

Theme Treaty and Tangata Whenua Decision Making

Total number of submission points on the theme

735 individual submission points.

Number of submission points supporting or agreeing with the provisions in the Proposed NZCPS

220 submissions.

Number of submission points opposing the provisions in the Proposed NZCPS

30 submissions.

Note: some submissions comment on but do not support or oppose the provisions.

Key messages within the submissions

1. The NZCPS should recognise Treaty obligations and tangata whenua's special partnership with the Crown, which is separate to that of general citizenship status.
2. References to the Treaty of Waitangi and kaitiakitanga should be included throughout the policy.
3. The hierarchy principles within the Resource Management Act 1991 (RMA) have not been given sufficient priority in the NZCPS, particularly the protection of customary activities.
4. Consultation with iwi should be included as an objective of the NZCPS, and should be identified as needing to be meaningful rather than the present situation where consultation with iwi is viewed as merely a formality.
5. Non-Maori New Zealanders require recognition and should be afforded the same rights to consultation.
6. Further changes are needed to bring management of coastal cultural heritage in line with other areas, such as Natural Heritage.
7. Policy 2 is inconsistent with the RMA which states that there is no duty to consult with tangata whenua in respect of resource consent applications and notices of requirement. This policy should be deleted and replaced with a policy consistent with the RMA.
8. Tangata whenua should be involved in decision making processes in appropriate circumstances. However, this will pose major challenges for both local authorities and Maori in finding effective ways of involving tangata whenua in coastal resource management within their rohe.
9. Undue weight is given to consultation with tangata whenua. Science should prevail over cultural or customary belief systems.
10. Policy 14 is at odds with Section 6(a) of the RMA and should be deleted.
11. Parts of the NZCPS restate provisions of the RMA, and do not 'add value' in terms of national guidance that is not already provided for through the RMA or the Local

Government Act. Where these policies, or clauses within these policies, add nothing to the requirements of the RMA, there is no benefit in repeating them.

12. Emphasis on protection of the coastal environment rather than development of the coastline is needed.
13. The NZCPS has limited recognition of iwi resource management initiatives.
14. The NZCPS provides for protection of areas of natural significance it is lacking in conservation policies for places of cultural significance.
15. The NZCPS fails to provide specific policy guidance on how treaty principles and the RMA should be given effect in practice.
16. The NZCPS should identify national significant coastal landscapes that are protected and preserved.
17. NZCPS should introduce guidance for council's on the implementation of Treaty obligations and how they can enhance the effectiveness of non-statutory cultural management techniques. Greater guidance on how concepts of tikanga Maori and matauranga Maori are to be taken into account of when developing council RMA policy documents is also needed.
18. Involving tangata whenua in decision making on resource consents and incorporating matauranga Maori in policy statements and plans will pose significant challenges for local authorities.
19. The NZCPS does not provide for the full extent of participation that iwi should have in management and conservation of the coastal environment. Just recognising tangata whenua have a kaitiaki role is not enough.
20. The NZCPS should recognise the holistic view of the environment and not separate the coastal environment into segments.
21. The relationships of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga is identified as a matter of national importance in the RMA. This relationship must be recognised and provided for in the NZCPS.
22. The NZCPS should include a requirement that iwi authorities should be involved in the preparation of policy plans, statements and provide appropriate opportunities for tangata whenua involvement in decision making.
23. All policies should recognise local values.
24. The policies of the NZCPS should be backed up with guidance, resources and support for councils and tangata whenua, more commitment from central government is required on this matter.
25. There is a need for a clear expression of central governments view of how tangata whenua can be recognised as kaitiaki in the coastal environment.
26. Iwi may be under resourced to undertake the additional work which is proposed by the NZCPS, assistance should be provided from central government, rather than local authorities. How iwi and hapu are to be adequately resourced to allow participation in agency RMA processes is not addressed.

27. The NZCPS should refer to tangata mana whenua (not tangata whenua) as this can only mean Maori.
28. Reservations about Objective 10 due to the opposition of the New Zealand public to the foreshore and seabed legislation.
29. The Maori terms used in the NZCPS must be included in a definition section.
30. Tangata whenua should be made aware of the application of existing resource management tools and instruments and have access to these to participate effectively.
31. The NZCPS does not provide for the full extent of Iwi participation.
32. The role of iwi hapu and whanau as kaitiaki need to be recognised and provided for in the management of the coastal environment.
33. The NZCPS should identify nationally significant coastal landscapes that are to be protected and preserved.
34. Meaningful consultation with iwi and hapu is required before taking further formal steps towards implementation of the NZCPS.
35. The NZCPS should have a robust and prescribed manner in which it is applied and implemented to ensure that tangata whenua are not further marginalised.
36. The relationship of tangata whenua with the coastal environment should have added recognition in the NZCPS.
37. The rights of private landowners in the coastal marine environment should be recognised.
38. To ensure that a complete national perspective is obtained, iwi should be involved in the process of identifying the procedures and methods to be used to monitor the coastal environment. Tangata whenua should also have added recognition in reclamation applications.
39. The NZCPS currently has a focus on providing opportunities for tangata whenua involvement, rather than focussing perhaps more correctly on the appropriate situations or circumstances where tangata whenua might be involved.
40. It is accepted that tangata whenua have a special relationship with the coast, however, there may be other groups who have special interest in specific areas and provision should be made for recognising such groups. The policy should be inclusive to recognise that other stakeholders may also have a desire and a right to organise and manage the coastal environment.
41. NZCPS should direct greater weight to relevant planning documents recognised by iwi authorities in respect of the CMA. NZCPS should recognise Iwi Management Plans and Iwi Fishery Management Plans.
42. Any national policy should also provide for tangata whenua to have access to an appropriate proportion of funds raised through such charges to assist them in carrying out kaitiakitanga obligations.

43. There is no recognition of Maori land ownership and the ability to create Maori Reservations under the Te Ture Whenua Maori Act 1993.
44. The proposed NZCPS contains a number of policies that do not make it clear how they are to be given effect to, ie. Policy 2 relates to processes and cannot be delivered through a plan decision or consent decision.
45. Tangata whenua should initiate the process of identifying characteristics of special value so local government can focus attention on where there is a willingness to engage.
46. Tangata whenua interests in marine resources will always exist and we need to ensure that these are not traded away be the Crown.

Additional Provisions Sought

47. Submission 214.40 states that additional policies are needed to promote early collaboration with all stakeholders, and give effect to a policy-writing partnership between local government and Iwi.
48. Submission 351.7 states that there is a need to provide for adequate resourcing to territorial authorities and iwi authorities to implement this policy, and suggested the following:

That territorial authorities are adequately resourced to implement policy 2 in terms of achieving effective participation by tangata whenua in the decision making process.

49. Submission 421.68 and 421.69 state that a new section should set out the Crown's interest and expectations in the public foreshore and seabed, making clear that these provisions do not apply to privately owned foreshore and seabed. Such policies should include:

Crown Ownership Policy 1: The Crown ownership interest in allocation for particular activities on the public foreshore and seabed.

Crown Ownership Policies 2: The Crown ownership interest in protecting Tangata Whenua interests in the public foreshore and seabed.

50. Submission 410.13 states that since the policy statement mentions surf breaks as nationally important, the following policy should be added to protect items of much greater national significance:

Policy 20A Maori sites of national significance

The following sites are of national significance for Maori, and shall be protected from inappropriate use and development, including by:

- (a) ensuring that activities in the coastal marine area do not adversely affect the sites.
The sites are:
 - (i) Cape Reinga;
 - (ii) Cape Kidnappers;
 - (iii) Ocean Beach.