suitable for urban development, particularly Land Use Capability Class 3 (LUC 3) land. This inclusion is seen as overly restricting the supply of greenfield land available for housing in some parts of New Zealand, thereby contributing to constraints on urban development and exacerbating housing affordability issues.

45. Key elements of the proposed amendments include:
- a. removing LUC 3 land from NPS-HPL restrictions with immediate effect,
 - b. maintaining restrictions on LUC 1 and 2 land,
 - c. testing alternative ways to continue to protect additional areas of agricultural land that are important for food and fibre production, and consulting on establishing special agriculture areas around key horticulture hubs like Pukekohe and Horowhenua,
 - d. extending timeframes for mapping of HPL to be completed within two to three years (2027 or 2028) or suspending requirements for mapping HPL until further direction is provided in the replacement resource management system.
 - e. A further proposal for mining and quarrying.

Removing LUC3

46. We support an increase in supply of productive land for urban development to increase housing supply, support housing affordability and provide economic benefits specific to Maaori landowners.
47. With that said, we would like to see continued mechanisms for tangata whenua participation in plan change processes to mitigate potential adverse effects on Statutory Acknowledgements Areas, Significant Natural Areas and Sites of Significance to Maaori.

New Special Agricultural Areas

48. The introduction of Special Agricultural Areas for food production is supported. This will ensure there are mechanisms in place for sustainability of food and fibre production that may have strong cultural significance for Maaori.

Implications for timeframes for mapping HPL

49. Regardless of the changes to the mapping criteria being proposed, we expect continued and meaningful involvement of tangata whenua in the mapping of HPL.

Te Kaahui o Rauru Position

50. We support these amendments and additional land coming available for urban development.

Amendments to mining and quarrying provisions in: National Policy Statement for Indigenous Biodiversity 2023 (NPSIB); National Policy Statement for Highly Productive Land 2022 (NPS-HPL); National Policy Statement for Freshwater Management 2020 (NPS-FM); Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F)

It is clear that the purpose of the above policies provide direction to councils to identify, protect and manage the adverse effects on significant natural areas (SNAs), HPL and wetlands (respectively), while providing for the social, economic and cultural wellbeing of people and communities. Notwithstanding this, the Government is committed to improving the consistency of the consent pathways in the NPS-FM, NPS-HPL and NPSIB for quarrying and mining that adversely affect SNAs, wetlands and HPL.

Problem definition

51. Currently there is inconsistent terminology and varying gateway tests for quarrying and mining applications that affect significant natural areas, HPL, and wetlands across these policy instruments. This creates confusion and prevents some projects from satisfying gateway tests.
52. The key amendments include:
- a. The proposal to amend the NPSIB:
 - i. replacing “mineral extraction” with “the extraction of minerals and ancillary activities” and replacing “aggregate extraction” with “quarrying activities” (to be consistent with the National Planning Standards, NPS-FM and NES-F)
 - ii. removes “could not otherwise be achieved using resources in New Zealand”, for consistency with the NPS-FM and NES-F
 - iii. removes the requirement for the benefit to be “public” (ie, allowing any benefits to be considered)
 - iv. adds consideration of “regional benefits” to the mining consent pathway.
 - b. The proposal to amend the NPS-FM and NES-F:
 - i. adds “operational need” as a gateway test (to the existing “functional need” test) in wetlands for mining and quarrying, to make it consistent with the other national direction instruments.
 - c. The proposal to amend the NPS-HPL:
 - i. replaces “mineral extraction” with “the extraction of minerals and ancillary activities” and replaces “aggregate extraction” with “quarrying activities” (to be consistent with the National Planning Standards, NPS-FM and NES-F)
 - ii. removes “could not otherwise be achieved using resources in New Zealand”, for consistency with the NPS-FM and NES-F
 - iii. removes the requirement for the benefit to be “public” (ie, allowing any benefits to be considered) removes the requirement for the benefit to be ‘public’ (ie, allowing any benefits to be considered)
 - iv. adds consideration of “regional benefits” to the mining consent pathway.

Inconsistent terminology and gateway tests

53. Whilst we support the consistency of terminology across these policy instruments, we oppose the amendments to remove “could not otherwise be achieved using resources in New Zealand” and “public” (ie, allowing any benefits to be considered), and the addition of “regional benefits”.
54. Further to this, we oppose the addition of “operational need” as a gateway test (to the existing “functional need” test) in wetlands for mining and quarrying.

Te Kaahui o Rauru Position

55. In summary, we oppose the leniency of these amendments. This creates policy settings with respect to mining and quarrying that have the potential to adversely affect SNAs, wetlands and HPL and undermine the purpose of these policy instruments.

Amendments to Resource Management (Stock Exclusion) Regulations 2020

Problem definition

56. The Government wants to remove further parts of the stock exclusion regulations where the benefits of the rules do not outweigh the costs to the primary sector.

Amendment to regulation 17 excluding non-intensively grazed beef cattle and deer

57. We strongly oppose this amendment which allows non-intensively grazed beef cattle and deer to enter wetlands. Stock accessing wetlands and impacting populations of threatened species, many of which are of high significance to Maaori, is no longer an acceptable practice.

Te Kaahui o Rauru Position

58. We strongly oppose this amendment. We will not accept livestock entering waterways, damaging riverbanks, impacting populations of native fish species and compromising the ability of Maaori to engage in the traditional practice of mahinga kai.
59. In conclusion, it is possible that the Minister has not understood some of the issues these proposals are designed to address. If these proposals move forward as they are, we foresee a steady series of legal action and court delays from multiple groups.

Ngaa manaakitanga, naa

9(2)(a)

Te Kaahui o Rauru