



Legal mechanisms for marine protection in the Hauraki Gulf

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Variety of spatial marine protection tools available

Marine protection tool	Legislative basis
Marine reserves	Marine Reserves Act 1971
Sustainability measures	Fisheries Act 1996
‘Significant natural areas’	Resource Management Act 1991
Customary management tools	Fisheries Act 1996
Marine Protection Rules	Maritime Transport Act 1994
Marine Mammal Sanctuaries	Marine Mammals Protection Act 1978

Marine Reserves: Purpose

“for the purpose of **preserving**, as marine reserves for the **scientific study of marine life**, areas of New Zealand that contain **underwater scenery, natural features, or marine life**, of such distinctive quality, or so typical, or beautiful, or unique, that their **continued preservation is in the national interest.**”

Marine Reserves: Management

- Marine life and natural features to be protected, preserved and maintained in a state of nature (as far as possible)
- Public freedom of access
- Available for scientific research
- Generally no-take but restricted harvest can be authorised (subject to first bullet)
- Permanent protection



Sustainability measures

- Purpose: “provide for the utilisation of fisheries resources while ensuring sustainability”
- Manage the effects of fishing on fish stocks and the aquatic environment
- Can include spatial exclusions of fishing methods and fishing activity
- Can be reviewed at any time



Sustainability measures: Examples of use

- Exclusion of trawling, Danish seining and scallop dredging off [Separation Point, Tasman Bay](#) to protect bryozoan beds
- Exclusion of trawling, Danish seining and scallop dredging off [Spirits Bay and Tom Bowling Bay](#), North Cape to protect bryozoan beds



‘Protected natural areas’

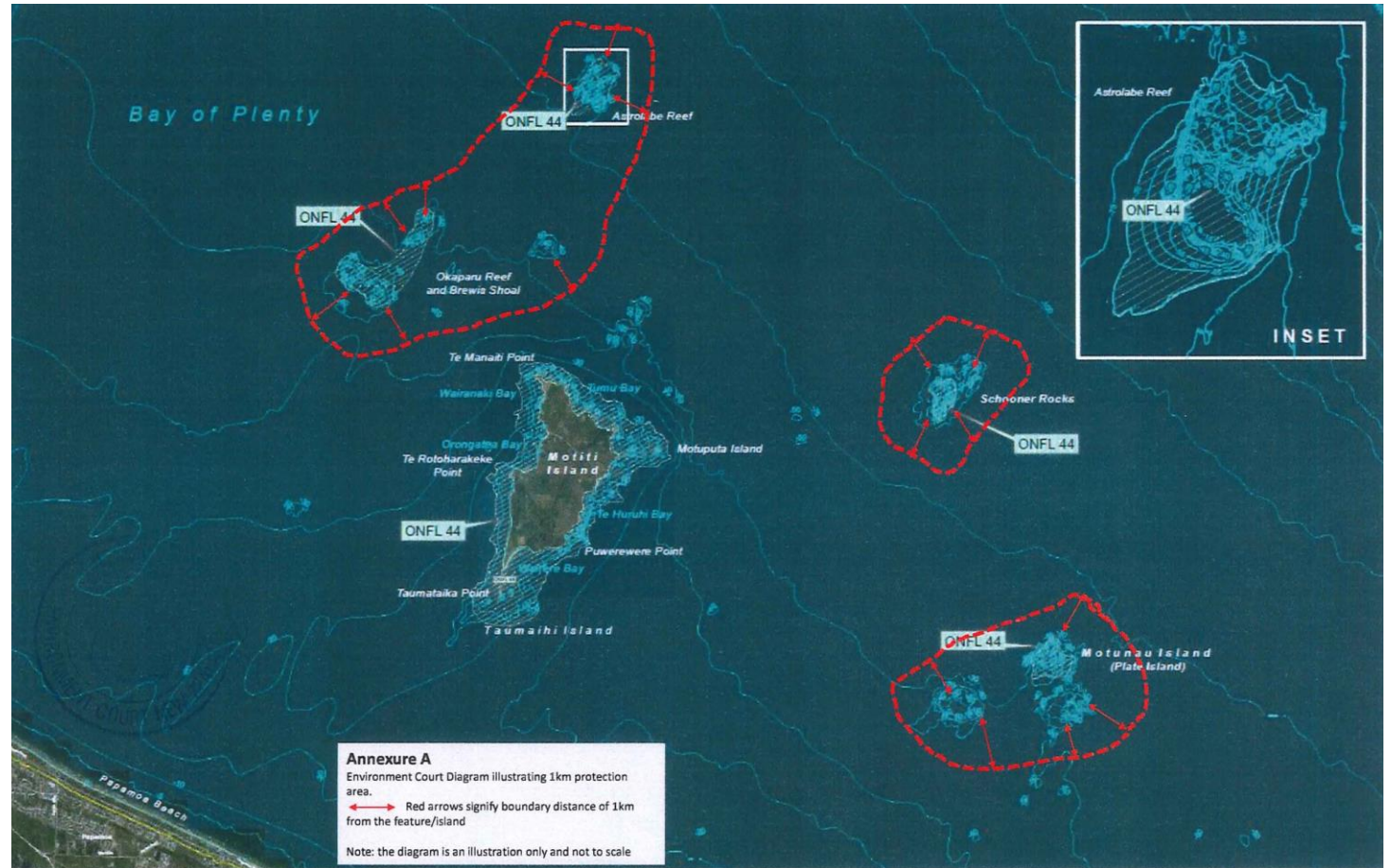
- Purpose: “sustainable management of natural and physical resources”
- Protect indigenous biological diversity and preserve natural character
- Can include spatial protection in regional coastal plan
- Can exclude fishing for biodiversity protection purposes (current law)
- Can be changed through a plan change



Protected natural areas: Example of use

Motiti Natural Environment Area

Plan to prohibit damage, destruction or removal of flora or fauna in 3 areas (defined in red)



Customary management tools: Taiāpure-local fisheries

- Purpose: Recognition of rangatiratanga and Treaty fisheries rights
- Management committee representative of the local Māori community appointed by Minister
- Committee makes recommendations to Minister on fishing regulations for area
- Permanent tool



Customary management tool: Mātaaitai reserve

- Created on application by tangata whenua
- Minister appoints a Tangata Kaitiaki/Tiaki to manage the area
- Tangata Kaitiaki/Tiaki empowered to make bylaws restricting fishing activity but only after approval by the Minister
- Commercial fishing not normally permitted
- Permanent tool



Customary management tool: Temporary closure

- Purpose: “Recognise and make provision for the use and management practices of tangata whenua in the exercise of non-commercial fishing rights”
- Minister can declare temporary closures for up to 2 years
- At the end of the period revoked or can be continued for another 2 years



Marine Protection Rules: Areas to be avoided by shipping

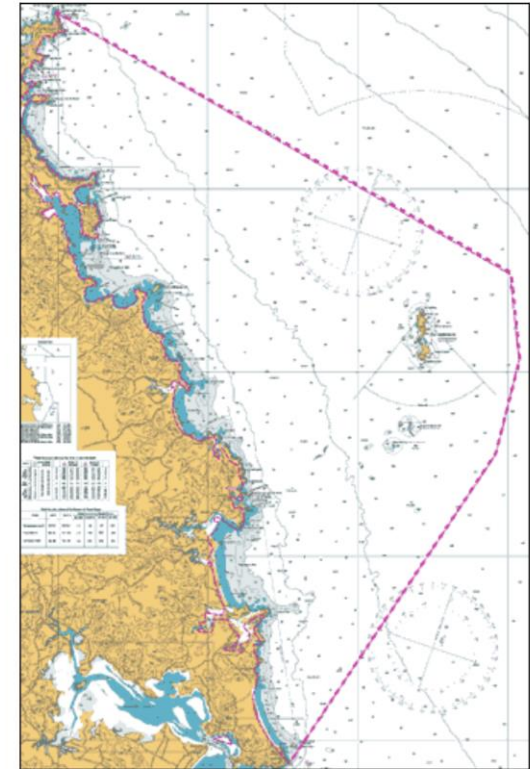
Protects sensitive
areas from shipping
risks, primarily oil
spills

Poor Knights Islands

- (1) 35° 51'.30S 174° 35'.50E
- (2) 35° 34'.55S 174° 49'.20E
- (3) 35° 29'.60S 174° 50'.80E
- (4) 35° 24'.70S 174° 50'.20E
- (5) 35° 10.20'S 174° 20'.10E

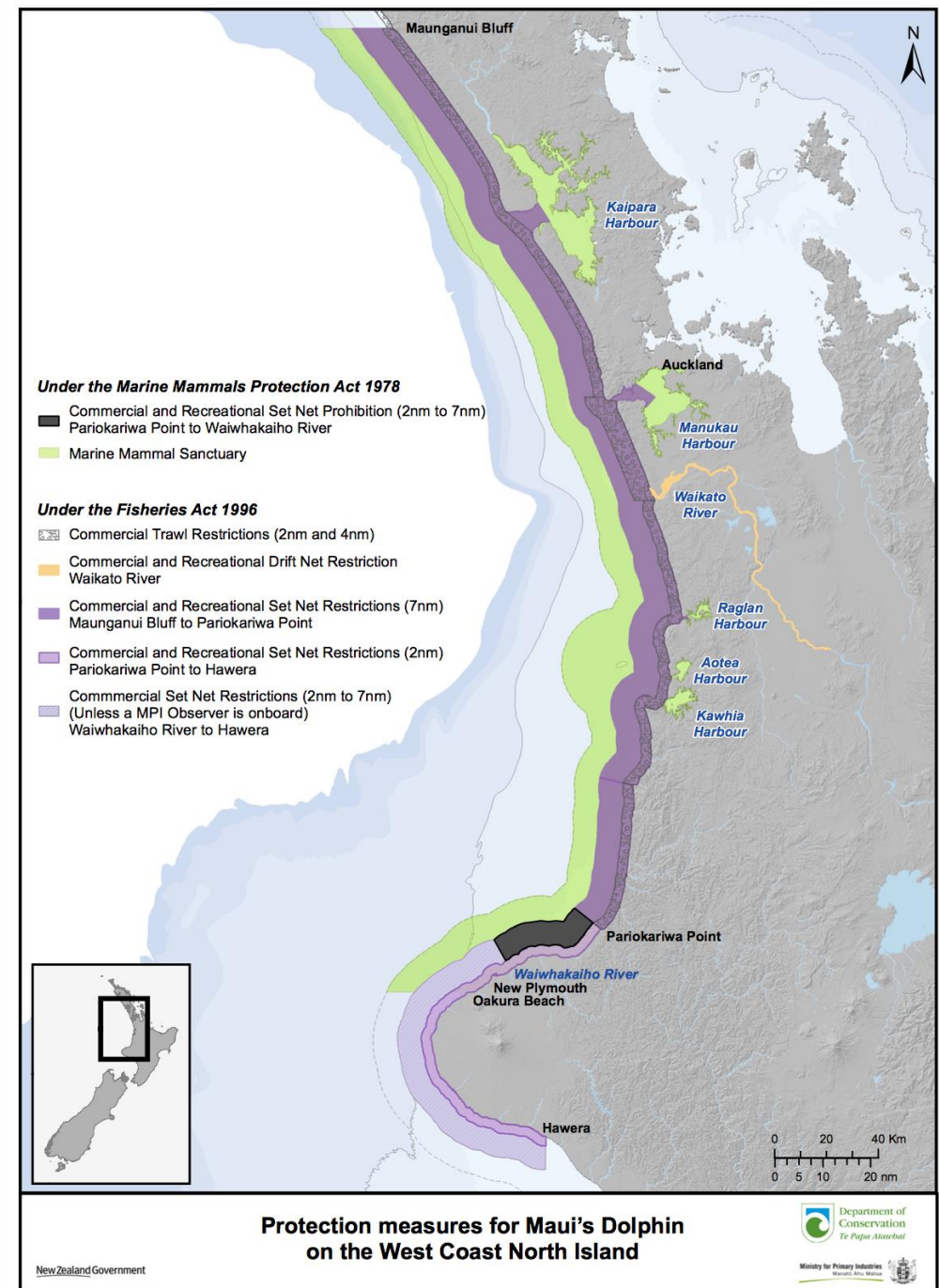


The extended area around the Poor Knights Islands, situated off the North-East coast of the North Island, were identified as an area to be avoided in 2003. This area incorporates a marine reserve close to the islands. It is protected to avoid the risk of pollution and damage to the environment from ships of 45 m overall length or more.



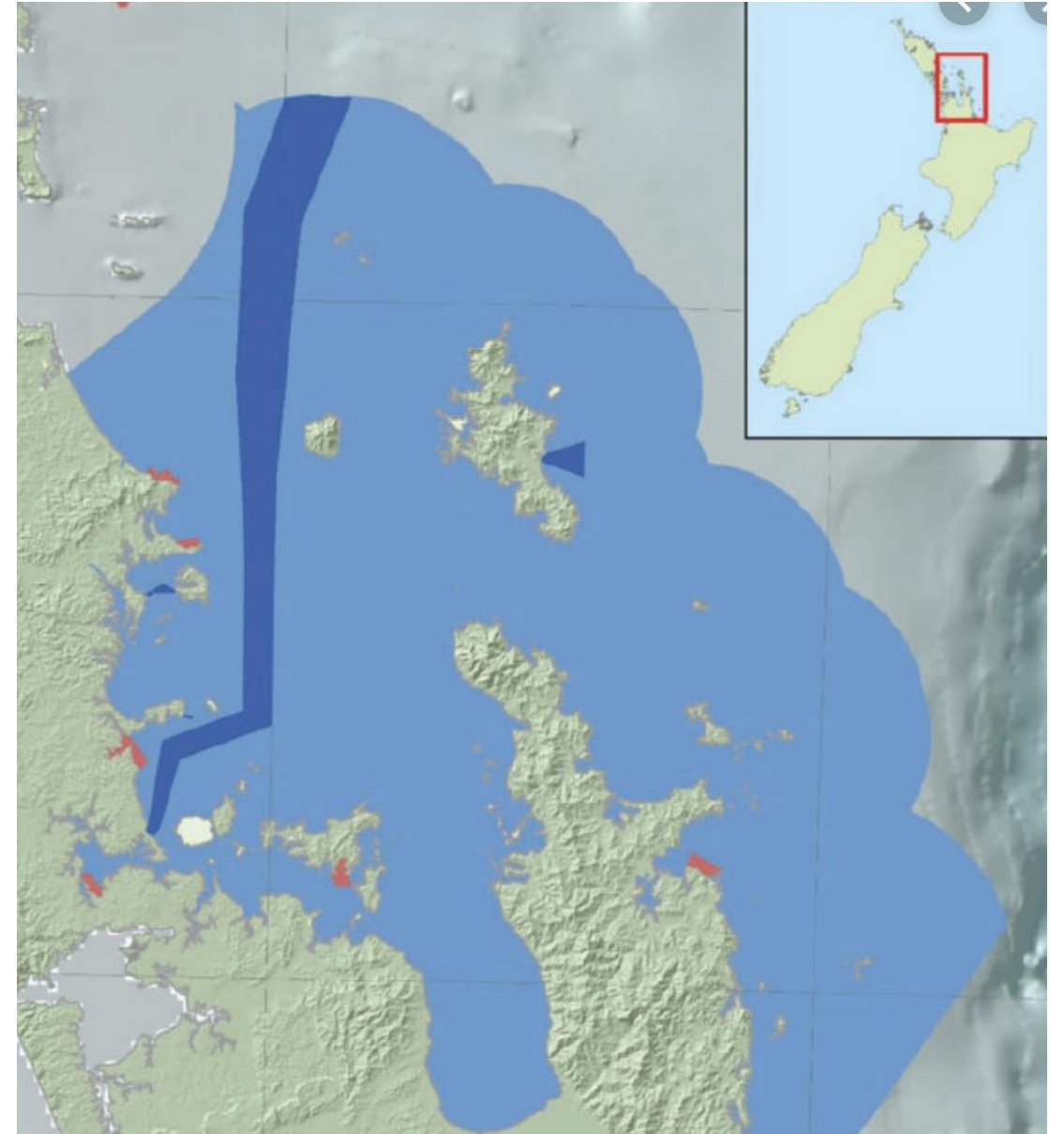
Marine Mammal Sanctuaries

- Purpose: Protection of marine mammals
- Can restrict activities that endanger marine mammals including fishing (eg set net and trawl)
- Permanent protection
- Example: West Coast North Island Marine Mammal Sanctuary



Other tools

- **Special legislation:** Sugar Loaf Islands Marine Protected Area Act 1991; Fiordland (Te Moana o Atawhenua) Marine Management Act 2005
- **Cable exclusion areas:** fishing activities and anchoring are excluded to avoid damage to submarine cables (may inadvertently provide environmental benefits)
- **New MP legislation?**

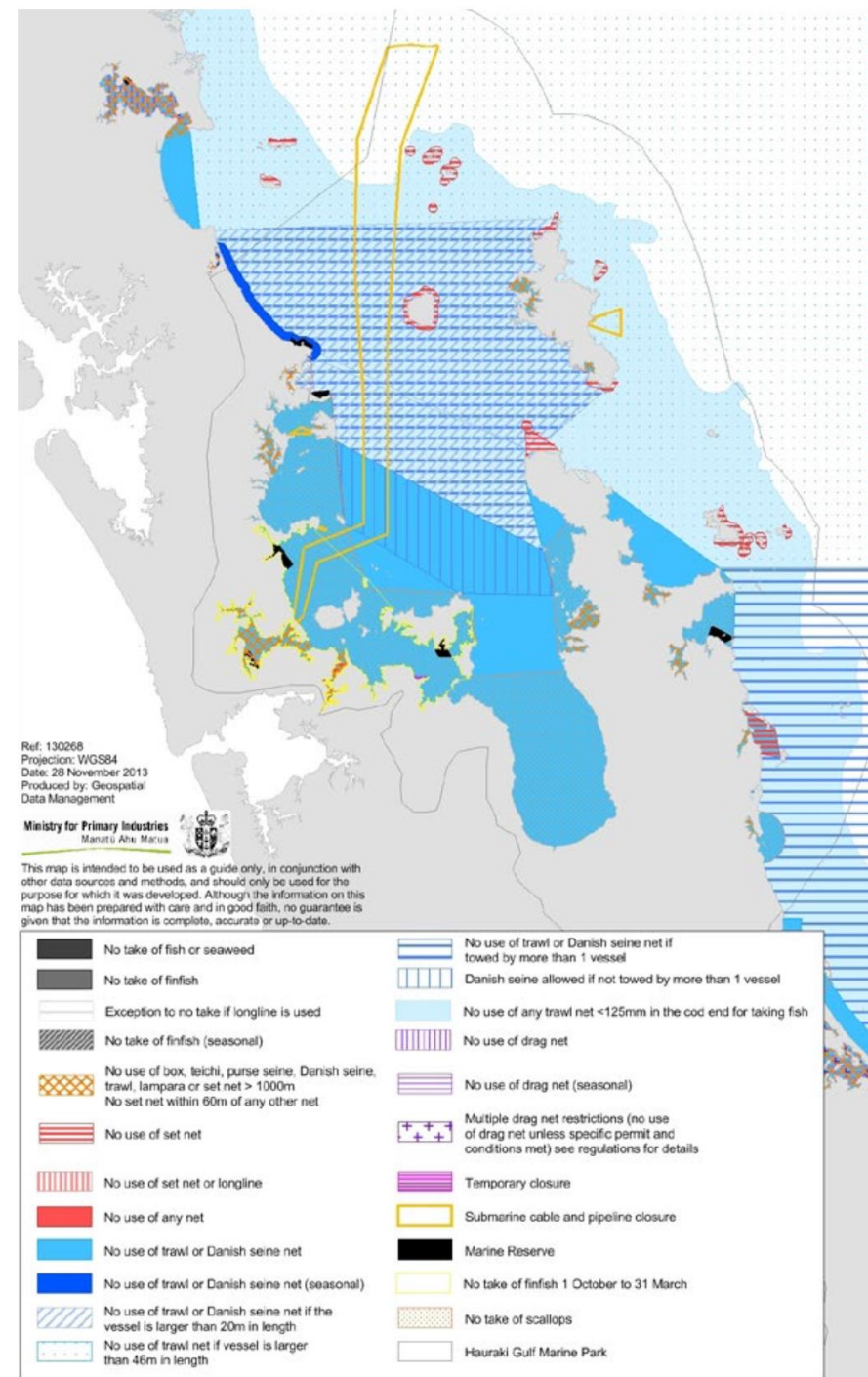


Existing marine reserves
in Hauraki Gulf (6 areas
totalling 0.3% of marine
area)



Existing spatial fisheries restrictions in Hauraki Gulf Marine Park

Bright blue: trawl exclusion



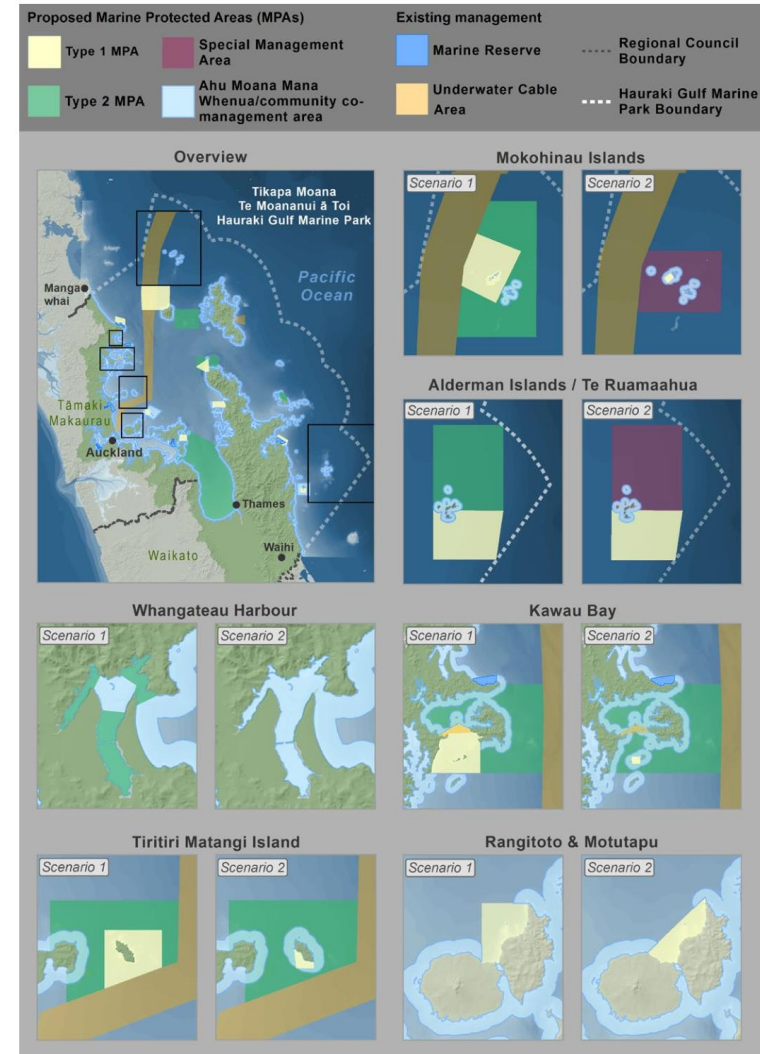
Use of other tools in Hauraki Gulf Marine Park

- Temporary closure in place at Umupuia (for cockles)
- No taiāpure or mātaimai
- No fishing exclusions under regional coastal plans
- No areas to be avoided by shipping
- No marine mammal sanctuaries



Sea Change Tai Timu Tai Pari MPA proposals

- 13 new MPAs and extension of 2 existing marine reserves
- For 6 of these 2 options provided
- Not fully comprehensive with notable gaps for Waiheke Island and Aotea-Great Barrier Island (but a good start!)
- Set of design and management principles for Type 1 MPAs



Map A3.1 Overview/location maps for proposed MPA network and alternative scenarios.

Coverage of Sea Change MPA proposals

Type 1 MPAs – no take other than for customary purposes

Additional 456.1 km² to 641.6 km² in protection

Increases % coverage to between 3.6% and 4.6%

Type 2 MPAs – benthic protection

Additional 2,028.4 km² to 2,173.4 km² in protection

Increases % coverage to between 20% and 21%

Total MPAs

Additional 2,484.5 km² to 2,814.8 km² in protection

Increases % coverage to between 23.9% and 26.9%

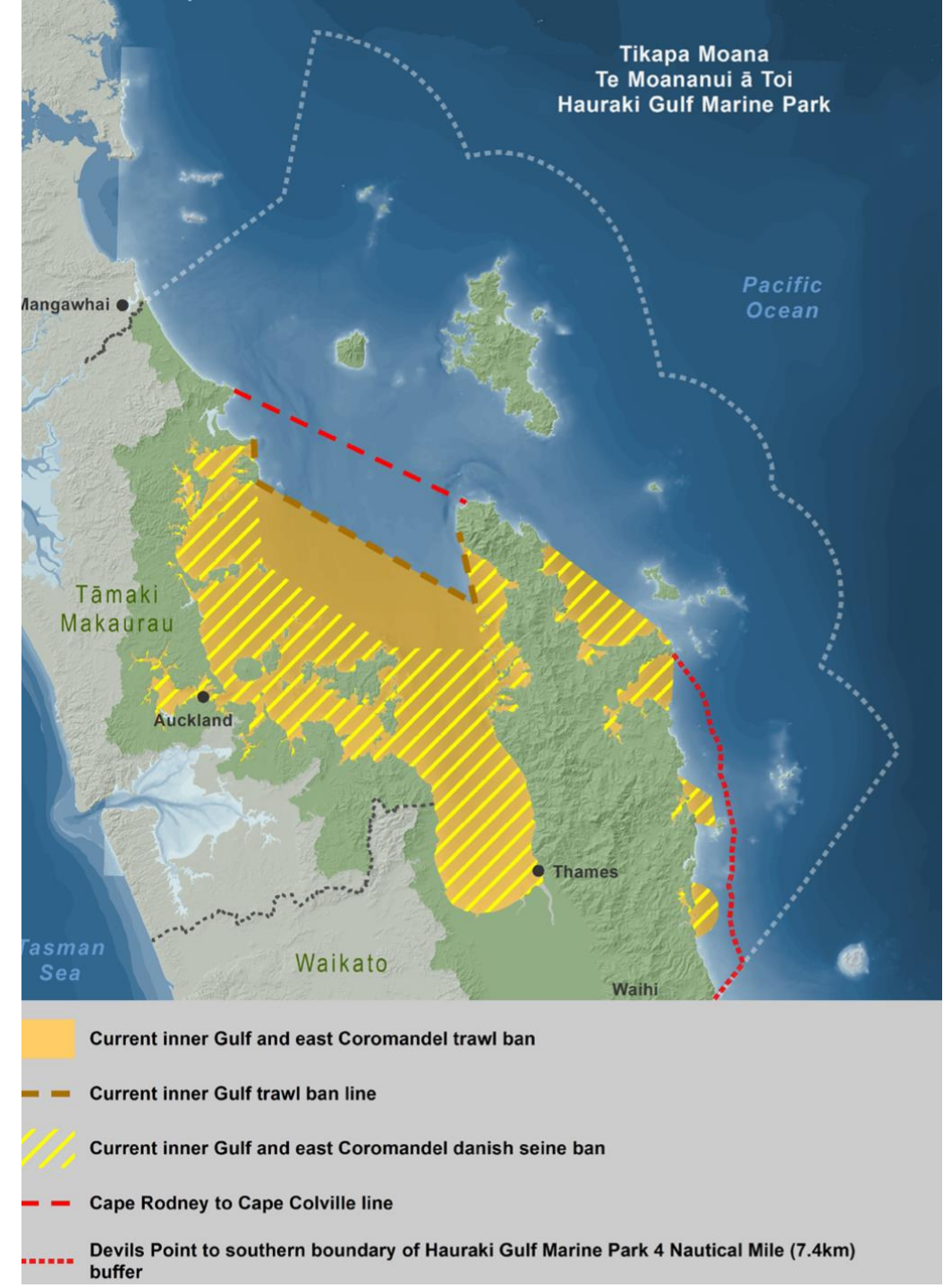
Ahu Moana: Mana Whenua and Community Coastal Co-Management Areas

- Generally out to 1 km from shore
- Bring together mātauranga Māori and local knowledge, with scientific knowledge to provide responsive adaptive management
- Harvesting may be restricted to protect fisheries or the environment
- May require law change



Map 3.2 Ahu Moana across the Hauraki Gulf Marine Park

Phased withdrawal of benthic damaging fishing methods from the Hauraki Gulf

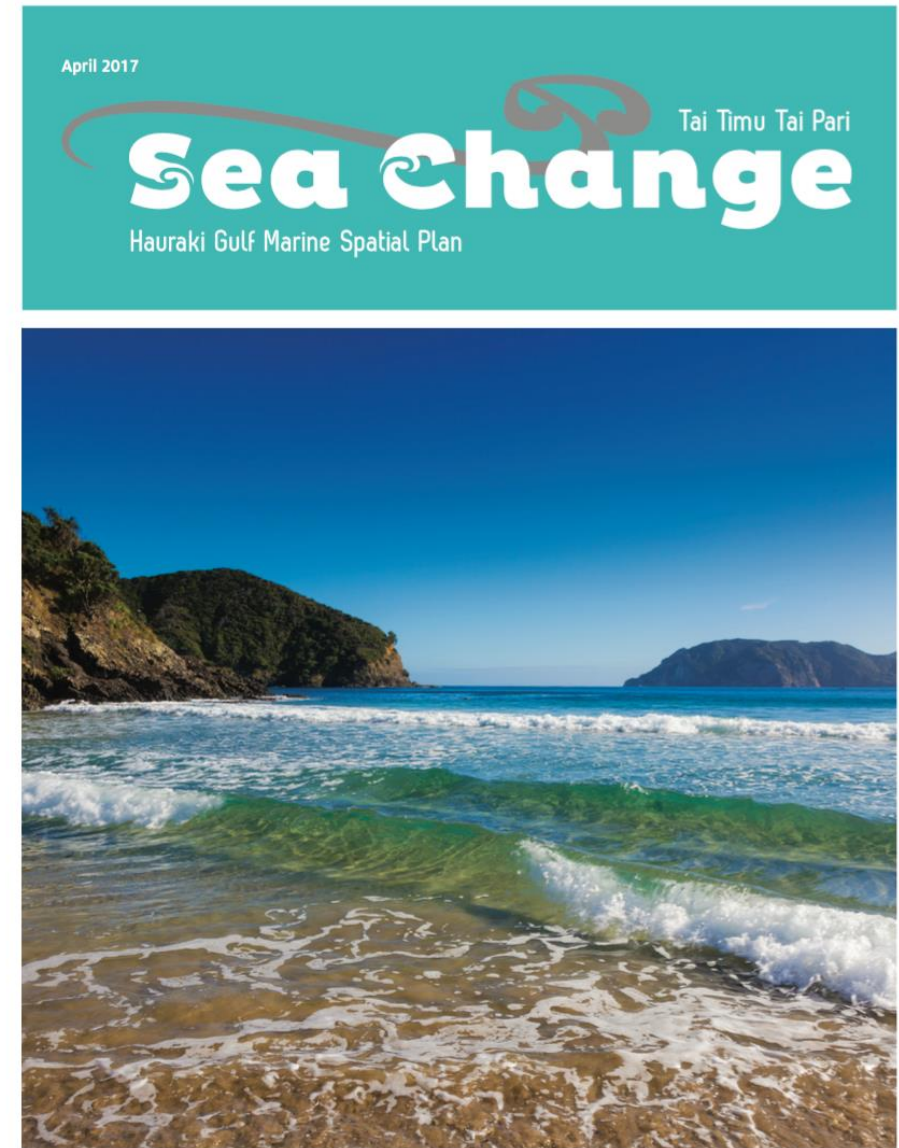


Spatial marine protection tools: Who are the key decision-makers?

Marine protection tool	Key decision-maker
Marine reserves	Minister of Conservation (concurrence Fisheries and Transport)
Sustainability measures	Minister of Fisheries
‘Significant natural areas’	Auckland Council and Waikato Regional Council
Customary management tools	Mana whenua and Minister of Fisheries
Marine Protection Rules	Maritime NZ
Marine Mammal Sanctuaries	Minister of Conservation

Concluding comments

- Many tools in toolbox for marine protection
- Marine reserves provide the strongest protection
- Other tools more flexible and adaptable
- Will need a mix of different approaches
- Sea Change Tai Timu Tai Pari provides a good start (but is not the end of the story)
- Sea Change MPA proposals agreed by mana whenua and stakeholder consensus (which was not easy to achieve!)



Hauraki Gulf
Marine Park
Ko Te Pātaka kai
o Tikapa Moana
Te Moananui a Toi

In partnership with mana whenua and the following agencies:



Ministry for Primary Industries
Manatū Ahu Matua



Department of
Conservation
Te Pūhanga Raukiri

