

He tono nā



Te Rūnanga o NGĀI TAHU

ki te

MINISTRY FOR THE ENVIRONMENT

e pā ana ki te

**DRAFT NATIONAL POLICY STATEMENT
FOR INDIGENOUS BIODIVERSITY**

March 2020

Contents

1.	INTRODUCTION.....	3
2.	TE RŪNANGA O NGĀI TAHU	4
3.	TREATY OF WAITANGI AND PARTNERSHIP	5
4.	ENGAGEMENT	5
5.	TE RŪNANGA RESPONSE TO THE PROPOSALS	6
6.	IMPLEMENTATION.....	27
	APPENDIX ONE: TEXT OF CROWN APOLOGY	28
	APPENDIX TWO: NGĀI TAHU CLAIMS AREA.....	30
	APPENDIX THREE: TAONGA SPECIES – SCHEDULE 97 OF THE NGĀI TAHU CLAIMS SETTLEMENT ACT 1998	31

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1. INTRODUCTION

- 1.1. Te Rūnanga o Ngāi Tahu (**Te Rūnanga**) agrees with the Crown's premise for the need for policy that addresses the loss "indigenous biodiversity". It is at crisis point. Te Rūnanga has seen the extensive degradation of te ao tūroa and the increasing disregard of the rangatiratanga Ngāi Tahu has over our Ngāi Tahu takiwā. This has resulted in significant difficulties for Ngāi Tahu to fulfil our kaitiaki responsibilities and to practise our tikanga and customary rights.
- 1.2. The term "indigenous biodiversity" is a recent concept that is not reflective of the te ao Māori view. It does not recognise the living relationship, and whakapapa, of mana whenua with te ao tūroa, that is grounded in 'Mahinga Kai'. 'Mahinga Kai' refers to the relationship of mana whenua and interests in traditional food, natural resources and the places where those resources are obtained on an intergenerational and sustainable basis.
- 1.3. Whilst the Ministry has indicated an intention to provide for people's connection with the environment, the use of 'biodiversity' in isolation of the role of mana whenua, as well as the fact the operating provisions do not recognise mana whenua values¹, the proposals do not provide for this relationship. The grounding value for mana whenua in 'Mahinga Kai' ought to be reflected. Without prejudice to this position, for the sake of responding to the draft National Policy Statement for Indigenous Biodiversity (**NPS-IB**), we refer to 'indigenous biodiversity' as proposed by the Ministry.
- 1.4. Whilst Te Rūnanga supports mechanisms in principle which protect indigenous biodiversity, it supports only those which recognise, respect and give effect to Ngāi Tahu rangatiratanga over the takiwā and the taonga within it.
- 1.5. Ngāi Tahu aspirations are to see the return of healthy indigenous species and their habitat to abundance across the takiwā and that to achieve this, clear direction, which recognises Ngāi Tahu rangatiratanga, is required. However, Te Rūnanga is concerned about the Crown's fragmented approach to the protection of biodiversity across the resource management system.
- 1.6. Overall, it is the position of Te Rūnanga that the NPS-IB and the supporting discussion document, 'He Kura Koiora i hokia' (collectively, **the Proposals**):
 - a) Do not recognise nor give effect to the rangatiratanga of Ngāi Tahu;
 - b) Do not recognise nor give effect to the principles of the Treaty of Waitangi / Te Tiriti o Waitangi (**the Treaty**);
 - c) Do not give effect to Ngāi Tahu rights and interests in te ao tūroa and taonga within it;
 - d) Undermine the Ngāi Tahu Deed of Settlement (**Deed of Settlement**) and Ngāi Tahu Claims Settlement Act 1998 (**NTCSA**);
 - e) Do not achieve Ngāi Tahu aspirations to return health and abundance to te ao tūroa; and

¹ For example, the criteria outlined in the Appendix as to what is a 'Significant Natural Area'

- f) Are unworkable in their current form and require complete re-assessment and engagement.
- 1.7. The Treaty, the Deed of Settlement and NTCSA form a binding legal relationship between Ngāi Tahu and the Crown. In developing the proposals, the Crown has failed in its obligations to work with Ngāi Tahu as its Treaty partner.
- 1.8. Any national direction from the Crown must be developed with mana whenua and implemented in accordance with the Treaty principles (including but not limited to):
- i. Rangatiratanga;
 - ii. Meaningful partnerships with Ngāi Tahu as mana whenua;
 - iii. Active participation in decision-making;
 - iv. Active protection of the rights and interests of Ngāi Tahu whānui; and
 - v. Kaitiakitanga.
- 1.9. Te Rūnanga seeks to enter into meaningful dialogue with the Crown in order to advance Ngāi Tahu takiwā-specific solutions and address the concerns set out herein.
- 1.10. Although Te Rūnanga has in good faith provided substantive comments in this response, nothing should be taken as intending to limit the outcomes of any dialogue with the Crown. Mana whenua must be involved in decisions within their takiwā and it is not appropriate for the Crown to advance any national direction without co-operation with and detailed input from its Treaty partner.

2. TE RŪNANGA O NGĀI TAHU

- 2.1. Te Rūnanga is statutorily recognised as the representative tribal body of Ngāi Tahu whānui and works to advocate for and protect the rights and interests inherent to Ngāi Tahu as mana whenua. Ngāi Tahu whānui comprises over 67,000 registered iwi members. The takiwā (region) of Ngāi Tahu in Te Waipounamu covers the largest geographical area of any tribal authority, see Appendix Two.
- 2.2. Te Rūnanga encompasses eighteen Papatipu Rūnanga, who uphold the mana of the whenua and moana of their rohe. Papatipu Rūnanga as mana whenua are the only people who can describe the cultural values and aspirations for te ao tūroa.
- 2.3. Accordingly, Te Rūnanga expects the Crown to recognise the status and weight of Ngāi Tahu whānui and the extent of the Ngāi Tahu takiwā in the development of any National Policy Statement.
- 2.4. Notwithstanding its statutory status as the representative voice of Ngāi Tahu whānui “for all purposes”, Te Rūnanga accepts and respects the right of individuals and Papatipu Rūnanga to make their own responses in relation to this matter.

3. TREATY OF WAITANGI AND PARTNERSHIP

- 3.1. The Crown has responsibilities to Ngāi Tahu that are grounded in the acknowledgment of Ngāi Tahu rangatiratanga in the Ngāi Tahu takiwā.
- 3.2. The contemporary relationship between the Crown and Ngāi Tahu is defined by three core documents: the Treaty, Deed of Settlement and NTCSA. The Crown acknowledged that Ngāi Tahu holds rangatiratanga within the Ngāi Tahu takiwā in both the Deed of Settlement and the Apology of the NTCSA (see Appendix One). These documents acknowledge the requirement for Ngāi Tahu to express its traditional relationship with the natural environment and to exercise its kaitiaki responsibilities.
- 3.3. As recorded in the Crown Apology, the Ngāi Tahu Settlement marked a turning a point, and the beginning for a “*new age of co-operation*”. In doing so, the Crown acknowledged the ongoing partnership between the Crown and Ngāi Tahu and the expectation that any policy affecting the Ngāi Tahu takiwā, or our interests, would be developed in partnership with Ngāi Tahu.
- 3.4. The importance of te ao tūroa to Ngāi Tahu and the role of mana whenua as kaitiaki is also recognised in the Settlement through the mechanisms of Tōpuni, Statutory Acknowledgments and the role of Statutory Advisor, Deeds of Recognition, ownership and control of tribal properties, nohoanga sites and protocols. These are intended to recognise the Treaty principles of partnership, active participation in decision-making and active protection of the rights and interests of Ngāi Tahu whānui.
- 3.5. Indigenous species are also recognised as taonga species to Ngāi Tahu whānui in the Settlement². The NTCSA specifies how the special relationships with taonga species are to be recognised in practice and in accordance with the law. Appendix Three includes the taonga species listed in the Settlement Act. We note however, even if a species is not included in the list, it does not mean that it is not important to Ngāi Tahu. As kaitiaki, Ngāi Tahu recognise the importance of the interconnections and interdependencies of all species in the ecosystems in our takiwā.
- 3.6. The above recognition is not provided for in the proposals, nor has it been appropriately provided for in the development of the proposals. The proposals have been developed without partnering with Ngāi Tahu and create significant restrictions and implications on Ngāi Tahu rights and interests, including its rangatiratanga, significant interests as kaitiaki and property rights.

4. ENGAGEMENT

- 4.1. Te Rūnanga has had no substantive pre-engagement or engagement on the proposals, nor on the proposed comprehensive review of the resource management system or freshwater management which Te Rūnanga considers interrelates. This is not in accordance with the Crown’s obligations as a Treaty partner.

² Refer to sections 287-296 of the Ngāi Tahu Claims Settlement Act.

- 4.2. Te Rūnanga considers that this lack of engagement is in breach of the principles and obligations under the Treaty, including partnership, good faith and rangatiratanga.
- 4.3. The Crown's reliance on consultation and advice via the Biodiversity Collaborative Group, including a representative from the Conservation Iwi Leaders Group, does not amount to meaningful or appropriate engagement with Ngāi Tahu.
- 4.4. The proposals have significant implications on Ngāi Tahu as mana whenua of the largest geographical area of any other tribal authority and who hold rangatiratanga of the whenua and taonga within it. Ngāi Tahu also has significant interest in diverse property, and potential future property, on which the proposals substantially impact. The lack of substantial engagement with Ngāi Tahu, as the Crown's partner, is a breach of the principles and obligations under the Treaty.
- 4.5. Te Rūnanga does not support a pan-Māori approach to resource management and the protection and maintenance of indigenous biodiversity in the Ngāi Tahu takiwā. This undermines Ngāi Tahu rangatiratanga and ability to exercise kaitiakitanga. Any framework for the protection of biodiversity within the Ngāi Tahu takiwā, must be designed in partnership with Ngāi Tahu in accordance with the Treaty partnership.

5. TE RŪNANGA RESPONSE TO THE PROPOSALS

Summary

- 5.1. Te Rūnanga is supportive of the aim to protect indigenous biodiversity in Aotearoa by ensuring that no further degradation occurs, however Te Rūnanga does not consider the proposals will deliver the outcomes sought. Te Rūnanga is disappointed of the need to articulate our substantial concerns with the proposals and how they, and the development of them, have not met the Crown's obligations under the Treaty, and we consider, will not deliver the outcomes sought.
- 5.2. Te ao tūroa, our natural environment – whenua, waters, coasts, oceans, flora and fauna – and how we engage with it, are crucial to Ngāi Tahu identity, our sense of unique culture and our ability to sustain our tikanga, including mahinga kai practices. In keeping with our responsibilities as kaitiaki, Te Rūnanga has an interest in ensuring our mahinga kai practices, taonga species and the habitats on which they depend, are in a stable, secure state of hauora.
- 5.3. In order for any national or regional policy to be effective on such an important kaupapa, it is imperative that all communities' and sectors' views and interests are reflected. The long-term protection and enhancement of indigenous biodiversity will not be achieved in isolation of mana whenua, and the wider population's, interest in it. It is disappointing that the proposals have been developed without proper engagement with iwi, as mana whenua, who have significant interest in the protection of indigenous biodiversity.
- 5.4. The Crown has failed to properly and effectively engage with mana whenua on the proposals, as well as local government and regional communities. The proposals have therefore not considered the practical realities of the proposed

NPS-IB, including the ability to implement the proposals and whether an NPS-IB is the right mechanism to protect and enhance our indigenous biodiversity.

- 5.5. Te Rūnanga does not consider that the proposed NPS-IB will achieve the outcomes sought. The proposals take a 'blanket' approach to addressing indigenous biodiversity loss across New Zealand, which does not recognise:
- a) The diversity, extent and locality of indigenous biodiversity across New Zealand and how it evolves;
 - b) The full range of management mechanisms that can best protect and enhance biodiversity;
 - c) The varying, cross-agency approach to taonga species management, and the extent of policy relating to their protection;
 - d) The need to address the diversity of ecosystems on an integrated basis, to achieve a healthy and abundant te ao tūroa, 'ki uta ki tai';
 - e) The needs and benefits of a balanced regional economy; and
 - f) The limited resourcing and capability of regional councils and territorial authorities.
- 5.6. Te Rūnanga agrees that there is value in regional and local approaches that address the particular issues for those areas (including the diversity of ecosystems, the extent and locality of indigenous biodiversity and the cultural, social and economic needs of the local community). Any approach to define and address these regional issues (or national) must be determined in partnership with mana whenua.
- 5.7. Biodiversity is not evenly distributed across Aotearoa and local communities have differing needs and priorities. Regulatory policy must be developed and applied in an equitable manner, acknowledging the national benefit of localised solutions.
- 5.8. Te Rūnanga raises serious concern with the impact the proposals will have on Ngāi Tahu property rights, by imposing sweeping restrictions on the use and development of land. This is particularly so for land obtained through the Deed of Settlement and purchased for the ongoing economic and social development of Ngāi Tahu whānui. Te Rūnanga considers the proposals a substantial breach of the Treaty, Deed of Settlement and NTCSA.
- 5.9. The proposals do not address any possible compensation for loss of value or opportunity costs of the identified property. Responsible and reasonable policy ought to effectively recognise and provide for any limitations imposed on rights. There is great precedent of the Crown providing compensation for restrictions on property rights (for example the implementation of the Emission Trading Scheme). This must be followed in any national direction causing such economic restrictions.
- 5.10. Further, the costs to mana whenua, and other landowners, to protect and enhance indigenous biodiversity on land must also be provided for. Concerningly, the Regulatory Impact Statement acknowledges the inability to

estimate the costs of the proposals with certainty³, however acknowledges the significant impact the implementation costs will have on some parties⁴. Te Rūnanga is gravely concerned of the substantial consequences the proposals will have and that they have been developed without robust information on the implementation costs and the substantial effect on iwi.

- 5.11. Along with the above comments, Te Rūnanga provides the following feedback on the specific proposals below and outlines why the draft NPS-IB must be shelved and completely re-assessed.

Summary of recommendations on the NPS-IB as proposed:

- Te Rūnanga does not consider that the proposals will achieve the outcomes sought.
- The proposals have been developed without proper engagement with mana whenua. The long-term protection and enhancement of indigenous biodiversity will not be achieved in isolation of mana whenua, and the wider population's, interest in it.
- The proposals take a 'blanket' approach to addressing indigenous biodiversity loss across New Zealand, which do not recognise regional diversity; the full range of possible protection mechanisms; the varying cross agency approaches to protection; the need to protect biodiversity ki uta ki tai; the need for a balance economy; and, the limited resourcing of local government.
- Te Rūnanga views the proposals as a breach of the Treaty, Deed of Settlement and NTCSA, restricting Ngāi Tahu rangatiratanga over its takiwā including the whenua and taonga within it.
- The proposals do not address compensation for loss of value or opportunity costs, nor do they appropriately address the actual costs of implementation.

Preliminary Provisions, Objectives and Policies

- 5.12. Te Rūnanga is in principle supportive of the intention behind the use of 'maintain' for indigenous biodiversity (in conjunction with the restoration and enhancement provisions), however is concerned that the use of 'maintenance' will be read restrictively requiring no more than current biodiversity values. This does not address the degradation of biodiversity and the need to improve and enhance te ao tūroa. Te Rūnanga queries the use of 'maintenance' of indigenous biodiversity as the matter of national importance, when it is not included in section 6 of the RMA. Notwithstanding this, any 'maintenance' of indigenous biodiversity, or 'protection', must support mana whenua exercising kaitiakitanga and practicing mahinga kai, and must enable cultural use of natural resources on a sustainable basis.
- 5.13. The Objectives and Policies must support the right of mana whenua to exercise mahinga kai. Mahinga kai is the Ninth Tall Tree in the Deed of Settlement and remains a fundamental aspect of Ngāi Tahu life and identity. The Waitangi Tribunal found that the Crown's duty to set aside sufficient land for Ngāi Tahu included a duty to protect Ngāi Tahu access to mahinga kai. The impact of habitat loss on mahinga kai is a fundamental concern to Te Rūnanga. The protection of habitat, whilst supporting the right of mana whenua to access and use natural resources, must be provided for in the national direction and specifically provided for in the Objectives and Policies.
- 5.14. Objective 2 is weak and does not recognise the rangatiratanga of Ngāi Tahu, nor does it provide a positive obligation on decision makers to apply the Treaty. The RMA does not actively promote or require partnership and is inconsistent

³ Regulatory Impact Statement, pg. 42

⁴ Regulatory Impact Statement, pg. 32

with the Crown's obligations under the Treaty. There must be clear instruction in any national direction requiring the Crown and councils to work with mana whenua as Treaty partners and apply the Treaty principles. This includes an active partnership where the principles of the Treaty, including (but not limited to) active protection, equity and rangatiratanga are given effect to in all decision-making.

- 5.15. Objective 3 similarly is weak and does not comply with the Treaty of Waitangi. Whilst it is the position of Te Rūnanga that the current RMA does not comply with the Treaty of Waitangi nor recognise the rangatira status of Ngāi Tahu, the recognition required in Objective 3 is weaker than the current recognition required under section 6(e) of the RMA.
- 5.16. Objective 6 – the role of mana whenua is paramount and above that of any other stakeholder. Mana whenua are not stakeholders, they hold rangatiratanga and are the Crown's Treaty partner. The Objectives must provide for this. Further, any reference to kaitiaki must only apply to mana whenua – this requires clarification. "Allowing" communities to provide for their wellbeing is also problematic. It implies that wellbeing would otherwise not be provided for.
- 5.17. Policy 1 – As outlined above, the status of mana whenua holding rangatiratanga is not recognised. This requires elevation above simply 'recognising the role of tangata whenua as kaitiaki' and providing for 'involvement' of tangata whenua. Mana whenua must be treated as the Crown's Treaty partner and holding the authority to manage our own affairs, including the whenua and taonga within it. Rangatiratanga over taonga must not be diminished by the RMA and the Crown's right to provide a regulatory regime for the management of natural resources cannot override the proprietary interests of Ngāi Tahu.
- 5.18. The Te Rūnanga view on 'Hutia te Rito' is outlined further below.
- 5.19. The issues outlined below to Sections A to E of 'He Kura Koiora I hokia' address the proposed Policies 2 – 15.

Summary of recommendations on the NPS-IB as proposed:

- Queries the use of 'maintenance of indigenous biodiversity' as the matter of national importance. Notwithstanding this, any 'maintenance' or alternative, must support mana whenua exercising kaitiakitanga; practicing mahinga kai; and, must enable cultural use of natural resources on a sustainable basis.
- The Objectives and Policies must support mana whenua practicing mahinga kai. A policy that – enables and facilitates the exercise of kaitiaki rights and responsibilities by mana whenua over natural and cultural resources, including improving access to, and customary use of, cultural materials and mahinga kai & establishing a customary authorisation system managed by mana whenua.
- Objectives Two and Three must recognise the rangatiratanga status of Ngāi Tahu and cause a positive duty on decision makers to apply the Treaty;
- Objective Six must recognise mana whenua as the Crown's Treaty partner, and above that of a stakeholder. Any reference to kaitiaki must solely apply to mana whenua;
- Policy 1 – The rangatiratanga of Ngāi Tahu must be recognised. This requires elevation of simply 'recognising the role of tangata whenua as kaitiaki' and providing for 'involvement.'

Section A: Recognising te ao Māori and the principles of the Treaty of Waitangi

Hutia Te Rito

5.20. Whilst acknowledging the intent of ‘Hutia te Rito’ (**the concept**) and that the relationships of people with biodiversity and taonga must be recognised, Te Rūnanga opposes the inclusion and use of the concept as currently proposed for the following reasons:

- a) The concept does not recognise the rangatiratanga status of Ngāi Tahu over the takiwā. Nor does it recognise the role of Ngāi Tahu whānui as the sole kaitiaki of the takiwā and the taonga within it. The recognition and giving effect to Ngāi Tahu rangatiratanga is essential to achieving a thriving te ao tūroa. This must be provided for in any national direction as an overarching principle.
- b) The concept does not provide an imperative duty on decision makers to give effect to the Treaty principles, including the right of iwi/hapū to exercise rangatiratanga over their taonga. Mana whenua must be partnered by local government, and dedicated resource and priority must be provided for this. The concept certainly does not give effect to the stated intention in the proposals of reflecting “the Treaty of Waitangi and its principles by providing for greater involvement for iwi/Māori as kaitiaki”⁶;
- c) There is a complete lack of clarity and guidance on how and when the concept will be applied practically and how it will impact decision-making (i.e. what weight will be given to it). It creates confusion and is likely to lead to further litigation and inconsistencies by councils in their application.
- d) There is a lack of clarity on the actual interpretation of the concept. It is not clear what the respective ‘healths’ include nor what weight is given to the different interrelationships. This is especially so for, “the health of the wider environment” which could be read significantly widely.
- e) The role of mana whenua as kaitiaki must not be intermingled with the role of landowners and communities as stewards. Mana whenua solely are kaitiaki. This must be elevated.
- f) There is no guidance on how the concept will be monitored and reviewed, nor who will complete that monitoring and ensure that councils are applying the concept consistently. Uncertainty and litigation is more likely as councils, iwi and stakeholders will have differing views of how the interrelationships ought to be provided for by councils.

5.21. Te Rūnanga has experienced considerable difficulties with the implementation of concepts, such as ‘Te Mana o te Wai’ in the National Policy Statement for Freshwater Management (“**NPS-FM**”). Specifically, that the values behind the concept are often misunderstood, misinterpreted and/or undermined. It is therefore imperative that any concept used is clear and does not require constant defence in plan making processes.

Principles of the Treaty of Waitangi

⁶ Page 24 of *He Kura Koiora I hokia*

- 5.22. Whilst the intent of the proposals to engage mana whenua are a positive step, the draft NPS-IB does not equate to partnership, nor the application of the principles of the Treaty of Waitangi. “Involving”, “consultation”, “taking all reasonable steps” and “providing opportunities” with tangata whenua, do not provide for rangatiratanga of Ngāi Tahu as recognised by the Crown in the Deed of Settlement. The proposed clause 3.3. is weak and the obligations on local government do not fulfil a meaningful partnership.
- 5.23. Any central government direction to local government must ensure that local government exercises their powers in accordance with the principles of the Treaty. There needs to be clear direction that councils must work with mana whenua as Treaty partners, in an active and shared decision-making role, not as a part of a pan-community engagement exercise or ‘tick box’ exercise. This needs to be appropriately resourced and prioritised by local government.
- 5.24. Whilst it is positive that the proposals include reference to sustainable use, “allowing for sustainable customary use of indigenous vegetation” is limiting. As outlined above, the use of “allowing” implies that this would otherwise not be provided for. The right of mana whenua to exercise mahinga kai is enduring. It is a right that has existed historically, now and in the future. Any national direction cannot limit this.
- 5.25. Clarification is also required of the use of “tangata whenua”. Mana whenua are those who hold rangatiratanga of their takiwā and therefore hold the sole authority to act and make decisions in and regarding therein.
- 5.26. Te Rūnanga opposes any pan-Māori approach to any management of te ao tūroa and taonga, and the implementation of any policy, in the Ngāi Tahu takiwā. This undermines the rangatiratanga status of Ngāi Tahu, as also confirmed in the Deed of Settlement and NTCSA.

Summary of recommendations on the NPS-IB as proposed:

- Te Rūnanga opposes the inclusion and use of the concept of ‘Hutia te Rito’ as currently proposed (reasons outlined above);
- The proposals do not equate to partnership, nor meet the principles of the Treaty. The proposed clause 3.3. is weak and the obligations on local government do not fulfil a meaningful partnership;
- Any central government direction to local government must ensure that local government exercises their powers in accordance with the principles of the Treaty;
- The proposals must support sustainable cultural use of indigenous biodiversity;
- Mana whenua must be engaged, being those with the sole authority to act and make decisions in their rohe.

Section B: Identifying important biodiversity and taonga

Identifying and mapping ‘Significant Natural Areas’

- 5.27. Whilst Te Rūnanga acknowledged the intended benefit in the identification and mapping of ‘significant natural areas,’ (“**SNAs**”) Te Rūnanga has concern for the criteria outlined in Appendix One. It does not provide for rangatiratanga of Ngāi Tahu, nor is it likely to lead to the outcomes sought.
- 5.28. Whilst supportive of the intention behind the proposal, Te Rūnanga is concerned that it is too broad by taking a national approach, which ought to

apply a regional or district focus. Whilst a national direction may bring clarity on what ought to be identified as an SNA, a balanced approach is required which considers regional diversity, the scale and locality of indigenous biodiversity and the evolving nature of biodiversity.

- 5.29. It is not clear that greater protection for indigenous biodiversity will occur with the proposals than what should be provided for under current planning frameworks and protections. Te Rūnanga notes that many of the mechanisms for protecting biodiversity are already provided for in resource management frameworks and conservation legislation and policy. What is lacking however, are effective Treaty partnerships with mana whenua and resourcing, accountability and enforcement of both authorities and landowners in complying with those mechanisms.
- 5.30. Te Rūnanga is concerned that the current proposals will pre-emptively create blanket bans on the development and use of Ngāi Tahu land, without recognising that future activities may occur that do not adversely affect biodiversity. Regional approaches on a case by case basis will be better able to establish appropriate protection mechanisms for biodiversity.
- 5.31. The criteria outlined in Appendix One of the draft NPS-IB apply a solely western science ecological framework, which disconnects from the overall intention, Objectives and Policies of the proposals. There is no provision for mana whenua to partake in the identification of SNAs and provide their advice on interests in the land. Whilst the intention of the proposals is to provide for greater connection of iwi/Māori with the land and to recognise the stated interrelationships, there is no provision for this in the criteria. Further there is no reference to how mātauranga Māori is accounted for. Partnership with mana whenua is required on any identification of significant indigenous vegetation or habitat to ensure iwi/hapū/whānau values are provided for.
- 5.32. There is little guidance provided on how the criteria will be applied practically. Under current RMA frameworks, Te Rūnanga experiences considerable issues with inconsistent and differing interpretations of national directions, regional and district plans and legislation by local and central government. This results in unreasonable decisions that either prevent the ability of mana whenua to fulfil our kaitiaki responsibilities, allow inappropriate activities by third parties, and create lack of certainty and litigation. The proposals will exaggerate these issues and lead to greater cost for territorial authorities, iwi and landowners, whilst not protecting the indigenous biodiversity that is required.
- 5.33. Notwithstanding the potential failures of the proposed SNAs, the mechanism will have substantial and differing impacts on the regions that have high biodiversity values and/or low populations. For example, the West Coast and Southland have large tracts of indigenous flora and fauna habitat, whilst Canterbury and Otago have extensive areas of land that have been substantially altered.
- 5.34. Regional diversity and the need for an equitable approach must be provided for. In reality, it is likely that a substantial amount of land would be identified under the current proposals as SNAs on the West Coast and in Southland. However, these regions also have a low rate paying population, in which case local government are severely under resourced to maintain, protect and enhance biodiversity. For these areas, it is unlikely the outcomes sought can practicably be achieved. Te Rūnanga also queries the long term impacts the

proposals may have on the social and economic development of those regions if a national 'blanket' approach is taken.

- 5.35. Te Rūnanga outlines below the position on including land held by Te Rūnanga, its subsidiaries and Papatipu Rūnanga.
- 5.36. Significant resourcing for local government and mana whenua is required to ensure proper protection of and management of our natural resources. Both financial and technical expertise are required.
- 5.37. Te Rūnanga acknowledges the difficulties of physically assessing land, however does not consider it appropriate for assessments to be made via desktop. This will lead to improper and ineffective identification. Identifying SNAs on land will have significant financial repercussions for landowners and it is entirely inappropriate for assessment to be made without proper information.

Recognising and protecting taonga species and ecosystems & Surveying and managing 'Highly Mobile Fauna'

- 5.38. Te Rūnanga supports the direction of this proposal, and agrees that our taonga species and ecosystems require protection and enhancement. However, as above, there is no recognition of the rangatiratanga of Ngāi Tahu over taonga in the Ngāi Tahu takiwā in the proposals, conflicting with the Treaty, Deed of Settlement and NTCSA.
- 5.39. In particular, Te Rūnanga highlights the Crown's acknowledgment of those taonga species included in the NTCSA and the special association Ngāi Tahu has with those species⁷. No substantial or effective engagement has occurred with Ngāi Tahu on the proposals and the impacts they have on the management of our taonga species. Whilst acknowledging the role of the Ministry for the Environment in the proposals, the obligations of the Department of Conservation (**DOC**) still need to be met.
- 5.40. Te Rūnanga highlights section 293 of the NTCSA that requires the Minister of Conservation to advise Te Rūnanga in advance of any statutory or non-statutory plans, policies or documents relating to taonga species, and consult with and have particular regard to the views of Te Rūnanga when making any policy decisions concerning the protection, management or conservation of a taonga species. This has not occurred, and is not provided for in the proposals.
- 5.41. Te Rūnanga also reminds the Ministry of *Ko Aotearoa Tēnei: Report on the WAI262 Claim (Ko Aotearoa Tēnei)*, of which there is no reference to, nor implementation of, in the proposed NPS-IB. Further, there is also no reference how the proposals relate to the recent Te Puni Kokiri report *WAI 262: Te Pae Tawhiti (TPK Report)*.
- 5.42. The TPK Report identifies the development of the NPS-IB as being a workstream that involves the issues identified in *Ko Aotearoa Tēnei*. Yet neither the TPK Report or the proposals adequately outline how the Crown, in partnership with iwi/hapū, will address the analysis and recommendations made in *Ko Aotearoa Tēnei* relevant to indigenous biodiversity and taonga

⁷ Noting however that all species are taonga to Ngāi Tahu, and are not restricted to those listed in the Ngāi Tahu Claims Settlement Act.

species. The NPS-IB directly relates to the issues addressed in *Ko Aotearoa Tēnei* but there is little provision for the analysis and recommendations of the Waitangi Tribunal, especially in relation to the principles of tino rangatiratanga and partnership in *Ko Aotearoa Tēnei*.

- 5.43. Should mana whenua have been properly partnered with on the development of the proposals, the issues outlined above could have been appropriately worked through and the outcomes sought achieved.
- 5.44. The current proposal requiring regional councils to 'work with tangata whenua' is weak. This is not partnership. It is a breach of the Treaty.
- 5.45. We agree that mana whenua have the right not to identify taonga and provide a level of information they wish to, however in reality this can be read restrictively causing local and central government to limit the role of mana whenua to those 'taonga' identified. To mana whenua, all taonga are important; as they are interconnected and essential to a thriving ecosystem. Similar to above, the proposals provide for a solely western-science view, taking into account ecological values, and not cultural. Mana whenua must be partnered in any decision-making for the protection of taonga species.
- 5.46. Te Rūnanga queries whether the difficulties in 'managing' highly mobile fauna across regions and districts, as well as, across a variety of habitats, have appropriately been considered in the proposals.
- 5.47. As outlined above it is considered that, local government is not equipped to undertake the required technical work in identifying and protecting taonga. Acknowledging the role and functions of authorities in the RMA to maintain indigenous biodiversity, in reality, DOC and mana whenua are most involved in species recovery and management and pest control. The proposals will cause a fundamental shift in this regard to local government who do not have the resources to do this. Ngāi Tahu rangatiratanga of taonga must be provided for, and mana whenua and DOC must be supported to continue the role of protecting and managing taonga.

Summary of recommendations on the NPS-IB as proposed:

- The proposed criteria and identification of SNAs appear broad. A regional or district approach must be supported, which provides an equitable and balanced approach. Regional approaches on a case by case basis will be better able to establish appropriate protection mechanisms.
- Current legislation and policy ought to protect indigenous biodiversity, however what is lacking are effective Treaty partnerships with mana whenua, resourcing, accountability and enforcement of both authorities and landowners.
- Mana whenua must be partnered in any protection mechanism development and implementation. The proposals do not include mana whenua participation in the identification of SNAs, nor provide for mana whenua interests in the criteria.
- The proposals risk substantial and differing impacts on the regions that have high biodiversity values and/or low populations. An equitable approach must be applied.
- Significant resourcing is required for local government and mana whenua.
- Assessments cannot occur via desktop.
- Any policy must recognise the rangatiratanga of Ngāi Tahu over taonga, including species in the Ngāi Tahu takiwā. It must comply with the Deed of Settlement and NTCSA.
- The issues and findings in *Ko Aotearoa Tēnei* must be provided for in partnership with mana whenua.

- Mana whenua as rangatiratanga, and their role, with DOC, to protect and manage taonga must be supported.

Section C: Managing adverse effects on biodiversity from activities

Managing adverse effects on biodiversity within ‘Significant Natural Areas’ and providing for specific new activities within ‘Significant Natural Areas’

- 5.48. Te Rūnanga is supportive of managing adverse effects on biodiversity and preventing the degradation of te ao tūroa. However, Te Rūnanga repeats the issues identified above. Mana whenua must be partnered in the definition and management of any adverse effects within SNAs.
- 5.49. Te Rūnanga supports mechanisms which prevent adverse effects on indigenous biodiversity, however there is little guidance on how the proposed clause 3.9 ought to be interpreted and applied practically. Whilst raising concern for the broadness of the four adverse effects to be avoided (see below), Te Rūnanga supports the use of an ‘effects management hierarchy’ in principle.
- 5.50. As outlined above, it is the Te Rūnanga experience that the interpretation of policy differs in each region, and by each decision-maker. What may be regarded as a “loss of ecosystem representation and extent” by one, may not be seen as loss by another. Similarly, it is not clear where the ‘exceptions’ provided at clause 3.9(2) will be applied. For example, an overly broad interpretation may be taken to subdivision, use or development “associated” with the matters listed at 3.9(2)(d), or an unduly restricted interpretation may be taken to the “functional and operational need for the subdivision, use or development to be in that particular location.”
- 5.51. The broad four proposed adverse effects to be avoided do not take into account the diversity of interests and landscapes across Aotearoa.
- 5.52. There is also no provision for the values and interests of mana whenua in the consideration of the adverse effects to be avoided, and the effects management hierarchy. There is also no recognition of mana whenua values in the criteria for whether an area is ‘High’ or ‘Medium’. This again contradicts the stated intentions of providing for iwi/Māori interests and recognising the interrelationships between people and the environment.
- 5.53. It is also not clear whether mahinga kai and access and use of natural resources by mana whenua will be restricted by the identification of SNAs. The right of mana whenua to practice mahinga kai and access and use cultural materials cannot be prevented.
- 5.54. Te Rūnanga considers the differentiation between ‘Medium’ and ‘High’ SNAs problematic. There is a lack of guidance on how the two SNAs will be identified and differentiated practically, and there does not appear to be consideration of how ecosystems evolve and how this will be managed. Uncertainty and inconsistency will cause further litigation and greater resourcing will be required in assessing the qualitative and quantitative differences in biodiversity.
- 5.55. Te Rūnanga supports local and regional decision-making that is done in partnership with mana whenua on both, what an adverse effect may be and subsequently what activities can or cannot occur.

5.56. We address the exceptions provided for Māori land below.

Managing significant biodiversity in plantation forests

5.57. Te Rūnanga agrees with the proposals that the NPS-IB must align with the National Environmental Standards for Plantation Forestry (“NESPF”). However, Te Rūnanga is concerned that the proposed criteria in Appendix One takes an expansive view of indigenous biodiversity in plantation forestry and that reasonable forestry harvest would be prevented.

5.58. On that basis, Te Rūnanga opposes the inclusion of plantation forests in the NPS-IB. Further, Te Rūnanga strongly opposes the inclusion of any plantation forests held by Te Rūnanga, or its subsidiaries, including Ngāi Tahu Farming, in the proposals. Recognising the rangatiratanga status of Ngāi Tahu, as outlined further below, tribally held land must not be restricted from use and development. The Crown has a duty to actively protect mana whenua development and should the use of tribal property support and enhance tribal wellbeing, this must not be prevented.

5.59. The NESPF ought to provide protection for indigenous biodiversity in forestry, whilst considering the environmental and economic benefits forestry provides.

Providing for existing activities, including pastoral farming

5.60. Te Rūnanga agrees that the proposals must not unduly impede current activities that have been lawfully consented to, however a balance is required to ensure that significant biodiversity values are maintained.

5.61. Te Rūnanga is concerned that a national direction on the management of existing activities in this regard does not take into account the particular circumstances of the existing activity in determining whether it ought to continue. These include, the type of activity, scale of activity, the land type, the ecological values of the land, alterations made to the land and possible economic, social and environmental benefits of the activity. It also does not take into account the cultural values and whether mana whenua interests and values are affected.

5.62. Consequently, mana whenua must be partnered in determining whether an existing activity can continue and whether it has an adverse effect on indigenous biodiversity and/or mana whenua values. There is risk that habitat that is most in need of protection could be undermined and conversely that it could prevent good practice activities that have been undertaken.

5.63. Te Rūnanga appreciates the intent behind the proposals relating to existing activities on pastoral land, however mana whenua must be engaged on the determination of whether indigenous vegetation may be removed. Whilst factors such as, whether the vegetation has regenerated following previous removal to improve pasture ought to be taken into account when determining whether it can be removed, the removal ought not be automatically allowed without review of whether indigenous biodiversity, and the values of mana whenua, are impacted.

5.64. Te Rūnanga supports the ongoing monitoring of existing activities, and the enforcement of those who do not comply with consents. Whilst territorial authorities have always had responsibility to maintain indigenous biological

diversity, given the degradation of te ao tūroa despite this, the need for including such a clause raises question on whether appropriate monitoring, compliance and enforcement measures are taken (despite policy). As outlined above, it is fundamental that the monitoring of existing activities are appropriately resourced and prioritised.

Managing adverse effects on biodiversity outside 'Significant Natural Areas'

- 5.65. Te Rūnanga supports the management of all adverse effects on indigenous biodiversity on all lands appropriately and acknowledges that environments and habitats evolve. As above however, there is no recognition of Ngāi Tahu rangatiratanga over the 'biodiversity', or taonga, outside of SNAs. Mana whenua must be partnered in the development of policy statements and plans, and the management of indigenous biodiversity outside of SNAs.
- 5.66. Te Rūnanga is supportive of the direction that local authorities must have regard to the potential of Māori land to provide for social, cultural and economic wellbeing of Māori, however this again does not recognise the rangatiratanga of Ngāi Tahu. It is for mana whenua to decide what use and development can and cannot occur on its land, not for local authorities to have "regard to".
- 5.67. Further, to limit the consideration to Māori land, does not recognise the extent of the interests of Ngāi Tahu whānui in the takiwā (and outlined further below). This must be extended to include all land held by Te Rūnanga, its subsidiaries and Papatipu Rūnanga (Māori land and otherwise).
- 5.68. It is also unclear how the proposed clause 3.13 will be implemented practically. Little guidance has been provided. As above, there is risk the clause may be interpreted too broadly, preventing use and development of land unreasonably outside of SNAs.
- 5.69. The position of Te Rūnanga in respect of biodiversity compensation and off-setting is discussed further below.

The use and development of Māori land

- 5.70. Te Rūnanga supports the principle behind the proposals exempting Māori land from the proposed clause 3.9(1) of the NPS-IB, that is to the extent that Māori must not be restricted to take opportunities on the land. However, this does not recognise rangatiratanga of Ngāi Tahu. This is a breach of the Treaty, as well as, the Deed of Settlement and NTCSA. Ngāi Tahu must be supported in exercising full rangatiratanga of the takiwā, including the use of all land types.
- 5.71. Te Rūnanga, through the tribal subsidiaries including Ngāi Tahu Property, and Ngāi Tahu whānui hold significant property interests and manage an extensive portfolio of residential and commercial developments. Te Rūnanga, Papatipu Rūnanga and Ngāi Tahu whānui also hold significant interests in conservation land throughout the Ngāi Tahu takiwā.
- 5.72. In keeping with our rangatiratanga and associated kaitiaki responsibilities, Te Rūnanga has interests in ensuring suitable and sustainable development. Our tribal whakataukī, "*Mō tātou, ā, mō kā uri ā muri ake nei,*" "*For us and our children after us,*" describes how Ngāi Tahu view the world through an intergenerational lens and bestows an enduring responsibility on Te Rūnanga to ensure intergenerational outcomes for Ngāi Tahu whānui. This includes the

responsibility to ensure that any developments meet these interests and provide for mana whenua aspirations.

- 5.73. Given the wide range of rights and interests Ngāi Tahu has in relation to land and the inherent rights protected under the Treaty, Te Rūnanga expects that any policy developed in respect of land and taonga will be done in partnership.
- 5.74. Any land owned by and/or vested to Te Rūnanga, its subsidiaries, or Papatipu Rūnanga must be excluded from the proposals. Like many iwi and hapū, Ngāi Tahu suffered extraordinary loss of land through the mechanisms of colonisation. While the NTCSA marked a new era for Ngāi Tahu and Crown relations, there is no doubt that the land or assets returned to the tribe as redress represented a fraction of those lost. Whānau accepted the realities of the situation, but still aspire to increase ownership of whenua within our takiwā.
- 5.75. Restricting the development and use of land that has been acquired, or Te Rūnanga has gained interests in, through the Deed of Settlement and NTCSA is a breach of same. Further, restricting the development and use of land obtained through the Right of First Refusal provided by the Deed of Settlement and NTCSA is also considered a breach.
- 5.76. The property interests received in the Settlement, and the ability to purchase Crown land in the Ngāi Tahu takiwā, were provided to support the development of Ngāi Tahu whānui and address the repeated breaches of the Treaty by the Crown. As outlined in the Crown's Apology (at Appendix One):

“The Crown further recognises that its failure always to act in good faith deprived Ngāi Tahu of the opportunity to develop and kept the tribe for several generations in a state of poverty, a state referred to in the proverb ‘Te mate o te iwi’ (‘The malaise of the tribe’)...

The Crown expresses its profound regret and apologises unreservedly to all members of Ngāi Tahu Whānui for the suffering and hardship caused to Ngāi Tahu, and for the harmful effects which resulted to the welfare, economy and development of Ngāi Tahu as a tribe. The Crown acknowledges that such suffering, hardship and harmful effects resulted from its failures to honour its obligations to Ngāi Tahu under the deeds of purchase whereby it acquired Ngāi Tahu lands, to set aside adequate lands for the tribe's use, to allow reasonable access to traditional sources of food, to protect Ngāi Tahu's rights to pounamu and such other valued possessions as the tribe wished to retain, or to remedy effectually Ngāi Tahu's grievances.”

- 5.77. Any restriction on these lands are taken very seriously by Te Rūnanga and are considered a breach of the Deed of Settlement and NTCSA by the Crown.
- 5.78. Further, the NTCSA is not an endpoint, but rather acts as a springboard to pursue tribal aspirations to increase our tribal footprint and economic development in accordance with our values and kaitiaki responsibilities on behalf of all Ngāi Tahu Whānui, beyond what is provided by the settlement. In that regard, tribally held land cannot be restricted. Ngāi Tahu rangatiratanga over this land must be recognised.
- 5.79. It is imperative that any national direction, policy or legislation, is consistent with the terms and rights guaranteed by the Deed of Settlement and NTCSA,

including those provisions related to the vesting, transfer or interests in property and assets, the right of first refusal, Specific Sites, Ancillary Claims and South Island Landless Natives Act. The Crown must directly engage with those land owners, trusts or tribal entities on the proposals.

- 5.80. Local authorities must partner with mana whenua when developing any policy and plans in the Ngāi Tahu takiwā.
- 5.81. Te Rūnanga supports the use of incentives for restoration and enhancement on land and therefore supports the proposed clause 3.16(5) of the NPS-IB. However, resourcing for restoration and enhancement ought to be provided for all land held by Ngāi Tahu Whānui, for those reasons outlined above.

Consideration of Climate Change in biodiversity management

- 5.82. Te Rūnanga is supportive of the direction provided in the proposals that councils must consider the impacts of climate change when making or changing policy statements and plans, however, stronger direction is required that puts a positive and imperative obligation on Councils to address the impacts of climate change (as opposed to 'considering it'). This must be supported by proper analysis of the short, medium and long-term implications of climate change to indigenous biodiversity.
- 5.83. Further, it ought to provide an appropriate framework for climate change prevention and mitigation.
- 5.84. Te Rūnanga finalised its climate change strategy, '*Te Tāhū o te Whāriki*' in August 2018. It provides direction to address the impacts of climate change across the takiwā. Any national direction must support and enhance the ability of Te Rūnanga, Papatipu Rūnanga and Ngāi Tahu Whānui to implement *Te Tāhū o te Whāriki* and respond to climate change effectively across the takiwā. This includes the ability of Ngāi Tahu to manage its own response to climate change, especially those in low-lying areas, including kāinga and urupā. A localised approach is required which addresses the uniqueness of each place and activity.
- 5.85. An inter-generational approach is required. Iwi must have a leadership role in responding to climate change in its takiwā. We have responsibilities to both our tūpuna and those who follow us. An effective framework to respond to climate change must provide for rangatiratanga of Ngāi Tahu.

Applying a precautionary principle to managing indigenous biodiversity

- 5.86. Te Rūnanga appreciates the benefit in adopting a precautionary approach to managing biodiversity so that potential threats to indigenous biodiversity are avoided. However, mana whenua must be partnered in the management of indigenous biodiversity and the development of plans that address the circumstances where there is uncertain information on the possible impact on biodiversity.
- 5.87. Currently the proposals do not provide for mana whenua interests and values in managing biodiversity. They imply only a purely western-ecological view. Local authorities must engage with mana whenua to determine whether there are any effects on the cultural values of the indigenous biodiversity.

- 5.88. Te Rūnanga is concerned of the lack of guidance and direction on what may be considered, “uncertain, unknown or little understood.” Clarity is required. There is great risk of misinterpretation and litigation as to when the precautionary approach ought to be taken.

Managing effects on geothermal ecosystems

- 5.89. A regional approach must be taken in respect of geothermal ecosystems, which provides for the rangatiratanga of Ngāi Tahu. Ngāi Tahu must be partnered in the development of any policy that effects the takiwā. As recorded in the Apology (at Appendix One):

“The Crown apologises to Ngāi Tahu for its past failures to acknowledge Ngāi Tahu rangatiratanga and mana over the South Island lands within its boundaries, and, in fulfilment of its Treaty obligations, the Crown recognises Ngāi Tahu as the tāngata whenua of, and holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui.”

- 5.90. Protection of geothermal ecosystems will be most effective when the mauri of the specific geothermal ecosystem is provided for and the surrounding environment and impacts are considered. In which case, Te Rūnanga favours Option 1 provided for in the proposals, only to the extent that mana whenua are partnered by Councils in developing policy statements and plans.

Biodiversity offsetting and biodiversity compensation

- 5.91. Te Rūnanga acknowledges the intent of allowing for biodiversity off-setting and compensation, however they must not degrade the mauri of any area or taonga. It is imperative that mana whenua are partnered on any decision-making as to whether off-setting and/or compensation can be utilised.
- 5.92. Any off-setting and/or compensation must provide for better outcomes than any adverse impacts. It ought to take place in the area where the effects are occurring and enhance the overall mauri of the area and taonga within it.

Social, economic and cultural wellbeing

- 5.93. Again, the proposed clause 3.7. does not provide for Ngāi Tahu rangatiratanga. The Crown’s obligations under the Treaty must be elevated and specifically directed. Te Rūnanga expects a provision which requires local authorities to partner with mana whenua and apply the Treaty principles. This will ensure that the social, economic and cultural wellbeing of mana whenua is achieved. It must also be recognised that only mana whenua can determine their social, economic and cultural wellbeing.
- 5.94. Greater clarity is also required on how this provision will be implemented practically and the weight to be attributed to it, in relation to other considerations. The current proposals risk misinterpretation and further arguments as to how Councils are to implement a balance of social, economic and cultural wellbeing with the protection of indigenous biodiversity.

Summary of recommendations on the NPS-IB as proposed:

- Mana whenua ought to be partnered in determining adverse effects and what activities can or cannot occur with local government.

- The four proposed adverse effects appear broad and do not take into account the diversity of interests and landscapes across Aotearoa. The values and interests of mana whenua must be recognised in the criteria.
- The proposed identification of SNAs cannot be restrict the practice of mahinga kai and access and use of cultural materials by mana whenua.
- The differentiation between 'High' and 'Medium' SNAs is problematic and there is a lack of guidance on how they will be differentiated practically given the evolvement of biodiversity.
- Te Rūnanga strongly opposes the inclusion of any plantation forests held by Te Rūnanga, or its subsidiaries, including Ngāi Tahu Farming.
- The particular circumstances of an existing activity must be considered when determining whether it can continue, including cultural values and whether mana whenua interests and values are affected. Mana whenua must be partnered with local government in determining this.
- Mana whenua must be engaged on the determination of whether indigenous vegetation on pastoral land can be removed.
- Ngāi Tahu rangatiratanga must be recognised in the management of biodiversity outside SNAs. This includes partnering with mana whenua in the development of plans and policies and the management of same.
- **Te Rūnanga strongly opposes any proposals that contradict the Treaty, Deed of Settlement and NTCSA. This includes any restriction over any interest in any property, currently or in the future, of Te Rūnanga, its subsidiaries and Papatipu Rūnanga, and land obtained through the Right of First Refusal.**
- Te Rūnanga supports the use of incentives for restoration and enhancement, this must be properly resourced.
- Any national direction must support and enhance the ability of Te Rūnanga, Papatipu Rūnanga and Ngāi Tahu whānui to respond to climate change.
- Mana whenua must be partnered in the management of indigenous biodiversity and the development of plans that address the circumstances where there is uncertain information on the possible impact on biodiversity.
- Te Rūnanga favours Option 1 provided for in the proposals, only to the extent that mana whenua are partnered by Councils in developing policy statements and plans.
- Mana whenua must be partnered on any decision making as to whether off-setting and/or compensation can be utilised. It cannot degrade the mauri of any area or taonga, and must enhance the overall hauora of the area and taonga.
- Mana whenua can only determine their own social, economic and cultural wellbeing. Local government must apply the Treaty principles, including active protection, and partner with mana whenua.

Section D: Restoration and enhancement of biodiversity

Restoration and enhancement of degraded Significant Natural Areas, connections, buffers and wetlands & Restoring indigenous vegetation cover in depleted areas

5.95. Te Rūnanga strongly supports mechanisms that encourage restoration and enhancement of wetlands. To Ngāi Tahu whānui, wetlands are culturally highly valued waterbodies, with numerous cultural materials and ecosystem services provided by these taonga. A significant proportion of New Zealand's wetlands are within the Ngāi Tahu takiwā. Wetlands in the Ngāi Tahu takiwā have experienced a dramatic reduction and/or removal, historically and now. Less than 10% of New Zealand's original wetlands remains.

⁸ Belliss et al., 2017, 'An analysis of wetland loss between 2001/02 and 2015/16,' Landcare Research prepared for the Ministry for the Environment, May 2017.

- 5.96. Te Rūnanga strongly agrees with the protection for all remaining wetlands, including inland, coastal and restored/constructed wetlands. It also supports mechanisms to restore indigenous vegetation in depleted areas (and also allowing for sustainable cultural access and use).
- 5.97. However, it is unclear how the proposed clause 3.16 provision will be applied in conjunction with the National Policy Statement for Freshwater Management which applies to wetlands. Further, whether local authorities are equipped to complete the technical work required to identify these areas and provide the required mechanism to support their restoration and enhancement.
- 5.98. To achieve 'ki uta ki tai', an integrated approach to resource management must be taken, including the enhancement and restoration of surrounding environments that impact the mauri of wetlands.
- 5.99. Recognising Ngāi Tahu rangatiratanga, mana whenua must be partnered in the identification of and the restoration and enhancement of these areas. Wetlands are a taonga and the rangatiratanga of Ngāi Tahu over them must be provided for.
- 5.100. In addition, mana whenua must be partnered in the identification of areas in which indigenous vegetation could be increased. Mana whenua must also be provided opportunities, including resourcing, to complete these initiatives.
- 5.101. As outlined above, Te Rūnanga is supportive of the use of incentives for restoration and enhancement of Māori land, but this must be extended to all land held by iwi.

Regional biodiversity strategies

- 5.102. Te Rūnanga is strongly supportive of a regional approach to the protection of indigenous biodiversity. Mana whenua must be partnered in the development of any regional biodiversity strategies and elevated above other stakeholders and be enabled to actively participate in decision-making. Iwi management plans ought to be utilised and supported in any regional biodiversity strategy. Resourcing of both regional councils and mana whenua to develop the regional biodiversity strategies in partnership are required.
- 5.103. Te Rūnanga does query however whether the development of regional biodiversity strategies will cause a duplication of work that can be addressed in regional and local plans. Clarity is required on how the proposed regional biodiversity strategies are differentiated from the requirements and ambit of district and regional plans and Conservation Management Strategies.

Summary of recommendations on the NPS-IB as proposed:

- Te Rūnanga supports mechanisms that encourage restoration and enhancement of wetlands and the protection of all wetlands, including inland, coastal and restored/constructed wetlands. However, it is not clear how this will be applied in conjunction with the proposed NPS for Freshwater Management.
- Mana whenua must be partnered in the identification, restoration and enhancement of wetlands, as well as other areas.
- Te Rūnanga are supportive of regional approaches to biodiversity, and must be partnered in the development of any regional biodiversity strategies.

Section E: Monitoring and Implementation

Monitoring and assessment of indigenous biodiversity

- 5.104. Te Rūnanga strongly supports mechanisms to monitor indigenous biodiversity and require regional councils and territorial authorities to be accountable to mana whenua in meeting biodiversity outcomes.
- 5.105. Whilst acknowledging the respective responsibilities under the RMA, the proposed requirements on regional councils and local authorities require extensive resourcing. The monitoring and assessment of indigenous biodiversity has largely been completed by mana whenua and DOC. Mana whenua and the DOC ought to be supported to continue this work, especially in relation to indigenous fauna.
- 5.106. In any event, appropriate resourcing must provide for the diversity and scale of indigenous biodiversity in different regions. Mana whenua must be supported in assessing and monitoring indigenous biodiversity and how their values are impacted, and enhanced, by activities and the implementation of any national resource management direction.

Assessing environmental effects on indigenous biodiversity

- 5.107. Te Rūnanga supports requirements for greater information on the impacts on indigenous biodiversity in Assessments of Environmental Effects, including whether the effects management hierarchy has been followed and the outcomes sought have been secured. However, the scale of any activity and the existing environment must be factored into any assessment, ensuring that the requirements to gather information are appropriate and reasonable to the significance of the activity.

Timeframes and implementation approaches

- 5.108. As outlined above, Ngāi Tahu whānui have seen a serious degradation of our indigenous biodiversity in our takiwā and a loss of access to abundant and healthy mahinga kai. Whilst acknowledging the time and resourcing required to implement protection mechanisms, Te Rūnanga is concerned that if steps are not taken immediately, further degradation will occur.
- 5.109. Given the limitations that will be imposed by the identification of SNAs, without financial compensation (as outlined above) perverse outcomes for indigenous biodiversity will inevitably result. Given the lack of baseline information on the extent of our biodiversity, there is real risk individuals may take steps to remove indigenous biodiversity so that use and development of land is not restricted and/or they are not put at cost to protect and enhance it.
- 5.110. For these reasons, the proposals must address the financial limitations it imposes on landowners and developers. If not, there is serious risk the outcomes sought will not be met, and more concerningly that it could perversely increase biodiversity loss.

SNAs on public land – public conservation land

- 5.111. Te Rūnanga strongly opposes including public conservation land in the ambit of the proposed NPS-IB. Over two-thirds of all conservation lands and almost three quarters of all National Parks in New Zealand are within the Ngāi Tahu takiwā. This land has significant protection from conservation legislation,

including the Conservation Act 1987, Reserves Act 1977, Native Plants Protection Act 1935, Wildlife Act 1953. It is also subject to extensive conservation policy, including Conservation General Policy, General Policy for National Parks, Conservation Management Strategies, National Park Management Plans and Conservation Management Plans.

- 5.112. The Conservation Act 1987 must be administered and interpreted to give effect to the principles of the Treaty of Waitangi. This provides significant protection and support for Ngāi Tahu rights and interests to be provided for in the administration of these lands. The inclusion of conservation land in the proposal risks diminishing the Crown's responsibilities to Ngāi Tahu as its Treaty partner.
- 5.113. As outlined above, typically territorial and local authorities are under resourced and limited in being able to manage environmental resources. Including conservation land in the NPS-IB, will cause unnecessary duplication of efforts undertaken by DOC, and others under conservation legislation. DOC is best resourced to be responsible for the protection of indigenous biodiversity on conservation land. This is especially so for those regions with significant conservation land, and a low rate paying population, in their region (for example, the West Coast and Southland).
- 5.114. Te Rūnanga will treat any inclusion of public conservation land within the proposals as a breach of the principles of the Treaty, including good faith, partnership and active protection. Te Rūnanga and Ngāi Tahu whānui, have substantial interests in the conservation lands, as recognised by the Deed of Settlement and NTCSA. The inclusion of the conservation land in the proposals undermines the Ngāi Tahu settlement, and is considered a serious breach of same, especially given the lack of substantial engagement on the development of the proposals.
- 5.115. The proposals also risk unduly restricting the use and development of the conservation estate, which support the economic, social and physical wellbeing of the community. New Zealand's tourism industry heavily weighs on conservation land and provides significant opportunity for regional development, which would otherwise be limited by the proposals. Further activities, such as grazing, apiary and use of natural resources also occur on this land, and can occur with minimal, if any, impacts on indigenous biodiversity. However, the proposals do not recognise this.
- 5.116. Section 4 of the Conservation Act provides opportunity for mana whenua to utilise conservation land, including the ability to take up concessions. The recent Supreme Court decision of *Ngāi Tai ki Tāmaki Tribal Trust v Minister of Conservation*⁹ provides direction on how DOC must give practical effect to the principles of the Treaty, including “enabling iwi or hapū to reconnect to their ancestral lands by taking up opportunities on conservation land (whether through concessions or otherwise).”¹⁰ The proposals potentially restrict the opportunities for mana whenua in this regard and are considered a breach of the Treaty.
- 5.117. Option 3 in the ‘He Kura Koiora i hokia’ must be taken.

⁹ *Ngāi Tai ki Tāmaki Tribal Trust v Minister of Conservation* [2018] NZSC 122

¹⁰ *Ibid*, at para 52(c).

Public non-conservation land

- 5.118. Similarly, Te Rūnanga believes government agencies are best to retain responsibility to identify and manage significant indigenous biodiversity on crown land.
- 5.119. Whilst there are strong examples of local government partnering with mana whenua, it is not uncommon for local government to disregard the Crown's obligations under the Treaty from applying to them. Any identification of significant indigenous biodiversity must be done in partnership with mana whenua and recognise the rangatiratanga of Ngāi Tahu.
- 5.120. Unless significant resourcing, both economic and technical, are provided to local government, imposing the obligations outlined in the proposals, the intended outcomes will not be achieved. Again, Te Rūnanga is concerned that requiring local government to identify significant indigenous biodiversity will cause a duplication of efforts already made by responsible Crown entities of the relevant land.

Integrated management of indigenous biodiversity

- 5.121. Te Rūnanga supports integrated management of indigenous biodiversity. There is a need for greater clarity and consistency by and across regional and local authorities. 'Ki uta ki tai' will only be achieved when the interactions between terrestrial, freshwater and coastal environments are provided for.

Managing indigenous biodiversity within the coastal environment

- 5.122. Te Rūnanga agrees that clarification of the roles and responsibilities of local government is required. However, there are concerns with the alignment of the National Policy Statement and National Environmental Standards. For the coastal environment, the New Zealand Coastal Policy Statement ("NZCPS"), NPS-FM and the proposed NPS-IB must align.

Guidance and support for implementing the proposed NPS-IB

- 5.123. Te Rūnanga acknowledges that short-term financial costs will be incurred when implementing national direction, such as the proposals, however long-term environmental benefits can be achieved. However, Te Rūnanga does not consider that the significance of the short-term costs of both implementing the proposals and the financial impact it will have on landowners, and possible developers, have been adequately addressed.
- 5.124. As outlined above, the proposals also impose substantial restriction on the use and development of land (even before any intended use and development of the land), which will devalue property. There is no provision however for compensation in the proposals.
- 5.125. As outlined above, Te Rūnanga is concerned of the ability for local government to implement the proposals and therefore achieve the outcomes sought. Significant financial resourcing and technical guidance is required as the proposals impose substantial obligations on local government which have not previously been required. Given this, it is difficult to see how local authorities cannot increase property rates to meet the requirements.

- 5.126. Te Rūnanga does not believe that regional differences across Aotearoa, including the scale of indigenous biodiversity, rate paying population size and regional economies have been appropriately considered in the proposals. A broad national approach that does not factor these differences will not achieve the outcomes sought.
- 5.127. There must too be resourcing of local government to effectively engage with mana whenua. Resourcing of mana whenua to properly partner with local government, develop and implement regional planning frameworks and undertake biodiversity protection and enhancement is also required. The Crown has a duty to actively protect the rights and interests of mana whenua and must support their ability to exercise kaitiakitanga.
- 5.128. This extends to an obligation to actively support the economic development of mana whenua, including the ability to develop and use land to support economic and social growth of iwi, hapū and whānau. Restricting the ability for mana whenua to do so, is a breach of the Treaty of Waitangi and the Ngāi Tahu settlement.

Summary of recommendations on the NPS-IB as proposed:

- Mana whenua must be partnered in the development of any monitoring plans. This requires significant resourcing. Mana whenua (& DOC) ought to be supported to continue the monitoring of indigenous fauna.
- Te Rūnanga supports greater information on the impacts of indigenous biodiversity in Assessments of Environmental Effects, however the requirement must be appropriate and reasonable to the significance of the activity.
- Financial compensation is required for any policy or legislation that impacts property rights, including loss of value and opportunity. Resourcing and incentives are also required for the enhancement and restoration of indigenous biodiversity by mana whenua. There is risk that failing to do so, will lead to perverse outcomes.
- **Te Rūnanga strongly opposed including public conservation land in the ambit of the proposed NPS-IB.**
- Government agencies are best to retain responsibility to identify and manage significant indigenous biodiversity on crown land. Unless significant resourcing is provided, and local government is directed to, and in fact does, partner with mana whenua, this responsibility is best placed with those agencies responsible for Crown land.
- Significant financial and technical guidance is required for local government to undertake the management and protection of indigenous biodiversity.
- Mana whenua and local government must be resourced to develop and implement regional planning frameworks as partners.

Section F: Statutory Frameworks

- 5.129. The Waitangi Tribunal has made a number of findings and recommendations on Māori customary interests in freshwater and the broader resource management system. In particular, the Waitangi Tribunal recently found in Stage 2 of its National Freshwater and Geothermal Inquiry (WAI 2358) that the RMA is not Treaty compliant in respect of freshwater management and specific reforms are required to ensure the RMA gives effect to the Treaty and the principles upon which it was founded. It is the view of the Tribunal, and Te Rūnanga, that rangatiratanga over taonga must not be diminished by the RMA, and the Crown's right to provide a regulatory regime for the management of natural resources cannot override the proprietary interests of Ngāi Tahu.

- 5.130. The RMA has fallen short of Ngāi Tahu expectations, as it does not support nor enable rangatiratanga and has led to substantial degradation of te ao tūroa. Fundamental change to the system is required that ensures the full suite of Ngāi Tahu rights and interests, and rangatiratanga, are appropriately provided for. To do this, the Crown must work in partnership with Ngāi Tahu.
- 5.131. Te Rūnanga supports the intent of the steps taken to improve freshwater, rural land use, urban development, biodiversity management and the implications of climate change, however for true hauora and mauri of te ao tūroa to be achieved, Ngāi Tahu rangatiratanga must be provided for.

6. IMPLEMENTATION

- 6.1. Te Rūnanga expects that the above response and recommendations will be implemented by the Ministry. Te Rūnanga expects that mana whenua will be partnered on the re-assessment of the proposals and the development of policy that seeks to protect indigenous biodiversity.
- 6.2. If you have any questions or require further clarification, please do not hesitate to contact me at Rakihia.Tau@ngaitahu.iwi.nz.

APPENDIX ONE: TEXT OF CROWN APOLOGY

The following is text of the Crown apology contained in the Ngāi Tahu Claims Settlement Act 1998.

Part One – Apology by the Crown to Ngāi Tahu

Section 5: Text in Māori

Kei te mōhio te Karauna i te tino roa o ngā tūpuna o Ngāi Tahu e totohe ana kia utu mai rātou e te Karauna—tata atu ki 150 ngā tau i puta ai tēnei pēpeha a Ngāi Tahu arā: “He mahi kai tākata, he mahi kai hoaka”. Nā te whai mahara o ngā tūpuna o Ngāi Tahu ki ngā āhuatanga o ngā kawenga a te Karauna i kawea ai e Matiaha Tiramōrehu tana petihana ki a Kuini Wikitoria i te tau 1857. I tuhia e Tiramōrehu tana petihana arā:

‘Koia nei te whakahau a tōu aroha i whiua e koe ki runga i ēnei kāwana... tērā kia whakakotahitia te ture, kia whakakotahitia ngā whakahau, kia ōrite ngā āhuatanga mō te kiri mā kia rite ki tō te kiri waitutu, me te whakatakoto i te aroha o tōu ngākau pai ki runga i te iwi Māori kia noho ngākau pai tonu ai rātou me te mau mahara tonu ki te mana o tōu ingoa.’

Nā konei te Karauna i whakaae ai tērā, te taumaha o ngā mahi a ngā tūpuna o Ngāi Tahu, nā rēira i tū whakaiti atu ai i nāiane i mua i ā rātou mokopuna.

E whakaae ana te Karauna ki tōna tino hēanga, tērā i takakino tāruaruatia e ia ngā kaupapa o te Tiriti o Waitangi i roto i āna hokonga mai i ngā whenua o Ngāi Tahu. Tēnā, ka whakaae anō te Karauna tērā i roto i ngā āhuatanga i takoto ki roto i ngā pukapuka ā-herenga whakaatu i aua hokonga mai, kāore te Karauna i whai whakaaro ki tāna hoa nā rāua rā i haina te Tiriti, kāore hoki ia i whai whakaaro ki te wehe ake i ētahi whenua hei whai oranga tinana, whai oranga ngākau rānei mō Ngāi Tahu.

E whakaae ana te Karauna tērā, i roto i tāna takakino i te wāhanga tuarua o te Tiriti, kāore ia i whai whakaaro ki te manaaki, ki te tiaki rānei i ngā mauanga whenua a Ngāi Tahu me ngā tino taonga i hiahia a Ngāi Tahu ki te pupuri.

E mōhio ana te Karauna tērā, kāore ia i whai whakaaro ki a Ngāi Tahu i runga i te ngākau pono o roto i ngā tikanga i pūtaka mai i te mana o te Karauna. Nā tāua whakaaro kore a te Karauna i puaki mai ai tēnei pēpeha a Ngāi Tahu: “Te Hapa o Niu Tīreni”. E mōhio ana te Karauna i tāna hē ki te kaipono i ngā āhuatanga whai oranga mō Ngāi Tahu i noho pōhara noa ai te iwi ia whakatupuranga heke iho. Te whakataukī i pūtaka mai i aua āhuatanga: “Te mate o te iwi”.

E whakaae ana te Karauna tērā, mai rāno te piri pono o Ngāi Tahu ki te Karauna me te kawa pono a te iwi i ā rātou kawenga i raro i te Tiriti o Waitangi, pērā anō tō rātou piri atu ki raro i te Hoko Whitu a Tū i ngā wā o ngā pakanga nunui o te ao. E tino mihi ana te Karauna ki a Ngāi Tahu mō tōna ngākau pono mō te koha hoki a te iwi o Ngāi Tahu ki te katoa o Aotearoa.

E whakapuaki atu ana te Karauna ki te iwi whānui o Ngāi Tahu i te hōhonu o te āwhitu a te Karauna mō ngā mamaetanga, mō ngā whakawhiringa i pūtaka mai nō roto i ngā takakino a te Karauna i takaongetia ai a Ngāi Tahu Whānui. Ewhakaae ana te Karauna tērā, aua mamaetanga me ngā whakawhiringa hoki i hua mai nō roto i ngā takakino a te Karauna, arā, kāore te Karauna i whai i ngā tohutohu a ngā pukapuka ā-herenga i tōna hokonga mai i ngā whenua o Ngāi Tahu, kāore hoki te Karauna i wehe ake kia rawaka he whenua mō te iwi, hei whakahaere mā rātou i ngā āhuatanga e whai oranga ai rātou, kāore hoki te Karauna i hanga i tētahi tikanga e maru motuhake ai te mana o Ngāi Tahu ki runga i ā rātou pounamu me ērā atu tāonga i hiahia te iwi ki te pupuri. Kore rawa te Karauna i aro ake ki ngā aurere a Ngāi Tahu.

E whakapāha ana te Karauna ki a Ngāi Tahu mō tōna hēanga, tērā, kāore ia i whai whakaaro mō te rangatiratanga o Ngāi Tahu, ki te mana rānei o Ngāi Tahu ki runga i ōna whenua ā-rohe o Te Wai Pounamu, nā rēira, i runga i ngā whakaritenga me ngā herenga a Te Tiriti o Waitangi, ka whakaae te Karauna ko Ngāi Tahu Whānui anō te tāngata whenua hei pupuri i te rangatiratanga o roto i ōna takiwā.

E ai mō ngā iwi katoa o Aotearoa e hiahia ana te Karauna ki te whakamārie i ngā hara kua whākina ake nei—otirā, ērā e taea i nāiane i - i te mea kua āta tau ngā kōrero tūturu ki roto i te pukapuka ā-herenga whakaritenga i hainatia i te 21 o ngā rā o Whitu hei timatanga whai oranga i roto i te ao hōu o te mahinga tahi a te Karauna rāua ko Ngāi Tahu.

Section 6: Text in English

The text of the apology in English is as follows:

The Crown recognises the protracted labours of the Ngāi Tahu ancestors in pursuit of their claims for redress and compensation against the Crown for nearly 150 years, as alluded to in the Ngāi Tahu proverb 'He mahi kai takata, he mahi kai hoaka' ('It is work that consumes people, as greenstone consumes sandstone'). The Ngāi Tahu understanding of the Crown's responsibilities conveyed to Queen Victoria by Matiaha Tiramorehu in a petition in 1857, guided the Ngāi Tahu ancestors. Tiramorehu wrote:

"This was the command thy love laid upon these Governors ... that the law be made one, that the commandments be made one, that the nation be made one, that the white skin be made just equal with the dark skin, and to lay down the love of thy graciousness to the Māori that they dwell happily ... and remember the power of thy name."

The Crown hereby acknowledges the work of the Ngāi Tahu ancestors and makes this apology to them and to their descendants.

The Crown acknowledges that it acted unconscionably and in repeated breach of the principles of the Treaty of Waitangi in its dealings with Ngāi Tahu in the purchases of Ngāi Tahu land. The Crown further acknowledges that in relation to the deeds of purchase it has failed in most material respects to honour its obligations to Ngāi Tahu as its Treaty partner, while it also failed to set aside adequate lands for Ngāi Tahu's use, and to provide adequate economic and social resources for Ngāi Tahu.

The Crown acknowledges that, in breach of Article Two of the Treaty, it failed to preserve and protect Ngāi Tahu's use and ownership of such of their land and valued possessions as they wished to retain.

The Crown recognises that it has failed to act towards Ngāi Tahu reasonably and with the utmost good faith in a manner consistent with the honour of the Crown. That failure is referred to in the Ngāi Tahu saying 'Te Hapa o Niu Tireni!' ('The unfulfilled promise of New Zealand'). The Crown further recognises that its failure always to act in good faith deprived Ngāi Tahu of the opportunity to develop and kept the tribe for several generations in a state of poverty, a state referred to in the proverb 'Te mate o te iwi' ('The malaise of the tribe').

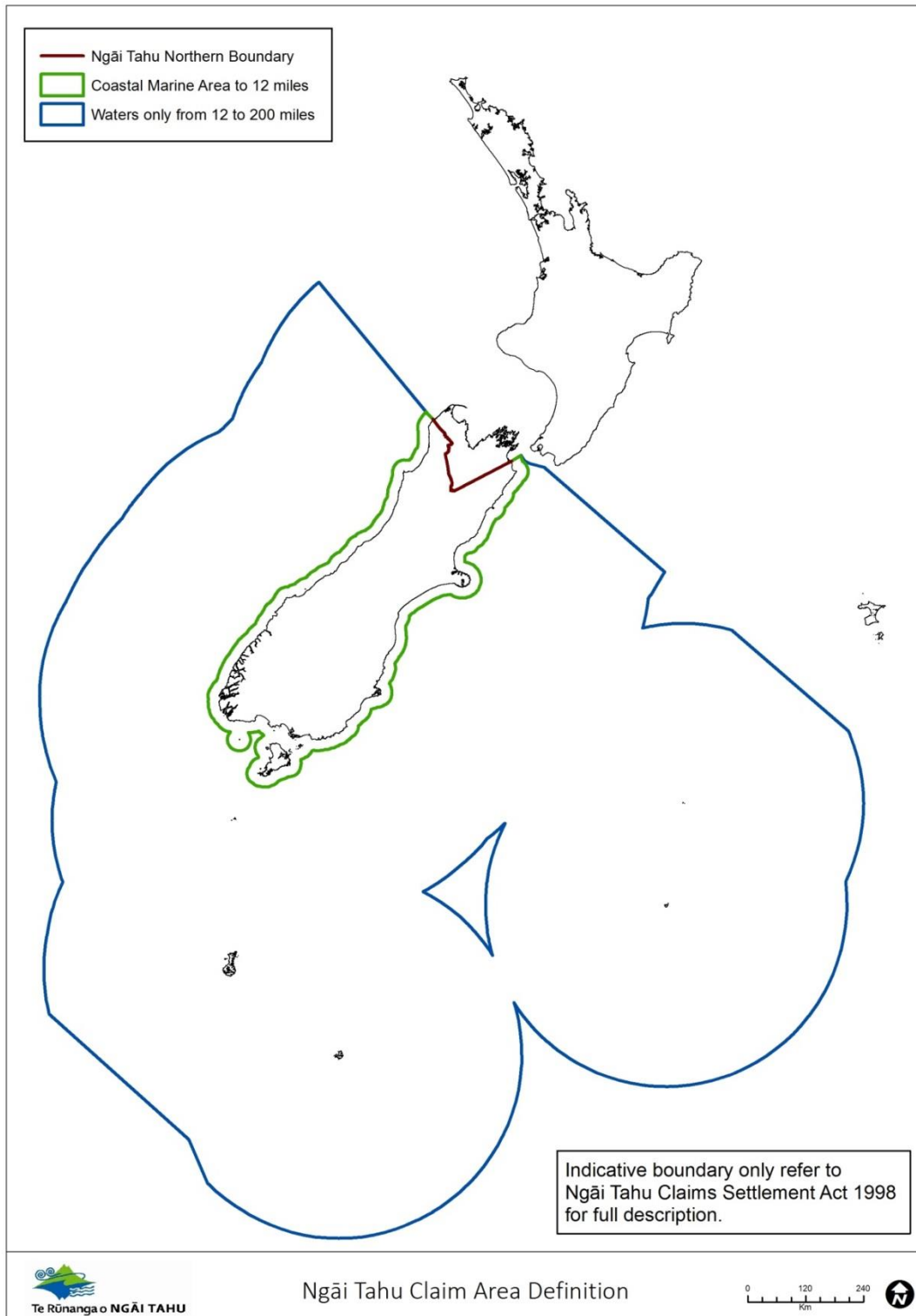
The Crown recognises that Ngāi Tahu has been consistently loyal to the Crown, and that the tribe has honoured its obligations and responsibilities under the Treaty of Waitangi and duties as citizens of the nation, especially, but not exclusively, in their active service in all of the major conflicts up to the present time to which New Zealand has sent troops. The Crown pays tribute to Ngāi Tahu's loyalty and to the contribution made by the tribe to the nation.

The Crown expresses its profound regret and apologises unreservedly to all members of Ngāi Tahu Whānui for the suffering and hardship caused to Ngāi Tahu, and for the harmful effects which resulted to the welfare, economy and development of Ngāi Tahu as a tribe. The Crown acknowledges that such suffering, hardship and harmful effects resulted from its failures to honour its obligations to Ngāi Tahu under the deeds of purchase whereby it acquired Ngāi Tahu lands, to set aside adequate lands for the tribe's use, to allow reasonable access to traditional sources of food, to protect Ngāi Tahu's rights to pounamu and such other valued possessions as the tribe wished to retain, or to remedy effectually Ngāi Tahu's grievances.

The Crown apologises to Ngāi Tahu for its past failures to acknowledge Ngāi Tahu rangatiratanga and mana over the South Island lands within its boundaries, and, in fulfilment of its Treaty obligations, the Crown recognises Ngāi Tahu as the tangata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui.

Accordingly, the Crown seeks on behalf of all New Zealanders to atone for these acknowledged injustices, so far as that is now possible, and, with the historical grievances finally settled as to matters set out in the Deed of Settlement signed on 21 November 1997, to begin the process of healing and to enter a new age of co-operation with Ngāi Tahu.

APPENDIX TWO: NGĀI TAHU CLAIMS AREA



APPENDIX THREE: TAONGA SPECIES – SCHEDULE 97 OF THE NGĀI TAHU CLAIMS SETTLEMENT ACT 1998

Birds

Māori name/ English name/ Scientific name

hoiho yellow-eyed penguin *Megadyptes antipodes*

kāhu Australasian harrier hawk *Circus approximans*

kāka South Island kaka / forest parrot *Nestor meridionalis meridionalis*

kākāpō kakapo *Strigops habroptilus*

kākāriki New Zealand parakeet *Cyanoramphus* spp.

kakaruai South Island robin *Petroica australis australis*

kakī black stilt *Himantopus novaezelandiae*

kāmana Australasian crested grebe *Podiceps cristatus*

kārearea New Zealand falcon *Falco novaeseelandiae*

karoro black backed gull *Larus dominicanus*

kea kea/mountain parrot *Nestor notabilis*

kōau black, pied and little shag *Phalacrocorax carbo*, *P. varius varius*, *P. melanoleucos brevirostris*

koekoeā long-tailed cuckoo *Eudynamys taitensis*

kōparapara or korimako bellbird *Anthornis melanura melanura*

kororā blue penguin *Eudyptula minor*

kōtare kingfisher *Halcyon sancta*

kōtuku white heron *Egretta alba*

kowhiowhio blue duck *Hymenolaimus malacorhynchos*

kuaka bar-tailed godwit *Limosa lapponica*

kūkupa/kererū New Zealand pigeon *Hemiphaga novaeseelandiae*

kuruwhengu/kuruwhengi NZ shoveler *Anas rhynchotis*

mata fernbird *Bowdleria punctata punctata*, *B.p. stewartiana*, *B.p. wilsoni* & *B.p. candata*

matuku Australasian bittern *Botaurus poiciloptilus*

matuku moana blue reef heron *Egretta sacra*

miromiro tomtit (South Island and Snares Island) *Petroica macrocephala macrocephala* & *P.m. dannefaerdi*

mohua yellowhead/bush canary *Mohoua ochrocephala*

ngutu pare/parore wrybill plover *Anarhynchus frontalis*

pākura/pūkeko swamp hen/pukeko *Porphyrio porphyrio*

pārera grey duck *Anas superciliosa*

pāteke brown teal *Anas aucklandica*

pihoihoi ground lark/New Zealand pipit *Anthus novaeseelandiae*

pīpīpi brown creeper *Finschia novaeseelandiae*

pīpīwharauoa shining cuckoo *Chrysococcyx lucidus*

pīwakawaka South Island fantail *Rhipidura fuliginosa fuliginosa*

pīwauwau rock wren *Xenicus gilviventris*

poaka pied stilt *Himantopus himantopus*

pokotiwaha Snares crested penguin *Eudyptes robustus*

pūtakitaki Paradise shelduck *Tadorna variegata*

riroriro grey warbler *Gerygone igata*

roroa great spotted kiwi *Apteryx haastii*

rowi Okarito brown kiwi *Apteryx mantelli*

ruru koukou morepork *Ninox novaeseelandiae*

takahe takahe *Porphyrio mantelli*

tara tern *Sterna* spp.

tarapirohe black-fronted tern *Sterna albobriata*

tarāpunga black-billed gull *Larus bulleri*

tawaki Fiordland crested penguin *Eudyptes pachyrhynchus*

tete grey teal *Anas gracilis*

tīeke South Island saddleback *Philesturnus carunculatus carunculatus*

tītī muttonbird/sooty shearwater, *Puffinus griseus*, *P.huttoni*

Hutton's shearwater

tītī common diving, *Pelecanoides urinatrix*, *P. georgicus* &

South Georgian & Westland petrel *Procellaria westlandica*

tītī fairy prion & broad-billed prion *Pachyptila turtur* & *P. vittata*

tītī White-faced storm petrel, *Pelagodroma marina*, *Pterodroma*

Cook's & mottled petrel *cookie* & *P. inexpectata*

tītiti-pounamu South Island rifleman *Acanthisitta chloris chloris*

tokoeka South Island brown kiwi *Apteryx australis*

tōrea pied oystercatcher *Haematopus ostralegus*

toroa albatrosses and mollymawks *Diomedea spp.*

toutouwai Stewart Island robin *Petroica australis rakiura*

tūi tui/parson bird *Prothemadera novaeseelandiae*

tutukiwi Snares Island snipe *Coenocorypha aucklandica huegeli*

turiwhatu banded dotterel *Charadrius bicinctus*

weka Western, Stewart Island & Buff weka *Gallirallus australis australis*, *G.a. scotti* & *G.a. hectori*

Marine mammals

ihupuku Southern elephant seal *Mirounga leonina*

kekeno New Zealand fur seal *Arctocephalus forsteri*

paikea humpback whale *Megaptera novaeangliae*

parāoa sperm whale *Physeter macrocephalus*

rāpoka/whakahoa Hookers sea lion *Phocarctos hookeri*

tohorā Southern right whale *Balaena australis*

upokohue Hector's dolphin *Cephalorhynchus hectori*

Plants

Māori name English name Scientific name

akatorotoro white rata *Metrosideros perforata*

aruhe bracken/fernroot *Pteridium aquilinum varesculentum*

harakeke flax *Phormium tenax*
houhi mountain ribbonwood *Hoheria lyalli* and *H. glabata*
kaikahikatea kahikatea/white pine *Dacrycarpus dacrydioides*
kamahi kamahi *Weinmannia racemosa*
kānuka kanuka *Kunzia ericoides*
kāpuka broadleaf *Griselinia littoralis*
Karaeopirita supplejack *Ripogonum scandens*
karaka New Zealand laurel *Corynocarpus laevigata*
karamū *Coprosma* spp. *Coprosma robusta*, *C. lucida*, *C. foetidissima*
kātote tree fern *Cyathea smithii*
kiekie kiekie *Freycinetia baueriana* subsp *banksii*
kōhia New Zealand passionfruit *Passiflora tetrandra*
korokio wire/netting bush *Corokia buddleoides*
koromiko/koromuka hebe *Hebe salicifolia*
kōtukutuku native tree fuchsia *Fuchsia excorticata*
kōwhai/kōhai kowhai *Sophora microphylla*
mamaku tree fern *Cyathea medullaris*
mānia sedge *Carex lucida*
mānuka/kahikātoa tea-tree *Leptospermum scoparium*
māpou red matipo *Myrsine australis*
mataī matai/black pine *Prumnopitys taxifolia*
miro miro/brown pine *Podocarpus ferrugineus*
nīkau New Zealand palm *Rhopalostylis sapida*
Ngaio fern *Myoporum laetum*
Panako fern *Asplenium obtusatum*, *Botrychium australe*
pātōtara dwarf mingimingi *Leucopogon fraseri*
pīngao golden sand sedge *Desmoschoenus spiralis*

pokākā pokaka *Elaeocarpus hookerianus*
ponga/poka tree fern *Cyathea dealbata*
rātā Southern rata *Metrosideros umbellata*
raupō bulrush *Typha angustifolia*
rautawhiri/kōhūtū black matipo/mapou *Pittosporum tenuifolium*
rimu rimu/red pine *Dacrydium cypressinum*
rimurapa bull kelp *Durvillaea antarctica*
taramea speargrass/spaniard *Aciphylla* spp.
tarata lemonwood *Pittosporum eugenioides*
tawhai beech *Nothofagus* spp.
tete-a-weka muttonbird scrub *Olearia angustifolia*
tikumu mountain daisy *Celmisia spectabilis* and *C. semicordata*
ti rākau/ti kōuka cabbage tree *Cordyline australis*
titoki New Zealand ash *Alectryon excelsus*
toatoa mountain toatoa/celery pine *Phyllocladus alpinus*
toetoe toetoe *Cortaderia richardii*
tōtara totara *Podocarpus totara*
tutu tutu *Coriaria* spp.
wharariki mountain flax *Phormium cookianum*
whinau hinau *Elaeocarpus dentatus*
wī silver tussock *Poa cita*
wīwī rushes *Juncus* all native spp. & *J. maritimus*