

10 July 2022

Ministry for the Environment

8 Willis St
Wellington
New Zealand

WetlandsTeam@mfe.govt.nz

Tēnā koutou,

Te Tira Whakamātaki submission on Exposure Draft of Proposed Changes to wetland provisions in the National Policy Statement for Freshwater Management (NPS-FM) and the National Environmental Standards for Freshwater (NES-F)

Te Tira Whakamātaki welcomes the opportunity to provide feedback on the proposed amendments to wetland provisions in the National Policy Statement for Freshwater Management (NPS-FM) and the National Environmental Standards for Freshwater (NES-F) exposure drafts. Te Tira Whakamātaki is committed to protecting our natural heritage through Indigenous-led and Indigenous knowledge solutions. Our team includes mātauranga experts, Māori scientists, policymakers, and kaitiaki. Accordingly, we are making this submission because we believe that the exposure draft should meaningfully recognise the centrality of freshwater and wetlands to Māori identity, rights, and interests. Our submission does not seek to represent the views or experiences of all Māori but rather provides our feedback based on our whakapapa and expertise.

1. Amendments to the management of freshwater and wetlands should allow for equitable involvement of Māori

Te Tira Whakamātaki has a vested interest in the changes to freshwater and wetland management through the NPS-FM and NES-F because of its significance to Māori and accordingly the health of te taiao. Consistent with Cabinet guidance on Te Tiriti o Waitangi¹, it is critical that Māori are upheld as partners of Te Tiriti o Waitangi ("te Tiriti partners") and are meaningfully involved in

¹ <https://dpmc.govt.nz/sites/default/files/2019-10/CO%2019%20%285%29%20Treaty%20of%20Waitangi%20Guidance%20for%20Agencies.pdf>

decision-making. We support the provision of targeted resourcing as part of the proposed changes to allow Māori equitable chances to participate in decision-making and knowledge-sharing².

2. Māori engagement resources and inclusion in discretionary consent process

In the NPS-FM, in section 3.4, local authorities are required to actively involve tangata whenua to the extent they wish to be involved. It should be noted that the extent to which Māori *wish* to be involved in such work is often tempered by our *capacity* to be involved. Resources such as capability, time, and money are often scarce for Māori, who would otherwise deem it necessary to be involved in these decision-making processes. Resourcing must be considered in parallel with Māori involvement to overcome these barriers. Additionally, while this section requires local authorities to involve Māori, section 3.22 does not specifically require consultation with Māori as part of their discretionary consent process. Māori should be included at all levels of decision-making, and this needs to be laid out very clearly in the National Policy Statement.

3. Mātauranga Māori as part of best information

In section 1.6, Best information, local authorities are first required to use the best information available at the time, defined as being 'complete and scientifically robust data'. Only in its absence should authorities turn to 'local knowledge, and information obtained from other sources'. Mātauranga should be considered as best information. As noted in Dr Daniel Hikuroa's³ definition of mātauranga, "Mātauranga can be described as the pursuit of knowledge and comprehension of Te Taiao – the natural environment – following a systematic methodology based on evidence, and incorporating culture, values, and world view.". Mātauranga has rigour and veracity.

Section 3.2 Te Mana o te Wai councils must 'enable the application of a diversity of systems of values and knowledge, such as mātauranga Māori'. The overall engagement requirement is useful. However, Māori involvement at each level should be stated explicitly.

4. Clearer requirements for 'significant benefit' threshold

The amendments pertaining to additional pathways to consent allow regional councils to determine the significance, whether that be a national or regional benefit. There is no further

² We note that knowledge sharing and exchange should be informed by Te Mana Raraunga's Māori data sovereignty principles.

<https://static1.squarespace.com/static/58e9b10f9de4bb8d1fb5ebbc/t/5bda208b4ae237cd89ee16e9/1541021836126/TMR+Ma%CC%84ori+Data+Sovereignty+Principles+Oct+2018.pdf>

³ Hikuroa (2017) as referenced in Environmental Protection Authority. (2020). Mātauranga Framework.

<https://www.epa.govt.nz/assets/Uploads/Documents/Te-Hautu/Matauranga-Maori-Framework-Report.pdf>

explanation of what reaches the 'significant benefit' threshold. This could lead to inconsistent application of the exception dependent upon individual regional councils' understanding of what meets the criteria. Wetlands could be adversely impacted without providing more detailed criteria for 'significant benefit'.

To summarise, the exposure draft needs to be more specific, intentional, and clear about what it is requiring of local authorities, especially when it comes to Māori involvement and upholding te Tiriti partnership at all levels. Please let us know if you wish to discuss any component of our submission.

Ngā mihi,

Privacy disclaimer

- We are happy to be contacted in the future by the Ministry for the Environment.
- We do not wish to speak to this submission.
- We give permission for this submission to be proactively published but only after removing any personal details, including names of people and their email addresses. You may publish our organisation's name.
- You may make our submission available in response to requests made under the OIA but must remove or redact personal details, including individuals' names and contact details.
- We request that personal details only are withheld as they are private.