



TŪWHARETOA
MĀORI TRUST BOARD

**Submission by the Tūwharetoa Māori Trust Board
concerning the:**

Exposure draft of the National Policy Statement for Indigenous Biodiversity

21 July 2022

INTRODUCTION

1. This submission is made by the Tūwharetoa Māori Trust Board (the **Trust Board**) on behalf of Ngāti Tūwharetoa and Tūwharetoa Landowners, to the Minister for the Environment in relation to the Exposure draft for the National Policy Statement for Indigenous Biodiversity (the **NPS-IB**).
2. The Trust Board was established pursuant to the Māori Land Amendment Act 1924 and Māori Land Claims Adjustment Act 1926. The Trust Board later became a Māori Trust Board under the Māori Trust Boards Act 1955.¹
3. In September 2007, the Trust Board and Her Majesty the Queen (**Crown**) signed a Deed of Settlement (the **2007 Deed**) confirming the Trust Board as the owners of the bed of Lake Taupō, the bed of that part of the Waikato River from Lake Taupō to Te Toka a Tia (the rock of Tia), inclusive of the Huka Falls, and the bed of certain rivers or streams flowing into Lake Taupō. The collective beds specified in the 2007 Deed are known as “Taupō Waters” and are held in Māori freehold title by the Tūwharetoa Māori Trust Board, in its capacity as the sole trustee of the Taupō Waters Trust.
4. The Trust Board’s relationship to Taupō Waters is unique; it holds legal title as trustee and acts as kaitiaki for Taupō Waters. The High Court² has confirmed the Trust Board has the right under clause 2.5.1 of the 2007 Deed to:
 - (a) require the Commercial Users to obtain from the Trust Board rights to occupy or use parts of Taupō Waters for commercial activities; and
 - (b) charge Commercial Users for the same; and
 - (c) notwithstanding an exemption granted to certain activities under Clause 2.5.5 of the 2007 Deed or an occupation/use right granted by the Trust Board under Clause 2.5.1 of the 2007 Deed, Commercial Users have no lawful right to occupy or use any part of Taupō Waters for commercial activities.
5. The 2007 Deed also sets out that Taupō Waters will be managed as if it were a reserve for recreation purposes under section 17 of the Reserves Act 1977 through a management board known as the Taupō-nui-a-Tia Management Board³. The Management Plan for Taupō Waters was determined by the Taupō-nui-a-Tia Management Board on 15 June 2021.
6. The Trust Board is also a party to the Waikato River Deed with the Crown dated 31 May 2010 (the **Waikato River Deed**). The Waikato River Deed was given legal effect through the Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010 (the **Upper Waikato River Act**). The Waikato River Deed provides that the Crown and the Trust Board agreed to enter into the Waikato River Deed in recognition of “the interests of Ngāti Tūwharetoa in the Waikato River and its catchment and in Taupō Waters and to provide for the participation of Ngāti Tūwharetoa in the co-governance and co-management arrangements in respect of the Waikato River”⁴.

¹ Māori Trust Boards Act 1955, refer section 10.

² Refer to Tūwharetoa Māori Trust Board v Taupō Waters Collective Limited [2020] NZHC 1871 [23 July 2021]

³ Clause 1.7.2 and 2.3.1 2007 Deed.

⁴ Waikato River Deed, 31 May 2010, refer clause 8

7. In addition to the above matters, the Trust Board is also a Party to existing Joint Management Agreements with the Waikato Regional Council and Taupō District Council⁵ and is an iwi authority [for Ngāti Tūwharetoa] for the purposes of Part 1 of the Resource Management Act 1991 (RMA).⁶

ACKNOWLEDGEMENT

8. The Trust Board wishes to thank the Minister for the Environment and Minister of Conservation for the opportunity to provide feedback on the exposure draft of the NPS-IB.

OVERARCHING COMMENTS

9. The Trust Board records the following overarching concerns with the Bill in its current form and the process for its development:

- a) **Significant Natural Areas (SNA).**

the Trust Board holds the view that the process of identification, assessment and classification of SNA is a detrimental impediment to Māori landowners and administrators of land classified as 'Māori land'.

This is further exacerbated within the rohe of Ngāti Tūwharetoa given the significant land holdings owned and administered by Tūwharetoa Land Trusts and tribal authorities (collective estates of 350,000 hectares). In many instances these areas remain in a natural state or are considered underdeveloped. This has led to an over representation of SNA's identified on whenua Māori within the Ngāti Tūwharetoa rohe.

It should be noted-

Whakapapa is the foundation for relationships between Ngāti Tūwharetoa and our ancestral taonga. The relationship between landowners, whenua and wai Māori is holistic, intergenerational, and enduring.

Hapū and Iwi/Māori hold an inherited responsibility to manage our taonga in a way that balances Rangatiratanga (rights and interests) alongside Kaitiakitanga (obligations) for the benefit of current and future generations.

Ngāti Tūwharetoa has already made significant contributions to protecting and enhancing taonga for the benefit of all New Zealanders including the Tongariro National Park and the co-management approaches relating to Lake Taupō.

This exposure draft will hinder the right of Māori landowners to develop their land. Tāngata whenua must be enabled to manage and control their lands for sustainable development without further encumbrances from the Crown and Councils.

⁵ Available at <https://www.Taupōdc.govt.nz/our-council/policies-plans-and-bylaws/joint-management-agreements/Documents/JointManagement-Agreement.pdf> and <https://www.waikatoregion.govt.nz/assets/WRC/Community/Council-Meetings-and-Agendas/Joint-Management-Committees/Tuwharetoa/Tuwharetoa-WRC-Presentation-He-Taiao-Mauriora-Iwi-Involvement.pdf>

⁶ See <http://www.tkm.govt.nz/iwi/Ngāti-Tūwharetoa/>

Ngāti Tūwharetoa reserve the right to occupy and/or develop our ancestral lands, we have maintained our mana whenua and mana moana for generations. Any legislation that has potential to affect our right to occupy and/or develop our ancestral lands such as the assessment of SNA's is unacceptable and requires direct engagement with tāngata whenua.

b) Inadequate direct engagement with Te Tiriti partners.

The Trust Board note the opportunity to submit on the Draft National Policy Statement for Indigenous Biodiversity (NPSIB), however this does not represent a Te Tiriti partnership. During the current period of unprecedented legislative reform, a consultation period of six weeks is not sufficient for whānau, hapū and iwi to determine an informed position regarding matters that have huge potential to impact our livelihoods, cultural wellbeing, and our right to occupy and develop our ancestral lands. This is in addition to the process employed to develop the NPSIB which has been lengthy, sporadic, and poorly communicated.

We also note there has been no direct engagement with our whānau, hapū and iwi from the Crown on the current exposure draft other than some very high-level online workshops that were not widely communicated.

c) While the Trust Board welcome the intent to improve the position of tāngata whenua in the system and to provide national guidance on this important kaupapa, we question the genuine intent of the Crown to adequately resource our participation in the process.

Although the Crown's implementation plan describes some support for Iwi Māori to be involved in the process, the Trust Board notes that significant targeted funding to Iwi Māori is required to enable equitable participation in the management of indigenous biodiversity. The chronic underfunding by the Crown and local authorities puts even more pressure on our limited resources, requiring more of our work to be undertaken free. Not only are Iwi Māori protecting most of the remaining indigenous biodiversity in this country with no compensation or incentive, Iwi Māori are now also required to provide a significant time contribution into the development of plans and policies without the required investment from our Te Tiriti partners.

We note also that resourcing for compensation and incentives is woefully under invested for indigenous biodiversity. The Trust Board considers Māori landowners should receive compensation for the essential ecosystem services and climate change buffering that indigenous biodiversity on whenua Māori provides to the country. There are a range of potential solutions the Government should investigate such as retrospective carbon credits for indigenous biodiversity on whenua Māori, ecosystem service payments for essential services provided to indigenous biodiversity etc.

In respect of existing incentive packages, these are designed to subsidise/offset the cost of fencing for schemes such as Nga Whenua Rāhui, and while positive, only serve to lock up Māori land with minimal return for its owners. The Trust Board considers this is very to compensation that would return value to Māori landowners in lieu of the contribution whenua Māori makes to indigenous biodiversity targets.

The Trust Board notes the Implementation Plan must be co-created with Te Tiriti partners. This will ensure the solutions are bespoke to the iwi, hapū and whanau, including Māori landowners. A one-size-fits-all approach to implementation is not

appropriate, and a specific Māori implementation plan should be developed in collaboration with iwi, hapū and whanau, including Māori landowners, rather than the proposed plan being imposed on our community. That is not Te Tiriti partnership.

SPECIFIC POINTS OF SUBMISSION

10. The Trust Board provides the following specific points of submission on the NPS-IB exposure draft.

SUBMISSION 1

Fundamental concept of Te Rito o te Harakeke

Relief sought

11. The Trust Board supports the concept of Te Rito o te Harakeke with amendments to read:

Te Rito o te Harakeke is a concept that ~~refers to the need to maintain the integrity~~ prioritises the mauri and well-being of indigenous biodiversity. It recognises the intrinsic value ~~and mauri~~ of indigenous biodiversity as well as people's connections and relationships with it.

It recognises that our health and wellbeing of tāngata [people] are dependent on the health and wellbeing of indigenous biodiversity and that in return we have a responsibility to care for and nurture it. It acknowledges the web of interconnectedness between indigenous species, ecosystems, the wider environment, and the community at both a physical and metaphysical level.

Te Rito o te Harakeke comprises ~~six~~ ten essential principles ~~elements to guide tāngata whenua and local authorities in~~ that frame the ~~managing~~ management of indigenous biodiversity and ~~developing the development of~~ objectives, policies, and methods for giving effect to Te Rito o te Harakeke:

- prioritises the mauri and well-being of indigenous biodiversity:
- protects the intrinsic value and mauri of indigenous biodiversity:
- the bond between ~~people and~~ tāngata whenua and indigenous biodiversity ~~through~~ based on whakapapa (familial) relationships ~~and mutual interdependence:~~
- the role of people and communities as stewards of indigenous biodiversity:
- the obligation and responsibility of care that tāngata whenua have as kaitiaki, ~~and that other New Zealanders have as stewards,~~ of indigenous biodiversity on their ancestral lands, and that of Tāngata Tiriti within their rohe:

- (f) the connectivity between indigenous biodiversity and the wider environment:
- (g) the [recognition and](#) incorporation of te ao Māori and mātauranga Māori [at place by tāngata whenua](#):
- (h) the requirement for [strong and effective engagement partnerships](#) with tāngata whenua, [including active participation in decision-making](#):
- (i) [the right of tāngata whenua to exercise mana motuhake over their ancestral lands](#):
- (j) [the principles of Te Tiriti o Waitangi](#):

Rationale

12. The Trust Board notes that parts of the Te Rito o te Harakeke section were derived from a report provided to the Ministry for the Environment in 2017 by Te Pou Taiao of the National Iwi Chairs Forum. (NICF) The Trust Board understands that no further permission was obtained for the current drafting or the use of the whakataukī shared with the NICF at that time by Te Aupouri Iwi Chairs representatives.
13. The Trust Board considers Te Rito o te Harakeke should be reframed to “prioritise the mauri and well-being of indigenous biodiversity”.
14. Moreover, Te Rito o te Harakeke needs to recognise: (i) the intrinsic value of indigenous biodiversity; (ii) the health and wellbeing of tāngata [people] is dependent on the health and wellbeing of indigenous biodiversity and that we have a reciprocal responsibility to care for and nurture it; and (iii) the interconnectedness of all things [including indigenous biodiversity] at both the physical and metaphysical level.
15. The Trust Board advances amendments to the ten principles that underpin Te Rito o te Harakeke to ensure that when the concept is given effect to by local authorities, the conflicts [that previously existed in the six elements] are negated.

SUBMISSION 2

Objective

Relief sought

16. The Trust Board supports the header of the objective of the NPS-IB, but with amended parts (a) to (d) to read:
 - (1) The objective of this National Policy Statement is to protect, maintain, and restore indigenous biodiversity in a way that:
 - (a) [restores the relationship of tāngata whenua with indigenous biodiversity](#);
 - (b) [provides for the mana of tāngata whenua and](#) role as [kaitiaki](#)

- (c) recognises ~~and~~ the role of people and communities as stewards ~~of indigenous biodiversity; and~~
- (d) ~~provides for~~ enables the social, economic, and cultural wellbeing of people and communities now and in the future.

Rationale

17. The Trust Board considers the objective of the NPS-IB needs to focus on maintaining, restoring, and protecting indigenous biodiversity while restoring the relationship of tāngata whenua, providing for the mana of tāngata whenua as kaitiaki and recognising people as stewards and the enablement of cultural, social and economic wellbeing.

SUBMISSION 3

Policy 1

Relief sought

18. The Trust Board supports Policy 1 with amendments to read:

Policy (1) Tāngata whenua are ~~recognised as kaitiaki, and~~ enabled to exercise kaitiakitanga for indigenous biodiversity in their rohe, including through:

- (a) active participation in decision-making with local authorities;
and
- (b) enabling tāngata whenua to manage indigenous biodiversity on their land; and
- (c) working with tāngata whenua to identify ~~identification~~ and ~~protection of~~ protect indigenous species, populations and ecosystems that are acknowledged as taonga.

Rationale

19. The Trust Board considers Policy 1 should direct local authorities to actively participate with tāngata whenua to enable tāngata whenua to exercise kaitiakitanga. This is in recognition of the mana tāngata whenua hold in their rohe which should be expressed through shared decision-making with local authorities with a particular focus on the management of whenua Māori.
20. The identification of taonga species can only be undertaken by tāngata whenua, at place and as an expression of mana whakahaere, and where this is considered by tāngata whenua to be appropriate and desirable.

SUBMISSION 4

Policy 4

Relief sought

21. The Trust Board supports Policy 3 with amendments to read:

Policy (4) Indigenous biodiversity is managed in a way that it is ~~to be~~ resilient to the effects of a rapidly changing climate~~-change~~.

Rationale

22. The Trust Board considers agrees with the intent of Policy 4. However, Policy 4 needs to provide flexibility in directing that indigenous biodiversity is managed in such a way that it is resilient to the effects of climate change. Recent scientific evidence⁷ suggests that the climate is changing rapidly, and the wording “rapidly changing climate” more appropriately recognises that management interventions may need to be ‘active’ and deployed with urgency.
23. The expectation of the Trust Board is that tāngata whenua will be actively engaged by, and work alongside, local authorities to design management interventions.

SUBMISSION 5

Policy 6

Relief sought

24. The Trust Board opposes Policy 6 as it relates to whenua Māori. In the event Policy 6 is retained the following amendments are sought:

Policy (6) Significant indigenous vegetation and significant habitats of indigenous fauna are identified as significant natural areas (SNAs) using a consistent approach and through engagement with tāngata whenua and landowners.

Rationale

25. The Trust Board maintains the position that the identification of significant natural areas (SNAs) on whenua Māori reinforces historical barriers to the use and development of that land. In particular the Trust Board notes:
- (a) whenua Māori in the Tūwharetoa rohe is disproportionately identified as SNA at the district and regional level, largely as a function of general freehold land being systematically cleared of all biodiversity values;
 - (b) the mandatory requirement to identify and provide for the protection of SNAs is an additional barrier to the use and development of whenua Māori, irrespective of the type, scale and extent of development that may have been contemplated by the landowners;
 - (c) there is an unreasonable expectation in the community that areas of indigenous vegetation located on whenua Māori —particularly around Lake Taupō—should never be developed;

⁷ [Climate Change 2022: Impacts, Adaptation & Vulnerability, the second part of the Sixth Assessment Report](#)

- (d) the suite of national direction is blind to the climate, ecosystem and biodiversity services that indigenous biodiversity on whenua Māori have provided to the climate and environment over time [eg, undeveloped whenua Māori is offsetting/buffering the use and development of general land];
26. The NPS-IB is silent on recognising the climate, ecosystem, and biodiversity services that undeveloped whenua Māori has provided to the Taupō District and the wider Waikato region. The Trust Board believes the inequitable distribution of SNAs on whenua Māori must be addressed and/or the ecosystem and biodiversity services on undeveloped whenua Māori appropriately recognised through carbon and/or biodiversity credits issued to Māori landowners.
27. However, if Policy 6 is retained, the Trust Board considers local authorities must not independently identify and classify indigenous biodiversity on whenua Māori as being a significant natural area without the active engagement of tāngata whenua and Māori landowners.

SUBMISSION 6

Policy 8

Relief sought

28. The Trust Board supports Policy 8 with amendments to read:

Policy (8) Recognising the importance of ~~maintaining~~ managing indigenous biodiversity outside SNAs ~~is recognised and provided for~~.

Rationale

29. The Trust Board agrees the NPS-IB should recognise the importance of managing indigenous biodiversity that exists outside of SNAs. This is particularly the case where undeveloped whenua Māori in the Tūwharetoa rohe is overrepresented in the identification of SNAs and indigenous biodiversity outside of SNAs.
30. Introducing term 'manage' into Policy 8 provides scope for local authorities to consider the full range of restoration, maintenance and/or protection interventions. The Trust Board considers this is imperative if progress is to be made in rectifying the overrepresentation of indigenous biodiversity on whenua Māori in many districts and regions.

SUBMISSION 7

Policy 9 and 10

Relief sought

31. The Trust Board considers that Policy 9 and 10 can be combined to read:

Policy (9) Certain existing activities that contribute to New Zealand's social, economic, cultural, and environmental well-being are provided for within and outside SNAs.

~~Policy (10) Activities that contribute to New Zealand’s social, economic, cultural, and environmental well-being are recognised and provided for.~~

Rationale

32. The Trust Board agrees that certain existing activities on land —where indigenous biodiversity is also present— should be able to continue operating provided that those operations are of the same scale, intensity, and character.
33. Policy 10, as notified, was dis-jointed and not framed in a way that linked the problem of SNAs and indigenous vegetation management preventing lawfully established activities [that provide social, cultural and economic benefit] from continuing to operate.

SUBMISSION 8

Policy 12

Relief sought

34. The Trust Board supports the retention of Policy 12 to read:

Policy (12) Indigenous biodiversity is managed within plantation forestry

Rationale

35. The Trust Board supports the retention of Policy 12 whereby indigenous biodiversity is managed within land that is used for plantation forest activities.
36. The Trust Board notes the NES-PF provides for the clearance of indigenous vegetation that: (i) has grown up under plantation forestry; (ii) is within an area of a failed plantation forest in the last rotation period; (iii) is within an area of plantation forest that has been harvested within the previous 5 years; or (iv) is overgrowing a forestry track that has been used within the last 50 years⁸.
37. In relation to SNAs, existing forestry tracks —located within the SNA—used within the last 50 years can be cleared of indigenous vegetation as a permitted activity. The “incidental damage” safeguard also applies to SNAs and is predicated on damage that: (i) does not significantly affect the values of that significant natural area; and (ii) allows the ecosystem to recover within 36-months⁹.
38. The NES-PF requires resource consent for afforestation occurring within an identified SNA [including outstanding natural features and landscapes] and includes a 10m setback requirement between areas of afforestation and SNAs. Generally speaking, plantation forestry activities including harvest and re-planting, earthworks and rivers crossings are not permitted within identified SNA, and management of plantation forestry activities would need to be cognisant of aligning operations to work with SNAs.

⁸ Refer to r93(2) of the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017

⁹ Refer to r93(5)(c) of the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017

39. The Trust Board has confidence that plantation forestry activities within the Tūwharetoa rohe will be managed in accordance with Environmental Management Systems, the NES-PF and can continue operating within the framing of the NPS-IB.

SUBMISSION 9

Policy 13 and 14

Relief sought

40. The Trust Board considers that Policy 13 and 14 can be deleted:

~~Policy (13) Restoration of indigenous biodiversity is promoted and provided for
Policy (14) Increased indigenous vegetation cover is promoted in both urban
and non-urban environments.~~

Rationale

41. The Trust Board considers that Policy 13 and 14 can be combined into the Policy 16 and framed as requirements of Regional Biodiversity Strategy. The implementation of Policy 1(a) and amended Policy 16 together with Clause 3.23 and amended Appendix 5, would necessarily mean that tāngata whenua are actively involved in the development of any Regional Biodiversity Strategy.

SUBMISSION 10

Policy 16

Relief sought

42. The Trust Board supports Policy 16 with amendments to read:

Policy (16) Regional biodiversity strategies are developed and implemented to ~~maintain and~~ provide for the restoration and protection and reconstruction of indigenous biodiversity within a region, including by: ~~at a landscape scale.~~

- (a) increasing indigenous vegetation cover in both urban and non-urban environments;
- (b) targeting areas for the reconstruction of indigenous biodiversity;
- (c) incentivising the retention, restoration or protection of indigenous biodiversity;

Rationale

43. As noted in Submission 9, the Trust Board considers that Policy 13 and 14 can be combined into the Policy 16 and framed as requirements of Regional Biodiversity Strategy. The implementation of Objective 1(a), Policy 2(a) and amended Policy 16 together with amended

Clause 3.23, would necessarily mean that tāngata whenua are actively involved in the development of any Regional Biodiversity Strategy.

44. The Trust Board takes the view Policy 16(b) should necessarily be framed as one of the long-term solutions to addressing the inequitable distribution of SNAs on whenua Māori. The Regional Biodiversity Strategy should identify land within different districts for the reconstruction of indigenous biodiversity and prioritise any conservation offsetting [that is application of the use of effects management hierarchy] to this land.
45. Similarly, the Trust Board takes the view that the Regional Biodiversity Strategy should recognise the ecosystem and biodiversity services provided by undeveloped whenua Māori and appropriately incentivise the retention of indigenous biodiversity on this land. The Trust Board consider this could also be achieved nationally through carbon and/or biodiversity credits issued to Māori landowners.

SUBMISSION 11

Policy 17

Relief sought

46. The Trust Board supports Policy 17 with amendments to read:

Policy (17) ~~There is improved information and~~ Require the regular monitoring of the overall state of indigenous biodiversity within a region, including progress to give effect to Te Rito o te Harakeke;

Rationale

47. The Trust Board agrees the NPS-IB should require regular monitoring of the overall state of indigenous biodiversity within a region. It makes sense that local authorities would actively involve tāngata whenua in the development of monitoring approaches to indigenous biodiversity, including the integration of mātauranga Māori knowledge with western science-based approaches.
48. The Trust Board also believes local authorities should be required to report progress to giving effect to Te Rito o te Harakeke as a component of overall monitoring.

SUBMISSION 12

Clause 3.3

Relief sought

49. The Trust Board supports Clause 3.3 with amendments to read:

- (1) Every local authority must actively involve tāngata whenua (~~to the extent they wish to be involved~~) in the management of indigenous biodiversity, and in particular:
 - (a) when identifying the local approach to giving effect to Te Rito o te Harakeke; and

- (b) ~~when the processes (including decision-~~ making decisions ~~processes for managing the to implement implementation of~~ this National Policy Statement; and
 - (c) when making or changing objectives, policies, or methods to give effect to this National Policy Statement; and ~~when making or changing policy statements and plans that relate to indigenous biodiversity.~~
 - (d) in the development of Regional Biodiversity Strategies, including setting the vision for landscape-scale restoration of indigenous biodiversity; and
 - (e) to agree on the process that is to be employed to identify SNAs using the criteria in Appendix A and to determine taonga species; and
 - (f) to determine indigenous species, populations and ecosystems of those species that are identifies as taonga; and
 - (g) to integrate mātauranga Māori at place throughout all levels of managing indigenous biodiversity
- (2) When involving tāngata whenua as required by subclause (1), ~~and particularly when making or changing objectives, policies, or methods to give effect to this National Policy Statement,~~ local authorities must:
- (a) ensure that ~~consultation~~ with engagement of tāngata whenua:
 - (i) is early, meaningful and, ~~as far as practicable,~~ in accordance with tikanga Māori; and
 - (ii) ...
 - (b) recognise ~~and value the role~~ the mana of tāngata whenua ~~as kaitiaki;~~ and
 - (c) provide specific opportunities for the tāngata whenua to exercise ~~of~~ kaitiakitanga in accordance with tikanga Māori ~~, such as, for example, by bringing cultural understanding to monitoring;~~ and
 - (d)
- (3) ...
- (4) To avoid doubt, nothing in this National Policy Statement permits or requires a local authority to act in a manner that is, or make decisions that are, inconsistent with any relevant iwi participation legislation or any directions or visions under that legislation.
- (5) When a local authority considers the use of mechanisms to involve tangata whenua in the management of indigenous biodiversity under Clause 3.3(3) the local authority must:
- (a) ...
 - (b) publish those matters and reasons as soon as practicable after a decision is reached unless publication would be contrary to any legal obligation.
- ~~(6) Local authorities must, with the consent of tangata whenua and as far as practicable in accordance with tikanga Māori, take all reasonable steps to incorporate mātauranga Māori relating to indigenous biodiversity when implementing this National Policy Statement.~~

- (7) Local authorities must [actively involve tāngata whenua to](#) develop processes for managing information provided by tangata whenua (including providing for how it may remain confidential if required by tangata whenua), particularly in relation to the identification and management of species, populations, and ecosystems as taonga (in accordance with clause 3.19).

Rationale

50. The Trust Board considers tāngata whenua must be actively involved in the management of indigenous biodiversity. The extent that tāngata whenua wish to be “actively involved” can be determined by tāngata whenua through early and meaningful engagement by local authorities.
51. The Trust Board views the matters in Clause 3.3(1)(a) to (g) as a non-exhaustive list. Importantly, tāngata whenua must be involved at all parts of the management of indigenous biodiversity, including making decisions, agreeing on the process to identify SNAs, co-developing objectives and policies in regional and district plans and landscape-level visions for indigenous biodiversity and determining taonga species and the management of those taonga.
52. With respect to the body of ancestral knowledge (mātauranga) that is held by tāngata whenua at place, engagement by local authorities must necessarily involve how this body of knowledge can apply to, and permeate throughout, all levels of managing indigenous biodiversity. The Trust Board considers Clause 3.3(1)(g) conveys this direction better than Clause 3.3(6), which can be deleted.
53. The Trust Board also considers the definition of “mātauranga Māori” requires amendment so that it means “...Māori customary knowledge, traditional knowledge, or intergenerational knowledge [that is held by tāngata whenua at place](#)”.
54. The Trust Board considers Clause 3.3(3) can be retained, however notes that where mana whakahono-a-rohe agreements and/or Treaty of Waitangi arrangements are already in place, these existing arrangements should assist to frame any investigations for transfers or delegations of power under s33 of the RMA. Similarly, it is appropriate for local authorities to record the outcome of investigations into the use of formal mechanisms in Clause 3.3(3) through Clause 3.3(5).
55. New Clause 3.3(4) is necessary to ensure participation mechanisms, directions and visions that result from Treaty of Waitangi settlement legislation are safeguarded. The Trust Board is aware a number of participation agreements that stem from settlement legislation, including direction setting documents, that must guide local authority implementation of the NPS-IB. For example, Te Ture Whaimana o te awa o Waikato which is the direction setting document for the Waikato River catchment.
56. The Trust Board believes there is no compelling reason to include conditioning language in the NPS-IB for engaging with tāngata whenua. For example, “to the extent they wish to be involved”, “as far as practicable”, “where appropriate”. The Trust Board notes there is no equivalent conditioning language in the NPS-FB that is used to frame how local authorities would engage with people and communities.

SUBMISSION 13

Clause 3.4

Relief sought

57. The Trust Board supports Clause 3.4 with amendments to read:

- (2) Local authorities must manage indigenous biodiversity and the effects on it from subdivision, use and development in an integrated way, which means:
 - (a) recognising the interconnectedness of the whole environment ~~interactions~~ ki uta ki tai (from the mountains to the sea) and the interactions between the terrestrial environment, freshwater, and the coastal marine area; and
 - (b) ...
 - (c) ~~considering~~ working to achieve mutually beneficial outcomes through the alignment of the requirements of strategies and other planning tools ~~required or that are~~ provided for in legislation and relevant to indigenous biodiversity.

Rationale

58. The Trust Board supports the integrated approach to the management of indigenous biodiversity. Amendments to Clause 3.4(1)(a) reflect the Te Ao Māori view where all things are interconnected, which in turn provides for the ki uta ki tai approach. Clause 3.4(1)(c) focuses effort on achieving mutually beneficial outcomes from the plethora of strategies and tools where these are relevant to indigenous biodiversity.

SUBMISSION 14

Clause 3.5

Relief sought

59. The Trust Board supports Clause 3.5 with amendments to read:

- (1) Local authorities must consider:
 - (a) ~~that~~ the protection, maintenance, and restoration of indigenous biodiversity contributes to the social, economic, and cultural wellbeing of people and communities; and
 - (b) ~~that~~ the protection, maintenance, and restoration of indigenous biodiversity does not preclude subdivision, use and development in appropriate places and forms; and
 - (c) ~~that~~ the exercise of kaitiakitanga by tāngata whenua in ~~people and communities are critical to~~ protecting, maintaining, and restoring indigenous biodiversity within their rohe; and
 - (d) ...

- (e) the ~~importance of respecting and fostering the contribution of tangata whenua as kaitiaki and~~ role of people and communities, particularly landowners, as stewards of indigenous biodiversity; and
- (f)

Rationale

- 60. The Trust Board considers the NPS-IB improperly conflates the role of people and communities [particularly landowners] as stewards, as having equivalency with kaitiakitanga. It is more appropriate in the NPS-IB, for the purpose of social, cultural, and economic wellbeing, to ensure local authorities consider the exercise of kaitiakitanga by tāngata whenua separately from the role of people and communities as stewards.

SUBMISSION 15

Clause 3.7

Relief sought

- 61. The Trust Board supports Clause 3.7 with amendments to read:
 - (1) Local authorities must adopt a precautionary approach toward proposed activities where:
 - (a) ...
 - (b) ~~those the adverse~~ effects, including cumulative effects, on indigenous biodiversity are potentially significantly adverse.

Rationale

- 62. The Trust Board considers that Clause 3.7(1)(b) should direct local authorities to consider the cumulative adverse effects on indigenous biodiversity as part of any decision-making process.
- 63. The Trust Board notes the implementation of Objective 1(a), Policy 2(a) would necessarily mean that tāngata whenua are actively involved in the decision-making in respect of indigenous biodiversity and would also be guided by Clause 3.7 in making decisions alongside local authorities.

SUBMISSION 16

Clause 3.8

Relief sought

- 64. The Trust Board opposes Clause 3.8 as it relates to the identification of SNAs on whenua Māori. In the event Clause 3.8 is retained the following amendments are sought to 3.8(2)(a) to read:

- (1) [Using the process agreed between local authorities and tāngata whenua in Clause 3.3\(1\)\(e\), every](#) ~~Every~~ territorial authority must undertake a district-wide assessment of the land in its district to identify areas of significant indigenous vegetation or significant habitat of indigenous fauna that qualify as SNAs.
- (2) The assessment must be done using the assessment criteria in Appendix 1 and in accordance with the following principles:
 - (a) **partnership**: territorial authorities ~~seek to~~ [must](#) engage with tangata whenua and landowners early, and must share information about indigenous biodiversity, potential management options, and any support and incentives that may be available:

Rationale

65. The Trust Board restates the same rationale for submission 5 and opposes the identification of SNAs on whenua Māori. However, if Clause 3.8 is to be retained, the Trust Board considers amendment is required to 3.8(1) to ensure local authorities use the process agreed between local authorities to identify SNAs.
66. Subsequent amendments to 3.8(2)(a) require local authorities to engage with tāngata whenua and Māori landowners in the spirit of 'partnership' to share information about indigenous biodiversity.

SUBMISSION 17

Clause 3.10

Relief sought

67. The Trust Board supports the retention of Clause 3.10(1) to read:
 - (2) This clause applies to all SNAs, except as provided in clause 3.11.

Rationale

68. The Trust Board supports the retention of Clause 3.10(1) as it sets up a pathway for the consideration of the use and development of whenua Māori in situations where an SNA has been identified through Clause 3.8 and 3.9 and/or indigenous biodiversity is present [amended Clause 3.18] and the management of SNA within plantation forestry [Clause 3.14].

SUBMISSION 18

Clause 3.11

Relief sought

69. The Trust Board supports the retention of Clause 3.11(1) and amendments to 3.11(3) and (5) read:

- (1) Clause 3.10 does not apply to the following, and adverse effects on SNAs of new subdivision, use, and development are managed instead as required by the clause indicated:
 - (a) SNAs on Māori Lands (see clause 3.18):
 - (b) geothermal SNAs (see clause 3.13):
 - (c) SNAs within a plantation forest (see clause 3.14).
- (2) ...
- (3) Subclauses (2) does not apply to any land, other than Māori land, set aside under legislation for full or partial legal protection for the purpose of protecting indigenous biodiversity on that land. 'Legal protection' includes covenants and land status such as are available under the Reserves Act, Conservation Act, National Parks Act (or equivalent)'.
- (4) ...
- (5) Clause 3.10(2) does not apply to an SNA, and all adverse effects on the SNA must be managed instead in accordance with clause 3.10(3) and (4), ~~or any other appropriate management approach~~, if:
 - (a) ...

Rationale

70. The Trust Board supports the retention of Clause 3.11(1) as it sets up a pathway for the consideration of the use and development of whenua Māori in situations where an SNA has been identified through Clause 3.8 and 3.9 and/or indigenous biodiversity is present [amended Clause 3.18] and the management of SNA within plantation forestry [Clause 3.14].
71. The Trust Board notes that Clause 3.18(4) provides an exemption for whenua Māori that is 'set aside' under the Reserves Act, Conservation Act or National Parks Act for the purpose of protecting indigenous biodiversity on that land. However, there is no equivalent for general land that is set aside under the aforementioned legislation for the purpose of protecting indigenous biodiversity. Accordingly, to be equitable, similar provision should apply to any land, other than Māori land, in Clause 3.11 and be subject to Clause 3.11(2) which envisages exemptions [to Clause 3.10(2)] for: (a)(i) specific infrastructure [which is not defined], (a)(ii) mineral extraction; and (a)(iii) aggregate extraction.
72. The Trust Board believes the NPS-IB must be fair and balanced in providing gateway exemptions for the use and development of land. While it is fair and balanced to give effect to the principles of Te Tiriti and provide a conditioned gateway for the occupation, use and development of whenua Māori outside of land set aside by the Reserves Act, Conservation Act or National Parks Act, there is no resource management rationale to exclude [undefined] specific infrastructure, mineral extraction and aggregate extraction from the same tests [eg, land, that is not Māori land, set aside under the Reserves Act, Conservation Act or National Parks Act].
73. The Trust Board considers the use of the effects management hierarchy to be sufficient in setting out the tests for considering an application. There is no compelling resource

management rationale for widening consideration to “any other management approach” for land, that is not Māori land, in Clause 3.11(5). This appears arbitrary and is not afforded to the consideration of whenua Māori in Clause 3.18

SUBMISSION 19

Clause 3.12

Relief sought

74. The Trust Board seeks the deletion of Clause 3.12:

~~(1) SNAs on Māori Lands must be managed in accordance with clause 3.18, except that:~~

~~(a) geothermal SNAs on Māori lands must be managed in accordance with clause 3.13;
and~~

~~(b) SNAs within plantation forests must be managed in accordance with clause 3.14.~~

Rationale

75. The Trust Board considers Clause 3.12 is redundant and provides an artificial separation between plantation forestry and whenua Māori. As noted in submission 18, Clause 3.11(1) sets up a pathway for the consideration of the use and development of whenua Māori in situations where an SNA has been identified through Clause 3.8 and 3.9 and/or indigenous biodiversity is present [amended Clause 3.18], geothermal SNAs and the management of SNA within plantation forestry [Clause 3.14].
76. The problem is Clause 3.12 presumes there is no difference in the management between plantation forests on whenua Māori and plantation forests on general land. The Trust Board asserts there are fundamental differences in the way plantation forestry is managed on whenua Māori.
77. Māori landowners have a view of land management that is intergenerational and framed on the inherent duty of kaitiakitanga. Protecting the soil and water values and indigenous biodiversity at a landscape scale ensures the whenua is passed on to future generations in a healthy state. The Trust Board notes that Māori landowners have not been regulated to do this; it is an intrinsic value of te ao Māori that resonates from the whakapapa relationship with Te Taiao. This view of land management applies to plantation forest and improved pasture on whenua Māori.
78. The Trust Board considers it is appropriate for local authorities to enable the existing use of plantation forest and improved pasture on whenua Māori through amended Clause 3.18(2) subject to Clause 3.15(2).

SUBMISSION 20

Clause 3.13

Relief sought

79. The Trust Board supports the retention of Clause 3.13 with a consequential amendment to Clause 3.13(1)(a)(ii) to read:

(2) ...

(a) ...

(i) ...

(ii) that has regard to the practicability of applying the approach in clause 3.10(2) and ~~(3)~~ (4) to the geothermal SNA; and.

Rationale

80. The Trust Board supports the retention of Clause 3.13 as it sets up a pathway for the consideration of the use and development of geothermal taonga on whenua Māori in situations where an SNA has been identified through Clause 3.8 and 3.9.

SUBMISSION 21

Clause 3.14

Relief sought

81. The Trust Board supports the retention of Clause 3.13 with a consequential amendment to read:

(1) An SNA that is within a plantation forest must be managed over the course of consecutive rotations of production in [accordance with the National Environmental Standard for Plantation Forestry 2017](#)

(2) [Where an SNA contains populations of any Threatened or At-Risk species, a plantation forest must be managed over the course of consecutive rotations of production](#) ~~the manner necessary~~ to maintain the long-term populations of any Threatened or At-Risk species in the SNA.

(3) Local authorities must make or change their policy statements and plans to include objectives, policies, and methods to give effect to the requirements of subclause (1) [and \(2\)](#)

Rationale

82. The Trust Board restates the same rationale for submission 8 and notes that plantation forestry activities on whenua Māori are managed under the NES-PF. As plantation forestry activities are carved out in the NPS-IB, the Trust Board believes it would be appropriate to state in Clause 3.13(1) that those activities are managed in accordance with the NES-PF.

83. As stated in submission 19 Māori landowners have a view of land management that is intergenerational and framed on the inherent duty of kaitiakitanga. This view pervades the development of Environmental Management Systems and has led to a significant proportion of Māori owned forest in the Tūwharetoa rohe holding Forest Stewardship Council (FSC)

certification. FSC is an international non-profit organisation founded in 1993 to support environmentally appropriate, socially beneficial, and economically viable management of the world's forests. Forest certification is the process of assessing forests and forest management practices against a predetermined set of environmental standards and the subsequent issuing of a certificate to confirm that they are in conformance with the requirements. Certified forests are managed in an environmentally, economically, and socially responsible way

84. The Trust Board also has confidence that plantation forestry activities within the Tūwharetoa rohe can manage their operations around populations of threatened or at-risk species.

SUBMISSION 22

Clause 3.15

Relief sought

85. The Trust Board considers Clause 3.15 can be deleted to read:

~~(1) Regional councils must identify in their policy statements the existing activities, or types of existing activities, that this clause applies to.~~

~~(2) Local authorities must make or change their plans to ensure that the existing activities identified in relevant regional policy statements may continue as long as the effects on any SNA (including cumulative effects):~~

~~(a) are no greater in intensity, scale, or character over time than at the commencement date; and~~

~~(b) do not result in the loss of extent or degradation of ecological integrity of the SNA.~~

~~(3) If an existing activity does not meet the conditions described in subclause (2), the adverse effects of the activity on the relevant SNA must be managed in accordance with clause 3.10.~~

Rationale

86. The Trust Board supports the intent of Clause 3.15, however considers it will create an administrative burden on tāngata whenua and landowners who will be required to demonstrate evidence of existing use that is no greater in intensity, scale, or character [over time] than at the commencement date for the NPS-IB.

87. Additionally, local authorities will need to invest in significant resources to capture data and information at a sufficient scale within and adjacent to SNAs that satisfies the tests in Clause 3.15(2). Notwithstanding local authorities may not be a secure repository of sensitive information on productive systems, there is a high likelihood that the data will not serve any useful purpose. This is because an application would be required to modify a specific area of indigenous biodiversity outside of an SNA, and for modification within an SNA, and any adverse effects of that change in land use [including what activities may remain existing] can be appropriately considered by the local authority at that time. The remainder of the data captured to satisfy the tests in Clause 3.15(2) would remain unused.

SUBMISSION 23

Clause 3.16 and 3.17

Relief sought

88. The Trust Board support the retention of Clause 3.16 and 3.17

Rationale

89. The Trust Board supports the retention of Clause 3.16 and 3.17 to provide for the maintenance of indigenous biodiversity [other than Māori land] and the maintenance of improved pasture [including for Māori land].
90. The Trust Board considers amendments to Clause 3.18(2) provide for local authorities to have particular regard to whenua Māori that contains improved pasture and is used as production land [refer to RMA definition of production land] where it may affect an SNA [Clause 3.17]. In this regard Clause 3.17 and 3.18(2)(c) can be read together.
91. Similarly, Clause 3.16 explicitly excludes Māori land, as Clause 3.18 applies. The Trust Board agrees that indigenous biodiversity on whenua Māori, outside of an SNA, is considered through Clause 3.18.

SUBMISSION 23

Clause 3.15

Relief sought

92. The Trust Board considers Clause 3.15 can be amended to read:

- (1) Local authorities must work in partnership with tāngata whenua and Māori landowners to develop, and include in policy statements and plans, objectives, policies, and methods that, to the extent practicable:
 - (a) maintain ~~and restore~~ indigenous biodiversity on Māori lands; and
 - (b) agree on mechanisms to protect SNAs on Māori land where protection is advanced by the Māori landowners; and
 - (c) protect ~~SNAs and~~ identified taonga on Māori lands.
- (2) Objectives, policies, and methods developed under this clause must, to the extent practicable:
 - (a) enable new occupation, use, and development of Māori lands to support the social, cultural, and economic wellbeing of tangata whenua; and
 - (b) enable the provision of new papakāinga, marae and ancillary community facilities, dwellings, and associated infrastructure; and

- (c) enable the existing use of Māori land for plantation forestry and containing improved pasture [subject to Clause 3.15(2)]
 - (d) ~~apply or allow~~ enable ~~alternative~~ approaches to, or locations for, new occupation, use, and development on Māori land that ~~avoid~~, minimise, or remedy adverse effects on indigenous biodiversity SNAs and on identified taonga ~~on Māori lands in accordance with tikanga Māori~~; and
 - (e) apply ~~options for offsetting and compensation~~ the effects management hierarchy to all adverse effects on an SNA in accordance with clause 3.10(3) and (4); and
 - (f) recognise and be responsive to the fact that there may be no, or limited, alternative locations for tangata whenua to occupy, use, and develop their lands; and
 - (g) recognise and be responsive to the historical barriers tāngata whenua have faced in occupying, using and developing their ancestral lands.
- (3) The decision-maker on any resource consent application must, when considering matters affecting Māori lands, ~~take into account~~ have particular regard to all the matters in subclause (2).
- (4) ...
- (5) ...

Rationale

93. The Trust Board supports the intent of amended Clause 3.18(1) 5 where local authorities must work in partnership with tāngata whenua to maintain indigenous biodiversity and protect identified taonga on Māori land, and importantly, agree on the mechanisms to protect SNAs on Māori land, but only where protection is advanced by those landowners. The amendments recognise the mana of tāngata whenua to make decisions on their whenua Māori and empowers agreement to be reached on how SNAs are to be protected. This differs from the status quo position where local authorities have limited flexibility to “provide for the protection [of SNAs]” and default to the use of regional and district plan rules.
94. The Trust Board understands the importance of Clause 3.18(2) and suggests that amendment are required for workable practicality. Enabling the occupation, use and development of whenua Māori is critical to the social, economic, and cultural wellbeing of tāngata whenua. While papakāinga is explicitly provided for, the Trust Board considers it is imperative that ‘alternative approaches’ to the use and development of whenua Māori, operate in accordance with tikanga, are also enabled. The Trust Board believes that specific existing uses on whenua Māori, namely plantation forestry and pastoral farming [that contain improved pasture], should be included in Clause 3.18(2) to assist with framing regional and district plan objectives and policies.
95. Of particular concern to the Trust Board is the continuing approach in RMA policy that whenua Māori has not faced a number of impediments and barriers to the use and development of that land, whether breaches of Te Tiriti, legislative, financial etc. New Clause 3.18(2)(g) ensures that a local authority is not blind to the historical impediments and can be responsive through setting enabling objectives and policies in regional and district plans.

96. For the purpose of clarity, the Trust Board considers the effects management hierarchy in Clause 3.10(3) and (4) must apply when a local authority considers an application to use or develop whenua Māori that contains an SNA. When applying the effects management hierarchy, particular regard must be had to the matters in Clause 3.18(2) in undertaking any assessment on an application to use or develop whenua Māori that contains an SNA.

SUBMISSION 24

Clause 3.19

Relief sought

97. The Trust Board support Clause 3.19 with amendments to read:
- (1) Every territorial authority must work together with tāngata whenua (using an agreed process [in Clause 3.3\(f\)](#)) to determine the indigenous species, populations, and ecosystems ~~in the district~~ [within their rohe](#) that are taonga; ~~and these are acknowledged taonga.~~
 - (2) ...
 - (3) [Subject to \(2\), and only](#) if tāngata whenua agree, territorial authorities must identify [those](#) acknowledged taonga in their district plans by:
 - (a) ...
 - (b) ...
 - (4) Local authorities must work together with tāngata whenua to protect ~~both~~ acknowledged ~~and identified~~ taonga ~~as far as practicable~~ and [provide the option for involve](#) tāngata whenua ~~(to the extent that they wish to be involved)~~ [to be involved](#) in the management of ~~identified~~ [those](#) taonga.
 - (5) In managing effects on ~~identified~~ [acknowledged](#) taonga, local authorities must recognise that the ~~possible~~ adverse effects on ~~identified~~ [those](#) taonga include ~~effects on:~~
 - (a) ...
 - (b) ...
 - (c) ...
 - (6) Local authorities must make or change their policy statements and plans as necessary to ensure that the ~~sustainable~~ customary use of ~~identified~~ [acknowledged](#) taonga by tāngata whenua in accordance with tikanga and in a manner consistent with the protection of the identified taonga is provided for.

Rationale

98. The Trust Board is concerned the wording of Clause 3.19, as proposed, creates confusion between “acknowledged taonga” and “identified taonga”, and could be read as creating a dual pathway where tāngata whenua determine “acknowledged taonga” and in the absence of a decision by tāngata whenua local authorities may identify taonga “identified taonga”. Note amendments are required in the NPS-IB to address this confusion [eg, Clause 3.25(2)(ii) etc]
99. The Trust Board considers that tāngata whenua is the sole decision-maker in ‘determining’ the taonga species within their rohe. In this regard, the amendment to Clause 3.19(1) provides a link back to Clause 3.3(f) where local authorities must engage with tāngata whenua, including agreeing a process to ‘determine’ taonga species. Accordingly, taonga determined by tāngata whenua through Clause 3.19(1) should be termed “acknowledged taonga”. Note the title of Clause 3.19 should read “Acknowledged Taonga”.

100. The Trust Board notes that Clause 3.19 is subject to (2) where tāngata whenua have the right NOT TO determine taonga species within their rohe. The recognition of the mana of tāngata whenua to make this decision must be retained in the NPS-IB, and Clause 3.19(3) must be subject to Clause 3.19(2).
101. As set out in Submission 12, the Trust Board reiterates that tāngata whenua must be involved in all parts of the management of indigenous biodiversity, including determining taonga species and designing processes to protect those taonga.
102. The Trust Board is concerned the wording of Clause 3.19(6) shows a lack of understanding of tikanga Māori in respect to the customary use of taonga. The insertion of the modifier “sustainability” and conditioning language “in a manner consistent with the protection of the taonga” is unnecessary and implies that tāngata whenua are incapable of managing their natural resources or would harvest taonga species to the point of depletion. The Trust Board fundamentally rejects these notions.

SUBMISSION 25

Clause 3.21

Relief sought

103. The Trust Board supports Clause 3.21 with amendments to read:
 - (1) ...
 - (2) The objectives, policies, and methods must prioritise all the following for restoration:
 - (a) [areas of indigenous biodiversity on Māori land where restoration is advanced by the Māori landowners:](#)
 - (b) SNAs whose ecological integrity is degraded:
 - (c) threatened and rare ecosystems representative of naturally occurring and formerly present ecosystems:
 - (d) areas that provide important connectivity or buffering functions:
 - (e) wetlands whose ecological integrity is degraded or that no longer retain their indigenous vegetation or habitat for indigenous fauna:
 - (f) [areas set aside in Regional Biodiversity Strategies for the purpose of reconstructing indigenous biodiversity:](#)
 - (g) any national priorities for indigenous biodiversity protection.
 - (3) Local authorities must consider providing incentives for restoration in priority areas referred to in subclause (2), and [where advanced by the Māori landowners in \(2\)\(a\) those specific areas of indigenous biodiversity are](#)—on Māori land, in recognition of the opportunity cost of maintaining indigenous biodiversity on that land.

Rationale

104. The Trust Board supports the intent of local authorities prioritising restoration of indigenous biodiversity. It is important the restoration of indigenous biodiversity on whenua Māori is advanced by the owners of that land, as opposed to an uncoordinated approach from local authorities.
105. The Trust Board is concerned the inference in Clause 3.21(3) is local authorities should consider 'incentivising' the restoration of Māori land with no direction from tāngata whenua or in consideration of the aspirations of those landowners. Arguably this creates the expectation that restoration activities should be targeted toward undeveloped whenua Māori, and in lieu of those lands remaining undeveloped and potentially being identified as a future SNA. Amendments to Clause 3.21(3) clarify that restoration activities on Māori land can be prioritised [new Clause 3.21(2)(a)] only where restoration of that land is advanced by those landowners.
106. The Trust Board considers that Regional Biodiversity Strategies should set aside land [that is not Māori land] as the focal point of restoration activities at a landscape-level, or where indigenous biodiversity can be reconstructed. There are a number of strategic connections in the NPS-IB, such as Clause 3.2, 3.4, 3.8, 3.16, 3.22 and the application of conservation offsets and conservation compensation, that lend themselves to a coordinated approach for restoration activities within a sub-catchment or landscape.

SUBMISSION 26

Clause 3.23 and Appendix 5

Relief sought

107. The Trust Board supports Clause 3.23 and Appendix 5 with amendments to read:
 - (1) Every regional council must prepare a regional biodiversity strategy that complies with Appendix 5 ~~in collaboration with territorial authorities, tāngata whenua, communities and other identified stakeholders.~~
 - (2) Without limiting Appendix 5, Regional Council must:
 - (a) work with tāngata whenua to develop the landscape-scale vision for indigenous biodiversity; and
 - (b) collaborate with territorial authorities, tāngata whenua, communities and other identified stakeholders to prepare the content of the regional biodiversity strategy.
 - (3) ...
- (1) ...
- (2) To achieve its purpose, the regional biodiversity strategy of a region must:
 - (a) Subject to Clause 3.23(2)(a), set out a landscape-scale vision for the restoration of the region's indigenous biodiversity; and

- (b) recognise and provide for Te Rito o te Harakeke [as agreed through Clause 3.3\(1\)\(a\)](#); and
 - (c) provide for resilience to biological and environmental changes, including those associated with climate change; and
 - (d) [Identify and provide for areas of land \[that is not Māori land\] to be set aside for the purpose of reconstructing indigenous biodiversity; and](#)
 - (e) ...
 - (f) ...
 - (g) ...
 - (i) ...
 - (h) specify milestones for achieving the strategy’s purpose; and
 - (i) ...
- (3) [To implement Clause 3.23\(2\)\(a\), the Regional Council must work with tāngata whenua to ensure the landscape-scale vision for indigenous biodiversity is developed using mātauranga Māori at place and has alignment with tikanga Māori](#)

Rationale

108. The Trust Board supports the development of a Regional Biodiversity Strategy that promotes landscape scale restoration of indigenous biodiversity. Subject to Clause 3.3(1)(d) the Trust Board consider that tāngata whenua will be actively involved in the development of any Regional Biodiversity Strategy, including the setting the landscape vision for indigenous biodiversity that is interwoven with ancestral mātauranga Māori knowledge at place.
109. As set out in Submission 25, the Trust Board considers that Regional Biodiversity Strategies should set aside land [that is not Māori land] as the focal point of restoration activities at a landscape-level, or where indigenous biodiversity can be reconstructed. New (2)(d) in Appendix 5 ensure that regional councils have the ability to identify and provide for areas of land that could be used for restoration.

CONCLUSION

In conclusion, the Trust Board records the following summary:

- (a) Greater protection of the right to develop Māori lands in accordance with tikanga must be included in the NPSIB.
- (b) The Trust Board continues to be concerned at the lack of engagement on this policy with tāngata whenua and requires a focused engagement process during the next phase of the NPS development.

- (c) Resourcing must be reflective of the time and skill tāngata whenua will be investing in this process by both local authorities and central government.
- (d) Incentives must be developed in partnership with tāngata whenua including our Māori landowners. These incentives must be reflective of the dependency of tāngata whenua on Māori land for economic outcomes for their communities, as well as the cultural and environmental importance of the whenua. Māori land should be exempt from the SNA process where its application would render land uneconomic, and the incentives are inadequate.

Please direct all communications in relation to this submission to Peter Shepherd, Natural Resources Manager at peter@tuwharetoa.co.nz, 021 974 652.

Nāku iti nei, nā

A handwritten signature in blue ink, appearing to be 'Rakeipoho Taiaroa', written in a cursive style.

Rakeipoho Taiaroa
Chief Executive Officer
Tūwharetoa Māori Trust Board