

The Māori Trustee submission on
the draft Infrastructure,
Development and Primary Sector
National Direction
Package 1 & 2

July 2025

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25 July 2025

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Tēnā koe

Infrastructure, Development and Primary Sector National Direction

Please find attached, the Māori Trustee's submission in response to Infrastructure, Development and Primary Sector National Direction.

Should you have any questions or queries, please feel free to contact my Executive Assistant,
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Māori Trustee Submission

**Infrastructure, Development and Primary Sector National
Direction**



Infrastructure, Development and Primary Sector National Direction

**Submission by the Māori Trustee on the draft Infrastructure,
Development and Primary Sector National Direction**

25/07/2025



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Summary of Position

1. The Māori Trustee administers, as trustee or agent, around 78,000 hectares of Māori freehold land on behalf of approximately 100,000 individual Māori landowners. Te Tumu Paeroa is the organisation that supports the Māori Trustee to carry out her functions, roles and responsibilities. Detailed information regarding the Māori Trustee and Te Tumu Paeroa is set out in Appendix A. Additional information can be found on Te Tumu Paeroa's website, www.tetumupaeroa.co.nz.
2. The views expressed in this submission represent the Māori Trustee's position as the single largest trustee and agent of Māori freehold land. However, given the sheer scale and varied nature of the land assets within the Māori Trustee's portfolio, the Māori Trustee's views may not always be shared by all owners of the whenua she administers.

Position

3. The Māori Trustee considers that the current proposed drafting of the Infrastructure, Development and Primary Sector National Direction (collectively, the **National Direction Package**) provides limited protection for environmental and cultural values. While the Māori Trustee sees merit in various aspects of the proposed changes, she considers the Ministry for the Environment (**MfE**) should undertake a review to ensure that the changes and their implementation are consistent with Part 2 of the Resource Management Act 1991 (**RMA**).
4. The Māori Trustee summarises her submission as follows:

Package 1:

Infrastructure

- a. The Māori Trustee in principle supports a new National Policy Statement for Infrastructure (**NPS-I**). However, she considers that as drafted it does not strike an appropriate balance between environmental protection and sustainable development. Specifically, the Māori Trustee considers that:
 - i. The NPS-I's directive language implies that it should be afforded greater weight than other National Policy Statements (**NPS**). The Māori Trustee considers that the NPS-I should be weighted similarly to other NPS, to ensure infrastructure needs are appropriately balanced against environmental protection.
 - ii. The definition of 'infrastructure' needs to be amended to exclude water takes and discharges to ensure the allocation of resources are not locked into infrastructure and its supporting activities, which could hinder the future use and development of whenua Māori.
 - iii. The proposed policies do not adequately address the impacts of infrastructure development on Māori freehold land. Māori freehold landowners are limited by the location of, or access to, their whenua. Therefore, reserve sensitivity effects of infrastructure may create a further barrier to developing Māori freehold land. Proximity to and effects on Māori freehold land should be considered in assessing infrastructure



development as it could be highly damaging and offensive to be placed next to remaining whenua Māori.

- iv. As drafted, the NPS-I has no policies that provide a mechanism for determining, with communities, the need for infrastructure. Infrastructure strategies, created with community input, should be prioritised and given more weighting. This will enable communities and Māori freehold landowners' contributions to have greater consideration and support the development of whenua Māori.
- v. The definition for 'infrastructure supporting activities' is broad and ambiguous, creating uncertainty as to the scope and duration of the activities. She suggests that the definition's scope is refined.
- vi. The NPS-I should require infrastructure to be managed consistently with the proposed National Policy Statement for Natural Hazards (**NPS-NH**) to ensure longevity.

Renewable Energy and Electricity Networks

- b. The Māori Trustee does not support an 'operational need' test for renewable energy and electricity activities to be located in areas with significant environmental values, particularly on Māori freehold land. Rather, a 'functional need' test is appropriate.
- c. The Māori Trustee supports the recognition of Māori interests within the National Policy Statement for Renewable Energy (**NPS-RE**) and National Policy Statement for Electricity Networks (**NPS-EN**). However, she considers that the drafting should go further in recognising all Māori rights, interests, responsibilities and aspirations within the energy sector. Currently, decision-makers must only recognise and provide for opportunities for tangata whenua, as defined by the RMA. This restricts engagement to iwi and hapū¹, thereby excluding owners of Māori freehold land. Where activities are likely to be carried out on and impact on whenua Māori, engagement with owners of Māori freehold land should be required.

Papakāinga

- d. The Māori Trustee welcomes the National Environmental Standard for Papakāinga (**NES-P**). She anticipates that it will provide more coherence in planning provisions for papakāinga and a clear pathway for Māori freehold landowners to return to and reside on their whenua. She considers that some aspects of the NES-P could be bolstered or clarified, specifically:
 - i. Permitted Activity Standard 1 (**PAS1**) for Maximum building coverage² could be clearer. Maximum building coverage is set at 50% of the site. There is concern that this does not adequately deal with different sizes of Māori land blocks. It could have unintended consequences where small Māori land blocks will be constrained by the maximum site coverage, however, larger blocks will not face the same constraint.
 - ii. Papakāinga development plans should be a condition of PAS1. These plans could show the layout and functions of the site – where the proposed buildings and activities would

¹ Resource Management Act 1991, s 2.

² Attachment 1.7: [Proposed provisions – New National Environmental Standards for Papakāinga](#), p 8.



be arranged – to ensure that the development is fit for purpose over time. Importantly, these are not intended to be an onerous or cost prohibitive process and should be proportionate to the proposed activity.

- iii. Certain underlying zone rules, such as natural hazards and relocatable buildings, may often trigger Restricted Discretionary Rule 2³. Natural hazard effects have a varied but significant adverse impact on whenua Māori⁴. Similarly, many papakāinga are built offsite and relocated to the whenua, including through various iwi funding schemes. Therefore, if plan provisions relating to relocatable buildings or natural hazards are particularly stringent, the enabling pathway may be constrained.

Natural Hazards

- e. The Māori Trustee supports the application of the NPS-NH to all new subdivisions, land use and development. She makes the following comments:
 - i. Infrastructure and primary production should not be exempt from considering natural hazard risks when developing or changing land use.
 - ii. She supports the proposed policy to direct minimum components that a risk assessment must consider. Further, she considers that any risk assessment must be evidence-based. Therefore, relevant policies in the NPS should incorporate some safeguards requiring councils to update their data more frequently and validate it by modelling and testing information to ensure it remains robust and accurate.
 - iii. If councils undertake a comprehensive risk assessment, they should be required to disclose to an applicant why it's necessary. This is particularly important given that natural hazard effects will have an adverse impact on whenua Māori. Māori freehold land has historically been disadvantaged due to it being underdeveloped or undeveloped, passively leased to adjoining landowners with minimal rental returns, and has therefore had insufficient funds to invest in the upkeep or resilience of the block to natural hazard risks. Approximately 72%⁵ of the trusts in the Māori Trustee's current portfolio are more exposed to natural hazard risk due to their low-lying topography⁶ and proximity to waterways and coastlines⁷. Therefore, many parcels of Māori freehold land, may require a risk assessment which could potentially limit the future use and development of that land.
 - iv. The Māori Trustee continues to advocate that the NPS should go further in explicitly recognising and providing for both mātauranga Māori and western science as knowledge bases to inform decision-making. By incorporating this directive into the NPS, it will enable a more holistic approach in finding solutions to mitigate natural hazard risks.

³ Attachment 1.7, p 9.

⁴ Approximately 72% of the Māori Trustee's current portfolio is more susceptible to natural hazard risks.

⁵ 1,038 trusts identified as being low-laying and within 1km of a waterway and/or the coastline. This equates to a total title area of 46,128 ha being affected.

⁶ Blocks that have been identified as low-slope or 5-10 degrees: [Stock Exclusion Low Slope 2022 | MfE Data Service](#).

⁷ 1,518 of the trusts within the Māori Trustee's portfolio have been identified as being within 1km of a waterway and/or the coastline.



Package 2:

National Environmental Standards for Commercial Forestry

- a. The Māori Trustee supports the proposed changes overall. The changes to Regulation 6 offer clarity to the management of environmental risks from commercial forestry.
- b. The Māori Trustee considers managing the risks posed by slash mobilisation through an assessment template would be effective. However, its success will depend upon implementation and ongoing monitoring.
- c. The removal of afforestation and replanting plans appears unnecessary and removes a key mechanism for assessing afforestation as a permitted activity.

New Zealand Coastal Policy Statement

- d. The Māori Trustee does not support an 'operational need' test for priority activities to be located in areas with significant environmental values, particularly on Māori freehold land. Rather, a 'functional need' test is appropriate.

National Policy Statement for Highly Productive Land

- e. The Māori Trustee supports a proposal to exempt LUC 3 land identified under the National Policy Statement for Highly Productive Land (**NPS-HPL**) from restrictions on urban development but does not support removing restrictions on rural lifestyle development.
- f. The Māori Trustee considers that a full engagement and consultation process should be followed in creating guidelines to identify Special Agricultural Areas (**SAA's**).
- g. The Māori Trustee considers that the issue of water quality will be a critical interaction between SAA's and National Direction for freshwater.

Multiple instruments for quarrying and mining provisions

- h. The Māori Trustee supports the proposed amendment to ensure consistency of the use and definition of quarrying and mining across the national direction instruments.
- i. The Māori Trustee does not support an 'operational need' test for quarrying activities, or for the extraction of minerals and ancillary activities to be located in areas with significant environmental values, particularly on Māori freehold land. Rather, a 'functional need' test is appropriate.

Resource Management Act (Stock Exclusion) Regulations 2020

- j. The Māori Trustee does not support the proposed amendment to Regulation 17. In the absence of a national rule mandating stock exclusion from natural wetlands that support threatened species, there remains a substantial risk for adverse effects. The Regulation should remain, but a mechanism should be enabled to allow for an exemption to occur, such as where a farm operates under a certified Freshwater Farm Plan (**FW-FP**).
- k. The Māori Trustee considers that the proposed change to Regulation 17 to remove the stock exclusion from applying to "non-intensively grazed beef cattle and deer" creates ambiguity. There is no definition provided for "low intensity grazing" which will increase interpretation issues and inconsistencies in applying the rule.



Māori Trustee Submission

Infrastructure, Development and Primary Sector National Direction

- I. Adverse impacts to wetlands from the proposed amendment will be exacerbated by proposals in Package 3 Freshwater that relate to; changing or removing Te Mana o te Wai; changing the National Policy Statement for Freshwater Management 2020 (**NPS-FM**); and not requiring regional councils to map natural wetlands. These will remove a key layer of protection.
-
5. The Māori Trustee would welcome the opportunity to discuss her submission with staff from the Ministry for the Environment.



Specific Submissions

Package 1: Infrastructure and Development

Questions	Submission point
National Policy Statement for Infrastructure	
<p>1. Is the scope of the proposed NPS-I adequate?</p>	<p>The Māori Trustee supports the proposal for a new NPS-I and that it recognises and provides for social infrastructure. Nevertheless, the Māori Trustee considers that the NPS-I needs to be redrafted to ensure it strike an appropriate balance between environmental protection and sustainable development.</p> <p>As drafted, the proposed NPS represents a departure from language used in existing NPS's. The directive language used in the definitions, objective and policies makes the NPS-I stronger compared to other NPS's. Therefore, the NPS-I, when applied alongside other NPS's such as Freshwater or Indigenous Biodiversity, may carry more weight in decision-making due to its directive language. This could mean that infrastructure is advanced 'at all costs' rather than after comprehensive assessment/discussion about the appropriate compromises that are needed.</p> <p>The Māori Trustee therefore considers it's advisable that the language in the NPS-I is rescoped to ensure the weighting given to different NPS' is balanced, to guarantee that the natural environment continues to survive and thrive amidst development.</p>
<p>2. Do you agree with the definition of 'infrastructure', 'infrastructure activities' and 'infrastructure supporting activities' in the NPS-I?</p>	<p>The Māori Trustee is not opposed to the definition of 'infrastructure activities' or the approach of providing for additional infrastructure as defined in the NPS-I⁸.</p> <p>Definition of infrastructure</p> <p>The Māori Trustee does not support the definition of 'infrastructure'⁹ as proposed. There is uncertainty as to whether infrastructure involving water takes and discharges falls within the definitions scope. This may create some ambiguity regarding the broader application of the NPS-I. For instance, it is unclear whether a water supply system under the NPS-I includes water takes or the damming/diversion of water for irrigation purposes. There is concern that if the definition extends beyond the physical structure of the irrigation system, it could potentially impact upon the allocation of freshwater, and more specifically Māori rights and interests in freshwater resources. Therefore, if the NPS-I enables the ongoing take and use of water for infrastructure, water will become 'locked into' the infrastructure use and unable to be reallocated. Where this occurs in fully allocated catchments, Māori freehold landowners without permits will effectively be 'locked out' of the ability to access water to develop their whenua.</p> <p>Similarly, if the definition includes the discharge for sewerage infrastructure, that discharge will be 'locked into' the infrastructure use at its current level, effectively removing a lever to require future environmental improvements. Then, if water catchment quality limits are overallocated, there will be no ability for Māori freehold landowners to obtain discharge permits for future land development or farming.</p> <p>The Māori Trustee therefore considers that the definition of infrastructure needs to be amended to exclude water takes and discharges to ensure the allocation of resources are not locked into infrastructure and its supporting activities, which could hinder the future development of whenua Māori.</p> <p>Definition of infrastructure supporting activities</p> <p>The Māori Trustee considers that the definition for 'infrastructure supporting activities'¹⁰ is broad. She understands the policy intent is to ensure that activities and/or resources are available for the maintenance, upgrading or construction of infrastructure. However, there is a lack of clarity regarding the scope and duration of the activities, specifically:</p> <ol style="list-style-type: none"> a. The activities captured are not clearly defined and could be anything from small scale short-term quarries, staff buildings, through to large scale concrete batching plants and associated water takes.

⁸ Attachment 1.1: [Proposed provisions – New National Policy Statement for Infrastructure](#), pp 2-3.

⁹ RMA 1991, s 2.

¹⁰ Attachment 1.1, p 3.



	<p>b. The scale and adverse effects of such supporting activities are not limited in anyway and could support non-infrastructure activities at the same time without adequate controls in place.</p> <p>c. It is unclear what happens to the supporting activities if they continue after the infrastructure is completed. For example, if a gravel quarry is needed for a roading project but would otherwise cease after the completion of the infrastructure works. It is unclear whether it would continue to benefit from the NPS-I after ceasing to support the infrastructure, or if supporting infrastructure is a minor part of its operations.</p> <p>The Māori Trustee therefore suggests that the definition is refined to clarify the scope and duration of infrastructure supporting activities.</p> <p>The Māori Trustee does not support the use of an ‘operational need’ test for infrastructure supporting activities. She reiterates her concerns with the use of this as a gateway test in question 5.</p>
<p>3. Does the proposed objective reflect the outcomes sought for infrastructure?</p>	<p>The Māori Trustee finds the proposed objective to be somewhat ambiguous. It appears to combine resource management outcomes, which can be achieved through RMA processes, and community outcomes that are not typically achieved in the same way¹¹. This creates uncertainty due to a lack of direction within the proposed NPS on how the objective will be achieved.</p> <p>The underlying assumption of the proposed NPS-I is that infrastructure benefits communities. However, without a definition for ‘infrastructure providers’, it creates uncertainty on who benefits from infrastructure. It appears that infrastructure providers, which could be public or private entities, have a ‘carve out’ in the NPS which allows them to oversee and determine the necessity of the infrastructure and its preferred location¹². This could include private activities that only benefit private interests. As proposed, the framework allows those benefits to be privatised and the externalities to be socialised and borne by neighbours and communities. This is subsidiary to private interests.</p> <p>The Māori Trustee therefore considers there should be policies in the NPS-I that provides a mechanism for determining, with communities, the need for infrastructure, or infrastructure strategies, created with community input, are prioritised. In addition, ‘infrastructure providers’ should be clearly defined.</p>
<p>4. Does the proposed policy adequately reflect the benefits that infrastructure provides?</p>	<p>The proposed policy directs that planning decisions should recognise and provide for the benefits of infrastructure, including reducing the risk from, and improving resilience to, natural hazards and climate change. The Māori Trustee considers this benefit is not adequately provided for given the proposed NPS-NH is suggested to not apply to the NPS-I. Therefore, infrastructure can remain vulnerable to natural hazard risk especially where there are choices that can be exercised by infrastructure providers, such as developing in alternative locations, to ensure the resilience of infrastructure from natural hazards is maintained. For example, the choice to rebuild a cell phone tower in a flood zone.</p> <p>While recognising the need for infrastructure to be placed in certain areas, the Māori Trustee considers this is an overly simplistic approach as it fails to capture the complexity of managing natural hazard risks and the importance of infrastructure resilience. The Māori Trustee considers there should be a requirement for infrastructure to be subject to the proposed NPS-NH to ensure there are appropriate checks and balances in place.</p>
<p>5. Does the proposed policy sufficiently provide for the operational and functional needs for infrastructure to be located in particular environments?</p>	<p>The Māori Trustee does not support the use of an ‘operational need’ test for infrastructure to be located in particular environments. She is concerned it is a broad test and the use of it may result in the degradation of areas with significant environmental values, including sites of significance to Māori, for economic reasons alone. The test does not account for alternative locations being available for infrastructure. The Māori Trustee considers that such a test could significantly impact whenua Māori, as highlighted in her response to question 10, the test fails to recognise and provide for the unique status of Māori freehold land, which cannot simply be exchanged like other general land. The Māori Trustee acknowledges that there may be instances where infrastructure will need to be located in these environments, however, a ‘functional need’ test, will be available and may be more appropriate for these cases.</p>
<p>6. Do you support the proposed requirement for decision-makers to have regard to spatial plans and strategic</p>	<p>The Māori Trustee supports a stronger directive for decision-makers to provide for spatial plans and strategic plans for the development of new infrastructure, where they have been constructed with community input. The Māori Trustee considers the NPS-I should build in safeguards to ensure more weighting is given to infrastructure strategies that are developed with community involvement. This will promote a more equitable approach to infrastructure planning and development, ensuring it achieves the objective of the NPS-I as community benefits will be recognised and provided for. For example, infrastructure strategies</p>

¹¹ For example, OB1(e).

¹² Attachment 1.1, cl P4(2).



	<p>developed under the Local Government Act 2002 (LGA)¹³ which go through robust consultation processes should be given more weight than private infrastructure providers strategies.</p>
<p>7. Would the proposed policy help improve the efficient and timely delivery of infrastructure?</p>	<p>The Māori Trustee understands and supports the policy intent to enable the efficient and timely delivery of infrastructure. However, she considers it important to ensure that efficiency does not come at the expense of environmental protections or other planning processes.</p> <p>She considers the policy requires more nuance, as a focus on the speed to deliver infrastructure could lead to unacceptable environmental outcomes. Further, there is also a risk that focussing on the speed of infrastructure delivery, could result in suboptimal infrastructure that requires frequent maintenance and upgrades. The Māori Trustee therefore considers that the resilience and longevity of infrastructure, developed with targeted consideration for environmental protection, is prioritised to ensure it remains robust and sustainable over time.</p> <p>The Māori Trustee also reiterates that the proposed policy should not override processes for Māori freehold landowners and communities to provide feedback that informs future infrastructure development. Therefore, the proposed policy should provide a pathway for community participation.</p>
<p>8. Does the proposed policy adequately provide for the consideration of Māori interests in infrastructure?</p>	<p>The Māori Trustee supports the recognition of certain Māori interests within the proposed policy. However, she considers that the drafting should be more comprehensive in recognising all Māori rights, interests, responsibilities and aspirations that are affected by infrastructure development. Currently, the proposed policy only directs decision-makers to engage with, recognise and provide for opportunities for tangata whenua, as defined in the RMA. The RMA defines tangata whenua as iwi and hapū¹⁴, thereby precluding engagement with other Māori interests, such as Māori freehold landowners. Given that infrastructure activities and supporting activities are likely to impact whenua Māori, engagement with Māori freehold landowners must be required.</p> <p>Furthermore, the Māori Trustee is concerned that the proposed policy narrows Māori interests to sites and areas of significance or issues of cultural significance. The Māori Trustee believes that narrowing Māori interests in this manner is inconsistent with the view that whenua is a taonga. Māori as kaitiaki of that taonga, have an ongoing interest in the health and wellbeing of natural resources. The Māori Trustee therefore considers that the policy should provide avenues for Māori to, where appropriate, raise environmental concerns if infrastructure and its supporting activities may have adverse effects on the environment.</p>
<p>9. Do the proposed policies sufficiently provide nationally consistent direction on assessing and managing the adverse effects of infrastructure?</p>	<p>The Māori Trustee considers that the proposed policies do not sufficiently provide consistent national direction on assessing and managing the adverse effects of infrastructure on the environment.</p> <p>While the NPS-I uses directive language overall, policies 6,7, and 8¹⁵ – which address pathways for infrastructure activities and managing their adverse effects on the environment – tend to use comparatively weaker language. These policies direct that infrastructure must be enabled in all environments and locations provided that adverse effects are avoided, remediated or mitigated ‘where practicable’. The Māori Trustee considers that a ‘where practicable’ qualifier risks infrastructure providers not sufficiently exploring all possible options. Providers may assert that enhanced environmental safeguards are impracticable for various reasons, including financial constraint. Therefore, the Māori Trustee considers that the proposed policies should direct that the effects management hierarchy, where adverse effects are significant, is used.</p> <p>The Māori Trustee reiterates her concern that the proposed NPS-I fails to strike an appropriate balance between environmental protections and infrastructure development. She suggests that that the MfE undertake a review of policies 6, 7 and 8 with a focus on whether the purpose of the RMA is being met.</p>
<p>10. Do the proposed policies sufficiently provide for the interface between infrastructure and other activities including sensitive activities?</p>	<p>The Māori Trustee considers the proposed policies do not adequately provide for the interface between infrastructure development and other activities, particularly the impact it could have on Māori freehold land and its owners.</p> <p>She notes the proposed policies are intended to safeguard existing and consented infrastructure from the potential impacts of nearby development, including issues related to reverse sensitivity. However, this could significantly disadvantage the future use and development of whenua Māori.</p>

¹³ Local Government Act 2002 (LGA), Part 6.

¹⁴ RMA 1991, s 2.

¹⁵ Attachment 1.1, pp 10-11.



	<p>Te Ture Whenua Māori Act 1993 (TTWMA) recognises that Māori land is a taonga tuku iho of special significance to Māori passed on from generation to generation¹⁶. An interest in Māori freehold land is also a whakapapa link for owners to their tūpuna, whānau, hapū and iwi, whether they reside on the whenua or not. However, development of Māori freehold land is already limited by land use class, erosion, location and access issues. The reserve sensitivity effects of infrastructure may therefore further hinder use and develop of their whenua.</p> <p>For instance, should a waste facility be established adjacent to whenua Māori, the adjoining Māori freehold landowners would need to address the reverse sensitivity effects on such infrastructure when developing their own whenua. This could be particularly challenging, especially if the development was to build papakāinga – an aspiration held by many Māori freehold landowners. Therefore, it’s imperative to evaluate the location and type of infrastructure that adjoins Māori freehold land as it could be highly damaging and offensive to be placed next to remaining whenua Māori.</p> <p>The Māori Trustee therefore considers that the policies should be revised to better address the interface between infrastructure and sensitive activities, particularly to ensure adequate protections for the future use and development of remaining whenua Māori.</p>
<p>National Policy Statement for Renewable Electricity Generation</p>	
<p>13. Does the proposed policy sufficiently provide for the operational and functional need of renewable electricity generation to be located in particular environments?</p>	<p>The Māori Trustee does not support the use of an ‘operational need’ test for Renewable Electricity Generation (REG) activities to be located in particular environments. She is concerned it is a broad test and the use of it may result in the degradation of areas with significant environmental values, including sites of significance to Māori, for economic reasons alone. The test does not account for alternative locations being available for REG activities. The Māori Trustee considers that such a test could significantly impact whenua Māori, as the test fails to recognise and provide for the unique status of Māori freehold land, which cannot simply be exchanged like other general land. The Māori Trustee acknowledges that there may be instances where REG activities will need to be located in these environments, however, a ‘functional need’ test, will be available and may be more appropriate for these cases.</p>
<p>15. Do the proposed policy changes sufficiently provide for Māori interests in renewable electricity generation?</p>	<p>The Māori Trustee supports the recognition of certain Māori interests within the proposed policy. However, she considers that the drafting should be more comprehensive in recognising all Māori rights, interests, responsibilities and aspirations within the energy sector. Currently, the proposed policy only directs decision-makers to engage with, recognise and provide for opportunities for tangata whenua as defined by the RMA. The RMA defines tangata whenua as iwi and hapū¹⁷, thereby precluding engagement with other Māori interests, such as Māori freehold landowners. Given that REG activities are likely to be carried out on and impact whenua Māori, engagement with Māori freehold landowners should be required.</p> <p>The Māori Trustee does support the current drafting of the policy that directs decision-makers to recognise the opportunities Māori may have at developing and operating their own REG activities at any scale. The recognition that Māori may aspire to develop and operate REG activities at any scale is an improvement from the proposed changes to the NPS-REG in 2023¹⁸, which limited these activities for Māori to small and community scale.</p>
<p>16. Do you support the proposed policy to enable renewable electricity generation development in areas not protected by section 6 of the RMA, or covered by other national direction?</p>	<p>The Māori Trustee notes that section 6 matters of the RMA are relatively narrow. While she supports the development of REG activities, she considers there may be cases where it is not appropriate to enable REG activities in areas that fall outside of section 6 matters, due to the adverse environmental effectiveness the activities may have. Therefore, a blanket enablement is not appropriate, and more case-by-case balancing is required.</p>
<p>National Policy Statement for Electricity Networks</p>	
<p>23. Does the proposed policy sufficiently provide for the operational and functional needs for electricity networks to be located in particular environments?</p>	<p>The Māori Trustee understands that, where existing Electricity Network (EN) activities are located within areas with significant environmental values or those covered by section 6 of the RMA, there will be a need for regular maintenance and upgrading of those sites.</p> <p>However, where new EN activities are proposed, the Māori Trustee does not support the use of an ‘operational need’ test for EN activities to be located in particular environments. She is concerned it is a broad test and the use of it may result in the degradation of areas with significant environmental values, including sites of significance to Māori, for economic reasons alone. The test does not account for alternative locations being available for new EN activities. The Māori</p>

¹⁶ Te Ture Whenua Māori Act 1993, preamble.

¹⁷ RMA 1991, s 2.

¹⁸ [Proposed National Policy Statement for Renewable Electricity Generation 2023](#).



	Trustee considers that such a test could significantly impact whenua Māori, as the test fails to recognise and provide for the unique status of Māori freehold land, which cannot simply be exchanged like other general land. The Māori Trustee acknowledges that there may be instances where EN activities will need to be located in these environments, however, a 'functional need' test, will be available and may be more appropriate for these cases.
26. Does the proposed policy adequately provide for the consideration of Māori interests in electricity networks?	<p>The Māori Trustee supports the recognition of certain Māori interests within the proposed policy. However, she considers that the drafting should be more comprehensive in recognising all Māori rights, interests, responsibilities and aspirations within the energy sector. Currently, the proposed policy only directs decision-makers to engage with, recognise and provide for opportunities for tangata whenua as defined by the RMA. The RMA defines tangata whenua as iwi and hapū¹⁹, thereby precluding engagement with other Māori interests, such as Māori freehold landowners. Given that EN activities are likely to be carried out on and impact whenua Māori, engagement with Māori freehold landowners should be required.</p> <p>The Māori Trustee does support the current drafting of the NPS-EN, which directs decision-makers to recognise the opportunities Māori may have at developing and operating their own distribution infrastructure at any scale.</p>
27. Do you support the proposed policy to enable development of electricity networks in areas not protected by section 6 of the RMA, or covered by other national direction?	The Māori Trustee notes that section 6 matters of the RMA are relatively narrow. While she supports the development of EN activities, she considers there may be cases where it is not appropriate to enable EN activities in areas that fall outside of section 6 matters, due to the adverse environmental effects the activities may have. Therefore, a blanket enablement is not appropriate, and more case-by-case balancing is required.
National Environmental Standards for Papakāinga	
64. Do you support the proposal to permit papakāinga (subject to various conditions) on the type of land described above?	<p>The Māori Trustee supports the proposal to permit papakāinga on Māori ancestral land as defined by the National Environmental Standard (NES). This definition encapsulates a broad range of land types, creating an enabling consenting pathway for owners who wish to develop papakāinga on their whenua. Furthermore, aligning the definition with the Māori land definition under TTWMA 1993²⁰ ensures consistency across relevant legislation and planning documents.</p> <p>The Māori Trustee also supports the introduction of more permissible standards to enable more Māori freehold landowners to develop papakāinga on their whenua as of right. The Māori Trustee found that a lot of planning provisions, despite using seemingly inclusive terminology, often lacked practical coherence in implementation, creating barriers to development. For example, in practice, provisions often require confirmation from iwi, which limited the ability for Māori freehold landowners to use the same consenting pathway to develop papakāinga on their whenua. This limited application created additional processes that Māori freehold landowners had to undergo to develop their whenua. The Māori Trustee is therefore supportive of the direction in the NES-P as it avoids these additional processes, does not limit the application to iwi and enables Māori freehold landowners to develop papakāinga on their whenua as of right.</p> <p>Overall, the Māori Trustee welcomes the introduction of the NES-P. It provides a clear pathway for Māori freehold landowners to achieve their aspirations of returning to, and residing on, their whenua.</p>
65. What additional non-residential activities to support papakāinga should be enabled through the NES-P?	The Māori Trustee supports the current list of non-residential activities proposed to support papakāinga through the NES-P. These provisions appear comprehensive enough to meet the differing needs of Māori freehold landowners to develop and live on their whenua.
66. What additional permitted activity standards for papakāinga should be included?	<p>The Māori Trustee is generally comfortable with the current permitted activity standards as drafted in the NES.</p> <p>However, she considers further clarification is needed regarding PAS1 for Maximum building coverage²¹. The proposed policy states that for land zoned residential or rural purposes, the maximum building coverage is set at 50% of the site. The Māori Trustee is concerned that the maximum building coverage of 50% does not adequately deal with different sizes of Māori land blocks. This could have unintended consequences where small Māori land blocks will be constrained by the maximum of 50% site coverage, however, larger blocks will not face the same constraint. For example, a small 1-hectare property will be able to develop a maximum of 500 square meters of the block leaving the remaining land unproductive. In turn, the same 10-hectare block is able to develop a maximum of 5-</p>

¹⁹ RMA 1991, s 2.

²⁰ TTWMA 1993, s 4.

²¹ Attachment 1.7, p 9.



	<p>hectares and still retains a productive 5-hectares. The Māori Trustee therefore suggests that a separate maximum building site coverage be developed to differentiate and account for small and large Māori land blocks.</p> <p>The Māori Trustee considers the current minimum setbacks are enabling and reasonable. They provide flexibility for the irregular shapes and sizes of many Māori freehold land blocks. The Māori Trustee proposes that Te Puni Kōkiri considers increasing setbacks for non-residential activities from residential zone boundaries to minimise impacts on adjacent residential properties.</p> <p>The Māori Trustee considers that requiring simple papakāinga development plans could facilitate this. Such plans could show the layout and intended functions of the site – including where the proposed buildings and activities would be arranged – to ensure that the development is fit for purpose, now and into the future. The Māori Trustee also considers that the NES should direct that development plans are a condition of PAS1. Importantly, the Māori Trustee does not intend that this be an onerous or cost prohibitive process and considers that requirements for development plans should be proportionate to the proposed activity.</p> <p>The Māori Trustee reiterates her point previously raised with the papakāinga team at Te Puni Kōkiri²². She still believes funding to be a core issue for Māori freehold landowners, along with a good understanding of the Māori Land Court procedures and requirements associated with the legal instrument by which landowners intend to procure occupation of the land. The Māori Trustee sees value in the continued development of informative guides outlining the requirements and procedures of the Māori Land Court, and the bespoke legal instruments, to provide further context for whānau seeking to develop papakāinga on their whenua.</p>
<p>67. which, if any, rules from the underlying zone should apply to papakāinga developments?</p>	<p>The Māori Trustee considers the rules of underlying zones outlined in Permitted Activity Standard 3²³ are reasonable.</p> <p>However, given the unique characteristics of whenua Māori and the challenges faced by its owners²⁴, the Māori Trustee anticipates that underlying zone rules may often trigger the Restricted Discretionary Rule 2²⁵. Where councils have more stringent underlying zone rules, the permitted consenting pathway for papakāinga development provided in this NES will no longer apply. This undermines the policy intent and consideration should be given to recognising and providing for the nature of whenua Māori and challenges faced by its owners.</p> <p>For instance, the Māori Trustee foresees that underlying zone rules relating to natural hazards and relocatable buildings could unintentionally restrict the potential development of papakāinga. As indicated in the Māori Trustee’s response to question 74, natural hazard effects will have a varied but adverse impact on whenua Māori, with 72%²⁶ of the Māori Trustee’s current portfolio being more susceptible to natural hazard risk. Consequently, if plan provisions are particularly stringent, the enabling pathway provided in this NES may be constrained. This could potentially result in Māori freehold landowners being required to satisfy a risk assessment criteria that is cost prohibitive.</p> <p>Similarly, the Māori Trustee considers that if plan provisions relating to relocatable buildings are particularly stringent, the enabling pathway provided in the NES may be constrained. To reduce development costs, papakāinga can often be built offsite and relocated to the whenua. The government has previously supported a similar relocatable homes initiative by partnering with iwi to construct and deliver healthy and affordable homes for whānau²⁷. The Māori Trustee is supportive of such initiatives, however, if Māori freehold landowners are seeking to develop papakāinga on their whenua by purchasing homes through comparable initiatives, they may encounter challenges if council plans impose more stringent relocatable rules.</p> <p>While the Māori Trustee is not suggesting that papakāinga developments proceed without consideration of underlying zone rules, she believes the proposed policy should be cognisant of the existing challenges faced by Māori freehold land and its owners.</p>

²² Targeted engagement on the Proposed NES-P in 2024.

²³ Attachment 1.7, p 8.

²⁴ Whenua Māori is generally small in size with marginal land classes that makes it not economically viable in its own right. It often has multiple ownership interests and is leased by neighbouring properties at income levels that are barely able to cover costs.

²⁵ Attachment 1.7, p 9.

²⁶ 1,038 trusts identified as being low-laying and within 1km of a waterway and/or the coastline. This equates to a total title area of 46,128 ha being affected.

²⁷ [Government-iwi partnership building East Coast homes | Beehive.govt.nz](https://www.beehive.govt.nz/government-iwi-partnership-building-east-coast-homes).



<p>71. Should the proposed NPS-NH apply to the seven hazards identified and allow local authorities to manage other natural hazard risks?</p>	<p>The Māori Trustee agrees with the seven natural hazards identified in the proposed NPS-NH and supports the ability for councils to manage other locally based natural hazard risks, such as volcanic hazards. Establishing this minimum standard will enable a more consistent approach of assessing natural hazard risk, as previous inconsistent directives and infrequent plan reviews have contributed to varied quality of risk assessments across regions. This has, at times, resulted in inappropriate development in areas with higher exposure to natural hazards, and increased communities' vulnerability when natural hazards are exacerbated by severe weather events.</p> <p>However, the Māori Trustee notes that the objective and policies in the NPS-NH do not address the interface of natural hazards risks that may be exacerbated by severe weather events, climate change or other development. The Māori Trustee notes that natural hazard effects will have a varied but adverse impact on whenua Māori. The vast majority of land administered by the Māori Trustee is uneconomic or marginally economic²⁸. As such, Māori freehold landowners are already likely to experience increased financial vulnerability to natural hazards and are unlikely to be able to meet the costs necessary to build resilience against these effects. Particularly those intensified by severe weather events, climate change or other development. Therefore, broadening the scope of the NPS to build in safeguards in the objective and policies to address natural hazards risks exacerbated by severe weather, climate change and other development, would help ensure that all potential risks are appropriately managed and development is discouraged in areas with high natural hazard risk.</p>
<p>72. Should the NPS-NH apply to all new subdivision, land use and development, and not to infrastructure and primary production?</p>	<p>The Māori Trustee supports the application of the NPS-NH to all new subdivisions, land use and development. However, she considers it is important to address the effects of natural hazards on infrastructure and primary production. These two sectors should not be exempt from considering natural hazard risks when engaging in land development or changes in land use.</p> <p>The Māori Trustee notes that this proposed NPS is a step away from the previous draft iteration of the NPS-NH in 2023²⁹. This version of the NPS-NH no longer provides clear policy direction on recognising and providing for Māori values, interests and aspirations through early engagement when decisions are made on new development on specified Māori land. While the Māori Trustee understands this iteration of the NPS has a different direction, she does not support the shift away from explicitly recognising Māori values and interests. The Māori Trustee would like these provisions to be reinstated into the NPS-NH to protect whenua Māori and its owners' interests.</p>
<p>73. Would the proposed NPS-NH improve natural hazard risk management in New Zealand?</p>	<p>The Māori Trustee considers it is hard to assess whether the NPS-NH will improve natural hazard risk management in New Zealand. This will likely depend on several factors including the rate at which the NPS is adopted and how councils choose to implement it at a local level.</p> <p>The Māori Trustee does consider that an NPS-NH is necessary to manage natural hazard risk, and she views it as a first step in establishing a more comprehensive risk management process in the near future.</p>
<p>74. Do you support the proposed policy to direct minimum components that a risk assessment must allow local authorities to take a more comprehensive risk assessment process if they so wish?</p>	<p>The Māori Trustee supports the proposed policy to direct minimum components that a risk assessment must consider. Further, she believes any risk assessment undertaken by local authorities should be evidence based. This will ensure that decisions are grounded in factual and reliable data and enhance the accuracy and credibility of the assessment.</p> <p>Additionally, the Māori Trustee supports local authorities having the flexibility to undertake a more comprehensive risk assessment process. However, it is crucial that any criteria developed to assess how and when a comprehensive risk assessment process is used, should involve consultation with communities. This also reduces opportunities for individuals to challenge the risk assessment and increase costs.</p> <p>If councils do find it is necessary to undertake a comprehensive risk assessment, the Māori Trustee believes they should be required to disclose to an applicant why they consider it necessary. Requiring comprehensive risk assessments can be a costly process, and the onus should be on councils to prove that the risks are significant rather than landowners.</p> <p>This is particularly important given that natural hazard effects will have an adverse impact on whenua Māori, due to the unique characteristics of the land. Māori freehold land has historically been disadvantaged due to it being under or undeveloped, passively leased to adjoining landowners with minimal rental returns, and</p>

²⁸ 73% of blocks administered in the Māori Trustee's portfolio generate less than \$10,000 per annum and 58% generate less than \$5,000. For approximately 30% of our Māori landowning entities, meeting base administration costs and rates bills is already entirely or partially prohibitive and this number will only increase with costs to become climate resilient or meet compliance costs for new local and central government environmental regulations.

²⁹ [Proposed National Policy Statement for Natural Hazard Decision-making 2023](#).



	has therefore had insufficient funds to invest in the upkeep or resilience of the block to natural hazard risks. Approximately 72% ³⁰ of the trusts in the Māori Trustee's current portfolio are more exposed to natural hazard risk due to their low-lying topography ³¹ and proximity to waterways and coastlines ³² . Therefore, many parcels of Māori freehold land, may require a risk assessment which could potentially limit the future use and development of that land.
76. Do you support the placement if very high, high, medium and low on the matrix?	The Māori Trustee is not opposed to the placements on the matrix as it provides a structured approach to the assessment and management of natural hazard risks. However, the Māori Trustee considers that the effectiveness of the matrix will largely depend on how councils choose to implement it and whether more stringent measures are adopted, which may vary across the country. As a result, the Māori Trustee suggests that, if the matrix is maintained, MfE should develop guidance to ensure Councils appropriately implement the matrix.
78. Should the risks of natural hazards to new subdivision, land use and development to be managed proportionately to the level of natural hazard risk?	The Māori Trustee broadly supports the proposed policy that risks of natural hazards to new subdivision, land use and development are managed proportionate to the level of natural hazard risk. However, she considers there should be more guidance on how these risks are weighed. She notes the discussion document ³³ emphasises a desire for a more standardised approach that allows for the management of natural hazards through planning documents rather than a consent-by-consent basis in the future. While this standardised approach does have some benefits, the Māori Trustee considers it is important to recognise that in some instances, a case-by-case assessment will be necessary. Therefore, she also supports some flexibility being retained to address unique circumstances of developments on a case-by-case basis.
80. Should the proposed NPS-NH direct local authorities to use the best available information in planning and resource consent decision-making?	The Māori Trustee supports the proposed policy to direct local authorities to use the best available information in planning and resource consent decision-making. However, she recommends that the proposed policy should also incorporate some safeguards requiring Councils to update their data more frequently and validate it by modelling and testing information to ensure it remains robust and accurate. For instance, flood modelling that has not taken into account climate change, might not show the full extent of potential flooding, while flood modelling based on old data might overestimate flood risk, potentially imposing unnecessary constraints on development. This measure will support more informed decision-making and contribute to developments better equipped to withstand significant natural hazard effects. The Māori Trustee continues to advocate that the proposed policy should go further in explicitly recognising and providing for both mātauranga Māori and western science as knowledge bases to inform decision-making. By incorporating this directive into the NPS-NH, it will enable a more holistic approach in finding solutions, at place, to mitigate natural hazard risks.
81. What challenges, if any, would this approach generate?	The Māori Trustee notes one of the challenges of this approach is potential reliance on outdated data by councils for decision-making. If Councils use outdated data, they may not accurately understand the current conditions and risks of a proposed development area, leading to inappropriate development. Consequently, this could increase the chance of property damage, financial loss and harm to people and communities when natural hazard risks are exacerbated by severe weather. The Māori Trustee therefore maintains that the proposed policy should provide safeguards to ensure Councils update their data regularly, so accurate information is available for decision-making.
82. What additional support or guidance is needed to implement the proposed NPS-NH?	The Māori Trustee reiterates points previously raised that: <ul style="list-style-type: none"> • Guidance documents should be developed to ensure Councils appropriately implement the matrix. • There should be more guidance on how risk is weighted with practical examples. This will provide applicants with greater clarity regarding the process and help manage their expectations. • The NPS-NH should explicitly recognise and provide for both mātauranga Māori and western science as knowledge bases to inform decision-making. Guidance should be provided in addition to this, to help local authorities and applicants understand how both methodologies can be used and applied at place.

³⁰ 1,038 trusts identified as being low-laying and within 1km of a waterway and/or the coastline. This equates to a total title area of 46,128 ha being affected.

³¹ Blocks that have been identified as low-slope or 5-10 degrees: [Stock Exclusion Low Slope 2022 | MfE Data Service](#).

³² 1,518 of the trusts within the Māori Trustee's portfolio have been identified as being within 1km of a waterway and/or the coastline.

³³ [Package 1](#): Infrastructure and Development, p 70.



	The Māori Trustee also acknowledges that councils do not always have the necessary reserves to maintain and update natural hazard data more regularly. Therefore, they should also be adequately resourced to collect, manage and disseminate data on natural hazard risks.
83. Should the NZCPS prevail over the proposed NPS-NH?	The Māori Trustee believes the New Zealand Coastal Policy Statement (NZCPS) is much more detailed and specific, therefore, to have it prevail over the NPS-NH would be sensible.



Package 2: Primary Sector

Questions	Submission point
National Environmental Standards for Commercial Forestry	
10. Does the proposed amendment to 6(1)(a) enable management of significant risks in your region?	<p>The Māori Trustee mostly considers that the proposed amendment to regulation 6(1)(a) of the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017 (NES-CF) appears to appropriately provide for managing significant erosion risks³⁴ within future harvested forests.</p> <p>The Māori Trustee notes that significant risks are not only confined to newly harvested forests. A significant concern for regions like Tairāwhiti is slash being left in forests for a significant time post-harvest, prior to the implementation of stricter planning standards, and is now waiting for the next major rain event.</p>
11. Does the proposal provide clarity and certainty for local authorities and forestry planning?	<p>The Māori Trustee expects that the proposed changes to the NES-CF, overall, would provide clarity. However, the increasing occurrence and severity of adverse weather events is a significant risk for its implementation.</p> <p>To manage that risk, the Māori Trustee considers that the NES-CF requires an increased monitoring and compliance regime by local government on all harvesting operations. However, local government is currently financially challenged, and some councils may lack the experience to manage the compliance of forestry activities under the NES-CF (particularly smaller councils). The Māori Trustee proposes that there be greater collaboration between central government, local government, forestry companies, and landowners to consider developing an increased monitoring and compliance regime and agree on workable solutions to any barriers local government may face in implementing that regime.</p>
12. How would the removal of 6(4A) impact you, your local authority or business?	<p>The Māori Trustee supports the proposed amendment to remove clause 6(4A). This would provide flexibility for a forest owner or landowner to determine how afforestation should occur (within the context of other NES-CF regulations). Further, the Māori Trustee considers that afforestation could be addressed by a local authority or regional plan, as provided under clauses 6(1) or 6(2) where there is evidence to demonstrate it is required.</p>
13. Do you support amendments to regulations 69(5-7) to improve their workability?	<p>The Māori Trustee supports amendments to the NES-CF Regulations 69(5-7) to require a risk assessment of slash mobilisation using the draft template (Template). The proposed Template appears comprehensive and should provide an assessment that is specific to the unique risks of a harvest site³⁵.</p>
14. Do you support a site-specific risk-based assessment approach or a standard that sets size and/or volume dimensions for slash removal?	<p>The Māori Trustee considers that a site-specific risk-based assessment approach is a better approach than relying on a standard for size and volume to manage slash.</p>
15. Is the draft slash mobilisation risk assessment template (provided in attachment 2.2.1 to this document) suitable for identifying and managing risks on a site-specific basis?	<p>The Māori Trustee considers that the Template as provided appears comprehensive³⁶. However, its success will be conditional upon how it is implemented and monitored to achieve the desired outcomes for te taiao. The final format of the Template needs to be tested for efficiency and effectiveness with all stakeholders.</p>

³⁴ Attachment 2.2: [Proposed provisions – Amendments to the Resource Management \(National Environmental Standards for Commercial Forestry\) Regulations 2017](#), p 2.

³⁵ Attachment 2.2.1: [Draft slash mobilization risk assessment](#).

³⁶ Attachment 2.2.1.



<p>16. Should a slash mobilisation risk assessment be required for green-zoned and yellow-zoned land? If so, please explain the risks you see of slash mobilisation from the forest cutover that need to be managed in those zones?</p>	<p>The Māori Trustee considers that a slash mobilisation risk assessment should be applied to green or yellow erosion susceptibility mapped land. These areas could contain localised zones with specific slope or soil characteristics which have a higher risk of slash mobilisation. Identifying and assessing this risk as part of the harvest plan provides reassurance that relevant risks are being assessed.</p>
<p>17. If a risk-based approach is adopted which of the two proposed options for managing high-risk sites, do you prefer (ie, requiring resource consent or allowing the removal of slash to a certain size threshold as a condition of a permitted activity)?</p>	<p>The Māori Trustee’s preferred approach for managing slash within high-risk sites is through a resource consent. This is a transparent process in which the forest owner and local authority can collaborate to arrive at a decision for mitigating risk.</p> <p>The use of permitted activity standards to demonstrate compliance may be acceptable for managing slash in low-risk sites³⁷. However, for this pathway, the Māori Trustee considers permitted activity standards are not appropriate where the harvest site area contains a proportion of high or very high erosion susceptible land in addition to low erosion susceptible land. In this situation, a resource consent should be required and should include the use of the Template³⁸.</p>
<p>19. Do you support the proposed definition of cutover to read “cutover means the area of land that has been harvested”?</p>	<p>The Māori Trustee agrees that the definition of “cutover” should be changed to enable more effective slash management. However, for this objective, she suggests that the proposed definition is further amended to add “and includes landings and slash storage areas”. This is because in simplifying the meaning of “cutover”, there is a need to reference locations within a harvest area that are a high risk for slash mobilisation (such as a ‘landing’ or ‘slash storage area’). This would emphasise that attention is required on locations where slash needs to be managed to prevent adverse effects on the downstream environment.</p>
<p>20. Do you support the proposed removal of the requirement to prepare afforestation and replanting plans?</p>	<p>The Māori Trustee recognises that the NES-CF provides for afforestation and replanting as a permitted activity, subject to meeting performance standards under the regulations. However, given recent severe weather events and the resulting environmental effects, she believes that the additional matters under schedule 3 should be kept. Removing afforestation and replanting management plans may lead to concerns within communities affected by those weather events about whether the forestry sector is meeting its environmental obligations³⁹. The Māori Trustee considers that the provisions of Schedule 3 could be provided for within clauses 10 and 77, to create efficiency⁴⁰.</p>
<p>New Zealand Coastal Policy Statement</p>	
<p>22. Would the proposed changes achieve the objective of enabling more priority activities and be simple enough to implement before wider resource management reform takes place?</p>	<p>The Māori Trustee does not support the use of an ‘operational need’ test for priority activities to be located in particular environments. She is concerned it is a broad test and the use of it may result in the degradation of areas with significant environmental values, including sites of significance to Māori, for economic reasons alone. The test does not account for alternative locations being available for priority activities. The Māori Trustee considers that such a test could significantly impact whenua Māori, as the test fails to recognise and provide for the unique status of Māori freehold land, which cannot simply be exchanged like other general land. The Māori Trustee acknowledges that there may be instances where priority activities will need to be located in these environments, however, a ‘functional need’ test, will be available and may be more appropriate for these cases.</p>
<p>National Policy Statement for Highly Productive Land</p>	
<p>25. Should LUC land be exempt from NPS-HPL restrictions on urban development (leaving LUC 3 land still protected from rural lifestyle development) Or should the restrictions be removed for both urban development and rural lifestyle development?</p>	<p>The Māori Trustee supports a proposal to exempt LUC 3 land identified under the NPS-HPL from restrictions on urban development, however she does not support removing restrictions on rural lifestyle development⁴¹.</p>

³⁷ [Package 2: Primary Sector, Part 2.2, p 22.](#)

³⁸ [Attachment 2.2.1, p 7.](#)

³⁹ [Regulatory Impact Statement: National Environmental Standards for Commercial Forestry](#), p 14, para 36, and p 16, para 50.

⁴⁰ [Resource Management \(National Environmental Standards for Commercial forestry\) Regulation 2017 Part 2 Subpart 1 - Afforestation & Subpart 8 – Replanting.](#)

⁴¹ [Package 2: Primary Sector, Part 2.4, pp 33 – 40.](#)



	<p>The Māori Trustee considers that LUC3 often occurs in locations that are favoured for rural lifestyle development. The Māori Trustee is aware that it is important to maintain a balance between primary production and urban/rural development, however development adjacent to primary production land can create increased reverse sensitivity issues.</p> <p>Currently, the NPS-HPL provides an exemption for owners of specified Māori land⁴². The Māori Trustee considers this proposal does not impact the exemption, and she still supports that Māori land is afforded the exemption as it recognises the existing and historic restrictions (such as ownership structure and access to finance) which limit the development of this land.</p>
<p>26. If the proposal was to exempt LUC 3 land from NPS-HPL restrictions for urban development only, would it be better for it to be for local authorities led urban rezoning only, or should restrictions also be removed for private plan changes to rezone LUC 3 land for urban development?</p>	<p>The Māori Trustee would support exempting LUC3 from the NPS-HPL for local authority led urban rezoning only. The Māori Trustee considers that a rezoning led by a local authority typically reflects the aspirations of the community and more likely to be favoured by Māori freehold landowners.</p>
<p>27. If LUC 3 land were to be removed from the criteria for mapping HPL, what, other consequential amendments will be needed?</p>	<p>The Māori Trustee believes that if LUC 3 land were to be removed from the mapping of highly productive land (HPL), clause 3.4.(5)(b) should still apply to ensure areas of LUC3 that were no longer HPL, but still within a 'large and geographically cohesive' area of HPL, must remain together with the larger HPL area reducing the risk of increased reverse sensitivity effects on HPL land through inappropriate use or development of the non HPL areas.</p> <p>The Māori Trustee believes that it is wise to retain small and discrete areas of LUC 3 where these are within larger areas of LUC1 and LUC2 HPL. Where small and discrete areas of LUC 3 are not within HPL, the LUC3 should not be considered as HPL. This approach helps protect high-quality land from the possible negative impacts of development or use in these small, non-HPL areas.</p>
<p>28. Given some areas important for foods and fibre production such as Pukekohe and Horowhenua may be compromised by the removal of LUC land, should additional criteria for mapping HPL be considered as part of these amendments?</p>	<p>The Māori Trustee considers that if Special Agricultural Areas (SAA's) are to go ahead, additional criteria should be developed through spatial planning and engagement with communities and land based primary producers.</p>
<p>30. What is appropriate process for identifying special agricultural areas should be? Should this process be led by local government or central government?</p>	<p>The Māori Trustee considers that a full engagement and consultation process should be followed in creating guidelines to identify SAA's.</p>
<p>31. What are the key considerations for the interaction of special agriculture areas with other national direction – for example, national direction for freshwater?</p>	<p>The Māori Trustee considers that the issue of water quality will be a critical interaction between SAA's and National Direction for freshwater. Please refer to the Māori Trustee's submission in relation to Package 3: Freshwater.</p>
<p>32. Should timeframes for local authorities to map highly productive land in regional policy statements be extended based on revised criteria? Alternatively, should the mapping of HPL under the RMA be suspended to provide time for a longer-term solution to managing highly productive land to be developed in the replacement resource management system?</p>	<p>The Māori Trustee considers that if the NPS-HPL is amended to remove LUC3 and provide for SAA's, then the requirement on regional councils to map their areas of highly productive land should be suspended or extended to allow extra time for engagement on SAAs before they are incorporated into the mapping processes already underway. The Māori Trustee suggests that a time frame fitting within the government's program for resource management reform would be appropriate.</p>

⁴² Under the NPS-HPL Māori freehold land is provided for as "specified Māori land" as an exception to being an "inappropriate use or development" under clause 3.9.2.



Multiple instruments for quarrying and mining provisions	
<p>33. Do you support the proposed amendments to align the terminology and improve the consistency of the consent pathways for quarrying and mining activities affecting protected natural environments in the NPS-FM, NES-F, NPSIB and NPS-HPL?</p>	<p>The Māori Trustee supports the proposed amendment to ensure consistency of the terms “Quarrying” and “the extraction of minerals and ancillary activities” across the National Direction instruments.</p> <p>The Māori Trustee does not support the use of an ‘operational need’ test for quarrying activities, or for the extraction of minerals and ancillary activities to be located in particular environments. She is concerned it is a broad test and the use of it may result in the degradation of areas with significant environmental values, including sites of significance to Māori, for economic reasons alone. The test does not account for alternative locations being available for quarrying, the extraction of minerals and ancillary activities. The Māori Trustee considers that such a test could significantly impact whenua Māori, as the test fails to recognise and provide for the unique status of Māori freehold land, which cannot simply be exchanged like other general land. The Māori Trustee acknowledges that there may be instances where quarrying, the extraction of minerals and ancillary activities will need to be located in these environments, however, a ‘functional need’ test, will be available and may be more appropriate for these cases.</p> <p>The Māori Trustee does not support changes to the wording of the gateway tests of the National Policy Statement for Indigenous Biodiversity (NPS-IB), NPS-FM or the NPS-HPL as set out in the discussion document⁴³. The Māori Trustee considers that the existing wording of the gateway tests across all the national direction instruments should be retained. The wording of the gateway test needs to reflect the high value that should be given to significant natural areas and natural wetland. These areas provide numerous ecological and cultural benefits, and are a habitat for our indigenous biodiversity, a large percentage of which, is threatened with extinction.</p> <p>The Governments own analysis for this package in relation to the NPS-IB supports retaining the current wording⁴⁴.</p>
<p>35. Should “operational need” be added as a gateway test for other activities controlled by the NPS-FM and NES-F?</p>	<p>The Māori Trustee does not support the use of an ‘operational need’ test.</p>
Resource Management Act (Stock Exclusion) Regulations 2020	
<p>36. Do you agree that the cost of excluding stock from all natural wetlands in extensive farming systems can be disproportionate to environmental benefits?</p>	<p>The Māori Trustee does not support the proposed amendment to Regulation 17 under the Resource Management (Stock Exclusion) Regulations 2020 (Stock Exclusion Regulations).⁴⁵ National regulation is essential given that over 90% of our wetlands have been converted to primary production and urban development.⁴⁶ The Māori Trustee believes that a national direction is required to protect natural wetlands that support threatened species.</p> <p>The Māori Trustee considers that the impact from stock on a wetland is heavily dependent on seasonal conditions. During wet conditions, even a low stocking rate typical of an extensive farming system, can still have an adverse effect.</p> <p>Without a national rule mandating stock exclusion from natural wetlands that support threatened species, there is the potential for adverse environmental effects. The impact of changing Regulation 17 will also be exacerbated if regional councils are no longer required to map wetlands, if Te Mana o Te Wai is removed or rebalanced, and the hierarchy of obligations is removed⁴⁷. Proposed changes to the NPS-FM and the Resource Management (National Environmental Standards for Freshwater) 2020 (NES-F) will not incentivise communities to address the issue of stock adversely impacting threatened species in natural wetlands.</p>

⁴³ Package 2: Primary Sector, pp 41-45.

⁴⁴ Attachment 2.5: [Proposed provisions – Amendments to the National Policy Statement for Indigenous Biodiversity 2023](#), p 2 states “Reducing the gateway tests increases the potential for mining and quarrying to have adverse impacts on SNAs”.

⁴⁵ Package 2: Primary Sector, pp 46-47.

⁴⁶ [Statistics NZ Wetland Area](#).

⁴⁷ [Package 3](#): Freshwater, pp 15-16 & 22 – 26.



	<p>Retaining a national rule emphasises the importance of identification and management of risks from a farming operation, as required by the Resource Management (Freshwater Farm Plans) Regulations 2023.⁴⁸ These currently require the farm operator to consider the natural wetland as an important aspect of their farming operation in a FW-FP's. However, without a national rule, directing this through regional guidelines for FW-FP's will be difficult. While Councils do have the ability to impose more stringent rules, they are generally reluctant to do so and this would rely on changes to regional plans, which is a long process.</p> <p>The Māori Trustee considers that a certified FW-FP should be the basis for an exception or alternative for stock exclusion requirements. A FW-FP requires the strength of a national direction to enforce a consistent framework, from which the plans can be formed.</p> <p>Without a national direction to set expectations for minimum freshwater requirements as per the current NPS-FM and NES-F, the ecological values of wetlands maybe ignored or given lesser weighting in a catchment context.</p> <p>A national rule also provides consistency in the identification, management and protection of natural wetlands by Regional Councils.</p> <p>The Māori Trustee considers that the proposed change to Regulation 17 to remove the stock exclusion from applying to “non-intensively grazed beef cattle and deer” creates ambiguity. There is no definition provided for “low intensity grazing” which will increase interpretation issues and inconsistencies in applying the rule. The Māori Trustee also believes that Regulation 17 enhances the ability for natural wetlands to qualify for credits under voluntary or carbon credit markets, and therefore this cost offset should be considered⁴⁹.</p>
<p>Section 3: Implementation of primary sector instruments</p>	
<p>37. Does “as soon as practicable” provide enough flexibility for implementing this suite of new national policy statements and amendments?</p>	<p>The Māori Trustee believes that hastening the implementation of provisions offers no advantage and that “as soon as practicable” may lead to varying interpretations and therefore timeframes for implementation.</p>
<p>38. Is providing a maximum time period for plan changes to fully implement national policy statements to be notified sufficient?</p> <p>a. If not, what would be better, and why?</p> <p>b. If yes, what time period would be reasonable (eg, five years), and why?</p>	<p>The Māori Trustee considers that the time period to implement amended or new National Policy Statements should be long, preferably 10-years, to provide for resourcing, and growing capability to address the implementation.</p>
<p>39. Is it reasonable to require all plan changes to fully implement a national policy statement before or at plan review?</p>	<p>The Māori Trustee considers that it is fairer and more reasonable to implement a national policy statement at a plan review to enable the participation of those interested.</p>
<p>40. Are there other statutory or non-statutory implementation provisions that should be considered?</p>	<p>The Māori Trustee considers that appropriate financial support for Māori freehold landowners should be made available to support iwi/Māori capacity and capability building within this space. Non statutory implementation provisions such as technical guidance and expert forums are important and lead to consistent implementation.</p>

⁴⁸ [Resource Management \(Freshwater Farm Plans\) Regulations 2023 Part 2.](#)

⁴⁹ [Government backs voluntary nature credits | Beehive.govt.nz](#) and [Government backs voluntary nature credits market | Ministry for the Environment.](#)



Conclusion

6. The Māori Trustee looks forward to discussing this submission with the Ministry for the Environment officials.
7. Should you have any questions or queries, please feel free to contact my Executive Assistant, Teree Brown. Teree can be contacted on (04) 474 4661 or by email at resource.management@tetumupaeroa.co.nz

Ngā manaakitanga,

Sonya Rimene
Trust and Property Director



Appendices

Appendix A – The Māori Trustee and Te Tumu Paeroa

Who We Are

8. The Māori Trustee is appointed by the Minister for Māori Development under the Māori Trustee Act 1953. The role of the Māori Trustee is to provide accurate and timely administration and management of whenua and other client assets in compliance with the principles and obligations of trusteeship and agency, and in accordance with the Māori Trustee Act 1953, Trusts Act 2019, Te Ture Whenua Māori Act 1993 and other legislation. The current Māori Trustee, Dr Charlotte Severne, was appointed for a three-year term in September 2018 and was re-appointed for a five-year term in October 2021.
9. Te Tumu Paeroa is the organisation that supports the Māori Trustee to undertake her legal functions, duties and responsibilities.
10. The Māori Trustee administers around 78,000 hectares of Māori freehold land, as well as general land and other interests and investments, on behalf of over 100,000 Māori landowners.
11. A primary objective of The Māori Trustee, is to protect, utilise and grow the assets of our Māori landowners. The organisation provides land administration and professional trustee services to on third of all Māori land trusts (over 1,700 trusts), as well as targeted development and sector-specific expertise. The organisation is involved in the management of a number of Māori enterprises and development projects.
12. The Māori Trustee employs 161 staff across four offices throughout New Zealand, with the Māori Trustee located in Te Whanganui-a-Tara. Our organisation is made up of, but not limited to, trust and property management, law, client services, and other specialist teams. Our employees are service driven to our whenua and our landowners.
13. Te Tumu Paeroa is unique, in that it is the only nation-wide organisation that manages significant tranches of Māori land and assets on behalf of Māori landowners.

Our Vision and Priorities

14. Our vision is: *Ko Te Tumu Paeroa tēnei, te tauawhi nei, te taunaki nei, te tiaki nei ngā whenua Māori mō naianei, mō āpōpō hoki. Ensuring Māori land is protected and enhanced, now and for generations to come.*
15. Our vision requires a careful balance between protection of the whenua and taiao and enhancement of the whenua through a range of pathways, including commercial development.
16. Our purpose is to be a dedicated professional trustee service for Māori.
17. Our strategic priorities assist us to deliver on our vision and purpose:
 - a. Increase engagement with owners and stakeholders through sharing information that supports effective whenua Māori governance and administration.



- b. Improve and advance the use, development and protection of whenua Māori.
 - c. Strengthen collaboration with owners and stakeholders to facilitate shared understanding and increased capability for whenua Māori governance and administration.
18. Our responsibility as trustee in the context of Infrastructure, Development and Primary Sector National Direction, is to ensure that the voices of the whenua that we are responsible for, and those landowners who whakapapa to that whenua, are heard and understood.

Our Portfolio

19. Our portfolio currently⁵⁰ consists of the following:
- a. Number of trusts and other entities under administration – 1,700.
 - b. Number of hectares under management – 78,000.
 - c. Number of ownership interests – 100,000.
 - d. Number of leases administered – 1,600.
 - e. Client funds under management (market value) - \$150,000,000.
 - f. Māori Trustee equity - \$179,000,000.

Our Mahi

20. The Māori Trustee has the responsibility to ensure that the best interests and outcomes for Māori landowners are advanced by Te Tumu Paeroa's mahi.
21. Our core services are:
- a. Administration of trusts where the Māori Trustee is the responsible trustee.
 - b. Agreed trustee services where the Māori trustee is an agent or custodian trustee.
 - c. Keeping records for trusts we administer.
 - d. Managing finances and preparing financial statements.
 - e. Consulting with and convening meetings for advisory trustees.
 - f. Consulting with and convening meetings for beneficial owners.
 - g. Reporting to responsible trustees, advisory trustees and beneficial owners.
 - h. Administering trust distributions.

⁵⁰ The Māori Trustee Annual Report 2024



- i. Filing applications with the Māori Land Court and attending associated hearings.
- j. Property management, including leases and asset maintenance.
- k. Reviewing land use and considering, where appropriate, alternative land use options.
- l. Developing and enhancing land and assets; including the production and maintenance of Asset Management Plans and Farm Environment Plans.
- m. Responding to requests for information.
- n. Managing and investing cash assets in the Common Fund.
- o. Managing and providing support services for the General Purposes Fund.
- p. Acquiring and paying for goods and services.

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