SUBMISSION TO THE ENVIRONMENT SELECT COMMITTEE

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INTRODUCTION

1. This submission is made by Te Tatau o Te Arawa (Te Tatau) on the Government's proposed replacement of the Resource Management Act 1991 through the Natural Environment Bill and the Planning Bill (the Bills).
2. Te Tatau is an independent Charitable Trust working to achieve the sustainable well-being of people, culture and place within te rohe o Te Arawa, mai Maketū ki Tongariro.
3. We serve and represent the Te Arawa iwi who mandated the establishment of the Trust in 2015 and determined that the Trust board be made up of elected members representing multiple Te Arawa sectors – rangatahi (youth), koeke (elders), Te Arawa land trusts and incorporations, hapū, iwi, and pan-Te Arawa entities.
4. Importantly Te Tatau was also mandated as the Te Arawa Partner with Rotorua Lakes Council to create and foster a high trust environment in order to achieve enhanced socio-economic and cultural prosperity for Te Arawa, for Māori and for the wider community in the Rotorua district.
5. We welcome the opportunity to provide feedback on the replacement of the Resource Management Act and its implications for Te Arawa, the Crown-Māori relationship, including the principles of Te Tiriti o Waitangi (the Treaty of Waitangi) and the recognition of Māori self-determination and tino rangatiratanga.
6. This submission reflects our role in upholding Te Arawa mana motuhake and advocating for a partnership model that ensures Māori voices are meaningfully integrated into decision-making processes.
7. Te Tatau wishes to be heard in support of this Submission.
8. Te Tatau does not support the Bills in their current form for the reasons outlined below.

PART 1 — OVERALL POSITION

9. The Resource Management Act, while imperfect, established a framework that recognised:

- the interconnectedness of people and the natural environment;
- the cultural relationship of Māori with whenua and wai; and
- the obligation of decision-makers to recognise and provide for matters of national importance, including Māori relationships with ancestral lands and water.

10. The proposed replacement framework significantly shifts the purpose of resource management away from environmental protection and intergenerational wellbeing toward facilitation of development and land-use certainty.

11. In our view the Bills:

- reduce environmental bottom lines
- weaken Te Tiriti obligations
- centralise decision-making authority
- prioritise short-term economic outcomes over long-term environmental and cultural sustainability.

12. Te Tatau acknowledges the Crown's stated objectives in reforming the resource management system, including improving certainty, reducing unnecessary delay, and enabling appropriate economic development and infrastructure delivery.

13. We agree that long-term policy stability is important. A planning framework that frequently changes, or that fails to achieve durable public confidence, creates uncertainty for communities, iwi, local government and investors alike.

14. However, policy longevity depends not only on efficiency but on legitimacy. A system that is perceived to weaken environmental protection, diminish Te Tiriti relationships, or override locally negotiated arrangements is unlikely to endure and risks requiring further reform in the future.

15. Similarly, Te Tatau supports clear and functional legislation. Ambiguity in statutory direction creates conflict, litigation, and delay. In our view, the Bills as currently drafted risk increasing disputes by weakening environmental bottom lines and reducing clarity around the role of iwi in decision-making.

16. For Te Arawa, whose identity and wellbeing are inseparable from lakes, geothermal systems, waterways and whenua, these reforms represent not merely a planning reform, but a fundamental change to how our relationship with the environment is recognised in law. While reform is necessary, it must be done in a way that strengthens, rather than weakens, environmental protection and Treaty partnership. The Mauri Model Decision Making Framework, developed by a member of our board, highlights that decisions should consider the mauri (life essence) of ecosystems, communities, and cultural relationships, as well as intergenerational impacts across environmental, cultural, social, and economic dimensions. Viewed through this lens, the Bills prioritise short-term economic gains over long-term

environmental, cultural, and social wellbeing, fundamentally misaligning with Te Arawa values and principles of sustainable resource management.

PART 2 — TE TIRITI O WAITANGI AND PARTNERSHIP

17. The RMA gave practical effect to the Crown's Treaty obligations, including requiring decision-makers to take into account the principles of Te Tiriti o Waitangi.
18. The proposed Bills appear to weaken the practical effect of this obligation.
19. The change in language from partnership-based recognition toward consultation-based processes is significant. Consultation is not partnership.
20. Te Tiriti o Waitangi established a relationship between kāwanatanga and tino rangatiratanga. Resource management legislation is one of the primary ways the Crown gives practical effect to that relationship.
21. The Bills:
    - limit Māori participation in plan-making
    - restrict locally agreed joint decision-making arrangements
    - centralise decisions into national direction and ministerial control.
22. This risks reducing iwi and hapū to submitters rather than partners in decisions affecting ancestral landscapes and their taonga tuku iho.
23. For Te Tatau this is particularly concerning because Rotorua has been a leading recognised example nationally of partnership-based governance between local government and iwi, especially in lake restoration and freshwater management.
24. The Bills move New Zealand backwards from partnership toward administrative inclusion.

PART 3 — FRESHWATER AND DRINKING WATER PROTECTION

25. Te Arawa lakes are taonga. They are not simply water bodies but whakapapa-connected living entities that are inseparable from and essential to our identity, health and economy.
26. The current freshwater framework recognises the importance of protecting water quality and ecosystem health as a primary objective.
27. The replacement framework introduces a hierarchy of considerations that risks weakening freshwater protection by prioritising development and infrastructure efficiency.
28. Recent expert commentary has raised concern that drinking water protection is no longer clearly prioritised within the framework.

29. The removal or weakening of precautionary environmental safeguards risks repeating historic failures where degraded waterways later required costly restoration efforts.

30. Te Arawa has invested decades and significant intergenerational resource and commitment into restoring the Rotorua Lakes, and we are concerned the Bills could allow land-use intensification and infrastructure decisions that undermine that work.

31. Drinking water must remain a primary, not secondary, planning consideration.
For Te Tatau, this is a public health issue, an environmental protection issue, and a Tiriti issue.

32. A significant portion of the remaining developable land within the Rotorua rohe is owned by Māori, and many of the district's critical water sources are located on Māori land. Effective freshwater protection therefore requires robust engagement and partnership with iwi, hapū, landowners, and local communities. Decisions about development, infrastructure, or land use that affect these water sources must respect Māori authority, property rights, kaitiakitanga responsibilities, and Treaty obligations.

PART 4 — CENTRALISATION OF POWER

33. The Bills transfer significant decision-making authority from local communities and local authorities to central government, national direction and regional planning instruments.

34. While consistency is desirable, over-centralisation risks:

    - removing local knowledge from decisions
    - weakening community trust
    - marginalising iwi relationships with place.

35. Resource management is inherently place-based, and a single national planning approach cannot adequately reflect the cultural, geothermal, ecological and hydrological complexity of the Te Arawa rohe.

36. We are particularly concerned ministerial powers may override locally developed planning frameworks developed in partnership with iwi.

37. Te Arawa has entered into a number of formal agreements and Treaty settlement arrangements with the Crown and local authorities, including the Te Arawa Lakes Settlement, the Rotorua Township Agreement, and enduring partnership arrangements with Rotorua Lakes Council and the Bay of Plenty Regional Council. These arrangements were negotiated in good faith and are premised on shared decision-making, recognition of mana whenua, and locally responsive management of land and water. Any legislative framework that enables national direction or ministerial intervention to override, constrain, or diminish these arrangements risks undermining settled Treaty commitments, legitimate expectations arising from those settlements, and the integrity of locally negotiated iwi-Crown arrangements. Such changes create uncertainty for partners who have relied upon them and erode trust in the durability of

Crown-Māori agreements. This is particularly significant for post-settlement iwi who negotiated arrangements on the basis that they would be enduring.

PART 5 — PROPERTY RIGHTS AND CULTURAL VALUES

38. The Bills place increased emphasis on private property rights and land-use freedom.
39. Te Tatau acknowledges the importance of economic development and housing. However, property rights cannot be considered in isolation from environmental responsibilities.
40. For Māori, whenua is not merely a commodity — it is tūrangawaewae and whakapapa.
41. A framework that privileges individual land use over collective environmental wellbeing conflicts with the principle of kaitiakitanga.
42. Environmental degradation does not respect property boundaries, and its consequences fall disproportionately on downstream communities, future generations, and tangata whenua.
43. A significant portion of the remaining developable land within the Rotorua rohe is owned by Māori, and many key water sources are located on Māori land. As noted above in Part 3, effective management of these resources requires robust engagement and partnership with iwi, hapū, landowners, and local communities. Planning and development decisions affecting these lands or water sources must respect Māori property, cultural values, kaitiakitanga responsibilities, and cannot be determined solely through a nationalised framework that diminishes local input and Māori authority.

PART 6 — CLIMATE AND INTERGENERATIONAL RESPONSIBILITY

44. The RMA embedded sustainable management and intergenerational responsibility.
45. The proposed framework weakens explicit long-term environmental stewardship in favour of immediate development outcomes.
46. This is inconsistent with:
    - kaitiakitanga
    - intergenerational equity
    - climate adaptation needs.
47. Te Arawa communities already face climate-related risks including lake health degradation, flooding, and land instability. Planning legislation must strengthen environmental and community resilience, not weaken it.
48. New Zealand has also endorsed international principles recognising the relationship between environmental degradation, climate change and human displacement, including the Ashgabat

Declaration. While this declaration is not legally binding, it reflects an international policy commitment that environmental protection and climate resilience are essential to community stability and human wellbeing. Domestic resource management legislation should therefore align with, rather than undermine, the environmental safeguards necessary to prevent climate-related harm and displacement within communities.

RECOMMENDATIONS

Te Tatau o Te Arawa recommends:

49. That the Bills not proceed in their current form and be redrafted in genuine partnership with iwi and hapū.
50. That Te Tiriti o Waitangi partnership obligations be strengthened, not reduced, including joint planning arrangements with iwi in regional planning.
51. That freshwater and drinking water protection be explicitly prioritised as a primary planning objective.
52. That national direction not override locally agreed iwi-Crown or iwi-council arrangements.
53. That the concept of sustainable management and intergenerational wellbeing be reinstated as the central purpose of resource management law.
54. That Māori environmental management frameworks (including mātauranga Māori and kaitiakitanga) be embedded as operative, not advisory, considerations.
55. That resource management decisions give effect to holistic approaches such as the Mauri Model, ensuring long-term environmental, cultural, social, and economic wellbeing.
56. That the principles of the Ashgabat Declaration on climate-driven impacts be considered in planning to support resilient, intergenerational outcomes
57. That any replacement resource management framework be designed to provide durable policy settings, clear statutory direction, and public confidence by balancing environmental protection, economic development, and Te Tiriti obligations in a manner that will endure beyond electoral cycles.
58. That plans and national instruments under the Bills must give effect to Te Tiriti and recognise and provide for the intergenerational, whakapapa-based relationship of Māori with te taiao.
59. That mana whenua / mana whakahaere be inserted into definitions and duties (and create shared decision-making roles on spatial planning committees and environmental limit setting.
60. That all national instruments and plans give effect to Māori interests and taiao outcomes.
61. That source water and lake outcomes are made explicit and enforceable; and require cumulative and downstream effects assessment.

62. That mātauranga Māori indicators and co-governed monitoring be provided for with adequate resourcing.
63. That a precautionary clause be included where effects are uncertain but potentially serious or irreversible (drinking water, geothermal systems, taonga species).
64. That where natural hazards are not specified in the National Policy Statement but are local concerns, there should be consideration for this in planning standards developed with mana whakahaere.

CONCLUSION

65. The proposed reforms represent a significant constitutional and environmental shift in how Aotearoa manages land and water.
66. For Te Tatau, the issue is not opposition to development. Rather, it is concern about development occurring without enduring responsibility to people, place, and future generations.
67. The health of our lakes, rivers and whenua directly determines the wellbeing of our people. Legislation that weakens environmental protection weakens our communities.
68. We respectfully urge the Crown and Select Committee to reconsider the Bills and engage in genuine partnership with iwi to design a resource management system that supports economic development while upholding Te Tiriti and protecting the environment for future generations.
69. Te Tatau would welcome the opportunity to work with officials and the Committee on practical improvements to the legislation.