

## 1. Introduction – Ko Wai Mātou | Who We Are

Te Taihū o Te Waka-a-Māui is home to eight iwi with deep and enduring relationships to the lands, waters, and coastal ecosystems of this region: **Rangitāne o Wairau, Ngāti Rārua, Ngāti Toa Rangatira, Ngāti Koata, Ngāti Apa ki te Rā Tō, Ngāti Tama ki Te Taihū, and Te Ātiawa o Te Waka-a-Māui, Ngāti Kuia.**

These iwi are mana whenua and kaitiaki, with whakapapa connections to each other and to the wai (water), whenua (land), ngahere (forests), and moana (coastlines) of Te Taihū. Our rights and responsibilities to care for and protect these taonga are not merely cultural — they are constitutional and legal, affirmed through Te Tiriti o Waitangi, statutory acknowledgements, and Treaty settlements.

As iwi of Te Taihū, our relationships with te taiao are guided by a worldview that is relational, intergenerational, and grounded in tikanga. This worldview recognises the **mana** and **mauri** of the natural world, and sees people as part of — not apart from — the ecosystems that sustain life. Te Mana o te Wai, as articulated by our people, is a manifestation of this relational ethic.

## 2. Our Common Values

While each iwi brings its own reo, tikanga, and whakapapa to its rohe, the iwi of Te Taihū have consistently identified a shared foundation of values that inform our responsibilities as kaitiaki. These values are illuminated in the case studies and collective statements made in the *Te Mana o te Wai – Ngā Iwi o Te Taihū Case Study Report (Volume I, 2021)*. They include:

- **Whanaungatanga** – Recognising the interconnectedness of all life and our collective responsibilities to each other and to the natural world.
- **Manaakitanga** – Upholding the dignity and well-being of people and place through careful, respectful engagement with resources.
- **Kaitiakitanga** – Exercising our inherited obligation to protect, restore, and enhance the mauri of our lands and waters.
- **Wairuatanga** – Honouring the spiritual dimensions of our environment, which inform our tikanga, karakia, and customary practice.
- **Rangatiratanga** – Exercising self-determination, decision-making, and leadership in accordance with our tikanga and Treaty rights.

Our approach is grounded in **ki uta ki tai** — from the mountains to the sea — and seeks to uphold the integrity of whole ecosystems rather than treating elements in isolation. This

approach requires National Direction under the RMA to recognise our place not as stakeholders but as **Treaty partners**, with mana whakahaere (authority) over our whenua and wai.

## 2. Our Common Position and Concerns

Collectively, the iwi of Te Taihū reject the current direction and sequencing of the proposed reforms to National Direction under the RMA. We highlight the following shared concerns:

- **Fragmented and Incoherent Reform Process**

The current approach to revising national direction under the Resource Management Act 1991 (RMA) lacks coherence and strategic alignment with the wider legislative reform programme. The Government has publicly committed to repealing and replacing the RMA with a new resource management system. Proceeding with substantive national direction amendments under the existing RMA framework at this late stage risks creating unnecessary regulatory duplication, implementation inefficiencies, and institutional confusion.

From a systems design perspective, introducing major policy shifts through National Policy Statements (NPS) and National Environmental Standards (NES) under an outgoing legislative regime may undermine the integrity and credibility of future reforms. It places undue administrative burden on both local authorities and iwi, who will be required to interpret and implement provisions that may be repealed or rendered redundant within a short timeframe. This fragmented sequencing compromises regulatory stability, creates uncertainty in long-term planning processes, and diverts limited iwi and council capacity away from constructive participation in the design of the future resource management system.

- **Breach of Te Tiriti o Waitangi and erosion of settlement rights:** Treaty settlements are not the end of the Crown's obligations—they are a baseline and a commitment to the future relationship. Across these packages, we observe systemic failures to recognise established Treaty mechanisms (such as co-governance entities, Statutory Acknowledgements, and Mana Whakahono ā Rohe) and a regression in how mātauranga and iwi rights are provided for in national policy settings.
- **Disregard for cumulative effects and systemic decline:** Our environmental indicators tell a consistent story—decline is ongoing. Piecemeal policy responses, like those in these packages, do not address cumulative effects. National direction must work across domains (e.g. freshwater, biodiversity, coastal, climate) to reverse

degradation and restore mauri. The current siloed approach is scientifically and ethically inadequate.

- **Failure to embed ethical, tikanga-based environmental management:** Across our iwi plans and submissions, we call for a fundamental shift in environmental policy from exploitation to restoration—from entitlement to reciprocity. The packages, particularly in freshwater and biodiversity, weaken protections and fail to uphold the centrality of mauri, whakapapa, and ethical relationships with te taiao.
- **Risk of privileging extractive industries under vague justifications:** Provision for a broad range of activities that can demonstrate an “operational need” in coastal environments, and permissive pathways for aquaculture, development or mining (including in wetlands and wāhi tapu), grant developers a default advantage over whānau, hapū, and iwi. This must be reversed. Spatial planning and regional collaboration must guide decision-making, not ad hoc consenting based on unbalanced policy settings.
- **Reckless Scale and Pace of Reform:** The scale and pace of the Government’s proposed changes to national direction are reckless and risk producing policies that are neither durable nor in the public interest. By rushing reforms without adequate iwi engagement, environmental assessment, or alignment with other proposed changes, the Government is creating uncertainty and undermining both public confidence and environmental integrity. This accelerated approach prioritises expediency over sound policy, threatening to entrench poor outcomes for our communities, ecosystems, and future generations.

### 3. Shared Expectations

We expect national direction to:

- Be integrated, durable, and coherent across all domains.
- Centre Te Tiriti o Waitangi, not just reference it.
- Provide resourced and enforceable mechanisms for iwi participation and co-governance.
- Protect and restore the mauri of ecosystems and cultural landscapes.
- Ensure accountability for cumulative effects, and provide for iwi-led monitoring and reporting.
- Apply the precautionary principle in all decisions that risk cultural and environmental harm.

## **PACKAGE 1**

### **Infrastructure and Development Principles**

- New proposed National Policy Statement on Infrastructure and Development (NPS-I)

**Collective Position:** *Conditionally oppose as currently framed.*

**Explanation:** The proposed objectives and policies overly privilege development outcomes and fail to recognise Te Tiriti o Waitangi, cumulative environmental effects, or iwi rights as foundational considerations. There is an implicit assumption that development and infrastructure should proceed with limited scrutiny, provided they meet “enabling” thresholds. This is inconsistent with Te Mana o te Wai, ecosystem-based management, and tikanga Māori frameworks that prioritise the mauri and mana of te taiao before use or extraction.

From a technical perspective, these principles lack integration with the existing NPS-FM 2020 and Te Mana o te Wai hierarchy (current and supported by iwi), which places the health and wellbeing of water bodies and freshwater ecosystems first, before human health needs and other uses. Elevating infrastructure without reference to environmental limits risks breaching this hierarchy. The proposal promotes development-centric outcomes over ecosystem limits, without credible pathways for cumulative effects management or iwi participation.

#### **Supporting Case Law:**

- **Environmental Defence Society Inc v The New Zealand King Salmon Co Ltd [2014] NZSC 38:** The Supreme Court emphasised that sustainable management encompasses protection of the environment.

**Ngāti Maru Trust v R [2021] NZHC 616:** Reinforced the need for genuine Treaty partnership in environmental decision-making, not tokenistic consultation.

### **Functional and Operational Needs Test for Infrastructure in Sensitive Environments**

- Proposed revision to the New Zealand Coastal Policy Statement (NZCPS)
- Proposed alignment with the NPS-Urban Development (NPS-UD)

**Collective Position:** *Conditionally support with strengthened thresholds.*

**Explanation:** Te Taihū iwi acknowledge that some nationally or regionally significant infrastructure may require location-specific considerations. However, the current framing of the “functional or operational need” test is too permissive and lacks robust criteria. It does not require a demonstration of alternative locations, cumulative impact assessment, or cultural impact assessment—particularly where proposed works may affect wāhi tapu, customary fisheries, or taonga species.

From a tikanga-based lens, the burden of proof must rest with the developer to demonstrate that no reasonable alternative exists, and that the mauri of the affected site can be protected or restored. The threshold should be high and culturally informed, with iwi participation embedded in the assessment process.

**Supporting Case Law:**

- **Sustain Our Sounds Inc v New Zealand King Salmon [2014] NZEnvC 102:** Emphasised that even functionally necessary infrastructure must be balanced against outstanding natural character and heritage values.
- **Marlborough District Council v Zindia Ltd [2017] NZHC 840:** Highlighted the role of regional plans and iwi management plans in evaluating site-specific impacts.

## **Urban Expansion in Areas of High Natural or Cultural Value**

**Collective Position:** *Strongly oppose.*

**Explanation:** Urban expansion into areas of high cultural, ecological or landscape value is a consistent red flag for all Te Taihū iwi. Urban development is frequently proposed in areas near wāhi tapu, urupā, estuaries, wetlands, and other culturally significant spaces. The proposed policy signals a dilution of protection, allowing development where “offsetting” or “minimisation” is proposed—even if irreversible loss occurs.

This approach is incompatible with iwi environmental strategies, which do not support the trading-off of cultural heritage or ecological integrity for perceived public good. Cumulative effects from subdivision, roading, stormwater and infrastructure degrade these sites further, especially when seen in a broader regional context.

### **Supporting Case Law and other authorities:**

- **Friends of Shearer Swamp Inc v West Coast Regional Council [2010] NZEnvC 403:** Reinforced the need to protect wetlands and culturally significant natural areas from incremental development.
- **Ngāti Kahu ki Whangaroa Co-Management Agreement (2015):** This agreement shows how early engagement with iwi can direct development away from wāhi tapu and toward culturally appropriate outcomes

### **Aggregates and Extractive Industries**

- New direction proposed through the NPS on Infrastructure and Development
- Proposed changes to the NES for Freshwater (NES-F)
- Alignment with potential changes to NES for Air Quality (NES-AQ) and NES for Soil Contamination (NES-CS)

**Collective Position:** *Oppose in current form; requires stronger cultural and environmental thresholds.*

**Explanation:** The proposal to provide clearer national direction enabling access to aggregates, such as sand and gravel, raises significant concerns for Te Taihū iwi. Many of the areas targeted for extraction overlap with wāhi tapu, urupā, riverbeds, and estuarine margins. Te Taihū iwi, including Ngāti Kūia, Ngāti Kōata, and Ngāti Toa, consistently oppose extractive practices that compromise the mauri of land and waterways—especially where cumulative effects have already degraded these environments.

The proposal does not recognise the kaitiaki role of iwi, or the need for cultural impact assessments and long-term ecosystem restoration strategies as preconditions to any extractive activity. It also fails to account for customary associations with river gravels (pakohe), sediment flows, and aquifer recharge areas.

### **Supporting Case Law:**

- **McGuire v Hastings District Council [2001] NZRMA 557 (PC):** Upheld the importance of Māori cultural values in land use planning.
- **Ngāti Rangī Trust v Manawatū-Whanganui Regional Council [2016] NZEnvC 178:** Reinforced the need for cumulative effects and Treaty rights to be fully assessed in resource consents affecting freshwater and land.

## **Natural Hazards (NPS-NH)**

**Collective Position:** *Support with provisions.*

**Explanation:** Natural hazards—including flooding, erosion, and climate-related risks—are increasingly affecting our rohe and our whānau. A statutory national framework is needed to guide risk-based planning and to embed resilience measures across Aotearoa.

The NPS-NH must acknowledge that mana whenua possess unique mātauranga and historical knowledge of natural hazards, which must inform local authority planning and hazard identification processes. As the frequency and severity of natural hazards increase, partnering with iwi to develop culturally aligned responses is critical. Adoption of the proposed NPS-NH with provisions that strengthen partnership with mana whenua in hazard identification, risk assessment, and planning.

## **PACKAGE 2**

### **Marine Aquaculture (NES-MA)**

**Collective Position:** *Oppose reduction of iwi participation in consent renewals or reclassify significant activities as permitted.*

Te Taihū iwi are concerned that proposed changes to the National Environmental Standards for Marine Aquaculture (NES-MA) prioritise economic growth over environmental and cultural integrity. Our rohe, particularly the Marlborough Sounds and Te Moana o Raukawa, are already heavily impacted by marine farms, which have altered customary access, mahinga kai, and coastal landscapes.

We oppose any amendments that reduce iwi participation in consent renewals or reclassify significant activities as permitted, as this undermines kaitiakitanga and Treaty settlement redress arrangements. We acknowledge the need for innovation and research in aquaculture, but these activities must remain subject to resource consent processes to ensure iwi oversight and environmental safeguards. Retention of robust consent processes for the re consenting of marine farms, ensuring full iwi engagement is demanded. Research and trial activities in aquaculture to require resource consent, with iwi input into environmental and cultural risk assessments is necessary. Protection of Treaty settlement mechanisms and customary rights under the Marine and Coastal Area (Takutai Moana) Act 2011 are key expectations of all iwi.

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

- NES for Commercial Forestry (NES-CF, 2023)
- Interactions with the NPS-FM and NPS-Indigenous Biodiversity

**Collective Position:** *Support targeted strengthening – with mandatory iwi engagement and cultural safeguards.*

**Explanation:** Te Taihū iwi support improvements to the NES-CF where they strengthen environmental controls, particularly relating to sediment control, replanting on erosion-prone land, and forestry slash management. However, the NES-CF must go further to mandate iwi engagement for forestry operations near wāhi tapu, redress lands, sites of customary use and sensitive environmental features within statutory acknowledgement areas.

The experience of Te Taihū iwi with post-harvest damage—especially following high rainfall events—demonstrates that forestry must be re-framed within an ethical land-use context. Current commercial forestry practice often externalises risk to downstream communities and estuaries (e.g., Havelock Harbour, Te Hoiere inlet). The NES-CF must support locally tailored planting species, cultural overlays, and enforceable erosion plans.

### **Supporting Case Law:**

- **Davidson v Marlborough District Council [2018] NZCA 26:** Reinforced the requirement for consent authorities to assess cumulative effects and exercise discretion conservatively where there is ecological risk.
- **Sustain Our Sounds Inc v New Zealand King Salmon [2014] NZEnvC 102:** Applied principles of precaution, spatial planning, and cumulative effects in the coastal context, also relevant to sedimentation impacts from forestry.

## **Update to the NES-Freshwater Stock Exclusion Regulations**

- National Environmental Standards for Freshwater (NES-F)
- Stock Exclusion Regulations (2020, currently in force)

**Collective Position:** *Oppose weakening of current stock exclusion standards.*

**Explanation:** The proposed amendments would introduce more flexible and discretionary standards for stock exclusion, which currently provide clear rules to protect sensitive

streams and wetlands from trampling and contamination. Te Taihū iwi strongly oppose any rollback of these protections. Existing stock exclusion standards were a hard-won baseline after years of evidence showing the harm of livestock access to waterways.

Te Taihū catchments—including Te Hoiere, Rai, and Waimea—have experienced measurable improvements in water clarity and sediment reduction where exclusion has been enforced. Iwi expect these standards to be maintained or strengthened, not weakened for short-term economic expediency.

#### **Supporting Case Law:**

- **Royal Forest and Bird Protection Society Inc v Buller District Council [2006] NZRMA 193 (HC):** Reinforces the precautionary principle and the need to prioritise ecological integrity when setting regulatory standards.
- **Federated Farmers v Northland Regional Council [2015] NZEnvC 89:** Addresses regional discretion in rule-setting, affirming that robust science and national consistency are critical to environmental outcomes.

### **PACKAGE 3**

#### **Changes to the National Policy Statement for Freshwater Management 2020 (NPS-FM)**

- NPS-Freshwater Management (2020) – multiple clauses
- Te Mana o te Wai framework (Clause 1.3, Clause 3.2, Clause 3.4)

**Collective Position:** *Strongly oppose any weakening of the NPS-FM or its foundational principles.*

**Explanation:** Te Taihū iwi are united in defending the NPS-FM 2020 as the first water policy instrument to genuinely centre **Te Mana o te Wai** and acknowledge the role of tangata whenua as Treaty partners. Any move to dilute or “streamline” the framework—particularly its hierarchy of obligations (1.3(5)) or the role of compulsory values and monitoring (e.g., mahinga kai)—represents a regression in water governance.

Iwi also oppose the introduction of “greater flexibility” if it means undercutting bottom lines, delaying implementation, or sidelining mātauranga Māori monitoring methods. The proposal also risks creating inconsistency with regional and catchment-scale processes already initiated under the current NPS-FM.

### **Supporting Case Law:**

- **Ngāti Rangi Trust v Manawatū-Whanganui Regional Council [2016] NZEnvC 178:** Confirmed the importance of integrated iwi values in freshwater planning under the NPS-FM framework.
- **Environmental Defence Society Inc v New Zealand King Salmon Co Ltd [2014] NZSC 38:** Emphasised that policies in national instruments must be implemented with integrity and cannot be traded off.
- **Aratiatia v Southland Regional Council [2019] NZEnvC 208:** In making clear that providing for the health and wellbeing of waterbodies is at the forefront of all discussions and decisions about fresh water through Te Mana o Te Wai, the NPSFM implements Treaty principles, including the principles of rangatiratanga and active protection.

### **Changes to the National Environmental Standards for Freshwater (NES-F)**

- National Environmental Standards for Freshwater (2020)
- Related: Stock Exclusion Regulations and Freshwater Farm Plan Regulations

**Collective Position:** *Oppose relaxation of current NES-F rules.*

**Explanation:** The NES-F provides enforceable bottom lines for wetland protection, stream reclamation, sediment disturbance, and earthworks—all of which are critical for safeguarding culturally and ecologically significant freshwater bodies in Te Taihū. The proposed amendments to make these rules more “practical” for farmers and councils risk weakening national consistency, increasing sedimentation, and undermining gains made under the current framework.

From an iwi perspective, the wetlands, springs, and repo of Te Taihū hold deep ancestral, customary, and spiritual value. Weakening wetland definitions or discretionary thresholds for disturbing water bodies is contrary to Te Tiriti principles of active protection and partnership.

### **Supporting Case Law:**

- **Royal Forest and Bird Protection Society v Buller District Council [2006] NZRMA 193 (HC):** Validates strict protections for ecologically significant areas under national direction instruments.

- **Te Rūnanga o Ngāi Tahu v Canterbury Regional Council [2012] NZEnvC 23:**  
Required proper recognition of iwi values in freshwater planning and consenting.

## **Flexibility in Environmental Limit Setting under the National Objectives Framework (NOF)**

- **National Policy Statement for Freshwater Management 2020 (NPS-FM)** – Clauses 3.8, 3.10, 3.11 (limits and targets)
- **National Environmental Standards for Freshwater (NES-F)** – as they relate to attribute management and thresholds.

**Collective Position:** *Strongly oppose removing or weakening national bottom lines; support locally tailored limits only if they are stricter and co-designed with iwi.*

**Explanation:** The discussion document proposes allowing councils to deviate from **nationally defined thresholds and bottom lines** or, in some cases, to remove bottom lines altogether in favour of locally determined targets. Te Taihū iwi strongly oppose any relaxation of environmental bottom lines, which are the backbone of the NPS-FM framework and critical for protecting the mauri of freshwater systems.

Te Mana o te Wai establishes that environmental health and ecosystem needs are prioritised above human and economic uses. Permitting councils to set weaker limits based on local economic or social pressures risks undermining this hierarchy and could entrench over-allocation—an issue already prevalent in catchments like Waimea and Te Hoiere.

From a technical perspective, flexibility without minimum national standards would create a fragmented regulatory landscape, reduce accountability, and erode the scientific basis of catchment management. Iwi assert that **cultural flow requirements** and **cumulative impact thresholds** must be part of the limit-setting process, not diluted through discretion.

### **Supporting Case Law:**

- **Environmental Defence Society Inc v New Zealand King Salmon Co Ltd [2014] NZSC 38:** The Supreme Court confirmed that national policy instruments (like NPS-FM) can establish environmental “bottom lines” that must be adhered to and cannot be undermined by balancing against economic interests.

- **Ngāti Rangi Trust v Manawatū-Whanganui Regional Council [2016] NZEnvC 178:** Reinforced that freshwater plans must actively provide for Māori values, including mauri and mahinga kai, in the establishment of limits and flows.
- **Davidson v Marlborough District Council [2018] NZCA 26:** Stressed that councils must apply precaution where the ecological consequences of resource use are uncertain, which is directly relevant to limit-setting decisions

## Reconsidering Mahinga Kai as a Compulsory Value

- NPS-FM (Appendix 1A and 1B) – Compulsory Values

**Collective Position:** *Oppose removal or downgrading of mahinga kai as a compulsory value.*

**Explanation:** Te Taihū iwi regard mahinga kai as a cornerstone value—both a measure of ecological health and a reflection of cultural survival. The proposal to reconsider its compulsory status is unacceptable and risks rendering Māori rights and values optional or secondary. This would breach Treaty principles and ignore decades of iwi-led advocacy to restore degraded customary food systems.

Mahinga kai is also integrally linked to **Te Mana o te Wai**, particularly the first and second order priorities—ensuring the health of water bodies and the needs of tangata whenua. Its removal would strip the NPS-FM of its cultural depth and reduce iwi to “stakeholders” rather than Treaty partners.

### Supporting Case Law:

- **Ngāti Kahungunu Iwi Inc v Hawke’s Bay Regional Council [2014] NZEnvC 83:** Upheld the need for regional plans to give full effect to mahinga kai as part of freshwater allocation and protection decisions.
- **Water Conservation Order (WCO) – Rakaia River** and other WCO proceedings have established mahinga kai as a legitimate and protectable interest in statutory planning

## Fish Passage Regulations

**Collective Position:** *Support enhanced requirements.*

**Explanation:** Healthy fish passage is essential for the restoration of mahinga kai and freshwater ecosystems. The current NPS-FM 2020 provisions relating to fish passage are already insufficiently implemented, and further simplification or weakening of these rules would result in greater ecological and cultural harm.

Te Taihū iwi support enhanced regulatory requirements and incentives to restore natural fish passage, particularly the daylighting of historically piped or culverted streams. Indigenous engineering solutions, guided by mātauranga Māori, must be prioritised over short-term, cost-focused infrastructure fixes. The retention of current fish passage provisions under the NPS-FM 2020, with no reduction in regulatory standards is important to iwi. Introduction of measures to incentivise councils and developers to restore daylighted streams and remove or remediate barriers to native fish species aligns well with our manawhenua responsibilities as kaitiaki. Recognition of iwi monitoring and mātauranga-based assessments in fish passage design and consent processes play an important role in our shared responsibilities and must be included.

#### **4. Closing Statement**

Te Taihū iwi are united in our commitment to restoring and protecting the mauri of our lands, waters, and taonga. We stand firmly against any reforms or national directions that compromise Te Mana o te Wai, erode Treaty rights, or privilege economic activity over environmental and cultural integrity. Our expectation is that the Crown, as a Treaty partner, will work with us to co-design policies that are durable, integrated, and grounded in both mātauranga Māori and science.

We call for the National Direction reforms be realigned through meaningful partnership with iwi, ensuring that the outcomes uphold intergenerational responsibilities and provide a legacy of resilience, wellbeing, and restored ecosystems for all.