

NGATI KAHU O TORONGARE / TE PARAWHAU HAPU IWI TRUST

SUBMISSION: PROPOSED NATIONAL POLICY STATEMENT FOR INDIGENOUS BIODIVERSITY

TO: [indigenusbiodiversity@mfe.govt.nz](mailto:indigenusbiodiversity@mfe.govt.nz)

Ministry for the Environment, PO Box 10-362, Wellington 6143

Submitter: [REDACTED]

Hapu/Iwi: Ngati Kahu O Torongare / Te Parawhau

Contact: [REDACTED]

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Submission:

I/we Oppose the proposed NPS and call for substantial changes to be made to reflect the feedback provided in this submission or withdraw the NPS in its entirety.

Introduction:

I/we are uri of Ngati Kahu O Torongare/Te Parawhau Hapu of NGAPUHI in the Whangarei Rohe. The Crown do not hold any statutory relationships with Iwi over the resources and lands within our rohe which give effect to Te Tiriti o Waitangi. We support the works of those who have stood for the outcomes of the WAI1040 & WAI262 inquiries, namely the Waitangi Tribunal WAI1040 Stage 1 findings that signatories of Te Tiriti o Waitangi did not cede their sovereignty published 2014, and the recommendations made in Ko Aotearoa Tenei published in 2011.

We support the protection of Taonga & indigenous biodiversity:

We lament the losses and extinctions of the last two centuries and seek the tools to give effect to Te Tiriti o Waitangi so that mana whenua whanau/hapu may re-establish the relationships within our hapu rohe in Te Ao Turoa. The uri are active and knowledgeable about Te Ao Turoa and this matauranga is continually denigrated in modern resource management processes. We support the intent of the all of government approach to implement WAI 262 recommendations and do not wish this to be undermined by this NPS.

While the intent of this NPS seeks to strengthen tangata whenua role in RMA processes, in our view this NPS will result in the commercialisation of Matauranga without protecting mana motuhake or accountability to tangata whenua.

This NPS directs Councils to identify taonga of significance to tangata whenua, with tangata whenua consent, yet fails to state how tangata whenua will retain mana motuhake over these taonga as promised in the articles of Te Tiriti o Waitangi.

## Disproportionate Regulation on Whanau, Hapu Maori Land

- In some of the districts case studies, we know that over 50% of Whenua Maori is covered in potential Significant Natural Area in the Far North District for example:
- Large tracts of land were taken from Maori after European colonisation of Aotearoa – New Zealand, and what now remains in Maori ownership is often remote and difficult to develop or utilise productively. This is seen in the Far North District case study:
- Over 50% Whenua Maori is SNA areas
- Approximately 25% of general title land is SNA areas

This policy goes only a short way to address the risk that these limitations will disproportionately impact on Maori who have already given so much and could exacerbate the disadvantages created by the historic confiscation of land.

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 effects management hierarchy where biodiversity offsetting or biodiversity compensation can be considered, still a cost to the applicant and would still require an Environmental Effects Assessment by a qualified person, which also includes Matauranga Maori.

It is in our view whanau/Hapu aspirations in their duties towards the indigenous biodiversity seen in this policy are constrictive and results in external agencies deciding what land use results in significant contribution to social cultural and economic wellbeing, undermining mana motuhake. There is no explicit link to how these mana whenua ropu will have input to these definitions.

This policy disincentives landowners from kaitiakitanga in growing their indigenous biodiversity

This approach would reduce the amount of SNA found on the whenua. Potential for disagreements between landowners, tangata whenua and local authorities in applying and interpreting the policy.

Overall concerns about further erosion of Whanau/Hapu Mana Motuhake National Policy Statements must give demonstrable effect to the full articles of Te Tiriti o Waitangi. We firmly reject that the current wording in the Resource Management Act 1991 sections 8 & 45 which refer to Te Tiriti and its principles and we insist that the full protection of Whanau/Hapu role in Te Tiriti is given effect to in the development of any National Policy Statements, not just the principles of the Treaty.

### Actions

We seek that the NPS indigenous Biodiversity or associated resource management implements are explicitly made to protect Mana Motuhake as protected in Te Tiriti o Waitangi. {Separate Framework for Maori}

We seek that the NPS Indigenous Biodiversity is withdrawn for revision in light of this view.

Date: 14 March 2020

