



01 November 2023

Submission on the Hauraki Gulf / Tīkapa Moana Marine Protection Bill

Introduction

1. This submission addresses the Hauraki Gulf Tīkapa Moana Marine Protection Bill (henceforth referred to as the 'Bill') for the Hauraki Gulf Marine Park (HGMP) No 282-1.
2. Please note that there are hyperlinks included in this submission for further information.
3. The [Waiheke Marine Project](#) (WMP) is an emergent prototype of community and Mana Whenua taking collaborative action to protect and regenerate Waiheke Island's land and sea. The WMP embodies Ahu Moana (concept from the Sea Change Tai Timu Tai Pari Plan) at scale so the mauri of Waiheke's marine environment is protected and regenerated. The WMP enables all voices to find ways through the systemic barriers and resourcing capacity that so often inhibit marine care efforts.

Since April 2019, the WMP has been finding innovative ways to give effect to Te Tiriti and practise active partnership and collaboration built on mutual trust and respect. Dozens of tangible, reinforcing actions are underway across and around Waiheke Island that have been either catalysed or supported by the WMP. All of these actions are guided and paced by Te Tiriti partnership and multiple ways of knowing that build on historical knowledge and lean into youth ideas.

The WMP core focus is to bring to life the nine commitments (see Appendix 1) agreed at the 2020 Future Search event by 76 diverse voices of the Waiheke marine social system. This WMP submission on the Hauraki Gulf Tīkapa Moana Marine Protection Bill is written through the lens of the nine commitments, with at least six of these nine commitments being directly relevant to the Bill.

Summary of Submission

4. The current state of the environment of the HGMP is of serious concern. This concern is substantiated by long term decline in biodiversity, the depletion of taonga species, and the loss of important benthic habitats. Growing anthropogenic pressures on the Hauraki Gulf make the increase in efforts made toward marine protection critical in order to increase the resilience and ability of marine ecosystems to survive cumulative impacts including those from climate change.
5. Marine protection is a method of restoring marine life and habitats that was identified at the [WMP 2020 Future Search](#) as one of our nine shared commitments: Protection Tools (see Commitment 5 in Appendix 1). The participants of the Future Search unanimously agreed that *“working together we will learn and discover how to bring ahu moana to life. We are committed to the use and enjoyment of our marine environment and to developing effective marine protection through exploring and using the best mechanisms including rāhui and Marine Protected Areas.”*
6. The WMP Steering Committee have, however, expressed their reservations at the use of the Marine Reserves Act 1971, as it takes the initiative and future goal setting out of the hands of Mana Whenua and local communities. While it is acknowledged that western science shows localised ecological benefits to marine reserves, contemporary communities are seeking better ways to achieve such ecological benefits that are aligned with Te Tiriti partnership, active connection, and regeneration.
7. In considering the Hauraki Gulf Protection Bill, the WMP does have some concern for the lack of policy work undertaken by the central government, in collaboration with Mana Whenua and local communities, to understand the interplay of the various marine protection legal mechanisms on offer. In introducing High Protected Areas (HPAs) as a new legal mechanism, there is no evidence of any work to understand the existing efficacy of marine reserves, s186a, taiapure or mātaítai as legal options to achieve marine protection. The Sea Change concept of Ahu Moana has yet to have an associated legal mechanism yet it too has not been examined in the context of the proposed HPAs or SPAs.



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8. Thus, the WMP is unable to gauge how effective HPAs will be for achieving the desired benefits described in paragraph 6. However, as described in paragraph 5, the WMP is supportive of exploring effective marine protection and therefore WMP supports the establishment of 12 HPAs as set out in the Bill, which individually and collectively have high biodiversity values that are in need of protection (see Figure 1). The WMP would also welcome conversations with central government as to how HPAs and SPAs might work with the mana whenua and community collaborated marine regeneration action underway around Waiheke Island.
9. The WMP also supports the creation of the 5 seafloor protection areas (SPAs) as set out in the Bill to help address the negative impacts of activities that damage important biogenic habitats in the Hauraki Gulf. However, there are significant gaps in their protective coverage, so there is a need for the Bill to make provisions for the identification of further protected areas as needed.
10. The provisions of the Hauraki Gulf Tikapa Moana Marine Protection Bill are broadly consistent with the recommendations of the Sea Change Tai Timu Tai Pari process, which had wide agency, cross-sectoral, iwi and public contribution and support.
11. The WMP acknowledges that there is a demonstrated need to increase the size of the existing marine reserves at Leigh and Hahei. The WMP agrees that extensions to these areas should also be marine reserves established under the Marine Reserves Act 1971 so that the new adjacent areas can be seamlessly integrated into existing areas. This exception to our general view that the Marine Reserves Act 1971 is no longer fit for purpose is to enable management of these two places in a coherent manner.
12. The WMP supports the activities identified as prohibited in HPAs and SPAs. The WMP also supports the additional prohibited activities in the Mokohīnau SPA due to the very sensitive marine ecosystems included in that particular SPA.
13. The economic assessment of the impacts of the protected areas shows that any reduction in commercial catch/revenue is likely to be very small, so any impact of displaced commercial effort is also likely to be very small.



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14. There are two HPAs within the vicinity of Waiheke Island, one around the Noises Islands to the northeast and one around Pakatoa and Tarahiki (Shag) Islands just off the east coast (see Figure 1). A 2017/18 Hauraki Gulf aerial flight survey of recreational fishing vessels shows very high fishing pressure within both of these HPAs (i.e. 500+ boats per 100m² per year, see Figure 2).

In contrast, the economic assessment shows that the overall reduction in recreational catch due to increased marine protection is quite small and not likely to result in any significant displacement of effort to other areas. However, on the basis of the 2017/18 Hauraki Gulf aerial over flight survey, the WMP is concerned about potential displacement of recreational fishing effort from the Noises HPA to the northern coastline of Waiheke Island, and from the Pakatoa and Tarahiki Islands HPA to the east coast of Waiheke Island (See Figures 1 and 2). The WMP would like to see further aerial surveys of recreational fishing to monitor this situation, and for the Bill to take the effects of fishing displacement seriously.

15. To help avoid potential impacts of the displaced fishing effort, the WMP supports managing fisheries at more precautionary harvest levels that build to 50% of the original stock biomass (B₅₀). This was comprehensively discussed in the WMP Submission on the [Draft Hauraki Gulf Fisheries Plan](#).

16. The WMP supports the Bill, subject to the amendments below:

- Clarify the purpose of SPAs and HPAs with a comprehensive policy analysis of *all* marine protection mechanisms and particular emphasis on those with customary fishing purposes.
- Enable the addition of new protected areas as and when they are required.
- Provide for the mandatory development of biodiversity objectives for all protected areas.
- Provide for the mandatory monitoring of protected areas and permits.
- Provide for changes to permits when unanticipated cumulative effects occur or when biodiversity objectives are amended.
- Enable public interest entities to appeal permit decisions alongside applicants and permit holders.
- Creating an offence for breaching conditions of a permit.



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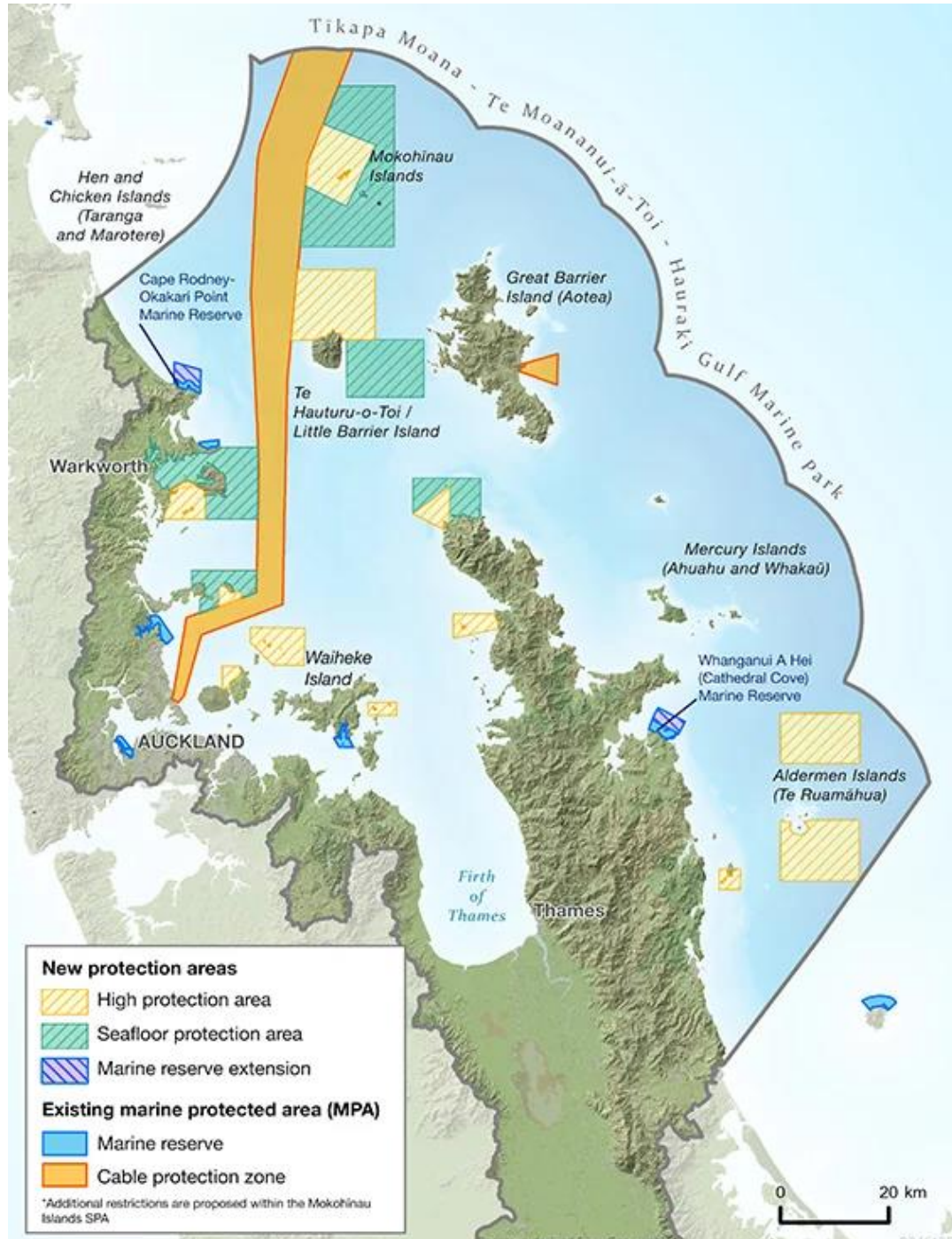


Figure 1 A map of the 19 new marine protection areas proposed in the Hauraki Gulf Protection Bill



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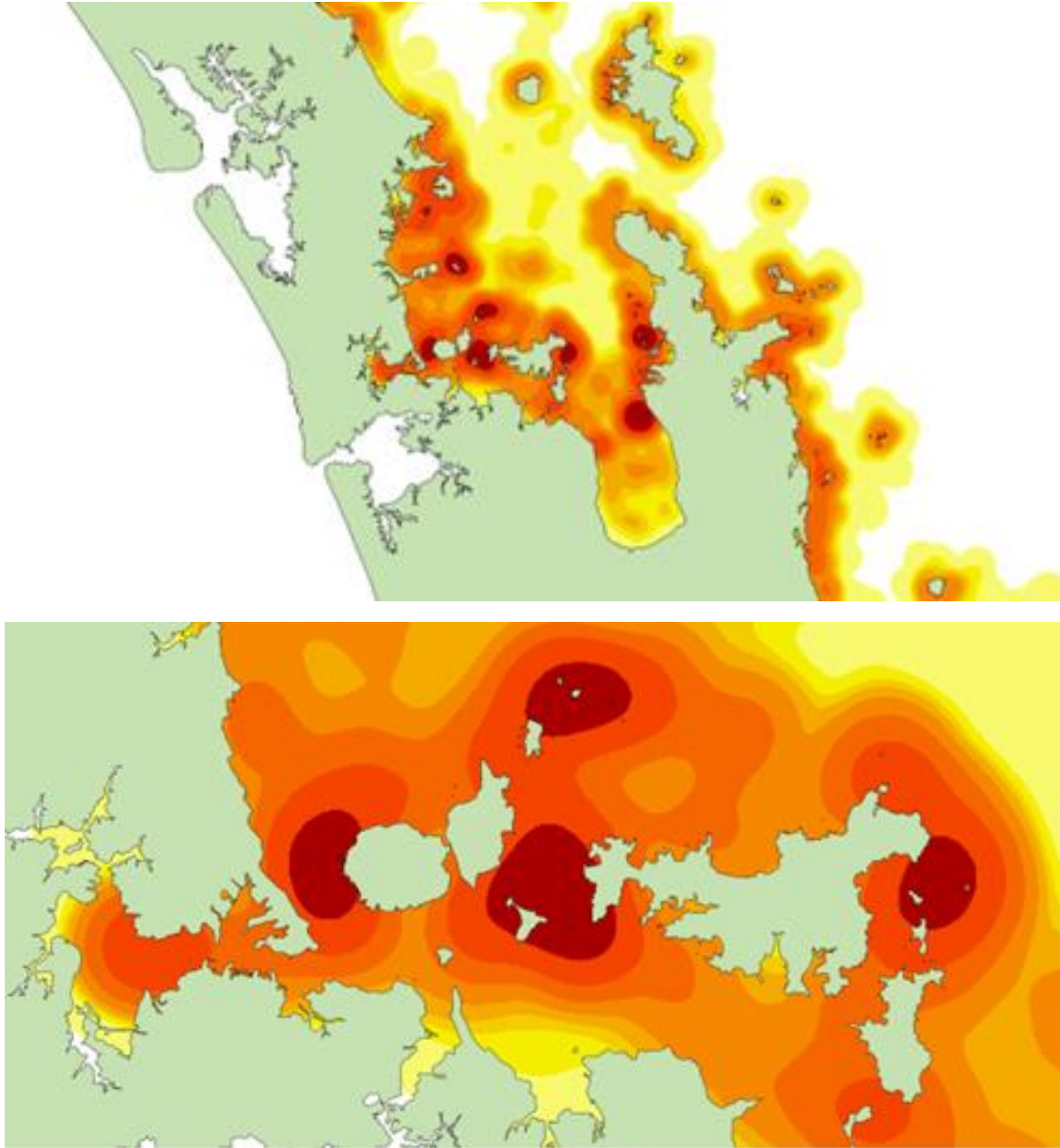


Figure 2 A heat map of the NIWA Hauraki Gulf aerial overflight survey 2017/18 of recreational fishing vessels showing boats per 100m² in the following colour code 0 – 0.1, 5, 10, 15, 25, 50, 100, 200, 500+



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Summary:

- The Hauraki Gulf/Tīkapa Moana is a taonga of cultural and spiritual significance. Moreover, it is a place and ecosystem of national and international importance. However, the current state of the environment of the HGMP is of serious concern.
- Marine protection is recognised as one of the most effective methods of restoring marine life and habitats. This is reflected in the nine commitments of the WMP outlined in Appendix 1. As well as enabling the recovery and regeneration within the specific areas protected, these areas also benefit larger marine ecosystems by restoring abundance beyond their boundaries, thereby enhancing future commercial and recreational fishing opportunities.
- The WMP supports the establishment of the 12 HPAs as set out in the Bill. Furthermore, the WMP strongly supports the creation of the 5 SPAs as set out in the Bill to help address the negative impacts of fishing activities that damage vital biogenic habitats in the Hauraki Gulf.
- There are, however, gaps in their protective coverage and there is a need for the Bill to make provision for the identification of further protected areas as they are needed.
- The WMP also emphasises the importance of sustained resourcing and monitoring of these HPA and SPAs from central government agencies (i.e. DOC and MPI) to ensure appropriate regulation is carried out in practice.

The Waiheke Marine Project is strongly in support of regenerative, ecosystem-based management grounded in Te Tiriti partnership to restore a healthy Hauraki Gulf. This is in line with the intentions of the Sea Change Plan, published in 2016. As such, we are very willing to work more closely with central and local government authorities to bring these intentions and the visions of Ahu Moana into fruition.

Heoi anō, nā

Craig Thorburn, Dean Ogilvie, Grant Crawford, Miranda Andrews, Jeanine Clarkin, Glen Carbines,
Matt von Sturmer, Lindsay Jeffs and Tessa O'Shea **Waiheke Marine Project Steering Group**



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How to protect and regenerate Waiheke’s marine environment

Common Ground

Commitment

Te Tiriti o Waitangi

We are giving effect to the principles of Te Tiriti o Waitangi through active partnership and collaboration built on mutual trust and respect.

Mauri

Waiheke ki uta, Waiheke ki tai, Waiheke ki tua – Waiheke from the mountains to the sea and beyond. We are regenerating the mauri of all ecologies. We will see healthy and abundant ecosystems, full of vitality achieved through preservation and restoration.

Learning

We are committed to the development and implementation of diverse learning opportunities for the community at large. Listening to the voices of Moana and whenua, for the moana and whenua, utilising science and Mātauranga. We are committed to empowering Rangatahi engagement, advocacy, and voices now and for generations to come.

Integrated Management

We will co-design and implement an integrated management framework that results in people and nature thriving through collaborative, inclusive, co-governance of hilltop to seabed.

Protection Tools

Working together we will learn and discover how to bring ahu moana to life. We are committed to the use and enjoyment of our marine environment and to developing effective marine protection through exploring and using the best mechanisms including rāhui and Marine Protected Areas.

Effective Legislation

Advocate local and central government to create effective legislation for coastal areas that is reactive and agile to include: Vessel registration, identification and skipper licensing. Delegated responsibility for local management of compliance, monitoring and enforcement.

Clean Water

We are committed to take a range of collaborative actions to remove contaminants entering the ocean to achieve clean water for all.

Waiheke Way

We are committed to local Waiheke decision-making through inspiring leadership to establish, maintain and sustain the Waiheke Way. Our Pledge: Nāku te Rourou, Nōu te Rourou, Ka ora ai e tātou taonga! With your respect, And my respect ‘our’ Waiheke will surely thrive!

Circular Economy

We are committed to a regenerative circular economy and a net zero emissions island by supporting viable and resilient business on Waiheke which hold as a priority the mauri of the moana (e.g. compliance, meaningful reporting guidelines, planning etc.).

As collectively agreed at Future Search Hui 30th October – 1st November 2020

www.waihekemarineproject.org

