

20th April 2022

Hākaimangō – Matiatia (NW Waiheke) Marine Reserve application

# Response to Objections / Whakautu ki nga Whakahē



Friends of the  
**Hauraki Gulf**

Kaitiakitanga Tikapa Moana / Te Moananui-ō-Toi

# Foreword

## **Ngāti Paoa Trust Board**

Every Iwi/hapū has a coastline, stream, river or lake in their rohe, and all require their mātauranga and tikanga principles to be listened to, for them to successfully participate in the decisions relevant to issues surrounding water, water quality, coastal development and climate change.

This has synergies with kaitiakitanga as a principle and has a direct connection to mātauranga māori values, in that there is a wider awareness of the environment and allows for greater input into decisions that drive what science is being done.

The emphasis on oral and graphical transfer of knowledge, rather than written text, is often identified as a point of difference between western science and mātauranga māori and the Trust Board vision is that mātauranga māori and western science will offset and complement one another in the conservation of our marine environment.

Ngāti Paoa are driven by principles of kaitiakitanga (environment responsibility), manaakitanga (capability building), and taonga tuku iho mō ngā uri whakatipu (guardianship of resources for future generations).

It is for all the above reasons that Ngāti Paoa will walk alongside Friends of the Hauraki Gulf in support of the application to establish the Hākaimangō-Matiatia Marine Reserve, and that the mana of Ngāti Paoa Iwi/hapū support will help to make our joint aspirations a reality.

Danella Roebeck  
Co-Chair  
Ngāti Paoa Trust Board

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# 1.0 A summary of submissions

Although the Minister is obliged to consider objections to the marine reserve proposal, rather than all the supporting submissions, 93 percent of the submissions to the proposal are supportive. For every objection there are many more submissions on the same topic or theme that support the establishment of the marine reserve.

1,209 submissions were received in support or partial support of the marine reserve proposal.

Just 94 submissions were received that objected or partially objected. Some of these submissions are actually objections in favour of the marine reserve, but one substantially larger. The submitters argue strongly that the marine reserve will not interfere unduly or adversely affect them or their interests but will in fact do the opposite, that is it will positively affect them and benefit the marine environment.

From the beginning of the application process, the applicant has made every effort to consult with tangata whenua. It is noteworthy that 73% individuals identifying with Māori tribal affiliations, tangata Whenua and maata waka have submitted in support of the application. Support has also come from the only marae on Waiheke Island (see Appendix 2) and of course the Ngāti Paoa Trust Board.

**The marine reserve will benefit the people of New Zealand and be in the public and national interest.**

It is clear from the overwhelming percentage of supportive submissions that the people of Waiheke Island, Auckland and from across New Zealand appreciate the value the marine reserve will bring to present and all our future generations.

The application has support from the Waiheke Local Board, Auckland Council and Maritime New Zealand (Ministry of Transport). Given also the support from prominent environmental non-government organisations, speaking on behalf of many thousands of other people (For example, Forest & Bird, speaking for 60,000 members in New Zealand, Greenpeace NZ 40,000) and the Environmental Defence Society and a myriad of environmental and community groups, the value of marine reserves are well-known, accepted and are very much a part of the nation's consciousness.

The other public benefits that are repeated in many submissions are:

## Economic

1. A 2021 University of Auckland paper (Qu *et al*) assessing the economic benefit from the recruiting (spawning) of just one species (tāmure / snapper) in one of the smallest marine reserves in the Hauraki Gulf (Cape Rodney-Okakari Point Marine Reserve 547ha), gave the figure of an economic benefit of \$1.9 million annually plus \$NZ 3.21 million added from recreational fishing activity associated spending per annum. These values all come from the recruitment effects associated with one species, from



only 0.08% of the marine space in the Hauraki Gulf. The economic valuation of this marine reserve's snapper recruitment effect demonstrated \$NZ 9.64 million in total spending accruing to recreational fishing per annum and \$NZ 4.89 million in total output to commercial fisheries annually.

2. . The Hākaimangō-Matiatia Marine Reserve, being four times bigger and more advantageously placed to distribute larvae of many species through the Hauraki Gulf, will have a much greater economic benefit in this regard.
3. In the future, businesses catering for nature lovers will benefit from the establishment of the Hākaimangō-Matiatia Marine Reserve.

#### Educational

1. This will be the only marine reserve in New Zealand with 4 schools within 5km of the site. The Fossil Bay School will be the first in New Zealand to be on a marine reserve waterfront property. The reserve will be of great value to the well-established Waiheke High School SeaSports Academy, which is already equipping young people with all the skills of outdoor leadership in a marine environment.
2. Every other school in Auckland will also have public-transport access to the Hākaimangō-Matiatia Marine Reserve.

For more detail see Appendix 6.

#### Access

1. This will be one of the very few marine reserves readily accessible by public transport (the Auckland-Matiatia ferry, Waiheke buses), with more than 5km of coast-frontage walking track.
2. All within easy reach of New Zealand's major population centre.

#### Potential for scientific study

1. The Hākaimangō-Matiatia Marine Reserve is situated in such a way that, for the first time in New Zealand's history, a no-take marine reserve, rāhui area, and experimental 'High protection Area' (that proposed for The Noises), a community citizen science marine intervention project (Waiheke Kelp Gardeners), and an area of normal fishing regulations are in close proximity. This offers an unprecedented opportunity for comparative scientific research. Already the Friends of the Hauraki Gulf has had interest from overseas in funding PhD scholarships for this type of research.
2. Post-graduate science students from the four universities with a presence in Auckland will be able to easily access the site.

For more detail see Appendix 7.

Public support for the marine reserve application is undeniable, we ask that the Minister approves this popular proposal.

## 2.0 Introduction

### 2.1 The application

The draft application by the Friends of the Hauraki Gulf for an Order in Council for a 2,350ha marine reserve off the northwest coast of Waiheke Island was lodged with the Director-General of the Department of Conservation (DOC) under section 5 (1) of the Marine Reserves Act on the 23 April 2021. See Appendix 1. At the same time the draft application report was sent to both recognised entities representing the acknowledged tangata whenua of Waiheke Island, the Ngāti Paoa Trust Board and the Ngāti Paoa Iwi Trust with a request for their views and expressing a willingness to meet at their convenience. See Appendix 2.

The application was announced to the general public some three weeks later. Ten months of pre-notification consultation was undertaken under the guidance of the Department of Conservation and by DOC itself, the latter focussing on iwi engagement on the basis of DOC's Conservation Act section 4 responsibilities as well as the Marine and Coastal Area (Takutai Moana) Act (2011). For more details please see the Hākaimangō-Matiatia (NW Waiheke) Application Report, Pre-notification Consultation Diary pp. 63-69 and the Department of Conservation. See Appendix 1.

Formal public notification under section 5 of the Marine Reserves Act was made on 20 January 2022. Notices were placed in the main centre and local newspapers as required in the Act. The Department of Conservation also placed notices relating to the Marine & Coastal Area (Tukutai Moana) Act in association with the applicant's notices. During this period further consultation meetings were undertaken by the applicant with representatives of the Ngāti Paoa Trust Board, Ngāitai ki Tāmaki Board and with members of Parliament representing various political parties, the Waiheke Local Board and with the Hauraki Gulf Forum.

As part of the formal notification requirements set out in s 5 (1) (d) (i) to (v) of the Marine Reserves Act letters were sent immediately prior to public notification to the following:

1. *(i) all persons owning any estate or interest in land in or adjoining the proposed reserve:* [i.e. 46 addresses in the neighbourhood of the proposed marine reserve]
2. *(ii) any harbour board if the area or any part of the area proposed as a marine reserve is within the jurisdiction of that harbour board:* [i.e. Auckland Harbourmaster, Auckland Transport]
3. *(iii) any local authority or public body in which the foreshore or the control of the foreshore is vested if that foreshore or any part of it is within the area proposed as a marine reserve:* [i.e. Auckland Council/ Waiheke Local Board]
4. *(iv) the Secretary for Transport:*
5. *(v) the Director-General of Agriculture and Fisheries:* [i.e. Ministry for Primary Industries]

The two-month period for objections concluded on 20 March 2022 with 1,303 submissions received. Of these a remarkable 93% were in support and 7% were objections.

It is important to note that Auckland Council (which incorporates Auckland Transport/Harbour Master) and Maritime New Zealand [Ministry of Transport] submitted in support. Under s 5 (9) of the Act the Ministry for Primary Industries (Fisheries) along with the Ministry of Transport are the ministries the Minister of Conservation shall consult prior to making a decision.

## 2.2 Right of response to objections

There are 94 objections as opposed to more than 1,200 submissions in support. It is also worth noting that a number of objections are 'objections in support' (e.g. WSH MMR-791850, WSH MMR-791856 etc).

The Marine Reserves Act s 5 (4) states: *The applicant may, on receiving any copy of objections under subsection (3) of this section, answer those objections in writing to the Director-General within 3 months from the date of first publication of the notice published pursuant to paragraph (b) of the subsection (1) of this section, and the Director-General shall send any such answer he may receive within that time to the Minister for consideration.*

The grounds for objections are set out in the Act s 5 (6) (a) to (d)

- A. *interfere unduly with any estate or interest in land in or adjoining the proposed reserve*
- B. *interfere unduly with any existing right to navigation*
- C. *interfere unduly with commercial fishing*
- D. *interfere unduly with or adversely affect any existing usage of the area for recreational purposes*
- E. *otherwise be contrary to the public interest*

Objections which also should be addressed are those which argue the proposed reserve will not meet the purpose of the Act as set out in s 3 (1) '*...for ...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*'; and s 5 (9) '*in the best interests of scientific study and will be for the benefit of the public.*'

While the number of objectors is relatively small compared to the more than 1,200 submissions in support, the Friends of the Hauraki Gulf (the applicant) have attempted, within the limited timeframe, to respond to all substantive objections. This has proved to be a most challenging task given the considerable array of 153 objection points, the tight deadline and the limited resources of the small committee of local volunteers which form the Friends of the Hauraki Gulf Inc., (hereafter referred to as the applicant). The applicant therefore apologises for any faults or oversights in the response report that follows, but you have our assurance we have made our best endeavours to meet our statutory obligations.

Michael Lee  
Chairperson, The Friends of the Hauraki Gulf Inc

## 3.0 Te Tiriti o Waitangi / Treaty of Waitangi

### Objections relating to the principles of the Treaty of Waitangi

The Marine Reserves Act (1971) predates Treaty-inclusive legislation which essentially began with the Treaty of Waitangi Act (1975). However the Marine Reserves Act s 5 (1) (a) (iv) does acknowledge the special rights of ‘*Maori iwi or hapu who have tangata whenua status over the area*’ as among the few entities, along with scientific bodies and government and also to ‘*owners of Maori land.*’ Moreover, clearly the principles of the Treaty of Waitangi and related issues implicitly sit within section 3 (1) ‘the national interest’ purpose of the Marine Reserves Act.

Should there be any doubt, the Marine and Coastal Area (Takutai Moana) Act s 47 (3) (a) explicitly addresses any omission of the Marine Reserves Act in this respect.

#### **Takutai Moana s 47. Participation in conservation processes**

*(1) In this section and sections 48 to 50, **affected iwi, hapū, or whānau** means iwi, hapū, or whānau that exercise kaitiakitanga in a part of the common marine and coastal area where a conservation process is being considered.*

*(2) Affected iwi, hapū, or whānau have the right to participate in conservation processes in the common marine and coastal area.*

*(3) For the purposes of subsection (1), the conservation processes are—*

*(a) applications made under section 5 of the Marine Reserves Act 1971 for the purpose of declaring or extending a marine reserve...*

In light of the above and presumably its Conservation Act responsibilities, the Department of Conservation submission form questionnaire for the public notification process for this application asked submitters ‘**Do you identify as Māori?**’ & ‘**Please tell us which whānau, hapū or iwi you affiliate to.**’



**Table 1. Submissions from individuals identifying Māori tribal affiliations**

<ol style="list-style-type: none"> <li>1. [18] Ngāpuhi, Ngāti Porou. <b>Support</b></li> <li>2. [59] Ngāti Kahi ki Whaingaroa me Te Rōroa ki Ngāti Whatua. <b>Support</b></li> <li>3. [71] Tainui. <b>Support</b></li> <li>4. [74] Ngāti Kinohaku, Ngāti Maniapoto, Ngāti Toa, Ngāti Rārua, Ngāti Mahuta &amp; Ngāti Tūwharetoa. <b>Support</b></li> <li>5. [78] Te Ati Awa. <b>Support</b></li> <li>6. [147] Ngāti Naho Tainui. <b>Support</b></li> <li>7. [215] Ngāpuhi. <b>Support</b></li> <li>8. [216] Ngāpuhi, Ngāti Rehia. <b>Support</b></li> <li>9. [239] Kai Tahu. <b>Support</b></li> <li>10. [245] Ngāpuhi. <b>Partially Object</b> (reserve should be bigger)</li> <li>11. [253] No tribe indicated. <b>Support</b></li> <li>12. [263] Ngāti Paoa Trust Board. <b>Support</b></li> <li>13. [314] Ngāti Paoa. <b>Object</b></li> <li>14. [315] Ngāti Paoa. <b>Object</b></li> <li>15. [320] Kai Tahu. <b>Support</b></li> <li>16. [322] Ngāti Whatua – Orakei. <b>Support</b></li> <li>17. [323] Ngāti Porou, Ngāti Maniapoto, Rongowhakaata. <b>Support</b></li> <li>18. [327] Ngai Te Rangi, Ngāti Maniapoto. <b>Support</b></li> <li>19. [328] Ngāti Paoa (Ngāti Kapu), Ngāti Hako, Ngāti Porou o Hauraki. <b>Object</b></li> <li>20. [346] Ngāti Hura, Ngāti Kapu, Ngāti Paoa. <b>Object</b></li> <li>21. [357] Ngāpuhi. <b>Support</b></li> <li>22. [426] Ngāpuhi. <b>Object</b></li> <li>23. [434] Ngāti Whakaue Te Arawa. <b>Support</b></li> <li>24. [486] Ngāti Horowhenua, Ngāti Paoa. Ngāti Pukuenga ki Manaia. <b>Partial Support</b> (reserve should be much bigger)</li> <li>25. [493] Ngāti Paoa. <b>Object</b></li> <li>26. [496] Ngāti Paoa. <b>Object</b></li> <li>27. [496]. Ngāti Paoa. <b>Object</b></li> <li>28. [505] Ngāti Paoa. <b>Object</b></li> </ol>	<ol style="list-style-type: none"> <li>37. [711] Tainui. <b>Object</b></li> <li>38. [728] Ngarie [Ngāti?] Kahu. <b>Support</b></li> <li>39. [742] Tainui. <b>Object</b></li> <li>40. [743] Ngāti Kahu. <b>Support</b></li> <li>41. [747] Ngāti Raukawa. <b>Support</b></li> <li>42. [757] Ngāti Rangiwewehi. <b>Support</b></li> <li>43. [758] Ngāti Porou. <b>Support</b></li> <li>44. [790] Iwi not indicated. <b>Support</b></li> <li>45. [794] Te Urikaraka, Ngāti Paoa. <b>Object</b></li> <li>46. [805] Ngāti Urunumia. <b>Support</b></li> <li>47. [832] Te Rawara. <b>Support</b></li> <li>48. [844] Ngāti Kahu. <b>Support</b></li> <li>49. [856] Ngāi Tai ki Tāmaki. <b>Support</b></li> <li>50. [860] Ngāti Kahungunu, Ngāi Tūhoe, Rangitāne, Rongowhakaata. <b>Support</b></li> <li>51. [871] Ngāti Paoa. <b>Object</b></li> <li>52. [884] Ngāti Raukawa ki te tonga. <b>Support</b></li> <li>53. [897] No iwi indicated. <b>Support</b></li> <li>54. [905] Ngāpuhi. <b>Support</b></li> <li>55. [908] Ngāpuhi. <b>Support</b></li> <li>56. [916] Ngāti Awa, Tainui, Tuhoe, Te Whānau Apanui, and other. <b>Support</b></li> <li>57. [917] Ngāti Awa me Ngāti Mahuta. <b>Support</b></li> <li>58. [929]. Ngāti Paoa, Ngāpuhi, Ngāti Porou. <b>Support</b></li> <li>59. [932] Te Arawa/ Tuhoe. <b>Support</b></li> <li>60. [935] Ngāti Kahungunu, Ngāiterangi Ngāti Maniapoto. <b>Support</b></li> <li>61. [976] 'All'. <b>Support</b></li> <li>62. [986] Ngāti Hako, Ngāti Paoa. <b>Object</b></li> <li>63. [987] 'Uri o Papatuanuku.' <b>Object</b></li> <li>64. [1004] Ngāti Paoa. <b>Support</b></li> <li>65. [1006]. No iwi indicated. <b>Support</b></li> <li>66. [1009] Ngāti Rangitaua-Ngāti Paoa. <b>Object</b></li> <li>67. [1011] Ngāti Paoa, Ngāti Hura, Ngāti Kapu <b>Object</b></li> <li>68. [1020] Tainui. <b>Support</b></li> <li>69. [1027] Ngāti Paoa. <b>Object</b></li> <li>70. [1029] Te Arawa. <b>Support</b></li> </ol>
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<p>29. [511] Ngāpuhi. <b>Object</b></p> <p>30. [515] Ngāti Paoa, Ngāti Porou, Ngāti awa, Ngāpuhi, Marutūahu. <b>Support</b></p> <p>31. [609] Ngāti Paoa. <b>Support</b></p> <p>32. [650] Ngāpuhi. <b>Support</b></p> <p>33. [652] Ngāti Paoa, Ngāti Tipa. <b>Support</b></p> <p>34. [669] Ngāpuhi. <b>Support</b></p> <p>35. [698] Ngāti Porou, Ngāpuhi. <b>Support</b></p> <p>36. [710] Whakatōhea/Upokokorehe. <b>Support</b></p>	<p>71. [1041] Te Arawa, Tūwharetoa, Ngāti Pīkiao Tainui-Waikato. <b>Object</b></p> <p>72. [1045] Te Rarawa, Te Arawa. <b>Support</b></p> <p>73. [1089] Ngāti Paoa. <b>Support</b></p> <p>74. [1100] Marutūāhu, Kāhui-ariki, Ngāti Hako, Ngāti Pāoa. <b>Object</b></p> <p>75. [1117] No iwi indicated. <b>Support</b></p> <p>76. [1119] Piritahi Marae. (Multi iwi). <b>Support</b></p> <p>77. [1124] Te Urikaraka/Ngāti Paoa. <b>Support</b></p> <p>78. [1274] Te Patukirikiri. <b>Object</b></p>
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Of the 78 submissions 73% (57) were in support and 27% (21) were objections (one of which a partial objection). Three objections we understand were essentially from the same person, and two by another but were counted and responded to regardless.

## Response to Objections related to the principles of the Treaty of Waitangi

Submission #	Objection	Response
<p>THEME: The applicant failed to consult with the Ngāti Paoa Iwi Trust.</p> <p>Ngāti Paoa Iwi Trust (Herearoa Skipper) WSHMMR-791862</p> <p>Herearoa Skipper Marutūāhu Ngāti Paoa HMMR-682516</p> <p>Lucy Tukua Ngāti Paoa WSH791868</p> <p>Lucy Tukua Ngāti Paoa HMMR-784100</p> <p>Dean Ogilvie Ngāti Paoa, Te Urikaraka HMMR-773911</p> <p>Coastal Custodians WSHMMR-791829</p>	<p><i>'It is unfortunate that the applicant has not taken the time to meet with the Ngāti Pāoa Iwi Trust or many of our whānau and hapū on this matter, who are active kaitiaki and reside on Waiheke, as it is imperative that this is done with the iwi, not just individuals.'</i> H. Skipper</p> <p><i>'Our mokopuna will never have the ability to practice their extensive kaitaikitanga responsibilities being locked out forever being 'trumped' by a legislative wall and applied for by an organisation that hasn't even bothered to talk to our wider hapū and whānau directly ā-kanohi that whakapapa to Waiheke.'</i></p> <p>Herearoa Skipper</p>	<p>The applicant disagrees. This objection is incorrect – and unfair. As the NPIT submission elsewhere concedes, formal letters were sent with copies of the draft application report to the Ngāti Paoa Iwi Trust and the Ngāti Paoa Trust Board. (Both Boards are recognised by the Crown). These letters were sent by email on 23 April 2021, on the same date as the draft application report was sent to the Director-General of DOC as per s 5 of the Act. (see Appendix 2). The letters were addressed to the chairs of both boards and invited the boards' views and sought to meet with the Boards at their convenience. In regard to the NPIT, follow up emails were sent to the chair and deputy chair, two other board members including the submission author on 12 July, and 22 July 2021. At that point the lead role for engaging with iwi was taken up by DOC Pou Tairangahau   Māori Engagement Strategic Manager Hauāuru Rawiri.</p> <p>A response email from the chair of the NPIT Mr Glen Tupuhi was sent to the chair of The Friends of the Gulf on 13 November 2021 apologising for the delay in response due to the press of business but suggesting a meeting could be arranged soon. Another letter was sent by the chair of the Friends of the Hauraki Gulf to Mr Tupuhi on 19 January 2022, immediately prior to public notification. This again requested the board's views and expressed a willingness to meet. This was never responded to. The applicant has since learned Mr Tupuhi has stepped down from the Board.</p> <p>For copies of this correspondence please see Appendix 2. On the other hand, correspondence with the Ngāti Paoa Trust Board was responded to and constructive engagement proceeded from that point. (See Appendix 2)</p> <p>On the question of consultation, the applicant points out that Ngāti Paoa rangatahi protesting the Waiheke marina development at Kennedy Point who support the marine reserve, have complained that neither Ms Skipper, nor anyone from the Ngāti Paoa Iwi Trust, have ever consulted them for their views on the marine reserve.</p> <p>Please note also the unique historical role of the local Piritahi Marae in representing and facilitating the cultural needs of Māori living on Waiheke both Maata Waka and Tangata Whenua. The applicant has worked closely with Piritahi and appreciate their warm and well reasoned support.</p>

<p>THEME:</p> <p>The marine reserve will prevent the exercise of kaitiakitanga.</p> <p>Ngāti Paoa Iwi Trust (Herearoha Skipper) WSHMMR-791862</p> <p>Herearoha Skipper HMMR-682516</p> <p>Lucy Tukua WSH791868</p> <p>Lucy Tukua HMMR-784100</p> <p>Mereana Berger Ngāti Paoa HMMR-682516</p> <p>Laurie Nicholas Te Arawa, Tūwharetoa, Ngāti Pikiao, Tainui, Waikato HMMR-794826</p>		<p>The applicant disagrees. A protected, recovering ecosystem will enable, indeed require more, not less opportunities for kaitiakitanga.</p> <p>In terms of kaitiakitanga of the moana, several submitters point to the approval given by the Ngāti Paoa Iwi Trust, for the controversial Waiheke marina at Kennedy Point as not being an ideal example of the exercise of kaitiakitanga.</p> <p>Submitter Rachael Monks, Ngāpuhi, Ngāti Rehia. [216. HMMR-502084] states: <i>'The continued decline of sea life in the area is unacceptable. The rāhui placed 2 years ago does not go far enough, with the inclusion of another marina, wildlife are not being prioritised. We need government mandates to be enforced to protect sea life.'</i></p> <p>Submitter Ariana Brown, Ngāti Porou, Ngāti Maniapoto, Ngāti Rongowhakaata. (customary fisher). HMMR-67247, states: <i>'It is clear that this Moana needs to be protected better for future generations. The building of the super yacht marina on Waiheke has already been a failure by DOC to protect this Moana and uphold its obligations to Māori and Te Tiriti o Waitangi.'</i></p>
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<p>THEME: The application does not have the support of the Tangata Whenua</p> <p>Ngāti Paoa Iwi Trust (Herearoa Skipper) WSHMMR-791862</p> <p>Herearoa Skipper HMMR-682516</p> <p>Apanui Skipper HMMR-773635</p> <p>Mereana Berger HMMR-682516</p> <p>Lucy Tukua WSH791868 Lucy Tukua HMMR-784100</p> <p>WSHMR-69124 NZ Rock Lobster Industry Council/Fisheries Inshore NZ, Paua Industry Council.</p> <p>WSHMMR-791829 Coastal Custodians</p>	<p><i>‘Ngāti Pāoa OPPOSE the Hākaimango-Mātiatia Marine Reserve.’</i></p> <p>Herearo ha Skipper</p>	<p>The applicant responds by acknowledging that the recognised tangata whenua of Waiheke is Ngāti Paoa including Te Uri Karaka. The Crown (Te Puni Kokiri -Te Kahui Mangai) recognises two tribal authorities representing Ngāti Paoa iwi. The Ngāti Paoa Trust Board and the Ngāti Paoa Iwi Trust.</p> <p>That being said the applicant must point out that the Ngāti Paoa Trust Board and tribal kaumatua and whānau descended from 19<sup>th</sup> century Ngāti Paoa/Uri Karaka rangatira who lived at Matiatia and Owhanake Bay have formally declared their tangata whenua and kaitiaki status and have submitted in support of the Marine Reserve.</p> <p>Ngāti Paoa rangatahi opposing the Kennedy Point Marina aligned with Protect Putiki &amp; Te Marae o Ngāti Horowhenua, have submitted in support of the marine reserve. Atatarangi Newton HMMR-784472 Protect Putiki submits:</p> <p><i>‘We also acknowledge the Ngāti Pāoa Trust Board for their position with the marine reserve and for their tireless efforts to protect the biodiversity and mauri of Pūtiki Bay from the development of the Kennedy Point Marina.’</i></p> <p>As noted, the local Piritahi Marae WSHMMR-791940 supports the marine reserve. Its submission by Bianca Ranson includes the following:</p> <p><i>‘We acknowledge Ngāti Pāoa as the mātua mana whenua of Waiheke Island and the importance of partnership for the management and protection of marine ecosystems and coastal areas. The Ngāti Pāoa Trust Board has announced their support for the marine reserve application. They state the importance of mātauranga and western science working together for the conservation of the marine environment. Piritahi Marae supports Ngāti Pāoa and other mana whenua of Waiheke Island in the active practice of kaitiakitanga and the application of mātauranga for the care and protection of biodiversity and the restoration of the mauri of our moana. We acknowledge that marine reserves are not ideal for wider ecosystem based management however this is protection available and needed now. Our support for the application asks that mātauranga and tangata whenua be central to the management and kaitiakitanga of the reserve. Under the Takutai Moana Act 2011, Section 47 we reserve our right as whānau of Piritahi Marae and Waiheke Island to participate in conservation processes in the common marine and coastal area.’ See Appendix 2.</i></p>
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		<p>We further note the submission of Denny Ngahauewha Thompson. WSHMMR-791823:</p> <p><i>‘I am Ngati Hura of Ngāti Paoa and a direct descendant of rangatira Wiremu Hoete and Rawiri Takarua who lived at northwest Waiheke in the 19th century and who the Crown recognised as the paramount leaders of Waiheke Ngāti Paoa. I would like to stress that in the term used by the Marine Reserves Act, my whānau and myself are Tangata Whenua. Therefore please count this letter as a submission in support of the application. In addition to the reasons advanced by the Ngāti Paoa Trust Board, my support is also based on the reasons set out in the Marine Reserves Act...’</i></p> <p>Also from Moana Te Aira Te Uri Karaka Te Waero WSHMMR-791958. <i>‘Supporting the formation of the proposed marine reserve from my perspective is the additional protection it affords coastal wāhi tapu, and more stringent protocols on land development activities. I am the fifth generation Kaitiaki since the signing of Te Tiriti O Waitangi by my Great Great Grandfather Te Kupenga Te Waero. Whose flame has never been extinguished. I am known as Moana Te Aira Te Uri Karaka Te Waero.’</i></p> <p>Finally, the Ngāti Paoa Trust Board co-Chair Danella Roebeck HMMR-592270 states:  <i>‘Ngāti Paoa holds tino rangatiratanga on Waiheke Island. The Ngāti Paoa Trust Board is the sole trustee of Waiheke Station, the 2nd largest land block on Waiheke Island, and the only asset of Ngāti Paoa pre settlement. The Board holds this whenua as kaitiaki for the beneficiaries of Paoa. Kaitiakitanga of Waiheke Island sits with the Ngāti Paoa Trust Board.’</i>  – See Appendix 2 letter from Ngāti Paoa Trust Board.</p>
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<p>THEME: Marine reserves are outdated and racist.</p> <p>Ngāti Paoa Iwi Trust (Herearoaha Skipper) WSHMMR-791862</p> <p>Darleen Tana 'Te Uri o Papatuanuku' HMMR-784622</p>	<p><i>'In 2022, these outdated systematic racist conservation practices are unacceptable.'</i></p> <p>Herearoaha Skipper</p> <p><i>I find it incredibly audacious and arrogant that, while well-meaning - pakeha see fit to instigate a mechanism created in the fullness of racial subjugating intent to ostracize tangata whenua in 2022 from our own Maori selves and our obligations/responsibility as Kaitiaki Tuuturu....</i></p> <p>Darleen Tana</p>	<p>The applicant disagrees. We will focus our response on the mechanism in question rather than the shrill and rather unfortunate comments. In our opinion the Marine Reserves Act (1971) in conjunction with the Marine and Coastal Area (Takutai Moana) Act (2011) is fit for purpose. While one can find fault in any legislation, it is hard to fault the Marine Reserves Act for its evident effectiveness in preserving a small but precious part of our marine environment in the national interest. Far from the feeling '<i>subjugated and ostracised</i>' 73% of submitters identifying as Māori along with the Ngāti Paoa Trust Board support the application. Successive NZ Governments led by PM Key, PM English and PM Ardern have recognised the effectiveness of permanent no-take marine reserves. In 2015 Mr Key proposed to the United Nations General Assembly an extensive no-take area around the Kermadec Islands, albeit given its size and location and international significance probably with its own special legislation but thereby effectively extending the existing Kermadec / Rangitāhua Marine Reserve. This according to the present government is to become the 620,000 sq Rangitāhua / Kermadec Ocean Sanctuary. In light of this, it is hard to understand how protecting the natural world in the face of a growing environmental crisis can be construed in such negative terms by the objectors.</p> <p>Rather than seeing marine reserves as 'racist', the overwhelming majority of submitters identifying as Māori take a longer view and see a bigger picture. They support this application believing something must be done to protect our fragile marine environment and its life supporting capacity - to support nature. Submitter in support Tainui Tukiwaho HMMR-784433 puts it very simply '<i>I support Te Taiao</i>'.</p>
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<p>Darleen Tana 'Te Uri o Papatuanuku' HMMR-784622</p>	<p><i>The permanent nature of the marine reserve proposal is legal support for the ongoing colonization of my whakapapa connection with moana.</i></p> <p>Darleen Tana</p>	<p>The applicant disagrees and so does the Ngāti Paoa Trust Board and Ngāti Paoa and Te Uri Karaka tribal members whose whakapapa include 19th century rangatira Wiremu Hoete, Te Kupenga Te Waero and Rawiri Takarua who lived at Matiatia and Owhanake on the shores of the proposed marine reserve, and the local Piritahi Marae. Rather than colonise the objector's whakapapa (the objector does not provide her hapū or lwi but the applicant is aware, it is not local), the permanent nature of the marine reserve will enable permanent sanctuary for hard pressed marine life in one relatively tiny but important area of the Hauraki Gulf</p>
<p>THEME: More sophisticated tools exist than marine reserves.</p> <p>Dean Ogilvie Ngāti Paoa HMMR-773911</p> <p>Darleen Tana 'Te Uri o Papatuanuku' HMMR-784622</p> <p>Jeanine Clarkin Ngāti Hako Ngāti Paoa HMMR-784661</p>	<p><i>We have a number of more sophisticated and progressive tools and mechanisms, including kōura rewilding, kina removal or even ranching.</i></p> <p>Dean Ogilvie</p>	<p>The applicant disagrees with this statement as those 'more sophisticated and progressive tools and mechanisms' evidently involve human interventions which are experimental, unproven, uncoded and by their own admission relate to a very limited number of species (3 are cited) in an stressed ecosystem of myriad species, and will do nothing at all about tackling the principal problem of overfishing.</p> <p>We note the comment from Nicola MacDonald chair of the Auckland Conservation Board WSHMMR-791874. <i>"The complete protection offered by Marine Reserves is essential for rapid recovery and continuing survival of high levels of marine biodiversity, and that there is now substantial scientific evidence from Hauraki Gulf waters that it is only within fully protected marine reserves that substantial recovery biodiversity has occurred"</i></p> <p>The applicant is unable to comment on what the objectors mean by 'ranching'? The applicant points out that these objectors have 126 km of the Waiheke coastline and the rest of the Hauraki Gulf available for them to undertake these activities including 'ranching'.</p>

<p>THEME: The Marine Reserve could extinguish Customary rights</p> <p>Nicola McDonald Auckland Conservation Board</p> <p>Apanui Skipper</p>	<p>While otherwise expressing support in principle for the Marine Reserve, the submitter raised the possibility that the marine reserve <i>'could extinguish customary connection to the area'</i></p>	<p>'Customary connection' presumably refers to questions of customary rights and customary title. These are addressed in The Marine &amp; Coastal Area (Takutai Moana) Act 2011. Especially section 59. The applicant has been taking advice from DOC on the implications of this important legislation and after consultation with Ngāti Paoa and Ngāitai ki Tamaki we are not aware of any recognised customary title holders or claimants being adversely affected or affected at all by this proposal. Regardless, in the matter of customary connection we must defer to the tino Rangatiratanga over the area declared by the Ngāti Paoa Trust Board.</p>
<p>THEME: Marine reserves prevent the learning or practice mātauranga</p> <p>Mereana Berger HMMR-682516</p>	<p><i>'Marine reserves do not give me the opportunity to actively rekindle my mātauranga Māori.'</i></p>	<p>The applicant disagrees and believes a marine reserve will actually facilitate opportunities to rekindle these objectors' mātauranga Māori within a recovering marine ecosystem, that is in healing and rebuilding its damaged mauri. Objectors and the many more supporters, and tamariki, and mokopuna as yet unborn, will be able to observe and swim with among other marine life flocks of seabirds, dolphins, schooling tarakihi, tāmure, porae, blue moki, giant red moki, demoiselles, blue maomao, butterfly perch, splendid perch, giant boarfish, longfinned boarfish, mullet, kōura (giant red and green crayfish), five species of wrasse, and large blue cod in number. This possible future, compared to the present prevailing state of affairs of a marine ecosystem stressed and depauperate from over-exploitation by people.</p>

<p>THEME: Marine reserves lock out Māori from connecting with the moana</p> <p>Mereana Berger HMMR-682516</p>	<p><i>‘The marine reserve will extinguish connectivity with the moana and prevent practise of kaitiaki’</i></p>	<p>The applicant disagrees. The Marine Reserves Act does not exclude anyone from connecting with the moana. In fact the opposite. The Marine Reserves Act s 3 (4) expressly states <i>‘the public should have freedom of access and entry to the reserves so that they enjoy in full measure the opportunity to study, observe and record marine life in its natural habitat’</i>.</p> <p>We fully agree with submitter Karla Allies Ngāti Paoa, Ngāti Horowhenua [HMMR 742918] who points out:</p> <p><i>‘Myself and other Ngāti Paoa whānau have been occupying Pūtiki Bay since March 9th, 2021. We occupied in protest at the marina development and remain under the tikanga of rongoa, practicing kaitiakitanga, reconnecting to our whenua, moana and selves. Our marae "Horowhenua ki Tai" is on the beach and our papakainga is situated on the beach and Kennedy point reserve. Waiheke is our turangawaewae. My great grandmother was born and raised in Matiatia. This area is the ancestral whenua of Ngāti Horowhenua, our hapu. Our destiny is to be the kaitiaki of the moana.</i></p> <p><i>This marine reserve of 2350 hectares is a good location and the geography of the area makes it an ideal fish nursery. The Gulf is in crisis and some action to help our moana and life within, is better than nothing, but it is a drop in the bucket for what is required... I do support the application for the Marine reserve and rely on DOC to behave in good faith as our Te Tiriti partner by supporting mana whenua, in particular Ngāti Horowhenua, Ngāti Paoa, to become the Marine Rangers in this place.’</i></p>
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<p>THEME: The marine reserve will be damaging to Māori/personal identity</p> <p>Mereana Berger HMMR-682516</p> <p>Carla Perese Ngāti Paoa HMMR-752960</p> <p>Maria Kahui Ngāti Paoa HMMR-752972</p> <p>Tommy Ngapera Ngāti Paoa HMMR-753017</p>	<p><i>'It does not acknowledge the whole of me. I am whānau, hapū and iwi with kaitiakitanga responsibilities. My pepeha narrates that Waiheke is me. This marine reserve proposal proposes taking away part of me. Who has the right to do that? Only me. The moana is my whanaunga. I do not agree to part of my family being cut off from me.'</i></p>	<p>The applicant must respectfully disagree with these objectors whose submissions are identically worded. Theirs appears to be a somewhat personalised view of nature which evidently does not accept the right of the natural world to exist independently of humans (nor themselves personally) and be protected from excessive human exploitation. The Ngāti Paoa Trust Board which represents whānau, hapū and iwi takes a diametrically contrary view as does the Piritahi Marae and more than 73% of submitters identifying as Māori, who believe, as do many Pākehā, they have kaitiaki responsibilities in the broadest sense to safeguard and protect nature. These making up 93% of submitters support the marine reserve for a variety of reasons. Not the least the protection of the ecosystem of this area will thereby allow nature to regenerate and thereby restore its life supporting capacity and that this will in turn enrich their traditional associations with the moana and its restored wildlife – and for their descendants. We note the submission of Katherine Ngapo, Ngāti Paoa, Ngāti Porou, Ngāti Awa, Ngāpuhi, Marutūahu. HMMR-753065:</p> <p><i>'I grew up on Waiheke and spent almost my whole life there 60 plus years. As a Maori family we gathered a lot of our kai from the sea and I am very aware of how prolific the gulf was. I also got my scuba ticket as a teenager and have dived in places such as the Poor Knights, Mokihinaus, Great Barrier and Little Barrier, Kawau, and all around Waiheke with snorkel and scuba. I can remember being surrounded by huge schools of fish, and so much kelp when I was diving. I know how full of life it was. I honour that life, the mauri and wairua of it, how it can feed other animals and people. I want that life to continue and believe we are heading currently towards species extinction and underwater deserts as told in the State of the Gulf Reports which are highlighting at each successive report a continuing decline. We need no take areas to address this, we need it immediately and I support this reserve off Waiheke 100%.'</i></p>
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<p>THEME: Marine reserves do not have regard to the Māori World View</p> <p>Ngāti Paoa Iwi Trust (Herearoa Skipper) WSHMMR-791862</p> <p>Dean Ogilvie HMMR-773911</p>	<p><i>Fundamentally I see this as a difference in world views. This marine reserve approach feels like humans have no place in the environment. It is something separate [sic] from us and we need to lock it up and throw away the key for perpetuity'</i> Dean Ogilvie</p>	<p>The applicant disagrees. While we feel it is not appropriate for the applicant to debate the Māori world view, the Ngāti Paoa Trust Board and a number of Ngāti Paoa descended from 19<sup>th</sup> century Rangatira who lived in the area of the proposed reserve, the Piritahi Marae, and 73% of individual Māori submitters, have a different view from the objector, seeing the urgent need for the protection, conservation and preservation of the natural world and marine species as within the national interest and fully within their Māori world view, just as with the conservation of terrestrial species. Long term island resident Jacqueline Joseph (Ngāti Kinohaku, Ngāti Maniapoto, Ngāti Toa, Ngāti Rārua, Ngāti Mahuta &amp; Ngāti Tūwharetoa) HMMR 794856, articulates the views of many Māori submitters:</p> <p><i>'I wholeheartedly believe that marine reserves are incredibly important for our moana; a chance for them to regenerate under our protection. I think science has shown this time &amp; time again. In a time when our oceans are being massively overfished &amp; polluted, we need to act swiftly, not dilly dally around. I support the proposal because I want to protect our moana for future generations. The act of raping the moana till there is nothing left needs to stop. There should be more protections put in place before it is all gone &amp; there are no fishes left.'</i></p> <p>With due respect, the world view of these objectors is clearly not the only Māori world view.</p>
<p>THEME: The Marine reserve is in the estate of Marutūāhu</p> <p>William Peters Te Patukirikiri WSHMMR-812420</p>	<p><i>'Te Patukirikiri is opposed to all applications concerning the Friends of the Hauraki Gulf regarding the tribal estate of Marutūāhu people which includes the Hauraki Gulf and Tikapa Moana.'</i></p>	<p>The applicant does not disagree but the objector overlooks the fact that Ngāti Paoa is a major iwi of Marutūāhu and that both the Ngāti Paoa Trust Board and the Ngāti Paoa Iwi Trust maintain that Ngāti Paoa are the tangata whenua of Waiheke. The Iwi Trust, while not supporting the application maintains the area of the proposed reserve is 'the rohe moana' of Ngāti Paoa. The Pāoa Trust Board and Ngāti Paoa descendants of 19<sup>th</sup> century rangatira who lived in Matiatia and Owhanake (Te Huruhi), the coastal area of the marine reserve support the application and its objectives to protect and restore this part of the moana.</p>



THEME:  
Te Tiriti o Waitangi

Treena Thompson  
Ngāti Paoa  
HMMR 692585

Lucy Tukua  
WSH-791868

Lucy Tukua  
HMMR 784100

*Manawhenua have Rahui in place, around the motū. Manawhenua are kaitiaki by whakapapa. I believe as tāngata te whenua. Manawhenua have customary harvesting and fishing to our moana by whakapapa under the tiriti.*

*I strongly oppose the Matiatia Marine Reservation for the above reasons.*

The applicant disagrees. The objection goes to Article 2 of the Treaty and te tino rangatiratanga. Many marine reserves were actively led by tangata whenua e.g. Te Tapuae o Rongokako (Ngāti Konohi o Ngāti Porou) and Whanganui a Hei Marine Reserve (Ngāti Hei).

The latest being the government's plans to massively extend the existing no-take Kermadec Marine Reserve to become the 620,000 sq km Rangitāhua / Kermadec Ocean Sanctuary which is supported by Ngāti Kuri and Te Aupouri.

Furthermore it is standard best practice that tangata whenua are actively involved governing committees of marine reserves. The Hākaimangō - Matiatia Marine Reserve is supported by 73% of submitters identifying as Māori, by Ngāti Pāoa tribal members and by the Ngāti Paoa Trust Board which has declared its tino rangatiratanga over the area and the taonga that the marine reserve will protect in keeping with the objectives and principles of the Treaty.

<p>THEME: The marine reserve is not big enough.</p> <p>Karla Allies Ngāti Paoa, Ngāti Pukenga ki Manaia. Horowhenua ki Tai Marae, Waiheke. HMMR-742918</p> <p>Kyle Smart Ngāti Awa/Ngāti Māhuta</p> <p>Shane Gardner Ngāti Porou/ Ngapuhi HMMR--773350</p>	<p><i>‘The marine reserve] doesn’t go far enough. The Hauraki Gulf marine park is 1.2 million hectares. To have any hope of reviving the “mauri” of the gulf, it is said 30% of the oceans must be under some form of protection. That means 400,000 hectares of Te Moananui o Toi must be protected...If 30% of Waiheke waters were protected under “Marine Protected area (MPA), then we could get somewhere.’</i></p> <p>Karla Allies</p> <p><i>‘I would fully support if the area was larger.’</i></p> <p>Shane Gardner</p>	<p>The applicant agrees in principle. These submissions are ‘partially in support’ and mirror a number of ‘partial objections’ and even some full ‘objections’ that argue the marine reserve should be larger. That being said the proposed 2350 ha reserve, supported by 93% of submissions, will be bigger than any existing marine reserve in the Hauraki Gulf, almost doubling the existing area of protection. Moreover scientists advise that it is of sufficient scale to enable restoration of the life-supporting capacity of this area.</p> <p>As the submission from Piritahi Marae points out, the proposed reserve ‘...has extensive biodiversity in physical habitat and is in the ecological transition zone between the inner and outer Hauraki Gulf. The marine reserve will significantly increase egg production and juvenile fish, particularly tāmure or snapper. The Goat Island Marine Reserve is estimated to contribute to 10.6% of newly settled juveniles to the surrounding 400sq km area. With the tāmure population down 83% from what it once was in the Hauraki Gulf, the protection the reserve will give to allowing for increased population is critically important.’</p> <p>Finally we agree with Karla Allies Ngāti Paoa who goes on to say, ‘... the Gulf is in crisis and some action to help our moana and life within, is better than nothing, but it is a drop in the bucket for what is required. Indeed. But we have to start somewhere. It is time to take action rather than sitting around and endlessly talking about it.</p>
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<p>THEME: The marine reserve is not necessary as the rāhui is a sufficient means of marine protection</p> <p>Herearoha Skipper Ngāti Paoa Iwi Trust</p> <p>Herearoha Skipper</p> <p>Apanui Skipper</p> <p>Treena Thompson HMMR 692585</p> <p>Carla Perese HMMR-752960</p> <p>Marcia Kahui HMMR-752972</p>	<p><i>‘Pou Rāhui will be the catalyst to elevate marine restoration throughout Tikapa Moana and Te Moananui-ā-Toi using rāhui as a credible, bespoke Māori customary marine management tool to address the current challenges of ‘functionally extinct’ fauna and flora, taonga species’ Herearoha Skipper</i></p>	<p>The applicant supported the rāhui around Waiheke as a step in the right direction. The rāhui has legal force under s186c of the Fisheries Act and is considered a ‘temporary closure of a fishery.’ The Williams ‘<i>Dictionary of the Māori Language</i>’ interprets <b>rāhui</b> as ‘A mark to warn people against trespassing; used in the case of <b>tapu</b>, or for temporary protection of fruit, birds, or fish etc.’ It is noted that the rāhui around Waiheke covers only four seafood species for a period of two years. It provides NO protection for fish at all and whereas scientists advise there are hundreds of marine species in this ecosystem under severe stress due in large part to overfishing. Relying solely on rāhui which single out taonga food species overlooks the importance in the ecosystem of other less valued, more humble and cryptic biota and their vital role in a healthy functioning marine ecosystem.</p> <p>The applicant agrees with submitter Rachel Monks Ngāpuhi, Ngāti Rehia [HMMR 502084] ‘<i>The continued decline of sea life in the area is unacceptable. The rāhui placed 2 years ago does not go far enough, with the inclusion of another marina, wildlife are not being prioritised. We need government mandates to be enforced to protect the sealife.</i>’</p>
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<p>THEME: Rāhui</p> <p>NZ Sport Fishing Council/the Legasea Team WSHMMR-791865</p> <p>Janine Paton HMMR-773680</p> <p>Jess Whiting HMMR-773689</p> <p>Lucy Tukua HMMR-784100</p> <p>Spencer Roff HMMR-784346</p> <p>Apanui Skipper HMMR-784712</p> <p>Herearoha Skipper HMMR-784715</p> <p>Bill McGarry HMMR-794808</p> <p>Treena Thompson HMMR-692585</p> <p>Claudia Pierce HMMR-753050</p> <p>Matt von Sturmer HMMR-753053</p>	<p><i>The submitter maintains that the protections in the proposed area are sufficient.</i></p>	<p>The applicant disagrees with these submitters because:</p> <ul style="list-style-type: none"> <li>● The rāhui placed around Waiheke only addresses the take of four types of seafood species - kōura, kutai, paua, tupa. It does not protect any fish, and is in place for only a few years.</li> <li>● The Waiheke rāhui will not be sufficient for a full subaquatic recovery, as measured over time by the re-establishment of large, long-lived umbrella / apex reef species like hāpuku, tāmure kourā packhorse crayfish, and reef fish which live to over 60 years of age.</li> <li>● It is scientific consensus that effective restoration should consider entire ecosystems.</li> <li>● The International Union for the Conservation of Nature (IUCN) has developed global standards for marine protection (IUCN WCPA, 2018). They exclude protections that are short term or species specific.</li> <li>● The applicant is aware of just a few scientific papers published on the efficacy of rāhui; none conclude that rāhui (temporary closures) generate comparable recovery and abundance benefits as those of marine reserves. The most relevant paper is Booth 2020. Other papers review rāhui on single species, which generally produced mixed results. Rāhui are a seafood / fisheries management tool - not a tool for conservation or generating scientific baselines.</li> <li>● The marine reserve will complement the rāhui.</li> <li>● The marine reserve will offer an unprecedented opportunity for the comparative scientific study of a rāhui area, normal fishing regulations area, an experimental 'High Protection Area' and a fully protected reserve actually adjoining each other along with active restoration measures.</li> </ul> <p>The applicant concurs with the New Zealand Marine Sciences Society WSHMMR-791859 <i>'The proposed marine reserve only covers ~5% of the Waiheke coastline so in our view this provides a small first step in a more holistic and community-wide approach to marine conservation on Waiheke Island.'</i></p>
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<p>THEME: Customary practices are more appropriate</p> <p>NZ Sport Fishing Council/Legasea team WSHMMR-791865</p>	<p><i>The submitter objects to the marine reserve application because they think Māori customary practices are better suited for marine protection.</i></p>	<p>The applicant disagrees that a customary tool is more appropriate because:</p> <ul style="list-style-type: none"> <li>● The holistic concepts of mauri ('life principle') and established ecological science are predicated on an interconnected habitat-wide approach.</li> <li>● This is seen around the world, where all national parks, both marine and terrestrial, encompass entire habitats. Areas dedicated to biodiversity recovery allow all of the species within them to replenish themselves. National parks and all other nature reserves on land and in the sea are generally not managed for a few species alone.</li> <li>● The proposed marine reserve is THE most effective way of addressing the environmental crisis of the degradation of the Hauraki Gulf at a habitat-wide level.</li> <li>● Tikanga-based and more narrowly-focussed actions such as temporary conservation rāhui were developed in an epoch of far greater base resilience of all Aotearoa / New Zealand's ecosystems, and during a time of far lower population pressure and technological capability than in 2022.</li> <li>● A 'more-focused' approach may overlook as yet unknown contributing factors to certain species' decline or recovery.</li> <li>● A 'more-focused' approach implies that we already know the specific answers to recovery of mauri and biodiversity throughout the Hauraki Gulf. A habitat-wide approach does not necessarily make this assumption; and is a safer, more reliable, and scientifically-proven approach.</li> <li>● In terms of the widely-accepted Precautionary Principle, a habit-wide approach is more sound, and much more likely to be successful in the restoration of mauri.</li> </ul> <p>The applicant accepts that certain tikanga-based actions may be more focused. Conservation rāhui, for example, tend to be based on only a few species, and for limited time periods.</p> <p>The applicant disagrees that the Marine Reserves Act 1971 is not the right tool because it is the only tool that</p>
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		<p>will deliver the outcomes sought. The outcomes sought are very popular (as expressed in the number of submissions) and are in the national interest.</p> <p>A fixed term rāhui for four invertebrate species will not be enough to ensure the return of 60+year-old reef fish like hāpuku, red moki and decades-old kōura, (red and packhorse crayfish) - or the many species of seabirds and marine mammals.</p>
<p>THEME: Customary practice and tikanga</p> <p>Auckland Council WSHMMR-791826</p>	<p><i>The applicant has not identified any impacts of a marine reserve on customary practices and tikanga.</i></p>	<p>The applicant after consultation with tangata whenua and manawhenua understands the marine reserve will not impact on any customary practices or tikanga. The applicant supports the rāhui which prevents customary shellfish and crayfish gathering. Moreover the applicant does not believe it is its role under the Marine Reserves Act or the Takutai Moana Act to identify customary practices and tikanga, some of which are private, indeed tāpu. We have consulted with tangata whenua and manawhenua to seek their views on these questions. We have also worked closely over the past year with DOC officials, who the applicant can attest are very much concerned with these questions. While we respect assertions by the spokesperson for the Ngāti Paoa Iwi Trust, from our consultation with the Ngati Paoa Trust Board and Ngāitai ki Tāmaki the only activity which will be impacted will be fishing, which stating the obvious, is the whole point of the exercise,</p> <p>We recommend the council heed the words of submitter Moana Te Aira Te Uri Karaka Te Waero WSHMMR-791958. This submitter is tangata whenua and a person of mana. <i>‘The status of Marine Reserve not only provides protection to waterways. It also encompasses the whenua it surrounds. Whenua which is wāhi tapu to my people - past and present... Supporting the formation of the proposed marine reserve from my perspective is the additional protection it affords coastal wahi tapu, and more stringent protocols on land development activities.’</i></p>



<p>THEME: Treaty Claims</p> <p>Auckland Council WSHMMR-791826</p>	<p><i>The applicant has not discussed any potential impacts on Treaty claims, Customary Marine Title claims and the Māori Commercial Aquaculture Claims Settlement Act 2004 (including the New Space Plan, which is in progress with Fisheries New Zealand).</i></p>	<p>The council is quite mistaken in this assertion. The applicant has indeed discussed all those questions as is tika with Ngāti Paoa Trust Board, kaumatua and whānau and with Ngāitai ki Tāmaki who have recognised manawhenua status over neighbouring Otata (the Noises Islands), and also on an ongoing basis with the Department of Conservation.</p> <p>We have acknowledged the proposed Ngāti Paoa Treaty settlement in the <i>Hākaimangō-Matiatia (NW Waiheke) Marine Reserve Application Report (2022)</i> and in good faith satisfied to the best of our ability all obligations under the Marine &amp; Coastal Area (Takutai Moana) Act.</p> <p>To the best of our knowledge the marine reserve proposal in this area will not impact negatively on any Treaty settlement, nor compromise any claim for customary title or customary rights under the Marine &amp; Coastal Area (Takutai Moana) Act. The customary practice and tikanga of the rāhui we formally acknowledge and respect. The Council should heed the words of the Ngati Paoa Trust Board. <i>‘Ngāti Paoa are driven by principles of kaitiakitanga (environment responsibility), manaakitanga (capability building), and taonga tuku iho mō ngā uri whakatipu (guardianship of resources for future generations).</i></p> <p><i>It is for all the above reasons that Ngāti Paoa will walk alongside Friends of the Hauraki Gulf in support of the application to establish the Hākaimangō-Matiatia Marine Reserve, and that the mana of Ngāti Paoa Iwi/hapū support will help to make our joint aspirations a reality.’</i></p>
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<p>Theme: Section 186 temporary closure (Rāhui)</p> <p>NZ Sport Fishing Council/Legasea team WSHMMR-791865</p>	<p><i>The submitter objects to the marine reserve application because the area under a section 186 closure (the Rāhui) is a bigger area.</i></p>	<p>The applicant agrees that the rāhui area is greater than the proposed marine reserve but this does not negate the the need for this marine reserve because:</p> <ul style="list-style-type: none"> <li>● The rāhui around Waiheke covers only four species and does not in any way address the problem of chronic overfishing which has cascade effects on the whole marine ecosystem. The Hākaimango-Matitia Marine Reserve will provide sanctuary for <i>all</i> locally-occurring marine life.</li> <li>● There is no current scientific evidence that rāhui are effective in current environmental circumstances in the Hauraki Gulf.</li> <li>● Only three scientific papers have been written, which may be seen to be (in part) assessing the efficacy of rāhui in New Zealand. All conclude that the rāhui they looked at were NOT successful in the recovery of mauri.</li> <li>● If the submitter is motivated by the desire to see biodiversity recover in the Hauraki Gulf, then the above proposition is not in itself a reason to oppose the Hakaimango-Matitia Marine Reserve, for both rāhui and marine reserved will complement each other in achieving this commonly-held aspiration.</li> <li>● Most rāhui are temporary; all marine reserves are in perpetuity. So it follows that a marine reserve, regardless of size, will have greater long-term ecological benefits than a rāhui. Indeed we are seeking inter-generational benefits.</li> </ul> <p>While the applicant supports the rāhui, the applicant disagrees that the rāhui will deliver the outcomes sought by the marine reserve application. The additional outcomes sought by the fishing restrictions in the marine reserve application are very popular (as expressed in the number of submissions) and are in the national interest.</p>
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<p>THEME: Active intervention restoration</p> <p>Carla Perese HMMR 752960 Marcia Kahui HMMR 752972 Treena Thompson HMMR 692585</p>	<p>A marine reserve would prevent active conservation measures within the area</p>	<p>The applicant agrees. The marine reserve will allow nature itself to lead the healing process in this area. Meanwhile, as noted, the questionable practice of killing kina, the localised high numbers of which are due to the removal of kina's natural predators (especially tāmure/snapper) due to over-fishing, is therefore trying to deal with an effect rather than the fundamental cause of environmental degradation. Those keen on active intervention have some 126 km of the Waiheke coastline and c99% of the Hauraki Gulf to undertake such conservation measures.</p>
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### Late objection from Ngāti Maru Rūnanga

Please note. The Friends of the Hauraki Gulf are responding to this objection under protest.

This is because:

1. The objection was dated & received 10 days after the closure of the statutory date for objections (see s 5 [3]).
2. No copy was served on the applicant (s 5 [3]).
3. The time allocated to the applicant for responding to some 100 submissions and rather more submission points is only one month. The objector in lodging this objection 10 days after the statutory deadline has effectively reduced this already very limited period by 10 days for the applicant to respond to it.
4. The Ngāti Paoa Trust Board objects to the reception of this out-of-time submission and requests that it be declined. Please see below.

Submission #	Objection	Response
<p>THEME: The marine reserve is part of treasure handed down and food store for Ngāti Maru/ Marutūāhu  Ngāti Maru Rūnanga</p>	<p><i>'The marine reserve is a taonga tuku iho. It is part of the essential identity of Ngāti Maru/Marutūāhu. Tikapa Moana is also a pataka of Ngāti Maru/ Marutūāhu. over centuries'</i></p>	<p>The applicant does not oppose these points but would point out:</p> <p>1. The marine reserve would protect marine life in an area of just 2,350 ha, an area a fraction of less than half of one percent of an area of over 1 million ha of Tikapa Moana.</p> <p>2. Tikapa Moana is under severe environmental stress due to over exploitation. Apart from a nearly 100% decline in green-lipped mussels there is</p> <p>57% decline in key fish stocks, 67% decline in seabirds, 76% decline in kōura, 83% decline in tāmure, 86% decline in arara, 86% decline in all mangō/shark species 97% decline in whales and dolphins (Hauraki Gulf Forum, <i>State of Our Gulf 2020</i>).</p>

		<p>A further indication of the serious ecosystem stress in the Hauraki Gulf was the recent mass die-off of over 51 juvenile fur seals in the Spring of 2021, probably from starvation.</p> <p>3. The objector does not appear to recognise that Ngāti Paoa is a major iwi of Marutūāhu and Ngāti Paoa Trust Board's rangatiratanga over an area lying within the rohe of Ngāti Paoa as declared by both Ngāti Paoa Boards.</p>
<p>THEME: The proposed marine reserve belongs to the Ngāti Maru/ Marutūāhu World.</p> <p>Ngāi Maru Rūnanga</p>	<p><i>'The customary interests of Ngāti Maru/ Marutūāhu with Waiheke and Tikapa Moana are recognised in Crown Deeds of Settlement. Crown redress will assist with the Mana Whenua led restoration, maintenance and enhancement of natural resources in the Ngāti Maru/ Marutūāhu world.'</i></p>	<p>The applicant welcomes Treaty settlements which enable Mana whenua-led restoration, maintenance and enhancement of natural resources. However it would be inappropriate for the applicant to become involved in a discussion on Ngāti Maru's claims on and around Waiheke.</p> <p>We are advised there is nothing in the Crown Deeds of Settlement which is incompatible with the Crown's exercise of the existing laws over the Common Marine and Coastal Area.</p>
<p>THEME: Tai Timu Tai Pari</p> <p>Ngāi Maru Rūnanga</p>	<p><i>Tai Timu Tai Pari was developed in conjunction with Mana Whenua and the government to develop a collaborative and co-governance process for a marine spatial plan for Tikapa Moana.</i></p>	<p>The objector incorrectly suggests the government was involved in formulating the non-statutory '<i>Sea Change -Tai Timu Tai Pari</i>'. The Thames-based objector overlooks the leading role of Auckland Council whose ratepayers paid the substantive costs of this non-statutory process, along with the Waikato Regional Council. However the people of Auckland, and of Waikato and Coromandel - and especially Waiheke - were largely shut out of the process.</p> <p>The government has certainly responded to the <i>Sea Change - Tai Timu Tai Pari</i> in a measured way but has not accepted some of its more controversial proposals (such as 'Ahu Moana') which it evidently considers unsuitable or impracticable at this point in time.</p>
<p>THEME: The Marine Reserve proposal offends the Crown's obligations for Treaty settlements</p> <p>Ngāi Maru Rūnanga</p>	<p><i>'Treaty settlements are not to be prejudiced by obsolete legislative regimes which is the underpinning for the Proposal. As such, the Proposal offends against the Crown's obligations to Ngāti Maru/ Marutūāhu.'</i></p>	<p>The applicant rejects the assertion that exercising the applicant's existing rights under the law to make an application for protection of the marine environment would prejudice any Treaty settlement. Despite what the objection implies, neither the Ngāti Maru iwi Treaty settlement nor the Marutūāhu collective Treaty settlement contain within the redress any Crown commitments to repeal environmental statutes, in particular the Marine Reserves Act (1971), and the Marine &amp; Coastal Area [Takutai Moana] Act (2011), nor change existing jurisdictional or constitutional arrangements relating to the role of the Crown and democratic regional government over the Common Marine &amp; Coastal Area. We can only accept the</p>

		Crown's public assurance that the settlements will mean no change to the existing rights of third parties, namely the general public.
THEME: Not in keeping with <i>Revitalising the Gulf</i>  Ngāi Maru Rūnanga	<i>The Government's response to Tai Timu Tai Pari includes actions which spanned eight important elements: fisheries management, active habitat restoration, aquaculture, marine biosecurity, marine protection areas (not marine reserves), protected species, ahu moana, and governance.</i>	<p>This is not completely accurate in regard to the government's response to <i>Sea Change - Tai Timu Tai Pari</i> called <i>Revitalising the Gulf 2021</i>. It is correct to say marine reserves were excluded by the small group who ran the <i>Sea Change - Tai Timu Tai Pari</i> process, in particular rejecting the inclusion of such proposals from the Waiheke Local Board. However it should be pointed out the Government's <i>Revitalising the Gulf 2021</i> response to <i>Sea Change</i> includes committing to significant expansion of the Cape Rodney to Okakari Point (Leigh) Marine Reserve and the Whanganui a Hei (Cathedral Cove) Marine Reserve.</p> <p>Moreover the Government's response nowhere precludes marine reserve applications made under existing laws in the common marine and coastal area.</p>
THEME: Marine Reserves are not Treaty compliant.  Ngāi Maru Rūnanga	<i>Tai Timu Tai Pari provides the basis for a Treaty compliant approach to protecting Tikapa Moana.</i>	<p>The applicant disagrees with this assertion. A key feature and a major flaw in the <i>Sea Change - Tai Timu Tai Pari</i> process was apart from its non-statutory basis the undue dominance of corporate resource users. This and its extremely weak approach to marine protection and its failure and even unwillingness to take the general public with it, was a missed opportunity and was a glaring weakness in the whole process. We would question whether shutting the general public out from the future of the Hauraki Gulf and ruling out marine reserves which are strongly supported by the public, both Maori and Pakeha, is a basis for 'Treaty compliance' or is in the national interest.</p>
THEME: Marine Reserves Act  Ngāi Maru Rūnanga	<i>The 'no-take' Proposal is made under the obsolete Marine Reserves Act 1977 and would prohibit any customary or Treaty settlement based kaimoana activities.</i>	<p>The applicant disagrees that the Marine Reserves Act, (which was enacted in 1971 not 1977) is 'obsolete'. See earlier responses on this objection point. And neither is the Marine &amp; Coastal Area (Takutai Moana) Act (2011) which acknowledges all established customary rights and titles and the rights for marine reserve applications in the Common Marine &amp; Coastal Area.</p> <p>The applicant agrees with the objector that 'kaimoana activities' would not be allowed within this relatively tiny area and notes that it is a matter of shame that amidst a growing environmental crisis in the Hauraki Gulf less than half of 1% of</p>

		the Hauraki Gulf Marine Park provides full sanctuary for marine life, leaving more than 99% for continued human exploitation
<p>THEME: Severe the objector's relationship with the Hauraki Gulf.</p> <p>Ngāi Maru Rūnanga</p>	<p><i>The Proposal would sever the relationship of Ngāti Maru/ Marutūāhu with Tikapa and is repugnant to our tikanga relationships and customary interests.</i></p>	<p>The applicant disagrees and feels this objection point is extravagant, drawing a long bow indeed, The applicant is disappointed the objector finds the proposal 'repugnant'. The Marine Reserves Act does not exclude anyone from connecting with the moana. In fact the opposite. The Marine Reserves Act s 3 (4) expressly states '<i>the public should have freedom of access and entry to the reserves so that they enjoy in full measure the opportunity to study, observe and record marine life in its natural habitat</i>'. And it acknowledges the rights of tangata whenua and Māori land owners.</p> <p>In regard to tikanga and customary interests, the applicant is not qualified to comment, noting the Marine &amp; Coastal Area (Takutakai Moana) Act except to point out the Hākaimangō-Matiatia (NW Waiheke) Marine Reserve proposal is actively supported by tangata whenua represented by the Ngāti Paoa Trust Board, the local Piritahi Marae and 73% of submitters identifying as Māori.</p>
<p>THEME: The Marine Reserves Act offends against the Crown's obligations to Ngāti Maru/Marutuahu.</p> <p>Ngāi Maru Rūnanga</p>	<p><i>Treaty settlements are not to be prejudiced by obsolete legislative regimes which is the underpinning for the Proposal. As such, the Proposal offends against the Crown's obligations to Ngāti Maru/Marutūāhu.</i></p>	<p>The applicant disagrees for the reasons previously outlined but believes it is inappropriate to be further drawn into what appears to be a matter between the Office of Treaty Settlements and the objector..</p> <p>Finally, the applicant fully concurs with and supports the points made by the Ngāti Paoa Trust Board in rebuttal to this out-of-time objection. See as follows.</p>



**Ngāti Paoa Trust Board**

P.O. Box 204 144  
Highbrook  
Auckland 2161

11 April 2022

Department of Conservation  
Email : lmcDonald@doc.govt.nz

Attn : Lara McDonald

Kia ora Lara

The Ngāti Paoa Trust Board ( NPTB ) has recently been advised of a late submission that has been submitted by Ngāti Maru Runanga, and accepted by DOC as relevant.

NPTB is the mandated entity to represent Ngāti Paoa by a mandate of the hapu & iwi in 2004, and a further mandate by the hapu & iwi in 2011 to enter treaty settlements with the Crown for Ngāti Paoa.

Those negotiations are continuing.

Firstly, DOC's acceptance of this submission ( 10 days late ) makes a mockery of the statutory submissions process, which regularly refuses such late submissions from the public.

Ngāti Paoa is offended by DOC's ability to accept late submissions by iwi looking to enhance their Collective Treaty Settlement negotiations, in a non-tikanga way.

Secondly the submission purports that Ngāti Maru Runanga represent a collective treaty settlement entity, 'Marutuahu,' which undermines Ngāti Paoa, and without our authority.

For this reason alone, the Ngāti Maru Runanga late objection must be declined. The objection is making untrue statements that refer to Marutuahu as objectors while knowing that the NPTB, a member of that collective, is fully supportive of the Marine Reserve application.

The Ngāti Paoa Trust Board wishes to respond to several points of the Ngāti Maru Runanga objection, to illustrate Ngāti Paoa's .

1. Ngāti Maru Runanga had every opportunity to enter a submission in the timeframe allowed to iwi and the general public.
2. Ngāti Maru Runanga has not respected Ngāti Paoa's centuries old tikanga relationships with Waiheke and Tikapa Moana (along with other iwi), which

involve all the pou/values of tikanga – tino rangatiratanga, whanaungatanga, whakapapa, kaitiakitanga and mana.

3. Tikapa Moana around Waiheke is a taonga tuku iho. It is part of the essential identity of Ngāti Paoa, as recently illustrated by the rāhui placed by Ngāti Paoa around the Island under the above pou/values. No objection was raised by Ngāti Maru Runanga, because it is not their turangawaewae.
4. Tikapa Moana is also a pātaka of Ngāti Paoa over the centuries, especially Waiheke Island.
5. Crown Collective Deeds of Settlement do not define tangata whenua or ahi ka status.

Historic events define that, and those recorded historic events on Waiheke Island clearly define Ngāti Paoa as tangata whenua and ahi ka of Waiheke Island long before Iwi entered into Collective Deeds of Settlement negotiations.

Ngāti Maru Runanga has no tikanga right to use the Collective Treaty Settlement Process to enhance its standing in a Ngāti Paoa rohe, just as we have no right under that agreement to enhance our standing in their turangawaewae.

It is not for DOC or the Crown to adjudicate on the mana motuhake of Ngāti Paoa on Waiheke Island.

The blood of our tupuna in Tikapa Moana ensures tino rangatiratanga on Waiheke Island sits with Ngāti Paoa

This history was documented long before colonisation and treaty settlements.

Article II of the Tiriti clearly defines tino rangatiratanga as a status, not to be confused with a treaty settlement process designed to address wrongs done by the Crown.

It is for the reasons above that DOC must comply with its own statutory rules and decline this late objection by Ngāti Maru Runanga which has no historical basis for recognition because of Ngāti Paoa tino rangatiratanga and mana motuhake on Waiheke Island and Tikapa Moana that surrounds it.

This standing does not change because of Collective Treaty Settlements.

Nga mihi  
Danella Roebeck

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Co Chair  
Ngāti Paoa Trust Board

## 4.0 Section 5(6)(a) – Landowners

The consideration of objections under s.5(6)(b) of the Act requires the Minister to consider whether declaring these areas to be marine reserves would ***interfere unduly with any estate or interest in land in or adjoining the proposed reserve.***

Auckland Council's supporting submission WSHMMR-791826 notes that *"The proposal has no anticipated impact on adjacent land uses in relation to the Auckland Council District Plan: Hauraki Gulf Island section or regional provisions of the Auckland Unitary Plan (Operative in Part). There is a public park (Owhanake Reserve) and coastal walking track adjacent to the proposed area. Owhanake Reserve and council's Owhanake-Matiatia Walkway provides excellent public access directly to most of the northwestern coast adjoining the proposed marine reserve."*

There is one very expansive submission from a group calling themselves 'Coastal Custodians', claiming to represent the majority of landowners with an estate adjoining the proposed reserve and/or the associated esplanade reserve. The 'Coastal Custodian' submission encompasses objection points relating to the status accorded by the Marine Reserves Act s 5 (1) (d) (i) to *'all persons owning any estate or interest in land in or adjoining the proposed reserve'* and s 5 (6) objections made on the basis that the marine reserve would *'interfere unduly with any estate or interest in land in or adjoining the proposed reserve'*. These objection points we propose to address in this section.

Additionally the 'Coastal Custodians' claiming to represent the overwhelming majority of local residents have lodged objections to the marine reserve seemingly on every conceivable point one could imagine – and more – to oppose the marine reserve. This is probably because the 'Coastal Custodians' s 5 (6) (a) primary objections are demonstrably weak. Many of these other objection points are covered by other objectors (e.g. the Treaty of Waitangi, Navigation and Recreation (fishing)), which we have responded to in designated sections. However these miscellaneous objections, lengthy as they may be, do not relate to their status as neighbouring landowners. Many we consider out of scope or essentially irrelevant to the tests in the Act. However we have included these in the Miscellaneous Objections (s 8.0) and respond to them in that section. Finally the applicant points out that the position of this objector does not align with a remarkable 95% of Waiheke submitters.

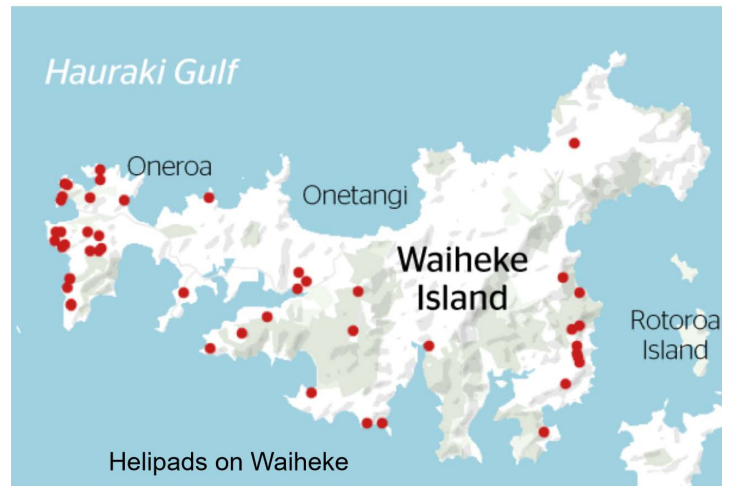
Submission #	Objection	Response
THEME: Inadequate Consultation  Coastal Custodians WSHMMR-791829	<i>'We believe FOHG's level of meaningful consultation with us as adjoining landowners is inadequate. Not every affected landowner received a notice in writing as required by the Act.'</i>	The applicant strongly rejects this assertion. We have been mindful of the requirements of s 5 (1) (d) (i) from the outset. To recap, the draft application for this marine reserve was sent to the Director-General of DOC and the tangata whenua bodies on 23 April 2021. Prior to publicly announcing the application in the local <i>Gulf News</i> on 20 May we notified by letter (letters posted on 14 May) 46 individual residents (a

		<p>number of them absentee) in this area inviting them to a meeting at a neighbouring resident's home on 23 May 2021 to discuss the application. At that well attended meeting the applicant's presentation was interrupted at the third slide by a small group who assailed us verbally, accusing us of 'lying' and failing to consult! Nevertheless we proceeded with our presentation and extensive question and answer session. While some of the concerns expressed '<i>school children defecating in the bush</i>' were self-evidently unreasonable, a common concern articulated by residents which we considered fair, was possible inconvenience from traffic congestion, especially from buses, on Korora Road. As a result, the applicant, the Friends of the Hauraki Gulf later formally committed by resolution that, subject to the marine reserve gaining ministerial approval, it would lobby the Waiheke Local Board and Auckland Transport to exclude buses from Korora Road.</p> <p>Again immediately before public notification on 20 January 2021 the applicant again under s 5 (1) (d) (i) wrote to every resident in the area. See Appendix 3.</p> <p>Regarding the landowners contacted, addresses were obtained from the Auckland Council database, if a landowner was overlooked or a letter went astray, we are unable to confirm one way or the other. Needless to say best endeavours were made to write to all qualifying residents on two separate occasions, both at the very beginning of the process and 10 months later at the end of the pre-notification consultation period and prior to formal public notification.</p>
<p>THEME: Disturbance and damage to neighbours' property</p> <p>Coastal Custodians WSHMMR-791829</p>	<p><i>Proposal will interfere unduly with adjoining land through damage from unsustainable growth in visitor numbers</i></p>	<p>There is no evidence provided by 'Coastal Custodians' to support the assertion that marine reserve inspired tourist numbers 'will increase by 40-50%' and that such visitors would interfere unduly and 'damage' their estates and land.</p> <p>The applicant considers that to be extremely unlikely on both counts. In regard to the predictions of numbers - this is extravagant in the extreme, The price hurdle of expensive ferry tickets makes direct comparison with the 40-year-old Leigh marine reserve which is readily accessible from State Highway 1 unrealistic. Also the latter is actively promoted as a tourist destination and the Waiheke Local Board indicated it was unlikely to do this for the Hākaimangō-</p>

		<p>Matiatia Marine Reserve. Finally the ongoing pandemic is predicted to continue to have a depressing effect on in-bound international tourism for the foreseeable future.</p> <p>That visitors drawn to the marine reserve will ‘damage’ the neighbouring land is unreasonable and even unfair. We would point out many of the property owners adjoin existing terrestrial reserves. Moreover the adjoining landowners purchased their properties in the knowledge that there was a public walkway, Te Ara Hura, running in front of their properties above the coastline which was a condition of the original subdivision. On the other side of Matiatia Bay, opposite the southwestern boundary of the proposed reserve, landowners happily welcome visitors to their properties for heavily-promoted <i>Sculpture on the Gulf</i> exhibition without any reported undue interference or damage to their properties.</p> <p>In regard to the question of visitor impacts, the applicant must point out that a leading oppositional figure among these residents purchased his gated property after considerable publicity about a possible marine reserve in the general area and also bought a Waiheke vineyard. We are also advised that an associated oppositional resident has played a leading role in the Waiheke Winegrowers Association, which organises the Waiheke Wine Festival, the purpose of which is to draw tourists to the Island.</p>
<p>THEME:</p> <p>Noise pollution &amp; destruction of quiet way of life.</p> <p>Coastal Custodians WSHMMR-791829</p>	<p><i>‘Loss of quiet Waiheke way of life for residents. The reserve will result in the destruction of one of the last quiet rural valley areas on Waiheke, enjoyed by so many of its island-wide residents. Given the geography, the noise pollution hundreds of thousands of tourists will generate will be catastrophic to the quiet way of life currently enjoyed.’</i></p> <p><i>‘Due to the geography, the noise pollution generated by the potentially vast number of extra tourists, buses, loudspeakers, boats etc, will detract from the</i></p>	<p>The applicant disagrees there will be significant noise pollution generated by visitors to the marine reserve.</p> <p>Marine reserves are not particularly noisy places. At the popular Leigh Marine Reserve the nesting Kāruhiruhi / Pied Shags can always be heard from the carpark. People visiting marine reserves are coming to experience nature, not make a lot of noise.</p> <p>However it is difficult to think of anything more noisy and intrusive than helicopters landing and taking off in the neighbourhood. Private helicopters have been a source of widespread public opposition across New Zealand – not the least on Waiheke Island. Note the</p>

*quiet way of life enjoyed by the residents and locals alike. '*

locations of helipads in the graphic below.



Graphic *Gulf News*

Helicopter landing at one of the coastal properties adjoining the proposed marine reserve.



Photo Leith Duncan

47% of all private helicopter landing pads on Waiheke are in the domain of the Coastal Custodians, an area within minutes of the Fast ferry terminal at Matiatia. The submitter's objection to a marine reserve, among other things, suggests a remarkable double standard at play.

THEME:  
Infrastructure

Coastal Custodians  
WSHMMR-791829

*'No existing infrastructure to support increase in Tourism'.*

*'Waiheke Island infrastructure does not exist to support*

The applicant does not expect any measurable increase in marine reserve inspired nature tourism for some years until the marine ecosystem in this area begins to regenerate and that future visitors will be interested in the sea, accessing the area probably by kayak from nearby Matiatia, or Oneroa Bay, or directly


	<p><i>the anticipated number of visitors that a marine reserve at this location would attract.'</i></p>	<p>through publicly accessible Owhanake Bay.</p> <p>As noted, the popular and heavily promoted Waiheke <i>Sculpture on the Gulf</i> exhibition on the peninsula opposite the proposed marine reserve draws many visitors for each event with little or no extra infrastructure and without disruption to the lives of adjacent landholders.</p> <p>Being entirely accessible by public transport, ferries and buses from the Matiatia ferry terminal at one end, and bus stops at Oneroa village at the other, and by excellent walkways from these, the Hākaimangō-Matiatia Marine Reserve will place very little pressure on existing infrastructure. Moreover there is an existing car park at Owhanake Bay which has ample space to be further developed if necessary on the road reserve and/or the adjacent public reserve land. For further information please refer to the <i>Hākaimangō-Matiatia (NW Waiheke) Marine Reserve Application Report (2022)</i>.</p>
<p>THEME: Landowners views  Coastal Custodians WSHMMR-791829</p>	<p><i>'The vast majority of landowners adjoining the proposed reserve oppose it.'</i></p>	<p>It is not clear from the submission that this claim is factual. The objection is signed by four property owners purporting to represent a significant number of others. Therefore this objection technically can only be considered as an objection from four land owners. For another perspective of the views of adjoining landowners we urge you to look at the submission from neighbour, writer Christy Ralphs (WSH MMR 802405). See Appendix 3.</p> <p>As well as a critique on 'NIMBYism', Ms Ralphs, who is the only resident to actually live opposite the carpark at Owhanake Bay, gives a more balanced view of the benefits to her personally and to her children of the proposed marine reserve.</p> <p><i>'Now is the chance for our Waiheke community to step up. This time we all have the opportunity to support something positive that will have the best chance to make an impactful difference for our moana. I've read the research. I support other initiatives to improve our marine environment. But in terms of impact, there is absolutely nothing that comes even close to the benefits of having a fully protected no take marine reserve.</i></p> <p><i>"A marine reserve in my backyard? Yes please!"</i></p>
<p>THEME: Objectors really care for the environment  Coastal Custodians</p>	<p><i>'Collectively known as the Coastal Custodians, we residents of the north-western peninsular of Waiheke, have invested significant resources and over two decades of toil and sweat into</i></p>	<p>First the objection is irrelevant to the tests in the Act. However the applicant should point out that the native bush revegetation the objector refers to was a requirement and condition of the original subdivision consent.</p>

WSHMMR-791829	<i>transforming an erosion-prone peninsular [sic] into the stable regenerating native bush-clad environment it is today.'</i>	<p>Secondly most of the vegetation in this area was planted by the developers' contractor in the 1990s and to be fair, most of the 'toil and sweat' was expended by the contractor's workers who did most of the planting.</p> <p>That being said, aerial views of properties in the area reveal extensive areas of open mown grass lawn on properties adjoining the public walkway, especially at the northwestern end.</p> <p>In terms of the s 5 (6) tests in the Act the applicant points out that future nature-loving marine-reserve inspired visitors are most likely to be interested in the sea and what lies beneath and are most unlikely to '<i>interfere unduly with any estate or interest in land in or adjoining the proposed reserve.</i>'</p> <p>Finally it should be pointed out that the views of this group are not typical of the average Waiheke resident, or average citizen and neither are their circumstances. The average capital value of these properties is over \$8.4m, one property has a capital value of \$15.7m (see Appendix 11).</p>
<p>THEME: Community</p> <p>Coastal Custodians WSHMMR-791829</p>	<i>We are an integral part of the community's restoration and revitalisation of our joint land and the Hauraki Gulf. Whenua and moana are intimately connected, and we are determined to continue to respect, restore and revitalise it — just as iwi, council and the land owners envisioned when this unique area was recreated as a community collaborative reserve and residential area for all to enjoy.</i>	<p>The applicant applauds this sentiment but struggles to align it with the reality of 'Coastal Custodians' trenchant hostility to one of the most important environmental restoration and revitalisation projects ever proposed for Waiheke island and its surrounding common marine and coastal area.</p> <p>Furthermore we must point out, seeing that the objector has mentioned 'previous landowners', that this was the Delamore family, who farmed the land from the 1960s to the 1990s, some members of which are still adjoining landowners and who strongly support the marine reserve. The Delamore family originally owned and farmed most of the peninsula before its subdivision in the early 1990s. It was the Delamore family who also donated the DOC Matietie Historic Reserve to the people of New Zealand. The 'Coastal Custodians' could do well to reflect on the vision and generosity of the Delamore family.</p>
<p>THEME: Marine reserves not the way of the future</p> <p>Coastal Custodians WSHMMR-791829</p>	<i>We believe independent one-off marine reserves based on outdated legislation is no longer the way our nation should be choosing to protect the environment for the future.</i>	<p>The applicant rejects this objection as out-of-scope. The applicant notes that this objection has nothing to do with the statutory test of whether the proposed marine reserve would <i>interfere unduly with any estate or interest in land in or adjoining the proposed reserve.</i> We agree in part and would like to see as significant portion of the Hauraki Gulf protected as no-take marine reserves in line with community desires. While not perfect, (what law is?) the Marine Reserves Act was</p>



		widely recognised as world-leading. It has stood the test of time, most importantly it has proved to be effective, and whatever the 'Coastal Custodians' it is the law..
THEME: Application rides 'roughshod'  Coastal Custodians WSHMMR-791829	<i>'....Quite simply, FOHG's proposal rides roughshod over this collaboration and threatens to unravel the good work done to date.'</i>	Again, the applicant roundly rejects this objection which is in anyway out-of-scope. The objection point has nothing to do with the question of whether the proposed marine reserve will <i>interfere unduly with any estate or interest in land in or adjoining the proposed reserve</i> or indeed other tests in the Act.. The applicant strongly disagrees that the marine reserve proposal and public engagement for months and years preceding it <i>'rides roughshod over collaboration'</i> . The demonstrated support of 93% of over 1,300 public submissions, and 95% of Waiheke submissions, gives the lie to that.
THEME: The objectors are developing a plan.  Coastal Custodians WSHMMR-791829	<i>'We wish to continue developing a coastal and marine regeneration plan in collaboration with the Ngāti Pāoa Iwi Trust (i.e. the Post Settlement Governance Entity) and the Waiheke Marine Project (WMP).'</i>	The applicant has no knowledge of this non-statutory plan which presumably covers the coastal and common marine area (which the objector should be reminded it does not own). In regard to the objector's expressed strong views on consultation the applicant notes the plan has not been shared with the people of Waiheke,  The applicant therefore is unable to comment on its merits but we question its relevance in regard to the s 5 (6) tests in the Act.  We do note this 'coastal and marine regeneration plan' was conceived well after the marine reserve application and from that one can only draw one's own conclusions.
THEME: Conservation Act section 4  Coastal Custodians WSHMMR-791829	<i>'We believe FOHG's approach has no regard to section 4 of the Conservation Act 1987 and the principles of Te Tiriti o Waitangi.'</i>	The applicant rejects this statement which actually pertains to the role of the Department of Conservation. For the record s 4 states: <b>'Act to give effect to the Treaty of Waitangi. This Act shall be interpreted and administered to give effect to the principles of the Treaty of Waitangi.'</b> The DOC team which has overseen the application has in our view had scrupulous regard to section 4 and based on that its advice has been followed by the applicant at all stages of the process.
THEME: History of Care  Coastal Custodians	<i>As a group we have an established history of coastal land care and regeneration in this area</i>	See above. Many of the landowners in this area are recent and part-time residents. The point is irrelevant to the application and the tests of the Act. However given the extravagance of this objection point

WSHMMR-791829	<i>exceeding 25 years, resulting in significantly reduced sedimentation in the area. We are deeply connected to this area.</i>	and its repetition, in regard to history of 'coastal land care' the applicant must point out that one of the four names indicted as sponsoring the 'Coastal Custodians' objection was fortunate to escape prosecution in 2012 for the bulldozing of a corridor through covenanted native bush on his property which was reported in the local newspaper. See Appendix 3.
THEME: True motives  Coastal Custodians WSHMMR-791829	<i>We question FOHG's true motive for establishing a reserve so close and easily accessible to a significant population, and are concerned about the damage to the land and island infrastructure caused by a significant influx of visitors.</i>	The 'true motive' of the applicant for making the application is self-evident, Please see <i>Hakaimango-Matiatia (NW Waiheke) Marine Reserve Application Report</i> (2022). The insinuation of a hidden motive reflects more on the objector(s). The marine reserve proposal is consistent with the direction set by the Waiheke Local Board in 2016 (see Appendix 3) and the Hauraki Gulf Forum. With respect to options, following a very comprehensive community engagement on Waiheke in 2015 and a survey which canvassed these issues, subsequent scientific analysis, formal application, pre-notification consultation, formal notification over six years resulted in this application which we would point has drawn over 1,300 submissions, 93% in support (95% for Waiheke). The applicant again rejects the unsubstantiated claims of 'damage to land and island infrastructure to be caused by a significant number of marine reserve visitors.
THEME: Way of life  Coastal Custodians WSHMMR-791829	<i>'We believe there will be a material impact on the way of life, not only for residents of this quiet valley, but for all Waiheke locals who love visiting the area for a quiet picnic or fish off the rocks, or to walk their dog in one of the few dedicated off-leash dog exercise areas in northern Waiheke.'</i>	Again the applicant disagrees that the proposed marine reserve would interfere unduly with any estate or interest in land in or adjoining the proposed reserve, more so when considered in light of the countervailing benefits of the marine reserve on the natural environment and therefore general wellbeing, especially for those living alongside. The establishment of the marine reserve in and of itself will only provide the outcomes outlined in Section 3(2) a,b,c,d of the Marine Reserves Act. Possible negative human impacts which may or may not eventuate can be adequately managed through other mechanisms, eg, level of Council promotion and education, local bylaws, reserve management plans etc.  See photo below of dog walkers enjoying the Long Bay-Okura Marine Reserve.

		 <p>Photo Alex Stone</p>
<p>THEME: About CC</p> <p>Coastal Custodians WSHMMR-791829</p>	<p><i>We represent the clear majority (24 of the 30) affected (in accordance with S5.1 (d) (i) of the Marine Reserve Act) permanent landowners adjacent to FOHG’s proposed marine reserve. (Figure 1).</i></p>	<p>It is not clear from the submission that this claim is factual. The objection is signed ‘Coastal Custodians ’ under the names of four individuals purporting to represent a significant number of others. The only valid objection is one lodged in accordance with the Marine Reserves Act section (5) (2) which says; “persons wishing to object to the making of the order shall, within 2 months from the date of first publication of the notice published pursuant to paragraph (b) of subsection (1), send their objections in writing, specifying the grounds thereof, to the Director-General and shall serve a copy of their objections, specifying the grounds thereof, on the applicant within the same time.” According to the wording of the Act the objection can only be considered as an objection from four landowners.</p>
<p>THEME: Coast Custodians Leadership Group</p> <p>Coastal Custodians WSHMMR-791829</p>	<p><i>Each member of the Coastal Custodians group has appointed a spokesperson who has signed this submission as part of the Leadership Group on the basis that the Leadership Group is authorised to represent them in this Marine Reserve objection. Accordingly, the Leadership Group is authorised to receive and respond to all communications associated with this submission on behalf of the Coastal Custodians.</i></p>	<p>The objection is signed by four individuals purporting to represent a significant number of others. The only valid objection is one lodged in accordance with the Marine Reserves Act section (5) (2). This objection can only be considered as an objection from four landowners.</p>
<p>THEME: About CC</p> <p>Coastal Custodians WSHMMR-791829</p>	<p><i>Over the last 25 years, we have worked both collectively and individually to protect and restore native bush on the north-western</i></p>	<p>First the applicant should point out that the native bush regeneration referred to was a requirement and condition of the original subdivision consent. Secondly most of the vegetation in this area was planted by the</p>

	<p><i>Waiheke Island coastline as defined in the nationally and internationally recognised environmental resource consent for this world-leading rural subdivision. Over 700,000 trees were planted on erosion-prone farmland with little forest coverage and sparse birdlife, with forests now re-establishing, hillsides stabilising, and erosion and gulf sedimentation significantly reducing (Fig 2a &amp; 2b).</i></p>	<p>developers' contractor in the 1990s and to be fair, most of the 'toil and sweat' was expended by the contractor's workers who did most of the planting. That being said, aerial views of properties in the area reveal extensive areas of mown grass lawn on properties adjoining the public walkway, especially at the northwest and we are aware that one of the four signatories to the 'Coastal Custodians' objection has a less than ideal record in regard to the covenanted native bush on the property he purchased.</p> <p>In terms of the s 5 (6) tests in the Act the applicant points out that future nature-loving marine-reserve inspired visitors are most likely to be interested in the sea and what lies beneath and are most unlikely to 'interfere unduly with any estate or interest in land in or adjoining the proposed reserve.'</p>
<p>THEME: The Marine Reserves Act</p> <p>Coastal Custodians Landowners views WSHMMR-791829</p>	<p><i>The FOHG Marine Reserve proposal uses fifty-year-old legislation to lock-up 2,350 ha of coastal marine habitat in perpetuity. It is an out-of-date Act and process with no regard to Section 4 of the Conservation Act 1987 and the principles of Te Tiriti o Waitangi. Both the Coastal Custodians and, from what we understand, Ngāti Pāoa Iwi Trust believe that direct intervention will be required to regenerate the North-West Waiheke Island marine environment, not simply locking it up in perpetuity. The solution is best achieved through ongoing measures such as rahui and community and government collaboration.</i></p>	<p>The applicant disagrees. The Marine Reserves Act is current legislation, and the Crown is well aware of its obligations under the Treaty of Waitangi, the Conservation Act and the Marine &amp; Coastal Area (Takutai Moana) Act. We reject the unscientific argument that direct intervention is required to facilitate regeneration, noting that it is not clear what is intended by 'direct intervention', however we assume this is a reference to kina removal in this area. If the objector wishes to remove kina while opposing measures to protect the kina's natural predator, the snapper and other fish species, then the objector has 125 km of Waiheke coastline in which to do so. The applicant is not aware of any direct intervention in the marine environment in New Zealand or overseas that is scientifically based and has resulted in the abundance or biodiversity regeneration benefits of a no-take marine reserve. The marine reserve will serve as an important benchmark to active restoration efforts which are much talked about.</p>
<p>THEME: History</p> <p>Coastal Custodians Landowners views WSHMMR-791829</p>	<p><i>From 2013-15 Friends Of the Hauraki Gulf tried to garner support for a marine reserve a few kilometres along the northern coast, between Oneroa and Onetangi beaches. They were met with fierce opposition with over 2,600 people signing a petition opposing a marine reserve</i></p>	<p>No marine reserve application was lodged let alone drafted in 2013. The current proposal has taken into consideration concerns about the location of a possible marine reserve in 2013. The 2013 petition is not relevant in any way to this application. We note that 93% of more than 1300 public submissions relating to this application are in support including an extraordinary 95% of Waiheke sourced submissions.</p>
<p>THEME: History</p> <p>Coastal Custodians</p>	<p><i>FOHG's marine reserve area received no support</i></p>	<p>The Colmar Brunton survey was intended to establish community values. The applicant notes that this area equally received no opposition from the community in</p>

Landowners views WSHMMR-791829		the 2015 Colmar Brunton survey.
THEME: Historic public opinion survey  Coastal Custodians Landowners views WSHMMR-791829	<i>In the Colmar Brunton Report it was not as clear where people felt that marine reserves should be established as the survey results were fragmented and conflicting. If one summarised the specific areas that were considered most acceptable versus the least opposed, registered voters on Waiheke Island favour less populated eastern areas and offshore islands. The specific area that FOHG has proposed for their marine reserve actually received no support in the 2015 Colmar Brunton poll (Matiatia to Western Point of Oneroa, Bing 2015).</i>	The stated goals of the 2015 Colmar Brunton survey were to; Specifically, the research was designed to measure: <ul style="list-style-type: none"> <li>● The level of support for the establishment of a network of Marine Protected Areas around Waiheke and surrounding islands.</li> <li>● The level of support for the establishment of ‘no take’ marine reserves around Waiheke and surrounding islands.</li> <li>● The key factors that should be taken into consideration to inform the establishment of ‘no take’ marine reserves</li> <li>● Opinions for and against the establishment of MPAs and ‘no take’ marine reserves.</li> <li>● Residents’ views on the general areas or specific places that are considered acceptable and unacceptable for the establishment of ‘no take’ marine reserves.</li> <li>● How perceptions differ by suburb, age, gender, ethnicity, participation in activities (including beaches visited), and type of resident, for example those who live on Waiheke all the time compared to those who have a non-permanent or rental/investment property on Waiheke.</li> </ul> The findings of the 2015 Colmar Brunton survey are more than vindicated in 2022 by the resounding 95% support of submissions for the marine reserve by Waiheke residents.
THEME: Tangata whenua input  Coastal Custodians Landowners views WSHMMR-791829	<i>When FOHG gave DOC formal notice of their intention to apply for an Order-in-Council for a new marine reserve [Marine Reserves Act 1971, S5, 1(b)] on 23 April 2021, they also sent the Ngāti Pāoa Iwi Trust (i.e. the Post Settlement Governance Entity) and the Ngāti Pāoa Trust Board a copy of their proposal. It is our understanding that prior to 23 April 2021 there had been limited or no correspondence with mana whenua about their involvement with the FOHG proposal. There was also no discussion with local landowners until 23 May 2021.</i>	Agreed in part however the applicant notes that the location proposed in the application is one which has been well socialised by the Waiheke Local Board as a potential site for a Marine reserve and through their processes, there was a level of engagement with Mana Whenua and Tangata Whenua, especially the Ngāti Paoa representative to the Waiheke Local Board the George Tearoha Kahi. Further, members of the FoHG participated in early meetings of the Waiheke Marine Collective, circa 2019, along with representatives from the Ngāti Paoa Trust Board (NPTB) who participated in these meetings supported by the Department of Conservation.

<p>THEME: Tourism</p> <p>Coastal Custodians Landowners views WSHMMR-791829</p>	<p><i>1 million tourists could increase to 1.5 million-plus</i></p>	<p>This is mere speculation and if so will be driven by a Waiheke Visitor business industry advocacy. No doubt these predictions precede the Covid-19 pandemic which has ushered in a new reality.</p>
<p>THEME: Tourism</p> <p>Coastal Custodians Landowners views WSHMMR-791829</p>	<p><i>Waiheke Island is one of New Zealand's top tourist attractions with over one million tourists (Waiheke Local Board Annual Report 2017/2018) currently visiting the island each year. Consideration of the marine reserve proposed by FOHG must take into account the potential for undesirable impacts that future tourism expansion could have on this environment. The impact of an additional 500,000 plus additional visitors to Waiheke Island each year (modelled off Leigh Marine Reserve, Hunt 2008) creates a very real threat of "over-tourism".</i></p>	<p>There is no evidence provided by 'Coastal Custodians' to support the assertion that marine reserve inspired tourist numbers will increase by 40-50% and more to the point that such visitors would <i>interfere unduly</i> with their estates and land.</p> <p>The applicant considers that to be extremely unlikely on both counts. The price hurdle of expensive ferry tickets makes direct comparison with the 40-year-old Leigh marine reserve which is readily accessible from State Highway 1 unrealistic. Also the latter is actively promoted as a tourist destination and the Waiheke Local Board indicated it was unlikely to do this for the Hākaimangō-Matiatia Marine Reserve. Finally as noted the ongoing pandemic will continue to have a depressing effect on in-bound international tourism for the foreseeable future.</p>
<p>THEME: Tourism</p> <p>Coastal Custodians Landowners views WSHMMR-791829</p>	<p><i>Both areas proposed by FOHG have been on the north-west coastline, adjacent to the town centre in 2013 (Appendix 2), and the Matiatia Ferry terminal in 2022 (Figure 3) to maximise tourism revenue. There is little scientific support specifically for the areas chosen by the Waiheke Local Board/Hauraki Gulf Conservation Trust (Figure 8) and the area subsequently proposed by FOHG (Figure 3). We understand that the New Zealand Marine Science Society has enough concerns that this marine reserve is more about tourism than science and education that they have not made their usual supporting submission on the FOHG marine reserve application.</i></p>	<p>The applicant absolutely rejects deny the allegation opportunity to gain or maximise tourism revenue is a driver for this application. We note the supportive submission of the NZ Marine Sciences Society, WSHMMR-791859 wherein they state interalia <i>"In general, NZMSS supports the establishment of the proposed Hākaimangō – Matiatia Marine Reserve. The proposed marine reserve only covers ~5% of the Waiheke coastline so in our view this provides a small first step in a more holistic and community-wide approach to marine conservation on Waiheke Island. In addition, NZMSS believes that more no-take marine protected areas are needed to enable the establishment of an effective MPA network for the Hauraki Gulf."</i></p>
<p>THEME: Tourism</p> <p>Coastal Custodians</p>	<p><i>Existing NZ marine reserves adjacent to urban areas tend to perform badly.</i></p>	<p>The marine reserve is not 'adjacent' to an urban area but to rural Waiheke Island. It is centrally placed in the Hauraki Gulf Marine Park. Apart from Waiheke the</p>

Landowners views WSHMMR-791829		nearest neighbouring land is DOC Motuihe, Motutapu , Rangitoto Islands ,Rakino Island and the Noises. Most of which are conservation islands.
THEME: Tourism  Coastal Custodians Landowners views WSHMMR-791829	<i>The most successful marine reserves in New Zealand are generally located in remote locations that are more difficult to access, while those adjacent to high human impact urban areas tend to perform badly. For example, reef fish assemblage and composition remains generally similar between reserve and non-reserve areas, and lobster abundance remains extremely low after thirty years of protection in the <u>Long Bay-Okura Marine Reserve</u>.</i>	See above and see Appendix 1 Hākaimangō-Matiatia (NW Waiheke) Marine Reserve Application Report (2022)
THEME: Cape Rodney- Okakari Point Marine Reserve  Coastal Custodians Landowners views WSHMMR-791829	<i>Leigh which is 70 minutes north of Auckland gets 375,000 visitors per annum, with some days recording up to 5,500 visitors (Hunt 2008, Figure 9).</i>	Noted
THEME: Access and infrastructure  Coastal Custodians Landowners views WSHMMR-791829	<i>Given that Matiatia is only a 40-minute ferry ride from downtown Auckland and the island already gets one million tourists a year, it would be reasonable to assume that a reserve in the area FOHG has proposed (Figure 3) could receive over 500,000 visitors p.a and over 7,000 per day in peak times (Figure 10). Coastal Custodians are concerned that there is no existing infrastructure to support this, no toilet facilities, no car parks, inadequate roads, no footpaths, and current coastal tracks are already often neglected by DOC and Auckland Council.</i>	Auckland Council maintains and continually develops infrastructure at Matiatia and also around the coastal walkway and associated reserves.
THEME: Access and infrastructure  Coastal Custodians Landowners views WSHMMR-791829	<i>Figure 10: Waiheke Island ferries are already struggling under the burden of peak season visitors. FOHG's proposed reserve could increase tourist numbers by 40-50%</i>	This is an unfounded and speculative claim, especially in light of the global Covid pandemic.

THEME: Access and infrastructure  Coastal Custodians Landowners views WSHMMR-791829	<i>Korora Road, the main road leading to Owhanake Bay (where any land-based tourism infrastructure would be positioned) is narrow and windy. An overflow of vehicles will make the road dangerous for current residents and visitors alike (see Figure 11a).</i>	There is no requirement for land based tourist infrastructure.  The impacts need be no greater than already provided.
THEME: Access and infrastructure  Coastal Custodians Landowners views WSHMMR-791829	<i>Figure 11a: Korora Road is narrow and windy and the main road to Owhanake Bay.</i>	Korora Road is a two lane road with room for road side parking.
THEME: Access and infrastructure  Coastal Custodians Landowners views WSHMMR-791829	<i>There is limited parking at Owhanake (Figure 11b) for walkers and dog walkers and in the event of a marine reserve as presented, the whole of Owhanake Bay waterfront will have to become a car and bus park, as will the roadsides all along Korora Valley, right to Oneroa.</i>	This is speculation.
THEME: Access and infrastructure  Coastal Custodians Landowners views WSHMMR-791829	<i>Korora Rd can barely cope with the existing residents parking, let alone a massive increase.</i>	This is not factual. Korora Road properties have significant off road parking. There is ample room for more parking if required although it is unclear where these cars will come from on an island.
THEME: Access and infrastructure  Coastal Custodians Landowners views WSHMMR-791829	<i>Figure 11b: There is extremely limited parking at the entrance to Owhanake Bay.</i>	There is ample space on the road corridor for extra parking and facilities.
THEME: Access and infrastructure  Coastal Custodians Landowners views WSHMMR-791829	<i>Owhanake Bay offers one of the few dedicated off-leash dog exercise areas in northern Waiheke, and is highly valued by dog owners. It is possible dogs will be banned, or on-leash rules will apply once Owhanake becomes a busy entry point to the new reserve.</i>	Agreed this is a popular off -leash dog exercise area. Regulations are developed under the Dog Control Act. There has been no suggestion that the present regime will need to change as a consequence of this marine reserve application.  In all of the 44 marine reserves established in New Zealand, regulations controlling dogs on the shore have not been changed in any one of them.
THEME:	<i>Loss of quiet Waiheke way of life</i>	Marine reserves are passive, inert, quiet, natural



<p>Access and infrastructure</p> <p>Coastal Custodians Landowners views WSHMMR-791829</p>	<p><i>for residents</i></p>	<p>areas. If the marine reserve is gazetted 'Coastal Custodians' will benefit from a drastic reduction of noisy fishing vessel activity, compliments of charter &amp; recreational skippers shifting operations elsewhere. Unfortunately, this would not have any impact on the heavy helicopter movements in/out of the 'Coastal Custodians' area of concentrated private landing pads. Such unregulated traffic generated by a privileged few presents a much greater high-decibel menace/nuisance to the general populace of Waiheke..</p>
<p>THEME: Access and infrastructure</p> <p>Coastal Custodians Landowners views WSHMMR-791829</p>	<p><i>The reserve will result in the destruction of one of the last quiet rural valley areas on Waiheke, enjoyed by so many of its island-wide residents. Given the geography, the noise pollution hundreds of thousands of tourists will generate will be catastrophic to the quiet way of life currently enjoyed.</i></p>	<p>The coastline is only accessible by foot or boat.</p>
<p>THEME: Access and infrastructure</p> <p>Coastal Custodians Landowners views WSHMMR-791829</p>	<p><i>Owhanake Bay is situated in the middle of FOHG's proposed reserve (Figure 3) and it is a very popular anchorage for Auckland boaties, with up to fifty boats anchoring there in the peak months (Figure 12). Owhanake is an important safe harbour – it is one of the few harbours on the Waiheke northern coastline that can be a safe shelter in even gale-force winds, particularly easterlies. If a Marine Reserve was to eventuate there, then even if boats are allowed to anchor, it won't be long before potential anchor drag damage to the seabed is raised, made an issue, and boats potentially banned.</i></p>	<p>These concerns would also be relevant with a High Protection Area.</p> <p>The applicant is not aware of other marine reserve locations where this is an issue. If this were to be a relevant consideration in the future, New Zealand is leading the way on anchoring mechanisms with a low impact on the seafloor.</p> <p>The marine reserve will not represent an undue or adverse impact on navigation or recreational usage.</p>
<p>THEME: Access and infrastructure</p> <p>Coastal Custodians Landowners views WSHMMR-791829</p>	<p><i>Figure 12. Owhanake Bay is situated in the middle of FOHG's proposed marine reserve (See Figure 3). It is a popular anchorage for Auckland boaties.</i></p>	<p>Agreed</p>

## 5.0 Section 5(6)(b) – Navigation

The consideration of objections under s.5(6)(b) of the Act requires the Minister to consider whether declaring these areas to be marine reserves would result in **undue interference to any existing right of navigation**.

Auckland Council's supporting submission WSHMMR-791826 notes that:

*"The proposal has no anticipated impact on current activities within the coastal marine area in relation to the regional coastal plan component of the Auckland Unitary Plan. The area of the proposed marine reserve is zoned General Coastal Marine Zone. It does not include any other coastal zones such as the Mooring Zone or Marina Zone. It includes an area used as an anchorage, but this activity could continue if the area was a marine reserve.*

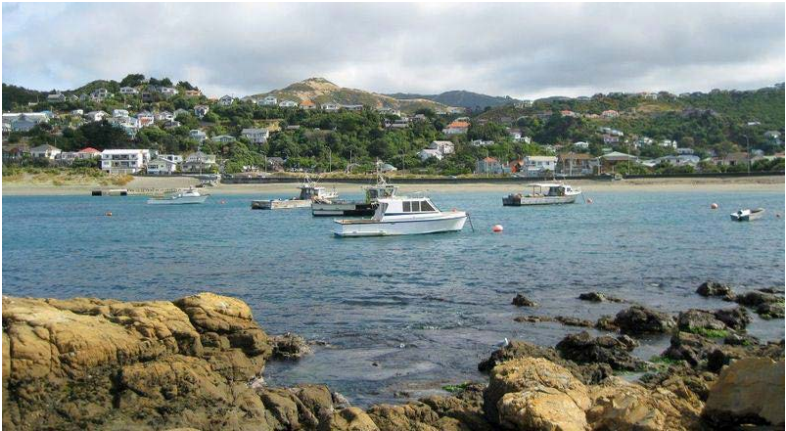
*The proposal has no impact on rights of navigation. The placement of boundary buoys, where required, may represent a navigational safety issue in high marine traffic areas. A suggestion from one local board is to extend the reserve boundaries to the eastern coast of Motutapu Island aligning with geographical features such as natural headlands. This would allow for easy identification for boat users and coastal fishers, and to include more coastline and protect more coastal ecology."*

There were only a few objections relating to navigation (and two relating to anchoring) representing much less than 1% of the submitters. Clearly concerns relating to navigation rights are not of concern but the applicant has addressed them below.

Submission #	Objection	Response
<p>THEME: Navigating the boundaries</p> <p>Amanda Walker HMMR-753140</p> <p>Chris Thompson HMMR-773626</p>	<p><i>The submitters object to the location of the marine reserve because it will be difficult to navigate as 3 points are GPS or buoys. The reserve would be better located between the Motutapu &amp; Rakino headlands</i></p>	<p>The applicant disagrees with the submitter because:</p> <ul style="list-style-type: none"> <li>• The establishment of the Hākaimangō-Matiatia Marine Reserve will in no way affect any rights of navigation in the proposed area. Vessels of all types will still be able to travel through and anchor in the waters of the reserve.</li> <li>• <i>"Usually there are no restrictions on recreational boating other than they cannot take marine life. They can continue to anchor, sail and swim – just not take."</i> - email from Carmel Dwyer, Maritime New Zealand 7 April 2022 (available on request)</li> <li>• There are many marine reserves and other spatial features that require the use of buoys in the marine environment. Two buoys will not create undue interference to existing navigational rights.</li> </ul>

		<ul style="list-style-type: none"> <li>• Modern technology that is easily accessed via cell phone can show exactly where the boundaries are. The applicant recommends the submitter download the Marine Mate <a href="https://www.marinemate.co.nz/">https://www.marinemate.co.nz/</a> app which will identify and alert the submitter to marine reserve areas using GPS. This is particularly useful for fishing on the borders of marine reserves. The cell phone coverage in the proposed area is fine if the submitter would prefer to use an online service or download maps.</li> <li>• Signage showing the location of local marine reserves is common throughout Aotearoa / New Zealand.</li> <li>• Auckland Council's submission WSHMMR-791826 states <i>"The application presents no significant constraints on rights to navigation"</i>.</li> </ul> <p>The applicant notes suggestions such as extending the reserve boundaries to Rakino Island and Motutapu but would point out that the location of the reserve has been modified to accommodate navigation concerns. This was considered sensible by submitters e.g. New Zealand Marine Sciences Society WSHMMR-791859.</p> <p><i>'While we would support a marine reserve with a longer coastline and a larger area, we accept the rationale put forward by the applicant to remove the Matiatia Harbour area from the proposal as this area is frequented by vessel traffic, including the commercial ferries operating between Auckland and Waiheke Island. However, we are of the view that serious consideration should be given to including the two sites to the east of the proposal (sites 4 and 4a) identified by Haggitt, 2016.'</i>–</p>
<p>THEME: Boat traffic and safety concerns</p> <p>Alex Carpenter HMMR-4620</p> <p>Brett &amp; Ann Vemer HMMR-562186</p> <p>Amanda Walker HMMR- 753140</p> <p>Harry Miles HMMR-672444</p> <p>Pink Smith HMMR-672447</p>	<p><i>The submitters wish the marine reserve to be further east for public safety concerns as the area has a lot of boat traffic.</i></p> <p><i>High boat traffic makes it unsafe for snorkelling and swimming.</i></p> <p><i>Unsafe for snorkelling and swimming.</i></p>	<p>The applicant disagrees with the submitters objection because:</p> <ul style="list-style-type: none"> <li>• High speed boat traffic is offshore and does not overlap snorkelling depths</li> <li>• The area at Owhanake Bay is eminently suitable for snorkelling and swimming as is Little Island Bay and several small bays to the north of Matiatia Bay</li> <li>• Divers may deploy flags which are easily navigated around</li> <li>• There are no restrictions to boat traffic in the existing 44 marine reserves in New Zealand</li> <li>• The objection is not relevant because under the act the proposed reserve must avoid "undue interference with or adversely affect any existing usage of the area for recreational purposes."If the proposed area becomes a marine reserve there will be no adverse impact on existing usage.</li> </ul>

<p>Treena Thompson HMMR-692585</p> <p>Thomas Clow HMMR-773467</p> <p>Grant Ragg HMMR-773542</p> <p>Colleen Williams HMMR-773572</p> <p>Janine Paton HMMR-773680</p>		<p>The applicant appreciates the submitters' concern for public safety. There are no unusual public safety concerns about the location of the proposed marine reserve.</p> <p>The location of the marine reserve suits both the swimming and boating public because the areas by and large do not overlap. Neither activity is compromised by the marine reserve.</p>
<p>THEME: Anchoring</p> <p>Grant Ragg HMMR-773542</p>	<p><i>Excellent Bay for anchoring</i></p>	<p>The applicant agrees and notes there will be no change to anchoring within the proposed area.</p> <p>With the exception of some marine reserves in Fiordland with fragile coral ecosystems, (for example Te Awaatu Channel Reserve) anchoring is permitted in all New Zealand marine reserves. Boaties are requested "Take care when anchoring to avoid damaging the sea floor" (DOC, <a href="https://www.doc.govt.nz/nature/habitats/marine/marine-reserves-a-z/">https://www.doc.govt.nz/nature/habitats/marine/marine-reserves-a-z/</a>. accessed 5/4/22). The particularly fragile species that could be damaged by an anchor or its swinging chain present in the Fiordland marine reserves are not present in the proposed marine reserve. The proposed marine reserve will not have undue effect on anchoring and, by extension, boating. The submitter's objection is unfounded.</p>
<p>THEME: Anchoring may be banned</p> <p>Coastal Custodians HMMR 791829</p>	<p><i>'Owhanake is an important safe harbour – it is one of the few harbours on the Waiheke northern coastline that can be a safe shelter in even gale-force winds, particularly easterlies. If a Marine Reserve was to eventuate there, then even if boats are allowed to</i></p>	<p>The applicant disagrees. Apart from the tiny Te Awaatu Channel Marine Reserve, Fiordland (where anchoring is largely prohibited due to tidal rips / coral growths / safety concerns), there are no known additional restrictions on anchoring or mooring in any of the existing 44 New Zealand marine reserves – apart from those already in place (for example restrictions on anchoring over underwater cables – as already exists in Owhanake Bay).</p> <p>See photo below of commercial fishing boats moored in the Taputeranga Marine Reserve, Island Bay, Wellington.</p>

	<p><i>anchor, it won't be long before drag damage to the seabed is raised, made an issue, and boats potentially banned.'</i></p>	 <p>Photo. Alex Stone</p> <p>The application makes no mention of banning anchoring and the applicant has no intention to ban anchoring.</p>
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Accordingly the application will not unduly cause any due interference to any existing right of navigation.

## 6.0 Section 5(6)(c) – Commercial Fishing

The consideration of objections under s.5(6)(c) of the Act requires the Minister to consider whether declaring these areas to be marine reserves would result in ***undue interference to commercial fishing***.

Objections from the fishing industry argue that the Fisheries Act is the appropriate legislation to manage fishing in the Hauraki Gulf and therefore the proposed marine reserve under the Marine Reserves Act 1971 (MPA) is not needed. The Fisheries Act has been in force since 1996 with subsequent revisions and administered by the Fisheries New Zealand / Ministry of Primary Industries and its predecessors. As the 2011, 2014, 2017 and 2020 State of the Environment reports for the Hauraki Gulf Marine Park attest, the Gulf has deteriorated severely during this regime. **In addition the Fisheries Act is concerned with commercial stocks which are only a proportion of Hauraki Gulf marine life.** Clearly, the Fisheries Act alone is insufficient to prevent further deterioration, let alone restore the Gulf.

To address the depleted state of the Gulf, the fishing industry argues that the proposals set out in the government's response to *Sea Change – Tai Timu Tai Pari* 2016 called *Revitalising the Gulf 2021* are enough. The applicant notes that the mechanisms within this process are still only conceptual, some experimental and implementation is many years away.

New Zealand has 44 marine reserves established under the Marine Reserves Act 1971, all meeting or available to meet the requirements (primarily scientific purposes) of the Act and all providing benefits. **The Act is the current law.** Considerable local scientific research conducted in these reserves and indeed, international research, attests the benefits of no-

take marine reserves. The proposed marine reserve, under the current legislation will be complementary to and consistent with the Sea Change recommendations. Far from unduly affecting the Fishing industry, the applicant believes the long term countervailing benefits will mitigate any short term losses (See Appendix 4).

Submission #	Objection	Response
<p>THEME: Marine Reserves Act</p> <p>Mark Edwards Paua Industry Council, Fisheries Industry Inshore, Seafood Industry WSHMMR-761679</p>	<p><i>The Marine Reserves Act is outdated.</i></p>	<p>The Marine Reserves Act is the current law. The 44 existing marine reserves in NZ attest to its efficacy.</p> <p>The applicant believes that in any review of the Act, any alleged shortcomings so identified, will be mitigated by the undoubted benefits it has delivered for the marine environment.</p> <p>It is the Marine Reserves Act's key no-take ethic which offends its critics most but after an announcement to the UN General Assembly in 2015, the New Zealand Government has recently announced it is finally proceeding with a massive extension of the Kermadec Island marine reserve to become the the 620,000 sq km Rangitāhua / Kermadec Ocean Sanctuary. So the conservation principle embodied in the Act is more relevant than ever before.</p>

<p>THEME: Displacement</p> <p>Mark Edwards Paua Industry Council, Fisheries Industry Inshore, Seafood Industry WSHMMR- 761679</p>	<p><i>The negative effects on surrounding fisheries will not be mitigated by ‘spillover’ benefits because the benefits are confounded by environmental and management variables and often dissipate at distances greater than 1km from a reserve border. (Ovando, D 2018)</i></p>	<p>The applicant disagrees. The following sentence from the same paper states that <i>“even properly measured [the studies] do not directly address the question of total regional effects of MPAs.”</i></p> <p>The submitter would be better to reference more local research into spillover such as tāmure / snapper leaving the Cape Rodney to Okakari Point (Goat Island / Leigh) Marine Reserve which boosted the commercial fishery by \$NZ 1.49 million per annum (Qu <i>et. al.</i> 2021).</p> <p>The Qu <i>et al.</i> (2021) study was based in part on a separate study by researchers at the University of Auckland who found that 10.6% of juvenile snapper were found up to 55 km away sourced from this small (547 ha) marine reserve ( Le Port <i>et al.</i> 2017).</p> <p>Post recovery no-take marine reserves have proven to enhance the abundance of populations beyond the reserve boundaries.</p> <p>The Guardians of Kāpiti Marine Reserve Charitable Trust Board note in their submission WSHMMR-802078 <i>“The spillover of harvestable species from reserves is evident from the presence of fishers around the edges of the protected areas. For example, cray pots and recreational fishers often line the reserve boundaries around the marine reserve at Kapiti.”</i></p> <p>Andy Spence, HMMR-301049 points out, <i>‘In addition the area is uniquely accessible for the science (&amp; other) departments of the various Auckland universities and schools. We note the University of Auckland already has a viticulture research centre already established on a property it owns in this area.’</i></p>
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<p>THEME: Displacement</p> <p>Mark Edwards Paua Industry Council, Fisheries Industry Inshore, Seafood Industry WSHMMR- 761679</p>	<p><i>The fishing industry strongly disputes the applicant's assertion that Qu et al (2021)<sup>12</sup> provides an accurate or reliable basis for assessing potential fisheries benefits of the proposed reserve.</i></p>	<p>The applicant believes the objection is unfounded.</p> <p>Other than the Ovando 2018 reference based on research in a completely different environment. The submitter has not provided any evidence to support their objection. In contrast the Qu <i>et al.</i> 2021 University of Auckland study provides compelling evidence about what is currently happening in the Hauraki Gulf and should not be dismissed merely because the objector finds the scientific conclusions of Qu <i>et al.</i> inconvenient,</p> <p>No scientific paper is required to state the obvious: that nearby fisheries overall will benefit significantly from strategically-placed safe sanctuaries where fish and other marine life is allowed to live and breed and not be harassed and killed.</p>
<p>THEME: Displacement</p> <p>Mark Edwards Paua Industry Council, Fisheries Industry Inshore, Seafood Industry WSHMMR- 761679</p>	<p><i>The submitter objects to the proposed marine reserve because it will slow down the stock rebuilding rate (Hilborn, R., F. Micheli, and G. A. De Leo 2006) due to displaced fishing efforts.</i></p>	<p>The applicant disagrees. The overseas study provides a model which shows the displacement effect on managed fished populations. At 2350 ha the proposed marine reserve is 0.59% of the 4,000 km<sup>2</sup> HGMP which itself is a tiny fraction of the Snapper 1 Fishery. The effects of any displacement of fishing activity are likely to be very localised and short term. The applicant disagrees that it will slow down the population rebuilding rate in any measurable way. Rather the contrary. The applicant also points out that the model developed in the cited paper did not take into effect larval dispersal or the increased fecundity for larger adults that are known to be provided by a marine reserve (Le Port <i>et al.</i> 2017).</p> <p>The 'Agency analysis and advice on selection of MPAs towards development of the Hauraki Gulf Marine Park MPA network' prepared by DOC and FNZ provided an indicative assessment of affected users and potential associated costs. No work was done to calculate the long term financial gains to fisheries generated by large adults who produce exponentially more larvae (See Qu <i>et al.</i> (2021).</p> <p>Scientific modelling suggests that the protected area will need to be at least twice as productive when protected to make up for this displaced effort (Halpern <i>et al.</i> 2004). Modelling undertaken inside the Snapper 1 Fishery (Denny <i>et al.</i> 2004) suggests, however, that the 18-times productivity of protected areas will more than compensate for displaced effort and result in substantially higher abundances (better fishing) in the unprotected areas outside the proposed reserve.</p>



<p>THEME: Displacement</p> <p>Mark Edwards Paua Industry Council, Fisheries Industry Inshore, Seafood Industry WSHMMR- 761679</p>	<p><i>Commercial fishing in the proposed marine reserve uses low-impact fishing methods and has a negligible effect on the biodiversity values of the site.</i></p> <p><i>Nevertheless, the proposed marine reserve may interfere unduly with commercial fishing because:</i></p> <p><i>(a) the cumulative impacts on set netters of this and other proposed marine protected areas (MPAs) are likely to be significant;</i></p> <p><i>(b) the displacement of recreational fishing from the site is likely to interfere with commercial fishing elsewhere in the Gulf; and</i></p> <p><i>(c) the marine reserve has no obvious benefits for biodiversity or scientific research, which suggests that even a small impact on commercial fishing is likely to be “undue”.</i></p>	<p>The applicant disagrees. See above and Appendix 4.</p> <p>As the objector notes, there is relatively little commercial fishing in this area. There are adjacent areas of similar ecology and abiotic conditions nearby.</p> <p>Set netting has been opposed by conservationists for many years because of marine mammal entanglements, the possibility of ghost fishing following loss and the addition of plastic waste. The three targeted species mentioned can be caught elsewhere by other methods.</p> <p>Setnetters took only 8% commercial greenweight landed catch (HG Forum report 2020).</p> <p>Set-nets are passive killers of gravid sharks returning to the inner Gulf to give birth. In 2003 a gravid 5.5 metre great white was snagged and wantonly killed east of Waiheke Island (Beston, A. 2003. <i>Waiheke shark may have been a record great white</i>. NZ Herald).</p> <p>As reported in the <i>NZ Herald</i> and The 2020 Hauraki Gulf Forum reports, trevally numbers have plummeted by 86 per cent from historic levels, snapper by 83 per cent, sharks – a key part of the ecosystem – by 86 per cent and dolphins 97 per cent. At the present rate, the decline fishermen are likely to face will be even more severe and be unduly restricted.</p> <p>The 'Agency analysis and advice on selection of MPAs towards development of the Hauraki Gulf Marine Park MPA network' prepared by DOC and FNZ provide an indicative assessment of affected users and potential associated costs. No work was done to calculate the long term financial gains to fisheries generated by large adults who produce exponentially more larvae (See Qu et. al. (2021).</p> <p>The applicant believes the long term benefits of the proposed marine reserve will outweigh any detectable short term losses and provide an important 'fish bank' to buffer the effects of overfishing.</p> <p>Finally Auckland Council's submission WSHMMR-791826 states “<i>The application presents no significant constraints on existing commercial fishing</i>”.</p>
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<p>THEME: Displacement</p> <p>Mark Edwards Paua Industry Council, Fisheries Industry Inshore, Seafood Industry WSHMMR- 761679</p>	<p><i>Under the Fisheries Act, New Zealand's fisheries must be managed to provide for utilisation while ensuring sustainability. It is not in the public interest to establish a marine reserve which threatens the sustainability of fisheries.</i></p>	<p>The applicant strongly disagrees. The Fisheries Act has been in effect and updated since 1986. As the reports (2014, 2017, 2020) attest the Gulf, including fish stocks, has been steadily declining. Clearly the Fisheries Act on its own is insufficient to stop, let alone reverse the decline, least of all achieve sustainability.</p> <p>The majority of supportive submissions from recreational fishers state categorically that they have witnessed severe declines in fish numbers and catches and that marine reserves must be established to halt the declines.</p>
<p>THEME: Marine Reserves Act</p> <p>Mark Edwards Paua Industry Council, Fisheries Industry Inshore, Seafood Industry WSHMMR- 761679</p>	<p><i>The proposal does not comply with the requirements of the MRA Specifically, it is not in the public interest to: seek to protect marine biodiversity using outdated legislation that is contentious and no longer fit for purpose; establish a marine reserve that cannot be justified in relation to the purpose of the MRA;</i></p>	<p>The Marine Reserves Act (MRA) is currently the law. The 44 no-take marine reserves around NZ attest the efficacy of the Act and the benefits to the public.</p> <p>As many scientific papers demonstrate, these reserves are of significant benefit to science and the marine ecosystem. Ballantine (2014), Edgar, (2017), to cite just two and a review by Willis, (2013). Since they were established under the MRA, it is clearly fit for purpose.</p> <p>The applicant is aware there are calls for the MRA to be reviewed but considers that the existing legislation is effective in the meantime.</p> <p>It is the Marine Reserves Act's key no-take ethic which most evidently offends its critics but the government has recently announced it is finally proceeding with a massive extension of the Kermadec Island marine reserve to become the 620,000 sq km Rangitāhua / Kermadec Ocean Sanctuary. So the conservation principle embodied in the Marine Reserves Act is more relevant than ever before.</p>

<p>THEME: Displacement</p> <p>Mark Edwards Paua Industry Council, Fisheries Industry Inshore, Seafood Industry WSHMMR- 761679</p>	<p><i>Research shows that the negative impacts of displaced fishing effort are more severe in countries like New Zealand where fisheries are regulated by a Total Allowable Catch (TAC). Unless the TAC is explicitly reduced when a marine reserve is established, the same amount of catch will continue to be taken, effectively guaranteeing that fishing will become more intense outside the reserve.</i></p> <p><i>a) increase the risk of local depletion. For example, recreational fishing pressure that is displaced from the marine reserve will concentrate fishing pressure in remaining open areas of the Gulf – that will put more pressure on that environment than previously and it will generally mean more effort as you will be fishing in areas with lower density of fish (if it was higher it would already be the key area for fishing);</i></p> <p><i>b) Slow down stock rebuilding rates....</i></p> <p><i>c) Exacerbate spatial conflict between fishing sectors. Customary, recreational and commercial fishers will all be forced to operate in a reduced area, which will result in increased competition, particularly for species that are highly valued by all sectors and have a strong spatial dependence such as</i></p>	<p>To put things in context, the applicant notes, the proposed reserve would represent a circa 4% area of the entire Waiheke coastline, and with all other combined no-take MPAs in the Gulf would still account for LESS than 1% of protected underwater habitat. This being the case, displacement of fishing effort would be miniscule. On the other hand it must be pointed out the deeply concerning facts about the Hauraki Gulf that the objectors appear to be unaware of or have overlooked. In addition to the near 100% decline in green-lipped mussels, There is:</p> <ul style="list-style-type: none"> <li>57% decline in key fish stocks,</li> <li>67% decline in seabirds,</li> <li>76% decline in crayfish,</li> <li>83% decline in snapper,</li> <li>86% decline in trevally,</li> <li>86% decline in all shark species</li> <li>97% decline in whales and dolphins (see Hauraki Gulf Forum, <i>State of Our Gulf 2020</i>).</li> </ul> <p>Additionally there are other signals of major ecosystem stress in this area. We note the mass die-off of over 51 juvenile fur seals in the Spring of 2021, probably from starvation.</p> <p>The proposed marine reserve, small as it is, would be more than four times larger than the Cape Rodney to Okakari Point (Leigh) Marine Reserve whose remarkable generative capacity considering snapper alone throughout much of the Hauraki Gulf, has been the subject of recent scientific research viz. Qu <i>et al</i> (2021).</p> <p>Any short term negative impacts from ‘displacement’ would be more than offset by the countervailing benefits accruing from ecological restoration and species regeneration enabled by the proposed marine reserve.</p> <p>Finally the objector has singularly failed to demonstrate that the proposed marine reserve would cause as the Act s5 (6) (c) stipulates ‘<b>any undue interference in commercial fishing.</b>’</p>
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	<i>rock lobster</i>	
THEME: Displacement  Mark Edwards Paua Industry Council, Fisheries Industry Inshore, Seafood Industry WSHMMA- 761679	<i>Cumulatively, these proposals (Sea Change, Rahui) will cause substantial displacement of fishing resulting in: major cumulative impacts on the economics of fishing; cumulative localised depletion and, potentially, negative effects on fish stock sustainability; and the severe restriction of areas where fishing effort displaced from the proposed marine reserve can be relocated Additional negative impacts on the habitats and ecosystems that support fisheries through increased pressure on less productive areas.</i>	<p>The applicant must strongly disagree. See above responses to the displacement related objections. Regarding the cumulative impacts; the Hauraki Gulf has been under the management of MPI, its predecessors and the Fishing Industry using the Fisheries Act and updates since 1986.</p> <p>The deplorable state of the Gulf is such that restoration will require massive efforts. Continuing with the present regime is short sighted and more likely to result in undue consequences.</p> <p>WSHMMA-791874 Nicola MacDonald Chair – Auckland Conservation Board - notes that the complete protection offered by Marine Reserves is essential for rapid recovery and continuing survival of high levels of marine biodiversity, and that there is now substantial scientific evidence from Hauraki Gulf waters that it is only within fully protected marine reserves that substantial recovery biodiversity has occurred.</p> <p>The applicant believes that without such protection, generalised depletion and negative effects on sustainability will continue to the detriment of the fishing industry and other users of the Gulf. Whatever sectional interests may assert, if this deplorable state of affairs is allowed to persist It is certainly not in the national interest.</p>

In summary the applicant believes the proposal will **not** result in undue interference to commercial fishing but that any short term impacts that might occur will be minor and produce long term benefits for science, the public good and the fishing industry through spill over and larval dispersal. The marine reserve application is therefore in the national interest.

## 7.0 Section 5(6)(d) – Recreational Purposes

The consideration of objections under s.5(6)(c) of the Act requires the Minister to consider whether declaring these areas to be marine reserves would result in ***undue interference with or adversely affect any existing usage of the area for recreational purposes.***

Of the many people who enjoy the Hauraki Gulf for recreational purposes, objections came from only recreational fishers. 93% of submissions were in support of the proposed marine reserve. Of the approximately 325 submissions that indicated an interest in Recreational Fishing or Non fishing Recreation through diving or snorkelling there were 265 submissions in support 6 in partial support, 55 were in objection and 5 in partial objection.

Recreational fishers make up a relatively small minority among New Zealanders, accounting for 15% of the adult population in 2017, 14% in 2018, and 13% in 2019. These figures are from the annual Active New Zealand Surveys conducted by Sport New Zealand Ihi Aotearoa. For the purpose of these surveys, recreational fishers are defined as people who fish at least once in the surveyed year. It follows that avid or regular recreational fishers are an even smaller minority.

To put this into context, people who practise yoga are at above 20%. See <https://sportnz.org.nz/research-and-insights/surveys-and-data/active-nz/>

Of the millions of people who enjoy the Hauraki Gulf, the vast majority of people do so **for reasons other than fishing.**

Accordingly the Marine Reserves Act unlike in the case of commercial fishing does not refer to recreational fishing *per se*, just ‘recreational purposes.’

All of the principles of fairness in natural justice are affronted if the objections of a small minority of people who insist that 99% of public blue space is not enough for them to pursue their recreational pastime, are upheld.

Many people want to appreciate the natural unexploited marine ecosystem, yet currently, only 0.3% of the Hauraki Gulf is protected from exploitation. Despite more than 90% of the Gulf being available for recreational fishing, including popular areas nearby, some fishers objected. See below for a short summary of these objections

*“I always fish here - Fish stock in the Gulf is good - Recreational fishing doesn't impact - This area is popular - It has high currents and high traffic area so not suitable - A good place for teaching children boat fishing - Too much of the Gulf is already inaccessible - It removes subsistence - Wrong place for a marine reserve - We don't need any more - Not good for recreation - Rahui is the way to go - Customary fishing is our right - Maori should decide not Pakeha - Control commercial fishing they do the most damage - Don't want Maori controlling a reserve - DoC can't manage it - There is only a comparatively small part of the area closer to the local ramps and closer to Auckland available.”*

The applicant has responded to the salient objections, mainly by fishers with comments from submissions in support (indicated by italics).

Submission #	Objection	Response
<p>THEME: Recreational fishing</p> <p>Charlie Walden HMMR-261589</p> <p>Steve Goodman HMMR-773506</p>	<p><i>The submitter wishes to fish in the area.</i></p>	<p>The applicant disagrees with the objection because:</p> <ul style="list-style-type: none"> <li>● The submitter may fish in adjacent waters.</li> <li>● The fisheries benefits listed in Appendix 4.</li> </ul> <p>The applicant agrees it will not be possible to fish in the area once it becomes a no-take marine reserve but</p>

		<p>points out that the countervailing fisheries benefits will far outweigh the submitters' objection.</p> <p>Submitter HMMR-572195 points out '<i>Creating such an area where fish, molluscs, seaweed and all local marine life can reproduce without impact from fishing would act like a "super spreader" allowing the rapid rebuilding of the aquatic populations with the flow on effects to the surrounding marine areas.</i>'</p> <p>The wider fisheries benefits of marine reserves are demonstrable and well known to the general public. This is why there are <b>relatively</b> few objections to this application and overwhelming public support (93% of over 1300 submissions were in support). This demonstrates one of the many reasons why marine reserves are in the national interest. A great proportion of the positive submissions are from fishers who acknowledge that the depletion of fish stocks must be halted and that marine reserves are their preferred option.</p>
<p>THEME: Recreational fishing</p> <p>NZ Sports Fishing Council &amp; the Legasea Team WSHMMR-791865</p> <p>Craig Pearse HMMR-773509</p> <p>David Novelle HMMR-784013</p> <p>Spencer Roff HMMR-784346</p> <p>Jess Whiting HMMR-773689</p> <p>Claudia Pierce HMMR-753050</p>	<p><i>The submitter wishes the Government to reduce commercial fishing rather than make marine reserves.</i></p>	<p>The applicant disagrees with the submitters objection because:</p> <ul style="list-style-type: none"> <li>● Of the fisheries benefits of marine reserves (see Appendix 4)</li> <li>● The recreational catches of tāmure / snapper, kahawai and kingfish in the HGMP exceed the commercial catches (State of our Gulf 2020). NIWA state recreational snapper catches are 2 x commercial (Neilson M 2021).</li> <li>● Marine reserves provide a reference point for measuring other changes we have made by fishing elsewhere. Marine reserves have more fish than fished areas where stocks are managed at low levels. For example the Snapper 1 stock (North Cape to East Cape) target for commercial fishers is 40% of the unfished biomass within 25 years (SNAPPER (SNA1) MANAGEMENT PLAN Prepared by the SNA1 Strategy Group with assistance from the Ministry for Primary Industries, 2016). The biomass estimate for snapper in the 2019 Hauraki Gulf trawl survey was 14%. (Parsons, 2020).</li> <li>● Marine reserves offer an opportunity for the public to experience our best attempt at an unfished biomass.</li> </ul>

		<p>The applicant agrees with the submitters' concerns about commercial fishing which should be further regulated in the Hauraki Gulf Marine Park.</p> <p>Recreational fishers have employed advancing technology to more effectively remove the already depleted fish stocks and present a significant ongoing impact.</p> <p>The benefits of marine reserves are self-evident and well known to the general public. This is why there are relatively few objections to this application as marine reserves are so loved by the public.</p>
<p>THEME: Recreational fishing</p> <p>NZ Sports Fishing Council &amp; the Legasea Team, WSHMMR-791865</p> <p>Spencer Roff HMMR-784346</p>	<p><i>The submitters are concerned about depleted fish stocks nationally.</i></p>	<p>The applicant agrees with the submitters in regard to depleted fish stocks. We believe marine reserves are an important means of dealing with the problem (see Appendix 4). The marine reserve complements measures suggested in Revitalising the Gulf (DOC 2021)</p> <p>The applicant sympathises with the submitters' concerns about national fish populations and agrees that more restrictions should be applied under the Fisheries Act 1996, especially addressing the effects of fishing. The applicant disagrees that this marine reserve will not help address marine issues.</p> <p>Including this marine reserve in the proposed network of marine protected areas will help rebuild fish populations. Marine reserves compliment fisheries management and provide critical safeguards for overfishing and other threats.</p>
<p>THEME: Recreational fishing</p> <p>NZ Sports Fishing Council &amp; the Legasea Team WSHMMR-791865</p> <p>Claudia Pierce HMMR-753050</p>	<p><i>The submitters object to the marine reserve application because it will displace fishing effort.</i></p>	<p>The applicant disagrees with the submitters because of the countervailing benefits to fisheries from marine reserves (see Appendix 4). Please refer to the extensive responses in the Commercial Fishing section 5 of this document.</p> <p>The applicant sympathises with the submitters as there will be no fishing in the marine reserve, But as the biomass of species within grows any issues from displacement would be temporary with the countervailing benefit of long term (and not insignificant) fisheries gains in the general area of the reserve.</p>

		<p>These long term fisheries benefits of the marine reserve application are generally understood and are very popular (as expressed in the number of supportive submissions) and moreover are in the national interest. As submitter HMMR-572195 states '<i>Having a fully protected area, small as it is, is an important step in the rejuvenation, revitalization and restoration of the Hauraki marine environment for this and more importantly future generations.</i>'</p>
<p>THEME: Recreational fishing</p> <p>Brock Coddington HMMR-773464</p> <p>Matt Thompson HMMR-773533</p> <p>Grant Ragg HMMR-773542</p> <p>Colleen Williams HMMR-773572</p> <p>Oscar England HMMR-773701</p> <p>Glenn Bankier WSHMMR-791877</p> <p>Adrian Hattingh HMMR-773494,</p> <p>Martin Bedford HMMR-773500</p> <p>Mathew Taylor HMMR-773923</p> <p>Shannon Dias HMMR-794844</p> <p>John Barrett WSHMMR-201019</p>	<p><i>This has been a popular fishing area with Waiheke and Auckland recreational fishers for a long time.</i></p> <p><i>Will hinder fishing in the area</i></p> <p><i>Fishing ground close to land. Reserve would hinder small boaties</i></p> <p><i>Poses a safety issue for 10s of thousand recreational fishers</i></p> <p><i>Shows no consideration for 10,000s of recreational users impacted.</i></p> <p><i>Location is all wrong as enjoyed by so many recreational fishermen.</i></p> <p><i>Does not want half of Auckland deprived from fishing in the area.</i></p>	<p>The applicant recognises that the reserve would impact on some recreational fishers but there are other popular fishing spots nearby, Motuihe Channel, Sergeant's Channel and off the northern Waiheke coastline, for example, which stand to benefit from larvae distribution and spill-over effects. In addition, the vast majority of people who enjoy this part of Hauraki Gulf for recreation, do so for reasons other than fishing. Moreover in planning this marine reserve application the applicant deliberately excluded Matiatia Harbour which was originally included as part of PMR1 (Haggitt 2017) because recreational fishing off the Matiatia wharf is a popular recreational pastime - especially for kids and people who do not own boats.</p> <p>There are many more supportive submissions that directly contradict these objections and assert that marine reserves need to be far more numerous and larger in order to provide a nursery for fish.</p> <p>For example: HMMR-773794 <i>The proposal needs to increase in size across to Mototapu and to the bottom of Rakino and then down to Waiheke making it easier to police.</i></p> <p>HMMR-512099 <i>It doesn't go far enough. The Hauraki gulf marine park is 1.2 million hectares. Why not extend all the way to Rakino and all the way to Motutapu? Thank you.</i></p> <p>HMMR-682549 <i>Covers such a small area that any keen fishers will be very minimally inconvenienced.</i> Note: we locals do not want half of Auckland fishers descending anywhere near Waiheke period.</p>



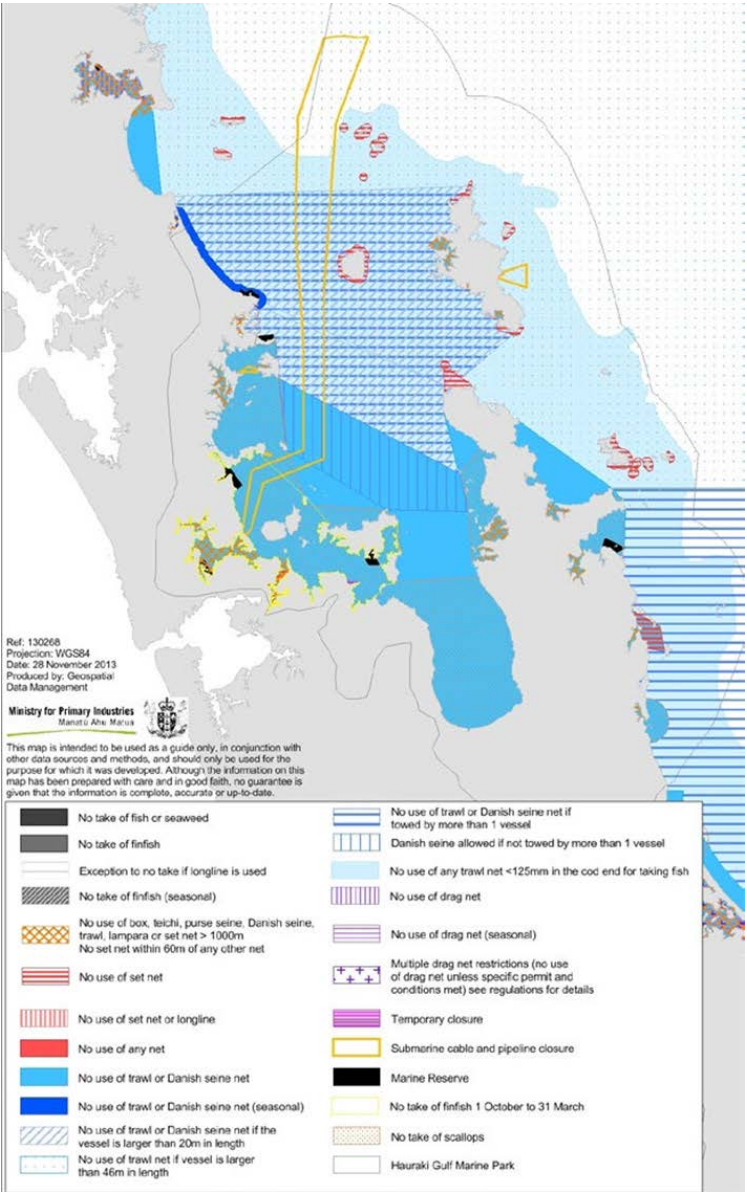
*The proposed marine reserve would remove one of the main Waiheke Island recreational fishing areas used by local fishermen on a routine basis.*

THEME:  
Recreational fishing

Steve Goodman  
HMMR-773506

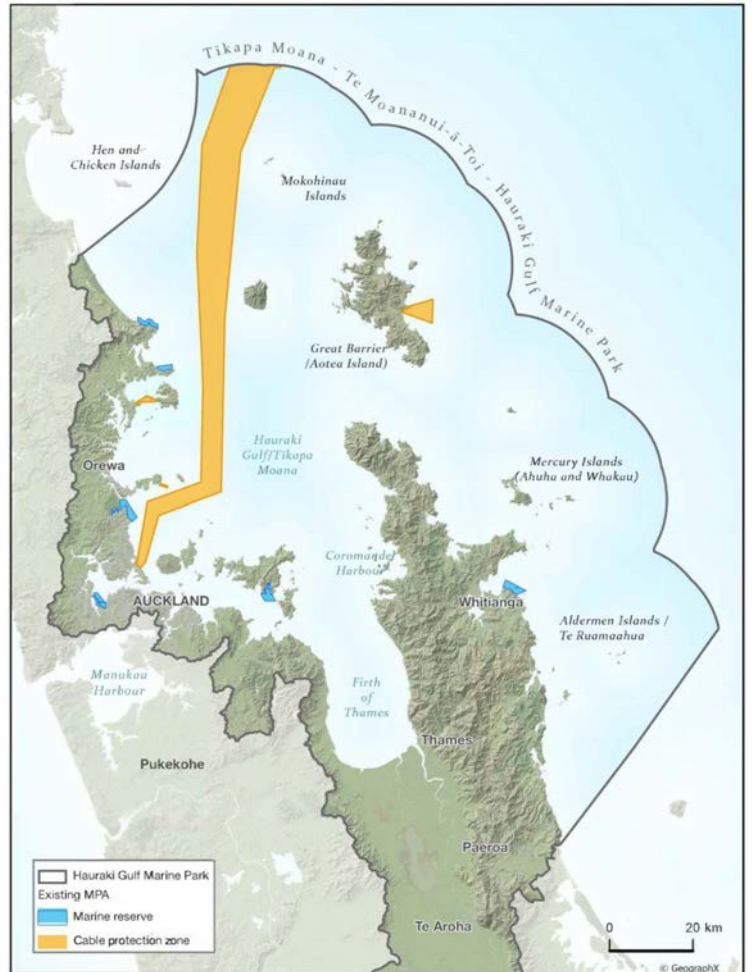
*There are enough sea areas excluding (recreational) fishermen*

The applicant disagrees. Compare these maps:  
There are commercial fishing restrictions on every inch of the Hauraki Gulf Marine Park.



Compared with the very small areas restricting

recreational fishing, and those currently under consideration.



Existing marine protected areas (MPAs) in the Hauraki Gulf Marine Park. (Department of Conservation and Fisheries New Zealand 2021: Sea Change – Tai Timu Tai Pari Plan marine protected area (MPA) proposals: agency analysis and advice on selection of MPAs towards development of the Hauraki Gulf Marine Park MPA network. 166 p. Lead authors: Irene Pohl and Greig Funnell.

The applicant believes that by comparison with the restrictions on commercial fishermen on the one hand and the proportion of the Gulf in unfished protection available to conservationists on the other, recreational fishers have outstanding access. So the proposal will not interfere unduly or adversely affect recreational fishers.

THEME:  
Recreational fishing

*Already has a cable lane as an unlabelled MR reducing fishing*

The applicant disagrees with the submitter because even with the further restriction

- In the Hauraki Gulf Marine Park, recreational fishers have access to more than 93% of the

<p>Carl Wilson HMMR-773527</p>	<p>area.</p>	<p>waters.</p> <ul style="list-style-type: none"> <li>• The diversity of public views towards marine life are not fairly expressed in Aotearoa / New Zealand's marine spatial planning. This application helps address the spatial shortfall to create a more inclusive society.</li> <li>• The cable zones do not exclude drift-fishing or trolling and were not designed to increase biodiversity or abundance.</li> </ul>
<p>THEME: Recreational fishing</p> <p>Dave Moody HMMR-773512</p>	<p><i>Making the Recreational fishery smaller is not the answer to protecting the fishery long-term</i></p>	<p>The applicant is aware the proposed marine reserve will only reduce the area available for fishing by a fraction of 1% but will not 'interfere unduly with or adversely affect' or impact on those who choose to fish for recreation at any given time or the recreational fishery as a whole. We concur with the following submitters.</p> <p><i>HMMR-602297 There are many many places that fishermen like myself can go. Plenty of other spots for us to fish.</i></p> <p><i>HMMR-311694 This area is in more open water and away from the busiest boat ramps, so it does not negatively impact on the vast majority of recreational fishers in the Hauraki Gulf.</i></p>
<p>THEME: Recreational fishing</p> <p>Tony Noakes HMMR-773518</p>	<p><i>Fish stock - good (so proposed reserve is not needed).</i></p>	<p>The applicant disagrees that the fish stock is 'good' - far from it.</p> <p>The <i>Hauraki Gulf Forum State of Our Gulf Report 2020</i> points out:</p> <p>57% decline in key fish stocks, 67% decline in seabirds, 76% decline in crayfish, 83% decline in snapper 86% decline in trevally 86% decline in all shark species 97% decline in whales and dolphins (Appendix 3: A near 100% decline in green-lipped mussels, It is no surprise that all of the supportive submissions state the opposite point of view.</p> <p>The applicant asks, If the fish stock 'is good', where are the historically present (in the Gulf &amp; around Waiheke) 50-kg kingfish, dense schools of surface-swimming trevally, schools of snapper, dense congregations of blue cod inhabiting reefs, 60-year old red moki, two species of boarfish, schooling hapuku in the shallows (to name but a few species)? It is worth noting:</p> <p><i>'A curious thing happens when fish stocks steadily decline: People who aren't aware of the old levels accept</i></p>

		<p><i>the new ones as normal. Over generations, societies adjust their expectations downward to match prevailing conditions. The concept of a healthy ocean drifts from greater to lesser abundance, richer to poorer biodiversity...Hence the opinion that "fish stocks are still good". Kennedy Warne. April 2007. Page 78 in "National Geographic".</i></p>
<p>THEME: Recreational fishing</p> <p>Tony Noakes HMMR-773518</p> <p>HMMR-773543</p> <p>Jess Whiting HMMR-773689</p>	<p><i>MR only stops locals beach fishing and teaching kids Kiwi dinghy fishing</i></p> <p><i>Excellent place for kids to catch bait.</i></p> <p><i>Education needed by two Waiheke companies cited, for example.</i></p>	<p>The applicant disagrees and believes that if this area becomes a marine reserve it will be available for education in boat skills and theoretical understandings of marine ecology and species behaviour with other equally accessible areas readily available for the practical skills of fishing.</p> <p>We note submission HMMR-784172 <i>'This summer when we took our scouts for our annual camp to Motuihe, and then went out to the Noises to snorkel, there was none of the abundance of life that we've seen in previous years. It was a desert. It was so sad, and so hard to explain to our kids. I want our kids, and their kids, to be able to enjoy the bounty and splendour of a living ocean.'</i></p> <p>If gazetted the area would provide unparalleled snorkelling and fish ID opportunities for kids, getting them IN the water to show them the full suite of fish (20+ species which are presently functionally extinct) which SHOULD be common offshore Waiheke."</p>
<p>THEME: Recreational fishing</p> <p>Mark Campbell HMMR-773593</p>	<p><i>Recreational fishers don't affect the stock adversely.</i></p>	<p>The applicant disagrees. Recreational fishers' catch does affect the stock adversely with significant potential for increase. The Hauraki Gulf is in close proximity to Auckland's rapidly expanding population and the possibility of increased recreational fishing pressure increasing the pressure on an already seriously stressed marine environment.</p> <p>It is widely believed that the Hauraki Gulf is already seriously overfished and, as The Hauraki Gulf Forum, <i>The State of Our Gulf 2020 Report</i> notes, the fish are declining. Recreational fishers blame commercial fishermen but NIWA has been reported saying the recreational catch of the most popular species, snapper in the Gulf is twice the commercial catch (NZHerald 12 March 2021).</p> <p>We note recreational fishing methods have become more and more technologically sophisticated resulting in even greater reduction in the already plummeting fish stocks.</p>

<p>THEME: Size</p> <p>Nick Wild HMMR-773728,</p> <p>Matthew Taylor HMMR-773923</p>	<p><i>Too large an area would be removed from subsistence and recreational fishing.</i></p>	<p>The applicant disagrees because the increase in fisheries production will be distributed by the current regime to the popular areas adjacent. These are at least as easily accessed by subsistence and recreational fishers as the proposed area. See Appendix 4 .</p> <p>In addition, the Government wants to increase marine protection. <i>"We have ambitions to lift New Zealand's marine protected area so that we get closer to that 30 per cent"</i> – David Parker 2021 (Vance 2021).</p> <p>The Hauraki Gulf Forum wants to increase marine protection in the Gulf to 30%. Hauraki Gulf Forum (2021)</p> <p>The government plans to increase marine protection in the Gulf from 6.6 percent (including the existing cable protection zone) to 17.6 percent (DOC 2021).</p> <p>Leaving a shortfall of 12.4%.</p> <p>One of the criticisms from marine scientists of the present marine reserves is that they are too small and don't cover the home range of resident animals (see below).</p> <p>The size of the proposed reserve fits the recommended size for keystone species therefore the submitter's objection is unfounded.</p> <p>In contrast, many submissions argue that the reserve is in fact far too small and should be extended. For instance: New Zealand Marine Sciences Society WSHMMR-791859</p> <p><i>"Due to the mobility of many exploited species (e.g., rock lobster, snapper, blue cod), the effective area of a marine reserve is considerably smaller than the actual size of the reserve. This is due to "edge-effects" associated with removal of fish through fishing at and near the boundaries. These edge-effects have been shown to extend from 200m to 2km inside marine reserve boundaries, depending on the mobility of the exploited species in question (Guidetti 2007, Kellner et al. 2009, Willis et al. 2003). Consequently, simple, straight-line boundaries minimise edge-effects, whereas complicated boundaries maximise edge effects and therefore reduce the effective size and conservation value of marine reserves. For example, research by Willis et al. (2003) in the Cape Rodney – Okakari Point Marine Reserve (Leigh) showed that edge effects on snapper extend approximately 1 km into the reserve due to high fishing pressure on the reserve boundaries. Based on this research and subsequent tagging work,</i></p>
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		<p>years I wrote to politicians suggesting that there should be a reserve around the entire Waiheke coast, with small exceptions for locals on a couple of headlands - and at another time that the entire Hauraki should be a no take reserve. I tried mollifying the fisher-folk by suggesting some exceptions for single line, single hook, personal fishing ... to no avail. For heaven's sake, get this one put in place and at least start the process of restoring the marvellous life that we used to have.</p> <p>WSHMMR-261046 I would strongly urge that the area intended should be EXTENDED to the south head of Matiatia Bay and include Matiatia Bay itself. The primary reason for this is that boats will attempt fishing close to the boundary of the proposed reserve and cause danger for marine traffic approaching and leaving the bay including the ferry service. Also, the Bay which is seldom used for fishing at this time anyway, would serve as an extended shallow water nursery.</p> <p>HMMR-773563 I support any effort to improve our natural environments. However, I would prefer that these efforts would reflect an addressing of the overriding issue at hand here: unregulated recreational take across the entire hauraki gulf, and extremely poorly managed fisheries under the current QMS. One small marine reserve will not fix our fisheries. I urge you to do more in this space.</p>
<p>THEME: Recreational fishing</p> <p>Peter Goodwin HMMR-773605</p>	<p><i>Marine resources can be managed with catch limits, sizes, commercial catch and exploitation restrictions. Reserve not needed</i></p>	<p>The applicant notes that the Fisheries Act, which includes the suggested controls, has been in force, in its present form, in the Hauraki Gulf since 1986. Before then the Gulf was a controlled fishery. Decline has continued despite using catch limits, sizes, quotas, gear closures and other restrictions. Clearly, management with the Fisheries Act alone is insufficient to stop the decline let alone restore the marine ecology and species of the Hauraki Gulf.</p>
<p>THEME: Recreational Fishing</p> <p>Ryan Binge HMMR-776320</p> <p>Jess Whiting HMMR-773689,</p> <p>Nick Wild HMMR-773728,</p>	<p><i>Fishes weekly for a few family meals.</i></p> <p><i>Families deprived of kaimoana to survive the rapid rise in cost of living.</i></p>	<p>The applicant believes the proposed marine reserve would reduce only a comparatively minimal area of recreational fishing in Waiheke waters. Adjacent areas offer much easier access for subsistence fishing, noting the present rāhui on four seafood species all around the island. Also with all due respect, if the objectors' activity is primarily economically driven it cannot be considered recreation.</p> <p>The countervailing benefit to fisheries is that after a short lag, scientists predict a spillover effect with a measurable increase of marine life dispersing into adjacent areas ultimately benefiting and sustaining into the future</p>

Steven Pattullo HMMR-773929		kaimoana harvesting. See Appendix 4 .
THEME: Recreational fishing  Janine Paton HMMR-773680	<i>Members Waiheke Island Fishing and Recreational Club are concerned access to fish in a favourite fishing spot will be further restricted already complicated by fuel costs, lack of ramps and climate change</i>	<p>The applicant knows there are alternative fishing areas closer to the existing Waiheke boat ramps. Motuihe and Sergeants Channels from the Matiatia ramp. Tamaki Strait from Kennedy Point and Wharf Road ramps, Waiheke's northern beaches from the Sandy Bay ramp (one of the reasons for the Save our beaches campaign). The proposed marine reserve will not complicate the present situation further.</p> <p>Some submitters argue that the area is not popular with fishers and there are many other more suitable areas nearby.</p> <p><i>HMMR-602297 There are many many places that fishermen like myself can go. Plenty of other spots for us to fish</i></p> <p><i>HMMR-682549 Covers such a small area that any keen fishers will be very minimally inconvenienced.</i></p> <p><i>HMMR-773824 The positioning of this marine reserve is ideal due to its proximity to many Aucklanders.</i></p> <p><i>HMMR-311694 This area is in more open water and away from the busiest boat ramps, so it does not negatively impact on the vast majority of recreational fishers in the Hauraki Gulf.</i></p> <p>See Appendix 4.</p> <p>Auckland Council's submission WSHMMR-791826 states "Several local boards, who provided feedback, state they support increasing marine protection in the Hauraki Gulf and support this marine reserve application".</p>
THEME: Recreational fishing  Jess Whiting HMMR-773689	<i>Fishing is important for mental wellness. MR would reduce that</i>	<p>The applicant is aware that many non-fishing individuals also face the possibility of mental problems and depression. The benefits of interaction with nature or just being aware of it is helpful for mental wellbeing. Appreciation of the enhanced regenerating marine life within the proposed marine reserve would offer amelioration while at the same time the great benefit of education and enjoyment of seeing burgeoning fish life as in many other marine reserves. With adjacent fishing areas available to benefit fishers' mental health the proposed area offers additional therapy for all.</p>
THEME: Recreational	<i>Locks away productive fishing</i>	<p>The applicant believes that if there is no change, the Gulf will continue to decline and fishing will worsen. Far from</p>



<p>fishing</p> <p>Nick Wild HMMR-773728</p>	<p><i>grounds</i></p>	<p>locking away an area the applicant anticipates the proposed marine reserve will in time produce large breeding stock and increased spawn production. Since it is in a high current area there will be widespread distribution of spawn and benefits.</p> <p>In addition there is good science to predict productivity gains for the wider fishery:</p> <p>WSHMMR-791883 <i>The revenue generated for the local economy would also be a significant advantage (the Leigh Marine Reserve generated \$18.6. million in 2008, as an example)... Not only this, but it will also provide more fish so while many fishermen may lose a favourite fishing spot, the spillover will mitigate it long term.</i></p>
<p>THEME: Recreational fishing</p> <p>Bruce Gordon HMMR-773749</p>	<p><i>Another attempt to turn full Gulf into recreation reserve</i></p>	<p>The applicant believes currently, fishers have access to more than 90% of the Gulf. Other Non-fishing recreators who appreciate unimpacted areas have access to only 0.5% of the Gulf. Far from attempting to turn the full Gulf into a recreation reserve, the applicants are hoping for a modest increase.</p>
<p>THEME: Recreational fishing</p> <p>Bruce Gordon HMMR-773749</p>	<p><i>Objects to further attempt prevent him fishing in his local area</i></p>	<p>As above, the objector has access to more than 90% of the Gulf. Numerous other supporters of the proposal would like more unimpacted areas, a share, for their appreciation and the public benefit for education and recreation.</p>
<p>THEME: Recreation</p> <p>Alex Murray HMMR-773647</p>	<p><i>Area not suitable since not suitable for recreation</i></p>	<p>The applicant disagrees. See Appendix 5, The recreational benefits of marine reserves.</p>
<p>THEME: Detriments of power boats.</p> <p>Francisco Blaha HMMR-341847</p>	<p><i>Objects to (power) boating in the proposed reserve because of the effect of noise and exhaust gas on fish.</i></p>	<p>The applicant agrees that noise pollution affects marine life. It's likely that exhaust gases of engines, particularly outboards, are detrimental. The applicant has no plans to limit power boat access in the marine reserve. The gazetting of a marine reserve will mean reduced fishing boat activity in the reserve and space to allow marine life to regenerate. The applicant is aware of the moves to reduce fossil fuel use on Waiheke Island and further afield.</p>

## 8.0 Section 3 (1) – Scientific study of marine life

*‘...this Act shall have effect 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**...’*

The applicant has reported the marine ecological and cultural benefits which would be enabled by the proposed marine reserve, but a principal purpose of the Act is scientific study of the natural world. This has more value today than ever before. In our application document we have highlighted scientific research demonstrating the importance of marine protected areas, especially no-take marine reserves, in enabling climate resilience in the marine environment from phenomena such as warming events. This is an important consideration largely overlooked in the anthropocentric climate change discourse but it is a serious consideration raised by at least one thoughtful submitter. Another emerging national interest theme are the ecological / economic / financial benefits arising directly from no-take marine sanctuaries. This thanks to recent breakthrough research by Auckland University (Qu *et al.* 2021). The findings of this research are so profound we are confident they will influence the debate around marine protection henceforth. Here are responses to public submissions categorised as relating to this section of the Act.

Submission #	Objection	Response
THEME: Marine Reserves Act  Mark Edwards Paua Industry Council, Fisheries Industry Inshore, Seafood Industry WSHMMR-761679	<i>The marine reserve is not justified in relation to the purpose of the MRA. The purpose of the MRA is to [preserve] marine reserves for the scientific study of marine life, areas of New Zealand that underwater scenery, natural features, or marine life, of such distinctive quality, or so beautiful, or unique, that their continued preservation is</i>	<p>The applicant disagrees with the objector. The issue of scientific relevance, in general, is dealt with below. Those who are familiar with the area above and/or below water are convinced of the beauty, natural features and marine life. In addition, the area is <i>typical</i> of rocky heavily indented coastline in the transition zone between Inner and Outer Gulf. The proposal therefore fulfils more than just the basic purpose of the MRA. This section of the Act covers all aspects of marine habitat - from uniqueness to typicality. The proposed marine reserve area has features which could be seen as unique e.g. extensive underwater rock terraces, fossil bearing rock, and flourishing kelp beds but at the same time of course it has aspects which are typical.</p> <p>What really is outdated is not the Marine Reserves Act but the same old corporate mindset which continues to oppose marine reserves at every opportunity.</p> <p>University of Auckland already has a research facility, complete with a comprehensive chemistry laboratory, at Goldies Vineyard on Waiheke Island. This could some time in the future complement the Leigh Marine Laboratory.</p> <p>Note Appendix 7, Research projects suggested for the proposed marine reserve.</p>

	<i>in the national interest.</i>	
<p>THEME: Application</p> <p>NZ Sports Fishing Council &amp; the Legasea Team WSHMMR-791865</p> <p>Amie Russell HMMR-722792,</p> <p>Spencer Roff HMMR-784346,</p> <p>Mark Edwards NZ Rocklobster Council etc. WSHMMR-761679</p>	<p>The application does not meet the scientific purposes of the Marine Reserves Act 1971.</p>	<p>The purpose of the Marine Reserves Act 1971 is to preserve areas of the sea and foreshore in their natural state as the habitat of marine life for scientific study.</p> <p>Section 3.1 elaborates on the purpose and DoC have broken it down into two criteria. Marine reserves may be established in areas that:</p> <ul style="list-style-type: none"> <li>● contain underwater scenery, natural features, or marine life, of such distinctive quality, or so typical, or</li> <li>● are so beautiful, or unique, that their continued preservation is in the national interest.</li> </ul> <p>The applicant disagrees with the objector because the marine reserve application report (see Appendix 1) contains detailed information in support of the criteria.</p> <p>Many of the supporting submissions received confirm the purpose of the application. E.g:</p> <p><i>WSH-791859 "In general, NZMSS supports the establishment of the proposed Hākaimangō – Marine Reserve. The proposed marine reserve only covers ~5% of the Waiheke coastline so in our view this provides a small first step in a more holistic and community-wide approach to marine conservation on Waiheke Island. In addition, NZMSS believes that more no-take marine protected areas are needed to enable the establishment of an effective MPA network for the Hauraki Gulf.</i></p> <p>- Kathy Walls, President New Zealand Marine Sciences Society</p> <p><i>"The purpose criteria need to be applied with reference to both the ecological state of the Proposal Area as it now is and as it can become with the benefit of no-take protections. If too strictly applied, then due to pre-existing degradation – no coastal marine areas would qualify."</i></p> <p><i>"We now understand from science that the purposes of marine reserves are best met when viewed as part of an interconnected network. This Proposal will benefit from (and in turn create benefits for) the other reserves and protected areas in the Hauraki Gulf;"</i></p> <p><i>"The location of the Proposal Area (adjacent to the coast of populated Island in the heart of the Gulf – with good connectivity to Auckland City and its Universities) –</i></p>

		<p><i>enabling easy access for scientific study and the various public benefits listed in s3(2)(d);”</i></p> <p>– Prue Taylor, Deputy Director, NZ Centre for Environmental Law, University of Auckland (HMMR-341856)</p> <p><i>“I am familiar with the science work done at Waiheke Island backgrounding this proposal and I can personally vouch for the extensive and professional effort that the group has brought to this project and proposal over a 15 year period. I support their arguments and descriptions presented in the Application and wholeheartedly recommend that the Ministers approve the Application.”</i></p> <p>– Vince Kerr (B.Sc.) (HMMR-682561)</p> <p><i>“This reserve will provide an ideal scientific study area for the Gulf showing how quickly marine species can recover with protection. Not only is it a zone between the inner and outer Gulf and as such scientifically important. Not only does it provide opportunities for research on species and their environment it would also provide an unexploited control area (c.f. Ballantine, W. &amp; Langlois), showing the comparison between natural unexploited nature and the consequences of harvest or other exploitation. It would also offer a contrast of, for example, rates of recovery between a no-take marine reserve and a marine protected area as I believe, is being proposed for the Noises Group just to the north. Such a comparison would be of global interest. In addition, it would provide a control area to show the effectiveness of the kelp farming efforts on the northern coast. Since the proposed reserve is in a transition zone, it offers a scientific comparison with the more estuarine reserves at Te Matuku and Pollen Island. Scientific purposes alone offer ample reason for the formation of this proposed no-take marine reserve.”</i></p> <p>– Tony Chamberlain, PQ Associates (WSHMMR-731343)</p> <p><i>“To have an easily accessible area on our doorstep to study and learn about the marine environment would be hugely beneficial.”</i></p> <p>– Katherine Cole, science teacher on Waiheke Island (WSHMMR-791721)</p> <p><i>“NZMSS would like to see research and monitoring highlighted as critical activities in the marine reserve. The marine reserve will provide new research opportunities and it is likely that some of our members will be interested. Monitoring the marine reserve should be undertaken as a priority, with a focus on biodiversity, recovery of harvested species, physical parameters such as sea temperature changes and social and cultural</i></p>
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		<p><i>changes. The Society considers it important that opportunities are provided by the Department of Conservation to include matauranga Māori.”</i></p> <p>– New Zealand Marine Sciences Society WSHMMR-791859</p> <p>An additional 113 submissions expressing an interest in the application for research (including mātauranga, and citizen science) purposes included (but were not limited to): HMMR-702663, HMMR-512096, HMMR-732852, HMMR-753101, HMMR-753128, HMMR-763188, HMMR-773386, HMMR-773425, HMMR-773485, HMMR-773806, HMMR-773896, HMMR-773905, HMMR-784016, HMMR-784226, HMMR-784319, HMMR-784322, HMMR-784391, HMMR-784487, HMMR-784556, HMMR-784583, HMMR-784607, HMMR-784613, HMMR-784640, HMMR-784646, HMMR-784658, HMMR-784700, HMMR-794760, HMMR-794820, HMMR-794850, HMMR-794853, WSHMMR-681229, WSHMMR-721307, WSHMMR-731337, WSHMMR-731346, WSHMMR-731367, WSHMMR-731373, WSHMMR-741391, WSHMMR-741394, WSHMMR-741400, WSHMMR-741442, WSHMMR-751448, WSHMMR-751451, WSHMMR-761457, WSHMMR-761466, WSHMMR-761478, WSHMMR-761550, WSHMMR-761556, WSHMMR-761565, WSHMMR-761571, WSHMMR-761583, WSHMMR-761643, WSHMMR-761664, WSHMMR-791700, WSHMMR-791715, WSHMMR-791781, WSHMMR-791796, WSHMMR-791814, WSHMMR-791856, WSHMMR-791886, WSHMMR-791889, WSHMMR-791901, WSHMMR-791904, WSHMMR-791907, WSHMMR-791928, WSHMMR-791934, WSHMMR-791937, WSHMMR-791955, WSHMMR-791961, WSHMMR-791964, WSHMMR-801988, WSHMMR-802003, WSHMMR-802009, WSHMMR-802018, WSHMMR-802033, WSHMMR-802039, WSHMMR-802075, WSHMMR-802078, WSHMMR-802084, WSHMMR-802090, WSHMMR-802123, WSHMMR-802132, WSHMMR-802138, WSHMMR-802141, WSHMMR-802144, WSHMMR-802153, WSHMMR-802168, WSHMMR-802174, WSHMMR-802186, WSHMMR-802195, WSHMMR-802198, WSHMMR-802222, WSHMMR-802234, WSHMMR-802246, WSHMMR-802249, WSHMMR-802252, WSHMMR-802255, WSHMMR-802261, WSHMMR-802276, WSHMMR-802321, WSHMMR-802330, WSHMMR-802333, WSHMMR-802336, WSHMMR-802369, WSHMMR-802381, WSHMMR-802387, WSHMMR-802393, WSHMMR-802408, WSHMMR-802411, WSHMMR-802414, WSHMMR-822435, WSHMMR-842447, WSHMMR-842450, WSHMMR-842456.</p>
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		<p>Many of these submissions referred to the area as important, great or ideal for study. Research has been a topic of great interest see Appendix 7.</p> <p>There were 221 supporting submissions from submitters who identified as being in a “science and research” interest group. Only 4 objectors, 1 partial objector and 7 partial supporters identified with this interest group.</p>
<p>THEME: Marine Reserves Act</p> <p>Mark Edwards Paua Industry Council, Fisheries Industry Inshore, Seafood Industry WSHMMR-761679</p>	<p><i>The application does not: identify particular research projects that would be undertaken in the reserve; explain why this site is more important than any other site for the scientific study of marine life; or explain why marine reserve status is necessary in order for scientific study of marine life to be undertaken at the site.</i></p>	<p>This is dealt with in detail later in the document but it should be noted the applicant is not a generator or designer of scientific research projects. In general the applicant concurs with many submitters that the marine reserve functioning as a benchmark or control, the no-take aspect of the proposal offers an opportunity to measure extraction and restoration variables to assist a wide range of scientific research. It would offer invaluable comparative research opportunities with ecosystems and biota in nearby areas that are being exploited.</p> <p>It could serve as a control to assess the effectiveness of active intervention e.g.kina removal, mussel or oyster seeding.</p> <p>Comparison also with proposed High Protection Areas which do not yet exist and are considered experimental. These will be subject to negotiation but are planned to include customary fishing.</p> <p>The Hākaimangō-Matiatia no-take reserve and the nearby proposed bespoke Noises High Protection Area would be ideal for comparative research on species recovery &amp; recruitment and comparisons of ecosystem function in a similar marine environment,</p> <p>The proximity of the Te Matuku marine reserve offers comparison of marine life between a protected south-facing sheltered mangrove inner Gulf muddy estuarine habitat with a north-facing quasi-Outer Gulf site with a high energy exposed rocky shoreline, comprising a mosaic of reefs, brown kelp forests, sponge gardens and large expanses of sandy seabed.</p> <p>Once species assemblies re-establish it will provide an unprecedented opportunity to study comparative larval dispersal throughout the Hauraki Gulf. We also note widespread aspirations among submitters to study and teach mātauranga in the recovering ecosystem of the marine reserve.</p> <p>There were at least 113 submissions expressing an interest in the application for research (including mātauranga, and citizen science) purposes Finally the applicant concurs with the expatriate marine</p>

		<p>scientist William Rudman HMMR-752954. <i>'Marine reserves and no-take zones will not solve all the problems associated with the marine environment but they give depleted populations and habitats a chance to recover, and give scientists the opportunity to monitor what is happening to the various marine habitats and ecosystems, as the effects of climate change take hold. Marine Reserves and associated marine stations/laboratories also have an important educational effect, as their very existence shows the individual that their community considers that conservation of the natural world is of value.'</i></p> <p>Note Appendix 6, The educational benefits of the proposed marine reserve and Appendix 7, Research projects suggested for the proposed marine reserve.</p>
<p>THEME: Underwater scenery</p> <p>Spencer Roff HMMR-784346,</p> <p>NZ Sports Fishing Council &amp; the Legasea Team WSHMMR-791865</p>	<p>The submitter objects to the marine reserve because the application failed to present underwater scenery, natural features etc.</p>	<p>Under the Marine Reserves Act 1971, marine reserves may be established in areas that contain underwater scenery, natural features or marine life of such distinctive quality, or so typical, beautiful or unique that their continued preservation is in the national interest'. The submitter objects to the marine reserve application due to a lack of detail on this in the application.</p> <p>The applicant disagrees with the submitters objection as the underwater environment is well described over 18 pages in Sections 4-8 of the marine reserve application. The submitter can read the application here <a href="https://www.doc.govt.nz/waihekeproposal/">https://www.doc.govt.nz/waihekeproposal/</a></p> <p>The applicant has provided a detailed application that exceeds all the requirements of the Marine Reserves Act 1971. The excellent application and public awareness campaign for the proposed marine reserve makes the decision to enact it a popular choice.</p>
<p>THEME: Location</p> <p>Coastal Custodians Landowners views WSHMMR-791829</p>	<p><i>Little scientific support for the location</i></p>	<p>The applicant disagrees, more than 113 submissions expressed an interest in the marine reserve application for research (including mātauranga, and citizen science) purposes.</p> <p>There has even been interest from overseas, from the producers of the Oscar and Bafta-award-winning documentary film <i>My Octopus Teacher</i>, in funding scholarships for research in the Hākaimangō-Matiatia Marine Reserve. (Personal email correspondence from Faine Loubser 7 April 2022)</p>
<p>THEME: Te Matuku</p> <p>Claudia Pierce HMMR-753050,</p>	<p><i>The submitter thinks that Waiheke Island should be</i></p>	<p>The applicant disagree with the submitters objection because:</p> <ul style="list-style-type: none"> <li>• The Hauraki Gulf Forum (Hauraki Gulf Forum 2021), the Government (Vance 2021) and the</li> </ul>

	<p><i>content with the Te Matuku Marine Reserve</i></p>	<p>international community (IUCN 2021) are pursuing a goal of 30% protection.</p> <ul style="list-style-type: none"> <li>● At the moment less than 1% of the Hauraki Gulf Marine Park is protected. Less than 1% of New Zealand's Exclusive Economic Zone (excluding Niue) meets IUCN guidelines for marine protection (MPATLAS 2022).</li> <li>● The Waiheke community, through its democratically-elected leadership via the Waiheke Local Board, had already in 2016 submitted a plan for a network of five new marine reserves around the Waiheke coastline.</li> <li>● Te Matuku Reserve is invaluable as a nursery ground for juvenile hapuku, bass, snapper, and a multitude of other reef species. It also serves as a sanctuary and feeding ground for many coastal birds (NZ dotterel, kuaka, banded rail, reef heron, to name but a few) which congregate/roost/feed on sandy spits and mud flats. However, Te Matuku habitat is substantially different from the proposed reserve in that it has a southerly aspect, with a significant element of mangrove forest, great expanses of muddy seabed, but virtually no rocky reefs. In solid contrast, the proposed reserve has a northerly aspect, with considerable areas of rocky reefs, healthy stands of brown kelps, mixed with considerable areas of soft muddy sediments and sponge gardens. Such a mosaic of habitat will carry substantially more reef species than the mangrove nursery grounds of Te Matuku. Over and above that the Hakaimango-Matiatia reef areas are favoured by the giant packhorse crayfish, which has a very limited distribution when compared with the red crayfish.</li> </ul> <p>The submitter's objection is unfounded.</p>
<p>THEME: Te Matuku</p> <p>Amie Russell HMMR-722792,</p> <p>Craig Thorburn HMMR-722786</p>	<p><i>Because the Te Matuku Marine Reserve has not been monitored the marine reserve is not fulfilling its purpose.</i></p>	<p>While it is not our role to answer for DOC and its operational activities in a different marine reserve, a baseline fauna and flora survey was undertaken at Te Matuku Bay in 1996 Hayward <i>et al.</i>(1997) prior to the area being gazetted a marine reserve.</p> <p>Under the MRA marine reserves are for scientific purposes. Te Matuku is both available and has in fact been surveyed for fish and for benthic species. K. Sivaguru and Dan Breen did a fish pilot study surveying once in 2009 and in 2010 on the Tamaki Straight section of the reserve using dropped underwater video (DUV) while Schimel, with others, mapped the benthos with a side sonar scan on both the intertidal and the subtidal section (Katona).</p>



		<p>The Department of Conservation, the managing authority of the reserve, assessed the biodiversity and the effects of protection inside the reserve with particular interest on the fish population as part of their standard reserve monitoring programme in 2014. See Aaron Tamas Katona (2014).</p> <p>The applicant would certainly encourage more scientific monitoring in this area but whether Te Matuku Reserve is being monitored or not is irrelevant as marine life has been unfished there for 17 years (and counting) and thus has been flourishing, reproducing and dispersing into adjacent waters. Without a doubt more research will occur sometime in the future, utilising the reserve as an ecological template/yardstick.</p> <p>Meanwhile Te Matuku Bay is under the watchful eye of nearby residents. David Harold HMMR-773635 submits, <i>"I have been fortunate to live in Te Matuku Bay Area got 30 plus years and have seen first hand the recovery of the Marine Ecosystem since it was made Waiheke first marine reserve In 2003 The proposed Hakamango -Matiatia reserve would in my opinion be another brick step forward in restoring the coastal waters around Waiheke "</i></p> <p>Reports from other long term residents of Te Matuku Bay, Lady Jennie Fenwick and Cyril Wright are adamant that the fish life in the bay has visibly increased since the creation of the reserve.</p> <p>Finally general policy 12 (b) of the Marine Reserves Act 1971 states that the <i>'Director-General considers that reserves are available for the purposes of scientific research.'</i> Not that they <i>must</i> be used for research. To that end the Te Matuku Marine Reserve and all other marine reserves are available for scientific study - forever.</p>
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## 9.0 Section 5(6)(e) – Public Interest

The consideration of objections under s 5(6)(c) of the Act requires the Minister to consider whether declaring these areas to be marine reserves *inter alia* would *'otherwise be contrary to the **public interest.**'* S 5 (9) also states *'If, after consideration of all objections, the Minister is of the opinion that no objection should be upheld and that to declare the area a marine reserve will be in the best interests of scientific study and will be for the **benefit of the public...**'*

The quite remarkable level of support this application has drawn from a relatively high number of submissions from across New Zealand and even overseas, is a good indication that this marine reserve would be very much in the public interest and indeed in the national interest.

*Marine reserves work - Spillover effect is real - The Gulf is in strife - It's sad to see how depleted it is - We need more MRs - The reserve would make a major contribution to regeneration in the Hauraki Gulf - Scientists have attested that the State of the Hauraki Gulf is shameful - We need marine reserves to act as a safe haven to protect and enhance sea life so that species can repopulate these barren areas devoid of life and bring back the productive species rich Hauraki Gulf we once knew - I want my children to be able to see marine life in the future (112 submissions).*

*We have seen the once abundant sea life degenerate to a virtual desert - I have seen the decimation in my lifetime (29 submissions) - Easily accessible for students, public, for education and enjoyment (7 submissions) - Some manageable, Tourism and economic benefits to Waiheke Island (5 submissions) - Recreational fishing methods are now so sophisticated they can denude a fishery (5 submissions) - Marine protection compared to land is woefully inadequate NZ needs to afford the same protection to the seas (4 submissions).*

*'Establishment of the Hakaimango-Mataitai Marine Reserve would establish a marine sanctuary in the mid Gulf, an area 10 times the size of the Tiritiri Matangi Nature Reserve, one of the jewels in our terrestrial conservation portfolio. Today there is an even more urgent need for expanding marine protection in the Hauraki Gulf for the issues of declining marine biodiversity and pollution that I have outlined. Hākaimangō-Matiatia Marine Reserve, a proposal supported by numerous local conservation groups, the Waiheke Island Local Board and I understand, the Ngati Paoa Trust Board, already has wide popular support and is a bold conservation initiative. The establishment of this new Hakaimango- Matiatia marine reserve, in my considered opinion, is a long overdue marine conservation initiative. It has my whole hearted support.'*

**Hon Chris Carter Minister of Conservation 2002-2007 WSHMMR-802093**

Submission #	Objection	Response
THEME: Biodiversity  Spencer Roff HMMR-784346	The submitter argues that marine reserves do not increase biodiversity in surrounding waters.	The applicant disagrees with the submitter as the spillover effect is well documented (see Appendix 4 and Commercial Fishing above).  The submitter's objection is unfounded.
THEME: Biodiversity  NZ Sports Fishing Council & the	The submitter is objecting to the application as the marine reserve does not protect	The applicant disagree with the submitter because: <ul style="list-style-type: none"> <li>Marine mammals and seabirds are protected species which can not be targeted by fishers.</li> </ul>

<p>Legasea Team WSHMMR-791865</p> <p>Chris Thompson HMMR-773626</p> <p>Spencer Roff HMMR-784346</p>	<p>highly mobile species which will not spend a significant amount of time in the proposed marine reserve.</p>	<ul style="list-style-type: none"> <li>● The marine reserve application does not intend to protect highly mobile species from the direct effects of fishing.</li> <li>● The marine reserve will indirectly benefit highly mobile species by increasing REEF LIFE abundance in the proposed area. A healthy functioning reef ecosystem will be a valuable feeding area for both protected reef species AND seasonal pelagics as per the marine reserve application section 7.1 and 8.0.</li> <li>● The abundance will spillover (see Appendix 4) increasing food supply to the wider area.</li> <li>● The proposed marine reserve will function as part of a network of marine reserves to support highly mobile species in the Hauraki Gulf Marine Park (HGMP).</li> </ul> <p>The applicant shares the submitter’s concern for highly mobile species. Their compassion for protected species, many of which are Threatened or At Risk of extinction is commendable.</p> <p>The applicant disagrees that this is a reason to object to the marine reserve.</p> <p>Waiheke waters used to carry world record 50+ kg kingfish in season, thus gazetting such a no-take reserve will provide for a scientific experiment in finding out if these giant pelagics eventually return.</p> <p>The marine reserve will benefit highly mobile species, of which there is a lot of public concern for. This is one of many reasons why the marine reserve has overwhelming public support.</p> <p>Some of the benefits may not take too long. <i>HMMR-712720 I live ... adjacent to the proposed Marine Reserve. During the Covid lockdowns when there was no recreational fishing activity around Waiheke Island the difference in the fish life after the few weeks was dramatic. I was swimming at Owhanake and enjoyed more fish life than I had seen for many years.</i></p>
<p>THEME: Biodiversity</p> <p>NZ Sports Fishing Council &amp; the Legasea Team WSHMMR-791865</p>	<p>The submitter objects to the marine reserve due to The applicant overstating claims in the marine reserve</p>	<p>The applicant disagree with the submitter’s objection because:</p> <ul style="list-style-type: none"> <li>● The applicant didn't claim it was a main spawning area, just that it would enhance spawning.</li> </ul>

	<p>application.</p>	<ul style="list-style-type: none"> <li>The last study on tāmure snapper egg production in the area was published 24 years ago (J. R. Zeldis, R. I. C. C. Francis 1998) in the paper the area for the proposed marine reserve (strata 8) was poorly sampled. Therefore the importance of the area for tāmure snapper spawning is unknown.</li> </ul> <p>The applicant supports the submitter’s interest in protecting known Tāmure / Snapper spawning areas and thinks that more work should be done to protect spawning areas.</p> <p>The applicant disagrees that the submitter's objection is a reason to not proceed with the marine reserve application.</p> <p>The marine reserve will increase tāmure snapper recruitment in the HGMP (see Appendix 4). This increase in tāmure snapper recruitment is in the national interest.</p>
<p>THEME: Biodiversity &amp; abundance</p> <p>NZ Sports Fishing Council &amp; the Legasea Team WSHMMR-791865</p> <p>Blake Masefield HMMR-773638</p>	<p>The submitter is concerned that the marine reserve won’t generate biodiversity or abundance outcomes.</p>	<p>The applicant disagrees with the submitter as all fished species are found in higher densities/numbers in marine reserves than the adjacent unprotected ocean.</p> <p>Published research papers, personal communications, and personal observations undertaken over a 40-year period absolutely guarantee there will be significant AND abundance outcomes inside and adjacent to a no-take marine reserve (Pers. Comm. &amp; Pers. Observ. Sid Marsh).</p> <p>This marine reserve is four times as big as the marine reserve at Leigh (Cape Rodney-Okakari Point Marine Reserve / Goat Island). The larger size means that when kōura / crayfish leave the reefs as part of their normal lifecycle they will still be protected. This was an important design consideration. The applicant shares concerns with the submitter about other issues including plastic and sediment pollution. Local and central governments should do more to address these issues.</p> <p>Marine reserves provide important buffers for impacts that affect marine life. This marine reserve will make the HGMP more resilient. This marine reserve is in the national interest as the public want healthier, more resilient ocean ecosystems.</p>

<p>THEME: Application</p> <p>NZ Sport Fishing Council/Legasea team WSHMMR-791865</p>	<p>The submitter objects to the marine reserve application because there is nothing unique about the area proposed for protection from fishing.</p>	<p>The applicant disagrees with the submitter because:</p> <ul style="list-style-type: none"> <li>• Under the Marine Reserves Act 1971 an area may qualify for protection if it is “typical, beautiful or unique”, while other aspects are typical of the transition zone between Inner and Outer Gulf.</li> <li>• The area has unique features described in the application, specifically in section 4.4</li> </ul> <p>The submitter's objection is unfounded.</p>
<p>THEME: Application</p> <p>NZ Sport Fishing Council/Legasea Team WSHMMR-791865</p>	<p>The submitter questions the validity of a paper cited in the marine reserve application.</p>	<p>The applicant disagrees with the submitter because: FoGH have contacted the publisher who said “<i>All papers in ICES jms are peer reviewed</i>” and contacted the author Sylvaine Giakoumi, PhD who added: “<i>Our paper was certainly peer-reviewed and for sure was reviewed at least by R Hilborn</i> It contains both published and unpublished data as indicated in the Supplemental online material.” “<i>Our dataset included only studies which provided data for the biomass of fish assemblages in fully protected areas, partially protected areas, and open access areas. We used data from (Friedlander and DeMartini, 2002), (Claudet et al., 2008), (Harmelin-Vivien et al., 2008), (Aburto-Oropeza et al., 2011), (Garcia-Rubies et al., 2013), (Rife et al., 2013), (Friedlander et al., 2014), Friedlander et al. (unpublished data), and Giakoumi et al. (2017).</i>”</p> <p>“<i>In the supplementary material you can also find the methodology of the meta-analysis, which did only account for the effect sizes and their variance but we also weighted them to ensure greater contribution of the most robust studies.</i>”</p> <p>Dr Enric Sala added “<i>If one reads our paper (which was peer reviewed and published in an academic journal), one can read in the methods section how we conducted the meta analysis, and in the supplemental materials are the citations of the published papers we obtained the data from. So what this person is saying is just not true.</i>”</p> <p>The submitter's objection is unfounded.</p>
<p>THEME: Application</p>	<p>Not all areas of Waiheke Island</p>	<p>The submitter's objection is untrue, five areas were selected by the local board. The applicant agreed that</p>

<p>Graeme Moore WSHMMR-791829</p>	<p>were considered by The applicant. Dr. Tim Haggitt's recommendation for the area The applicant proposed is premised on it being selected from only four areas put forward by the Waiheke Island Local Board on the western end of the Island.</p>	<p>the areas considered were limited by decisions made by the Waiheke Local Board. The process is clearly explained on page 12 of the application. The wisdom of the decisions made by the local board are reflected in the popular support for the application.</p>
<p>THEME: DOC  Claudia Pierce HMMR-753050</p>	<p>The submitter objects to the marine reserve application because the Department of Conservation (DOC) is not resourced to manage it.</p>	<ul style="list-style-type: none"> <li>• The applicant agrees that DOC is under-funded. Their budget is way less than 1% of the tax spend in New Zealand. To make the argument that DOC can't do the work when we don't resource them adequately is a wider issue. See 'One percent please' <a href="https://www.alexstonethinkingstrings.com/446852493">https://www.alexstonethinkingstrings.com/446852493</a></li> <li>• And DOC is and for the present remains the legislative entity entrusted with this work.</li> </ul>

## 10.0 Miscellaneous objections

<p>THEME: Land grab  Coastal Custodians Landowners views WSHMMR-791829</p>	<p><i>"The location is a significant taonga to Maori, and the idea of a total lockdown feels like a land grab"</i></p>	<p>The applicant notes the Coastal Custodians are not tangata whenua who have spoken for themselves. The applicant has responded to similar objections in Section 1.</p>
<p>THEME: Marine Reserves Act  Coastal Custodians Landowners views WSHMMR-791829</p>	<p><i>Herearoha Skipper stated the Marine Reserves Act 1971 under which the application would be managed is no longer fit for purpose and needs to be reviewed. "We want the opportunity to do our own reflection to determine the best area for marine protections. Hakaimango is wahi"</i></p>	<p>The objection has been responded to elsewhere.</p>

	<i>tapu (Sacred) and a significant area”</i>	
THEME: Ahu Moana  Coastal Custodians Landowners views WSHMMR-791829	<i>We support an Ahu Moana co-management approach to marine protection, consistent with the Government’s stated goals in the ‘Revitalising the Gulf’ strategy.</i>	Again the applicant would point out the objectors’ views on this question as neighbours are neither here nor there when it comes to the statutory test of whether the proposed marine reserve would <i>interfere unduly with their estates and land.</i>  Revitalising the Gulf 2021 makes plans to trial localised management approaches to fisheries and conservation through Ahu Moana pilots. Note that the plan is experimental because it is a trial / pilot. No-take marine reserves have proven benefits. An advisory board for the proposed marine reserve could address any co-management concerns.
THEME: Consultation  Coastal Custodians Landowners views WSHMMR-791829	<i>Herearoha Skipper also stated she was unimpressed by the lack of consultation.</i>	More repetition Please see Section 1,
THEME: Collaborative efforts  Coastal Custodians Landowners views WSHMMR-791829	<i>It is our view that FOHG have completely ignored the existing collaborative processes underway with the Waiheke Marine Project. Our Coastal Custodians group maintains active collaboration with the Waiheke Marine Project, and via WMP, Ngāti Pāoa and associated community groups. Coastal Custodians are currently working with Waiheke Island-wide kororā care, the Waiheke Island Kelp Gardener, the Waiheke Island kōura rewilding project, and Waiheke Island fishers to develop a North-West Waiheke Island Marine Regeneration Plan.</i>	The applicant strongly denies any lack of effort to collaborate. Our members have been involved with the Waiheke Marine Project (WMP) throughout, however, the WMP steering group has been clear for a considerable time that they will not be promoting no-take marine reserves. This has been a view promoted by off island representatives for Legasea including Glen Carbines who was a steering group member on the WMP and others. We see that the reserve is complementary to any outcomes which the WMP seeks to achieve.

<p>THEME: Report</p> <p>Coastal Custodians Landowners views WSHMMR-791829</p>	<p><i>Not all areas of Waiheke Island were considered by FOHG. Dr. Tim Haggitt's recommendation for the area FOHG proposed is premised on it being selected from only four areas put forward by the Waiheke Island Local Board on the western end of the Island (Haggitt 2016a).</i></p>	<p>Agreed, we note that this has not been misrepresented anywhere.</p>
<p>THEME: Infrastructure</p> <p>Coastal Custodians Landowners views WSHMMR-791829</p>	<p><i>The Waiheke Island infrastructure does not exist to support the anticipated number of visitors that a marine reserve at this location would attract.</i></p>	<p>There will be impacts resulting from the establishment of the proposed marine reserve however we say that these will not interfere unduly with any estate or interest in land in or adjoining the proposed reserve, more so when considered in light of the countervailing benefits of the reserve. The reserve establishment in and of itself will only provide the outcomes outlined in Section 3(2)a,b,c,d of the Marine Reserves Act. Potential human environmental impacts which may or may not eventuate can be adequately managed through other mechanisms, eg, level of Council promotion and education, local bylaws, reserve management plans etc. We note that the proposed location is several hundred metres from Waiheke's main passenger wharf, at which are located the most expansive public amenities on Waiheke. The esplanade reserves abutting the proposed marine reserve are well developed and maintained by Auckland Council.</p>
<p>THEME: Sea Change</p> <p>Coastal Custodians Landowners views WSHMMR-791829</p>	<p><i>The proposed marine reserve is inconsistent with the more inclusive Government's initiative in Sea Change and the wide-ranging Waiheke Marine Project (WMP) processes currently underway. It is in the public interest that the Government's initiative in Sea Change and the WMP process be given the opportunity to bring the community together in the spirit of Ahu Moana.</i></p>	<p>The applicant disagrees that the non-statutory Sea Change proposals exclude future marine protection initiatives including new Marine Reserves. Additional protections are required to meet the Hauraki Gulf Forum's goal of 30% protection (Hauraki Gulf Forum 2021), the Government's ambition of 30% protection (Vance 2021) and global efforts to protect 30% of our ocean by 2030 (IUCN 2021).</p> <p>Sea Change 2017 had a marine protection goal for Waiheke Island. "By 2018, identify any gaps in the MPA network with specific attention to Waiheke Island and Aotea – Great Barrier Island. Establish further MPAs if required"</p>



		<p><i>“Sea Change The Stakeholder Working Group was approached by community representatives from Waiheke and Aotea (Great Barrier) seeking that marine protected areas be included in the Plan for both islands. Because the SWG also heard conflicting views and concerns at not being consulted regarding proposals it was considered more appropriate for the location of MPAs for the two islands to be decided by those communities as part of the implementation of Sea Change.”</i></p> <p>The process failed to deliver any plans for MPAs. The applicant accepts this in part and notes that; Sea Change was a stakeholder driven process which by nature precluded any form of robust public interaction. To this date, the wider public has had no opportunity to provide feedback on the proposals in the Sea Change Plan. This theme of engagement has been adopted by the Waiheke Marine Project and the processes therein are orientated around invited and selected stakeholder groupings. The proposal from FoHG is supported by scientifically established principles including social principles articulated through the Colmar Brunton survey of Waiheke Residents and Ratepayers and subsequent scientific reports along this coastline, funded by the Waiheke Local Board.</p> <p>The applicant has helped fulfil Sea Change recommendations by proposing the marine reserve. Community support for the recommended MPA is clear in the popular support for the proposed marine reserve and in the more than a thousand supportive submissions. No polling or public consultation has been done on the Sea Change recommendations.</p> <p>Friends of Taputeranga Marine Reserve Trust’s excellent submission WSHMMR-802381 notes. <i>“The Trust considers that the Hākaimangō-Matiatia Marine Reserve application meets the requirements of the Marine Reserves Act 1971 and supports its creation. The Trust recommends that the proposed Hākaimangō-Matiatia Marine Reserve application be progressed expediently, and considered as distinct and additional to the proposed marine protected areas within the Government Response Strategy that responds to the Sea Change Hauraki Gulf Marine Spatial Plan that is currently being considered (albeit slowly).”</i></p>
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		Auckland Council's supporting submission WSHMMR-791826 notes that <i>"The proposed area would ultimately add to the network of marine protection in the Gulf."</i>
THEME: Marine Reserves Act  Coastal Custodians Landowners views WSHMMR-791829	<i>The FOHG Marine Reserve proposal uses fifty-year-old legislation to lock-up 2,350 ha of coastal marine habitat in perpetuity. It is an out-of-date Act and process with no regard to Section 4 of the Conservation Act 1987 and the principles of Te Tiriti o Waitangi. Both the Coastal Custodians and, from what we understand, Ngāti Pāoa Iwi Trust believe that direct intervention will be required to regenerate the North-West Waiheke Island marine environment, not simply locking it up in perpetuity. The solution is best achieved through ongoing measures such as rahui and community and government collaboration.</i>	The applicant disagrees. The Marine Reserves Act is current law, and the Crown is well aware of its obligations under the Treaty of Waitangi and the Conservation Act. We deny the argument that direct intervention is required to facilitate regeneration, noting that it is not clear what the science informs this idea, however we assume this is a reference to a desire to establish a kina removal program in this area and in doing so generate an argument against a no-take marine reserve. The applicant is not aware of any direct intervention in the marine environment in New Zealand or overseas that has resulted in the abundance or biodiversity benefits of a no-take marine reserve. The marine reserve will serve as an important benchmark to measure active restoration efforts against.
THEME: Application  Coastal Custodians Landowners views WSHMMR-791829	<i>We believe the research of marine scientists has been directed and selectively presented by FOHG.</i>	The applicant disagrees and recommends a reading of the marine reserve application document and the scientific reports appended to it.
THEME: Application  Coastal Custodians Landowners views WSHMMR-791829	<i>Where the Director-General is not the applicant, the Department of Conservation (DOC) has a neutral and independent statutory role to process an external application pursuant to the Marine Reserves Act 1971. It is the role of the applicant, FOHG to undertake</i>	Agreed

	<i>advocacy, consultation, and public notification of the submission's process.</i>	
THEME: Application  Coastal Custodians Landowners views WSHMMR-791829	<i>The applicant is responsible for engaging mana whenua on the application. DOC has a separate responsibility to fully understand mana whenua views, concerns, and interests and accurately reflect these in the advice given to the Minister [Conservation Act 1987, S4]. In making a decision on the marine reserve application, the Minister of Conservation must specifically consider any objections from adjoining landowners, rights of navigation, commercial fishing, existing recreational users, and the public interest [Marine Reserves Act 1971, S5, 6].</i>	The process for consultation under the Marine Reserves Act is outlined in section 5 of the Act. The consultation by the applicant is well in excess of the prescription and is as has been agreed with DOC supporting officers through this process.
THEME: Sea Change  Coastal Custodians Landowners views WSHMMR-791829	<i>The implementation of <u>Revitalising the Gulf</u> is a Government initiative. It is completely separate from DOC's statutory role to manage and process independent marine reserve applications and provide advice and support to the Minister of Conservation. Revitalising the Gulf is widely supported by the community and our Coastal Custodians group.</i>	Noted

<p>THEME: Sea Change</p> <p>Coastal Custodians Landowners views WSHMMR-791829</p>	<p><i>Revitalising the Gulf is the Government's strategy released in June 2021 in response to the call for action made by the 2017 Sea Change – Tai Timu Tai Pari Hauraki Gulf Marine Spatial Plan (Revitalise the Gulf 2021). The Strategy's proposals reflect the Government's analysis of the 2017 Sea Change Plan recommendations, relating to marine conservation and fisheries management, incorporating feedback from mana whenua, implementation partners, and key stakeholders. The Strategy sets out the actions the Government will take to restore the health and mauri of the Hauraki Gulf Marine Park, guided by two overarching outcomes;</i></p>	<p>We agree that this is a government strategy which sits alongside other legislative and other opportunities and obligations.</p>
<p>THEME: Sea Change</p> <p>Coastal Custodians Landowners views WSHMMR-791829</p> <p>Coastal Custodians Landowners views WSHMMR-791829</p>	<p><i>The Friends of Hauraki Gulf's marine reserve proposal is not part of the <u>Revitalising the Gulf</u> Government action, or the 2016 Sea Change Plan. The implementation of Revitalising the Gulf is a Government initiative and completely separate to the Department of Conservation's statutory role to process external applications pursuant to the Marine Reserves Act 1971.</i></p>	<p>Agreed</p>
<p>THEME: Sea Change</p> <p>Coastal Custodians Landowners views WSHMMR-791829</p>	<p><i>The 2016 Sea Change Stakeholder Working Group was approached by community representatives from</i></p>	<p>Noted</p>

	<p><i>Waiheke Island seeking marine protected areas (MPAs) to be included in the Plan. However, as the Stakeholder Working Group heard conflicting views and concerns at not being consulted regarding current proposals it was considered more appropriate for the location of marine protected areas on Waiheke Island to be decided by the community as part of the implementation of Sea Change (Sea Change 2016).</i></p>	
<p>THEME: Marine Reserves Act</p> <p>Coastal Custodians Landowners views WSHMMR-791829</p>	<p><i>Marine Reserves Act outdated</i></p>	<p>Disagree. The Marine Reserves Act is current legislation until repealed.</p>
<p>THEME: Marine Reserves Act</p> <p>Coastal Custodians Landowners views WSHMMR-791829</p>	<p><i>Tellingly, the Government's Revitalising the Gulf strategy does not utilise the 1971 Marine Reserves Act because of its narrow focus and inadequate consultation process. The Marine Reserves Act is over fifty years old and incompatible with the guiding principles of the Government's Revitalising the Gulf strategy to deliver on the Treaty commitments of recognising mana whenua as rangatira and kaitiaki. The Marine Reserves Act simply has no mechanisms for iwi/hapu/whanau participation in decision-making (Ministry for the Environment 2016). The</i></p>	<p>It is not clear that the government strategy does not intend to utilise the Marine Reserves Act.</p> <p>Our application is an application under the Marine Reserves Act.</p> <p>Crown responsibilities under the Treaty of Waitangi are not in dispute.</p> <p>The applicant is grateful for the support of the Ngāti Paoa Trust Board and other tangata whenua voices.</p> <p>It is agreed that a marine reserve classification will make human kina removal scheme more difficult, rather the kina barren problem will be solved by the promotion of natural kina predators e.g. snapper, koura therein, enabling natural restoration and preservation of kelp forests.</p> <p>Marine reserves do not prohibit scientific research within them. There will be nothing to stop the Waiheke kelp gardening initiative from making an application to continue their work within the marine reserve - albeit with scientific rigour.</p>

	<i>current kina removal and kelp garden programs would not be permitted under FOHG's proposal.</i>	
THEME: Sea Change  Coastal Custodians Landowners views WSHMMR-791829	<i>The Revitalising the Gulf strategy takes an ecosystem-based approach with new legislation creating a network of High Protection Areas (HPAs) and Seafloor Protection Areas (SPAs) (Figure 4).</i>	The submitter is confusing the ecosystem-based Hauraki Gulf Fisheries Management Plan with the suite of proposed protection areas. There is interest from the research community on comparing the benefits of the HPA's with the proposed no-take marine reserve in the context of the new fisheries management plan.
THEME: Public/Iwi interest  Coastal Custodians  WSHMMR-791829	<i>Contrary to Public / Iwi Interests</i>	The applicant disagrees. So does the Ngati Paoa Trust Board and so do 73% of submitters identifying as Māori and 93% of over 1300 submitters,
THEME: Noises  Coastal Custodians Landowners views WSHMMR-791829	<i>In September 2021, the Noises Marine Restoration Project team submitted a proposal for the Noises to be included as a High Protection Area in the Revitalising the Gulf Government strategy and special legislation package (Noises Trust Proposal 2021). The Noises Proposal sets out a rationale for marine protection and proposes an area encompassing approximately 60 km2.</i>	Noted. The applicant consulted with Noises Marine Restoration Trust representatives at Auckland Museum immediately prior to our public announcement on 19 May 2021. At the meeting a bound copy of the applicant's draft Hākaimangō-Matiatia Marine Reserve application document was presented to the Noises representatives. The applicant has maintained contact with the Noises Trust ever since and wishes them well in their proposal.  In February the applicant met with the recognised tangata whenua of the Noises, Ngāitai ki Tāmaki consulted with them on the Hākaimangō-Matiatia Marine Reserve and opportunities for collaboration for science and mātauranga between the two projects.
THEME: The Waiheke Marine Project  Coastal Custodians  WSHMMR-791829	<i>The Waiheke Marine Project (WMP) is a collaborative Mana Whenua and Waiheke Island community partnership project with the aim to protect and</i>	The objection is essentially out of scope. However the applicant points out that the Waiheke Marine Project chose not to make a submission / objection to the marine reserve proposal. However in a letter to the <i>Gulf News</i> dated 10 February 2021, the Steering Committee of the Waiheke Marine Project

	<p><i>regenerate the Waiheke Island marine environment through the use of action-based kaitiakitanga - guardianship. The WMP is consistent with the Sea Change Project 2016 (Tai Timu Tai Pari) when the Stakeholder Working Group considered that any marine protection proposals for Waiheke Island and Aotea - Great Barrier Island be developed by the communities themselves (Sea Change 2016). Since April 2019, the WMP has taken up this challenge and is finding innovative ways to give effect to the principles of Te Tiriti o Waitangi and practise active partnership and collaboration built on mutual trust and respect. Many legislative and non-legislative tools are being employed so people's behaviour works in favour of regenerating the mauri of Waiheke's marine environment. Tangible, multiple reinforcing actions are underway across and around Waiheke Island that have been either catalysed or supported by the WMP.</i></p>	<p>stated that it <i>'supports the intention for protection in a marine reserve proposal yet believes... the full suite of management options deserves consideration,'</i></p> <p>WMP purports to be a marine ecosystem conservation body yet regarding this MPA proposal is deeply ambivalent. The question must be asked: what does this reveal (to the general public who genuinely desire immediate implementation of local marine habitat/fishlife protection) of the true WMP (and for that matter, Coastal Custodians) position? Sid Marsh comments <i>'I was a part of the initial WMP weekend launch/workshop in November 2020. Right from the very beginning I noted a (to me as a neutral participant, quite puzzling) anti-marine reserve stance among the principals. With a 43-year scuba-diving background (including being a pro-diver, instructor, divemaster &amp; guide) under my weight-belt &amp; having dived/studied fishlife in many marine reserves from the subantarctic &amp; Fiordland up to the Kermadec Islands (and across the greater Pacific), I found this very puzzling, as I'd often seen with my own eyes the profound evidence of the effectiveness of no-take MPAs when compared to adjacent unprotected marine areas or even partially protected (rāhui-like) zones.'</i></p>
<p>THEME: Waiheke Marine Project</p> <p>Coastal Custodians Landowners views WSHMMR-791829</p>	<p><i>WMP Does Not Support the applicant's Proposal</i></p>	<p>The only valid process for any person to register their opposition to a marine reserve proposal is to submit in opposition. Any reference to the Waiheke Marine Project in this capacity should be considered hearsay and irrelevant.</p>
<p>THEME:</p>	<p><i>The WMP does not support FOHG's new</i></p>	<p>The WMP has not submitted in opposition to this proposal and their statement on their website is</p>

<p>Waiheke Marine Project</p> <p>Coastal Custodians Landowners views WSHMMR-791829</p>	<p><i>marine reserve proposal and has made the following statement (<a href="https://www.waihekemarineproject.org/marine-news">https://www.waihekemarineproject.org/marine-news</a>).</i></p>	<p>merely an opinion statement and does not state a position of opposition to the reserve proposal.</p> <p>Also, previously in <i>Gulf News</i> 10 February 2022, the WMP wrote that it supported the marine reserve in principle.</p>
<p>THEME: Ahu Moana</p> <p>Coastal Custodians Landowners views WSHMMR-791829</p>	<p><i>Ahu Moana is a process that brings together mātauranga Māori, local knowledge, and scientific data, providing a holistic approach to the management and protection of our shared coastal spaces. Coastal Custodians are working with Ngāti Pāoa and the Waiheke Marine Project to develop a community-based plan to regenerate the Moana adjacent to Waiheke Island's north-western peninsula. Achieving marine protection and restoration will be the positive benefit that grows from nurturing respectful and trusting relationships. We accept the importance of caring for and protecting our terrestrial environment, but the challenge now is to foster that same acceptance and action for our Moana. At the heart of this regeneration plan is the recognition that the connection between land and sea is vital, that these natural environments require holistic, integrated, active, and enduring management.</i></p>	
<p>THEME: Erosion</p> <p>Coastal Custodians Landowners views WSHMMR-791829</p>	<p><i>Fig 2a. Matiatia Estates Circa 1996 – Note Erosion</i></p>	<p>Noted</p>



<p>THEME: Erosion</p> <p>Coastal Custodians Landowners views WSHMMR-791829</p>	<p><i>Figure 2b. Matiatia Estates Circa 2021 – Note Revegetation</i></p>	<p>Noted</p>
<p>THEME: Rights</p> <p>Coastal Custodians Landowners views WSHMMR-791829</p>	<p><i>Section 5 of the Marine Reserves Act 1971 states: 5.1 (d) notice in writing of the proposed marine reserve is given by the applicant to -</i></p>	<p>Agreed</p>
<p>THEME: Recreational boating</p> <p>Coastal Custodians Landowners views WSHMMR-791829</p>	<p><i>The proposed marine reserve is also in the middle of a main maritime highway for recreational boats coming out of Auckland to the Noises and other areas (Figure 13a). Maritime safety must also be considered with this marine reserve proposal, as there is a high potential for accidents with large numbers of recreational boats transiting through increasing numbers of dive boats and divers in the water. The high vessel traffic through the proposed marine reserve area (Figures 13b &amp; 13c) should also be considered by the Department of Conservation in terms of the potential success of the proposed marine reserve itself (Thurstan et. al. 2012).</i></p>	<p>The applicant disagrees with the submitter because:</p> <ul style="list-style-type: none"> <li>● <i>“Usually there are no restrictions on recreational boating other than they cannot take marine life. They can continue to anchor, sail and swim – just not take.” - email from Carmel Dwyer, Maritime New Zealand 7 April 2022 (available on request)</i></li> <li>● High speed boat traffic is offshore and does not overlap snorkelling depths.</li> <li>● The inner Hauraki Gulf has a lot of boat traffic because it is adjacent to New Zealand’s largest city. Marine reserves near cities are more accessible (and therefore more in the public interest) than marine reserves further from cities.</li> <li>● The objection is not relevant because under the act the proposed reserve must avoid <i>“undue interference with or adversely affect any existing usage of the area for recreational purposes.”</i> If the proposed area becomes a marine reserve there will be no adverse impact on existing usage.</li> <li>● Fishing boat traffic is likely to decrease in the area. Other traffic related to recreational activities experiencing marine life are only expected to increase once the area is showing signs of recovery.</li> <li>● The applicant agrees that boat traffic could have a minor impact on the recovery</li> </ul>

		<p>potential of the area (along with many other minor factors) but does not consider it a significant factor. In the paper cited, boat strike of wildlife and sediment disturbance were the major risks. To our knowledge no cases of boat strike have been documented in the area. The rocky coastline and depth at which most of the boat traffic occurs means concerns about erosion due to wake or prop wash are unfounded.</p>
<p>THEME: Location</p> <p>Alex Carpenter HMMR-462045</p> <p>Brett &amp; Ann Vermer HMMR-562185</p> <p>Amanda Walker HMMR-753140</p>	<p><i>The submitters wish the marine reserve to be further east for public access.</i></p>	<p>The applicant disagrees with the submitter's objection because:</p> <ul style="list-style-type: none"> <li>• Convenient public access to the proposed marine reserve, via the existing (approximately 4 km) public walkway, makes this the most accessible area on the whole Waiheke coastline.</li> <li>• To move the marine reserve area further east would clash with the already restricted areas of public access (and much more limited car parking) at Oneroa, Little Oneroa and Sandy Bay Beaches.</li> <li>• The proposed reserve is fully accessible to the general public via Sealegs, jet skis, subs, kayaks, swimming, beach diving/snorkelling, use of conventional boats &amp; charter vessels etc.</li> <li>• Under the MRA marine reserves are for scientific purposes. Scientists have provision for access so while public access is desirable it is not essential.</li> <li>• 93% of 1,300 submissions support a marine reserve in this area.</li> </ul> <p><i>“The location of the proposed Hākaimangō – Matiatia Marine Reserve on the northwestern section of Waiheke Island will enable visitors from Auckland to visit the reserve relatively easily (i.e., via ferries to Waiheke Island and recreational vessels).”</i></p> <p>– New Zealand Marine Sciences Society WSHMMR-791859</p>
<p>THEME: Sea Change</p>	<p><i>The submitter objects to the proposed marine</i></p>	<p>The applicant disagrees that the Sea Change proposals exclude future marine protection</p>

<p>NZ Sports Fishing Council &amp; the Legasea Team WSHMMR-791865</p> <p>Mereana Berger HMMR-682516</p> <p>Matt von Sturmer HMMR-753053</p> <p>Mark Edwards NZ Rocklobster Council etc. WSHMMR-761679</p>	<p><i>reserve because it is not part of the Govt's response to Sea Change – Tai Timu Tai Pari titled Revitalising the Gulf (Sea Change).</i></p>	<p>initiatives including new Marine Reserves. Additional protections are required to meet the Hauraki Gulf Forums goal of 30% protection (Hauraki Gulf Forum 2021), the Government's ambition of 30% protection (Vance 2021) and global efforts to protect 30% of our ocean by 2030 (IUCN 2021).</p> <p>Sea Change 2017 had a marine protection goal for Waiheke Island. <i>“By 2018, identify any gaps in the MPA network with specific attention to Waiheke Island and Aotea – Great Barrier Island. Establish further MPAs if required”</i></p> <p><i>“Sea Change The Stakeholder Working Group was approached by community representatives from Waiheke and Aotea (Great Barrier) seeking that marine protected areas be included in the Plan for both islands. Because the SWG also heard conflicting views and concerns at not being consulted regarding proposals it was considered more appropriate for the location of MPAs for the two islands to be decided by those communities as part of the implementation of Sea Change.”</i></p> <p>The process failed to deliver any plans for MPAs.</p> <p>The applicant has helped fulfil Sea Change recommendations by proposing the marine reserve. Community support for the recommended MPA is clear in the popular support for the proposed marine reserve and in the more than a thousand supportive submissions. No polling or public consultation has been done on the Sea Change recommendations.</p> <p>Moreover there is a very important public interest aspect in terms of the government's wider environmental responsibilities e.g. the Climate Emergency. On this very important point, submitter Lady Jennie Fenwick HMMR-361904 reminds us <i>‘Resilience to Climate Change. By maximising biodiversity and abundance the marine reserve will protect the HGMP from climate change impacts, particularly heatwaves, invasive species and ocean acidification. Marine reserves are like insurance against uncertainty.’</i></p> <p>Please see the Hākaimangō-Matiatia (NW Waiheke Application Report (2020). Appendix 1. Section 11.4 of which records scientific evidence of</p>
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		<p>the comparative climate event resilience of protected marine natural areas compared to non-protected areas.</p> <p>Auckland Council supporting submission WSHMMR-791826 notes that <i>"Marine protection and conservation measures in the Hauraki Gulf will play an important role in helping Aotearoa, New Zealand meet the goals set in its Biodiversity Action Plan 2016 – 2020 (the Plan, New Zealand Government 2016) and achieve 'a growing nationwide network of marine protected areas, representing more of New Zealand's marine ecosystems."</i></p> <p>The Sea Change project specifically excluded Waiheke from its considerations, so has provided no Waiheke solution to the Hauraki Gulf's decline in marine biodiversity.</p> <p>The Hākaimangō-Matiatia Marine Reserve is the proposal of the Waiheke community towards the re-generation of the mauri of the Hauraki Gulf Marine Park, As the largest community living entirely within the Hauraki Gulf Marine Park, we believe we should have some voice in this.</p>
<p>THEME: Surveillance</p> <p>Francisco Blaha HMMR-341847</p>	<p><i>The proposal does not address monitoring, control and surveillance.</i></p>	<p>This proposed marine reserve is both available and well placed for scientific study which is in effect monitoring. It is anticipated that the public will keep a watchful eye. In addition it is relatively close to Auckland making it simpler for DOC to manage as necessary.</p>
<p>THEME: Not in public interest/ Coastal Custodians</p> <p>WSHMMR-791829</p>	<p><i>Coastal Custodians assert that the FOHG marine reserve proposal is contrary to the public interest [Marine Reserves Act 1971 S5, 6(e)] because it is not inclusive of mana whenua or local residents. We also believe it is not well integrated within either the Government's strategy Revitalising the Gulf or the Noises High Protection Area Proposal (Figure 5) and because a more inclusive and holistic pathway towards marine</i></p>	<p>The applicant claims the opposite, the proposal is very much in the public interest and further this is demonstrated by wide support, 93% from submitters, including support from the Ngāti Paoa Trust Board, Auckland Council, Waiheke Local Board. The dire state of the Hauraki Gulf marine environment is well documented. The Marine Reserves Act processes do not anticipate any alignment with any draft or other Govt strategy such as <i>'Revitalise the Gulf'</i>.</p> <p>Auckland Council's submission WSHMMR-791826 states <i>"Several local boards, who provided feedback, state they support increasing marine protection in the Hauraki Gulf and support this marine reserve application"</i>.</p>

	<i>protection for all areas of Waiheke Island is offered through the Waiheke Marine Project.</i>	
Coastal Custodians Landowners views WSHMMR-791829	<i>The WLB (2016) Allocation meeting agreed to contract an MPA gaps analysis and feasibility study for the four areas (Figure 7, 1-4a) proposed by the Waiheke Local Board and Hauraki Gulf Conservation Trust (Haggitt 2016a). The less populated Waiheke East and Rotoroa Island areas recommended by Roger Grace (Grace 2014, Figure 6b) and supported by the 2015 Colmar Brunton poll (Bing 2015) were not to be considered in the gap analysis and feasibility study. To constrain the possible locations of marine reserves to the more populated and accessible western end of Waiheke Island (Figure 8) the WLB misinterpreted Kerr and Grace (2013) (not Grace 20132 as recorded by the WLB on 26 May 2016), ignored the actual recommendations of Grace (2014, Figure 6b), and ignored that residents prefer to not have a marine reserve in the most populated north-western end of Waiheke Island (Bing 2015, see References).</i>	<p>The Waiheke Local Board is a democratically elected body, empowered to make funding decisions on behalf of constituents interalia.</p> <p>Marine reserves that are closer to more populated areas are more accessible and therefore, more in the public interest.</p>
Coastal Custodians Landowners views WSHMMR-791829	<i>Marine reserves can make a considerable contribution to local economies, estimated to be \$18.6 million per year from the Leigh Marine Reserve (Hunt 2008).</i>	The applicant agrees with the first point.

	<p>Hence all four areas selected by the Waiheke Local Board (2016) for consideration as marine reserves are in the western end of Waiheke Island where the majority of the population live and where a marine reserve can be most easily accessed (Figure 8).</p>	
<p>THEME: Location</p> <p>Alex Carpenter HMMR-462045</p> <p>Brett &amp; Ann Vermer HMMR-562185</p> <p>Amanda Walker HMMR-753140</p>	<p><i>The submitters wish the marine reserve to be further east for public access.</i></p>	<p>The applicant disagrees with the submitter's objection because:</p> <ul style="list-style-type: none"> <li>• Convenient public access to the proposed marine reserve, via the existing (approximately 4 km) public walkway, makes this the most accessible area on the whole Waiheke coastline.</li> <li>• To move the marine reserve area further east would clash with the already restricted areas of public access (and much more limited car parking) at Oneroa, Little Oneroa and Sandy Bay Beaches.</li> <li>• The proposed reserve is fully accessible to the general public via Sealegs, jet skis, subs, kayaks, swimming, beach diving/snorkelling, use of conventional boats &amp; charter vessels etc.</li> <li>• Under the MRA marine reserves are for scientific purposes. Scientists have provision for access so while public access is desirable it is not essential.</li> <li>• 93% of 1,300 submissions support a marine reserve in this area.</li> </ul> <p><i>“The location of the proposed Hākaimangō – Matiatia Marine Reserve on the northwestern section of Waiheke Island will enable visitors from Auckland to visit the reserve relatively easily (i.e., via ferries to Waiheke Island and recreational vessels).”</i></p> <p>– New Zealand Marine Sciences Society WSHMMR-791859</p>
<p>THEME: Sea Change</p>	<p><i>The submitter objects to the proposed marine</i></p>	<p>The applicant disagrees that the Sea Change proposals exclude future marine protection</p>

<p>NZ Sports Fishing Council &amp; the Legasea Team WSHMMR-791865</p> <p>Mereana Berger HMMR-682516</p> <p>Matt von Sturmer HMMR-753053</p> <p>Mark Edwards NZ Rocklobster Council etc. WSHMMR-761679</p>	<p><i>reserve because it is not part of the Govt's response to Sea Change – Tai Timu Tai Pari titled Revitalising the Gulf (Sea Change).</i></p>	<p>initiatives including new Marine Reserves. Additional protections are required to meet the Hauraki Gulf Forums goal of 30% protection (Hauraki Gulf Forum 2021), the Government's ambition of 30% protection (Vance 2021) and global efforts to protect 30% of our ocean by 2030 (IUCN 2021).</p> <p>Sea Change 2017 had a marine protection goal for Waiheke Island. <i>“By 2018, identify any gaps in the MPA network with specific attention to Waiheke Island and Aotea – Great Barrier Island. Establish further MPAs if required”</i></p> <p><i>“Sea Change The Stakeholder Working Group was approached by community representatives from Waiheke and Aotea (Great Barrier) seeking that marine protected areas be included in the Plan for both islands. Because the SWG also heard conflicting views and concerns at not being consulted regarding proposals it was considered more appropriate for the location of MPAs for the two islands to be decided by those communities as part of the implementation of Sea Change.”</i></p> <p>The process failed to deliver any plans for MPAs.</p> <p>The applicant has helped fulfil Sea Change recommendations by proposing the marine reserve. Community support for the recommended MPA is clear in the popular support for the proposed marine reserve and in the more than a thousand supportive submissions. No polling or public consultation has been done on the Sea Change recommendations.</p> <p>Moreover there is a very important public interest aspect in terms of the government's wider environmental responsibilities e.g. the Climate Emergency. On this very important point, submitter Lady Jennie Fenwick HMMR-361904 reminds us <i>‘Resilience to Climate Change. By maximising biodiversity and abundance the marine reserve will protect the HGMP from climate change impacts, particularly heatwaves, invasive species and ocean acidification. Marine reserves are like insurance against uncertainty.’</i></p> <p>Please see the Hākaimangō-Matiatia (NW Waiheke Application Report (2020). Appendix 1. Section 11.4 of which records scientific evidence of</p>
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		<p>the comparative climate event resilience of protected marine natural areas compared to non-protected areas.</p> <p>Auckland Council supporting submission WSHMMR-791826 notes that <i>"Marine protection and conservation measures in the Hauraki Gulf will play an important role in helping Aotearoa, New Zealand meet the goals set in its Biodiversity Action Plan 2016 – 2020 (the Plan, New Zealand Government 2016) and achieve 'a growing nationwide network of marine protected areas, representing more of New Zealand's marine ecosystems.'"</i></p> <p>The Sea Change project specifically excluded Waiheke from its considerations, so has provided no Waiheke solution to the Hauraki Gulf's decline in marine biodiversity.</p> <p>The Hākaimangō-Matiatia Marine Reserve is the proposal of the Waiheke community towards the re-generation of the mauri of the Hauraki Gulf Marine Park, As the largest community living entirely within the Hauraki Gulf Marine Park, we believe we should have some voice in this.</p>
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# Appendices

## 1. The Application

January 2022

# Hākaimangō – Matiatia Marine Reserve (Northwest Waiheke Island)

*Report in support of an application for an  
order in council for a marine reserve*



Friends of the  
**Hauraki Gulf**

Kaitiakitanga Tikapa Moana / Te Moananui-ō-Toi

## **Dedication**

This application is dedicated to the memory of  
Dr Roger Grace and Dr Bill Ballantine, conservation visionaries and tireless  
advocates for marine reserves.



Fig 1. Frontispiece. A view from Owhanake Bay, northwards over the proposed marine reserve. Photo Mike Lee.



Figs 2, 3 & 4. Aerial views, looking south-westward, over the coastline of the proposed Hākaimangō – Matiatia Marine Reserve, northwest Waiheke Island. Photos by Shaun Lee.

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# ***Report in support of an application for an Order in Council for a Marine Reserve under Section 5 of the Marine Reserves Act 1971 for the area Hakaimango Point to Matiatia Point, Northwest Waiheke Island, Hauraki Gulf.***

## **1.0 INTRODUCTION**

Marine ecosystems in the Hauraki Gulf are generally under stress and in many cases damaged and disrupted. This is causally related to a precipitous decline of a wide range of marine biota.

This situation would be concerning enough in any area of our coastal environment, however Parliament in 2000 passed the Hauraki Gulf Marine Park Act formally recognising the national significance of the Hauraki Gulf, and of the life-supporting capacity of its waters, islands and catchments. The Act also established a marine park including all the waters of the Gulf.

### **1.1 The Hauraki Gulf Marine Park Act (2000).**

The national significance of the Hauraki Gulf is the principal theme of the legislation which is evoked throughout the Hauraki Gulf Marine Park Act but sections 7 & 8 best articulate it.

#### **Section 7: Recognition of national significance of Hauraki Gulf**

*‘(1) The interrelationship between the Hauraki Gulf, its islands, and catchments and the ability of that interrelationship to sustain the life-supporting capacity of the environment of the Hauraki Gulf and its islands are matters of national significance.’*  
(Note. The ‘Life supporting capacity of the Gulf and its islands’ is defined in section 7 (2) (c) *inter alia* as ‘soil, air, water, and ecosystems’.).

#### **Section 8: Management of the Hauraki Gulf**

*‘To recognise the national significance of the Hauraki Gulf, its islands, and catchments, the objectives of the management of the Hauraki Gulf, its islands, and catchments are*  
*(a) the protection and, where appropriate, the enhancement of the life-supporting capacity of the environment of the Hauraki Gulf, its islands, and catchments.’*

Furthermore section 9 of the Act declares sections 7 & 8 to be a National Policy Statement and section 10 declares sections 7 & 8 to be a NZ Coastal Policy Statement. Finally, section 13 enjoins ‘all persons exercising powers or carrying out functions for the Hauraki Gulf’ to have ‘particular regard’ to the provisions of sections 7 & 8.

## 1.2 Marine Reserves Act

The Marine Reserves Act was enacted by parliament in 1971 after a campaign by recreational divers and marine scientists going back to at least 1965. At the time the legislation was considered world-leading and in many respects it still is. New Zealand now has 44 marine reserves which are administered by the Department of Conservation (DOC). The DOC website describes marine reserves as follows:

*'Type 1 Marine reserves are the highest level of marine protection established under the Marine Reserves Act 1971....*

*The main aim of a marine reserve is to create an area free from alterations to marine habitats and life, providing a useful comparison for scientists to study. Marine reserves may be established in areas that contain underwater scenery, natural features or marine life of such distinctive quality, or so typical, beautiful or unique that their continued preservation is in the national interest'*

(<https://www.doc.govt.nz/nature/habitats/marine/type-1-marine-protected-areas-marine-reserves>)

## 1.3 The Conservation Management Strategy Auckland 2014-2024

The Department of Conservation Management Strategy (CMS) acknowledges the crucial importance of the natural values of the Hauraki Gulf. The Auckland CMS accordingly commits to supporting the Hauraki Gulf Marine Park Act, sections 7 & 8 in particular [see CMS 7.5.1.1].

Section 6 of the CMS deals with the Hauraki Gulf and commits to *'enhance the special natural, historic, and cultural values of Auckland and the Hauraki Gulf Marine Park.'*

The Hauraki Gulf Marine Park and its nationally important ecological values are dealt with comprehensively in section 7.

Section 9 deals with 'Marine Reserve Places'. This section highlights the important conservation role of marine reserves but states that of the territorial sea only '0.163% is protected in Auckland (excluding the Kermadec Islands marine reserve,' Noting also that the oldest marine reserve Cape Rodney to Okakari Point is under 'the greatest pressure from increasing use with 300,000 visitors a year'.

The situation is analysed in some detail in the appendix 8. 'Marine habitats and ecosystems in Auckland'. Nine geographically defined ecosystem types are identified under the category 'Northeastern bioregion Te Arai Point to Miranda'. Of those nine ecosystem types, seven list 'overfishing' or as in the case of the Outer Hauraki Gulf '*overfishing resulting in trophic cascade*' as a major threat.

#### **1.4 Public concern at environmental decline and lack of official action.**

Despite Parliament's recognition of the national significance of the Hauraki Gulf, its gazetting of the Hauraki Gulf as a marine park and its statutory commitment to 'protect and enhance in perpetuity' its environment in 2000; and despite the recognition of the threats to its priceless values by DOC's Conservation Management Strategy, very little has actually been done to protect and enhance marine ecosystems and the 'life-supporting capacity' of the Hauraki Gulf. Especially by government agencies, and regional councils (including Auckland Council) despite obvious indications of environmental decline.

This deeply concerning trend has been highlighted in a series of Hauraki Gulf 'State of the Environment' three-yearly reports produced by the Hauraki Gulf Forum. Such reports are required under section 17 (1) (g) of the Hauraki Gulf Marine Park Act. The first report was produced in 2005. The most recent report in 2020, entitled 'State of Our Gulf' confirms a continuing trajectory of environmental decline 'since human arrival' but accelerated over recent decades. Among other findings, there is a major and continuing decline in key fish stocks and marine biodiversity, including:

- 57% decline in key fish stocks
- 83% decline in snapper,
- 76% decline in crayfish,
- near 100% decline in green-lipped mussels,
- 86% decline in all shark species
- 97% decline in whales and dolphins (Appendix 3: Hauraki Gulf Forum, *State of Our Gulf 2020*).
- A mass die-off of juvenile fur seals in 2021.

In response to this alarming information (periodically the subject of high-profile media attention), public support for meaningful conservation action by taxpayer and ratepayer funded agencies, the government and regional councils, to address the problem has grown.

A non-statutory 'Spatial Plan' for the Hauraki Gulf branded as 'Sea Change - Tai Timu Tai Pari' largely sponsored by Auckland Council was completed in 2017 but unfortunately along with the by-and-large exclusion of the general public, conflicting objectives and interests of various stakeholders' agendas, and the weight and influence of extractive resource users, nothing tangible emerged from this process by way of meaningful marine conservation measures. The 'Sea Change' report stated that 'marine protection is best left to the government' and thus was forwarded to the Ministers of Fisheries and Conservation.

Unfortunately, despite its Conservation Act (1987) mandate the Department of Conservation has not initiated any marine reserve proposals in northern New Zealand for more than a decade.

In May 2019 the Hauraki Gulf Forum formally voted to support 20% of the Hauraki Gulf Marine Park being protected as a 'long term aspirational goal'.<sup>1</sup>

From early 2019 a 'Waiheke Marine Project' group conducted a series of private and public meetings, workshops and hui on Waiheke Island with the purpose 'To protect and regenerate Waiheke's marine environment'. This culminated in a 'Future Search' process in November 2020 facilitated by a city-based Department of Conservation officer. Marine reserves were not considered, and no other practical measures were adopted save a commitment to further investigate a range of marine protection measures.

In January 2021, mana whenua iwi Ngāti Paoa, supported by the local Piritahi Marae declared a two-year rāhui against the taking of kōura / crayfish, tipa / scallops, pāua and kūtai / green-lipped mussels from around the coastline of Waiheke Island. This is arguably the most tangible attempt at marine resource conservation in the waters of the Hauraki Gulf in recent years. The rāhui application after consideration by the Ministry of Primary Industries under s186 (a) of the Fisheries Act, and assessment of public submissions, the majority of which were in support, was finally approved and came into effect on 1 December 2021 and will last for two years. However a rāhui by definition is limited both in time and scope, (this one being limited to four seafood species),

On Waiheke Island, awareness and concern among the island's community about the state of the marine environment has long been evident. This was confirmed by professional opinion polling undertaken on behalf of the Waiheke Local Board by Colmar Brunton in 2015. The survey revealed strong public support (67%) from residents for marine protection of the waters around Waiheke and the inner Gulf, and 64% specifically in support of marine reserves (see section 2 & Appendix 4).

The Waiheke Island community's strong support for marine reserves is in keeping with its long history of environmental awareness and activism, especially in regard to the marine environment. In 1901 Waiheke Island residents drew up a petition objecting to the destructive impacts of trawling in the inner Gulf – one of several from Aucklanders at that time (Peart 2016). In 1934 fifty Waiheke residents were among the first Aucklanders to express objections to the mid-20<sup>th</sup> century scheme to discharge the city's sewage into the Gulf at Browns Island / Motukorea. The scheme was famously overturned but only after a long and bitter battle led by Sir Dove-Myer Robinson (Bush 1980). Waiheke Island volunteers in large numbers led off the campaign to replant Tiritiri Matangi 'open sanctuary' in 1984 (Rimmer 2004); Waiheke

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<sup>1</sup> A Hauraki Gulf Forum 'Work Plan' 2021 calls for 30% protection 'medium term' <https://gulffjournal.org.nz/wp-content/uploads/2021/06/Work-Plan-Visual-09.pdf>

islanders were prominent in the eventually successful movement to stop marine dumping within the Hauraki Gulf and actively protested against the dumping contaminated harbour dredgings off the Noises Islands in 1992.

Waiheke Islanders were also prominent in the long campaign to establish a Hauraki Gulf Marine Park. In the 1990s the Waiheke Royal Forest & Bird Protection Society branch successfully proposed a marine reserve at Te Matuku Bay on the south coast of Waiheke Island, which was finally gazetted in 2005, the first since the establishment of the Hauraki Gulf Marine Park.

The Waiheke community's support for marine reserves is backed by science, going back to at least Ballantine (1991). Recent international research, notably Edgar *et al.* (2014) and Sala & Giakoumi (2017) has confirmed that no-take marine reserves are by far the most effective means of achieving marine protection.



Fig.5. An artist's perspective view northward over the Hauraki Gulf. From an illustration in the 1983 publication *The Story of Hauraki Gulf Maritime Park*. The painting is believed to be the work of the marine biologist, conservationist and passionate advocate for marine reserves, Dr Roger Grace (1945-20

## **2.0 ORIGIN OF THIS PROPOSAL**

### **2.1 The Friends of the Hauraki Gulf Inc**

The Friends of the Hauraki Gulf is an incorporated society. Among its purposes are:

*‘to research and advocate for the setting aside of marine protected areas, especially no-take marine reserves...’* and,

*‘to encourage and facilitate the scientific study of marine life and the natural history of the Hauraki Gulf.’*

In 2013 the Friends of the Hauraki Gulf commissioned the first detailed underwater topographic survey of the northwest Waiheke coastline. This was carried out using side-scan sonar and undertaken by marine scientists Roger Grace and Vince Kerr with the assistance of Dan Breen. This research resulted in the paper *Subtidal and intertidal habitats of the North coast of Waiheke Island (Hauraki Gulf)* (Kerr & Grace 2013). This was followed by a survey of 15 sites in this area carried out by the University of Auckland Underwater Club.

An initial idea for a marine reserve on the northern coast of the island, though winning support from the Hauraki Gulf Forum in June 2013, never proceeded to a definitive application.

At this time the Waiheke Local Board assumed the leadership in progressing marine protection around Waiheke.

### **2.2 The Waiheke Local Board**

In 2014 the Waiheke Local Board consulted on its Local Board Plan, highlighting an aspiration for a network of marine reserves around Waiheke Island and relating this to a formal commitment to *‘improve protection and conservation of our coastal environment including the marine area’* (Waiheke Local Board Plan 2014-15).

After initial public consultation as part of its Local Board Plan in 2015 Auckland Council, on behalf of the Local Board, commissioned the market research agency Colmar Brunton to undertake an independent survey of registered Waiheke voters and off-island residential ratepayers to determine public opinion on the question of marine protection for Waiheke. The Colmar Brunton Survey sought to ascertain public views on marine protection in general and marine reserves in particular, via means of a postal and on-line public opinion survey. A total of 1999 residents responded to the survey as follows:

- ‘Total Support’ for marine protected areas from island residents was 67% and off-island ratepayers 54%.

- 'Total Support for 'no take' marine reserves from island residents was 64% with off-island ratepayers 52%. (Colmar Brunton, Bing, 2015). (See Appendix 4 and figures 25 & 26).

In May 2015 the Waiheke Local Board approved funding and in 2016 commissioned additional scientific assessment of five areas in the Coastal Marine Area of Waiheke Island to advance the quest for formal marine protection around Waiheke. These five sites were identified and demarked by the Waiheke Local Board because they were largely contiguous with public land and natural areas. In June 2016, Auckland Council signed a Services Agreement with the Waiheke Local Board and the Hauraki Gulf Conservation Trust granting funds for a 'Marine Reserves Assessment on Waiheke' which was to include a final report and a colour brochure to present the results to the Waiheke Community.

Marine biologist Dr Tim Haggitt of eCoast, a marine and freshwater consultancy, was contracted by the council to evaluate and survey the five potential marine reserve sites located on the northern and southern sides of the island. This was undertaken in two parts. Phase One was a Gaps Analysis and Feasibility Study of the five sites identified as PMR1, PMR2, PMR3, PMR4 & PMR4a. This was completed in September 2016 (see Haggitt 2017a appendix 1).

A gateway review was undertaken by Auckland Council Infrastructure and Environmental Services officers at this point. Approval was granted on 14 September 2016 to proceed to Phase Two which resulted in completion of the Ecological Survey of Waiheke Island north-west coastline focussing on areas designated PMR1, PMR4 & PMR4a in December 2016.

Almost a year later the reports were published on the Waiheke Local Board agenda of 26 October 2017 and released for community consideration. Upon formally receiving the eCoast reports Waiheke Local Board resolved:

*That the Waiheke Local Board:*

- a) agree to release and promote the reports for community consideration*
- b) note that it does not consider it is the local board's role to lead on any marine reserve applications(s) and encourages interested community groups to do so*
- c) note its view that the material gathered to date provides a good and robust basis for pursuing a marine reserve(s)*
- d) agree to consider any requests for support and assistance from applicants in due course*
- e) recommend that the Auckland Council Environment and Community Committee and the Sea Change – Tai Timu Tai Pari Hauraki Gulf Political*



*Reference Group investigate incorporating the proposed Waiheke marine reserves areas into the Auckland Council Sea Change – Tai Timu Tai Pari implementation programme.*

*f) approve the production of a colour brochure by the Hauraki Gulf Conservation Trust and delegate a board member to approve the scope.*

Despite the Waiheke Local Board's resolution, the Haggitt eCoast reports, and the Colmar Brunton report which preceded them, were not formally accepted by Auckland Council's Environment and Community Committee. The colour brochure, despite being funded, is yet to be produced. In short nothing further was done to advance the Local Board proposal – until March 2021. At this time the Friends of the Hauraki Gulf, disappointed at the results of the two-year Waiheke Collective Marine Project 'Future Search' process, resolved to proceed with a formal application for an order-in-council for a type 1 marine reserve at northwest Waiheke, over the area identified and recommended by Dr Haggitt as PMR1.

### **2.3 'Revitalising the Gulf' – the government's Sea Change proposals**

In June 2021 the government released its 'Revitalising the Gulf' proposals, the long-awaited response to 'Sea Change – Tai Timu Tai Pari, 2016'. Despite the government's statement that *'The Gulf is badly degraded from human activities; some fish and seabird populations are declining, and nature's delicate balance is being upset'* the measures announced according to most marine conservationists, fall short of dealing meaningfully with the crisis, let alone 'revitalising' the Hauraki Gulf.

The measures announced include undefined restrictions on trawling and scallop dredging and also what the government called 'new types' of marine protection. These comprise 5 'seafloor protection areas', 11 modest sized 'high protection areas' which are marine protected areas with exemptions for 'customary' fishing by iwi.<sup>2</sup> There are additions to two existing marine reserves, one at Cape Rodney to Okakari Point (Leigh) marine reserve and the other at Whanganui a Hei (Cathedral Cove) marine reserve on the eastern Coromandel. It appears that these additions may not have the same level of legal protection as the adjacent marine reserves and may be open to some form of human exploitation. The announced 'high protection' areas are experimental, subject to negotiation and are not planned to come into force until the end of 2024. There was not a single no-take marine protection area included in the 'Revitalising the Gulf' proposals.<sup>3.0</sup>

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<sup>2</sup> An application for a special High Protection Area around the Noises Islands was made in September 2021 by the Noises Trust in conjunction with Auckland Museum and the University of Auckland.

### **3.0 THE APPLICATION**

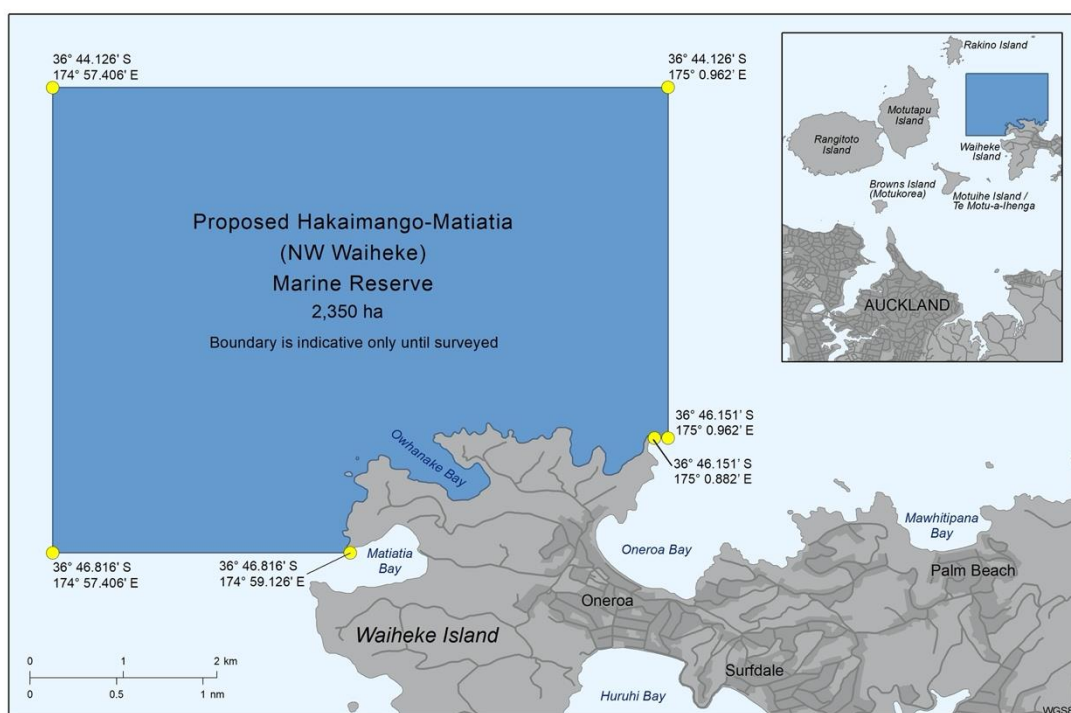
#### ***Hakaimango Point to Matiatia Point proposed Hākaimangō-Matiatia Marine Reserve, northwest Waiheke Island, Hauraki Gulf (Ecological District. Inner Hauraki Gulf 09.05)***

The proposed marine reserve in this application is located off the northwestern coastline of Waiheke Island, from Hakaimango Point to Matiatia Point. It covers some 2350 ha of the coastal marine area of the Hauraki Gulf. The area was identified after a series of scientific surveys and two comprehensive reports by Dr Tim Haggitt (Haggitt 2017a & b) commissioned by Auckland Council and the Waiheke Local Board.

Dr Haggitt considered the site he designated (PMR1) as being the preeminent of the Local Board's five identified possible marine reserve sites, as it provides the best habitat and is of sufficient scale for protecting and potentially restoring a whole range of marine biota, especially targeted species like snapper and crayfish. (See Haggitt 2017a & b, Appendices 1 & 2).

#### **3.1 Boundaries of the proposed marine reserve**

The boundaries of the proposed marine reserve encompass some 2350 ha and comprise of all the area (within the meaning of the Marine Reserves Act 1971) enclosed by a line commencing at a point on the mean-high water springs near Matiatia Point/Head on the north shores of Matiatia Bay at 36° 46.816' S, 174° 59.126' E; proceeding in a straight line in a westerly direction to point at 36° 46.816' S, 174° 57.406' E; then proceeding in a straight line in a northerly direction to point at 36° 44.126' S, 174° 57.406' E; then proceeding in a straight line in an easterly direction to point at 36° 44.126' S, 175° 0.962' E; then proceeding in a straight line in a southerly direction to a point 36° 46.151' S, 175° 0.962' E; then proceeding in a straight line in a westerly direction to a point on the mean-high water mark near Hakaimango Point at the north-western extremity of Oneroa Bay at 36° 46.151' S, 175° 0.882' E then proceeding in a northerly, westerly then generally south westerly direction along mean-high water springs to the point of commencement.



Proposed Hakaimango-Matiatia (NW Waiheke) Marine Reserve indicative boundary

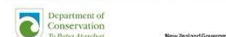


Fig.6. Boundaries of the proposed marine reserve

Note. The Friends of the Hauraki Gulf’s proposal at 2350 ha in area is somewhat smaller than ‘PMR1’ (which was 2519.1 ha) largely because the southern boundary of this proposal does not extend to the southern head of Matiatia Bay, Whetumatarau. Instead, the southern boundary of this proposal stops at the northern head of Matiatia Point and so does not include Matiatia Harbour. Due to Matiatia Harbour’s importance as a major transport hub; the need for periodic construction and other activities in the CMA, for instance to maintain wharf infrastructure, including it would introduce complexities into the application and future reserve management. Furthermore, the Friends consider marine transport and other land-based transport activities and uses, including consented discharges for road and carpark stormwater outfalls and treated wastewater discharges would not be fully compatible with the Marine Reserves Act (s 3) requirement to manage a marine reserve in a ‘natural state’. Whereas the coastal foreshore, lying within the boundaries of this proposal from Matiatia Point to Hakaimango Point is in a ‘natural state’, with the coastal foreshore (adlittoral zone) bordered in regenerating native vegetation.

Note that the Friends also recognise the popularity and convenience of recreational wharf fishing at Matiatia, especially for people who don’t own boats. It is proposed that the working name of the marine reserve be ‘Hākaimangō – Matiatia (Northwest Waiheke Island) Marine Reserve’ based as with other marine reserves on navigational boundary features. The formal name would be a matter of decision for the Crown, the NZ Geographic Board - Ngā Pou Taunaha o Aotearoa and mana whenua, Ngāti Paoa.

### 3.2 Māori History of the area Hakaimango Point to Matiatia Point

While 'Matiatia Point' is a well-known name and location, given the nearby ferry terminal and wharf, 'Hakaimango Point' is less well known but has a fascinating history. The name 'Hākaimangō' relates to the importance of shark fishing in the Māori history of the Hauraki Gulf, in the late 18<sup>th</sup> and mid-19<sup>th</sup> centuries (Campbell *et al.* 2021)

By the 1790s the Marutūahu tribes (iwi of the Hauraki region) had extended their summer fishing expeditions to the Mahurangi shark fishery, the richest fishery in the Gulf, located between Kawau Island and Whangaparaoa. Traditional sources state some 2000 rig sharks (*Mustelus lenticulatus*) known to Maori as mangō or kapetā (lemonfish, spotted dogfish) were taken by Ngāti Paoa on an annual basis from this fishery (Monin 2021).

The convergence of tribes from as far afield as the Firth of Thames, Manukau and the Waikato sometimes produced flashpoints between strangers. Hence, Ngāti Paoa repaired to their stronghold at the western end of Oneroa Beach to dry and store their catch. Drying racks could be up to several hundred metres long and could be smelt many kilometres away – hence the name Hā Kai Mangō.



Fig. 7. Shark drying rack near Rangitoto circa 1850. Shark drying by Ngāti Paoa at Hakaimango Peninsula is believed to have been on a much more extensive scale with some two thousand sharks dried and stored every season. (Charles Heaphy. Te Ara. Encyclopedia of New Zealand).

A significant find of Māori fishing gear, eroded from a midden, at that end of the beach, is held by the Waiheke Museum. A 19<sup>th</sup> century colonial official who expressly went to Matiatia in 1857 to meet the Ngāti Paoa chief Rawiri Takarua

(brother of Wiremu Hoete), found that he was unavailable, being away shark fishing at Mahurangi (Monin 2021).

The Hākaimangō pā site, which projects northwards at the western end of Oneroa Beach, occupies a long narrow peninsula more than 300 metres in length. No other headland pā on Waiheke boasts such spectacular natural features. For defence, apart from palisading, three or possibly four transverse ditches and associated banks were added to its precipitous slopes. The bulk of the habitation is likely to have occurred between the second and the third transverse ditches. The alignment of the peninsula, open to all day sun and winds would have been ideal for shark drying.

Occupation of the pā by those returnees from the Mahurangi fishery would have constituted only the final phase of the pā's life. Suffice to say, the archaeological record shows that the stretch of coastline between Matiatia and Oneroa, between Mokemoke Pā and Hākaimangō pā, was alive with Māori activity, in all probability dating back to the very beginnings of human settlement on Waiheke. (Note the recent finds of an 'Archaic' Maori presence, 1300-1500 A.D, at Otata in the Noises, a group of islands to the north of Waiheke's western end.)

Thus, as the landward boundary of a marine reserve, Hākaimangō comes with a long, rich cultural heritage. This heritage has been formally acknowledged by the Crown as part of the pending Treaty of Waitangi settlement with Ngāti Paoa in the form of a Statutory Acknowledgement over the Department of Conservation Matietie Historic Reserve. [Our thanks to historian Paul Monin for this information.]



Fig 8. A view eastward to the Hakaimango peninsula & its cluster of islets & beyond the northern coastline of Waiheke Island. The peninsula, once heavily fortified, was as its name suggests, used by Ngāti Paoa as a major shark drying platform for rig sharks (Mangō) taken at the Mahurangi shark fishery. Photo Andy Spence.

### 3.3 The Coastal Marine Area (CMA)

The Resource Management Act Section 2 defines the coastal marine area:

**coastal marine area** means the foreshore, seabed, and coastal water, and the air space above the water—

**(a)** of which the seaward boundary is the outer limits of the territorial sea:

**(b)** of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of—

**(i)** 1 kilometre upstream from the mouth of the river; or

**(ii)** the point upstream that is calculated by multiplying the width of the river mouth by 5.

Therefore, the coastal marine area encompasses all the land and water on the seaward side of the line of mean high water springs out to a distance of 12 nautical miles. Twelve nautical miles is 22.2 kilometres. The line of mean high water springs is the average of the high tides that happen just after every new moon and every full moon.

The part of the Coastal Marine Area (CMA) proposed to be protected by this application lies within a maritime ecological transition zone between the cooler, shallow, turbid, low energy waters of the inner Gulf (Ecological District 09.05 in which it is located), and the warmer, clearer, deeper, higher energy waters of the outer Gulf. At its southern-most boundary at Matiatia Point, the proposed reserve extends approximately 2km westward into the northern Motuihe Channel. This channel lying to the west and north of the proposed reserve has a moderate-to-heavy current flowing northward round the eastern headland of Owhanake Bay, dissipating rapidly as it flows onwards past Hakaimango Point and across the entrance of Oneroa Bay. The channel is relatively shallow (Haggitt 2017b).

The proposed reserve would run from mean high waters springs (MHWS) to a depth of 15-17 metres near its northern boundary (Marine Chart NZ 5324 *Tamaki Strait and Approaches [including Waiheke Island]*). The seaway of the proposed reserve includes the 'Harbour and Pilotage Limit' line which runs northwestward from the eastern head of Owhanake Bay to South Point at Rakino. Submarine cables run from Cable Bay and Owhanake westward to Home Bay, Motutapu.

The proposed reserve contains a diverse range of intertidal and subtidal marine habitats, notably rocky reef systems, but also numerous gravel beaches and sand beaches extending out to soft sediment sea floors framed by headlands and extended complex reef systems.

The coastline of the reserve proceeds from the northeast Hakaimango Peninsula to the remarkable Double U Bay which contains geologically



significant fossil deposits, then Island Bay, southward to Owhanake Bay, Cable Bay and then southwestwards towards Matiatia Point, the entrance to Matiatia Bay. In between these named bays are innumerable beaches, some quite large, varying in size down to gravel floored runnels, carved between weathered rocky outcrops. As Haggitt (2017b) points out the boundary lines and scale of the proposed reserve would be adequate to protect the species that occur within it and potentially enable them and others to be restored to more natural levels.

## 4.0 TYPES OF MARINE HABITATS WITHIN THE PROPOSED MARINE RESERVE

The proposed marine reserve encompasses a remarkable complex of abiotic geologic features which in turn provide potentially rich habitats.

### 4.1 Rocky reef systems - geology

*'Marine communities on the hard bedrock between tides are some of the richest communities and the most accessible... Long before plants and animals were well established on land, there were shore communities not unlike today's. The territory between the tides has clearly been a cradle for life on earth'*. Professor John Morton in *A Natural History of Auckland* (Morton *et al.* 1993).

The intertidal shoreline of northwest Waiheke Island is notable for its rocky, cliffs, stacks, embayed islets and undersea reefs of eroded ancient greywacke which geologists identify as of the Waipapa Terrane (western association). This rock, the oldest in the Auckland region deposited 250 to 145 million years ago forms the bedrock of Waiheke Island (Hayward 2017).

Unlike mainland Auckland where it is deeply buried, because this ancient bedrock tilts upward towards the east, it emerges at the surface at Waiheke Island.

The rocky reefs projecting from this section of Waiheke's coast range in gradient from steep to moderate-flat and are often characterized by distinct zonation bands (barnacles, oysters to macroalgae) from high to low tide. Within the intertidal zone of the proposed marine reserve, rocky reefs comprise some 24 hectares (Haggitt 2017a). Intertidal rocky reefs are a particularly notable feature of Waiheke's indented northwestern coastline, especially between Hakaimango Point and Owhanake Bay. Overlaying the ancient greywacke, is sedimentary rock known as the Waitemata Group, which thickly covers the Auckland isthmus, deposited in the early Miocene epoch, 23 to 16 million years ago. In a few places, like Waiheke, the rock is fossil-bearing. The reefs and coastal cliffs in the area of the proposed marine reserve are remarkable for their geology.

The Auckland Council Hauraki Gulf Islands District Plan (2013) notes that several of the significant exposures of this ancient greywacke and the lava and cherts from the ancient Pacific Plate are located in this area is i.e.

- Cherts and their deformation - Island Bay, Waiheke; Pohutukawa Point, Waiheke
- Pillow lavas - Island Bay, Waiheke; Blackpool, Waiheke
- Trench sediments and their deformation (western association) - Island Bay, Waiheke. (See Hori, R.S. *et al.* 2011).



The geological make up of these rocky reefs is so significant they are scheduled as Outstanding Natural Features (ONF) in the Hauraki Islands District Plan.



Fig.9. The proposed marine reserve intertidal with kelp rich, geologically significant rocky reef terraces, interspaced with gravel and sand beaches and extending out to soft sediment sea floor. Photo Mike Lee.

#### **4.2 Reef types within the proposed marine reserve**

The 24 ha of reef types within the proposed reserve include:

- Low lying platform reefs or terraces
- Complex platform reefs characterised by overhangs and crevices
- Terrace and boulder reef mix
- Boulder reefs
- Cobbles

(Haggitt 2017b). These subtidal reefs typically extend to a depth of 10 to 15 metres. The subtidal reefs in this area form the substrate for a particularly rich kelp forest habitat.

### **4.3 Soft sediment habitats**

Subtidal benthic habitats include large expanses of subtidal soft sediment that range from sand, sand and mud matrices, shell hash and gravel patches.

The dominant soft sediment immediately adjacent to rocky reefs and the main channel area is a coarse sand and whole shells habitat featuring communities of erect sponges and red algae. At Owhanake Bay, in sheltered areas of the shallows at the northeastern corner of the bay, probably as a result of modification of the intertidal by historic quarrying of beach shingle, and accumulation of sediments, (possibly from nearby dredge dumping) there are areas of soft muddy flats. (Haggitt 2017b). With increasing distance offshore the sea floor transitions to fine muddy sand, especially in the main channel area along the western coastline of Waiheke.

### **4.4 The nationally important marine fossil deposits of – Double U Bay ‘Fossil Bay’**

Waiheke’s northwest coastline, west of Oneroa is particularly rich in fossils, especially at Double U Bay, (the western-most bay of which has become recently known as ‘Fossil Bay’<sup>3</sup>), its cliffs and intertidal platforms. The fossils here were discovered by a geology student W.Tetley in 1927 whose family had a house on Waiheke.

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<sup>3</sup> <sup>3</sup> A recent appellation following the naming of the nearby vineyard and school. The name Fossil Bay had been previously given to the fossiliferous bay south of Squadron Bay, near Park Point on Waiheke’s southwest coast (Bruce Hayward *pers. comm.* & see Eagle *et al.* 1995)





Fig 10. Fossiliferous cliffs of Double U Bay which hold nationally significant fossil deposits. Photo Mike Lee



Figs 11 & 12 .The fossilised remains of ancient bivalves which once lived in this area over 20 million years ago. Photos Mike Lee

In investigating these deposits Tetley was joined by the eminent biologist A.W.B. Powell and J.A. Bartrum. Together they found and described 78 fossilised ancient marine bivalves and gastropods.

Subsequently many more fossils of long extinct corals and crustacea species have been discovered here. The area is a precious graveyard of the ancient ancestors and precursors of today's marine species, which lived along the shoreline of the continent of ancient Zealandia some 20 million years ago. Fossils of 91 different marine species have now been recorded from this locality (Hayward & Brook 1994; Eagle *et al.* 1995). The proposed marine reserve would not only throw a korowai of protection over today's precious marine life but also the remains of their ancient ancestors.

## 5.0 BIOTA OF THE ROCKY REEF SYSTEMS

The rocky reefs and submarine terraces projecting from the heavily indented coastline provide habitat for a diverse range of marine species.

### 5.1 Marine algal species

Marine vegetation along this coastline is predominantly comprised of mixed algal habitat and algal habitat associated with subtidal reefs and terraces covering approximately 22 hectares within the proposed reserve (Haggitt 2017a). The balance is brown sea wrack kelp mixed habitat / sponge flats.

Twenty-two different macroalgal species are recorded, ranging from large brown, canopy-forming kelps such as paddleweed (*Ecklonia radiata*) and the fucoid seaweed flapjack (*Carpophyllum flexuosum*) through to fine filamentous turfing species. Species diversity of the macroalgal habitat was particularly high east of Owhanake (Haggitt 2017b).

The area from very shallow waters (<1m) to deep (>10m) vegetation is characterized by Neptune's necklace (*Hormosira banksii*) (extensive areas at Owhanake) co-occurring with brown seaweed (*Xiphophora chondrophylla*). Between 2-3m depth the common kelp (*E. radiata*) occurs in discrete monospecific stands alternating with similar sized patches of mixed fucoid algae species such as (*X. chondrophylla*) with the brown fucoid algae, sea (*C. flexuosum* and *C. maschalocarpum*).

Beyond the mixed algal zone i.e., between 3-15m depth, monospecific stands of *C. flexuosum* commonly occur. In mid depths *E. radiata* described as 'the kauri of the sea' is found at peak size and abundance (Haggitt 2017b). *E. radiata* is especially noticeable around Hakaimango point and associated islets.

The deeper parts of the proposed reserve are notable for the species diversity of the marine vegetation. In addition to tall forests of brown flapjack, large patches of the green seaweed, rimurimu (*Caulerpa geminata*) occur with 'a rich assemblage of ephemeral and perennial red foliose algae' (Haggitt 2017b). These deeper reef areas are also impacted by fine sediment, possibly from the 270,000 cubic metres of harbour dredgings dumped off the Noises Islands in 1992.





Fig. 13. Rocky reefs, a prominent feature of the proposed Hākaimangō-Matiatia marine reserve, support rich kelp forests, colourful sponge communities and sessile molluscs like green-lipped mussels. Photo Roger Grace from *The Story of Hauraki Gulf Maritime Park* (1983).

## 5.2 Marine invertebrates – mobile and sessile

At the highest level of the intertidal reefs below the lichen zone, is the periwinkle zone. The common periwinkle (*Littorina littorea*) is a grazing sea snail. Below the periwinkle zone are found the sessile barnacle communities: the column barnacle (*Chamaesipho columna*), the brown barnacle and in more exposed positions the volcano shaped surf barnacle (*Epopella plicata*) with areas of the little black mussel (*Xenostrobus pulex*). Below the barnacles and mussels there are extensive beds of oysters, the smaller Auckland rock oyster / tio reperepe (*Saccostrea glomerata*), usually at more shallow levels, along with the more prevalent Pacific oyster (*Crassostrea gigas*). Further out in deeper water are found isolated patches of green-lipped mussels / kūtai (*Perna canaliculus*). This area, especially the reefs projecting out on either side of Owhanake Bay once supported high numbers of green-lipped mussels along with pāua (*Haliotis iris*)

before over exploitation over the past 30 years stripped them virtually bare (S. Farquhar *pers. comm.*).

Subtidal mobile invertebrates, gastropods, crabs, urchins and chitons are found in moderate to high diversity within the proposed protected area. These include cats-eye (*Turbo smaragdus* = *Lunella smaragda*), Cook's turban (*Cookia sulcata*), southern periwinkle (*Austrocochlea constricta*), spotted black topshell / pūpū (*Diloma aethiops*), green topshell (*Coelotrochus viridis*), the brilliantly coloured butterfly chiton (*Cryptoconchus porosus*) and the mud whelk (*Cominella glandiformis*), the large hermit crab (*Pagurus novizealandiae*), sea cucumber (*Stichopus mollis*) and the cushion star (*Patiriella regularis*). Kina or sea urchins (*Evechinus chloroticus*) are present but in lower numbers than in Enclosure Bay to the east where kina barrens of denuded kelp reefs are prevalent (Haggitt 2017b).

Sessile invertebrates include the encrusting sponge (*Cliona cf. celata*) and the hard coral (*Culicea rubeola*). At greater depths the sea sponge (*Halicondria moorei*), the erect branch sponge (*Callyspongia ramosa*), the large grey sponge, (*Ancorina alata*), the orange golf ball sponge (*Tethya burtoni*), ascidians or sea squirts, including *Cnemidocarpa bicornuta*, and solitary coral (*Monomycis rubrum*), are common components of this habitat type (Haggitt 2017b). The build-up of soft sediments at the northeastern side of Owhanake Bay provide habitat for cockles / tuangi (*Austrovenus stutchburyi*) (S. Farquhar *pers. comm.*). At greater depths there are occasional scallops / tipa (*Pecten novaezelandiae*) and beds of unidentified bivalves. These fine sand / mud habitats are also characterized by shrimp, worm and crab holes indicative of abundant infaunal communities containing patches of horse mussels / hururoa (*Atrina zelandica*). At greater depths still underwater species become less evident except for occasional crab / shrimp / worm holes.



Fig.14. Normally abundant in rocky reef systems the crayfish (*Jasus edwardsii*) has been driven to near extinction around Waiheke and the inner Gulf through over exploitation by people. Dr Tim Haggitt considers the area of the proposed marine reserve with its plethora of submarine rocky reef crevices and overhangs is one of the best sites in the inner Hauraki Gulf to enable the recovery of this important species. Photo Roger Grace from *The Story of the Hauraki Gulf Maritime Park*.

### 5.3 Crayfish species

Crayfish or kōura, spiny rock lobster (*Jasus edwardsii*) and packhorse crayfish (*Sagmariasus verreauxi*) are, or rather were, key predator species in the coastal reef system of the Hauraki Gulf. In the natural state or in protected areas both species of cray would be expected to be found in high abundance. Despite rigorous searches of crevices, ledges and boulder reefs in this area in late 2016 as part of the eCoast survey, no crayfish were found.

However a more intensive search by a team of volunteer divers in June 2021 found both species present in the proposed marine reserve albeit in low numbers, but in higher numbers than other sites along the northern Waiheke coast (Thorburn 2021). The complex reef systems within the proposed marine reserve are considered to be highly suitable for crayfish which were present in this area in good numbers until the 1960s at which time equipment became widely accessible for recreational scuba diving. The low numbers of crayfish of both species in what should be ideal habitat can only be attributed to excessive human harvesting. That they are still present here while absent at many other inner-Gulf sites is at least encouraging and a testament to the special habitat qualities of this area.



## 6.0 FISH SPECIES WITHIN THE PROPOSED MARINE RESERVE.

Cryptic reef fishes in the proposed marine reserve were found to be abundant compared with other reefs in the Hauraki Gulf. These include the following triplefins: spectacled triplefin (*Ruanoho whero*); mottled triplefin (*Forsterygion malcolmi*); variable triplefin (*F. varium*); yellow and black triplefin (*F. flavonigrum*); common triplefin (*F. lapillum*) [high abundance] scorpion fish (Scorpaenidae); slender roughy (*Optivus elongatus*) [low to moderate abundance]; crested blenny (*Parablennius laticlavus*) [low abundance] (Haggitt 2017).



Fig.15. Snapper / tamure (*Chrysophrys auratus*), the iconic fish of the Hauraki Gulf, targeted by recreational and commercial fishers alike, now under threat with stocks only at some 25% of virgin biomass. Dr Tim Haggitt considers the area of the proposed marine reserve one of best sites around Waiheke to enable the recovery of this important species. Photo Roger Grace from The Story of the Hauraki Gulf.

Pelagic and larger reef fish, including commonly targeted finfish species such as snapper / tamure (*Chrysophrys auratus*), kingfish / haku (*Seriola lalandi lalandi*) and kahawai (*Arripis trutta*) are all present within the proposed reserve, as is the endemic wrasse spotty / pakirikiri (*Notolabrus celidotus*) which is numerically dominant here as in other parts of the inner Gulf – as opposed to the outer Gulf. In regard to snapper ‘legal sized’ individuals and schools of juveniles were found to be present at all sites, particularly around rocky reefs.

Other reef species recorded were the ray-finned fishes, red moki (*Cheilodactylus spectabilis*), silver drummer (*Kyphosus sydneyanus*), NZ goat fish or red mullet / ahururu (*Upeneichthys porosus*), the endemic koheru

(*Decapterus koheru*), silver sweep (*Scorpiis lineolata*) and butterfish (*Odax Pullus*). Also present was the leather jacket (*Parika scaber*) (a reef fish usually found in the outer Gulf) and the benthic red gurnard / kumukumu (*Chelidonichthys cuculus*) (Haggitt 2017). John dory (*Zeus faber*) jack mackerel (*Trachurus novaezelandiae*) were not recorded during the survey but should be present. A school of blue mackerel was recorded here in early January 2022 (Shaun Lee *pers. comm.*).

Despite the reported major decline in sharks within the Hauraki Gulf, shark species recorded in the general area according to MPI recreational fishing boat ramp survey records from 1990-2020, compiled by NIWA, provided by DOC, include mako (*Isurus oxyrinchus*), hammerhead (*Sphyrna zygaena*), thresher (*Alopias vulpinus*) and bronze whaler (*Carcharhinus brachyurus*), school shark (*Galeorhinus galeus*), rig shark (*Mustelus lenticulatus*) and spiny dogfish (*Squalus acanthias*). Lesser numbers of blue (*Prionace glauca*), carpet (*Cephaloscyllium isabellum*), small toothed (*odontaspis ferox*) and even the occasional white pointer shark (*Carcharodon carcharias*) have been taken in the general area.

For further information of species taken by recreational fishers in this general area see:

[https://marlin.niwa.co.nz/files/dataHoldings/scientificResearchDbs/rec\\_data.pdf](https://marlin.niwa.co.nz/files/dataHoldings/scientificResearchDbs/rec_data.pdf)

New Zealand eagle ray / whai repo (*Myliobatis tenuicaudatus*) frequent Owhanake Bay at full tide and nearby Matiatia feeding in the shallows – a familiar sight and heartening reminder of the natural world to Waiheke ferry commuters hurrying along the wharf from a day's work in the city.

Haggitt (2017b) points out that there is a paucity of data on the quantities of fish (and other sea food) is being harvested within the surveyed area – and all around Waiheke. However the area is adjacent to the Motuihe Channel and the Noises Islands which are subject to heavy recreational fishing pressure. Despite the unremitting impact of human exploitation, 'boil-ups', spectacular interactions between schooling fish such as pilchards, fish predators like kahawai, kingfish, sharks, and sea birds, once a regular feature of the Hauraki Gulf still occasionally occur in this seaway but on a much smaller scale.

## 7.0 SEABIRD SPECIES WITHIN THE PROPOSED MARINE RESERVE

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‘...many populations of resident seabirds remain in a poor state because of our devastation of the Gulf’s food webs through overfishing and habitat damage. Tara-iti / New Zealand fairy terns are but a few wing beats from extinction with only 39 individual birds, maintained only through intensive management from a dedicated team. The Hauraki parekareka / spotted shags are not far behind, hanging on in three small colonies.’

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– *Chris Gaskin State of our Seabirds 2021.*

### 7.1 Seabirds foraging in or breeding near the proposed marine reserve

The proposed marine reserve is also an important feeding ground for seabirds. The *State of Our Gulf 2020* reported a 67% decline in seabirds and shorebirds within the Hauraki Gulf since the arrival of humans.



Fig. 16. A scene more typical nowadays of the outer Gulf, and of Waiheke 50 years ago. Boil-ups still occur around northern Waiheke, including in the proposed marine reserve, especially in the late summer. This photo is of a 'boil-up' in the Outer Gulf with mixed flocks of seabirds, petrels, shearwaters and terns and other sea birds, diving into schooling kahawai, pilchards, kingfish and often including sharks. (Photo Frederic Pelsy, from *Seabirds of the Hauraki Gulf* [Gaskin & Rayner 2017]).

The recently published *State of our Seabirds 2021* report reveals that while seabirds feeding outside the Hauraki Gulf are holding their own, seabirds in the inner gulf continue to decline, notably Australasian gannets, which appear to be moving to the outer Gulf. However, the following species are recorded as breeding within or in the general area of the proposed marine reserve:

- white-fronted terns / tara (*Sterna striata*)
- red-billed gulls / tarāpunga or akiaki (*Larus novaehollandiae. scopulinus*)
- southern black-backed gulls / karoro (*Larus dominicanus*)
- Australasian gannets / tākapu (*Morus serrator*)
- variable oystercatchers / tōrea (*Haematopus unicolor*)
- fluttering shearwaters / pakahā (*Puffinus gavia*)
- pied shags / kawau (*Phalacrocorax varius*)
- little shags / kawau paka (*Ph. melanoleucos brevirostris*)
- little black shags / kawau tui (*Ph. sulcirostris*)
- spotted shags / kawau pāteketeki (*Stictocarbo p. punctatus*)
- white-faced storm petrels / takahikare (*Pelagodroma marina maoriana*)
- grey-faced petrels / titi lōi (*Pterodroma macroptera gouldi*)
- common diving petrels / kuaka (*Pelecanoides urinatrix urinatrix*) and
- northern little penguins / kororā (*Eudyptula minor iredale*) (Gaskin & Rayner 2017).



Fig 17. Buller's Shearwater (*Puffinus bulleri*) a frequent visitor to the proposed marine reserve. Photo Neil Fitzgerald from Sea birds of the Hauraki Gulf (Gaskin & Rayner 2017).

Furthermore, the endemic Buller's shearwaters (*Puffinus bulleri*) which breeds almost solely on the Poor Knights Islands, some 150 km to the north, are regularly seen foraging in this area and further down the Motuihe channel, especially during the late summer (Lee 1999).

Long term residents recall fluttering shearwaters, white-fronted terns and spotted shags breeding on the cliffs and embayed islets of the northwest coastline, (S.Farquhar; M. Delamore pers. comm.). Two separate, recent



surveys by Mike Lee, on 19 December, and by Dr Matt Rayner, Ricky-Lee Erikson and Rebecca Braye on 21 December 2021 (the latter a more extensive survey of the inner Gulf, part of an annual count of white-fronted terns) revealed significant numbers of white-fronted terns breeding on the outer-most islet off Hakaimango Point, with black-backed gulls breeding on the inner islet and on the end of the peninsula itself.

Recently the community has shown its support and concern for local seabirds, in particular kororā / little blue penguin. There has been significant media coverage along with petitions and protests and legal proceedings relating to disturbance of penguin nesting sites at Kennedy Point due to the construction of a marina.



Fig. 18. Northern little penguin / kororā (*Eudyptula minor iredale*) breeds along the coastline on the proposed marine reserve and on nearby islets. Little penguins are highly vulnerable to the loss of nesting areas and food sources. They feed in the area of the proposed marine reserve. Photo Adrien Lambrechts.

The coastal fringe of the proposed marine reserve was partially surveyed in 2016 and 2017, along with 35 km of the island's coastline by Auckland Council for penguins and petrels (Lovegrove 2017):

[https://infocouncil.aucklandcouncil.govt.nz/Open/2017/04/WHK\\_20170427\\_AGN\\_71\\_50\\_AT\\_files/WHK\\_20170427\\_AGN\\_7150\\_AT\\_Attachment\\_52854\\_1.PDF](https://infocouncil.aucklandcouncil.govt.nz/Open/2017/04/WHK_20170427_AGN_71_50_AT_files/WHK_20170427_AGN_7150_AT_Attachment_52854_1.PDF)

This revealed the area from Owhanake Bay to Matiaita to be a hotspot for penguin burrows. However, the section Hakaimango Point to Owhanake Bay was not surveyed, presumably due to difficulty of access. One could reasonably presume this section of coastline, largely free from the impact of people and

dogs would support as least as many penguin (and petrel?) burrows as the rest of the area.

## 7.2 The restoration of spotted shags

The Hauraki Gulf based spotted shag population has suffered ‘catastrophic decline’ over the past 50 or 60 years. While research into the foraging ecology of the spotted shag is underway (Rayner *et al.* 2021) surprisingly little is known about the Hauraki Gulf spotted shag. That this species struggling back from the brink of local extinction is re-establishing in this area is suggestive of another aspect of its ecological significance.

The spotted shag parākareka (*Stictocarbo p. punctatus*) is an endemic New Zealand cormorant. There are basically two populations of spotted shags in New Zealand which are considered genetically distinct. The largest population is in the South Island, especially round the Marlborough Sounds, Cloudy Bay and Banks Peninsula. A second population was once common in the Hauraki Gulf and on Auckland’s west coast.

On Waiheke spotted shags bred within living memory on Rooster Point, the Needles, Thompsons Point and on Hakaimango Point (S. Farquhar pers. comm). Spotted shags also roosted and bred in good numbers throughout the nearby Noises Islands including David Rocks. However, over the last 45 years they have disappeared altogether from Auckland’s west coast and in the Gulf they have been reduced to a small population breeding on Tarahiki Island near Pakatoa, off the eastern end of Waiheke with an even smaller number on Waiheke’s Thumb Point.

Their decline has been attributed to historic shooting, a major decline in small fish stock (due to over-fishing, habitat damage and toxic algal blooms) (J. McCallum *pers. comm.*). Also, as spotted shags are the only shag to breed on the ground, their eggs and chicks are likely to be vulnerable to mammalian predators like rats. Apart from the plight of the Hauraki Gulf birds, as the southern population is now also threatened as a consequence of the Canterbury earthquakes of 2010/11, the species conservation status has recently been down-graded from *Not Threatened* to *Threatened – Nationally Vulnerable*.

Research into the foraging ecology of the spotted shags of the Hauraki Gulf is ongoing (Rayner *et al.* 2021). This indicates spotted shags feed higher up the trophic level than for instance red-billed gulls and fish are a major component of their diet. In 2019, in an intervention led by Auckland Museum, and Auckland Council ornithologists Matt Rayner and Tim Lovegrove created a replica ‘colony’ of six model 3D printed spotted shags on Otata, the largest Island in the neighbouring Noises Group. In the last two years spotted shags have been attracted to the site by the decoys and by calls transmitted from a solar powered sound system (Conomos 2019).



Fig. 19. Spotted shags back on Otata in neighbouring the Noises Islands lured by realistic decoys which are difficult to tell apart in this picture from real shags. Photo Rod Neureuter.

### 7.3 North Auckland Seabird Flyway

The northwestern boundary of the proposed marine reserve meets the southern boundary of the ecologically significant North Auckland Seabird Flyway.

This flyway is used in the summer season by thousands of Cooks petrels / (*Pterodroma cookii*) and likely, grey-faced petrels / tītī, and even black petrels / tāiko (*Procellaria parkinsoni*) moving from the Outer Gulf feeding grounds in the Tasman Sea (Gaskin & Rayner 2017). So even the sky above this proposed reserve is ecologically significant.

### 7.4 Pest-free islands and the marine reserve

The proposed marine reserve is fringed at varying distances by a chain of rodent-free islands, islets and stacks. From north to south, these include the Noises group, Rakino and its surrounding stacks and islets, Motutapu Island Motuihe Island and Crusoe (Papakohatu).

On all of these islands large and small, seabirds are now breeding, free of predators, for the first time in over 100 years. These regenerating islands as havens for seabirds would have a significant ecological relationship with the marine reserve particularly in the transfer of marine nutrients. Such predator-free islands are deemed 'lifeboats' for the recovery of our seabirds by Gaskin & Rayner (2017) – but recovering seabird populations also need protected feeding grounds – as do marine mammals.

## 8.0 MARINE MAMMALS OF THE PROPOSED MARINE RESERVE

### 8.1 Marine mammals recorded within or near the proposed marine reserve

Marine Mammals seen and therefore expected to forage in the reserve include:

- short-beaked common dolphins / aihe (*Delphinus delphis*)
- bottlenose dolphins / terehu (*Tursiops truncatus*)
- orca / kera wēra (*Orcinus orca*)
- long-finned pilot whales (*Globicephala melas*) – known to local fishermen as ‘black fish’, these were regularly seen in the area within living memory (S. Farquhar, pers. comm)
- New Zealand fur seals / kekeno (*Arctocephalus forsteri*) – were hunted to extinction in northern New Zealand hundreds of years ago but are slowly re-establishing in the Gulf; up to ten adult fur seals haul out on the eastern side of Otata Island (Neureuter in Cameron 2021)



Fig 20. The common dolphin / aihe (*Delphinus delphis*) frequently seen feeding in the proposed marine reserve. Photo Shaun Lee.





Fig 21. New Zealand fur seal / kekeno (*Arctocephalus forsteri*) (juvenile). Photo Shaun Lee.



Fig. 22. A small population of up to 10 New Zealand fur seals (at least 5 in this photo – the one to the left magnified) has re-established in the Gulf and hauls out at nearby Otata in the Noises Islands. Photo Mike Lee.

## 8.2 Mass die-off of juvenile fur seals in the Hauraki Gulf Marine Park

July-October 2021 saw at least 50 (S. Lee in prep.) confirmed carcasses of fur seals wash up on beaches within the Hauraki Gulf Marine Park, including Waiheke and Rakino Islands. The only known pathological investigation undertaken was of a seal pup found distressed on an Auckland North Shore beach in late September which died despite intensive veterinary care. A necropsy found its stomach to be empty but also revealed a major parasitological infestation. The natal area(s) or rookeries of these young seals is unknown. The major fur seal rookeries are located at the lower North Island and South Island. Kawera Island (5 ha) near Tauranga is the nearest known rookery to the Hauraki Gulf.

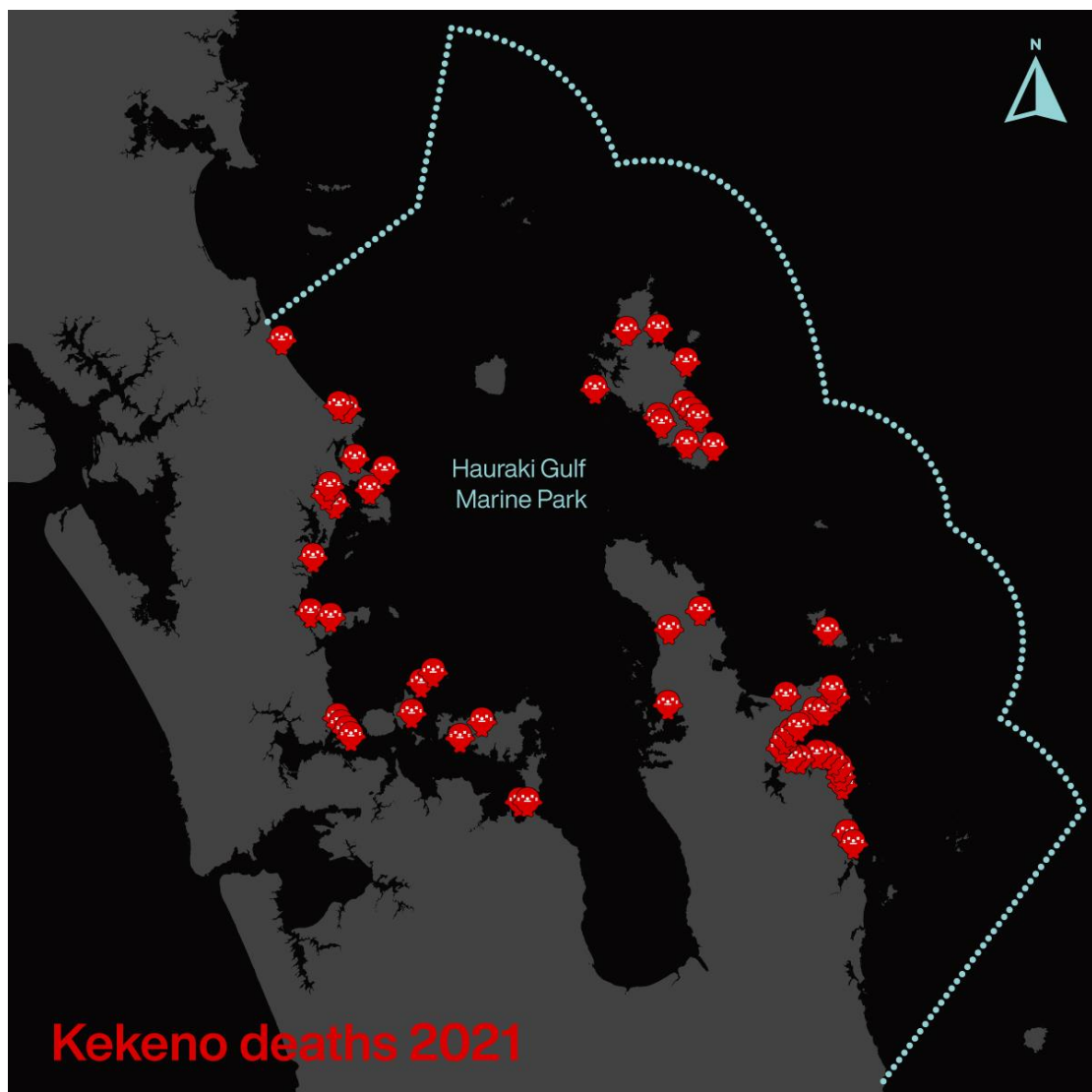


Fig. 23. At least 50 carcasses of New Zealand fur seal pups washed up in the beaches of the Hauraki Gulf Marine Park in 2021. Graphic Shaun Lee. (S. Lee in prep.)



It is significant that fur seals are attempting to re-establish in the Hauraki Gulf and have chosen to haul out at nearby Otata Island, just 2 nautical miles to north of the proposed marine reserve. It is possible that fur seal breeding is now taking place closer to or even within the Gulf but questions about the origins of these seal pups and the cause of the mass mortality event underscores just how little is known about fur seals.

Fur seals have been persecuted by humans for centuries and are only now making an attempt to return to a place where they once thrived. The seasonal mass die-off of juvenile fur seals in the Hauraki Gulf is another reminder that all is not well within the marine ecosystem. This is another reason for meaningful action to improve marine protection in the Hauraki Gulf, especially by way of provision of no-take marine reserves.



Fig. 24. Dead fur seal pup at the Esplanade Waiheke Island. One of 57 dead juvenile seals washed up on beaches and around the Hauraki Gulf Marine Park between August & October 2021. Photo Tane Feary.

## **9.0 THE COASTAL ENVIRONMENT**

The proposed marine reserve is bounded by a topographically diverse coastal fringe over 7km in length which includes 3.7km of Waiheke's northern coastline to the west of Oneroa, and 3.5km of western coastline to the north of Matiatia Harbour. The length of this coastal interface is within the 5 to 10 kilometres minimum range for marine reserve design, as recommended by Thomas and Shears (2013).

The land is mainly elevated and deeply indented by literally dozens of inlets and bays, the largest being Owhanake Bay at the head of which is a protected raupo / flax wetland, the smallest being no more than narrow runnels between reef platforms carved out by the sea.

Formerly farmland, almost all the coastal and littoral zone bounding the proposed reserve is in Council foreshore reserve and the DOC Matietie Historic Reserve donated to the public by the Delamore family. It is intended the reserve will have a Statutory Acknowledgement placed on the title acknowledging Ngāti Paoa's historical association with this part of Waiheke, as part of a proposed Treaty of Waitangi settlement between the Crown and Ngāti Paoa. The area is linked with Auckland Council public walkways. There are eight rural properties bordering the coastline.

### **9.1 The rural buffer zone**

The hinterland buffering this coastal fringe from the township of Oneroa, immediately to the east, is zoned rural-lifestyle:

- Rural 1 (landscape amenity),
- Rural 2 (western landscape) and
- Open space 1 (ecology and landscape).

Due to the conservation requirements of these District Plan zones, the buffer zone is mainly in regenerating bush, some of which is natural, but much of which is the result of restoration plantings some 25 years ago, undertaken as a condition of subdivision. The balance is in pasture and economically significant vineyards. The private land is in large lifestyle blocks with gated estate high end homes and some boutique visitor accommodation.

There are also some further small council reserves which feature World War 2 archaeological sites, including a coastal defence lookout bunker, dormitory and cookhouse and the Korora reserve adjacent to Hakaimango Point.

## **9.2 Coastal walkways and public accessibility**

A network of walkways including the island-wide Te Ara Hura trail enable good public access and provide a splendid panorama of views overlooking the proposed reserve to almost all points of the compass.

- Eastwards: Beginning at Hakaimango Point, the view looks eastwards across the entrance to Oneroa Bay along the northern coastline of Waiheke, to the Thames estuary and Coromandel peninsula beyond.
- Northwards: Turning anticlockwise northwards one sees out to Moehau and the outer Gulf. Great Barrier Island (Aotea), Little Barrier (Hauturu) can be seen on the skyline and more proximate, the islands and islets of the Noises, Ahaaha and David Rocks, Maria, Otata and Motuhoropapa.
- Northwestwards: This direction looks out to Tiritiri Matangi, Rakino, with Tāwharanui's Takatu Point on the horizon.
- Westwards: Next you see Motutapu and Rangitoto, then beyond to the high-rise skyline of the Auckland City central business district and the Waitakere ranges beyond.
- Southwards: finally, one looks down the Motuihe Channel to the Tāmaki Strait with the distant Hunua Ranges beyond.

Interestingly while the foreshore is directly accessible over much of the coastline, sections of the northern and western coastline, while readily viewable, have land access restricted by the steep cliffs. Perhaps not such a bad thing for a natural area.

Kayaks are available for hire at Matiatia, which would also enable accessibility by sea to the marine reserve itself. Accessibility and excellent visibility over the surrounding sea would also facilitate monitoring and enforcement of the protected status of the marine reserve.

## **9.3 The proposed marine reserve and public transport**

The proposed reserve is within an easy 10-minute walk from the Matiatia ferry terminal, just 35 minutes via ferry from downtown Auckland. There is public transport (Waiheke Link bus service) within a few minutes' walk to and from the reserve's Oneroa and Matiatia entrances. This unique proximity of public transport services and good walking tracks makes this marine reserve very convenient, especially for scientific research and visits by students and educational groups.

## 10.0 WHAT HAS BEEN LOST – MARINE BIOTA ONCE PRESENT AROUND WAIHEKE ISLAND

The ecological decline of the Hauraki Gulf is something Aucklanders are well aware of – and are very concerned about. The decline and loss of various marine species, vertebrate and invertebrate, has been identified and highlighted in numerous scientific *studies*, notably in the three yearly, State of the Environment of the Hauraki Gulf reports.

These reports do not generally cover however, the species which have already been driven into local extinction or are at very low numbers through over exploitation. Many of these species were found around Waiheke in living memory of people today. The absent or depleted species that we are advised should be in the area in healthy numbers include, long-finned boarfish (*Zanclistius elevatus*), giant boarfish (*Paristiopterus labiosus*), splendid perch (*Callanthias australis*), conger eel (*Conger wilsoni*), marble fish (*Aplodactylus arctide*), red moki (*Cheilodactylus spectabilis*), blue maomao (*Scorpius violacea*), blue cod (*Parapercis colias*), Sandagers wrasse (*Coris sandeayeri*), blue moki (*Latridopsis ciliaris*), schools of trevally (*Pseudocaranx dentex*), large hāpuku / hapuka (*Polyprion oxygeneios*). (S. Marsh; S. Farquhar *pers comm*).

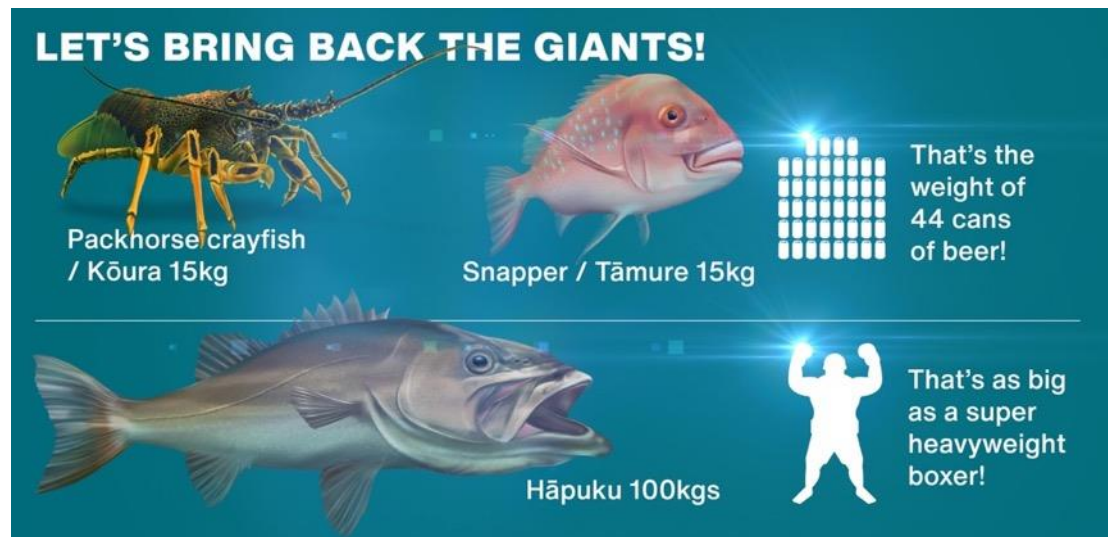


Fig. 25. Graphic Shaun Lee.

While a range of shark species is still present in the area of the proposed marine reserve as the latest *State of Our Gulf 2020* reports, their numbers have been significantly reduced throughout the Hauraki Gulf, In the past there were occasional seasonal appearances of skipjack tuna (*Katsuwonus pelamis*) and various billfish e.g., marlin spp. (S. Farquhar *pers comm*.)

Amazing assemblages of fish were once seen in vast boil-ups which sometimes extended as far as the eye could see, joined by hosts of seabirds (S. Farquhar *pers comm*). Not anymore. The same could be said about the crayfish species: the spiny rock lobster (*J. Edwardsii*) and its cousin the packhorse crayfish (*Sagmariasus verreauxi*) which should be in high numbers among the reef



systems on the northern side of the island right into shallow waters. However, while functionally extinct in most of the inner Gulf, both species are still present in the area of the proposed marine reserve – albeit in very low numbers which is a testament to values of the habitat of this area.

The process of local extinction need not be inexorable. The Hākaimangō-Matiatia Marine Reserve will be a significant step to help to turn things around.



Fig.26. Embayed Islet at Matiatia Point, at the western boundary of the proposed reserve near Mokemoke pā. A ten-minute walk along the shore from the Waiheke ferry terminal. Photo Mike Lee.

## 11.0 WHY MARINE RESERVES?

### 11.1 Marine Protected Areas or Marine Reserves?

It is sometimes argued that time-limited marine protection (ranging from short temporary closures up to 25 years); or allowance of selective exploitation ('customary take') might be just as efficacious as no-take marine reserves, but research shows this is not the case. A recent meta-analysis of previous studies published in the ICES Journal of Marine Science by Enric Sala and Sylvaine Giakoumi in 2017 shows that biomass of whole fish assemblies in marine reserves is on average:

- 670% greater than in adjacent unprotected areas, and
- 343% greater than in partially protected Marine Protected Areas.

*'By comparison fish biomass in partially protected MPAs was only 183% greater than in unprotected areas, and often it was not different. In addition, fish biomass was restored in marine reserves over time after protection, but not in partially-protected MPAs or unprotected areas.'* Sala & Giakoumi (2017).

This international study supports the study by Shears *et al.* (2006) which compared crayfish populations over time in a partially fished local 'marine park' (Mimiwhangata) with the Tāwharanui no-take MPA (and since 2011 'type 1' marine reserve). They concluded:

*'On average, legal-sized lobster were eleven times more abundant and biomass 25 times higher in the no-take marine park following park establishment, while in the partially protected marine park there has been no significant change in lobster numbers. Furthermore, no difference was found in densities of legal-sized lobster between the partially protected marine park and nearby fully-fished sites (<1 per 500 m<sup>2</sup>).'*

### 11.2 Marine Reserves within the Hauraki Gulf

Significantly less than 1% of the Hauraki Gulf is currently protected in no-take marine reserves. The five reserves are:

- Cape Rodney-Okakari Point 547 ha (Leigh or Goat Island) (1975)
- Long Bay-Okura 980 ha (1995)
- Motu Manawa-Pollen Island 500 ha (1995)
- Te Matuku 700 ha (2005)
- Tāwharanui 394 ha (2011)

Total area 3121 ha.



Additionally, Te Whanganui a Hei (Cathedral Cove) Marine Reserve 840 ha (1992) is located outside the Hauraki Gulf but within the Hauraki Gulf Marine Park. Therefore, a total of only 3961 ha is fully protected in a Hauraki Gulf Marine Park of more than 1.2 million ha, which amounts to only 0.33%. The addition of the Hākaimangō – Matiatia marine reserve's 2350 ha would substantially increase the area of fully protected marine habitat within the Hauraki Gulf, making a significant contribution towards a more ecologically sustainable Marine Park.



Fig. 27. Marine reserves in the Hauraki Gulf (Department of Conservation)

### 11.3 Towards a marine reserve network within the Hauraki Gulf

The proposed Hākaimangō – Matiatia (Northwest Waiheke) Marine Reserve is located near the following marine reserves:

- 29 km from Motu Manawa-Pollen Island
- 25 km from Long Bay-Okura, and
- 17 km from Te Matuku Marine Reserve

The distances between the proposed reserve, and these reserves, are within the recommended guidelines for marine reserve network design (Thomas & Shears 2013).

The proposed Hākaimangō – Matiatia (Northwest Waiheke) Marine Reserve is representative of a marine transition zone between the Inner and the Outer Hauraki Gulf. This strategic placement provides a significant contribution and an important step along the path to achieving the long-held objective of a representative marine reserve network in the Hauraki Gulf as advocated by Roger Grace and others (see Grace 2014).

### 11.4 Marine Reserves and climate change

In 2020 the parliament of New Zealand declared a climate emergency, following earlier declarations from local authorities such as Auckland Council. The governments of the world are in race against time to reduce carbon emissions. Reducing emissions and the likelihood of the effects of global warming, sea level rise and coastal inundation is considered to be of the highest priority for our government. People are encouraged to drive electric cars or cycle, and reduce carbon emissions on the principle that every bit helps.

Sala and Giakouni (2017), studying the impact of climate change on the marine environment, found that marine reserves can provide resilience against the impacts of sea warming.

In 2016, a strong El Niño event caused the most severe coral bleaching event in history, which killed 67% of the coral in the northern part of the Great Barrier Reef in Australia in just nine months (Hughes *et al.*, 2017). However, corals in the Line Islands affected by the strong 1997–1998 El Niño recovered in fully protected reefs within a decade, whereas they did not in unprotected islands (Sandin *et al.* 2008):

<https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0001548>

In Baja California, Mexico, a mass mortality event caused by climate-driven oxygen depletion affected pink abalone populations, but they replenished faster within marine reserves because of large body size and high egg production of the protected adults (Micheli *et al.* 2012).

See also Sala *et al.* 2021 'Protecting the global ocean for biodiversity, food and climate':

<https://www.nature.com/articles/s41586-021-03371-z>

In New Zealand we are already seeing mass die-offs of kelp:  
<https://www.frontiersin.org/articles/10.3389/fmars.2019.00084/full>  
and shellfish:

<https://www.theguardian.com/world/2020/feb/18/hundreds-of-thousands-of-mussels-cooked-to-death-on-new-zealand-beach-in-heatwave>

These events have been attributed to climate change. Slow recovery of native species (like *Ecklonia radiata* due to the ecological consequences of overfishing) create opportunities for invasive species (e.g. wakame *Undaria pinnatifida*).

Ocean acidification impacts on marine life will be most pronounced at the larval stage and have been shown to impact settlement on pāua (*Haliotis iris*) in laboratory experiments:

<https://academic.oup.com/icesjms/article/78/1/340/5859739?login=true>

One can only concur with Roberts *et al.* (2017):

*'Well-managed marine reserves may help marine ecosystems and people adapt to five prominent impacts of climate change: acidification, sea-level rise, intensification of storms, shifts in species distribution, and decreased productivity and oxygen availability, as well as their cumulative effects.'*

Moreover, the proposed marine reserve will provide resilience by increasing larval supply of hundreds of species of marine biota to surrounding waters of the Hauraki Gulf as recent research by Auckland University scientists on snapper has revealed.

### **11.5 The economic benefits of marine reserves**

The recent publication of break-through research by Auckland university marine scientists focussing on the Cape Rodney to Okakari Point (Goat Island) Marine Reserve, near Leigh, identified considerable economic benefits generated by the relatively high productivity of marine life within the marine reserve, in this case the highly sought-after, by commercial and recreational fishers alike, snapper (*Chrysophrys auratus*). This through the widespread dispersal of adults and larvae to the rest of the Gulf.

To quote the paper: *'Empirical evidence shows that **10.6%** of newly settled juvenile snappers sampled up to **55 km** outside of the Cape Rodney - Okakari Point (Leigh) marine reserve were the offspring of adult snappers from the marine reserve. This suggests a significant boost to the commercial fishery of **\$NZ 1.49 million** catch landing value per annum and **\$NZ3.21 million** added*

*from recreational fishing activity associated spending per annum. These values all come from the recruitment effects associated with one species, from only **0.08%** of the marine space in the Hauraki Gulf, New Zealand. The economic valuation of this marine reserve's snapper recruitment effect demonstrated **\$NZ 9.64 million** in total spending accruing to recreational fishing per annum and **\$NZ 4.89 million** in total output to commercial fisheries annually.'* (Qu et al. 2021).

While some caution is needed, projecting these figures onto the area of the proposed Hākaimangō - Matiatia marine reserve, more than four times the size of Leigh or Goat Island, would amount to some NZ\$19 million per annum to the recreational fishery industry alone. More importantly if marine reserves are functioning as significant biomass generators in the way these scientists have discovered at Leigh, then there will be a significant increase in snapper recruited all around the inner Gulf as an outcome of establishing this new marine reserve. And snapper is just one species. One can also assume populations of other species including notably crayfish would also be enhanced by the addition of a significantly sized marine reserve in this locality.

## 12.0 CONSULTATION WITH THE PUBLIC & WITH MANA WHENUA

### 12.1 A history of marine protection public consultation & awareness raising

Community aspirations for a 'northern side' marine reserve have been well socialised on Waiheke since the early 1990s and there have been several rounds of consultation and public discussion relating to this – especially since 2013, led by the Waiheke Local Board supported by the Friends of the Hauraki Gulf. The Waiheke Local Board engaged with 'Sea Change' and presented to the stakeholder working group at a meeting at Rotoroa Island. It was apparent however that 'Sea Change' had no intention of recommending any marine reserves around Waiheke but did however acknowledge the work that was underway in the community in this regard. After a period of public consultation in 2013, the Waiheke Local Board resolved *inter alia*:

*'Local board decisions for 2013/2014 Waiheke Local Board Plan*

*b) That the Waiheke Local Board:...*

*ii) confirms an updated list of advocacy areas for the Governing Body and council-controlled organisations, for inclusion in the Annual Plan 2013/2014, namely to 'Support the creation of a network of marine reserves in the area under the board's jurisdiction, in particular, an initial marine reserve in the northern side of Waiheke, on condition that a significant level of community support is obtained.'*

The Waiheke Local Board then sought to establish a robust view of the level of community awareness and support for marine protection and marine reserves around Waiheke. As mentioned in section 1.4 of this proposal the board engaged Colmar Brunton to undertake a survey of resident and ratepayer views. Out of a total of 1999 responses: 'Total Support' for marine protected areas from island residents was 67% and from off-island ratepayers 54%. 'Total Support for 'no take' marine reserves from island residents was 64% and from off-island ratepayers 52%. (Colmar Brunton, Bing 2015).

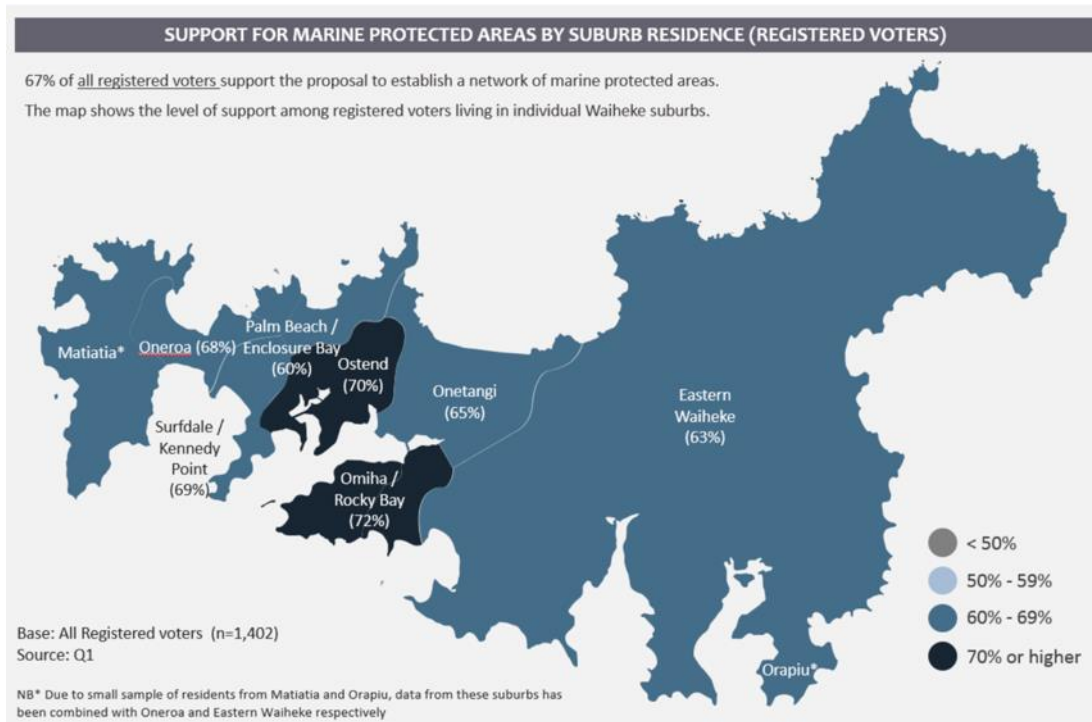


Fig. 28. Graphic Colmar Brunton public opinion survey report

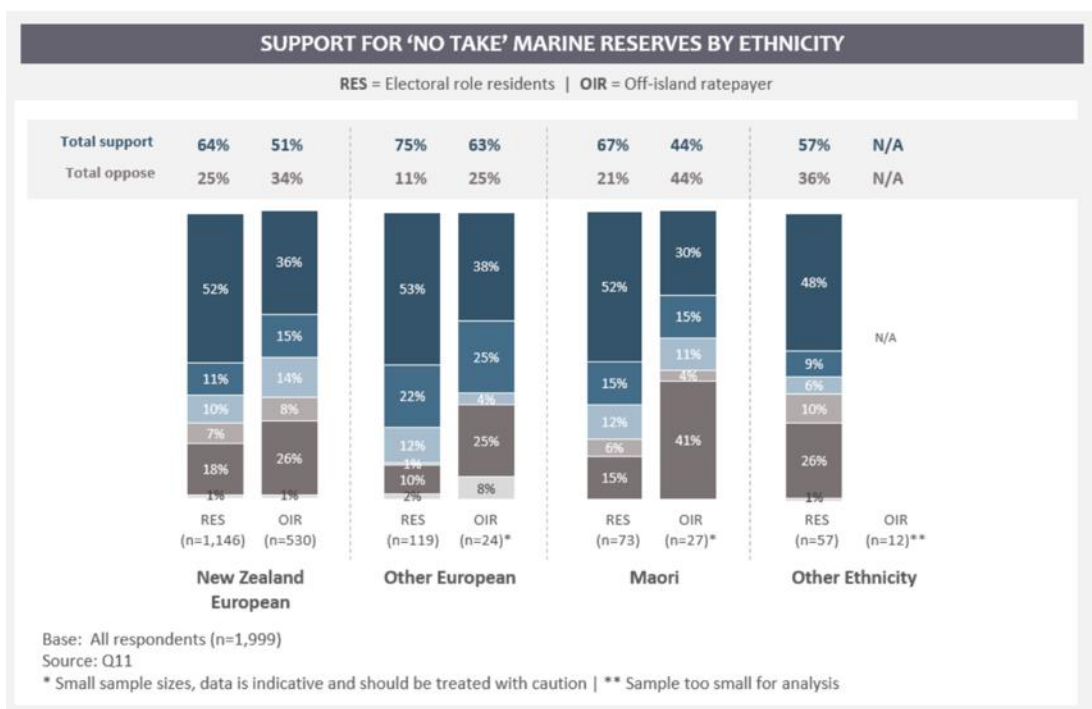


Fig. 29. Graphic Colmar Brunton public opinion survey report



See Fig. 26 (above). Support for 'no take' marine reserves by ethnicity indicated 64% 'total support' by New Zealand European island residents and 67% 'total support' among Māori island residents (Bing, Colmar Brunton 2015).

Support from Māori for 30% of the Hauraki Gulf Marine Park to be protected (which most people will consider no-take) has grown to 77% (Hauraki Gulf Forum 2021, sample size 228, margin of error + or - 5.5%). Hauraki Gulf Forum. 2021. Results of Hauraki Gulf poll.  
<https://gulfjournal.org.nz/2021/11/results-of-hauraki-gulf-poll/>

During its years of advocacy and consultation in regard to marine protection and its preference for a marine reserve on Waiheke's northern coastline, the Waiheke Local Board engaged with representatives of Ngāti Paoa, especially the late George Kahi, Ngāti Paoa's popular special representative to Waiheke.

The Friends of the Hauraki Gulf Inc from its inception has taken every opportunity to discuss marine protection and its support of marine reserves with the Māori community of Waiheke and with representatives of mana whenua of Waiheke Ngāti Paoa beginning with a meeting at Piritahi Marae in March 2013. In June 2013 it presented to the Hauraki Gulf Forum including Hauraki Gulf mana whenua representatives, winning support for a marine reserve in Waiheke's northern coast. The Friends participated in the hui at Piritahi Marae to discuss the Ngāti Paoa rāhui in January 2021.

## **12.2 Pre notification consultation with mana whenua on the Hākaimangō – Matiatia Marine Reserve**

In April 2021 when we first sent the draft proposal to the Director-General of the Department of Conservation as per section 5 of the Marine Reserves Act we also sent copies of the full proposal to the Ngāti Paoa Iwi Trust (NPIT) and the Ngāti Paoa Trust Board (NPTB) formally seeking their views. We are still working with the Department of Conservation, acknowledging in particular the work of Hauāuru Rawiri Pou Tairangahau / Māori Engagement Strategic Manager, on engagement with both boards, seeking mana whenua views on the proposed marine reserve. In the spirit of the Marine and Coastal Area (Takutai Moana) Act 2011, we have sent our application to representatives of whānau with important Waiheke rangatira links, and landowning whānau of the Te Huruhi 12B block Mataurau Point, Matiatia. We acknowledge here the support of Moana Clarke and Denny Thompson descendants of leading Waiheke rangatira and the much appreciated messages of goodwill from NPIT chairman Glen Tupuhi and board member Teddy Andrews in particular.

In August 2021 the full committee of the Friends of the Hauraki Gulf met with the Piritahi Marae Committee to present and discuss our Hākaimangō-Matiatia marine reserve proposal. The marine reserve proposal met with warm approval from members of the Marae Committee. On 9 December the Friends wrote to Ngaitai ki Tāmaki, another tribe with mana in this area with a copy of the draft application document. Meanwhile DOC has been working to set up a general

hui with mana moana tribes to discuss the application and other marine related issues

The Friends of the Hauraki Gulf also have been systematically consulting and presenting our proposal to a wide range of community organisations from the Waiheke Local Board to the Rotary Club of Waiheke. We have also been sharing information and informing the public through articles and letters in the local *Gulf News*, also on the local Waiheke Radio Station: <https://waihekeradio.org.nz/podcast/mike-lee-marine-reserve/> and also on our website: <https://friendsofaurakigulf.nz>

We currently have 1,549 contacts in our email database whom we regularly send progress updates. We also share this e-newsletter via Waiheke's social media channels, which potentially reach a much wider audience:

- Waiheke Trading Facebook page - 11,700
- Waiheke Community - 10,500
- Latines en Waiheke - 7,300
- Great Barrier Island - 2,400
- Waiheke Island Peoples' Parliament - 1,500
- What's On Waiheke - 1,500
- Waiheke Musicians - 1,500
- Mauri o te Moana 1,400
- Friends of Rakino – 753
- Kahui Creative Network – 280
- Waiheke Artists – 132

The Friends of the Hauraki Gulf also has its own popular Facebook page <https://www.facebook.com/TFOTHG> which is regularly updated.

The Waiheke Dive & Snorkel shop also attaches our email newsletters to its own letters to its extensive database. (Thanks to Adam Whatton). See Appendix 5. Pre-notification Consultation Diary.

In spirit of the Marine and Coastal Area (Takutai Moana) Act 2011 we will continue to consult with iwi, hapū, whānau.



## 13.0 BENEFITS OF A HĀKAIMANGŌ – MATIATIA (NORTHWEST WAIHEKE) MARINE RESERVE

- Protecting and enhancing the life-supporting capacity of the coastal marine area of the Hauraki Gulf which is considered nationally significant under the Hauraki Gulf Marine Park Act (2000).
- Protecting and enhancing an ecologically rich maritime transition zone between the inner Hauraki Gulf and the outer Gulf.
- Protecting all fish species within this area from line fishing, spear fishing, potting, netting and dredging.
- Protecting and enhancing highly productive, ecologically vital, kelp forest rocky reef systems.
- Protecting and enhancing a diverse range of sand and soft sediment habitats and associated biological communities.
- Protecting an area containing nationally important 20 million-year-old Miocene fossil deposits.
- Protecting and enhancing those natural, historic, and physical resources (including kaimoana) of the Hauraki Gulf, its islands, and catchments with which tangata whenua have an historic, traditional, cultural, and spiritual relationship.
- Protecting and enhancing the rāhui declared by Ngāti Paoa in its role as kaitiaki.
- Protecting and enhancing an area of highly suitable habitat for the recovery of pāua (*Haliotis iris*), a species presently subject to the rāhui
- Protecting and enhancing an area of highly suitable habitat for the recovery of green-lipped mussel / kūtai (*Perna canaliculus*) presently subject to the rāhui.
- Protecting and enhancing an area of highly suitable habitat for the recovery of scallop / tipa beds (*Pecten novaezealandiae*) presently subject to the rāhui.
- Protecting and enhancing an area of habitat highly suitable for the recovery of spiny rock lobster / kōura (*Jasus edwardsii*) in the inner Gulf, a species presently subject to a rāhui by mana whenua and kaitiaki, Ngāti Paoa.
- Protecting and enhancing one of the very few populations of packhorse crayfish *Sagimariasus verreauxi* in the inner Gulf.
- Protecting and enhancing an area involved in the spawning of snapper / tāmure (*Chrysophrys auratus*) significantly enhancing the productivity of the wider snapper population.
- Protecting and enhancing an ecologically rich area enabling significantly higher productivity of a wide range of marine biota throughout the area.
- Generating some \$19 million per annum by enhancing the size and value of the commercial and recreational fishery of the Hauraki Gulf.
- Protecting and enhancing the natural and physical resources of the Hauraki Gulf / Tikapa Moana / Te Moananui-ā-Toi.
- Protecting and enhancing an area of the Hauraki Gulf used by marine mammals, including common dolphins / aihe (*Delphinus delphis*),

bottlenose dolphins / terehu (*Tursiops truncatus*), orca / kera wēra (*Orcinus orca*) and a recovering population of New Zealand fur seals, kekeno (*Arctocephalus forsteri*).

- Protecting and enhancing the marine feeding resources of at least 15 seabird species that have been recorded breeding and/or foraging in this area including endangered endemic species.
- Protecting and enhancing fish and invertebrate (including shellfish and crayfish) larval export due to the strong tidal currents associated with the waters of the proposed marine reserve to the inner and outer Gulf, thus facilitating the recovery of fish stocks and kai moana outside the protected area.
- Protecting and enhancing marine ecosystems and biota of the Hauraki Gulf for their own intrinsic value.
- Protecting and enhancing the opportunity for the comparative scientific study of marine ecosystems, and marine biota in the Hauraki Gulf.
- Protecting and enhancing the opportunity for scientific study of seabirds and their restoration in the Hauraki Gulf.
- Protecting and enhancing seabird and shore bird nesting areas along the coastal fringe, especially at Island Bay and on nearby islets.
- Protecting and enhancing the opportunity for scientific study of marine mammals and their restoration in the Hauraki Gulf.
- Protecting and enhancing the traditional conservation values of Waiheke Island and the strongly stated aspirations of its people.
- Protecting and enhancing the conservation values of Tāmaki Makaurau and the strongly stated aspirations of the people of Auckland.
- Enabling ideal outdoor education opportunities for the young people of Waiheke and of Auckland via an easily accessible marine reserve, which would for example enhance Waiheke High School's Seasports Academy (snorkelling and scuba) integrating it with the sciences curriculum.
- Enabling aspirational management goal setting including the restoration of locally extinct iconic species such as hāpuku / groper and crayfish species kōura to this part of the Hauraki Gulf.
- Enhancing the resilience of the Hauraki Gulf to climate change impacts, particularly heatwaves, invasive species and ocean acidification.
- Advancing long held aspirations by marine scientists and the public for a network of marine reserves in the Hauraki Gulf.
- **Finally doing something tangible and meaningful to protect the Hauraki Gulf and the precious threatened wildlife which lives here – instead of just talking about it.**

## 14.0 SUMMARY – THE CASE FOR A HĀKAIMANGO – MATIATIA MARINE RESERVE

The proposed marine reserve contains an especially diverse array of high-quality marine habitats provided by a unique series of rocky reefs, deep inlets and bays from rocky to soft sediment seabed, enabling rich kelp forests, marine invertebrates, sponge beds as well as bivalve beds to rejuvenate. The latter are associated with both rocky reef and soft sediments within the proposed reserve.

Subtidal rocky reef habitat between Hakaimango Point and Matiatia Point is predominantly kelp dominated, with kelp diversity particularly high at greater depths, east of Owhanake Bay. Urchin barrens, a sign of ecological dysfunction have been found to be negligible within the proposed reserve in contrast to other neighbouring areas and in many other parts of the Hauraki Gulf.



Fig. 30. Typical coastal shoreline of the proposed Hākaimangō-Matiatia Marine Reserve. Photo Andy Spence.

Pelagic and reef fish, especially prized and commonly targeted finfish species such as snapper / tāmure, kahawai and kingfish / haku, as well as the benthic red gurnard / kumukumu, are present throughout the proposed reserve.

These features indicate the area's high suitability for habitat repair and ecosystem regeneration, especially to help the restoration of key species like snapper and crayfish, promoting through larval spread the restoration of these and other marine biota in the inner Hauraki Gulf.

The proposed marine reserve would protect a part of the Hauraki Gulf which lies in a central transition zone between the inner and outer Gulf and of which no other representative example is protected.

The area is still an important feeding ground for seabirds and marine mammals and could become much more so.

The proposed marine reserve at 2350 ha would be the largest in the Hauraki Gulf and will become a central element in a Hauraki Gulf marine protection network.

The proposed marine reserve at 2350 ha would at one stroke almost double the size of the area of protected marine environment in the Hauraki Gulf.

The proposed marine reserve is within an easy 10-minute walk from the Matiatia ferry terminal, (35 minutes from downtown Auckland) and to bus services enabling public transport access and an easy walk to both its Matiatia and Oneroa ends. This unique proximity of public transport services and good walking tracks makes this marine reserve very convenient for scientific research and visits by students and educational groups with excellent accessibility for the general public.



Fig. 31. Graphic Shaun Lee.

The proposed marine reserve would also have an economic benefit, enabling a unique opportunity for sustainable water-based eco-tourism and kayaking activities. But even more importantly make a significant contribution to enhancing fish stocks in the wider Gulf. The proposed Hākaimangō-Matiatia Marine Reserve provides an opportunity for active partnership between mana whenua as kaitiaki, the Crown and the local community in governance and management of the proposed marine reserve.



The proposed Hākaimangō-Matiatia Marine Reserve would strengthen the historic, traditional, cultural, and spiritual relationship of the tangata whenua of the Hauraki Gulf and generations to come, with the waters and the restored marine creatures of Tikapa Moana, the children of Tangaroa, a living reminder of the heroic times of the tribal ancestors.

The Hākaimangō-Matiatia marine reserve over time would become a biological treasure house, a 'jewel in the crown' of the Hauraki Gulf Marine Park, enhancing the life-supporting capacity of the marine species protected therein and a source of pride which by its very existence, would enrich the lives and wellbeing of the people of Waiheke, the islands of the Gulf, the Auckland region and beyond.



Fig.32. A marine transition zone between the inner and outer Hauraki Gulf. Photo Andy Spence.

To make a submission on this application to the Director-General of Conservation:

- Fill out the online submission form at:  
[www.doc.govt.nz/waihekeproposal](http://www.doc.govt.nz/waihekeproposal)
- Or mail your submission:  
[waihekeproposal@publicvoice.co.nz](mailto:waihekeproposal@publicvoice.co.nz)

## **15.0 ACKNOWLEDGEMENTS**

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## 17.0 APPENDICES

### Appendix 1

Haggitt, Tim eCoast (2017a) Waiheke Island Marine Reserve Network – Gaps Analysis and Feasibility Study

<https://www.aucklandcouncil.govt.nz/about-auckland-council/how-auckland-council-works/local-boards/all-local-boards/waiheke-local-board/docswaihekeplans/waiheke-marine-reserve-gaps-feasibility.pdf>

### Appendix 2

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<https://www.aucklandcouncil.govt.nz/about-auckland-council/how-auckland-council-works/local-boards/all-local-boards/waiheke-local-board/docswaihekeplans/waiheke-north-western-coastline-ecological-survey.pdf>

### Appendix 3. Hauraki Gulf Forum ‘The State of our Gulf’ (2020).

<https://www.aucklandcouncil.govt.nz/about-auckland-council/how-auckland-council-works/harbour-forums/docstateofgulf/state-gulf-full-report.pdf>

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## Appendix 5. Pre-notification consultation Diary 2021

Date	Consultation Event Action	Discussion	
23 April	Ngāti Paoa Iwi Trust Ngāti Paoa Trust Board	Immediately after lodging our intention to apply for a marine reserve under s5 to the Director-General DOC FoHG forwarded formal letters to the chair of the NPIT Glen Tupuhi & the chairs of the NPTB with the full application document for their consideration & requested a meeting to hear their views on the application	Follow up letter & emails
5May	<b>Waiheke Local Board</b> workshop –briefing to board members <b>Cath Handley, Kylee Matthews, Bob Upchurch, Robin Tucker</b>  Mike Lee, Chris Cureen FoHG	Our PowerPoint presentation was favourably received by all Board members present. Mike and Chris answered questions. The comments were very positive from board members, though board chair Cath Handley was more circumspect. She said was pleased that we had informed her before her meeting with Minister of Oceans on Fri 28 April.	Keep WLB informed
22 May	<b>Waiheke Radio Greg Treadwell Mike Lee</b>	Community Radio. Saturday morning interview by Greg enabling Mike to explain the marine reserve, its background, its benefits for the marine environment and the application process going forward <a href="https://waihekeradio.org.nz/podcast/mike-lee-marine-reserve/">https://waihekeradio.org.nz/podcast/mike-lee-marine-reserve/</a>	n/a
23 April	<b>Adjacent landowners including gated community residents</b> at the home of Barry & Meg Fentons, 56 Korora Rd.  Mike Lee Chris Cureen FoHG	The meeting with 24 neighbouring property owners lasted more than 2 hours. It was arranged as a follow up to personally addressed letters to all residents living in the area. All present assured us they were conservationists and working hard on their properties to this end. One resident Andrew Barnes complained at the lack of consultation and challenged the validity of the 2015 Colmar Brunton public opinion survey. We explained we were beginning of the consultation process and that our meeting with them following up on our letter to residents, was the first. Main concerns raised were about the effects of visitor impacts including school students and consequent congestion on the narrow road to Owhanake Bay especially from buses.	Will remove references from our application document to tourism. Ease of access road link and carpark. Consult with the Local Board about the status of Korora Road to restrict bus access
	Katina Conomos Tom Trnski of Noises Marine Restoration Trust Mike Lee FoHG	Meeting and briefing at Auckland Museum Mike presented a bound copy of Hākaimangō-Matiatia MR application document	Mike & Katina to keep in contact
10th June	Denny Thompson, kaumatua, trade	Meeting and briefing. Denny is a direct descendant of the leading Waiheke chief Rawiri Takarua who is buried at the Te	Mike followed up with Denny in Sept & he is

	<p>union activist, active member of Ngāti Paoa iwi. Denny has a high profile on social media. With Mike Lee FoHG.</p>	<p>Huruhi Urupā on Waiheke. Denny was happy to receive the proposal and made some helpful suggestions mentioning Kahui Legal the tribe's legal advisers. Denny agreed to give some thought to our marine reserve application was assured it is not about increasing Waiheke property values (one of his public criticisms of similar conservation proposals).</p>	<p>willing to support the marine reserve</p>
10 June	<p>DOC. John Galilee Bledisloe House and by Zoom marine protection team leader Rebecca Bird and Mandy Leathers with Mike Lee FoHG</p>	<p>Meeting. The meeting lasted 1 hour and 10 minutes. The meeting was led by Rebecca. She complimented us on the proposal. She also said the marine protection team had not received an application from the public in anyone's memory, so they were still gearing up to deal with it. DOC will appoint a contracted manager to oversee it. Assurances were sought and given that whatever political decisions are made in government regarding Sea Change our efforts will not be wasted. The proposal will be allowed to run its full course regardless.</p> <p>In regard to the report itself they could find no problems or technical flaws at that stage. DOC asked for information on FoHG consultation process which was based on the requirements of the s5 Marine Reserves Act but also based on current best practice. FoHG consulted the Director-General as required under the Act but also both boards of Ngāti Paoa (current best practice) &amp; requirement of MACA Act. Counter-intuitively did NOT broadcast the application but kept it more or less confidential for a month to enable both DOC and Iwi to consider it without being required to comment by the local media and other parties. Also reported on the FoHG meeting with neighbouring landowners and steps have taken to mitigate effects they were concerned about impacts of visitors.</p> <p>FoHG has readily accepted DOC's advice to undertake wide pre-notification for which at least the next 2 months will be devoted to before moving into formal public notification.</p> <p>DOC raised the question of consulting with other Iwi in the Hauraki Gulf which FoHG have not yet done and will wait for DOC's advice on this sensitive matter. FoHG focus on Ngāti Paoa is not just based on best practice but under the proposed Treaty Settlement the Crown has given</p>	<p>Meeting with Hauauru Rawiri, Pou Tairangahau Māori Engagement Strategic Manager</p>

		<p>Ngāti Paoa a 'Statutory Acknowledgement' relating to the publicly owned Matietie historic reserve. In effect when it comes to RMA consents and other matters (eg marine reserve applications) this gives Ngāti Paoa a status rather similar to neighbouring landowners under the Marine Reserves Act.</p> <p>Next steps. DOC will arrange a meeting with their Maori protocol adviser Hauauru Rawiri.</p> <p>Finally, DOC congratulated FoHG on the proposal and thanked us for what we are trying to do.</p>	
10 June	<p>Dr Andrew Jeffs and Shaun Lee at Auckland University Mike Lee FoHG</p>	<p>Meeting. Andrew was asked if he could review the document from a technical point of view, but he replied that under the MR Act it was adequate as it was. He outlined his experience (working for DOC) with the Whanganui -a- Hei and Kapiti Island Marine Reserve. Andrew advised we should try to meet with individual Ngāti Paoa board members. He also advised us to consult with the Federation of Commercial Fishers. Sandford's new sustainability manager Peter Logdill. Andrew was asked to give consideration that he arranges students to survey Te Matuku Bay marine reserve.</p>	<p>Appointment made with Peter Longdill.</p> <p>Meeting with Rawiri Hauauru</p>
18 June	<p>Liz Waters, editor/owner Gulf News Mike Lee, Chris Cureen FoHG</p>	<p>Meeting, Mike advised that DOC had indicated our document was suitable but is reviewing and has advised us to enter a pre-notification consultation phase. Though this is not required by the Marine Reserves Act it is considered best practice. DOC has employed a project manager to oversee our application.</p> <p>Liz is writing an editorial. Liz thinks we need to work with the community. The concerns of the local landholders were discussed and our commitment to work with the Local Board and Auckland Transport to ban buses from Korora Road, should the application succeed. We are actively working to address local landowner concerns by amending the wording in our application relating to possible future visitors.</p>	
1 July	<p>Hauāuru Rawiri DOC Mike Lee</p>	<p>Meeting with Hauauru Rawiri Pou Tairangahau Māori Engagement Strategic Managerto discuss the Marine Reserve proposal and to hear Hauauru's advice on consultation with Ngāti Paoa</p>	<p>Hauauru to liase with DOC. FoHG invited Hauauru to</p>

			visit Waiheke to view the site
4 July	Matariki Festival Waiheke Art Gallery Alex Stone FoHG	Presentation at the Art Gallery to celebrate Matariki by Alex Stone: Alex used our PowerPoint to introduce the audience to our marine reserve project. It was received very positively and there were lots of questions from interested people.	
15 July	DOC Rebecca Bird (National marine protection), Mandy Leathers, Glen Carbines, John Galilee.  Mike Lee, Chris Cureen FoHG.	Meeting at DOC. Bledisloe House July 15 2020 Meeting started at 12.30pm Mike summarized our progress to date. He asked for an assessment of our application and requested a timeline for when we can move forward. Chris went over the consultation we are doing in the community. Rebecca outlined the principles of engagement <ul style="list-style-type: none"> <li>1. Public engagement prior to notification</li> <li>2. Working together for the notification process - display of maps etc</li> <li>3. Plan for the pre-notification period.</li> </ul> <p>She stated that an external application is different to an internal application, so she needed assistance in dealing with it.</p> <p>The statutory project plan is Glen Carbines' role.</p> <p>Glen introduced himself and described at length his work in the conservation space, including working on three marine reserve proposals.</p> <p>Mike noted his membership of rec fishing groups &amp; requested an objective, unbiased view on our application. Glen said his professional reputation depends on his being impartial and gave his assurance that we would be given a "fair go."</p> <p>Rebecca on the Assessment: Our application seems thorough and sound. She would like to assess it against the Act - that would be the scope of the process. She asks for the time to make a formal assessment against the Act.</p> <p>Mike said he has already asked if there are any gaps and that the assessment could only be helpful.</p>	Report on consultation 25 August

		<p>He stated that we would like to notify late August after we have met with the local Piritahi Marae.</p> <p><b>Decision: Assessment will be made 28th August</b></p> <p>Consultation with Iwi</p> <p>Iwi Trust is the post settlement government entity. Settlement does not exclude any other groups in the Iwi. The Iwi Trust Board is included in this.</p> <p>FoHG agreed that any reference to comments from DOC will be sent to them for approval prior to printing.</p> <p>Rebecca - Consistency with the legislation is the main purpose of the review.</p> <p>She requested a formal report on our consultation with the community by mid-August.</p> <p>Meeting finished 1 50pm</p>	
15 July	<p>Peter Longdill Sustainability Manager Sanford Fishing</p> <p>Mike Lee, Chris Cureen FoHG</p>	<p>Meeting at Sanford Fisheries, Wynyard Quarter, Thursday 14th July</p> <p>Mike outlined our proposal. Peter talked about his role as manager in charge of sustainability at Sanford and outlined some of the actions Sandford were taking in this area. Sandford were most unlikely to object to our proposal. We asked for their support for the marine reserve, and he undertook to consult within the company on that issue.</p>	Mike followed up with email
16 July	<p>Kai Conscious Cafe Sustainability Centre Waiheke</p> <p>Alex Stone, Sid Marsh FoHG</p>	<p>Presentation by Alex Stone: Alex Stone assisted by Sid Marsh presented the marine reserve proposal to a very supportive group of 85 people – including fieldworkers and staff of the Waiheke Resources Trust</p>	Names of supporters collected for Newsletter database
28 July	<p>University of 3rd Age Dr Anne Hume</p> <p>Mike Lee, Chris Cureen, (in support Leith Duncan) FoHG</p>	<p>Presentation at Club Waiheke (Surfdale BowlingClub) 11am</p> <p>Mike supported by Chris presented a PowerPoint to an interested group of over 70 people who asked thoughtful questions. There were offers of help and 18 emails were volunteered for our database.</p>	Names of supporters collected for Newsletter database
29 July	<p>Waiheke Marine Project Steering Group Navigator Miranda O'Connell, Matt von Sturmer</p>	<p>Presentation to WMP Steering Committee Library 6pm</p> <p>Discussion which followed Mike's presentation clarified issues and progress was made in agreeing common goals. We all agreed that there were many forms of marine protection and that our marine</p>	<p>Edit application report as requested.</p> <p>Compose joint press release for <i>Gulf News</i></p>

	Grant Crawford, Ian Burrows, Jeanine Clarkin and paid staffers  Mike Lee, Chris Curreen, Alex Stone, Leith Duncan, Sid Marsh, Andy Spence FoHG	reserve proposal complements the work of WMP.  FoHG agreed to amend reference to 'Future Search' from the draft application document.  WMP members pointed to the rāhui as an outcome of Future Search. An agreed joint press release was sent to the local <i>Gulf News</i>	
9 Aug	<b>Piritahi Marae</b>  Pita Mahaki Claire Mahaki Judy Davies Bianca Ransome Huhanna Davies Maikora Ropata  Mike Lee, Chris Curreen, Alex Stone, Leith Duncan, Sid Marsh, Andy Spence FoHG	<b>Meeting at Piritahi Marae with Marae committee 9 Aug 2021</b>  A successful meeting with the Piritahi Marae Committee led by chair Pita Mahaki who hosted a deputation of the full committee of Friends of the Hauraki Gulf led by chair Mike Lee. Mike congratulated Pita and the Marae Committee on its work on behalf of all Waiheke Islanders before giving a PowerPoint presentation on the proposed Hākaimangō-Matiatia Marine Reserve. FoHG members answered questions from marae committee members. Pita and his committee, notably Whaea Huhana Davis, expressed support for the marine reserve proposal and thanked the Friends for their work on behalf of marine protection. The Friends were gratified by the warmth and aroha of our reception. Marae committee members articulated similar concerns about the state of the Gulf and the decline of marine wildlife shared by many Waiheke Islanders - and the need to do more to turn things around.	FoHG to keep in communication with Piritahi
16 Aug	The Rotary Club of Waiheke Tim Baker president, executive and members  Mike Lee & Alex Stone FoHG	Mike and Alex jointly presented a PowerPoint to a meeting of about 40 Rotary members. Constructive questions were asked, and the response was very positive	Names of supporters collected for Newsletter database
9 Dec	Ngaitai ki Tāmaki	Formal letter to Ngaitai ki Tāmaki rangatira Laurie Beamish with the application document for Ngaitai consideration & input	To be followed up by ML
20 Dec	Green Party MPs Chloe Swarbrick, Eugenie Sage & Teanau Tuiono	Zoom meeting with Alex Stone, Chris Curreen, Andy Spence from FoHG	Chloe Swarbrick offered to



			facilitate a further meeting
13 Jan	National Party/Blue Greens. Scott Simpson MP Simon Watts MP Chris Severne Karleen Reeve Charles Palmer	Teams meeting arranged by Karleen Reeve. Presentation by ML & CC of FoHG. Constructive questions and supportive comments	Further info to be shared
TBA	Onetangi Residents Assn	TBA delayed post Covid	
TBA	Waiheke High School		
TBA	Devonport Yacht Club		

**Chris Curreen Jan 2022**

**Appendix 6. Formal Notice of the intention to apply for an Order in Council for a marine reserve under section 5 of the Marine Reserves Act (1971).**

***Hākaimangō – Matiatia (Northwest Waiheke) Marine Reserve Proposal  
Notice under Section 5, Marine Reserves Act 1971***

Pursuant to Section 5 of the Marine Reserves Act 1971, the Friends of the Hauraki Gulf Inc hereby gives notice of its intention to apply for an Order in Council declaring a part of the coastal marine area (sea and intertidal foreshore) off the northwest coast of Waiheke Island, a marine reserve. The proposed name of the reserve is 'Hākaimangō – Matiatia Marine Reserve.'

The boundaries of the proposed marine reserve encompass 2350 ha and comprise of all the area (within the meaning of the Marine Reserves Act 1971) enclosed by a line commencing at a point on the mean-high water springs near Matiatia Point/Head on the north shores of Matiatia Bay at 36° 46.816' S, 174° 59.126' E; proceeding in a straight line in a westerly direction to point at 36° 46.816' S, 174° 57.406' E; then proceeding in a straight line in a northerly direction to point at 36° 44.126' S, 174° 57.406' E; then proceeding in a straight line in an easterly direction to point at 36° 44.126' S, 175° 0.962' E; then proceeding in a straight line in a southerly direction to a point 36° 46.151' S, 175° 0.962' E; then proceeding in a straight line in a westerly direction to a point on the mean-high water mark near Hakaimango Point at the north-western extremity of Oneroa Bay at 36° 46.151' S, 175° 0.882' E then proceeding in a northerly, westerly then generally southwesterly direction along mean-high water springs to the point of commencement.

The plan of the proposed marine reserve showing all tidal waters and the boundaries and extent of the area sought to be declared a marine reserve may be inspected at the Department of Conservation office Bledisloe House in central Auckland, and at Waiheke Public Library, Ocean View Road, Oneroa Waiheke Island, the Citizens Advice Bureau, Oneroa and the Waiheke Local Board offices, Belgium Street, Ostend. The full application document may be viewed online and downloaded at [FriendsofHaurakiGulf.nz](http://FriendsofHaurakiGulf.nz). Hard copies of the full application document will be available at a cost of \$32 from the Friends of the Hauraki Gulf. Please email [friends.hg21@gmail.com](mailto:friends.hg21@gmail.com) and request a copy.

Any person or organisation may object to the making of an Order in Council establishing the marine reserve by specifying the grounds of the objection in writing and submitting it to the Director-General, Department of Conservation within two months from the date of the first publication of this notice.

To make a submission on this proposal to the Director-General of Conservation:

- Fill out the online submission form at:  
[www.doc.govt.nz/waihekeproposal](http://www.doc.govt.nz/waihekeproposal)
- Or mail your submission: [waihekeproposal@publicvoice.co.nz](mailto:waihekeproposal@publicvoice.co.nz)
- Or post a hard copy to:  
*RE: Proposed Hākaimangō-Matiatia (Northwest Waiheke Island) marine reserve*  
Planning Permissions and Land Unit  
Department of Conservation  
PO Box 10420  
Wellington 6143  
New Zealand

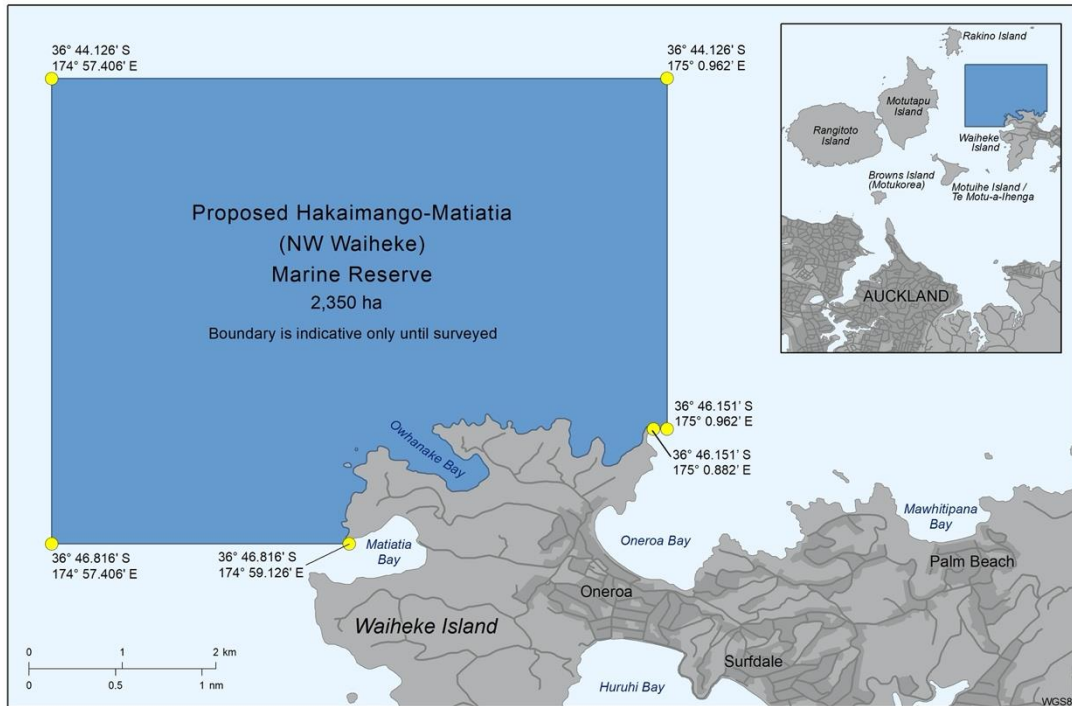
The date of the first publication of this notice is 20 January 2022. The period for submitting objections closes (two months later) on 20 March 2022

This notice of intention to apply for a marine reserve is given by the Applicant, The Friends of the Hauraki Gulf inc.

For any questions about the application, contact the Applicant directly:

Michael Lee  
Chairman  
Friends of the Hauraki Gulf Inc  
c/- 21 Tetley Road, Surfdale, Waiheke Island. 1081

**Appendix 7. Plan of proposed Marine Reserve as per section 5 (2) of the Marine Reserves Act (1971).**



Proposed Hakaimango-Matiatia (NW Waiheke) Marine Reserve indicative boundary



New Zealand Government

2. Correspondence relating to Ngāti Paoa Iwi Trust, Ngati Paoa Trust Board and submission from Piritahi Marae

## Submission from Piritahi Marae



### PIRITAHĪ MARAE

Waiheke Island

53 Tahatai Rd, Oneroa, Waiheke Island 1081

Website: piritahi.net.nz

Email: piritahimaraecommittee@gmail.com

20/03/2022

### **Submission in support of the proposed Hākaimango-Matīatia (Northwest Waiheke) Marine Reserve.**

Nga mihi i runga i ngā āhuetanga o te wā

1. Piritahi Marae is a Ngā Hau e Whā marae situated on the shore of Te Huruhi Bay, Waiheke Island. The whenua the marae stands on was secured in 1976 by tangata whenua and the Waiheke community. Since then, Piritahi has expanded to include the Piritahi Hau Ora, Piritahi Childcare and a maara kai for whānau and community. Many of our whānau have intergenerational connections to both Piritahi and Waiheke Island. As ahi kaa and tangata whenua of the marae we come from various hapū and iwi throughout Aotearoa. It is where we learn, grieve, receive healthcare, grow kai, and our children are cared for. It is where we wānanga and where we learn kōrero, tikanga and kawa to inform our responsibilities to our past, to each other and our responsibilities to te taiao. Piritahi is where we host manuhiri from across the country and the world. Piritahi is the only marae on Waiheke Island.
2. Through lived experience, our kuia and kaumātua have witnessed the rapid decline of marine biodiversity around Waiheke Island. Species that once were abundant are now infrequently seen. Over the past 40+ years they have seen our marine coastal environment go from a healthy pātaka kai and ecosystem to a barren seabed with many functionally extinct species. The ability to continue the lived experiences with a healthy ocean and biodiversity and ability to continue intergeneration knowledge and mātauranga is under threat. Urgent action is required for the protection and rejuvenation of the mauri of Tikapa Moana.
3. As Māori, as tangata whenua and as whānau with an understanding and connection to the moana, we want to see the mauri given a chance for biodiversity and ecosystems to recover. For this reason we submit in support of the Hākaimango-Matīatia (Northwest Waiheke) Marine Reserve.

## 2. Submission

1. Marine reserves are 'no take' areas protected from the sea surface to the seafloor where no fishing or removal of any other material is allowed. Diving, swimming, boating, snorkelling and other activities that don't harm marine life are allowed in marine reserves. Much of the scientific understanding of oceans comes from studying protected reserves. The Hakaimango-Matiatia Marine Reserve will give effect to complete protection to 2,350 ha from fishing and would be the largest marine reserve in the Hauraki Gulf. This will provide an important benchmark and reference point for assessing the impacts of activities on other areas around Waiheke Island and the wider Hauraki Gulf. It will be of significant scientific benefit.
2. We acknowledge Ngāti Pāoa as the mātua mana whenua of Waiheke Island and the importance of partnership for the management and protection of marine ecosystems and coastal areas. The Ngāti Pāoa Trust Board has announced their support for the marine reserve application. They state the importance of mātauranga and western science working together for the conservation of the marine environment. Piritahi Marae supports Ngāti Pāoa and other mana whenua of Waiheke Island in the active practice of kaitiakitanga and the application of mātauranga for the care and protection of biodiversity and the restoration of the mauri of our moana. We acknowledge that marine reserves are not ideal for wider ecosystem based management however this is protection available and needed now. Our support for the application asks that mātauranga and tangata whenua be central to the management and kaitiakitanga of the reserve. Under the Takutai Moana Act 2011, Section 47 we reserve our right as whānau of Piritahi Marae and Waiheke Island to participate in conservation processes in the common marine and coastal area.
3. Tikapa Moana/The Hauraki Gulf is in ecological collapse. Extraction, pollution, over-fishing, sedimentation, bottom trawling and governance has led to the significant decline of marine biodiversity. Numerous species are now at the point of functional extinction. 0.33% of the Hauraki Gulf Marine Park is currently fully protected from fishing. The Hākaimango-Matiatia Marine Reserve will increase this by 0.195%.
4. The Revitalising our Gulf plan could increase marine protection within the Hauraki Gulf Marine Park to 0.575% by the end of 2024. This is far from the 30% protection goal of the Hauraki Gulf Forum. A 2021 poll by the Hauraki Gulf Forum shows general support for 30% protection is 77% with only 5% in opposition. A survey of Waiheke on island residents in 2015 showed 67% support of marine protected areas.
5. The location of the Hākaimango-Matiatia marine reserve was identified by marine biologist Dr Tim Haggitt after extensive surveys around Waiheke Island. It has extensive biodiversity in physical habitat and is in the ecological transition zone between the inner and outer Hauraki Gulf. The marine reserve will significantly increase egg production and juvenile fish, particularly tāmure or snapper. The Goat Island Marine Reserve is estimated to contribute to 10.6% of newly settled juveniles to the surrounding 400sq km area. With the tāmure population down 83% from what it once was in the Hauraki Gulf, the protection the reserve will give to allowing for increased population is critically important.
6. Opportunities for rangatahi and whānau to learn from and interact with the recovering and eventually thriving marine ecosystem of the Hākaimango-Matiatia Marine Reserve will provide educational opportunities to learn about marine habitats, ecosystems and further protection measures. It has the potential to inspire careers in marine biology and conservation. The marine reserve will also provide economic opportunities for local whānau and community.
7. The benefits of active kaitiakitanga, mātauranga and science to tangata whenua, mātāwaka and the Waiheke community and most importantly for the biodiversity and mauri of Tikapa Moana, the Hauraki Gulf are significant. Due to the urgent need for ocean protection around Waiheke, and this proposal being a step toward that now, Piritahi Marae supports the proposed Hakaimango-Matiatia (Northwest Waiheke) Marine Reserve.
8. If you have any questions about the points raised in this submission, please do not hesitate to contact us.  
Piritahi Marae Trust & Committee  
Attn: Bianca Ranson  
[piritahimaraecommittee@gmail.com](mailto:piritahimaraecommittee@gmail.com)  
+6421422773



## Correspondence with Ngāti Paoa Iwi Trust Board

**From:** Michael Lee <mikeleee@auckland@gmail.com>  
**Subject:** Fwd: Correspondence for the chairman Waiheke Marine protection  
**Date:** 15 May 2021 at 9:47 AM  
**To:** tania.tarawa@gmail.com

ML

Kia ora Tania,  
I have not yet received any acknowledgement from the Iwi Trust for this correspondence sent on 23 April. Please see below.  
Could you please forward to me Glen's personal email?  
Ngā mihi,  
Mike

Begin forwarded message:

**From:** Michael Lee <mikeleee@auckland@gmail.com>  
**Subject:** Correspondence for the chairman Waiheke Marine protection  
**Date:** 23 April 2021 at 4:03:16 PM NZST  
**To:** admin@ngatipaoaiwi.co.nz  
**Cc:** kaitiaki@ngatipaoaiwi.co.nz

Kia ora Jay,

I would be very grateful if you could forward this correspondence (please see attachments) to chairman Glen and the Board.

All the best for the weekend.



Final to DG  
Hakaim...cx.pdf



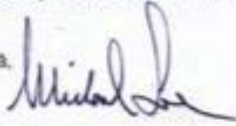


The aspiration by the Waiheke community for marine protection in this area goes back to the early 1990s, and especially since 2013 under the leadership of the Waiheke Local Board. The area has been scientifically surveyed, publicised, discussed and debated. This long process and awareness raising helped the achievement of a strong community consensus supporting the rāhui.

Please find attached the draft application document which we are sending to the Director-General of the Department of Conservation. This will hopefully formalise the application so that our consultation with Ngāti Paoa becomes formal and statutory. To this end we would be grateful if you and your board could find a convenient time in due course to meet with us to enable formal consultations to begin. I also enclose a photo I recently found of a consultation I was once involved in back in 1993, when I was chairman of the ARC regional parks committee, with the rangatira of Ngāti Paoa, led by Te Kaho Andrews, Andy Andrews and Hariata Gordon. Kore rātau e warewaretia.

Nāku iti noa, nā,

Michael Lee  
Chairman  
Friends of the Hauraki Gulf (Inc.)



Ngā mihi,

Mike Lee



# Correspondence with Herearoaha Skipper

**From:** Michael Lee [mikeleeauckland@gmail.com](mailto:mikeleeauckland@gmail.com)  
**Subject:** Re: Newsletter Friends of the Hauraki Gulf July 2021  
**Date:** 22 July 2021 at 11:57 AM  
**To:** [tupuhiglen@gmail.com](mailto:tupuhiglen@gmail.com)  
**Cc:** herearoaha Skipper [herearoaha@gmail.com](mailto:herearoaha@gmail.com), [tania.tarawa@gmail.com](mailto:tania.tarawa@gmail.com)

---

Kia ora rangatira Glen,

Ngā mihi mahana ki a koe.

I hope this is the right email but please see the email thread below.

I am not sure if Herearoaha is speaking on behalf of the Ngāti Pāoa Iwi Trust Board but I would like to respond by reassuring you and board members that at no time have I or the Friends of the Hauraki Gulf stated or implied that Denny Thompson has a 'mandate to represent Ngāti Pāoa'. Nor to my knowledge has Denny ever made such a claim.

That being said we make no apology for consulting with him and other persons with ancestral connections to this area. We note that 'Iwi, Hapū and Whānau' have a right to be consulted under the Marine & Coastal Area (Takutai Moana) Act.

Moreover we are also mindful that your cousin Denny is a direct descendant of a leading 19th century Ngāti Pāoa chief of this area, Rawiri Takurua, whom we have referred to in the marine reserve application report sent to you on 23 April this year. As with yourself the proposed reserve adjoins his ancestral land.

We note that Herearoaha has indicated conditions eg 'a partnership' in which Ngāti Pāoa would engage with us in this marine reserve application process. If that is the view of you and the board we would be only too glad to meet with you at a time and place of your convenience to discuss this matter further.

We wish you and the Iwi Trust Board well in your historical work.

Noho ora mai.

Mike Lee  
chair  
Friends of the Hauraki Gulf (inc)

On 19/07/2021, at 12:26 PM, Herearoaha Skipper <[herearoaha@gmail.com](mailto:herearoaha@gmail.com)> wrote:

Kia ora Mike & Alex

I would like to advise that Denny Thompson does not have the mandate to represent Ngāti Pāoa on matters such as this for Waiheke Island.

The Ngāti Pāoa Iwi Trust supports the protection of the environment but we will only engage in this being a partnership approach or being led by Ngāti Pāoa and other mana whenua.

Noho ora mai

**Herearoaha Skipper**  
Email: [herearoaha@waikato.ac.nz](mailto:herearoaha@waikato.ac.nz) | [herearoaha@gmail.com](mailto:herearoaha@gmail.com)  
Mobile: 027 2900 158

----- Forwarded message -----

From: Friends of the Hauraki Gulf <[friends.hg21@gmail.com](mailto:friends.hg21@gmail.com)>  
Date: Fri, 16 Jul 2021 at 15:35  
Subject: Newsletter Friends of the Hauraki Gulf July 2021  
To: <[herearoaha@waikato.ac.nz](mailto:herearoaha@waikato.ac.nz)>

**From:** Michael Lee mikeleeauckland@gmail.com  
**Subject:** Fwd: Proposed marine reserve  
**Date:** 17 April 2022 at 8:41 PM  
**To:**

ML

----- Forwarded message -----  
From: Chris Curreen <friends.hg21@gmail.com>  
Date: Wed, May 19, 2021 at 5:15 PM  
Subject: Proposed marine reserve  
To: <herearoha@gmail.com>



## Friends of the Hauraki Gulf

Kaitiakitanga Tikapa Moana / Te Moananui-ō-Toi

21 Tetley Rd  
Surfdale  
Waiheke Island 1081  
19th May 2021

Kia ora Herearoha,  
We were inspired by your words at the recent hui at Pirihahi marae where you expressed the need for extensive and long-lasting rāhui on all species.

As a concerned environmentalist you will be aware of the alarming decline in marine life around our island and across the Hauraki Gulf.

That decline, confirmed by numerous scientific reports, is very much down to human activities encroaching on the Gulf, such as industrial and agricultural pollution and overfishing.

While there have been years of meetings, discussions and debate about what to do about this, little has been done to protect that precious marine life. The Friends of the Hauraki Gulf are a group of Waiheke based marine environmentalists, with members on Great Barrier, Rakino and Auckland. We are deeply concerned about the continuing decline of our marine environment and what this will mean for our children and grandchildren. For that reason we believe it is high time for action. Earlier this year we came out in support of the Ngati Paoa rāhui. We believe however that much more needs to be done to achieve protection of our marine environment, its degraded ecosystems and the marine life that is struggling to survive.

We are therefore initiating an application for a marine reserve at the northwest end of Waiheke, from Hakaimango Point to Matiatia Point enabling permanent protection of approximately 2500 ha of the coastal marine area. This would be the biggest marine reserve in the Hauraki Gulf but it would still leave 99% of the Gulf open for fishing.

This proposal is based on recommendations of marine scientists who believe because of its size and location and its special attributes protecting this area would enable major benefits for the Gulf. The concept was formally received by the Waiheke Local Board in October 2017.

Our campaign is about to go live, but we thought because of your own interest in this issue we should give you a heads up. The proposal was sent to the Ngati Paoa Iwi Trust, and the Ngati Paoa Trust Board on 23 April 2021 - the same day it was sent to the Director-General of DOC.

Please see our draft application document, outlining in detail the background to our proposal and the unique benefits of the recommended site, attached below.





We seek your active support.  
ngā mihi

Handwritten signature of Mike Lee in black ink.

Mike Lee  
Chair  
[Mikeleeauckland@gmail.com](mailto:Mikeleeauckland@gmail.com)

Handwritten signature of Chris Curren in black ink.

Chris Curren  
Secretary  
[friends.hg21@gmail.com](mailto:friends.hg21@gmail.com)



Hakaimango.pdf



## Correspondence with the Ngāti Paoa Trust Board



23 April 2021

21 Tetley Road, Waiheke Island

Daniella Roebeck & Hauāuru Howard Rawiri  
Co-chairs  
Ngāti Paoa Trust Board,  
P.O Box 204 144  
Highbrook  
Auckland 2161

Tēnā kōrua e ngā rangatira.

Paoa Whanake, Paoa taringa rahirahi, Paoa puku nui. Kia ora koutou katoa.

Ngā mihi māhana ki a kōrua me ngā iwi o Ngāti Paoa, nō te Motu ārai roa. Me mihi hoki i ngā mate, haere, haere, haere.

I take this opportunity to warmly congratulate Ngāti Paoa on reaching a settlement with the Crown in regard to Ngāti Paoa's historic quest for justice under the Treaty of Waitangi after many years of tribulation and struggle. I recall the occupation of the Waiheke station by young Ngāti Paoa in 1984 and the support the people of Waiheke gave them at the time.

I am writing to you on behalf of the Friends of the Hauraki Gulf, a Waiheke-based marine conservation group founded in 2013 which has been campaigning for marine protection since that time. In January this year the Friends of the Hauraki Gulf wrote a submission supporting the Ngāti Paoa rāhui over the moana of Waiheke. We take this opportunity to thank the members of the Ngāti Paoa Trust Board in its kaitiaki role for raising concerns about the impacts on the marine environment from the marina activity at Kennedy Point, Waiheke.

Based on some eight years of discussion and debate and scientific surveys of the area, we are proposing a marine reserve over some 7.5km of coastline to the northwest of Waiheke. We are notifying Ngāti Paoa as mana whenua and kaitiaki of our intentions at the same time as your Treaty partners, the Crown. To this end we would be grateful if you and your board could find a convenient time to meet with us in due course to enable formal consultations to begin.

The aspiration by the Waiheke community for marine protection in this area goes back to the early 1990s, and especially since 2013 under the leadership of the Waiheke Local Board. The area has been scientifically surveyed, publicised, discussed and debated. This long process and awareness raising helped the achievement of a strong community consensus supporting the rāhui.

Please find attached the draft application document which we are sending to the Director-General of the Department of Conservation, Te Papa Atawhai. This will hopefully formalise the application so that our consultation with Ngāti Paoa becomes formal and statutory. I also enclose for the historical records of the Ngāti Paoa Trust Board a photo I recently found of a consultation I was once involved in back in 1993 when I was chairman of ARC regional parks committee, with the rangatira of Ngāti Paoa, led by the late Te Kaho Andrews, Andy Andrews and Hariata Gordon. Kore rātau e warewaretia.

Nāku iti noa, nā

Michael Lee  
Chairman

**Friends of the Hauraki Gulf (Inc.)**

## Correspondence with the Ngāti Paoa Iwi Trust



Friends of the  
**Hauraki Gulf**

Kaitiaki o Te Moana o Hauraki o Te Waipounamu o Te

23 April 2021

21 Tetley Road, Waiheke Island

Glen (Joe) Tupuhi  
Chairman  
Ngāti Paoa Iwi Trust  
PO Box 106 153  
Auckland 1010

Tēnā koe e te rangatira.

Paoa Whanake, Paoa taringa rahirahi, Paoa puku nui. Kia ora koutou katoa.

Ngā mihi tino māhana ki a koe e hoa Glen nō te Motu ārai roa – me to whānau hoki. Me mihi hoki i ngā mema poari, ngā rangatira o Ngāti Paoa. Me mihi poto i ngā mate, haere, haere, haere.

I take this opportunity to warmly congratulate Ngāti Paoa on reaching a settlement with the Crown in regard to Ngāti Paoa's historic quest for justice under the Treaty of Waitangi after so many years of tribulation and struggle. I recall the occupation of the Waiheke station by young Ngāti Paoa in 1984 and the support the people of Waiheke gave them at the time.

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Nāku iti noa, nā,

Michael Lee  
Chairman

**Friends of the Hauraki Gulf (Inc.)**

Correspondence with the Ngāti Paoa Iwi Trust Board



Friends of the  
**Hauraki Gulf**

Kaitiakitanga Tikapa Moana / Te Moananui-ā-Tōi

19 January 2022

Glen Tupuhi  
Chairman  
Ngati Paoa Iwi Trust Board  
tupuhiglen@gmail.com

Kia ora rangatira Glen

Ngā mihi mo to Tau Hou. I hope you and your whanau are keeping well and enjoying the summer.

This is a note on behalf of the Friends of the Hauraki Gulf just to let you know the Hākaimangō-Matiatia marine reserve proposal will be publicly notified tomorrow. A two-month period of public submissions/objections follows. I enclose a copy of the application report for the consideration of you and your board.

We are more than happy to meet to discuss any points of concerns you might have. We hope the Ngāti Paoa Iwi Trust could, as recognised mana whenua, just as it did with the rāhui, throw its korowai of mana over this sorely need marine protection measure. This would be enormously beneficial and really raise the profile of this process and the role of the NPIT. My best wishes to the Board.

Ngā mihi nui,

A handwritten signature in black ink, appearing to read 'Mike Lee'.

Mike Lee  
Chair  
Friends of the Hauraki Gulf Inc.



## Correspondence with the Ngāti Paoa Trust Board

### Ngati Paoa Trust Board

P.O. Box 204 144  
Highbrook  
Auckland 2161

22 February 2022

Friends of Hauraki Gulf  
C/- Michael Lee

Kia ora Michael

Thank you for your acknowledgement of the Tino Rangatiratanga and Kaitiaki status that sits with Ngati Paoa on Waiheke Island by engaging in kanohi te kanohi consultation with us.

We are very grateful that your team took the time to physically show us your Marine Reserve aspirations which aligned with the aspirations we also hold for the Hauraki Gulf.

As we discussed every Iwi/hapu has a coastline, stream, river or lake in their rohe, and all require their matauranga and tikanga principles to be listened to, for them to successfully participate in the decisions relevant to issues surrounding water, water quality, coastal development and climate change.

This has synergies with kaitiakitanga as a principle and has a direct connection to matauranga maori values, in that there is a wider awareness of the environment and allows for greater input into decisions that drive what science is being done.

The emphasis on oral and graphical transfer of knowledge, rather than written text, is often identified as a point of difference between western science and mātauranga māori and the trust board vision is that mātauranga māori and western science will offset and complement one another in the conservation of our marine environment.

Ngati Paoa are driven by principles of kaitiakitanga (environment responsibility), manaakitanga (capability building), and taonga tuku iho mō ngā uri whakatipu (guardianship of resources for future generations).

It is for all the above reasons that Ngati Paoa will walk alongside FoHG in support of the application to establish the Hakaimango-Matiatia Marine Reserve, and that the mana of Ngati Paoa Iwi/hapu support will help to make our joint aspirations a reality.

Nga mihi  
Danella Roebeck  
Co chair - Ngati Paoa Trust Board



### 3. Correspondence / information relating to adjacent landowners



Friends of the  
**Hauraki Gulf**

Kaitiakitanga Tikapa Moana / Te Moananui-ō-Toi

21 Tetley Rd  
Surfdale  
Waiheke Island 1081  
13 May 2021

Dear Korora Road, Delamore Drive and Alan Murray Lane residents

I am writing to advise you of our intention to notify an application for a marine reserve off the northwest coast of Waiheke Island centred at Owhanake Bay, extending from Hakaimango Point to Matiatia Point. We are writing to you prior to notification, as you are an adjoining landowner and as such you have the right to be consulted under section 5 of the Marine Reserves Act of 1971.

This particular site (see overleaf) was among several possible sites around Waiheke proposed by the Waiheke Local Board in 2016. After a series of surveys by marine biologists commissioned by Auckland Council, the coastal marine area of northwest Waiheke because of its unique natural values and potential for restoration was recommended as the pre-eminent site meriting formal protection. These scientific reports were formally received and endorsed by the Waiheke Local Board in October 2017.

Despite warnings from marine scientists about serious environmental decline in the Hauraki Gulf, especially over the last 20 years, no marine reserves have been gazetted in the Gulf for 10 years. Even then, the last one, Tawharanui Marine Reserve was already a no-take area. Despite repeated warnings from marine scientists, today less than 1 % of the coastal marine area of the Hauraki Gulf has full protection.

The Friends of the Hauraki Gulf, a Waiheke based marine conservation group has taken up this challenge because we believe urgent action is now needed to protect the unique marine environment of our island for present and future generations.

We acknowledge the different groups in our community who have been doing valuable work in order to achieve better outcomes for the marine environment of the Hauraki Gulf, e.g. the Rāhui. We believe the proposed Hakaimango – Matiatia Marine Reserve will complement this work.

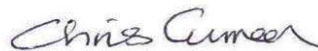
The Public Notice will be published in the Gulf News. The draft marine reserve proposal will be available for you to access at [www.friendsoftheaurakigulf.wordpress.com](http://www.friendsoftheaurakigulf.wordpress.com) after our launch . Until then we would appreciate your keeping this matter confidential.

The process to achieve a marine reserve is long and challenging, normally taking many years of consultation and investigation. However we would like to embark on this long journey by first obtaining your support.

In order to achieve this, we realise that it is of the utmost importance to engage with you and to hear and take on board your views on this proposal. To that end there will be a meeting on Sunday the 23rd May at 4pm at the home of Barry and Meg Fenton, 56 Korora Rd where we can present our case and hear your views. Please advise Chris if you would like to attend. We look forward to your response

Michael Lee  
Chair  
[mikeleeauckland@gmail.com](mailto:mikeleeauckland@gmail.com)

Chris Curreen  
Secretary  
[friends.hg21@gmail.com](mailto:friends.hg21@gmail.com)



### Proposed Hakaimango – Matiatia marine reserve





Friends of the  
**Hauraki Gulf**

Kaitiakianga Tāhapa Moana / Te Moananui-ō-Toi

c/- 21 Tetley Road  
Surfdale  
Waiheke Island 1081  
17 January 2022

Dear Korora Road, Delamore Drive and Alan Murray Lane residents,

**Proposed Hākaimangō – Matiatia (Northwest Waiheke) Marine Reserve**

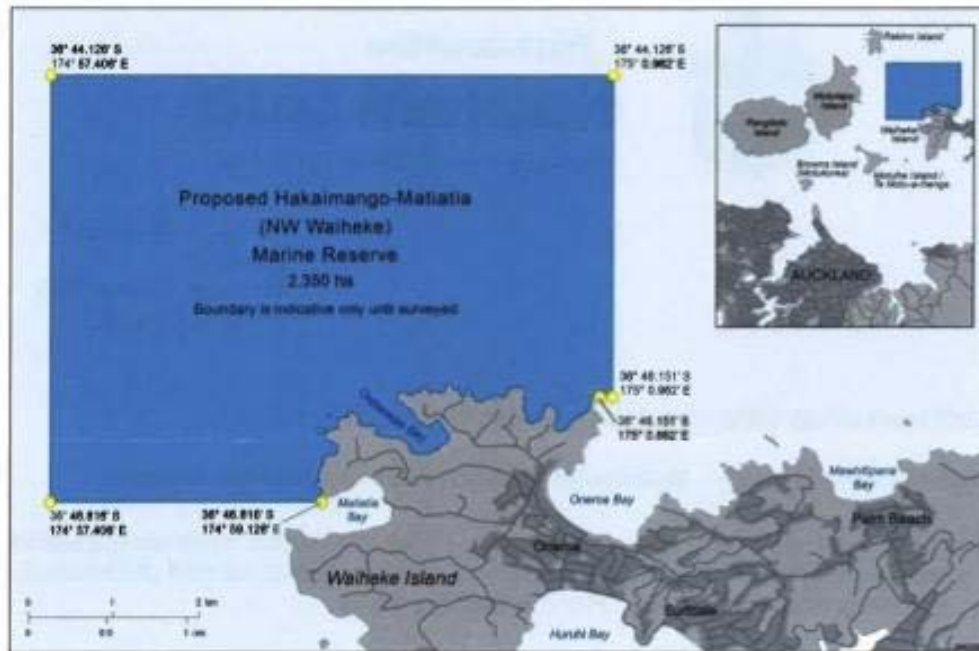
On 13 May 2021 we wrote to you advising you of our intention to make an application for a marine reserve off the northwest coast of Waiheke Island centred at Owhanake Bay, extending from Hakaimango Point to Matiatia Point.

On 23 May we presented to a well-attended meeting of local residents hosted by Barry and Meg Fenton, answered questions and heard your concerns. Those concerns mainly related to possible intrusive impacts of visitors to the area and increased traffic on Korora Road. Accordingly we removed references in our report which could be seen as a encouraging tourism and car-borne visitation, even deleting the reference to the Owhanake Bay carpark. We also resolved that if the proposal should be eventually successful we would energetically lobby the Waiheke Local Board to make Korora Road a bus-free thoroughfare.

Now after a nine month period of pre-notification consultations, meetings, discussions, engagements with various parties, including the Department of Conservation and regular newsletters we are writing to advise you that we will be formally notifying our application on 20 January 2022. Please see below details of finalised plan of the proposed marine reserve.

The boundaries of the proposed marine reserve encompass 2350 ha and comprise of all the area (within the meaning of the Marine Reserves Act 1971) enclosed by a line commencing at a point on the mean-high water springs near Matiatia Point/Head on the north shores of Matiatia Bay at 36° 46.816' S, 174° 59.126' E; proceeding in a straight line in a westerly direction to point at 36° 46.816' S, 174° 57.406' E; then proceeding in a straight line in a northerly direction to point at 36° 44.126' S, 174° 57.406' E; then proceeding in a straight line in an easterly direction to point at 36° 44.126' S, 175° 00.962' E; then proceeding in a straight line in a southerly direction to a point 36° 46.151' S, 175° 00.962' E; then proceeding in a straight line in a westerly direction to a point on the mean-high water mark near Hakaimango Point at the north-western extremity of Oneroa Bay at 36° 46.151' S, 175° 00.882' E then proceeding in a northerly, westerly then generally south westerly direction along mean-high water springs to the point of commencement.





Proposed Hākaimangō-Matiatia (NW Waiheke) Marine Reserve indicative boundary

The plan of the proposed marine reserve showing all tidal waters and the boundaries and extent of the area sought to be declared a marine reserve may be inspected at the Department of Conservation office Bledisloe House in central Auckland, and at Waiheke Public Library, Ocean View Road, Oneroa Waiheke Island. The full application document may be viewed online and downloaded at [FriendsOfHaurakiGulf.nz](http://FriendsOfHaurakiGulf.nz).

The Public Notice will be published in the *Gulf News*, *NZ Herald* and other main centre daily papers on 20 January. A follow up will appear in *Gulf News* the following week. The full application document may be viewed online and downloaded at [FriendsOfHaurakiGulf.nz](http://FriendsOfHaurakiGulf.nz). Hard copies of the full application document will be available at a cost of \$32 from the Friends of the Hauraki Gulf. Please email [friends.hg21@gmail.com](mailto:friends.hg21@gmail.com) and request a copy

Any person or organisation may object to the making of an Order in Council establishing the marine reserve by specifying the grounds of the objection in writing and submitting it to the Director-General, Department of Conservation within two months from the date of the first publication of this notice.

To make a submission to the Director General of Conservation:

- Fill out the online submission form at: [www.doc.govt.nz/waihekeproposal](http://www.doc.govt.nz/waihekeproposal)
- Email your submission: [waihekeproposal@publicvoice.co.nz](mailto:waihekeproposal@publicvoice.co.nz)
- Post a hard copy to:  
RE: Proposed Hākaimangō-Matiatia (Northwest Waiheke Island) marine reserve

Planning Permissions and Land Unit  
Department of Conservation  
PO Box 10420  
Wellington 6143  
New Zealand

The date of the first publication of this notice is 20 January 2022. The period for submitting objections closes (two months later) on 20 March 2022

This notice of intention to apply for a marine reserve is given by the Applicant, The Friends of the Hauraki Gulf inc.

For any questions about the application, contact the Applicant directly:

Yours sincerely



Michael Lee  
Chair



Chris Curreen  
Secretary

# Supportive submission from Christy Ralphs

## Yes in my backyard

Musings from island gardener Christy Ralphs

It didn't take long when I was studying for a degree in environmental management to be introduced to the idea of 'NIMBYs'. 'Not In My Backyard', if you don't already know, is a description of a common negative reaction of residents in a neighbourhood to a new development. Often it's something that typically no one would actively choose to have on their doorstep – a prison, for example. The signs along State Highway One near Warkworth show that at least some residents of the Dome Valley strongly object to a new landfill for the Auckland region being located there. And who could blame them? On Waiheke we are somewhat oblivious to the impact of our waste as it is shipped off the island (quite possibly soon to the Dome Valley). But imagine if we decided to take responsibility for it ourselves and dispose of our waste on our island? I can only imagine a battle of epic proportions as we all refused to contemplate the notion of a landfill next door to us.

It's not always the big ticket, negative items that get NIMBYism going though. It doesn't actually take much – any change can be hard for us as humans to deal with. What some people see as improvements, e.g. a

new cycle lane, others see as potential issues e.g. loss of off street car parking. And anything that puts restrictions around a place that didn't have restrictions previously is bound to trigger concern. A marine reserve for example.

Over the years that I have lived on this island I have seen and heard various conversations and situations come and go with regards to protecting the sea that surrounds us. Lately I have been following the progression of the new marine reserve proposal with interest, for it is, indeed, right in my backyard.

Our property borders Owhanake Reserve and our driveway is almost directly opposite the carpark. We look out over the reserve, and if I was bored I could entertain myself all day watching dog (and their walker's) antics from our deck. With the sound funneling effect of the valley, we can even hear your conversations on occasions (Be warned! Although seriously I have much more interesting things to do with my time than eavesdrop). We are arguably the property that could have the most potential downsides with increased traffic and visitors.

I have read all the objections. I have con-

sidered the effects. As humans it is entirely possible that we will stuff up the management and parking issues and toilets and increased traffic might be handled badly. But I'm willing to give it a chance, and take the risks, for there's a bigger picture at stake here.

One of the issues there is with understanding the need for marine conservation is that it is visually difficult to see the devastation, and the incremental negative changes over time. Over this summer of summers,

The blue water makes our ocean backyard look beautiful and pristine. But this belies the reality.

our sparkling water has never been more enjoyed and appreciated. The blue water makes our ocean backyard look beautiful and pristine. But this belies the reality. If we didn't have the water covering what lies beneath, we would be embarrassed and ashamed. Our marine backyard is the equivalent of a clear cut forest that has never been replanted. Report after report confirms the ever spiralling decrease in biodiversity and life in our moana. We don't need any more investigations. I've snorkelled in those other legendary marine reserves. And they are legendary for a reason. It's a magic experience to be surrounded by teeming fish of many different types, not just the occasional parore. Imagine that right on our doorstep.

I have to admit, when the proposed marina at Matiatia battle was being fought, I was bemused that everyone was suddenly so passionate about protecting the marine environment like never before. I often thought during those times that if an equivalent amount of money and energy could go into actively improving our marine environment then we could start making some actual positive difference to the devastation. For me, the proposed Matiatia marina was stopped primarily for aesthetic reasons and the indignant feelings about how no one should be able to take away a chunk of 'our gateway' to Waiheke. I can't help feeling that if it was truly about protecting the marine environ-

ment then the proposal at Kennedy Point would have had the same amount of energy directed into stopping it.

But now is the chance for our Waiheke community to step up. This time we all have the opportunity to support something positive that will have the best chance to make an impactful difference for our moana. I've read the research. I support other initiatives to improve our marine environment. But in terms of impact, there is absolutely nothing that comes even close to the benefits of hav-

ing a fully protected no-take marine reserve.

My teenager was not too impressed when we were discussing opponents of the proposed marine reserve. They pointed

out that it is going to be 20 years, at least, before the area recovers to anywhere near what reserves like Goat Island and the Poor Knights are like. In other words, it's their natural heritage we're talking about. My teenager is tired of all the talk and no action from older generations. They are angry that our generation have stuffed up the environment so badly, but at the end of the day make no meaningful changes. My teenager is sick of being invited to forums to represent the 'youth voice' where nothing ever gets done afterwards.

I feel their anger and their grief and their feelings of hopelessness, and I can't say anything because it's all true. Until now – right in our backyard, us rapidly greying adults



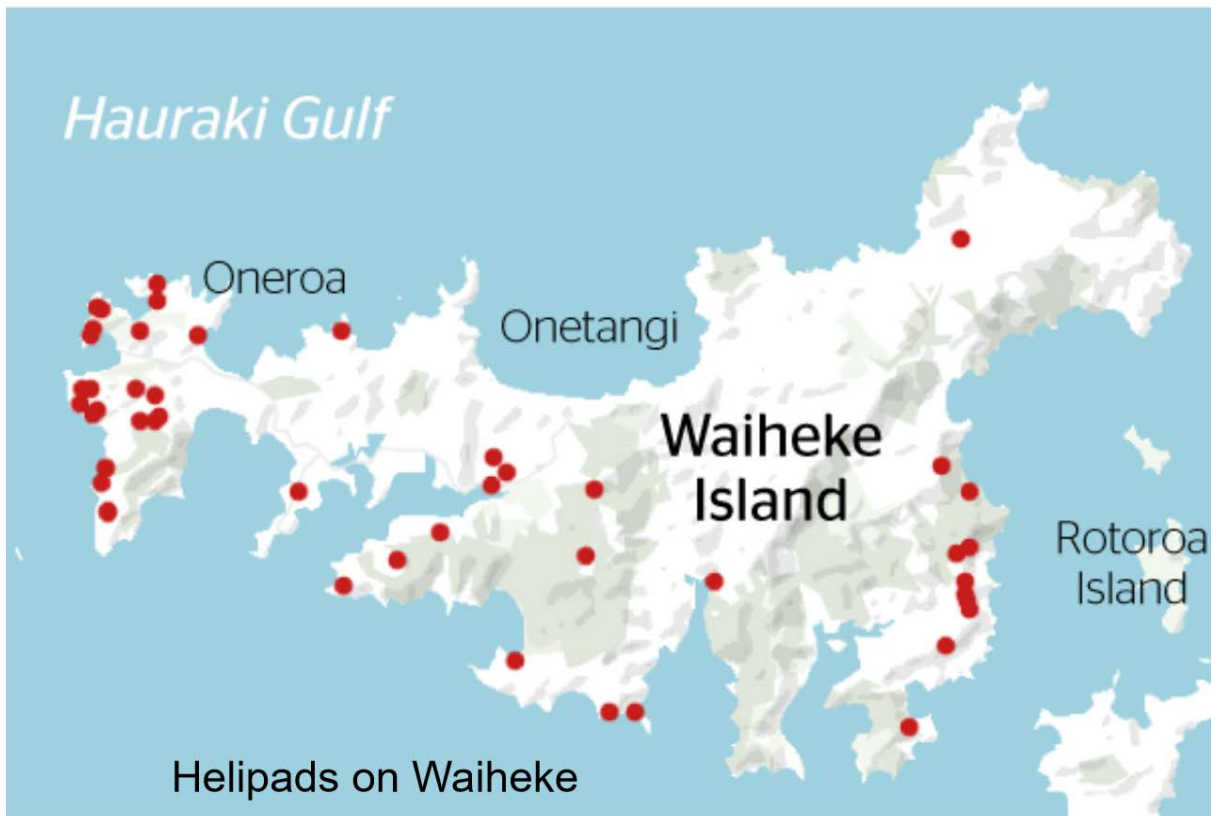
(or those already there) have a chance to put things right. To show that we do care about their future, that we are sorry for the devastation we have caused. A marine reserve in my backyard? Yes Please. •

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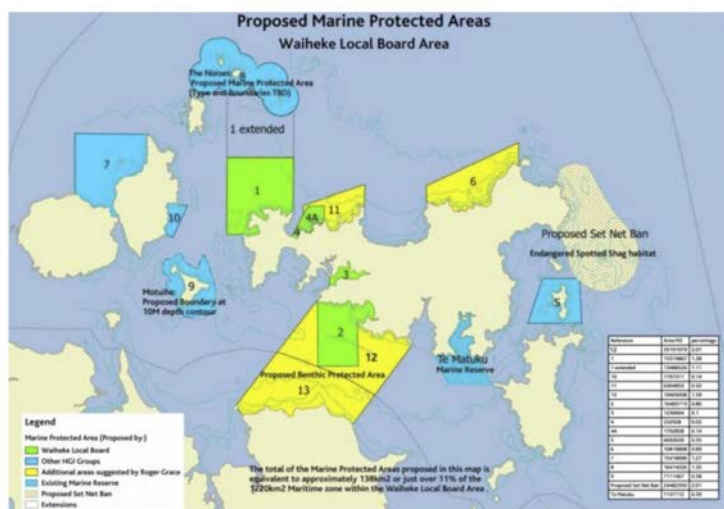
## Helicopter helipad map



## Map of proposed MPAs Gulf News 24 March 2016

### Bold plan for new marine reserves

By **Gulf News** - March 24, 2016 👁 2057 🗨 0



## Retrospective consent sought for path through covenanted bush

Retrospective consent is being sought by a Delamore Drive resident who was ordered to stop non-consented work on a path through covenanted bush on his property down to Owhanake Bay.

The owner of the property in question, Mr Richard Aitken, is deputy chair of Auckland Council Property Limited, a council controlled organisation that manages around \$900 million dollars worth of council assets.

Council planners are waiting on more information on the environmental impact of the path before making a decision on whether to grant retrospective consent.

The neighbour who alerted the council, Erin Clatworthy, says she first noticed the roughly 100-metre-long walkway in late April this year. She saw what appeared

tion, until it became very clear that it was a straight line with an angle going through the bush. That's when I photographed it."

She contacted Auckland Council planner Antony Yates and incident investigator Madeleine Rawlence and *Gulf News* understands that after a quick investigation a stop-work order was issued.

Mrs Clatworthy says she was surprised that someone in Mr Aitken's position would undertake earthworks

retrospective approval he will have to reinstate the bush and undo the works to create the track.

In papers lodged for the consent, Mr Aitken claimed not to have been aware of restrictions set out in the District Plan. It says 190 new trees were being planted to mitigate the removal of protected trees



The path leading to Owhanake Bay is two metres wide and almost 100 metres long.



Delamore Drive resident Erin Clatworthy first noticed the path in late April and contacted Auckland Council who issued a stop-work order.

to be tracks through the bush becoming more prominent over time.

"I could see what looked like a straight line developing in the bush. I looked and thought it's obviously just my imagina-

tion through covenanted bush without acquiring resource consent first.

According to the abatement notice - currently on hold while resource consent is sought - if Mr Aitken cannot acquire

within the covenanted area.

The retrospective resource consent seeks to "legally establish an existing pedestrian walkway" and states that "the intended use of the walkway is for pedestrian access only".

However Mrs Clatworthy says she believes the goal is actually to use it for motorised traffic as the new path is two metres wide and a public pedestrian walkway down to the bay already exists directly to the north and east of the property.

"He is entitled to do what he likes on his property provided he has proper consents," she said. "It doesn't worry me. But he is not entitled to cross the beach reserve and he's not entitled to create a road."

In an incident in 2010, she claims Mr Aitken attempted to widen a walking path on neighbours' properties.

At a meeting of Delamore Drive residents, the minutes showed Mr Aitken had said he had informed the owner of the

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neighbouring property in advance, and had been widening the path for motorised access (such as quad bikes) to take people and boating equipment down to the beach.

However, the owner of the property (who does not wish to be named) told *Gulf News* that Mr Aitken had not sought their permission before contractors began work.

Part of the path also ran across Mrs Clatworthy's property and she says she also not informed or asked for permission to alter part of the path on her property. She says workmen had made it approximately half way down the track when the council was alerted, a stop work order was issued and no further work done.

When approached by *Gulf News*, Mr Aitken did not want to comment. • *Martin Moore*



The owner of the property is currently seeking retrospective consent to establish the path as a pedestrian walkway.

## 4. The fisheries benefits of marine reserves

Many submitters do not understand the fisheries benefits of marine reserves. We have summarised them here:

1. It takes thirty six 30cm Tāmure / Snapper to make the same amount of eggs as one 70cm fish (Willis et. al., 2003). This marine reserve would dramatically increase egg production in the HGMP.
2. Marine reserves make a disproportionate (2,330% Tāmure / Snapper in the reserve at Leigh) larvae spillover. Adult Tāmure / Snapper within the reserve at Leigh were estimated to contribute 10.6% of newly settled juveniles to the surrounding 400km<sup>2</sup> area, with no decreasing trend up to 40km away (State of our Gulf 2020).
3. The proposed marine reserve is big enough for people to fish the borders with a clear conscience. Fishing here will be popular with many big fish leaving the area (See Halpern et. al. 2009 on spillover).
4. Juvenile Tāmure / Snapper leaving the Cape Rodney to Okakari Point (Goat Island/Leigh) Marine Reserve boosted the commercial fishery by \$NZ 1.49 million per annum (Qu et. al. 2021). Auckland University found 10.6% of juvenile snapper found throughout the Gulf – up to 55 km away were sourced from this one marine reserve. The researchers found economic benefits to the recreational fishery are even more substantial. There are other commercially fished species in the area. The proposed marine reserve is four times bigger than the Goat Island reserve.
5. Although MPAs were not initially conceived to help catch more fish outside their boundaries, well-enforced marine reserves can increase adjacent fishery catches, ensure the sustainability and increase the long-term profitability of local fisheries. See [Halpern et al., 2009](#)
6. All spatial limitations to protect fisheries displace fishing effort. These limitations are temporary while populations recover inside the managed areas. Once populations inside the protected area recover they make a disproportionate contribution to the fished population through the mechanisms explained above.

## 5. The recreational benefits of marine reserves

Benefit	Explanation
Fishing	Recreational fishers will enjoy vastly improved conditions just outside the boundaries of the reserve (See Appendix 7).
Shellfish gathering	Gatherers will enjoy vastly improved abundance outside the boundaries of the reserve (See Appendix 7).
Archaeological fossicking	Part of the marine reserve coastline and seabed is already a designated scientific reserve for the reason of its rich fossil deposits (Fossil Bay). The marine reserve will have no impact on this – in fact it will increase surveillance, and thereby compliance, of this no-take activity.
Bird watching	Many more birds to view. The marine reserve will offer the closest place to Auckland central, for the great pleasure of observing, working and roosting seabirds.
Dog walking	Exercising dogs on the existing coastal walkway will not be affected by the creation of the marine reserve. The marine reserve will simply make the chore more enjoyable for the humans.
Board sailing	Board sailors will enjoy sailing amongst rich and recovering marine life.
Scuba diving, snorkeling and free diving	Experiencing underwater ecosystems with rich and recovering marine life. Users will be safer from discarded fishing gear including hooks and nylon.
Sea swimming	The marine reserve will have no effect on swimmers, and in fact will only enhance the experience with more filter feeders cleaning the water and opportunities for wildlife interactions. Swimmers will be safer from discarded fishing gear including hooks and nylon.
Multisports events (Iron Man etc)	Events like this will not be affected by the marine reserve. Competitors and their supporters will have vastly improved views. Competitors will be safer from discarded fishing gear including hooks and nylon.
Motorboating	Many marine species can be experienced from the surface including dynamic aggregations with thousands of marine animals. The scale and frequency of these events is likely to increase.
Multisports events (Iron Man etc)	Events like this will not be affected by the marine reserve. Competitors and their supporters will have vastly improved views. Competitors will be safer from discarded fishing gear including

	hooks and nylon.
Photography on land and on the surface	Documenting the rich and recovering marine life, there will be an increase in the diversity of human activities to photograph too.
Underwater photography	See above. Additionally underwater photography is one of the most common activities in marine reserves. Underwater photographers provide an important public service in sharing their experiences to raise awareness of the marine environment.
Recreational rowing	Rowers will enjoy moving amongst rich and recovering marine life; indeed, their craft are ideally suited to marine species observations.
Waka ama paddling	Sharing the sea with rich and recovering marine life, and a profound boost to the tikanga of the spirituality of the natural world. The marine reserve will enable those interested in māori history to see the abundance of marine life their tīpuna lived in.
Stand-up paddleboarding, Sailing (keelboats and multihulls), Sailing (dinghies), Sea kayaking	Sharing the sea with rich and recovering marine life; indeed, these craft are ideally suited to marine species observations.
Walking	Enhanced views; many more memorable experiences in sharing the coast with rich and recovering marine life.
Experiential learning	Additional to the educational benefits (See Appendix 9) marine reserves provide opportunities for making observations that are not available or rare in unprotected areas.



## 6. The educational benefits of the proposed marine reserve

Benefit	Explanation
Citizen science projects <ul style="list-style-type: none"> <li>● Waiheke High School</li> <li>● Waiheke Collective</li> <li>● Waiheke Resources Trust</li> <li>● Re-wilding koura</li> </ul>	<p>These Waiheke Island-based institutions all have programmes that would benefit greatly from the establishment of the marine reserve.</p> <p>These projects will also contribute to New Zealand's kete of knowledge. For example, people working on Jobs in Nature projects for the Waiheke Resources Trust already input real-time environmental information into a custom app. Those working on the boundaries and within the marine reserve area, will be able to add valuable information to this.</p>
Experiencing Marine Reserves visits	<p>The Hākaimangō--Matiatia Marine Reserve will offer the closest venue to Auckland for this valuable, nation-wide community and junior school activity, where young people are taken to enjoy marine reserves in a safe and supervised manner. See <a href="https://www.emr.org.nz/">https://www.emr.org.nz/</a></p> <p>EMR is a supporter of the Hākaimangō-Matiatia Marine Reserve initiative; and has worked with the applicant since 2012.</p>
Guided tours	<p>Community events, such as the Waiheke Walking Festival will benefit greatly from the additional attractions the marine reserve will offer.</p>
Moana Rangers' Training	<p>The future management of the Hauraki Gulf Marine Park will rely on many moana rangers.</p> <p>The Hākaimangō-Matiatia Marine Reserve will provide a perfect outdoor classroom for their tuition. The Waiheke community already has established the career path for this, with the NCEA-recognised qualifications earned at the Waiheke High School Sea Sports Academy providing a significant foundation towards the tertiary qualification Outdoor Leadership.</p>
PADI instructing (scuba tuition)	<p>The Hākaimangō-Matiatia Marine Reserve will provide the best and most-accessible-to Auckland venue for this. PADI have courses on Underwater Photography, Videography, Naturalist, Fish Identification, Reef Conservation, Project AWARE, and Shark Conservation. Read more here <a href="https://www.padi.com/courses/">https://www.padi.com/courses/</a> Another scuba tuition programme called SSI has similar courses.</p>



<p>Tertiary-level and post-graduate scientific research</p>	<p>The Hākaimangō--Matiatia Marine Reserve will add to the existing (though very small) marine laboratory of the University of Auckland, which is based at Goat Island near Leigh.</p> <p>Hākaimangō-Matiatia Marine Reserve is larger than the Goat Island reserve, and so will offer many more scope, and unparalleled opportunities for comparative research between marine reserves, rāhui, 'High Protection' and normal fishing restrictions areas.</p> <p>Hākaimangō--Matiatia Marine Reserve will offer access to marine research for many other Auckland-based tertiary education institutions.</p>
<p>Waiheke High School Sea Sports Academy</p>	<p>All the modules of the existing and very successful Waiheke High School Sea Sports Academy will be enhanced by the proximity of Hākaimangō--Matiatia Marine Reserve.</p> <p>Over the years the scuba-diving module has proved to be consistently the most popular among students. But they had to travel a great distance to enjoy the sights of a marine reserve.</p> <p>The Hākaimangō--Matiatia Marine Reserve will add immeasurably to the students' experiences, and the reputation of the Waiheke High School.</p>
<p>Pre and Primary School learning</p>	<p>The young students of Waiheke will all benefit from the proximity of the Hākaimangō-Matiatia Marine Reserve, in their introduction to the wonders of the natural world, and the tikanga of maatauranga Māori.</p> <p>The Fossil Bay Steiner School is on land that actually adjoins the Hākaimangō--Matiatia Marine Reserve.</p> <p>This would become the first New Zealand school to have this extraordinary benefit.</p>

## 7. Research projects suggested for the proposed marine reserve

No-take marine reserves provide a solid datum for measuring other changes due to harvesting of fish / invertebrates / flora etc by humans. In fact, it could be argued, they are the only truly reliable guideline for measuring, not only fluctuating fish stocks, but entire sub-aquatic ecosystems over time. The proposed marine reserve is in a unique location and of a larger size than anything studied before in the Hauraki Gulf Marine Park. The applicant has compiled this list of research areas from discussions with researchers and interested parties throughout the consultation period.

- The important packhorse crayfish nursery / habitat reefs, which run in a narrow west-east band across the northern coast of Waiheke Island, provide an unparalleled opportunity to study breeding and dispersal behaviours of this species, which happens to be the largest lobster in the world. Baseline data has been gathered by marine and citizen scientists. Further research could help us understand how different management areas impact lobster abundance and seasonal migrations in and out of the Gulf for not only the packhorse but also the red crayfish species.
- The north-facing aspect, combined with the size, of the proposed reserve, provides the perfect habitat for the return, and restoration, of umbrella reef species / apex reef predators long fished out and absent for much of the last century: schooling 40+ kg hapuku in shallow waters, and aggregations of up to 100 giant boarfish (to name but two representative species) working the sand, mud and sponge gardens of the seabed. Once such species reestablish there will be an unprecedented opportunity (for researchers, citizen scientists and matauranga practitioners) to log reef predator / prey interactions and dispersal throughout the Marine Park and beyond.
- Another useful experiment could determine if those hapuku juveniles / sub-adults dispersing from Te Matuku Reserve (the mangrove forests are nursery grounds for many species, including tamure / snapper) end up establishing territories within the proposed reserve area, and those other suitable habitats where they will not be immediately fished out. Note: Hapuku/large grouper species have an insatiable appetite for baited hooks, more so than any other fish, and thus are one of the very first species to be totally fished out in an area.
- Taking a strategic long-term view, the practice of Matauranga Māori can only be enhanced. Future generations of Ngāti Paoa (and all other Kiwis) will be exposed to these long-lost nga ika / nga kararehe returning to the shores of Waiheke Island.
- Likewise, cultural take in the grounds adjacent to the MPA will ultimately be inundated with the full suite of kaimoana. This phenomenon would be worth a scientific study in its own right.
- A kina study could be initiated, comparing populations within the proposed reserve (kept in check by the staged return of large predatory reef fish), with those in situ kina populations running amok outside of the reserve.

- Once the biomass of reef fish within the proposed reserve approximates what it was a century ago, would we see the return of world record-sized yellowtail kingfish to the waters of Waiheke Island? Note: these big pelagics were fished, in season, up to the 1940s. And what of shark biomass and other semi-pelagics like trevally?



Photo Andy Spence