



**TŪWHARETOA**  
MĀORI TRUST BOARD

**Submission on:**  
***Natural Environment and Planning Bills***

**13 February 2026**

## INTRODUCTION

- 1 This submission is made by the Tūwharetoa Māori Trust Board (**Trust Board**) on the Natural Environment and Planning Bills (**Bills**).

## WISH TO BE HEARD

- 2 The Trust Board wishes to be heard in support of this submission.

## TŪWHARETOA WHAKAPAPA, TIKANGA AND WAI MĀORI

Ko Tongariro te Maunga	Tongariro is the Sacred Mountain
Ko Taupō te Moana	Taupō is the Lake
Ko Tūwharetoa te Iwi	Tūwharetoa is the Tribe
Ko te Heuheu te Tangata	Te Heuheu is the Man

- 3 Ngāti Tūwharetoa hold mana whenua, kaitiakitanga and rangatiratanga over the Central North Island including the Lake Taupō Catchment and part of the Upper Waikato, Whanganui, Rangitikei and Rangitaiki Catchments.
- 4 Ngāti Tūwharetoa are the descendants of Ngatoroirangi, Tia and other tūpuna who have occupied the Taupō Region continuously since the arrival of the Te Arawa waka. Ngāti Tūwharetoa are linked by whakapapa to our lands and our taonga. This connection establishes our mana whenua, kaitiakitanga and rangatiratanga, including our right to establish and maintain a meaningful and sustainable relationship between whānau, hapū, marae and our taonga tuku iho.
- 5 As kaitiaki, Ngāti Tūwharetoa have an intrinsic duty to ensure the mauri and the physical and spiritual health of the environment (inclusive of our whenua and water resources) in our rohe is maintained, protected and enhanced.
- 6 For Ngāti Tūwharetoa, water comes from the sacred pool of our ancestor, Io. Tāne entrusted the guardianship of all the waterways to Tangaroa while Tāwhirimātea was assigned the guardianship over the atmospheric forms of water and the weather. These two guardians hold the mauri, the essential life forces, of these forms of water.
- 7 For Ngāti Tūwharetoa, our rohe of the Central North Island forms part of our ancestor Papatūānuku. The universe and atmosphere above and around us is Ranginui. The geographical pinnacle of Papatūānuku, within our rohe, is our maunga (mountains) including our esteemed ancestor, Tongariro. To the north of Tongariro lies our inland seas, Taupō-nui-a-Tia and Rotoaira. Our mauri flows from our maunga through our ancestral awa (surface and underground streams and rivers) to our moana and to the hinterlands via the Waikato, Whanganui and Rangitaiki. They link us directly with our neighbouring iwi.
- 8 Ngāti Tūwharetoa assert our intergenerational custodial and customary right of tino rangatiratanga over the taonga in our rohe. Our tribal taonga include ownership of the bed, water column and air space of Lake Taupō, its tributaries, and the Waikato River from the outlet of Lake Taupō to Te Toka a Tia. They also include Te Kāhui Maunga (Tongariro National Park), the largest production forests in the North Island (Kaingaroa, Lake Taupō and Lake Rotoaira) and ownership of 51% of the whenua in the Taupō region.

## TŪWHARETOA MĀORI TRUST BOARD

9 The Trust Board was established pursuant to the Māori Land Amendment Act 1924 and Māori Land Claims Adjustment Act 1926. The Trust Board later became a Māori Trust Board under the Māori Trust Boards Act 1955.

10 The Trust Board administers a range of resource management arrangements and documents, including as arising through Treaty settlements, that reflect the importance of the Ngāti Tūwharetoa relationship with our taiao.

### **1992 and 2007 Deeds**

11 By deeds with the Crown dated 28 August 1992 and 10 September 2007 the Trust Board is the legal owner of the bed, water column and air space of Lake Taupō, the Waihora, Waihāhā, Whanganui, Whareroa, Kuratau, Poutu, Waimarino, Tauranga-Taupō, Tongariro, Waipēhi, Waiotaka, Hinemaiaia and Waitahanui Rivers, and the Waikato River to Te Toka a Tia, inclusive of the Huka Falls (**Taupō Waters**).

12 The Trust Board's relationship to Taupō Waters is unique. The Trust Board holds legal title as trustee and acts as kaitiaki for Taupō Waters. These fiduciary responsibilities over Taupō Waters to present and future generations underpin all our activities and aspirations.

### **Waikato River Deed and Upper Waikato River Act**

13 The Trust Board is also a party to the Waikato River Deed with the Crown dated 31 May 2010 (**Upper Waikato River Deed**). The Crown and the Trust Board agreed to enter into the Waikato River Deed in recognition of "the interests of Ngāti Tūwharetoa in the Waikato River and its catchment and in Taupō Waters and to provide for the participation of Ngāti Tūwharetoa in the co-governance and co-management arrangements in respect of the Waikato River".<sup>1</sup>

14 The Waikato River Deed was given legal effect through the Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010 (**Upper Waikato River Act**). The overarching purpose of the Upper Waikato River Act is to restore and protect the health and wellbeing of the Waikato River for present and future generations.<sup>2</sup>

15 Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato and Waipā Rivers (**Te Ture Whaimana**) is a product of the settlement agreements between the Crown, Ngāti Tūwharetoa and other Waikato and Waipā River Iwi. It is a statutory instrument,<sup>3</sup> and the primary direction setting document for the Waikato and Waipā Rivers and activities within their catchments affecting the Waikato and Waipā Rivers.<sup>4</sup>

### **Joint Management Agreements**

#### Waikato Regional Council

16 The Trust Board has a joint management agreement (**JMA**) with the Waikato Regional Council relating to the co-governance and co-management of the Waikato River and activities within its catchment affecting the Waikato River, as well as Taupō Waters.

#### Taupō District Council

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<sup>1</sup> Upper Waikato River Deed 31 May 2010, clause 8.

<sup>2</sup> Upper Waikato River Act, section 3.

<sup>3</sup> Given legislative effect through the Waikato and Waipā River Settlement Legislation: see also Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and Ngā Wai o Maniapoto (Waipā River) Act 2012.

<sup>4</sup> The obligation to give effect to Te Ture Whaimana is the strongest direction that Parliament has given in relation to any RMA planning document.

- 17 The Trust Board has a JMA with Taupō District Council regarding the administration of the RMA in relation to multiply-owned Māori land within the rohe of Ngāti Tūwharetoa.

## **SUBMISSION ON THE BILLS**

### **Summary of Position**

- 18 The Trust Board **strongly opposes** the Bills.
- 19 Far from being the comprehensive reform this country has long called for, and so desperately needs, the Bills represent a regression in New Zealand’s environmental law, threatening the environment by enabling easier and more intensive use of our natural resources; stripping meaningful iwi and community participation in favour of central government control; undermining our Waikato River and other Treaty settlements; and failing to uphold iwi and hapū rights and interests that exist outside of settlements.
- 20 Rather than prioritising environmental integrity to support both the health and wellbeing of our environment and a thriving economy, these Bills enable short-term economic gains and amplify administrative convenience. A framework of binding national instruments will dictate uniform standards, leaving little room for iwi and local communities to exercise place-based environmental leadership.
- 21 For all the Government’s talk of protecting property rights, these Bills pay scant regard to the property rights of the Tūwharetoa Māori Trust Board as legal owner of the bed, water column and air space of Taupō Waters.
- 22 The RMA Māori Part 2 provisions (sections 6(e), 7(a) and 8), and the ability to develop local level iwi participation instruments like JMAs, transfers of power and Mana Whakahono a Rohe will be removed under the new regime. In their place are provisions that fundamentally erode iwi and hapū rights and interests and diminish our ability to protect taonga tuku iho and to maintain our role as kaitiaki of te taiao. This undermines our local relationships with councils around the motu.
- 23 The proposals also fail to uphold existing Treaty settlement provisions despite this Government’s claims to the contrary. The Waikato River Settlement has been negotiated in the context of the RMA and is deeply integrated with provisions such as the RMA Māori Part 2 provisions. The removal of those and other relevant sections, with no equivalent provisions recognising the rights and interests of iwi and hapū, show once again that the Government intends to unilaterally change Treaty settlements rather than take the honourable and Treaty compliant approach of ensuring the Bills recognise and uphold pre-existing Treaty settlement commitments.

### **Process to develop Bills in breach of Deed of Settlement**

- 24 The process to develop the Bills is in breach of our 2010 Waikato River Deed of Settlement, and therefore of the Crown’s duty to uphold settlements. The 2010 Deed requires the Crown to engage with the Trust Board at an early stage when developing any legislation or policies, or making any decisions, affecting the Upper Waikato River, its waters or management over its waters.
- 25 Despite this, the Trust Board has been left to react to proposals unilaterally developed by the Government through the Select Committee submission process. We negotiated our Treaty settlement with the Crown. It is not appropriate that we engage with Parliament about how to uphold our Treaty settlement.

### **Upholding our Upper Waikato River Settlement**

- 26 The Government acknowledges that upholding Treaty settlements requires equivalency. Yet the Bills propose only to seek agreement on how our Treaty settlement redress or arrangements “will operate with the same or equivalent effect *to the greatest extent possible under [the Bills]*”. This infers that our “full and final” settlement may be reinterpreted, diluted, or constrained to fit the new legislative regime, rather than the legislation being shaped to uphold existing settlements. The proposed two-year window for reaching agreement further compounds this problem, creating pressure on the Trust Board and other settlement entities to renegotiate complex settlement arrangements under constrained conditions. This is fundamentally at odds with, and a direct breach of, the Upper Waikato River Settlement.
- 27 The arrangements and mechanisms under the Upper Waikato River Deed, reflected in the Upper Waikato River Act, are significant and complex. They are to be read together with the Waikato River Deed and Settlement Act and Waipā River Deed and Settlement Act, and involve five settlement entities.<sup>5</sup> They are also bespoke; they establish a unique legal framework which fundamentally alters the way in which the RMA and multiple other natural resource-related statutes (including the Local Government Act) apply and operate within the Waikato and Waipā River catchments. They comprise a corpus of settlement arrangements that include deeds, accords, protocols and contemporary relationships that have arisen out of settlements. All of these matters must be accounted for and transferred into the new regime to ensure equivalency.
- 28 This is not possible under the Bill provisions as drafted, and so,
- 29 In this regard, “equivalency” requires the Crown, the Trust Board and other Waikato and Waipā River Iwi to recognise and provide for the following factors:
- a. Careful consideration of ‘how’ the provisions in settlement legislation are carried forward to ensure the integrity, intent and effect of the settlement redress is maintained.
  - b. Recognition that our Treaty settlement comprises a range of settlement arrangements that include settlement deeds, accords, protocols, and contemporary relationships arising out of the settlement. All of these matters must be factored in.
  - c. Recognition that the Trust Board’s settlement was negotiated and agreed in the context of the existing RMA provisions recognising Māori rights and interests, namely section 6(e), 7(a) and 8 of the RMA, and provision for the accommodation of these provisions in the new regime. This is so because, had they not existed in the RMA they would have been expressly provided for in the settlement.
- 30 The Bills do not do this. The Bills materially and unilaterally alter the statutory and policy framework upon which Treaty settlements have been negotiated and agreed, in a manner that is fundamentally irreconcilable with, and a direct breach of, the Waikato and Waipā River Settlements.
- 31 The Trust Board opposes any reform approach that effectively reopens our settlement or places its continued operation at risk. At a minimum:
- a. Clauses 9 and 10 must provide sufficient flexibility to substantially modify the Bills on a settlement-by-settlement basis, where necessary to give effect to existing Treaty settlements.
  - b. It is critical that the new regime does not commence until agreement about how to provide equivalency to settlements is reached with settlement entities.

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<sup>5</sup> Te Whakakitenga o Waikato Inc as trustee of the Waikato Raupatu River Trust, Tūwharetoa Māori Trust Board, Raukawa Settlement Trust, Te Arawa River Iwi Trust and Te Nehenehenui (representing Maniapoto).

- c. Adequate resourcing must also be provided to support this process, which is necessary as a result of Crown action.

#### **Regressive environmental legislation**

- 32 The stated purpose of each Bill is materially weaker than the RMA purpose of promoting sustainable management. Rather than prioritising environmental integrity to support both the health and wellbeing of our environment and a thriving economy, these Bills enable short-term economic gains and amplify administrative convenience.
- 33 The replacement of matters of national importance with a non-hierarchical goals framework, the conflict between which will be resolved through national direction, materially dilutes legal certainty and accountability. The 'Māori interests' goal is narrowly framed and de-prioritised, with Māori interests treated as one consideration among many and capable of being traded off. The use of "seek to achieve" language, combined with the absence of a clear hierarchy, weakens the enforceability of environmental and cultural protections and risks undermining settlement mechanisms that rely on strong plan-making obligations.
- 34 The Māori Part 2 provisions of the RMA are essential safeguards at the national direction level, that help to frame the interpretation of the legislation. Beyond upholding the limited rights and interests acknowledged through Treaty settlements, the Crown has an obligation to enable, and to not preclude or prejudice, recognition of the rights and interests of Ngāti Tūwharetoa, and other iwi and hapū, in the environment.
- 35 As a minimum:
  - a. New purpose statements prioritising protection, enhancement and actively safeguarding te taiao are required.
  - b. The Bills must carry through the RMA Māori Part 2 provisions. This change must be done in a considered way, to ensure the integrity, intent, and effect of the RMA Māori Part 2 provisions is preserved in the new regime.

#### **Iwi rights and interests in freshwater remain unresolved**

- 36 Despite the centrality of freshwater to the new regime, the Bills do not address the resolution of Māori proprietary or customary rights in freshwater. At the same time, the new permitting framework enables permits to vest, be transferred, and be treated in practice as property-like interests. This creates a risk that proprietary expectations will be further entrenched while iwi rights remain unsettled, exacerbating long-standing inequities and undermining the integrity of settlement arrangements grounded in rangatiratanga and kaitiakitanga. As the proprietary owner of the bed, water column and airspace of Taupō Waters this is unacceptable.
- 37 The Bills must expressly preserve the resolution of freshwater rights and interests, and not introduce a permitting framework that undermines that resolution.

#### **Governance and partnership pathways are removed**

- 38 The Bills remove the ability to develop joint management agreements with iwi authorities, transfers of power to iwi authorities and Mana Whakahono a Rohe in the new regime; only existing arrangements of this nature will be recognised, and in a limited way. This proposal limits flexible options for meaningful local decision-making participation by the Trust Board and other iwi and hapū. As a result, new or evolving governance arrangements between councils and iwi are unable to be established and remain dependent on council discretion outside of RMA processes. This limits the ability of the Trust Board to develop future governance mechanisms that reflect our role as kaitiaki.

- 39 The ability to develop joint management agreements with iwi authorities, transfers of power to iwi authorities and Mana Whakahono a Rohe must be retained and enhanced in the new regime.

**Notification and participation are materially narrowed**

- 40 The Bills significantly restrict when applications must be notified and who may participate. By precluding notification through higher-level instruments and narrowing the scope of effects that can be considered, the new regime risks excluding the Trust Board from decision-making at the point where impacts are assessed and approved.
- 41 The Trust Board must be included in higher-level decisions about notification affecting our rohe, to ensure adverse effects on matters material to our interests properly trigger notification and standing to participate.

**Regulatory relief**

- 42 A new feature of the Bills is the regulatory relief regime, which applies to any land use controls in relation to “specified topics”. The “specified topics” include sites of significance to Māori under both Bills. Essentially, councils will be required to compensate (through development rights, reduced rates, or cash payments) if rules on specified topics give rise to a “significant impact” on the reasonable use of land. Critically, the requirement for Councils to compensate landowners where sites of significance to Māori apply to their land creates a major risk that councils choose not to protect sites of significance to Māori, despite that being a Māori interest goal in the Bills. The goal is therefore completely undermined.
- 43 The regulatory relief regime should be removed in its entirety.

**The Bills lack cohesion with other ongoing reforms**

- 44 The resource management reforms are proceeding in parallel with proposed reforms to local government and conservation legislation, without clear alignment between these systems. This fragmentation creates uncertainty about institutional roles, responsibilities, and accountability. Our property rights and settlement arrangements intersect across environmental, conservation, and local government regimes. This lack of cohesion therefore increases the risk that our interests will be undermined through legislative misalignment rather than deliberate policy choice.
- 45 Clear and considered alignment is imperative to ensure integrated and workable reform.

**CONTACT**

- 46 Please direct all communications to the Trust Board in relation to this submission to Peter Shepherd, Natural Resources Manager at [peter@tuwharetoa.co.nz](mailto:peter@tuwharetoa.co.nz).