

To: Ministry for the Environment
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Wellington 6143
From: Natasha Clarke
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Submission on the Proposed National Policy Statement for Indigenous biodiversity

Tena Koe,

I write to oppose the proposed National Policy Statement and seek that it be substantially amended or withdrawn entirely.

About Me:

I am an owner of multiply owned Maori freehold land blocks, as detailed below.

As an owner and kaitiaki for my whanau and future generations, it is important to protect the aspirations, rights and interests of this and future generations.

My submission aims to reflect concerns with the proposed National Policy Statement and what I believe will cause negative impacts on owners of Maori freehold land, our rights and interests in cultural, social, environmental and economic use of our land and our role as Rangatira and Kaitiaki.

The blocks I am an owner in are:

The blocks of land that I am an owner in are located in Te Taitokerau.

- Rawhiti 1
- Rawhiti 6
- Rawhiti No 2 A No 5 A (Rawhiti 2A5A)
- Orokawa 1 A 2 (Orokawa 1A2)
- Hauhaupounamu C No.2
- Ketetangariki B2B
- Ngateri

Submission

I oppose the Proposed National Policy Statement for the following reasons;

1. The policy statement does not adequately reflect the Minister's intent outlined in the Biodiversity Strategy to protect: *"iwi and hapū interests in indigenous biodiversity and strengthening partnerships between government agencies, iwi and hapū in conserving and sustainably using indigenous biodiversity"* because this scope was not included for the working groups which were to be formed for the National Policy Statement. These rights therefore are not appropriately accounted for.
2. I believe the proposed statement undermines the intent of Te Tiriti o Waitangi expectations for Maori to exercise Rangatiratanga and Kaitiakitanga of their people, lands and natural resources.
3. The proposed statement does not reflect the intent of Te Ture Whenua Maori Land Act 1993 for Maori to self-determine the use of their lands and Government's economic development objectives to grow regions and social objectives for housing and employment, including Maori land.

Maori freehold land is largely rural land with natural biodiversity. The proposed Significant Natural Area concept has potential to prohibit the development of Maori land from high value economic development opportunities and enforce restrictions that will not enable Maori rights and interests to be fully realized.

The Far North District has more than 50% of Maori land that will likely be classed as a Significant Natural Area. This will further compromise Maori ability to bring their land into productivity (create economic capability) and further compromise Councils ability to re-coup unpaid rates.

4. It is not clear how Maori input into the design nor clarity as to how Maori will be active participants in its implementation. Although Local Government will be empowered to implement and monitor the strategy, this approach will not achieve consistency in the implementation of the policy for Maori landowners, nationwide. The current approach does not guarantee a consistent approach with Maori landowners across all councils and will leave a jigsaw of opportunities or broken pieces.

To get a consistent approach and a set of criteria for the protection of Maori land development rights, Maori should be part of the design and approach criteria to guide Councils, before the statement is finalized and handed over to Local Government.

5. The statement if not appropriately implemented by Local Government, has potential to instigate new (contemporary) claims by iwi, hapu and landowners to the Waitangi Tribunal because the

Crown continues to establish policies that prohibit Maori with respect to their lands and their right to exercise rangatiratanga, kaitiakitanga and implementation of matauranga.

This policy goes only a short way to address the risk of limitation. Likewise, it has potential to further exacerbate the Crown's effort to settle historic grievances because the statement will disproportionately impact Maori landowners.

There is provision in 3.9 2 D that if a land use significantly contributes to enhancing the social, cultural or economic wellbeing of tangata whenua, it will be managed using the effects management hierarchy, where biodiversity offsetting or biodiversity compensation can be considered.

The cost's associated with this, including the requirement for an Environmental Effects Assessment by a 'qualified person', are well outside Maori landowner financial means to service the costs. Likewise, loans cannot be raised against Maori land titles. The introduction of this mechanism as a means to resolve prohibition are a clear indicator that the policy development team, including advisors, have no real expertise of the true nature of Maori land in this modern environment and the true impacts that proposals like this will have on Maori landowners.

It appears that considerations for Maori landowners are in line with considerations for General Title land and seen to be able to meet the requirements of general landowners (who are advantaged because they can raise mortgages to pay for costs, whereas Maori cannot).

6. In line with our responsibilities as Kaitiaki, Maori landowners are actively restoring natural areas of significant biodiversity including planting and pest control. I believe the statement in its broader context will disincentivize this effort.
7. The statement aligns largely with activities associated to General Title land and the initial design has discounted the true negative impacts that will occur to Maori Freehold land.

While some effort has been applied to give effect to Te Tiriti o Waitangi, the statement has not delivered this assurance and in its current form seems more likely to spark contest.

I strongly oppose the National Policy Statement in its current form and recommend the Ministry stop and engage Maori landowners with the appropriate expertise to develop a Policy Statement that guarantees the intent of Te Tiriti o Waitangi and the ability for Maori to utilise their land, without further prohibition. I make myself available to contribute to this opportunity.

Nga mihi mahana,

Natasha Clarke