



Ngāti Rārua
Te Rūnanga o Ngāti Rārua

OFFSHORE RENEWABLE ENERGY REGULATORY FRAMEWORK

TE RŪNANGA O NGĀTI RĀRUA

**SUBMISSION TO MINISTRY OF BUSINESS, INNOVATION AND
EMPLOYMENT**

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Ranea te rangi e tū nei
Ranea te papa e takoto nei
Ranea te pouherenga tangata o motu,
Kei ngā mate tautini, taumano
Haere, whakangaro atu rā
Ki a tātou te hunga ora

**Whakamana te puna mauri ora o Ngāti Rārua,
kia kaha pupuri ai ngā hekenga ā mauri muri ake tonu.**

Realise the wellspring of vital identity that is Ngāti Rārua,
to strengthen all the migrations yet to come

1. Ngāti Rārua descend from the Tainui waka and originate from the western coast of the King Country, Waikato. Our origins are traced back by whakapapa to the eponymous ancestor Rāruaioio. Ngāti Rārua tūpuna came to Te Taihū o te Waka a Māui in the 1820s and 1830s, as part of the great southward migration of the Kawhia and Taranaki iwi. Ngāti Rārua were participants in the series of war parties or tauā that came to Te Taihū o te Waka a Maui (Te Taihū), which were followed by heke of occupation, whereby Ngāti Rārua were established as mana whenua down the West Coast and across the top of Te Waipounamu.
2. By 1840, Ngāti Rārua were resident in the Cloudy Bay and Wairau districts in eastern Te Taihū. In western Te Taihū, Ngāti Rārua maintained seasonal and permanent

kāinga at Whakatū, Motueka, Moutere, Aorere and West Whanganui/Taitapu.

3. Ngāti Rārua marae today are: Te Āwhina Marae (Tūrangāpeke), Motueka; Wairau Pa (Wairau), Blenheim; Hauhunga Marae (Parerārua), Blenheim; Whakatū Marae (Kākāti), Nelson; and Onetahua marae (Te Ao Mārama), Takaka.
4. The Ngāti Rārua Iwi Trust was established in 1992 and in 1996 the historical Treaty claim WAI 594 was lodged with the Waitangi Tribunal. The claim settlement was signed and celebrated at Hauhunga in 2013. Te Rūnanga o Ngāti Rārua was established as the overarching identity for the Ngāti Rārua Iwi Trust, Ngāti Rārua Settlement Trust and all other Ngāti Rārua iwi entities. Te Rūnanga o Ngāti Rārua is active today working for the wellbeing, prosperity, and sustainability of our whānau, hapū, iwi and rohe. Te Rūnanga o Ngāti Rārua manages an extensive portfolio of assets including aquaculture, horticulture and forestry enterprises.
5. Te Rūnanga o Ngāti Rārua is committed to working collaboratively with the other seven iwi of Te Taihū, and in partnership with the Crown, the region's local authorities, and research entities, on collective kaupapa Māori initiatives for the benefit of our whānau, hapū and communities.

INTRODUCTION AND POLICY CONTEXT

6. This submission is made by Te Rūnanga o Ngāti Rārua in response to the Ministry for Business Innovation and Employment's (**MBIE**) policy initiatives, *Advancing New Zealand's Energy Transition*.¹ This submission focuses on the consultation for systems for offshore renewable energy, outlined in MBIE's discussion document: *Developing a Regulatory Framework for Offshore Renewable Energy (Discussion document)*.² Te Rūnanga o Ngāti Rārua has also referenced supporting documents including:
 - The summary of submissions to the previous discussion document *Enabling investment in offshore renewable energy* published in December 2022 (**Submissions summary**);³ and
 - MBIE Regulatory Impact Statement *Offshore renewable energy: Next steps for*

¹ <https://www.mbie.govt.nz/dmsdocument/26910-advancing-new-zealands-energy-transition-pdf> (August 2023)

² <https://www.mbie.govt.nz/dmsdocument/26913-developing-a-regulatory-framework-for-offshore-renewable-energy-pdf> (August 2023)

³ <https://www.mbie.govt.nz/dmsdocument/27251-summary-of-submissions-enabling-investment-in-offshore-renewable-energy-december-2022>

*regulatory proposals (RIS).*⁴

7. Te Rūnanga o Ngāti Rārua has established policies with relevance for management of the marine and coastal environment, which provide the basis for this submission.
8. In 2021 Te Rūnanga o Ngāti Rārua set in place *Poipoiā Te Ao Tūroa*, our Environmental Strategy.⁵ This includes Objectives and Policies for broader environmental kaupapa – protecting, enhancing and restoring Mauri, protection of Mahinga Kai / Customary harvest, and incorporation of Mātauranga / Customary practices, principles and techniques in environmental management – as well as specific Objectives and Policies for the realm of Tangaroa, the coastal and marine area (pp 27-28). Ngāti Rārua consider that the coast and marine areas are fully integrated with land, air, river and freshwater ecosystems. The principle of *Ki uta ki tai*, understanding and integrating onshore environmental values and dynamics with management of coastal and marine ecosystems, is a fundamental pou of *Poipoiā Te Ao Tūroa* (p 19).
9. Ngāti Rārua have traditional and continuing cultural relationships with the coastal and marine environment, including places that have sustained whānau for generations encompassing Tai Poutini (West Coast), Te Tai Tapu (Northwest Coast), Mohua (Golden Bay), Te Tai-o-Aorere (Tasman Bay), and Te Koko-o-Kupe / Kararupe (Cloudy Bay). These relationships and values underpin engagement with Crown agencies such as MBIE to ensure the best possible policy and systems for management of the coastal and marine areas of Te Taihū and the many taonga species, wāhi tapu and places of historical, cultural and spiritual importance, mahinga kai and customary practices for which Ngāti Rārua have kaitiaki responsibilities.
10. The principal Huangā / Objective of *Poipoiā Te Ao Tūroa* is that the mauri of Tangaroa is protected, enhanced and restored. Tikanga / Policies and methods include:
 - Require the relationship that Ngāti Rārua have with the coast and marine area to be acknowledged, recognised and provided for in management of the coast and marine area;

⁴ <https://www.mbie.govt.nz/dmsdocument/27261-regulatory-impact-statement-offshore-renewable-energy-in-principle-decisions-for-regulating-feasibility-activities-proactiverelase-pdf> (August 2023)

⁵ <https://www.ngatirarua.iwi.nz/poipoiā-te-ao-turoa/>

- Require a precautionary approach towards proposed activities where effects on the coastal and marine environment are uncertain, unknown or poorly understood;
 - Assess activities and resource use in the coastal and marine area taking into account a range of matters including effects on biodiversity, coastal water quality, mahinga kai, ngā wāhi taonga tuku iho, access for customary activities, effects on customary fishery resources, and cumulative and long-term effects;
 - Support the continued development and use of marine cultural health index monitoring for estuaries and the coastal environment; and
 - Continue to develop and establish sound research partnerships with other organisations to address issues of importance to tangata whenua regarding the management of the coastal and marine environment.
11. In 2022 Te Rūnanga o Ngāti Rārua established the Tokomaru Research Centre (**TRC**), to embed evidence-based research in shaping future strategic directions and increase Ngāti Rārua mātauranga and research capacity. The TRC's work includes developing innovations to ensure that Ngāti Rārua is prepared for the future; has the capacity and capability to respond to immediate and emerging needs of whānau, marae and hapū; and has growing capacity and excellence in the practice of our Ngāti Rāruatanga to maintain the mana-ā-iwi of Ngāti Rārua.
12. Te Rūnanga o Ngāti Rārua and the TRC have prepared a *Climate Change Strategy*, to protect, strengthen and enhance the taonga tuku iho of Ngāti Rārua and secure the continued wellbeing and prosperity of Ngāti Rārua whānau and marae through the impacts of climate change.⁶ The *Climate Change Strategy* is focused around the four Pou of *Kia Pai te Noho, Ngāti Rārua Strategic Plan 2020-2040*: Mauri Ora / Cultural, Hononga / Social, Taiao / Environment, and Ohaoha / Economic.⁷ It supports practical actions to respond effectively to climate change, including a commitment to support innovation and creative thinking to help build resilience, minimise climate risk, maintain wellbeing and protect our taonga, assets and interests. Ngāti Rārua mātauranga, history and cultural knowledge are the foundation for development of strategy and practical measures to address climate change, and Ngāti Rārua are actively exercising our traditions and tikanga at the core of decision making.

⁶ The Climate Change Strategy is to be presented to the Annual General Meeting of Te Rūnanga o Ngāti Rārua in mid-November 2023, and will be available shortly after that hui.

⁷ <https://www.ngatirarua.iwi.nz/our-vision/?ref=ngatirarua.iwi.nz>

13. The Ngāti Rārua Deed of Settlement (2013) provides for a Coastal Statutory Acknowledgement over the Te Taihu coastal marine area and a number of formal provisions including:

- The vesting of a number of coastal sites in Ngāti Rārua in recognition of the traditional, historical and spiritual association of Ngāti Rārua with those places;
- Parirau Whakaruru Overlay Classifications for sites of significance including coastal areas at Farewell Spit and the Wairau Bar and Wairau Lagoons; and
- Statutory Acknowledgements and Deeds of Recognition for coastal areas including Westhaven (Te Tai Tapu) Marine Reserve, Westhaven (Whanganui Inlet) Wildlife Management Reserve, the Wairau Lagoons and Te Pokohiwi Boulder Bank.⁸

14. Te Rūnanga o Ngāti Rārua has an application under the Marine and Coastal Area (Takutai Moana) Act 2011 (**MACA**) for two areas of the coastal marine environment of Te Taihu – an area off the coast of Wairau, and an area from Nelson to Kahurangi Point out north-westward to the 12 nautical mile limit.⁹ This application was lodged through the Crown negotiation process.

GENERAL INTENT OF THE CONSULTATION

15. Te Rūnanga o Ngāti Rārua **supports in principle** the general intent of the proposals to provide an effective regulatory framework to support offshore renewable energy. We **support** the Minister's commitment to:

... working with iwi and hapū to enable meaningful involvement in the policy design and operation of the regulatory regime for offshore energy, and in the benefits of development (Discussion document, p 3).

16. Te Rūnanga o Ngāti Rārua **acknowledges** that the Government has already made in principle decisions to proceed with a feasibility permitting approach for exploration and scoping of proposed development areas (Discussion document, p 4).

17. Te Rūnanga o Ngāti Rārua **acknowledges** that the Crown has undertaken engagement with specific iwi from regions where developers have been exploring

⁸ <https://www.govt.nz/browse/history-culture-and-heritage/treaty-settlements/find-a-treaty-settlement/ngati-rarua/ngati-rarua-deed-of-settlement-summary/>

⁹ <https://www.tearawhiti.govt.nz/te-kahui-takutai-moana-marine-and-coastal-area/applications/te-tau-ihu/>

offshore wind energy potentials, namely Waikato, Taranaki and Murihiku.¹⁰ We note that feedback from this engagement, detailed in the Submissions summary, has helped shape the options and principles discussed in Chapter 7 of the Discussion document, and that engagement is ongoing (Discussion document, p 34; RIS, pp 2, 9, 12).

TE TIRITI O WAITANGI

18. Te Rūnanga o Ngāti Rārua **acknowledges** the statutory and policy contexts for any new regulatory system for offshore renewable energy development, including formal requirements under the NZ Coastal Policy Statement 2010 (**NZCPS**), MACA, and the new legislation replacing the Resource Management Act 1991 (**RMA**), particularly the Natural and Built Environment Act 2023 (**NBA**). We note the current requirements under the NBA s5 that all persons exercising powers and performing functions and duties under the Act must give effect to the principles of Te Tiriti o Waitangi.
19. Te Rūnanga o Ngāti Rārua **supports** the recognition of the Crown's responsibility to give effect to the principles of Te Tiriti, to be specifically included as one of the objectives for a future offshore renewable energy regulatory system (Discussion document, p 35; RIS, p 7, Submissions summary, pp 3, 5).
20. Te Rūnanga o Ngāti Rārua **supports** the principle that existing rights and interests of iwi, hapū and Māori must not be unduly impacted by offshore renewable energy generation, whether in the feasibility or commercial stages of development (Discussion document, pp 34, 35). We **support** the inclusion of requirements for developers in the pre-feasibility and feasibility studies stages of the process to engage with iwi and hapū to identify existing rights and interests and make appropriate provisions for these in their applications (Discussion document, p 35, Diagram 4).
21. Te Rūnanga o Ngāti Rārua notes the recognition of rights and interests under MACA and the Māori Fisheries Act 2004, as well as reference to iwi and hapū claims to other rights and interests that have not yet been determined (Discussion document, p 35). We **recommend** that Tiriti Settlement provisions are specifically included here, given the extensive marine and coastal area rights and interests secured in Settlements (see paragraph 13 above). We also note that, under the concurrent consultation process for the Environment Select Committee's Inquiry into Community-led Retreat and

¹⁰ We note the recent announcement of a MOU between Meridian Energy and Parkwind for exploration of opportunities off the Taranaki coast: <https://www.meridianenergy.co.nz/news-and-events/meridian-energy-and-parkwind-sign-mou-for-exploration-of-offshore-wind>

Adaptation Funding,¹¹ options to address the impacts of climate change on Tiriti Settlements may need to be negotiated between iwi and the Crown, if coastal lands are vulnerable to sea level rise or erosion and climate driven retreat becomes needed. Te Rūnanga o Ngāti Rārua **considers** that the range of options for any necessary renegotiations of Tiriti Settlements should include marine and coastal space and associated economic development opportunities. Accordingly, we **recommend** that the regulatory system for offshore renewable energy developments should recognise and include the full range of future opportunities for the Crown to fulfil its Settlement obligations to its Tiriti partners, including potential provisions for marine and coastal areas as climate change impacts upon existing Settlement agreements.

VALUES, INTERESTS AND TAONGA

22. Te Rūnanga o Ngāti Rārua **supports** the recognition of the significance of the moana to Māori, for mātauranga, spiritual values, whakapapa and turangawaewae, and of the intergenerational responsibilities and interests of iwi, hapū and whānau as kaitiaki and mana moana (RIS, pp 4-5).

23. Te Rūnanga o Ngāti Rārua **recommends** the formal recognition, in the regulatory systems for offshore renewable energy, that locally-specific cultural values are inherent in marine and coastal areas and ecosystems for iwi and hapū as tangata moana and kaitiaki. Such recognition will be valuable to support:

- Processes for engaging with the Crown and with developers;
- Frameworks and criteria for regulations and for offshore renewable energy projects in each location; and
- The ongoing monitoring and review of the performance of offshore renewable energy installations over time.

24. As indicated in the Ngāti Rārua Environmental Strategy *Poipoia Te Ao Tūroa* (and in many iwi environmental management plans) there are a range of crucially important cultural, historical and spiritual values, sites, species, ecosystems, and customary activities in our marine and coastal areas. These taonga include whakapapa, place names, and the pūrakau and histories of the people. They include mahinga kai and the mātauranga and customary practices involved in their sustainable management and harvesting. They include wāhi tapu and burial sites where koiwi may be at risk due to

¹¹ https://www.parliament.nz/en/pb/sc/make-a-submission/document/53SCEN_SCF_A3FE0E05-8ABB-418D-8F44-08DBA45709B6/inquiry-into-climate-adaptation

climate change driven coastal erosion. They include voyages and explorations of the ancient tūpuna and atua, tauranga waka, and more recent journeys, notably the Ngāti Rārua ancestors who led the heke of migration southwards to Te Taihū two centuries ago. These taonga are guaranteed under Te Tiriti, and must be protected, restored and enhanced in order to sustain the identity, mana, tikanga, whakapapa, mātauranga, and well-being of whānau, hapū and iwi.

25. Te Rūnanga o Ngāti Rārua **recognises** that only iwi and hapū can determine the values, rights and interests, and mātauranga Māori in the marine and coastal areas of their rohe that they hold as kaitiaki and mana moana. Much of this mātauranga will be locally specific, and subject to the kawa, tikanga and whakapapa of the iwi and hapū concerned. We **agree** that mapping is not an appropriate or effective means of identifying the values, rights and interests of iwi and hapū in marine and coastal areas (Submissions summary, p 8). It is **the position** of Te Rūnanga o Ngāti Rārua that only the relevant iwi and hapū can determine appropriate measures for such information to be shared with others and recognised, accounted for and / or integrated into a regulatory system such as the proposed offshore renewable energy regime. Therefore we **welcome** the emphasis in the Discussion document, Submissions summary and RIS on enabling iwi and hapū involvement.

PARTICIPATION

26. Te Rūnanga o Ngāti Rārua **supports** the principle that the regulatory system for offshore renewable energy will need to provide for iwi and hapū to be actively involved in decision making (Discussion document, p 35, Submissions summary, pp 4-5). We **agree** that a meaningful role for iwi and hapū, giving effect to the principles of Te Tiriti and ensuring mana and rangatiratanga, requires more than merely being consulted or providing input to decisions made by others (Submissions summary, pp 2, 7).
27. Te Rūnanga o Ngāti Rārua **supports** the proposed requirements for participation of iwi and hapū in the pre-feasibility, feasibility permit assessment, feasibility studies, pre-commercial, commercial permit assessment stages of the process, the construction, operating and decommissioning stages, and over the whole life of the offshore renewable energy generation asset (Discussion document, p 35, Diagram 4; RIS, p 2). We **endorse** the points raised in submissions to MBIE's previous consultation process, that decision making at all stages of the process, including permitting, monitoring and amendments, must involve and be in partnership with the iwi and hapū concerned (Submissions summary, p 7).

28. Te Rūnanga o Ngāti Rārua **welcomes** the recognition that participation in processes under any regulatory regime involves a significant amount of work and time commitments for iwi and hapū (Discussion document, p 36; RIS, p 14; Submissions summary, p 5). We **support** the proposal that resourcing costs for iwi and hapū involvement must be secured (Discussion document, p 35). However, we note that the suggestion that this funding could potentially be incorporated into the permit fee structure could be perceived as an abdication by the Crown of its Tiriti responsibilities to iwi and hapū. Developers will already be required to invest significant time and upskilling into their ongoing relationships with iwi and hapū.
29. Te Rūnanga o Ngāti Rārua **agrees** with the view that guidance and processes for developers' involvement with iwi and hapū cannot be prescribed by the Crown (Submissions summary, p 5). Each iwi and hapū must be able to exercise their own mana, rangatiratanga, kawa and tikanga in their engagement with offshore renewable energy developers and the exploration of options for their ongoing relationships. We note the differing views on monitoring developer involvement with iwi and hapū (Submissions summary, p 6). Te Rūnanga o Ngāti Rārua **considers** that the appropriate systems for such oversight must also be for each iwi and hapū to determine.
30. Te Rūnanga o Ngāti Rārua notes the reference to the issue of identifying which iwi and hapū have interests in areas of proposed offshore renewable energy development (Discussion document, p 37). We **agree** that such matters need to be worked through with iwi and hapū, although Tiriti Settlement recognition of rights and interests in marine and coastal areas will obviously be key.

ECONOMIC OPPORTUNITIES FOR IWI AND HAPŪ

31. Te Rūnanga o Ngāti Rārua **supports** the priority given to ensuring the creation of genuine economic opportunities for Māori as part of offshore renewable energy development (Discussion document, pp 36-7; Submissions summary, p 5). We acknowledge the range of economic opportunities indicated in Table 3 of the Discussion document (p 36): direct partnerships with developers and supporting industries; indirect benefits including employment; and the opportunity for revenue flows to be shared with iwi and hapū. We **agree** that any such mechanisms would need to be developed in partnership with the iwi and hapū concerned (Discussion document, p 37).

32. Te Rūnanga o Ngāti Rārua **agrees** that any regulatory system or legislation should not impose constraints on the flexibility of iwi, hapū and other parties to explore, develop and decide upon commercial arrangements appropriate to their needs and priorities over time (Discussion document, p 36). Any imposition of particular options or models would not be consistent with the mana and rangatiratanga of iwi and hapū as the Crown's Tiriti partners, and their ability to make their own decisions for the current and future prosperity and well-being of their people.
33. Te Rūnanga o Ngāti Rārua **supports** the idea that the permit application criteria for offshore renewable energy developments should include assessment of economic benefit to iwi and hapū (Discussion document, p 36). We **recommend** that this also includes assessment of the contributions made to support iwi and hapū to fulfil their kaitiaki responsibilities, including support for restoration and enhancement work, programmes for taonga species, and cultural monitoring of the marine and coastal environment. This could be a natural demonstration of how effectively the applicants have engaged with iwi and hapū and given recognition to their values, rights and interests as mana moana and kaitiaki.

CONCLUSION

34. Te Rūnanga o Ngāti Rārua thanks MBIE for the opportunity to provide this submission into the process for development of the regulatory systems for offshore renewable energy in the marine and coastal waters of Aotearoa New Zealand. We look forward to further involvement as this kaupapa is progressed.