

# The Māori Trustee submission on the draft Freshwater National Direction Package 3

July 2025

26 July 2025

Ministry for the Environment  
PO Box 10362, Wellington 6143  
New Zealand

Tēnā koe,

### **Freshwater National Direction**

Please find attached, the Māori Trustee's submission in response to Freshwater National Direction.

Should you have any questions or queries, please feel free to contact my Executive Assistant,  
. can be contacted on or by email at

Ngā manaakitanga,

**Sonya Rimene**  
**Trust and Property Director**



## **Freshwater National Direction**

**Submission by the Māori Trustee on the draft Freshwater National Direction**

**26/07/2025**



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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](http://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 Māori land she administers.
3. The Māori Trustee summarises her submission as follows:

### *Māori rights and interests in freshwater*

- a. It is well recognised that Māori have rights and interests in freshwater<sup>1</sup>, including in the Resource Management Act 1991 (**RMA**). The Māori Trustee has reviewed the Freshwater package with this lens.

### *Allocation*

- b. Notwithstanding that allocation is outside the scope of the discussion document<sup>2</sup>, the Māori Trustee considers that the proposals which relate to water takes and discharges cannot be adequately addressed without considering their implications for allocation. This approach would be inconsistent with Te Mana o te Wai, and the freshwater rights and interests of Māori.
- c. She considers that proposed amendments which relate to water take and discharge would be more appropriately addressed through the development of an allocation framework.

### *Evidence*

- d. The Māori Trustee considers that further evidence, including modelling and wide stakeholder engagement, is required to progress preferred policy options.

### *Freshwater farm plans*

- e. The Māori Trustee supports freshwater farm plans (**FWFPs**) as an effective and appropriate instrument for freshwater management, provided that FWFPs are supported by clear national direction. She considers that amendments to Te Mana o te Wai, the hierarchy of obligations, and the National Objectives Framework are likely to impact the effectiveness of FWFPs.

<sup>1</sup> [Interim Treaty Impact Analysis for the Freshwater Package](#) (2025), p 5.

<sup>2</sup> [Discussion document: Package 3 Freshwater](#) (2025), p 25.



*Rebalancing freshwater management through multiple objectives*

- f. The Māori Trustee does not support the introduction of multiple objectives to the National Policy Statement for Freshwater Management (**NPS-FM**). She considers that the hierarchy of obligations in the single objective of the NPS-FM 2020 already strikes the appropriate balance between the needs of freshwater bodies and ecosystems, the health needs of people, and the social, economic and cultural wellbeing of people and communities, now and in the future. She considers this objective appropriately provides for community aspirations and allows councils sufficient flexibility to manage freshwater in their regions.
- g. She further considers that reintroducing multiple objectives to the NPS-FM will increase inefficiencies, lead to potential disputes and delays in regional processes and is likely to detrimentally affect freshwater management and outcomes.

*Rebalancing Te Mana o te Wai*

- h. The Māori Trustee does not support changes to Te Mana o te Wai. She considers that Te Mana o te Wai is essential to ensuring that freshwater management is sustainable, ecologically responsive, and consistent with recognising Māori rights and interests in freshwater. She notes that Te Mana o te Wai has been an element of the NPS-FM for over a decade, and its implementation in the NPS-FM 2020 received strong support from public submissions and cross-sector advisory groups.
- i. She further considers that claims that Te Mana o te Wai needs to “better reflect the interests of all water users”<sup>3</sup> reflects a misunderstanding of Te Mana o te Wai. She considers that Te Mana o te Wai and the hierarchy of the obligations appropriately reflects the interests of all water users.
- j. Te Mana o te Wai has been an integral part of the NPS-FM since 2014 and comprises the overarching framework of the NPS-FM 2020 and National Environmental Standards for Freshwater<sup>4</sup> (**NES-F**). It is accordingly well understood by local authorities, applicants and planners, as well as other stakeholders.

*Providing flexibility to the National Objectives Framework*

- k. The Māori Trustee does not support changes to the National Objectives Framework. She considers any changes to the compulsory values, the compulsory attributes and national bottom lines is likely to contribute to degradation of freshwater.
- l. This is unacceptable given the established pressures freshwater faces in Aotearoa New Zealand, and is inconsistent with the freshwater values, rights and interests of Māori. She notes that compulsory values and attributes were developed with substantial expert advice<sup>5</sup>, and that the NPS-FM already permits exceptions to national bottom lines for naturally occurring processes<sup>6</sup>.

<sup>3</sup> Discussion document, above n 2, p 15.

<sup>4</sup> [Regulatory Impact Analysis: Action for healthy waterways. Part II: Detailed Analysis \(2020\)](#), p 179.

<sup>5</sup> [Freshwater Science and Technical Advisory Group Report to the Minister for the Environment](#) (2019).

<sup>6</sup> [National Policy Statement for Freshwater Management 2020](#), clause 3.32.



- m. She does not support the proposal to insert a “social, cultural or economic cost” exception to national bottom lines.

*Regulatory and permitted activity proposals*

- n. The Māori Trustee does not support expanding permitted activities under the NES-F when these amendments do not provide for Te Mana o te Wai and the freshwater rights and interests of Māori, particularly regarding decision-making in their respective rohe. She further considers that policy should not be amended when these proposals do not account for water allocation issues, and are likely to contribute to degradation of freshwater.
- o. As such, the Māori Trustee does not support proposals to:
- i. Enable commercial vegetable growing (CVG) as the proposals do not reflect that CVG is a highly intensive land use which can contribute significantly to freshwater degradation.
  - ii. Amend water storage regulations without addressing water allocation, as this could exacerbate water quality and quantity pressures at place.
  - iii. Remove the nitrogen cap on synthetic nitrogen fertiliser use, as this does not adequately address the human and environmental health consequences of nitrogen leaching, and should not be amended without addressing water allocation (particularly discharges).
  - iv. Insert an “operational need” test for quarrying and infrastructure activities in wetlands.
  - v. Create a separate consenting pathway for temporary culverts, as this does not reflect the long-term ecological impact that temporary culverts can cause to fish passage.
4. The Māori Trustee would welcome the opportunity to discuss her submission with staff from the Ministry for the Environment.



## General Submissions

5. The Māori Trustee provides her responses to the consultation questions below, however, she considers the following issues in the discussion document and various supporting Interim Regulatory Impact Statements (**RIS**) are more appropriately addressed as general submissions.

### Māori rights and interests in freshwater management

6. It is well recognised that Māori have rights and interests in freshwater<sup>7</sup>, including in the RMA. The Māori Trustee has reviewed the Freshwater package with this lens.

### Allocation

7. The Māori Trustee considers that specific consultation questions, particularly those relating to parts 2.4, 2.5 and 2.8 of the discussion document, cannot be adequately addressed when allocation is out of scope. She does not support expanding regulatory permissions for the activities proposed under these parts when the corresponding implications for allocation have not been assessed.
8. She also considers that, without addressing allocation, the proposed amendments do not adequately provide for the rights and interests of Māori in freshwater resources, particularly as Māori landowners and the development of Māori land are significantly disadvantaged by the absence of an allocation framework.
9. The Māori Trustee considers that proposals which relate to water takes and discharges are better addressed through an allocation framework, rather than individual amendments to the National Policy Statement for Freshwater Management (**NPS-FM**) and National Environmental Standard for Freshwater (**NES-F**). This approach would better provide for Māori rights and interests and integrated freshwater management.

### Evidence and technical advice

10. The Māori Trustee further notes that the evidential base for the changes proposed differs considerably from processes to develop the NPS-FM 2020 and the NPS-FM 2017. The Regulatory Impact Analysis of the Essential Freshwater Package of 2019-2020 was developed with extensive cross-sector consultation<sup>8</sup> and analysis of the environmental, social and financial implications of the proposals, including financial modelling. The Māori Trustee considers that further evidence, including modelling and wide stakeholder engagement, is required for proposed changes, and preferred options, to proceed.

### The current state of freshwater in Aotearoa New Zealand

11. The Māori Trustee notes that the overall condition of New Zealand waterways, including sources of drinking water, are not meeting bottom lines on contaminant concentrations<sup>9</sup>, particularly in

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<sup>7</sup> Interim Treaty Impact Analysis, above n 1.

<sup>8</sup> Including advice from an Independent Advisory Panel, te Kāhui Wai Māori, the Freshwater Leaders Group, the Regional Sector Water Sub-Group and the Scientific and Technical Advisory Group.

<sup>9</sup> [Our Environment 2025: Tō Tātou Taiao](#) (2025), pp 29-33.



terms of e. coli and nitrogen<sup>10</sup>, and phosphorus<sup>11</sup> overloads. These all carry ecological and human health risks<sup>12</sup>. This is not consistent with Māori freshwater values.

12. Broadly, she does not consider the proposals which seek more flexibility in freshwater management are appropriate given the significance of and demonstrated vulnerability of freshwater resources. Economically, it is more cost-effective to prevent degradation of waterways, than to restore them after degradation has occurred<sup>13</sup>. This was extensively modelled in the Regulatory Impact Analysis for the Action for Healthy Waterways package<sup>14</sup>.

### Freshwater Farm Plans

13. The Māori Trustee notes that the discussion document emphasises the importance of Freshwater Farm Plans (**FWFPs**) as an effective mechanism to manage freshwater at place. The Māori Trustee agrees that FWFPs are the right place to enable effective and responsible management of freshwater.
14. However, the Māori Trustee considers that FWFPs are only as reliable as national compulsory standards require them to be, and that the changes proposed in the discussion document are likely to undermine the effectiveness of FWFPs to adequately protect, maintain and improve freshwater quality. Amendments of particular concern are those proposed to Te Mana o te Wai, the hierarchy of obligations, and the National Objectives Framework.

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<sup>10</sup> 45% of groundwater monitoring sites failed to meet the New Zealand drinking water standard for E. Coli, and 12% of groundwater monitoring sites failed to meet nitrate-nitrogen drinking water standards between 2019-2024. [Groundwater quality: Data to 2024 | Stats NZ](#)

<sup>11</sup> 30% of river monitoring sites showed substantially elevated phosphorus concentrations above the Australia-New Zealand Default Guideline Values between 2016-2020. [River water quality: phosphorus | Stats NZ](#)

<sup>12</sup> [Our Freshwater 2020](#), p 48.

<sup>13</sup> RIA: Action for healthy waterways. Part II (2020) above n 4, p 96.

<sup>14</sup> [Regulatory Impact Analysis: Action for healthy waterways. Part I: Summary and Overall impacts](#) (2020), p 25.



## Specific Submissions

### Package 3: Freshwater

Questions	Submission point
<b>Part 2.1: Rebalancing freshwater management through multiple objectives</b>	
<p>2. Would a rebalanced objective on freshwater management give councils more flexibility to provide for various outcomes that are important to the community? How can the NPS-FM ensure freshwater management objectives match community aspirations?</p>	<p>The Māori Trustee supports retaining the single objective and hierarchy of obligations in clause 2.1 of the NPS-FM 2020:</p> <ul style="list-style-type: none"> <li>The Māori Trustee considers that clause 2.1 already appropriately balances the needs of freshwater bodies and ecosystems, the health needs of people, and the social, economic and cultural wellbeing of people and communities, now and in the future.</li> <li>Clause 2.1 already provides sufficiently for community aspirations and councils retain appropriate flexibility to implement the NPS-FM at the regional and local level without inappropriately prescribing what is relevant to any given community or water body.</li> </ul> <p>The Māori Trustee does not support rebalancing the hierarchy of obligations, or introducing multiple objectives, to the NPS-FM because:</p> <ul style="list-style-type: none"> <li>The health of freshwater and its ecosystems is crucially important to Māori. The current hierarchy of obligations reflects this.</li> <li>It is likely to lead to greater complexity and inconsistency in implementation of the NPS-FM nationally. In turn, this may result in a higher level of uncertainty for landowners, consent applicants and councils.</li> <li>Introducing competing objectives, and changes to the hierarchy of obligations, are likely to risk furthering degradation of freshwater nationally and locally, impacting the long-term sustainability of water resources.</li> </ul>
<p>3. What do you think would be useful in clarifying the timeframes for achieving freshwater outcomes?</p>	<p>The Māori Trustee does not support introducing a new objective “to consider the pace and cost of change” as proposed by the discussion document<sup>15</sup>:</p> <ul style="list-style-type: none"> <li>The NPS-FM 2020 already provides that timeframes for achieving target attribute states may be of any length or period<sup>16</sup>, therefore adding this objective duplicates existing provisions.</li> <li>Similarly, councils must take into account information on the baseline state when setting targets for freshwater improvement<sup>17</sup>. This also provides for councils to appropriately determine the pace of change.</li> </ul>
<p>4. Should there be more emphasis on considering the costs involved, when determining what freshwater outcomes councils and communities want to set? Do you have any examples of costs associated with achieving community aspirations for freshwater?</p>	<p>As above, the Māori Trustee does not support introducing a new objective “to consider the pace and cost of change, and who bears the cost (including what the trade-offs are)”<sup>18</sup>:</p> <ul style="list-style-type: none"> <li>For Māori, freshwater is a taonga, in respect of which Māori hold and exercise significant rights and interests, including as kaitiaki.</li> <li>The Māori Trustee considers that discussions of “trade-offs” in the context of freshwater management is inappropriate.</li> <li>It is often more cost-effective to prevent degradation of freshwater than to restore water sources once degradation has occurred. This was modelled in the Regulatory Impact Analysis for the NPS-FM 2020<sup>19</sup>.</li> </ul>

<sup>15</sup> “We are consulting on introducing a new objective to consider the pace and cost of change, and who bears the cost. This would support councils and communities to have balanced conversations about their aspirations for the environment. It would require councils to consider:

- communities’ long-term goals/visions for freshwater
- the cost of change and who bears the cost (including what the trade-offs are)
- within what timeframes change should occur, recognising that improving freshwater quality will require iterative, gradual improvement over a long time and through multiple planning cycles.”

Discussion Document, above n 2, p 13.

<sup>16</sup> NPS-FM 2020, clause 3.11(6).

<sup>17</sup> NPS-FM 2020, clause 3.29.

<sup>18</sup> Above n 14.

<sup>19</sup> [Interim Regulatory Impact Analysis for consultation: Essential Freshwater. Part II: Detailed Analysis](#) (2019), p 83.



	<ul style="list-style-type: none"> <li>The Māori Trustee considers that any consideration of cost must be comprehensive and recognise Māori rights and interests in freshwater. It should include the cultural, social and environmental costs, in the near and long-term future, of restoring freshwater to a healthy state.</li> </ul>
<b>Part 2.2: Rebalancing Te Mana o te Wai</b>	
<p>5. What will a change in NPS-FM objectives mean for your region and regional plan process?</p>	<p>The Māori Trustee considers that the single objective of clause 2.1 and hierarchy of obligations ensure a consistent approach to freshwater management nationally. This provides certainty for the Māori Trustee, iwi and other stakeholders who must engage with planning and consenting processes across multiple regions:</p> <ul style="list-style-type: none"> <li>The Māori Trustee considers that reintroducing multiple objectives to the NPS-FM may create significant variation in regional implementation of the NPS-FM, as the weighting of competing objectives will differ in different districts and regions.</li> <li>Consequently, resulting regional inconsistency may make engagement with planning processes more challenging for stakeholders who operate across multiple regions, including the Māori Trustee.</li> <li>Further, inconsistent, localised management may not effectively safeguard freshwater resources, because catchments and aquifers do not align with local government boundaries. Management of freshwater in one region may have flow-on effects to neighbouring regions and districts, contributing to degradation of water bodies downstream.</li> </ul>
<p>6. Do you think that Te Mana o te Wai should sit within the NPS-FM's objectives, separate from the NPS FM's objectives, or outside the NPS-FM altogether – and why?</p>	<p>The Māori Trustee does not support the proposal to exclude Te Mana o te Wai from the objectives of the NPS-FM, or from the NPS-FM overall, because:</p> <ul style="list-style-type: none"> <li>Te Mana o te Wai is essential to ensuring that freshwater management is sustainable, ecologically responsive, and provides for the rights and interests of Māori.</li> <li>Te Mana o te Wai has been an integral part of the NPS-FM since 2014 and comprises the overarching framework of the NPS-FM 2020 and NES-F<sup>20</sup>. It is accordingly well understood by local authorities, applicants and planners, as well as other stakeholders.</li> <li>Proposals to remove Te Mana o te Wai, neglect to adequately recognise Māori rights, interests and values in freshwater management. In doing so, they also risk impacting the relationship between Māori and local authorities, which has been built through many years of engagement developing and implementing Te Mana o te Wai.</li> </ul> <p>The Māori Trustee supports retaining the hierarchy of obligations in clause 2.1 of the NPS-FM 2020:</p> <ul style="list-style-type: none"> <li>The hierarchy of obligations provides for a sustainable and integrated approach to freshwater management, which reflects and is consistent with Te Mana o te Wai, and te ao Māori perspectives and values generally.</li> <li>The Māori Trustee considers that excluding the hierarchy of obligations as proposed may significantly undermine the ability of local authorities to fulfil their functions and responsibilities to achieve integrated management of natural and physical resources, in a manner consistent with the purposes and principles of the RMA.</li> </ul>
<p>7. How will the proposed rebalancing of Te Mana o te Wai affect the variability with which it has been interpreted to date? Will it ensure consistent implementation?</p>	<p>The Māori Trustee does not support rebalancing Te Mana o te Wai. She recommends retaining Te Mana o te Wai as the fundamental concept in the NPS-FM, together with the hierarchy of obligations, because:</p> <ul style="list-style-type: none"> <li>As discussed above, she considers that removing or rebalancing Te Mana o te Wai will lead to greater inconsistency than retaining it, increasing uncertainty for councils and communities.</li> <li>Changes to Te Mana o te Wai, and the centrality of the hierarchy of obligations, increase the risk of inconsistent identification and implementation of freshwater management priorities and objectives from region to region. This increases the possibility of adverse freshwater impacts, which may have broader flow-on effects for freshwater resources, catchments and aquifers that traverse council boundaries.</li> <li>By setting a national framework through the hierarchy of obligations, Te Mana o te Wai ensures a nationally consistent approach to freshwater management and decision-making that reflects Māori freshwater values.</li> </ul>

<sup>20</sup> RIA: Action for healthy waterways. Part II (2020), above n 4.



Part 2.3 Providing flexibility in the National Objectives Framework (NOF)	
<p>8. Which values, if any, should be compulsory? Why?</p>	<p>The Māori Trustee supports retaining the four compulsory values in the National Objectives Framework:</p> <ul style="list-style-type: none"> <li>• Compulsory values have been a key management tool of the NPS-FM since 2014. They were introduced to set national minimum standards for water quality for environmental and human health, and to remedy inconsistent implementation of the NPS-FM between regional councils due to capacity and resourcing challenges<sup>21</sup>.</li> <li>• The ecosystem health and human contact values reflect the minimum standards required to prevent disease and ecological degradation, to safeguard the life-supporting capacity of water and ecosystems.</li> <li>• The threatened species value is also important as threatened species are indicators of ecosystem health. Further, many of them are regarded as taonga by Māori.</li> <li>• Mahinga kai recognises how communities directly engage with freshwater environments, and provides for Māori freshwater rights and interests, and relationships with ancestral waters, sites, taonga, and kaitiakitanga.</li> <li>• The Māori Trustee considers that retaining all four compulsory values supports local government to provide for Māori rights and interests in freshwater management.</li> </ul>
<p>9. What would be the practical effect of removing compulsory national values? Do you think this will make regional processes easier or harder?</p>	<p>The Māori Trustee considers that removing compulsory values:</p> <ul style="list-style-type: none"> <li>• Risks adding complexity and delays, and the potential for disputes, to regional processes. This is because it may be challenging to identify and determine which optional values apply to a given freshwater management unit (FMU).</li> <li>• Could generate additional costs to councils, and ratepayers, if each council must identify and determine applicable values. Retaining compulsory national values reduces the burden on councils, which often may already face challenges in resourcing freshwater management.</li> <li>• May result in inconsistent approaches between councils, which will particularly affect those catchments, water bodies and aquifers which cross council boundaries. This may have significant flow-on effects, particularly for groundwater and surface water quality.</li> </ul> <p>These challenges may detrimentally affect regional freshwater outcomes, contribute to degradation of water quality, and increase Council workloads, costs and further create council inconsistencies.</p>
<p>10. Which attributes, if any, should be compulsory to manage? Which should be optional to manage?</p>	<p>The Māori Trustee supports retaining all compulsory attributes because:</p> <ul style="list-style-type: none"> <li>• Management and monitoring of attributes is essential to ensure freshwater quality is maintained, as the attributes capture critical information regarding the presence of pollutants and toxicants which pose threats to human and ecological health.</li> <li>• Monitoring attributes ensures that councils are taking the right steps to manage freshwater and enables councils and communities to make informed decisions on freshwater.</li> <li>• Much of the productive land administered by the Māori Trustee is leased. This means that the Māori Trustee does not have direct control over freshwater management and she therefore relies on appropriate national direction and local regulation to effectively manage freshwater. Compulsory attributes contribute to national direction and local regulation being appropriate and effective.</li> <li>• Compulsory attributes were identified and developed with extensive scientific advice and evidence<sup>22</sup>.</li> <li>• Allowing councils to determine which attributes to manage may lead to inconsistency, including across regions, degradation of waterbodies and additional burdens on Councils (as highlighted in the response to question 9).</li> </ul>
<p>11. Which attributes, if any, should have national bottom lines? Why?</p>	<p>The Māori Trustee supports retaining all identified national bottom lines and attribute thresholds because:</p>

<sup>21</sup> [Regulatory Impact Statement: Amendments to the National Policy Statement for Freshwater Management 2011](#) (2014), p 5.

<sup>22</sup> Science and Technical Advisory Group Report (2019), above n 11.



	<ul style="list-style-type: none"> <li>• The limits in the attribute tables are important health and ecological thresholds, at which point human health and ecosystems risk becoming compromised<sup>23</sup>.</li> <li>• National bottom lines are supported by extensive scientific research<sup>24</sup>.</li> <li>• A standardised approach to attributes and national bottom lines supports councils and communities to focus their efforts to maintain and restore freshwater quality in their regions.</li> <li>• Given that freshwater is a taonga to Māori, national bottom lines and compulsory attributes support central and local government to meet their obligations to recognise and provide for Māori rights and interests in freshwater.</li> </ul>
<p>12. To what extent should action plans be relied upon, including to achieve targets for attributes?</p>	<p>The Māori Trustee supports retaining the current policy settings for action plans, particularly regarding attributes and limits because action plans as currently provided for in the NPS-FM 2020 are a useful instrument to support integrated management of freshwater. However, she considers that action plans are only an effective management tool if national compulsory values and attributes are retained to guide their development and implementation. Without nationally consistent compulsory values and attributes, the effectiveness of action plans to manage freshwater and achieve impactful targets at place, will be significantly reduced.</p>
<p>13. Should councils have flexibility to deviate from the default national thresholds (including bottom lines) and methods? Are there any other purposes which should be included?</p>	<p>The Māori Trustee does not support expanding the ability for councils to deviate from national bottom lines and other default attribute thresholds, including “where achieving national bottom lines has a high social, cultural, or economic cost”<sup>25</sup>, because in her view:</p> <ul style="list-style-type: none"> <li>• The NPS-FM 2020 already contains exceptions to national bottom lines for naturally occurring processes<sup>26</sup>. This provides councils with an appropriate amount of flexibility without compromising freshwater outcomes.</li> <li>• Doing so does not adequately recognise the high social and cultural value of maintaining and enhancing freshwater quality.</li> <li>• Allowing deviation from bottom lines and other default attribute thresholds may be more economically costly in the long-term<sup>27</sup>.</li> <li>• Freshwater is a taonga, and its continued degradation is a significant issue for Māori. Allowing further exceptions to national bottom lines does not appropriately recognise Māori values, rights and interests in freshwater.</li> </ul> <p>The Māori Trustee recommends retaining clause 3.32 of the NPS-FM to allow exceptions for naturally occurring processes, and does not support the introduction of a “social, cultural or economic cost” exception to national bottom lines and other default thresholds.</p>
<p><b>Part 2.4 Enabling commercial vegetable growing</b></p>	
<p>14. What are the pros and cons of making commercial vegetable production a permitted activity?</p>	<p>The Māori Trustee does not support making commercial vegetable growing (CVG) a permitted activity. In her view:</p> <ul style="list-style-type: none"> <li>• CVG is a highly intensive land use which contributes to freshwater degradation and is concentrated in specific districts, some of which are over-allocated for discharges and experience significant nutrient leaching. The proposal does not adequately recognise existing impacts of CVG on freshwater quality and quantity.</li> <li>• Making CVG a permitted activity at a national level will likely impact on freshwater quantity and quality and land development, and therefore does not adequately provide for the rights and interests of Māori in freshwater. CVG is an identified issue for some Māori communities where CVG is concentrated, like Horowhenua.</li> <li>• Allocation is a persistent challenge for the development of Māori freehold land. The Māori Trustee considers that making CVG a permitted activity may entrench inequities by prioritising existing water takes, which could disadvantage Māori freehold landowners from using and developing their land.</li> <li>• Consenting pathways for CVG must be considered together with allocation because of the impact of takes and discharges. Allocation is out of scope in the current consultation.</li> </ul>

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> Discussion document, above n 2, p 20.

<sup>26</sup> At clause 3.32 of the NPS-FM 2020.

<sup>27</sup> Regulatory Impact Analysis: Action for healthy waterways. Part II (2020), above n 4, p 96.



<p>15. How do you think policies and/or rules should be designed to provide for crop rotation? Do you think these should be considered within sub-catchments only?</p>	<p>The Māori Trustee does not support the introduction of a new objective to the NPS-FM “to enable the continued domestic supply of fresh vegetables, and in doing so, to provide for crop rotation”<sup>28</sup>, because:</p> <ul style="list-style-type: none"> <li>• The Māori Trustee does not support multiple objectives in the NPS-FM, rather she supports retaining the single objective and hierarchy of obligations.</li> <li>• Elevating CVG to an objective of the NPS-FM would place an inappropriate weighting of a highly intensive land use, which can have a significant adverse impact on freshwater quality.</li> <li>• There may be inconsistency between such an objective and the key purpose of the NPS-FM – to safeguard the life-sustaining capacity of freshwater.</li> </ul>
<p>16. For the proposal to develop nationally set standards, what conditions should be included?</p>	<p>The Māori Trustee does not support the development of a National Environmental Standard (<b>NES</b>) to enable CVG, because:</p> <ul style="list-style-type: none"> <li>• She does not consider that an NES for CVG can be used to permit an expansion of CVG in those regions and districts which are already over-allocated and below national bottom lines for nutrient leaching.</li> <li>• An NES for CVG risks inconsistency with the need to maintain and enhance freshwater quality and quantity.</li> <li>• An NES for CVG would be inconsistent with Te Mana o te Wai, the overarching purposes and principles of the RMA, and would severely undermine the rights and interests of Māori in freshwater management in their respective rohe.</li> </ul>
<p><b>Part 2.5: Addressing water security and water storage</b></p>	
<p>17. Should rules for water security and water storage be set nationally or regionally?</p>	<p>The Māori Trustee does not support the proposed introduction of an objective “to address the issue of water security as a part of climate change resilience”, because:</p> <ul style="list-style-type: none"> <li>• The Māori Trustee supports retaining the single objective of the NPS-FM 2020 and hierarchy of obligations. She does not support multiple objectives in the NPS-FM.</li> <li>• She does consider that water security and water storage rules must be set according to nationally consistent parameters, however, she considers that mechanisms to allow for an expansion of water storage must be addressed alongside water allocation. Over-allocation can cause issues with freshwater quantity and quality, which may undermine the intent to support community resilience to climate change.</li> </ul>
<p>18. Are there any other options we should consider? What are they, and why should we consider them?</p>	<p>The Māori Trustee considers that an appropriate option may be to develop a national framework or strategy to address and resolve water allocation alongside water storage, water security and discharges. Managing these issues in an integrated way may better provide for the rights and interests of Māori in freshwater management, and support climate change resilience.</p>
<p>19. What are your views on the draft standards for off-stream water storage set out in Appendix 2: Draft standards for off-stream water storage? Should other standards be included? Should some standards be excluded?</p>	<p>Notwithstanding that the Māori Trustee does not support the development of standards without water allocation being considered, the Māori Trustee’s view is that any NES should contain requirements to ensure that:</p> <ul style="list-style-type: none"> <li>• The rights and interests of Māori in freshwater are recognised and provided for;</li> <li>• Annual volumes of water stored cannot exceed what is currently taken under existing consents;</li> <li>• Annual volumes are imposed on any new consent;</li> <li>• Maximum volumes of water storage are clearly defined, and that these maximum volumes are determined according to best scientific evidence and modelling of what specific catchments and aquifers can sustain, having regard to the requirement under the RMA that water quantity and quality must be maintained and enhanced.</li> </ul>

<sup>28</sup> Discussion document, above n 2, p 22.



Part 2.6: Simplifying the wetlands provisions	
<p>21. What else is needed to support farmers and others to do things that benefit the environment or improve water quality?</p>	<p>The Māori Trustee supports proposals to:</p> <ul style="list-style-type: none"> <li>• Simplify the definition of a natural inland wetland, and insert a definition for induced wetlands, provided the definitions are based on rigorous scientific evidence.</li> <li>• Permit activities within the 100-metre setback of a wetland that enable restoration, maintenance, construction and edge-of-field mitigations of that wetland.</li> </ul> <p>The Māori Trustee does not support:</p> <ul style="list-style-type: none"> <li>• Introducing an objective to the NPS-FM to provide for wetland construction, because she does not support introducing multiple objectives to the NPS-FM. She recommends retaining clause 2.1 of the NPS-FM 2020 as the single objective for the NPS-FM.</li> <li>• Excluding induced and constructed wetlands from regulations, because both induced and constructed wetlands can still fulfil vital ecological functions and may be regionally significant<sup>29</sup>.</li> <li>• Excluding “low value” wetlands from regulation because this does not support the policy intent to protect and restore natural wetlands and improve water quality.</li> </ul>
<p>22. What should a farming activities pathway include? Is a farming activities pathway likely to be more efficient and/or effective at enabling activities in and around wetlands?</p>	<p>The Māori Trustee supports provisions that allow and encourage restoration, maintenance, biosecurity and edge-of-field mitigations to take place within 100 metres of a wetland, including:</p> <ul style="list-style-type: none"> <li>• Fencing, and the construction of utility structures (such as boardwalks, signs and jetties) for restoration and educational purposes.</li> <li>• Wetland construction to support the ecological and hydrological function of the primary wetland, and to support improving water quality.</li> </ul> <p>However, the Māori Trustee does not support permitting any activities that will otherwise:</p> <ul style="list-style-type: none"> <li>• Adversely affect water quality and threatened species habitat in and around a wetland; or</li> <li>• Result in the partial or complete draining of the wetland.</li> </ul>
<p>23. What will be the impact of removing the requirement to map wetlands by 2030?</p>	<p>The Māori Trustee does not support the proposal to remove the requirement to map wetlands, because wetlands are a significant and highly threatened ecosystem and taonga<sup>30</sup> which require protection. However, she supports amending mapping requirements to improve consistency and resourcing. She recommends central government become responsible for mapping wetlands nationally, in collaboration with local authorities. This will ensure greater consistency of information and support government to meet its reporting requirements under the Environmental Reporting Act 2015.</p>
<p>24. Could the current permitted activity conditions in the NES-F be made clearer or more workable?</p>	<p>The Māori Trustee does not support amending the NES-F:</p> <ul style="list-style-type: none"> <li>• To make all activities in and around wetlands restricted discretionary if these are currently non-complying or prohibited activities.</li> <li>• To introduce an operational need test to enable quarrying or infrastructure in and around wetlands. 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 or infrastructure. The Māori Trustee acknowledges that there may be instances where such activities may need to be located in or around wetlands, however, a functional need test will be available and may be more appropriate for these cases.</li> </ul> <p>She considers such changes are inconsistent with the policy intent to maintain, restore and improve freshwater quality and quantity, Te Mana o te Wai and Māori rights, interests and values in freshwater.</p>

<sup>29</sup> [Interim RIS: Simplifying the wetland provisions in the NPS-FM and NES-F](#) (2025), p 9.

<sup>30</sup> Ibid, p 5.



Part 2.7: Simplifying the fish passage regulations	
25. What information requirements are necessary for fish passage? What would the difference in cost be, relative to current information requirements?	Native fish are considered a taonga to Māori. As a result, the Māori Trustee does not support decreasing the information requirements for fish passage assessments because the information requirements for fish passage reflect the New Zealand Fish Passage Guidelines <sup>31</sup> , and are relevant to the structural aspects and stream conditions which impede fish passage. Further, she does not consider the information requirements are unduly burdensome, as the vast majority of information required will already be known by applicants (e.g. the diameter and length of a proposed culvert ).
26. How can regulations for temporary and permanent culverts in the NES-F be made simpler?	The Māori Trustee supports retaining the current regulations for temporary and permanent culverts because the current regulations reflect the New Zealand Fish Passage Guidelines.
27. Temporary culverts are currently treated the same as permanent ones. If temporary culverts were to be treated differently (eg, had fewer conditions), would it be better to do so through a permitted activity pathway in the NES-F (culverts only), or by allowing councils to be less stringent than the permitted activity conditions for culverts and weirs?	<p>The Māori Trustee does not support creating separate requirements for temporary culverts, because:</p> <ul style="list-style-type: none"> <li>• Temporary culverts can have the same environmental impact on fish passage as permanent structures. These impacts are detailed in the New Zealand Fish Passage Guidelines<sup>32</sup>.</li> <li>• The RIS includes options to mitigate the impacts of temporary culverts by not permitting their installation “during periods critical to population success (e.g. peak īnanga migration and spawning)”<sup>33</sup>. However, the Māori Trustee considers this challenging as critical migration and spawning periods of different endangered and threatened taonga species occur year-round<sup>34</sup>.</li> <li>• It is not additionally onerous to require an applicant to obtain a consent for a temporary culvert because activities that require temporary culverts are also likely to require a consent for the primary activity.</li> <li>• In-stream structures built in accordance with best practice standards set by the New Zealand Fish Passage Guidelines are likely to be more resilient to storm events<sup>35</sup> which reduces costs to applicants.</li> </ul> <p>The Māori Trustee recommends retaining existing consent requirements for both temporary and permanent culverts, due to the impacts all culverts have on highly threatened taonga species, and because consenting a culvert does not unduly burden applicants.</p>
Part 2.8: Addressing remaining issues with farmer-facing regulations	
29. To what extent will it be more efficient to require dairy farmers to report on fertiliser use at the same time of year they report on other matters?	The Māori Trustee considers that amending the date dairy farmers must report on their fertiliser use to 31 May will be beneficial. However, she recommends that the change in reporting period must also account for the period between 31 May and 1 July for the first year to ensure that there is no gap in records reflected by the change of reporting date.
30. Has the requirement for dairy farms to report their use of fertiliser already served its purpose, in terms of having signalled a level of unacceptable use that should be avoided – no more than 190 kilograms per hectare per year – and if so, is this requirement still necessary?	<p>The Māori Trustee supports retaining the current reporting requirements and 190kg per hectare per year limit on use of synthetic nitrogen management (<b>nitrogen cap</b>), because:</p> <ul style="list-style-type: none"> <li>• Councils themselves have indicated their reliance on the reporting requirements to ensure compliance monitoring and enforcement<sup>36</sup>.</li> <li>• While practices and knowledge in the farming sector have improved since implementing the nitrogen cap, removing it may disincentivise best practice.</li> <li>• Nitrogen is a key contaminant which can seriously threaten human and environmental health, and the reporting requirements and cap ensure this is monitored. The effects of removing the nitrogen cap have not been sufficiently modelled to support these amendments.</li> <li>• She does not consider it responsible to remove the nitrogen cap without contemporaneously and fairly addressing allocation.</li> </ul>

<sup>31</sup> [New Zealand Fish Passage Guidelines \(2018\)](#).

<sup>32</sup> Ibid, from p 21.

<sup>33</sup> [Interim RIS: Simplifying fish passage regulations in the NES-F](#) (2025), p 4.

<sup>34</sup> NIWA. [Fish Spawning and Migration Calendar](#) (2014), p 14.

<sup>35</sup> Interim RIS: Simplifying fish passage, above n 35, p 12.

<sup>36</sup> [Interim RIS: Options to amend regulations for farming activities](#) (2025), p 25.



Part 2.9: Including mapping requirements for drinking water sources	
31. Do you think that requiring regional councils to map SWRMAs for applicable drinking water supplies in their regions will improve drinking water safety? Should councils be required to publish SWRMAs?	The Māori Trustee supports the proposal to require councils to map SWRMAs as this will improve freshwater management and empower councils, communities, and Māori to understand how activities on the land affect our water. It may also better align decisions with Te Mana o te Wai and the hierarchy of obligations.
32. Do you think that three zones should be required for each SWRMA, or is one zone sufficient?	The Māori Trustee supports requiring three zones for each SWRMA. This is because aquifers and catchments do not follow local authority boundaries and this approach better supports integrated management “ki uta ki tai”. There is an information gap regarding the locations and extent of New Zealand groundwater resources <sup>37</sup> and requiring three zones for each SWRMA helps to address this gap to support drinking water management.
33. What do you think the population threshold should be to require regional councils to map SWRMAs (eg, 100-person, 500-person, or some other threshold)?	<p>The Māori Trustee does not support using a population threshold for SWRMA mapping because doing so does not reflect Māori values or rights and interests in freshwater. Much of the land administered by the Māori Trustee is in smaller, less populated areas. Good management of drinking water is still important for the wellbeing and interests of smaller communities.</p> <p>The Māori Trustee considers that, if a priority system is to be implemented for SWRMA mapping, this should reflect Māori rights and interests in freshwater management and Te Mana o te Wai.</p>

<sup>37</sup> [Groundwater - Earth Sciences New Zealand | GNS Science | Te Pū Ao.](#)



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## Conclusion

15. The Māori Trustee looks forward to discussing this submission with the Ministry for the Environment officials.
16. 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](mailto: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

17. 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.
18. Te Tumu Paeroa is the organisation that supports the Māori Trustee to undertake her legal functions, duties and responsibilities.
19. 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.
20. 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.
21. 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.
22. 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

23. 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.*
24. 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.
25. Our purpose is to be a dedicated professional trustee service for Māori.
26. 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.
27. Our responsibility as trustee in the context of Freshwater 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**

28. Our portfolio currently<sup>38</sup> 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**

29. The Māori Trustee has the responsibility to ensure that the best interests and outcomes for Māori land owners are advanced by Te Tumu Paeroa's mahi.
30. 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.

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<sup>38</sup> The Māori Trustee Annual Report 2024



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- 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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