



## **DISCUSSION DOCUMENT ON PROPOSED CHANGES TO NATIONAL DIRECTION - FRESHWATER**

**SUBMISSION TO  
MINISTRY FOR THE ENVIRONMENT**

**POU TAIAO, NATIONAL IWI CHAIRS FORUM**

**27 July 2025**

## INTRODUCTION

1. This submission is made by the Pou Taiao Leaders of the National Iwi Chairs Forum (**Pou Taiao**), on the Discussion document on proposed changes to National Direction – Freshwater (**proposals**).
2. The proposals represent a collection of ad hoc amendments that lack any evidential basis; many of which serve only to respond to the Government's coalition agreements.
3. In this regard, while some amendments are supported, Pou Taiao is largely **opposed** to the proposals. They represent a familiar and alarming trend in environmental reform of ill-conceived policy, developed without substantive and meaningful iwi and hapū engagement, and will have significant adverse effects on our taiao.

## POU TAIAO

4. The National Iwi Chairs Forum (**NICF**) comprises the Chairpersons of approximately 70 iwi across Aotearoa. It is a platform for sharing knowledge and information between iwi.
5. The vision statement of the NCIF is guided by the following whakatauki:

*He waka kōtuia kāhore e tukutukua ngā mimira*

*A canoe that is interlaced will not become separated at the bow.*

*Through unity, through sharing and working together, we will honour our past and create a better future for whānau, hapū, and iwi.*

6. NICF's primary focus is enabling the aspirations of Māori in cultural, social, economic, environmental, and political development, while retaining the mana and autonomy of individual iwi to advance their own aspirations. The NICF's work is organised under a range of Pou (branches). Pou Taiao is the environmental branch of NICF, which includes issues relating to the marine environment and fisheries (including aquaculture). Pou Taiao are supported by a group of legal and technical iwi advisors.
7. Pou Taiao has been endorsed by successive meetings of the NICF over many years to engage with the Crown and advance the interests of iwi and hapū in relation to reform processes involving resource management, conservation and freshwater.
8. In all its engagement, the work of Pou Taiao (and our advisors) has been:
  - (a) advanced for the benefit of all iwi and hapū, and ultimately all Māori; and
  - (b) founded on the principle that Te Tiriti o Waitangi underpins the relationship between iwi/hapū and the Crown.
9. Pou Taiao has also been clear throughout its engagement with the Crown that:
  - (a) the engagement of Pou Taiao (and its advisors) with the Crown does not usurp the mana and/or autonomy that each iwi and hapū has in respect of their own

relationship with the Crown;

- (b) each iwi and hapū is free to pursue its own course of engagement or other action;
- (c) Pou Taiao is not mandated to negotiate a collective settlement of rights and interests on behalf of iwi;
- (d) any options identified and developed in the course of engagement with the Crown must be brought back to the motu for discussion; and
- (e) the Crown's engagement with Pou Taiao and its advisors is in addition to, and is not a substitute for, the Crown's obligation to engage directly with iwi and hapū, and with Māori more generally.

10. To that end, this submission by Pou Taiao is provided in addition to, and is not a substitute for, the submissions that may be received by the Minister from individual iwi and hapū, which will be informed by unique iwi and hapū rights, interests and responsibilities, te tino rangatiratanga of iwi and hapū at place as guaranteed by Te Tiriti o Waitangi, and their own experiences.

## **POU TAIPIO POSITION**

### **Inadequate prior engagement**

- 11. The Government continues to fall well short of well-established expectations of engagement with iwi and hapū Tiriti partners on policy development.
- 12. The Government's own Legislation Design guidelines state that "The development process of policy and legislation, as well as the final product, should show appropriate respect for the spirit and principles of the Treaty. The Treaty requires that the Government and Māori act towards each other reasonably and in good faith—akin to a partnership. Two important ways to achieve this are through informed decision making (which includes effective consultation by the Government) and through the active protection of Māori rights and interests under the Treaty by the Government."<sup>1</sup>
- 13. The proposed changes to national direction have been developed in the absence of meaningful consultation with iwi and hapū. The interim Treaty Impact Analysis states that the following critical aspects of the reform were omitted from two rounds of pre-public consultation engagement with iwi, hapū and Māori groups:<sup>2</sup>
  - (a) removing Te Mana o te Wai in its entirety and consider changing its name;
  - (b) whether to go back to two compulsory values (as per the 2017 NPS-FM)
  - (c) what attributes are critical to monitor and manage, and which attributes (if any)

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<sup>1</sup><https://www.ldac.org.nz/guidelines/legislation-guidelines-2021-edition/constitutional-issues-and-recognising-rights-2/chapter-5>

<sup>2</sup> [Interim-Treaty-Impact-Analysis-for-the-Freshwater-Package.pdf](#)

should have national bottom lines set for them

- (d) options to provide councils with flexibility to vary attribute thresholds (including national bottom lines) and monitoring methods “where achieving national bottom lines has a high social, cultural or economic cost”
- (e) the option to remove the nitrogen fertiliser cap.

14. The lack of meaningful iwi and hapū input, indeed its complete absence where proposals were not put to them, is clear. Continuing an alarming trend in this Government’s reform agenda, the discussion document proposals are ‘solutions in search of problems’. Many of the proposals lack any evidential basis, instead serving only to respond to the Government’s coalition agreements.

15. In contrast, the existing National Policy Statement for Freshwater Management 2020, NES-Freshwater and Stock Exclusion Regulations have involved extensive evidence and iwi and hapū, stakeholder and community engagement prior to their enactment. The difference is strikingly clear.

#### **Overarching comment**

- 16. Pou Taiao is not, in principle, opposed to amending the National Direction for Freshwater to enhance certainty of outcomes for the taiao and the people of Aotearoa arising from improved management of freshwater resources. This includes providing flexibility for communities at place to determine and give effect to their values and goals for freshwater.
- 17. However, many of the proposals outlined in Government’s discussion document will undermine the efforts of councils and communities to improve the outcomes for waterbodies within their rohe or takiwā.
- 18. We make the following comments in response to the Government’s proposals for amending Freshwater national direction.

### **Part 2.1: Rebalancing freshwater management through multiple objectives**

#### **Single vs Multiple objectives**

19. The National Policy Statement for Freshwater Management 2020 (**NPS-FM**) currently has a single objective requiring that:

natural and physical resources are managed in a way that prioritises:

- (a) first, the health and well-being of water bodies and freshwater ecosystems
- (b) second, the health needs of people (such as drinking water)
- (c) third, the ability of people and communities to provide for their social,

economic, and cultural well-being, now and in the future.

20. If the issue is that the NPS-FM is being interpreted as requiring all water bodies to be returned to a pristine pre-human state this could be addressed through implementation guidance clarifying the existing hierarchy does not require “pristine water”. Instead the intent is that the health and well-being of freshwater, and provision for other uses, must be determined by local community.
21. The multiple objectives proposed in the discussion document lack direction on how to manage the inherent conflict between the objectives and what should be given priority. This will likely lead to an increase in decisions being challenged and further drawn-out planning processes.
22. The discussion document proposes a new objective that will direct councils to:
  - *safeguard the life-supporting capacity of freshwater and the health of people and communities*
  - *while enabling communities to provide for their social, cultural and economic well-being, including productive economic opportunities.*
23. Requiring councils to provide for these matters within planning documents without any direction on how they should be balanced or applied will create increased uncertainty and conflict between outcomes.
24. Previous attempts to “balance” similar multiple criteria have failed to protect the health and wellbeing of waterbodies, with greater emphasis being placed on economic uses and opportunities at the expense of the environment. This is borne out by the Government’s own state of the environment reporting which shows significant degradation of our natural environment, enabled under similar previous objectives.

### **Considering the pace and cost of change**

25. The discussion document does not present any evidence to support the claims that the NPS-FM has been misinterpreted as requiring water quality and bottom lines to be achieved or complied with immediately. Most councils and communities understand it will take time to stop degradation and improve water quality.
26. The discussion document also states, “We are consulting on introducing a new objective to consider the pace and cost of change, and who bears the cost.”
27. Councils will be required 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.*

28. While we support the intent of this proposal we do not support it being included as an objective. This could more appropriately be included elsewhere in the NPS-FM or in implementation guidance and support.
29. Nor should incorporating consideration of the cost of change and who bears the cost sit as an objective. These matters should instead be applied in the context of the government statements regarding internalising externalities.
30. Cost, while one of several relevant factors in determining the speed/timeframe within which degraded waterbodies should be restored, should not be able to be used as justification for not improving the state of a waterbody. Any water body currently below the national bottom line must be required to be restored to the national bottom line as an absolute minimum or better, within a reasonable timeframe as determined by the local community.
31. We also acknowledge that addressing degradation and improving water quality to the standards determined by local communities may, in some circumstances, be a long-term process. However, it must start now by taking action to reduce over-allocation and pollution leading to degradation. The timeframes for achieving communities' long term visions and goals should be determined by local communities based on sound advice and information.
32. Further, ongoing degradation should be not allowed on the premise that this is a long-term problem that will take time to fix, without establishing a plan for restoring the waterbody within a reasonable timeframe.
33. We do not believe the multiple objectives proposed in the discussion document will improve the management of freshwater or help communities achieve their long-term visions and goals. This is consistent with feedback from local government recorded in the Interim Regulatory Impact Statement (**RIS**) which notes local government support for a single objective, "as having multiple objectives can cause uncertainty, and make decision-making more complex."
34. The views of the primary sector recorded in the RIS also appear to indirectly support this position, noting the need for enduring rather than constantly changing policy and general support for the concept of Te Mana o te Wai.
35. While there is regular reference in the discussion document to the need for the NPS-FM to reflect the interests of all water users there is no information on what interests the existing NPS-FM is failing to reflect. Without clarity on what interests are not being provided for it is difficult to determine what changes, if any, are required to strengthen the NPS-FM.
36. The structure of the existing NPS-FM, including Te Mana o te Wai and the associated hierarchy, already provides a framework for local communities to determine the appropriate balance between environmental protection, human health and other uses for their catchments. There is no evidence in the discussion document of how this

approach has failed to provide for the interests of all users, and indeed as councils are not required to notify their regional policy statements and regional plans until December 2027, implementation of the NPS-FM to date is extremely limited in any instance.

*Amendment sought*

37. Pou Taiao seeks that the Government maintains a single, clear objective for Te Mana o te Wai.

## **Part 2.2: Rebalancing Te Mana o te Wai**

38. Te Mana o te Wai is a concept deeply rooted in a Te Ao Māori worldview. It recognises the fundamental importance of managing our natural resources and environment in a way that ensures they can support both current and future generations. The attempts of some interest groups to portray Te Mana o te Wai as imparting some form of spiritual framework into the management of water are misguided and incorrect. Te Mana o te Wai is a practical environmentally based framework that inherently acknowledges the importance of water to the wellbeing of people, local communities, and the long-term sustainability of our environment. This includes the long-term health and wellbeing of our environment, the reliance of people on water for their personal use and needs, as well as the reliance of other uses, including local and national economies, on access to water.
39. Te Mana o te Wai can also only be determined at place. While a universally applicable concept, its application to a specific catchment can only be determined by the local community with direct reference to the conditions of that catchment and the long-term visions and goals of the local community.
40. Te Mana o te Wai has always been intended to empower local communities to determine for themselves how resources should be allocated between competing demands, while continuing to maintain the environmental integrity of the waterbody itself to ensure the long-term vision and goals of those communities are achieved.
41. In practice, Te Mana o te Wai provides a framework for balancing these often-competing interests to meet the long-term vision and goals of the community including providing for the rights and interests of future generations. There has never been any intention for Te Mana o te Wai to disempower local communities making their own decisions to meet local aspirations.
42. It is therefore difficult to reconcile the need to “rebalance” Te Mana o te Wai to better reflect the interests of all water users, in the practical application of Te Mana o te Wai. As is well understood, the hierarchy set out in clause 1.3(5) and then repeated in Objective 2.1 of the NPS-FM provides for:
  - (a) first, the health and well-being of water bodies and freshwater ecosystems
  - (b) second, the health needs of people (such as drinking water)

- (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

43. As noted above, the discussion document does not give any detail of what interests are not adequately reflected in this hierarchy. Nowhere in this hierarchy is there reference to restoring waterbodies to a pre-human pristine state, nor are any potential uses or users necessarily excluded from being provided for.

44. Te Mana o te Wai makes local communities, through their democratically elected representatives (currently regional and local councils) in consultation with their constituents, responsible for applying this hierarchy through their respective planning documents.

45. Pou Taiao has been involved in many different forums, both national and local, for many years and nowhere have we seen any sector or group stating the health and wellbeing of waterbodies and freshwater ecosystems is not important or not a priority, nor have we seen any evidence suggesting providing for human health is not important. This is entirely consistent with the feedback highlighted in the Interim RIS from all sectors, including the Primary sector.

46. The policy problem intended to be addressed by the proposed changes is therefore both unclear and uncertain.

### **Options to ‘rebalance’ Te Mana o te Wai**

47. The discussion document outlines three proposals for ‘rebalancing’ Te Mana o te Wai. It also states that including multiple objectives as proposed in the discussion document is a key part of rebalancing Te Mana o te Wai.

48. As above, Pou Taiao do not support multiple objectives in the NPS-FM. As identified in the Interim RIS, this is likely to be counter-intuitive to the intent of the NPS-FM reforms by causing added uncertainty and increasing the complexity of decision making.

### **Option 1: Remove hierarchy of obligations and clarify how Te Mana o te Wai applies**

49. This proposal includes 3 parts:

- (a) remove the hierarchy
- (b) clarify Te Mana o Te Wai doesn’t apply to consenting decisions and that progressive improvement over time is allowed
- (c) retaining process steps for councils to apply Te Mana o te Wai

50. Pou Taiao considers that any confusion or misunderstanding about how the hierarchy of obligations should be applied in practice is most effectively addressed by better support and guidance for implementing the NPS-FM, and Te Mana o te Wai in particular. We have first-hand experience of working with councils, sector groups and local

communities in supporting them to understand and implement Te Mana o te Wai, which has invariably increased the understanding and support for Te Mana o te Wai.

51. We recommend specifically clarifying the Te Mana o te Wai hierarchy does not require all waterbodies to be returned to a pristine pre-human state, and that it is imperative for local communities to determine how each of the criteria in the hierarchy are provided for, including how each is weighted and balanced against the others.
52. While earlier versions of the NPS-FM since 2014 have included references to Te Mana o te Wai they did not make reference to the hierarchy. The hierarchy was included in 2020, in part, to address earlier concerns with a lack of clarity concerning the intent and meaning of the Te Mana o te Wai concept. Therefore, removing the hierarchy altogether appears to be a retrograde step and will result in less clarity and certainty for everyone. Pou Taiao does not support removing the hierarchy.
53. While we support clarifying that the NPS-FM allows progressive improvement over time, we do not think this needs to be clarified in the Objectives. What timeframes are appropriate is a matter for local communities to determine based on their local circumstances. Timeframes must also be reasonable, including the feasibility and cost of making the necessary changes.
54. Pou Taiao are open to working with Ministers and officials to revise the hierarchy to address legitimate and substantiated concerns with the application of this concept, but this requires these concerns to be clearly articulated. Currently much of the criticism directed at the current NPS-FM, and Te Mana o te Wai in particular, is unsubstantiated rhetoric.

#### **Option 2: Reinstate Te Mana o te Wai provisions from 2017**

55. As noted above, the 2020 amendments to the NPS-FM were designed to provide greater clarity and direction, including on the concept of Te Mana o te Wai.
56. While Pou Taiao does not disagree with the description of Te Mana o Te Wai in the 2017 version, reverting to this version risks raising the same concerns that the NPS-FM 2020 attempted to address, including lack of clarity and certainty for users. It is therefore difficult to see how choosing this option addresses any of the concerns with the current NPS-FM drafting.
57. It is also important to acknowledge that Te Mana o te Wai is a concept directly focused on protecting the long-term sustainability and viability of the environment, particularly water. This imperative is inherent in the concept of Te Mana o te Wai and a concept we believe that the vast majority of New Zealanders support, including many in the primary sector. As with any objective or policy there will always be some degree of interpretation required, and any definition will need to be applied in the local context and influenced by local values at the time of application. This approach is entirely consistent with the principle of local decision making that formed a cornerstone of this governments election manifesto.

### **Option 3: Remove Te Mana o te Wai Provisions**

58. Pou Taiao vehemently oppose removing the Te Mana o te Wai provisions from the NPS-FM. There is no analysis in either the discussion document or the interim RIS (where this option is presented as Option 5 not Option 3) so it is difficult to understand what the premise supporting this option is, or what would replace it in the NPS-FM.
59. Removing Te Mana o te Wai from the NPS-FM entirely will significantly increase the risk to our waterbodies. Also as Te Mana o te Wai is the fundamental concept of the NPS-FM, removing it entirely will effectively require a complete rewrite of the whole NPS. Given that is not otherwise considered in this discussion document or the Interim RIS is presumably not being considered as a serious option.

### **Additional option – redevelop Te Mana o te Wai**

60. The inclusion of Te Mana o te Wai in the NPS-FM originated from Pou Taiao. We know this concept and we know it works. An additional option for consideration is to reword the concept of Te Mana o te Wai, on the condition that the underlying intent of protecting the health and wellbeing of the waterbodies continues to be provided for. This may be a way of avoiding some of the, albeit uninformed, criticism and political angst that has developed around Te Mana o te Wai, while retaining the underlying intent of the original concept.

#### *Amendment sought*

61. Pou Taiao seeks that Te Mana o te Wai is retained in the NPS-FM.
62. Pou Taiao are open to working with Ministers and officials to revise Te Mana o te Wai to address legitimate and substantiated concerns with the application of this concept, but this requires these concerns to be clearly articulated and substantiated. Currently, much of the criticism directed at the current NPS-FM, and Te Mana o te Wai in particular, is unsubstantiated rhetoric.

### **Part 2.3: Providing flexibility in the National Objectives Framework**

63. The National Objectives Framework (NOF) was created to provide both consistency and certainty for setting environmental limits at a catchment level. The NOF was established following broad engagement with a wide range of stakeholders and interested parties alongside robust scientific analysis and peer review.
64. Reducing the scope of the NOF to only focus on “matters critical at the national level”<sup>3</sup> is misguided. While the NOF can and should be continually reviewed to ensure it reflects the best scientific understanding available, reducing the scope in this way removes an important tool from local communities.
65. Without the NOF councils, local communities, tangata whenua and other stakeholders

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<sup>3</sup> Package 3: Freshwater – Discussion document page 17

and users will be forced to debate on a plan by plan and consent by consent basis each proposed limit, rule and consent condition, including whether they are justified or not and the underlying science behind each decision. This is the very situation the NOF was designed to avoid. Reducing the scope of the NOF will add significant complexity and substantial extra cost into the system for councils, communities, tangata whenua, water users and consent applicants.

66. What is meant by “matters critical at the national level” is unclear, as is what is meant by “which attributes and national bottom lines are critical for councils to manage nationally”<sup>4</sup>. We are also unaware of any councils who manage attributes or national bottom lines nationally. Councils are only mandated to manage resources within their defined regions and districts. While they may be required to implement national bottom lines and apply nationally defined compulsory values and attributes, they do so within their respective rohe or takiwā. This appropriately recognises the broad diversity in catchments across Aotearoa and the need to ensure these are managed relative to local conditions.
67. There is already inherent flexibility in the NOF. While national bottom lines are fixed, these are mostly set at a very low threshold (D Band), with the exception of Nitrate and Ammonia toxicity (set at a C Band). Councils already have broad scope and flexibility beyond the national bottom lines to manage both the compulsory and optional values and attributes to align with the values and aspirations of their local communities. There is also inbuilt flexibility within the NOF regarding naturally occurring processes, such as high levels of naturally occurring sediment that may impact the application of a national bottom line within a catchment.
68. The discussion document provides inadequate information to support an informed discussion on amending the NOF values and attributes. Regardless, Pou Taiao does not support removing any of the compulsory values or attributes in the NOF. These are all accepted as being important by all local communities and there is no evidence of significant disagreement with these criteria.
69. Mahinga Kai, in particular, is of critical importance for iwi and hapū. While this value is primarily focused on Mahinga Kai, providing for this also supports and provides for a wide range of values and attributes that are equally important for iwi, hapū and Māori.
70. Similarly, we do not support the reduction or removal of national bottom lines from the NOF. Councils should also not be able to deviate from these, except for limited exceptions due to naturally occurring phenomena. The national bottom lines provide both certainty and minimum safeguards to communities. National bottom lines should also not be accepted as the default setting and should be considered as minimum safeguards with most catchments aiming for higher standards
71. The interim RIS references changes to the NOF as relating to:

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<sup>4</sup> <sup>4</sup> Package 3: Freshwater – Discussion document page 18

- (a) reducing costs and complexity, while improving the health of freshwater for all New Zealanders;
- (b) allowing councils more flexibility in how they set environmental limits under the NPS-FM.

72. As noted above, these proposals will have the opposite effect, increasing costs at all stages of the process, while also likely resulting in reduced environmental outcomes.

73. The interim RIS also analyses three possible options for amending the NOF, and significantly more information than is presented in the discussion document. The interim RIS also notes broad consultation will be undertaken on this matter. The limited information presented on this topic in the discussion document cannot be considered broad consultation on such a critical aspect of the NPS-FM framework.

*Amendment sought*

74. Pou Taiao seek that the NOF is maintained in its current form.

**Permitting Commercial Vegetable Growing**

75. Pou Taiao opposes the proposal to provide for commercial vegetable growing (**CVG**) as a permitted activity, as it is likely to result in widespread and unmanaged expansion of CVG activities.

76. Pou Taiao agrees that “Despite CVG covering a small area nationally, it contributes significantly to total nutrient loads in some catchments where it is concentrated.”<sup>5</sup> It is reasonable, therefore, to presume that expanding CVG activities will significantly increase the load of contaminants being discharged into catchments and entering waterbodies. This is problematic as many of the waterbodies in existing areas of concentrated CVG activities identified in the Interim RIS, such as Manawatu, Horowhenua, Pukekohe, Waikato and Canterbury, are already in a degraded state.

77. It is unclear to Pou Taiao why CVG have been singled out for special attention through National Direction. Making an arbitrary decision to pick winners is contrary to the 28 May 2025 interim Decision of the Environment Court on Waikato Regional Plan Change 1 (**PC1**) where the Court was clear that *“For the avoidance of doubt, each sector is important to the region and to New Zealand and any inference that one is more important than others or should be treated more leniently than any other is not accepted by the Court.”*<sup>6</sup>

78. Pou Taiao is also concerned that permitting CVG activities could be the ‘thin end of the wedge’. Given the rationale provided in the Interim RIS is sector-led, there is likely to be a risk that other primary production sectors will also expect similar treatment.

79. Additionally, we are aware that exemptions from regulation have also been

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<sup>5</sup> Regulatory Impact Statement: Commercial Vegetable Growing <https://environment.govt.nz/assets/Interim-Regulatory-Impact-Statement-Commercial-vegetable-growing.pdf>

<sup>6</sup> Decision [2025] NZEnvC 170 at para 621

contemplated for CVG activities through National Direction. Pou Taiao is clear that an exemption for CVG activities means other primary production sectors, including Māori land blocks used for pastoral primary production, will need to pick up the shortfall by reducing discharges to ensure waterbodies remain within expected parameters. This is unfair and places an unnecessary burden on those Māori land blocks.

80. These proposals may also undermine and severely constrain development opportunities for undeveloped Māori land created through RMA freshwater planning instruments.<sup>7</sup> This is inappropriate and inconsistent with upholding existing Treaty settlement arrangements and runs counter to the aspirations of the communities that developed those planning instruments. Further, in the case of the Waikato catchment, this is also inconsistent with the interim decision of the Environment Court.
81. Additionally, Pou Taiao considers enabling the expansion of CVG activities as proposed in the discussion document also puts at risk the work that has been undertaken by iwi/hapū, local authorities, landowners and the community to improve the health of waterbodies, through RMA freshwater planning instruments, on-farm mitigation measures, upgrades to three waters infrastructure and restoration initiatives.

*Amendment sought*

82. Pou Taiao seeks that:
  - (a) the Government rejects enabling CVG activities as permitted activities;
  - (b) the Government rejects providing exemptions for CVG activities from complying with any regulated requirements in RMA planning documents to reduce the diffuse discharge of contaminants to land or waterbodies;
  - (c) National Direction upholds existing Treaty Settlement arrangements, including the practical application of those arrangements through RMA planning documents;

**Addressing water security and water storage**

83. Pou Taiao supports in part the proposal to amend National Direction to direct regional councils to consider all facets of water security for their communities in the face of a rapidly changing climate.
84. We acknowledge that in a number of regions water is already scarce at critical times and water security is becoming increasingly important to communities. Pou Taiao have continually advocated for improving the way freshwater is managed, including by way of advancing Te Mana o te Wai as one of the core principles of Ngā Matapōnō ki te Wai to ensure we manage our limited water resources as effectively as possible. The holistic approach to managing wai implicit in Te Mana o te Wai, which places the health of water

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<sup>7</sup> By way of example, Objective 2 of PC1 requires a 20% reduction in the diffuse discharge of four contaminants and Objective 4 provides a limited pathway for the development of Tāngata Whenua Ancestral Land (TWAL). The development of TWAL relies on the headroom that is created when other land uses reduce their contaminant discharges over time.

first, envisages communities at place will have nuanced discussions about how freshwater is managed effectively, including to support economic wellbeing. Our view is, these conversations will necessarily include addressing risks to water security by looking ‘across the system’, not simply picking a winner of “building larger water storage”<sup>8</sup>.

85. Pou Taiao also considers it is important to consider the end use of the capacity created by water storage to ensure it is consistent with broader environmental expectations across the catchment. This includes differentiating between well-conceived water storage schemes that address water security risks and are aimed at making communities more resilient to the effects of a rapidly changing climate, and water storage schemes that are primarily focused on enabling unsuitable and unmanaged growth and intensification of inappropriate land uses.
86. We are concerned that “cutting red tape and regulatory blocks” on water storage and “removing resource consents”<sup>9</sup> to build water storage schemes, in of itself, places the environment at risk from inappropriate and unnecessary water storage projects, resulting in unsuitable land use developments or intensification. There is a risk that an overly simplistic and enabling framework in National Direction will result in a plethora of ill-conceived water storage schemes that exacerbate unsustainable land use practices in regions that are facing more frequent and more intense climatic events.
87. Pou Taiao reminds the Government that iwi and hapū have unresolved rights and interests in freshwater. The basic analysis in the Interim Treaty Impact Analysis for the Freshwater Package suggests that “...allocation is out of scope of the current policy process...”. However, enabling “building larger water storage” on private land creates an artificial source of water that will likely be controlled by commercial interests. Not only is this inconsistent with the Governments’ claim that “no one owns water”, enabling water storage will require allocation of large water takes to support these schemes, potentially creating further barriers to the Government being able to adequately resolve iwi and hapū rights and interests. Such an outcome is unacceptable to Pou Taiao ahead of iwi and hapū rights and interests in freshwater being fundamentally resolved.

*Amendment sought*

88. Pou Taiao seeks:
  - (a) Water storage continues to be appropriately regulated by councils to ensure any developments are consistent with the visions and goals of the local communities and do not result in further environmental degradation and harm.
  - (b) the Government commits to fundamentally resolving rights and interests of iwi and

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<sup>8</sup> Package 3: Freshwater – Discussion document <https://environment.govt.nz/assets/publications/RMA/package-3-freshwater-discussion-document.pdf#page=12>

<sup>9</sup> Regulatory Impact Statement: Water security and water storage <https://environment.govt.nz/assets/Interim-Regulatory-Impact-Statement-Water-security-and-water-storage.pdf>

hapū in freshwater.

### **Simplifying wetland provisions**

89. Pou Taiao supports, in part, the proposal to simplify wetland provisions in National Direction.
90. Pou Taiao agree that wetlands are among the most productive ecosystems, hold significant cultural and spiritual value to tāngata whenua and other communities, are home to vital habitat for taonga species and are ultimately crucial for improving the health and wellbeing of waterbodies.
91. As noted in the Interim RIS, we also agree wetlands have an important role in reducing the impacts of flooding, stabilise shorelines and riverbanks, and support a raft of animal and plant life, much of which is native to New Zealand and classified as 'Threatened' and fundamentally at risk with approximately 90% of wetland areas being lost since human settlement<sup>10</sup>.
92. Against this backdrop, Pou Taiao advocate for the restoration and protection of natural wetland areas through the NPS-FM and NEF-F, and support efforts to re-create wetland areas where these have been lost. Iwi and hapū are familiar with the re-creation of wetland areas and the construction of artificial wetland areas, often occurring as a result of negotiated conditions of resource consent.
93. However, Pou Taiao also acknowledge the confusion created by the complexities of the negatively framed definition of 'natural inland wetland'. While our preference is to maximise the wetland area that is protected and restored, we are also pragmatic given Māori also have extensive pastoral farm interests. We agree that a size threshold may need to be applied to avoid excessive capital costs for stock exclusion, however we would also note that in some areas that are predominantly 'wet', decisions should be made as to whether those areas should continue to be actively farmed in the long term. There continues to be a need to ensure decisions can be made consistent with local conditions.
94. Our view is, as a first priority, every effort should be made in National Direction to protect existing natural wetland areas. This can be achieved via a number of pathways, for example through the identification in Farm Plans and managed as an asset to the farm system. This would necessarily involve mandatory stock exclusion and appropriate set backs —that have an element of pragmatism— to enable the operation of farming activities to be undertaken in a way that does not detrimentally affect the wetland.
95. Secondly, Pou Taiao considers artificially constructed wetlands, including as mitigation measures on-farms, or constructed as a condition of resource consent, should be managed according to the purpose for why they were established. For example, if a

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<sup>10</sup> Regulatory Impact Statement: Simplifying the wetland provisions in the NPS-FM and NES-F <https://environment.govt.nz/assets/Interim-RIS-Simplifying-the-wetland-provisions-in-the-NPS-Freshwater-Management-and-NES-Freshwater.pdf>

series of ‘artificial wetlands’ is purposefully constructed to detain overland flow and capture eroded material (sediment) on a pastoral farm, then those wetlands should be able to be managed for that purpose.

96. Pou Taiao is concerned with the recent classification of ‘induced wetlands’.. We are concerned that a new classification of wetland could be deliberately mis-applied to natural wetland areas, resulting in further loss of wetlands. Our view is that ‘natural inland wetland’ and ‘artificial wetland’ are clearly defined and managed accordingly.
97. We support incentivising landowners to re-create and/or restore natural wetland areas. There are a number of levers the Government could use to incentivise wetland restoration, such as biodiversity credits, carbon sequestration credits, increased time between audits for Farm Plans etc.
98. We support regional councils retaining the function of identifying natural wetlands. We understand regional councils also have functions under the Resource Management (Freshwater Farm Plans) Regulations 2023 to provide information to landowners regarding catchment context, challenges and values. Our view is the mapping of natural wetland areas aligns with this requirement. There are also opportunities to continue to build our understanding of the extent of wetland areas through these functions and the identification of wetland areas in Farm Plans.

*Amendment sought*

99. Pou Taiao seeks that the Government:
  - (a) define what constitutes a ‘natural inland wetland’, as opposed to what is NOT a ‘natural inland wetland’.
  - (b) define what constitutes an ‘artificial wetland’ enabling the management of that wetland area based on its intended purpose.
  - (c) require the protection of existing ‘natural inland wetlands’
  - (d) direct regional councils to identify existing ‘natural inland wetlands’
  - (e) incentivise the re-creation and/or restoration of ‘natural inland wetlands’

**Simplifying fish passage regulations**

100. Pou Taiao supports the proposal to simplify fish passage regulations in National Direction by consolidating information requirements.
101. The simplification of fish passage regulations must not come at the expense of the health of native fish species, connectivity of waterbodies, or the cultural values attached to migratory and resident taonga species. These must be mandatory considerations that inform amendments to National Direction.
102. Pou Taiao considers repetitive information clauses that appear in multiple parts of the

regulations can be consolidated within the information requirements section that applies to all structures. In undertaking this task, it will be necessary to ensure the information requirements are visible to users of the regulations

103. Pou Taiao supports Regional Councils retaining responsibility for enforcing compliance with fish passage regulations under the existing National Direction as they have the best available information to undertake compliance against the regulations.
104. The Interim RIS implies that temporary culverts and vehicle crossings are treated the same as permanent structures, and there may be reason to provide differentiation<sup>11</sup>. Pou Taiao is not convinced of the need for a separate pathway for temporary structures, given the limited evidence in the RIS. The installation and removal of temporary culverts and vehicle crossings, if misused, have the potential to impact migratory and resident taonga species, particularly during times of the year when fish spawn.

*Amendment sought*

105. Pou Taiao seeks the Government:

- (a) consolidate repetitive information clauses that relate to fish passage structures into the information requirements section of the NES-F

**Options to amend regulations for farming activities**

106. Pou Taiao opposes the proposal to amend the Resource Management (Stock Exclusion) Regulations 2020.
107. Pou Taiao continues to support regulations 16 and 17 of the Stock Exclusion regulations providing for the exclusion of stock from natural wetland areas that are either identified in RMA planning documents or that support populations of threatened species. Any loosening of these requirements could lead to the destruction of natural wetland areas and is fundamentally opposed.
108. Pou Taiao agrees with the proposal to provide some flexibility in setbacks from wetland areas where it may not be practicable to locate a temporary or permanent fence, or part of a fence, in accordance with minimum set back requirements in the regulations<sup>12</sup>. However, there will need to be effective criteria developed to ensure any exemptions are appropriate and warranted while also ensuring stock are permanently excluded from natural wetland areas.

*Amendment sought*

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<sup>11</sup> Regulatory Impact Statement: Simplifying the fish passage regulations in the NES-F <https://environment.govt.nz/assets/Interim-RIS-Simplifying-the-fish-passage-regulations-in-the-NES-Freshwater.pdf>

<sup>12</sup> By way of example, this may be as a result of terrain that forms a physical impediment to the alignment of that fence, the fence needs to connect to an existing fence or an existing man-made farm track or structure provides a more practicable alignment.

109. Pou Taiao seeks the:

- (a) retention of regulations 16 and 17 of the Resource Management (Stock Exclusion) Regulations 2020

**Consent to release**

110. We consent to the Ministry for the Environment publishing our submission on the Ministry for the Environment website.

27 July 2025

Pou Taiao, National Iwi Chairs Forum