

**Submission on
Proposed Significant Natural Areas in the District Plan**

To: Far North District Council
Ministry for the Environment
PO Box 10-362
Wellington 6143

Submitter: Te Rūnanga A-Iwi-O Ngāpuhi (**TRAION**)

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Introduction

This submission is made on behalf of the Te Rūnanga A-Iwi-O Ngāpuhi (TRAION).

Our vision for Ngāpuhi

Kia tū tika ai te whare tapu o Ngāpuhi
That the sacred house of Ngāpuhi stands strong.

Our mission

*Mā te Rūnanga e arahi atu
i te wairuatanga
i te pāporitanga
i te tikanga me te tupu whai hua mō Ngāpuhi
kia hua ai ki te katoa o Ngāpuhi
te mana motuhake me te ora tonu.*

We lead the spiritual, social, cultural, environmental and economic growth of Ngāpuhi by ensuring the self-determination and on-going sustainability of our people.

Our tāhuhu is Te Whare Tapu o Ngāpuhi, the assembly of sacred maunga that define the house of Ngāpuhi.

Te Whare Tapu o Ngāpuhi are:

Ko te Whare Tapu o Ngāpuhi

He mea hanga tōku whare, ko Papatuānuku te paparahi.

Ko nga maunga nga poupou, ko Ranginui e titiro iho nei, te tuanui.

Pūhanga-tohoro titiro ki Te Ramaroa e whakakurupaeake ra i te Hauāuru.

Te Ramaroa titiro ki Whīria, te Paiaka o te riri, te kawa o Rāhiri.

Whīria titiro ki Panguru, ki Papata, ki te rākau tū papata ki te tai Hauāuru;

Panguru, Papata titiro ki Maungataniwha.

Maungataniwha titiro ki Tokerau.

Tokerau titiro ki Rākaumangamanga.

Rākaumangamanga titiro ki Manaia, e tū kōhatu mai rā i te akau.

Manaia titiro ki Tutamoe.

Tutamoe titiro ki Maunganui.

Maunganui titiro ki Pūhanga-tohoro.

Ehara aku maunga i te maunga nekeneke, he maunga tū tonu, tū te Ao tū te Po.

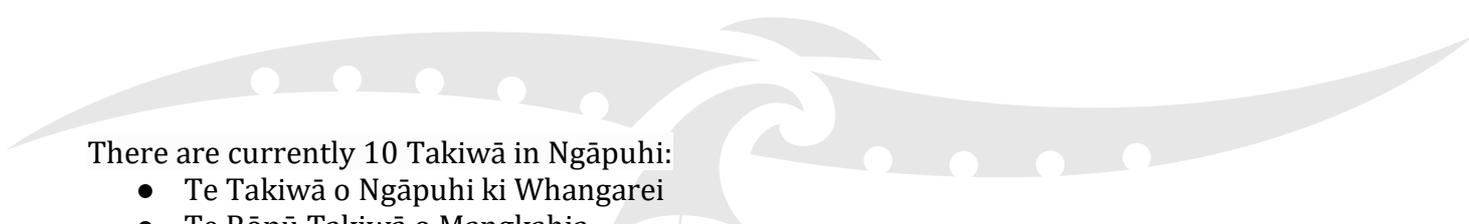
Ko te Whare Tapu o Ngāpuhi tenei, tihei mauri ora.

This whakatauki depicts the sacred house of Ngāpuhi. Ranginui (sky father), is the overarching Tuānui (roof), with the sacred Mountains being the Poupou (pillars).

The boundaries are within the area covered by these sacred Maunga (mountains), of Ngāpuhi.

Te Rūnanga A-Iwi-O Ngāpuhi Group is a collective of four organisations who represent the interests and aspirations of more than 125,000 people who identify as Ngāpuhi iwi members. As a collective, it provides a range of support, advisory services and events to help progress our iwi, hapū, marae and whānau towards a vision where the sacred house of Ngāpuhi stands strong.

This submission is made on behalf of the beneficiaries and takiwā of Ngāpuhi. Takiwā boundaries were established as part of the Rūnanga's role and responsibility to manage assets and quota under the Māori Fisheries Act 2004, on behalf of all Ngāpuhi. The Trust Deed defines the purpose of Takiwā, which is to provide an opportunity for any person of Ngāpuhi descent to participate and provide input into the interests of all Ngāpuhi. Te Rūnanga A-Iwi-O Ngāpuhi Trust Deed provides for representation for up to ten Takiwā in Ngāpuhi



There are currently 10 Takiwā in Ngāpuhi:

- Te Takiwā o Ngāpuhi ki Whangarei
- Te Rōpū Takiwā o Mangakahia
- Ngāpuhi ki te Hauāuru
- Ngāpuhi Hokianga ki te Raki
- Ngā Ngaru o Hokianga
- Taiāmai ki te Marangai
- Te Rūnanga o Taumārere ki Rākaumangmanga
- Te Takiwā o Ngati Hine
- Ngāpuhi ki Waitemata
- Te Takiwā o Ngāpuhi ki te Tonga o Tāmaki Makaurau

Our Submission

TRAION **opposes** the implementation of the proposed Far North District Council (FNDC) District Plan and its rules for Significant Natural Areas (SNAs) on Māori land.

TRAION **opposes** the National Policy Statement for Indigenous Biodiversity (NPSIB) in its current form and seek that it be substantially amended in response to the concerns expressed below or otherwise withdrawn entirely.

Our submission reflects our express concern as Ngāpuhi, kaitiaki of He Whakaputanga o te tino rangatiratanga o Niu Tirenī me Te Tiriti o Waitangi. We re-enforce our right to rangatiratanga over our lands, taonga and resources. Te Whare Tapu o Ngāpuhi are taonga. Overlaying of SNAs on our taonga is a direct challenge to Ngāpuhi rangatiratanga.

The reason our maunga are in largely pristine condition is because of centuries old cultural practice, taonga tuku iho, intergenerational protection of a highly valued taonga, passed on from generation to generation. The relationship can be conceptualised as a reciprocal obligation as kaitiaki to protect taonga left to us by our ancestors.

In many instances, Crown policy has enabled our tupuna maunga to be degraded and sometimes alienated entirely from Māori ownership. Crown and their agents cannot be trusted to effectively manage our taonga and we oppose any attempts at further regulation.

TRAION **opposes** the inclusion of SNAs in the Far North District Council's District Plan as it is not grounded in mātauranga Māori nor does it give sufficient regard to a process that allows for it to have equal standing with conventional science.



Right to Develop

The Biodiversity Collaborative group formed in 2017 identified the following cautions for decision makers to consider:

“Large tracts of land were taken from Māori after European colonisation of Aotearoa New Zealand, and what now remains in Māori ownership is often remote and difficult to develop or utilise productively.... This gives rise to a risk that any limitations on the use and development of land that has significant biodiversity values could disproportionately impact on Māori and could exacerbate the disadvantages created by the historic confiscation of land.”¹

The SNAs mapped have the potential to severely impact Māori landowners rights to develop their land and resources as guaranteed to them under Te Tiriti o Waitangi. This proves to be hugely problematic in Tai Tokerau and the Far North district where more than 50% of whenua Māori will be classed as a SNA.

TRAION **supports** the submissions made by other takiwā committees and Māori landowners on the NPSIB including that of the Tai Tokerau Māori Forestry Collective (TMF Inc) a group of forestry and Māori landowners who assert:

- There is a risk for whenua Māori owners that SNAs could see remnant whenua Māori locked up prohibiting utilisation according to our own tikanga and strategies.
- Concerns that our lands and resources with indigenous fauna could be classified as an SNA and prohibit our future commercial use.
- This policy risks disincentivizing landowners to retain their native bush and pest control activities.

TRAION views the NPSIB as being heavy handed on Māori landowners; we view tangata whenua as the most impacted by the NPSIB as much of our lands remain in native and/or undeveloped at this time.

To summarise, there has been a level of intent to give effect to Te Tiriti o Waitangi by those developing the NPSIB over the last 3 years, yet it has failed to deliver in many aspects including recognition that the NPSIB needs new unifying leadership to do things better for Te Taiao, our communities and our businesses. It is our view that this leadership challenge is given serious reconsideration before coming into effect.



Disproportionate Regulation of Māori Land

Over 50% of whenua Māori is potentially impacted by SNAs in Tai Tokerau and the Far North district.

This practice of eating away at the land has the effect of eating away at our people.

This policy needs to provide assurance that these limitations will not disproportionately impact on Māori who have already given so much, and will not exacerbate the disadvantages created by Crown breaches of Te Tiriti o Waitangi and successive acts of land alienation.

There is provision in the policy that if a land use significantly contributes to enhancing the social, cultural or economic wellbeing of tangata whenua it can be managed using the effects management hierarchy. This comes, however, at cost to the applicant and would still require an Environmental Effects Assessment by a 'qualified person'. What qualifications this person has under tikanga and mātauranga Māori is unclear.

This policy is constrictive and will create a disproportionate effect on Māori landowners, intended or unintended.

TRAION think this approach is unsympathetic, and could drive landowners to reduce the amount of SNA found on their property. There is real potential for disagreements between landowners, tangata whenua and local authorities in applying and interpreting the policy.

Wai 262: Ko Aotearoa Tenei

In the NPSIB, the concept of 'Hutia Te Rito' Māori perspectives in relation to indigenous biodiversity, is founded upon familial relationships borne out of a shared ancestry from atua (gods, the children of Rangi and Papa). These relationships are confirmed by Te Tiriti o Waitangi and there are a range of supporting provisions and mechanisms within natural resource and settlement legislation that also recognise and give effect to relationships of tangata whenua with Te Taiao. As kaitiaki of Te Tiriti o Waitangi Ngāpuhi have an obligation to ensure this whakapapa is not interfered with.

The implementation of many of these mechanisms has been ad hoc, unmonitored, and in some cases non-compliant with legislation. Criticism of Crown implementation of these mechanisms has been documented and recommendations made in the Waitangi Tribunal's report on the Wai 262 claim noting that future legislative reforms should be capable of delivering the following outcomes to kaitiaki:

- i. Control by Māori of environmental management in respect of taonga where it is found that the kaitiaki interest should be accorded priority.
- ii. Partnership models for environmental management in respect of taonga.
- iii. Effective influence and appropriate priority to kaitiaki interests in all areas of environmental management when the decisions are made by others. Barriers to incorporating mātauranga and tikanga Māori into legislation and to ensuring effective and meaningful engagement identified by Wai 262 and others reports include:
 - a. Mātauranga and tikanga are not a defined part of the foundation of legislation, but rather additional considerations within the legislative framework.
- iv. Decision-makers, including the judiciary, have struggled with understanding the meaning and importance of Māori interests, and also how to interpret evidence focused on Māori considerations.
- v. No process of identifying and then managing taonga has been developed.
- vi. Existing mechanisms for Māori influence in environmental management and partnerships between kaitiaki and the Crown are underutilised.
- vii. There has been a failure to recognise the unique limitations that apply to Māori land

Support for Indigenous Biodiversity

TRAION **supports** the broad objective of the proposed NPSIB to maintain and enhance indigenous biodiversity. However, TRAION **does not** support the NPSIB in its current form as it:

- Undermines our rights guaranteed through He Whakaputanga me Te Tiriti o Waitangi - as Iwi we reaffirm our mana motuhake to manage and protect our taonga, lands and resources.
- Provides for tangata whenua to outline their taonga, but does not outline how Māori will become decision makers in the protection of these taonga - a right which is guaranteed to us in the articles of Te Tiriti o Waitangi.
- Lists Māori as 'interested parties' in the development of this NPSIB to date - merely participants in a stakeholder group. This puts Crown above and Iwi below, a master servant relationship.
- Does not give full effect to the articles of Te Tiriti o Waitangi. Section 8 and s45 of the Resource Management Act 1991 refers only to the Treaty of Waitangi its principles.

TRAION notes that this is not a formal submission process but are signalling early our opposition to this matter and that this submission stands as a formal submission to the Proposed District Plan when it is notified later this year.



Conclusion

TRAION **opposes** the implementation of the proposed Far North District Council (FNDC) District Plan and its rules for Significant Natural Areas (SNAs) on Māori land.

TRAION **opposes** the National Policy Statement for Indigenous Biodiversity (NPSIB) in its current form and seek that it be substantially amended in response to the concerns expressed below or otherwise withdrawn entirely.

TRAION **opposes** the inclusion of SNAs in the Far North District Council's District Plan as it is not grounded in mātauranga Māori nor does it give sufficient regard to a process that allows for it to have equal standing with conventional science.

TRAION **supports** the submissions made by other takiwā committees and Māori.

TRAION **supports** the broad objective of the proposed NPSIB to maintain and enhance indigenous biodiversity. However, TRAION **do not** support the NPSIB in its current form.

TRAION holds fears that Ngāpuhi whānau, hapū and Iwi will be disproportionately affected as Māori landowners and administrators and will be further burdened because of the high proportion of whenua Māori that will be deemed a SNA compared to those landowners who have already cleared indigenous biodiversity from their lands.

TRAION supports the continued use of non-regulatory methods and incentives as the most effective way to achieve the desired biodiversity objectives. These methods should be adequately resourced by government to ensure that they are effective and that the desired biodiversity gains are achieved.

Heoi anō, na

Sam Napia
CEO, TRAION
Dated 24 May 2021