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Submission on proposed changes to primary sector national direction

Introduction

As one of the leading environmental Non-Governmental Organisations (eNGOs) in Aotearoa New Zealand, World Wide Fund for Nature New Zealand (WWF) supports science-based, pragmatic solutions that can deliver a future where humanity lives in harmony with nature. WWF appreciates the opportunity to make a submission on the proposed changes under *Package 2* of the new National Direction, specifically amendments to the New Zealand Coastal Policy Statement (NZCPS) and the National Environmental Standards for Marine Aquaculture (NES-MA).

Aotearoa New Zealand's coastal marine area (CMA) is a unique and irreplaceable public resource — ecologically rich, culturally significant, and legally protected as a commons. It is not private property, nor is it a blank slate for development. The CMA's management must reflect a shared responsibility to current and future generations, uphold Te Tiriti o Waitangi, and protect the integrity of coastal ecosystems.

New Zealand has a long tradition of embedding environmental values into its policy frameworks, particularly in safeguarding indigenous biodiversity, natural character, and public access. The proposed changes to the NZCPS and NES-MA, however, mark a troubling departure from some of these principles. The proposed changes prioritise development and weaken essential environmental safeguards, and risk undermining decades of progress in coastal management. WWF has concerns about the cumulative impacts of the proposed regulatory changes on marine biodiversity, customary rights, and public interests in the CMA. The CMA must remain a shared space governed in the public interest, not a domain for private commercial gain.

The coastal marine area is a public resource and needs to be managed to meet public needs

New Zealand's coastal marine area is one of our nation's most significant taonga, both ecologically and culturally. Under the Marine and Coastal Area (Takutai Moana) Act 2011, the CMA is "incapable of ownership".¹ This Act also "recognises, through the protection of public rights of access, navigation, and fishing, the importance of the common marine and coastal area for its intrinsic worth; and for the benefit, use, and enjoyment of the public of New Zealand."¹ This Act reinforces a fundamental principle: the CMA is a shared space that must be managed in the interests of all New Zealanders — present and future — and in line with Te Tiriti o Waitangi. Historically, this principle has underpinned New Zealand's environmental law. The introduction of the Resource Management

¹<https://www.legislation.govt.nz/act/public/2011/0003/latest/dlm3213131.html>

Act (RMA) in 1991 was recognised as an ambitious approach to integrated resource management which sought to balance environmental protection with the sustainable use of natural resources.²

The proposed changes to the NZCPS and NES-MA appear to reflect a view that the fundamental purpose of the CMA is for development and ignores the fact that management of the CMA has to consider a variety of wider interests in the area. The coastal marine area is a public resource that needs to be managed in a way to meet a variety of public needs, including spatial protection of indigenous biodiversity and outstanding natural areas and features.

The NZCPS, mandated under the RMA, was established to give national-level guidance for managing coastal environments and to ensure protection of the many values associated with the coast, including biodiversity, landscape, public access, and customary practices. Since the NZCPS 2010 came into force, it has provided critical protections, including Policies 11, 13, and 15, which require the avoidance of adverse effects on areas of outstanding natural character and indigenous biodiversity.³

These protections are not discretionary but are a direct response to the lessons learned from decades of degradation, habitat loss, and poor cumulative planning in New Zealand's terrestrial and coastal environments. Weakening them now would be a dangerous regression.

Resource consents are not property rights

A recurring and troubling assumption in the proposed changes is that resource consents equate to development rights or quasi-property rights that have precedent over environmental concerns.

Consents granted under the RMA are temporary, conditional rights to use a resource, not rights to exclusive possession or development entitlements. Section 122(1) of the RMA makes clear that “a resource consent is neither real nor personal property.”⁴ Furthermore, in the context of the CMA, the Takutai Moana Act reinforces that no person can own the marine and coastal area, and that development must not impede on customary rights or extinguish the values communities attach to those areas.¹

Development should not be able to run roughshod in the CMA over other customary rights and interests and wider public interests. By loosening consent conditions and removing barriers to expansion, these proposals open the door to a creeping privatisation of the CMA, a space intended to remain under public stewardship.

This has serious implications for iwi and hapū with mana moana, whose rights under the Takutai Moana Act, including protected customary rights and customary marine title, risk being sidelined in a system that prioritises commercial development over customary, environmental, or recreational values.

The shift toward development-first pose risks to important biodiversity and habitats

The proposed changes to allow for more development in the CMA appear to be premised on a view that the CMA should primarily serve development and economic growth — particularly aquaculture. This represents a fundamental shift away from the multi-purpose, public-interest role envisioned in the original RMA framework.

² <https://environment.govt.nz/assets/Publications/Files/rm-panel-review-report-web.pdf>

³ <https://www.doc.govt.nz/globalassets/documents/conservation/marine-and-coastal/coastal-management/nz-coastal-policy-statement-2010.pdf>

⁴ <https://www.legislation.govt.nz/act/public/1991/0069/latest/DLM235201.html>

The Government's justification for the changes rests on claims of regulatory burden and underutilised economic potential. Yet this framing ignores the ecological context of the CMA and disregards the lessons of past policy. New Zealand has a history of poor outcomes when development interests override environmental protection. The collapse of native fisheries, degradation of estuarine habitats, and localised extinction of marine species and some seabird colonies offer hard evidence of this imbalance.^{5, 6}

Instead of moving toward stronger, ecosystem-based management, the proposed changes entrench a sectoral and extractive model of planning that is inappropriate for a shared, biodiverse, and vulnerable public space.

These proposals could have negative implications for spatial planning and on future use

Economically, locking in development-oriented uses may foreclose future opportunities for alternative industries that are more compatible with biodiversity and offer long-term social and cultural benefits, including eco-tourism ventures and community-led shellfish and kelp restoration initiatives. Many of these industries are not only compatible with biodiversity values but actively depend on a healthy marine environment. By contrast, poorly managed development can degrade the very ecosystems that underpin economic and cultural resilience, reducing the long-term value of the CMA as a public asset.

These changes may also make it significantly more difficult to implement or expand spatial protections such as marine protected areas, habitat restoration zones, or buffer areas that support climate resilience. The diminished ability to manage cumulative effects across space and time means biodiversity outcomes will continue to decline, with flow-on effects for ecosystem services that underpin both community wellbeing and coastal economies.

The proposed approach runs counter to the principles of integrated management embedded in the Resource Management Act and the obligations under Te Tiriti o Waitangi to ensure meaningful partnership in decision-making. It also undermines the important role that regional councils have in managing the CMA, protecting local coastal ecosystems and values, and mediating competing interests at the coast.

The proposed changes to allow for increased development in the CMA poses a serious risk to the integrity and effectiveness of future marine spatial planning efforts. Integrated spatial planning is a foundational tool for managing competing interests in the marine environment,⁷ ensuring that areas are allocated appropriately for diverse and often overlapping values. This process depends on having the flexibility to make informed, strategic decisions about how marine space is used and by whom, based on current and future needs, as well as environmental limits.

If development is permitted to proceed through weakened consent requirements and mechanisms that prioritise the interests of developers, this spatial flexibility is lost. Development rights and physical infrastructure can become entrenched, effectively pre-allocating space in ways that are difficult or impossible to reverse. In such a system, local councils and communities are left with reduced capacity to determine the best long-term use of marine areas through democratic, evidence-based planning processes.

⁵ <https://www.doc.govt.nz/globalassets/documents/conservation/biodiversity/anzbs-2020.pdf>

⁶ <https://environment.govt.nz/assets/publications/Our-marine-environment-2022.pdf>

⁷ https://www.researchgate.net/profile/Joanna-Vince/publication/334316145_EFFECTIVE_INTEGRATION_AND_INTEGRATIVE_CAPACITY_IN_MARINE_SPATIAL_PLANNING/links/5d23f7f392851cf440727f7d/EFFECTIVE-INTEGRATION-AND-INTEGRATIVE-CAPACITY-IN-MARINE-SPATIAL-PLANNING.pdf

Vince/publication/334316145_EFFECTIVE_INTEGRATION_AND_INTEGRATIVE_CAPACITY_IN_MARINE_SPATIAL_PLANNING/links/5d23f7f392851cf440727f7d/EFFECTIVE-INTEGRATION-AND-INTEGRATIVE-CAPACITY-IN-MARINE-SPATIAL-PLANNING.pdf

Changes to enable more consents for aquaculture is not adequately argued

There is little credible or compelling evidence that aquaculture applications are being routinely or unfairly declined by councils under the current regulatory framework. The one high-profile exception was the Hananui Aquaculture Project off the north-eastern coast of Rakiura/Stewart Island with Te Ara a Kiwa / Foveaux Strait. This application was appropriately declined under the existing rules due to its unacceptable impacts on indigenous biodiversity and significant natural values.⁸ That decision was consistent with the purpose of the RMA and the NZCPS.

Its subsequent approval took place under the Fast-track Approvals Bill, bypassing public consultation and environmental scrutiny. This decision effectively overturned a robust and transparent process, disregarding both scientific evidence and community input. Such outcomes diminish public confidence not only in aquaculture consenting processes, but in environmental decision-making more broadly. Communities are left questioning whether ecological protections and democratic processes can simply be set aside for political convenience or economic expediency.

This context raises serious concerns about the justification for the proposed changes to the NES-MA, which appear designed to streamline and increase consents for aquaculture activities. Given the absence of systemic barriers to well-located aquaculture, we question whether these changes are necessary. Expanding aquaculture consents by weakening environmental oversight may serve narrow industry interests in the short term, but it risks eroding the very environmental integrity that underpins the sector's long-term viability and public support.

Rather than reducing environmental scrutiny, the focus should be on ensuring that aquaculture is planned within a framework of ecological limits, spatial equity, and community partnership. This includes respecting existing legal protections for biodiversity, honouring Treaty obligations, and maintaining public participation in decisions about the use of our shared coastal marine environment.

Overlapping regulatory changes may have significant cumulative impacts on the CMA

Over the past five years, we have seen a wave of overlapping regulatory changes affecting aquaculture including the recent Resource Management (Extended Duration of Coastal Permits for Marine Farms) Amendment Bill 2024⁹ and Fast-track Approvals Act 2024¹⁰. These changes show a structural retreat from the more precautionary, ecosystem-based approach embedded in the RMA and the NZCPS.

Each of these may appear incremental in isolation, but together they represent a sustained dismantling of precautionary marine planning in New Zealand. A strategic, ecosystem-based spatial plan would still enable a profitable aquaculture sector, but in places and at scales that do not compromise biodiversity. New Zealand risks trading long-term coastal resilience for short-term volume growth. Without a system-level analysis of their cumulative environmental impact, we risk repeating the same mistakes that led to freshwater degradation, biodiversity loss, and planning failure on land. We need to be strategic in allocating space and ensure the community and environmental values are considered appropriately in the process.

The exemption of research from consent requirements presents legal and ecological risk

We oppose the exemption of aquaculture research and trial activities from resource consent requirements. While such activities are being characterised as “low risk,” there is little evidence to

⁸<https://www.epa.govt.nz/assets/Uploads/Documents/Fast-track-consenting/Hananui/Hananui-Aquaculture-Decision-Report-1-August-2023.pdf>

⁹ <https://www.legislation.govt.nz/bill/government/2024/0056/6.0/d621300e2.html>

¹⁰ <https://www.legislation.govt.nz/act/public/2024/0056/latest/LMS943260.html>

support this claim. Research and trial operations often involves introducing new or non-local species, deploying experimental technologies, or constructing novel infrastructure, all of which carry meaningful ecological and biosecurity, particularly in vulnerable marine environments.¹¹

The introduction of new species or strains, even in small-scale or contained trials, can result in the unintentional establishment of invasive species, diseases, or parasites that may disrupt local ecosystems, outcompete native species, or spread to other marine farms and wild populations. New infrastructure, such as trial cages, longlines, or seabed anchors, can also damage benthic habitats and increase sedimentation or nutrient loading in ways that compromise ecological functioning — effects that are difficult to detect and monitor if no consent process applies.¹²

Beyond environmental impacts, these activities may also interfere with customary rights and interests. In the Waitangi Tribunal's *WAI 953 Ahu Moana: The Aquaculture and Marine Farming Report*, it noted that marine farms are sometimes allowed even when they adversely affect protected customary rights, which undermines Treaty partnership and protection obligations.¹³ In many areas, mana whenua have deep and ongoing relationships with the moana and rely on the ability to exercise kaitiakitanga, gather kaimoana, and maintain cultural practices tied to specific sites. Allowing experimental aquaculture activities to proceed without engagement or consent erodes these relationships and contradicts principles of Te Tiriti o Waitangi, particularly those related to partnership, participation, and protection.

Research trials taking place without a consent because it is not considered an 'aquaculture activity' undermines the integrity of the broader planning framework. This is a loophole that is being exploited without proper consideration of the effects of research activities in the CMA. Permitted activity status for research not only removes public and iwi input, but also effectively enables development by stealth. Once infrastructure is established and impacts are normalised, it becomes far harder for councils to oppose full-scale operations.

In Summary

New Zealand once led the world in environmental governance through its integrated, effects-based planning system. Weakening national coastal policy and opening public marine space to development without robust protections risks undoing that legacy.

The coastal marine area is a public domain and must be managed accordingly. By elevating development interests above public, environmental, and customary values, the proposals risk causing long-term harm to the very systems and communities they claim to support. We must not repeat the mistakes of terrestrial planning, where incremental regulatory weakening led to biodiversity loss, degraded ecosystems, and community disempowerment.

Instead of loosening safeguards, we should be strengthening our approach to coastal planning — embedding ecosystem-based management, upholding Te Tiriti o Waitangi, and supporting inclusive spatial planning that balances development with protection. Any future use of the CMA must be equitable, strategic, and precautionary. The public has a right to expect that decisions about our shared marine environment are made transparently, grounded in science, and serve the long-term interests of both people and nature. We urge the Government to reconsider these proposals and commit to a marine management system that serves not just economic interests, but the long-term wellbeing of all New Zealanders and the ecosystems we depend on.

¹¹ <https://www.mpi.govt.nz/dmsdocument/13293-Aquaculture-Biosecurity-Handbook-Assisting-New-Zealands-commercial-and-non-commercial-aquaculture-to-minimise-on-farm-biosecurity-risk/>

¹² <https://www.nrc.govt.nz/resource-library-archive/environmental-monitoring-archive2/annual-environmental-monitoring-archive/2008/2007-2008-annual-environmental-monitoring-report/coasts/aquaculture-monitoring/>

¹³ https://ndhadeliver.natlib.govt.nz/delivery/DeliveryManagerServlet?dps_pid=IE30447268