

TO THE ENVIRONMENT COMMITTEE:

ON THE

PLANNING BILL

&

NATURAL ENVIRONMENT BILL

SUBMISSION BY:

TE PĀTI MĀORI

Tuesday 10 February, 2026

Introduction

This submission is provided on behalf of Te Pāti Māori and as a part of our response to Select Committee on resource management reform. Te Pāti Māori opposes the Bill to First Reading & thanks the committee for inviting the public make submissions.

This submission is set out in two parts. Part one discusses and provides submission overviews of the Planning & Natural Environment Bills, including specific & shared commentary on each. Part two sets out Te Pāti Māori's overall position and recommendations.

PART ONE – PLANNING BILL

Submission Overview

Te Pāti Māori notes that the intent of this Bill is to streamline the planning system in Aotearoa and to do this by reducing the number of plans and planning arrangements of local authorities. Thus, the Bill sets the foundation for quicker consenting that overrides the existing number of controls set out under the current system

Regarding planning and consents, the Bill narrows existing specifications and deregulates the planning system to make it easier to grant consents.

Regarding spatial planning, the Bill provides new powers to the Minister to intervene in the planning system; including the power to direct territorial authorities to undertake reviews and to take action to achieve outcomes, require local authorities to supply information and appoint people to perform or exercise all or any functions, duties, or powers in place of local authorities.

We consider these changes to be an absolute overreach.

Treaty Clause Inadequate

While both Bills contain a general (descriptive) Treaty clause, the nature and extent of iwi/Māori rights and interests through the clause is reduced and reframed as iwi involvement across national instruments including regional spatial plans, land-use plans and designation. While important, the provision is significantly inadequate given that the Bill locates iwi authorities, Treaty Settlement organisations (PSGE's) as the primary 'holders' of Treaty rights and interests under the new regime.

This is a departure away from the existing resource management which (combined with case law through the Environment court and the upper courts) made some kind

of provision for hapū and other unsettled groups in shaping planning arrangements across their rohe/takiwā. While imperfect, the current Bill appears to reduce the role & status of hapū by requiring hapū groups to aggregate back into entities larger iwi entities recognised by the Crown in order to exercise influence (for example, a PSGE).

Treaty Settlement Legislation

Legislation embeds several Treaty settlement arrangements into local planning decisions of a particular rohe; this bill lifts local decision-making powers out of communities living at-place and centralises decision-making into the Minister or Ministers.

All treaty settlement legislation is context-specific, requiring marae, hapū and iwi/Māori to undertake significant engagement locally in order to hold and maintain social-license and to implement the settlement. This includes deeply-held, local relationships built within community over time.

Te Pāti Māori wishes to express its deep concern that this Bill may have the effect of undermining both the bodies of work undertaken locally between tangata whenua & the broader community to achieve settlement. In addition, we consider that the Bill also reduces opportunities for public participation in decisions that will affect local communities.

We are also concerned that rushed legislation of this size and complexity will be prone to error. Whereas the existing resource management is less permissive, the emphasis on speed over quality of decision-making risks undermining settlement objectives which were hard-fought for and presents significant litigation risk to the Crown.

Coastal Marine Areas/Offshore islands

Regarding coastal marine areas of specific offshore islands, Te Pāti Māori considers that the Bill strips-away and centralises responsibilities, duties and powers otherwise exercised by regional councils into the Minister for Conservation. The proposal raises new questions about this Government's broader erasure of regional councils through local government reform.

PART ONE – NATURAL ENVIROMENT BILL

Submission Overview

Whereas the Planning Bill deals with making the system more efficient to decide & authorise for development, the Natural Environment Bill deals with management of the country's natural and physical resources. Thus, the Natural Environment Bill deals with tāonga under Article 2 of Te Tiriti and for which tangata whenua have a deeply-held strategic interest for the benefit of future generations.

In Wai 2348, the Waitangi Tribunal found that iwi & hapū have rights to freshwater resources and exercised authority over tāonga in a manner akin to ownership. The Natural Environment Bill is silent on any genuine attempts to resolve outstanding and unresolved iwi/hapū rights and interests in freshwater ownership, allocation and resource consenting.

Instead, the Bill contains a clause *“clarifying (for the avoidance of doubt) that the Bill does not create or transfer any proprietary right or interest or extinguish or determine any customary right or interest that may exist in freshwater or geothermal resources”*. That's because the courts have ruled that Māori rights and interests (like the foreshore seabed case) had not been extinguished by the Crown and thus the holding answer for unresolved ownership rights to water is that “nobody owns water”.

Like the Planning Bill, this Bill centralises a significant amount of power into the Minister, completely overriding regular checks and balances put in place by both Treaty Settlements and other bespoke arrangements provided outside of settlements.

The Bill provides pervasive powers to a Minister to be able to reach down and into the place-based arrangements developed in accordance with regional water-catchments and their communities. The Bill sets out a wide range of mechanisms enabling the responsible Minister to make interventions & consider these powers to be an overreach.

Te Pāti Māori notes significant challenges in the Courts made by Ngai Tahu (Te Rūnanga o Ngai Tahu vs Attorney-General 2020) regarding the status and position of their Treaty Settlement arrangements with respect to freshwater allocation & environmental management (or rather degradation). We also note exploration of

litigation options by a number of other iwi, including the National Iwi Chairs Forum, further highlighting the seriousness of environmental degradation across the taiao.

Implications for Treaty Settlements

As a part of these new powers, the Bill sets the stage for combined regional plans. As stated above, regional plans by regional councils are catchment-based, therefore combining regional plans raises a number of issues and questions. Namely, implications for treaty settlement arrangements given that the 'guts' of these arrangements are delivered through regional plans of council & which regional councils are responsible for.

In the Waikato River catchment, the Waikato River Settlement is the regional plan of Waikato Regional Council (WRC). Settlement legislation trumps certain parts of existing resource management law, including WRC's statutory power to review its own regional plan & where Te Ture Whaimana o Te Awa o Waikato (policy mechanism created through settlement) is automatically inserted into & forms part of that plan. Where there is an inconsistency between certain arrangements contained within a National Policy Statement for Freshwater Management & the Waikato Regional Plan, settlement legislation directs that the River settlement prevails.

The implications of a government messing about with statutory planning mechanisms which iwi have engaged with and negotiated in good-faith as a part of Treaty Settlements is enormous. We anticipate significant challenges by hapū and iwi, both settled and unsettled groups nationwide.

Treaty Clauses Inadequate

While both Bills contain a general (descriptive) Treaty clause, the nature and extent of iwi/Māori rights and interests through the clause is reduced and reframed as iwi involvement across national instruments including regional spatial plans, land-use plans and designation. While important, the provision is significantly inadequate given that the Bill locates iwi authorities, Treaty Settlement organisations (PSGE's) as the primary 'holders' of Treaty rights and interests under the new regime.

This is a departure away from the existing resource management which (combined with case law through the Environment court and the upper courts) made some kind of provision for hapū and other unsettled groups in shaping planning arrangements

across their rohe/takiwā. While imperfect, the current Bill appears to reduce the role & status of hapū by requiring hapū groups to aggregate back into entities larger iwi entities recognised by the Crown in order to exercise influence (for example, a PSGE).

PART TWO – TE PĀTI MĀORI POSITION STATEMENT

We consider that the Bills present a new threat of raupatu in the 21st century.

This government's signalling of a new resource management system hinged on private property rights is a direct threat to the tino rangatiratanga of hapū and iwi. The Bill risks undermining bespoke solutions developed locally and a patch-work of inconsistencies because of the Bill's inability to correctly identify and locate various users across the system, including marae & hapū.

We also point to the important matter of unresolved rights and interests in freshwater ownership & hapū and iwi as kaitiaki with significant strategic interests in the sustainable management of Aotearoa's natural and physical resources. In fact, the genesis of most Treaty Settlement legislation and negotiations deal with degradation of mahinga kai & wāhi tapu.

In conclusion, this Bill will have the effect of totally erasing hapū in favour of Iwi (settled - capital 'I' or an iwi authority recognised by the Crown as holding mandate, not necessarily marae & hapū), while having the disastrous effect of watering down the Treaty which provides clear safeguards for iwi/Māori under the existing system.

We recommend further policy work focussed on restoring the role and status of hapū under the Treaty in a new planning system for Aotearoa. We note significant public & iwi/Māori interest & anticipate challenges, given that the proposals present significant litigation risk to the Crown.

The Bills do not recognise, nor provide for Mana Motuhake

Te Pāti Māori opposes the Bill in its current form in the name of Mana Motuhake;

The Bill locates & identifies iwi authorities, & Treaty Settlement organisations (PSGE's) as the 'holders' of Treaty rights and interests in what is fundamentally a significant departure away from the existing resource management system that

(combined with case law through the Environment court and the upper courts) recognises the role hapū and other unsettled groups across the existing system.

This Bill appears to reduce the role of hapū entirely, while also confining and reframing the standing of the Te Tiriti in a new planning system.

The Bills do not recognise, nor provide for Mana Ōrite

Te Pāti Māori opposes the Bill in its current form in the name of Mana Ōrite;

The Bill strengthens the position of developers & while iwi/Māori are also members of the development community in Aotearoa, the iwi/Māori share in the scale of development is comparatively small.

While larger (settled) iwi may be primed to take up a role in the new system and as a part of new statutory roles, for example, in national instruments; public participation requirements are reduced or abolished. We consider that marae, hapū and smaller communities are at-risk of missing out or falling victim to new arrangements that reduce their voices.

The Bill do not recognise, nor provide for Mana Mokopuna

Te Pāti Māori opposes the Bill in its current form in the name of Mana Mokopuna;

While these proposals may support iwi/Māori housing needs and aspirations, we consider that the Bill does not appropriately balance the need to, for example, increase housing supply for Māori and all people in Aotearoa with the need to address historical degradation and pollution of our taiao.

On that basis, Te Pāti Māori opposes the Bills to First Reading. Our support for the Bills & any subsequent changes is conditional on resolution of recommendations set out below.

PART TWO - RECOMMENDATIONS

We recommend that;

1. The Bills do not proceed any further without first resolving outstanding iwi/Māori rights & interests in freshwater management (Wai 2358), ownership & resource consenting; and

2. The Bills do not proceed any further without adequate engagement with hapū & iwi/Māori as Treaty partners & whose position & status in the existing resource management system has been confirmed through case law
3. The Bills do not proceed any further without broader iwi/Māori rights & interests provisions that exist outside of Treaty Settlement arrangements, including through a dedicated statutory provision requiring users of the system to uphold the principles of the Treaty
4. The Bills do not proceed as ad hoc pieces of resource management legislation without further policy work. Rather, the Bill's should build on from & be informed by decades of existing policy work in this area, including the 2020 *Randerson Review & Report: "New directions for resource management in New Zealand"*

Conclusion

Te Pāti Māori opposes both Bills in their current form. We look forward to hearing submissions from the wider public and consider that the two Bills do not provide adequate safeguards for Te Tiriti & tangata whenua in a future resource management for Aotearoa.

Our reasons for opposition to the Bills are outlined in part one of this submission.

Te Pāti Māori does not wish to speak orally to this submission.

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