

Report to the Minister of Conservation on the southeast marine reserves application

Attachments C–I



Department of Conservation
Te Papa Atawhai



**Te Kāwanatanga
o Aotearoa**
New Zealand Government

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Cover: New Zealand sea lions off the Otago coast. *Photo: © Michael Ellison*

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DOC advice to Minister of Conservation on proposed marine reserves - Southeast Marine Protection - Volume 3 - DOC-7350701

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Attachment C

A3 Summary of Departmental advice – key recommendations

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Southeast Marine Protection (SEMP) – six proposed marine reserves

SEMP will significantly advance New Zealand’s marine protection goals

There are currently no marine protected areas (MPAs) in the southeast region of the South Island. Following ministerial direction, Te Papa Atawhai and Tini a Tangaroa have undertaken statutory consultation on a proposed network of MPAs, which includes six marine reserves, five Type 2 MPAs and one kelp protection area (see map overleaf). This A3 provides a high-level summary of the areas proposed as marine reserves under the Marine Reserves Act 1971. Tini a Tangaroa are concurrently progressing the other proposed MPAs under the Fisheries Act 1996.

The proposed marine reserves and the wider network will significantly advance marine protection goals in Te Mana o te Taiao, and our international commitment to the UN Convention on Biological Diversity. Each marine reserve would provide unique scientific opportunities. They are also expected to contribute to public wellbeing and enjoyment with the benefits of people experiencing more natural areas, recreational activities, benefits for fisheries, enhanced education and ecotourism opportunities, and mitigation effects of climate change. SEMP would almost double the km² of marine reserves around mainland New Zealand

DOC recommends establishing all six marine reserves with some conditions and measures

	Measures to mitigate potential impacts of marine reserves	Marine Reserve					
		1	2	3	4	5	6
Order in Council conditions	Continued enhancement of mātauraka Māori and wānaka	✓	✓	✓	✓	✓	✓
	Retrieval of kōiwi tākata and archaeological artefacts, dead marine mammals and marine mammal parts	✓	✓		✓	✓	✓
	Removal of <i>Undaria pinnatifida</i>	✓	✓		✓	✓	✓
	Require generational reviews	✓	✓	✓	✓	✓	✓
	Fossicking of beach materials	✓	✓		✓		✓
	Existing, future discharge of contaminants, stormwaters	✓			✓	✓	
	Vehicle access over the foreshore for launching a vessel		✓		✓		
	Existing, future structures, replacement and maintenance				✓		
	Existing, future erosion remedial activities and monitoring				✓		
	Disturbance of the foreshore for flood protection				✓		
	Gamebird and unprotected waterfowl hunting		✓				
	Pollution response	✓	✓	✓	✓	✓	✓
	Other measures	Amend the boundary to exclude key kōura fishing area				✓	
Amend the boundary to allow for flood protection					✓		
Formal co-management with Kāi Tahu to be implemented		✓	✓	✓	✓	✓	✓
Kāi Tahu ranger roles are provided for		✓	✓	✓	✓	✓	✓
Periodic reviews are incorporated into co-management		✓	✓	✓	✓	✓	✓
Use of te reo Māori names confirmed by papatipu rūnaka		✓	✓	✓	✓	✓	✓
Placement of pou whenua		✓	✓		✓		✓
No intention to pre-empt or negatively impact on the Ngāi Tahu Whānui application for customary marine title		✓	✓	✓	✓	✓	✓

Treaty partner Kāi Tahu currently support the proposed marine reserves with Te Papa Atawhai’s recommended conditions and measures

All proposed MPAs are within the takiwā of Kāi Tahu. Kāi Tahu expressed concern that the MPAs (particularly the marine reserves) would impact on their rights and interests. In December 2022, Kāi Tahu stated their support for the proposed marine reserves, if Te Papa Atawhai’s recommended conditions and measures are approved. Kāi Tahu also sought Ministerial commitments to funding and co-management during or following ministerial decision-making on the proposed MPAs. Subsequently, Te Papa Atawhai’s advice was updated with new commercial fisheries data. Kāi Tahu are considering what this means for their position on the proposed marine reserves.

1. Waitaki – 101 km²

- Typical boulder, gravel and mud habitats, kelp beds and rhodoliths
- Freshwater and sediment input from the Waitaki River create unique natural features

2. Te Umu Koau – 96 km²

- From estuary to deep reef habitats
- Diverse range of typical habitats in close proximity
- Unique volcanic rock reefs, reef shelves and sea caves

3. Papanui – 173 km²

- Typical submarine canyon and deep-water sand habitats
- Unique bryozoan habitats

4. Ōrau – 29 km²

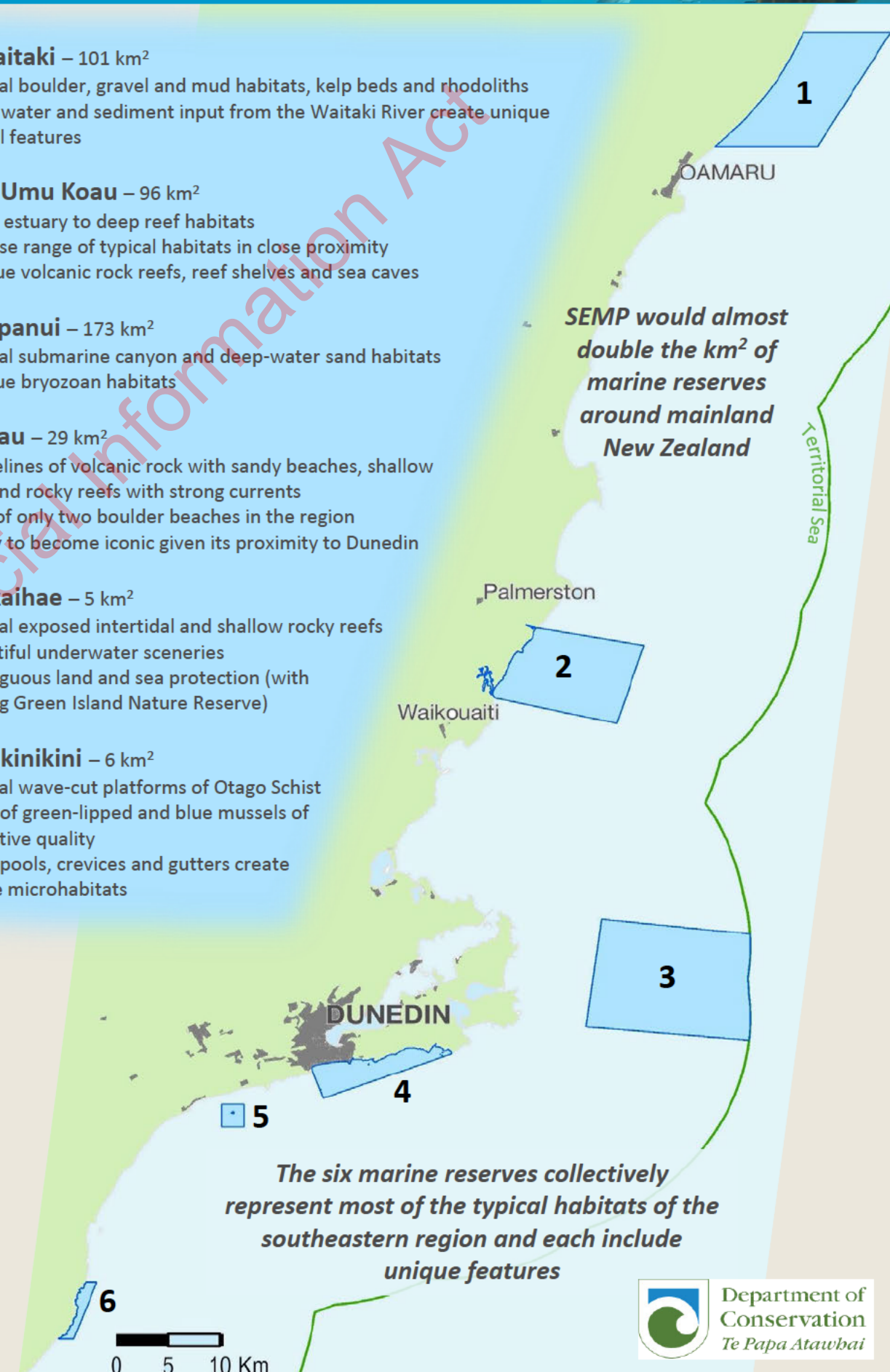
- Shorelines of volcanic rock with sandy beaches, shallow sand and rocky reefs with strong currents
- One of only two boulder beaches in the region
- Likely to become iconic given its proximity to Dunedin

5. Okaihae – 5 km²

- Typical exposed intertidal and shallow rocky reefs
- Beautiful underwater sceneries
- Contiguous land and sea protection (with existing Green Island Nature Reserve)

6. Hākinikini – 6 km²

- Typical wave-cut platforms of Otago Schist
- Beds of green-lipped and blue mussels of distinctive quality
- Rock pools, crevices and gutters create unique microhabitats



Southeast Marine Protection (SEMP) – proposed network of 12 MPAs

The six proposed marine reserves are part of a proposed wider network of 12 marine protected areas in the southeast region of the South Island – see map at right.

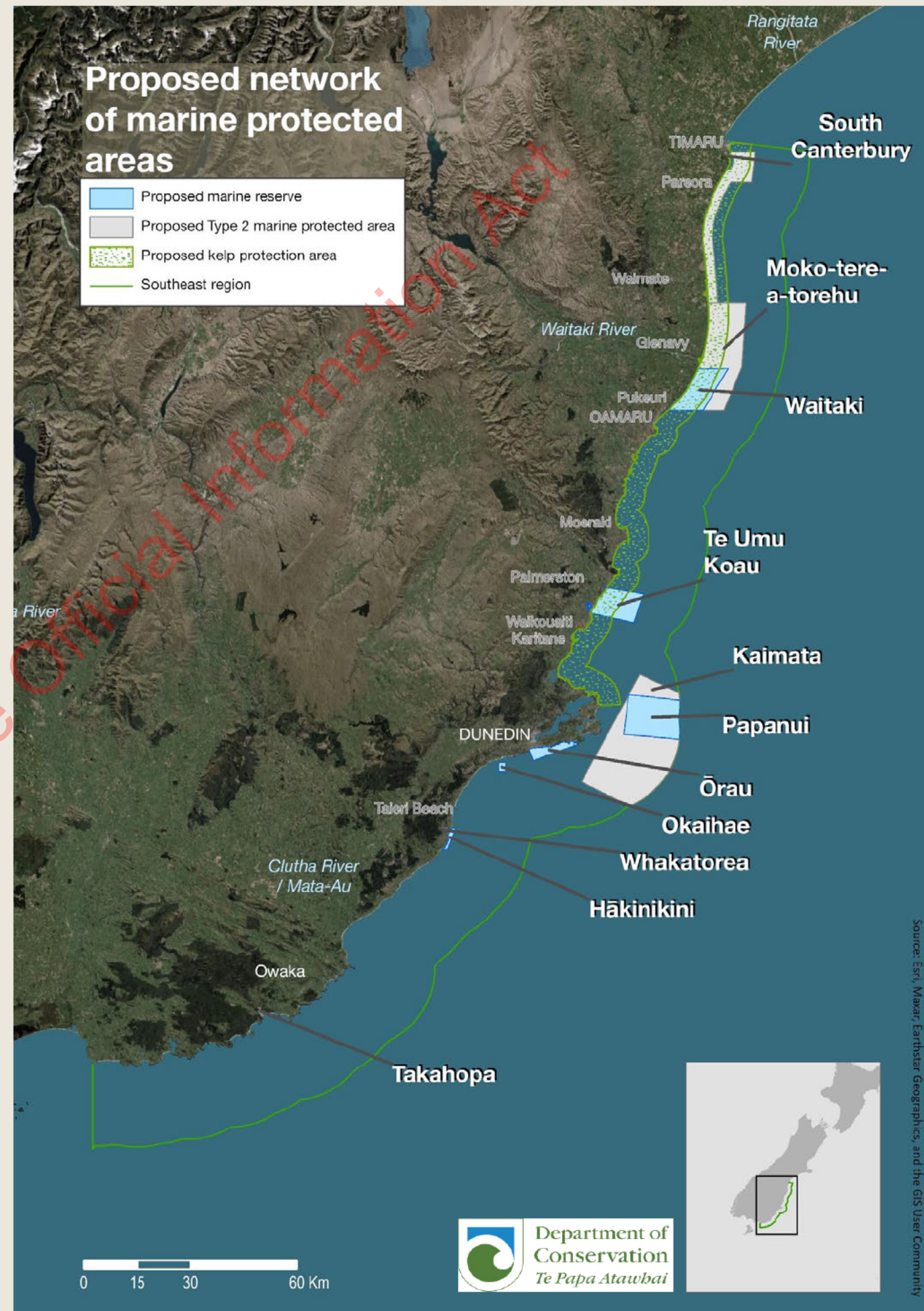
Photos taken off the Sandfly Bay area (proposed Ōrau marine reserve).

Left, top to bottom:

- Pāua, starfish and coralline seaweeds on rocky reef
- New Zealand sea lions
- Trumpeter and blue moki

Below

- Koura (rock lobster) in a rocky reef crevice, with coralline seaweeds, anemones and sponges.



Attachment D

Independent review report on the Director-General's process and advice

Released under the Official Information Act

16 May 2023

Penny Nelson
Director-General of Conservation
Conservation House
PO Box 10420
Wellington 6140

Dear Penny,

Re: Change to SEMP Advice post Fisheries NZ data update

The Department has informed me that Fisheries New Zealand has provided updated information, with an additional 2 years of ERGPR data on catch records for commercial fisheries in the Quota Management Areas of relevance to the South East Marine Protection (SEMP) proposed marine reserves. I note that DOC have changed its advice to the Minister in response to the updated ERGPR data, amending the numbers and associated text to reflect the updated data. Furthermore, I note that DOC have not changed its recommendations to the Minister, as the data did not support changing the recommendations.

I note that:

1. Regarding the Te Umu Koau boundary amendment:
 - a. The new data updates the commercial catch percentages in the D1 boundary, from 11.5% to 13.1% of the total CRA7 catch taken at this site.
 - b. The new data updates the commercial catch for the proposed D1-A boundary, with an increase from 3.6% to 5.1% of the total CRA7 catch taken at this site.
2. Some limited Kina harvest is now being recorded, which had not occurred prior to the new information.
3. There has been an overall decrease in set-net catch at the proposed Papanui marine reserve, reduced from 18% to 13.6% of the total set-net catch for this QMA. For some fishers, the proportion of set net catch increased, however this accounted for <1% of the overall catch.
4. Regarding the views of Kāi Tahu and DOC obligations under section 4 of the Conservation Act 1987, DOC have made Kāi Tahu aware of the updates and will continue to discuss how Kāi Tahu wish to approach any reassessment of their views.

This letter is intended to acknowledge the changes and inform you that this does not change our recommendations to the Minister.

Yours Sincerely,

9(2)(a)

Dr Nigel Bradly
Chief Executive Officer
EnviroStrat Ltd

Department of Conservation

South-East Marine Protected Areas Application

Independent Process Review

Released under the Official Information Act

Executive Summary

The Director-General of the Department of Conservation (DOC), on behalf of the Minister of Conservation (the Minister), has engaged EnviroStrat Limited to undertake an independent review of the statutory process and advice up to the point of decision making by the Minister for the proposed Southeast Marine Protection marine reserves and DOC's advice on the application. The purpose of the Review is to give further confidence to the public and the Minister that due process has been followed under the obligations set out in the *Marine Reserves Act 1971*, with reference to the *Marine and Coastal Area (Takutai Moana) Act 2011* and the *Conservation Act 1987*.

The Terms of Reference for this Review are:

1. *Has the Director-General, as applicant, complied with the procedural requirements of section 5(1) to (5) of the Marine Reserves Act 1971?*
2. *Has the Director-General, as applicant, fairly and appropriately carried out their responsibilities for administration and management of the statutory process post notification?*
3. *Does the Director-General's report/advice fairly represent the concerns raised in the objections and qualified submissions made?*
4. *Comments on whether the Minister should uphold any objection having regard to the statutory criteria set out in section 5(6)(a) to (e):*
 - a. *interfere unduly with any estate or interest in land in or adjoining the proposed reserve*
 - b. *interfere unduly with any existing right of 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?*
5. *In regard to matter #4, the reviewer's response should take into account the Department of Conservation's obligations to give effect to the Principles of the Treaty of Waitangi pursuant to section 4 of the Conservation Act 1987, and the Minister's obligation to give particular regard to views of affected whānau, hapū and iwi provided under the conservation participation requirements of the Marine and Coastal Area (Takutai Moana) Act 2011.*

Out of Scope

The Review does not include:

- A consideration of the merits of the application under Section 5(9) of the Marine Reserves Act.
- Advising the Minister as to any final decision that should be made in respect of the application.
- Consideration of any marine protected areas proposed by the SEMP process that are not proposed marine reserves.

- Direct engagement with agencies (other than DOC for clarification of facts where necessary), iwi, members of the public, or stakeholders.

Summary of Findings

1. *Has the Director-General, as applicant, complied with the procedural requirements of section 5(1) to (5) of the Marine Reserves Act 1971?*

Finding One: The procedural requirements under section 5(1) to (5) of the Marine Reserves Act 1971 have been met.

2. *Has the Director-General, as applicant, fairly and appropriately carried out their responsibilities for administration and management of the statutory process post notification?*

Finding Two: The Director-General has fairly and appropriately performed their responsibility for administration and management of the statutory process post notification.

3. *Does the Director-General's report/advice fairly represent the concerns raised in the objections and qualified submissions made?*

Finding Three: The Director-General's report and advice fairly represents the concerns raised in the objections and qualified submissions.

4. *Comments on whether the Minister should uphold any objection having regard to the statutory criteria set out in section 5(6)(a) to (e):*

Finding Four:

- a. *interfere unduly with any estate or interest in land in or adjoining the proposed reserve*

Regarding 5(6)(a), DOC acknowledges the proposed Ōrau and Okaihae marine reserves would cause undue interference for the Dunedin City Council (DCC) and have made recommendations to address this. Considering the recommendations to accommodate DCC's requests and should the Minister agree on the proposed recommendations, our finding is that the Minister should not uphold any objection made under Section 5(6)(e) as likely causing undue interference.

- b. *interfere unduly with any existing right of navigation*

Regarding 5(6)(b), there is no undue interference.

- c. *interfere unduly with commercial fishing*

Regarding 5(6)(c), in responding to concerns raised by Te Ohu Kaimoana and the commercial fishing sector, DOC acknowledges undue interference would likely occur at the proposed Te Umu Koau marine reserve. Approximately 11.5% of total commercial kōura catch for CRA7 is currently sourced within the proposed boundaries of Te Umu Koau marine reserve. DOC recommend a boundary change to the proposed Te Umu Koau marine reserve to reduce the impact on the commercial rock lobster sector in the area known as "The Church". This boundary change (if adopted by the Minister), would reduce the affected CRA7 catch within the proposed marine reserve from approximately 11.5% to

approximately 3.6%, significantly reducing the economic impact on the commercial kōura fishery. Should the Minister agree on the proposed boundary change, our finding is that the Minister should not uphold any objection made under Section 5(6)(c) as likely causing undue interference.

- d. *interfere unduly with or adversely affect any existing usage of the area for recreational purposes*

Regarding 5(6)(d), there is no undue interference.

- e. *otherwise be contrary to the public interest?*

Regarding 5(6)(e), DOC considers there would be undue interference for waterfowl management at Stony Creek and Pleasant River estuary. As such, DOC recommends some hunting be allowed to continue in the Pleasant River and Stony Creek areas. Should the Minister agree on the proposed change, our finding is that the Minister should not uphold any objection made under Section 5(6)(e) as otherwise being contrary to the public interest.

5. *In regard to matter #4, the reviewer's response should take into account the Department of Conservation's obligations to give effect to the Principles of the Treaty of Waitangi pursuant to section 4 of the Conservation Act 1987, and the Minister's obligation to give particular regard to views of affected whānau, hapū and iwi provided under the conservation participation requirements of the Marine and Coastal Area (Takutai Moana) Act 2011.*

Finding Five: DOC has met its obligations arising from section 4 of the *Conservation Act 1987*, and under the conservation participation requirements of the *Marine and Coastal Area (Takutai Moana) Act 2011*.

DOC has adopted the following principles in assessing and meeting its obligations:

1. Partnership
2. Informed decision-making
3. Active protection
4. Redress

There has been significant, ongoing engagement between the Crown and Kāi Tahu aligned with the above principles, and a range of outcomes have been agreed / or are subject to agreement following Ministerial decisions regarding the marine reserves.

Regarding the *Marine and Coastal Area (Te Takutai Moana) Act 2011*, DOC have engaged with local rūnaka via email prior to the statutory consultation commencement. During the statutory consultation, persons who identify as tangata whenua were able to specify this, and this was used to identify persons affiliated with Kāi Tahu. These are presented separately in DOC's advice so the Minister can 'give particular regard' to these views.

The process has been consistent with *Te Takutai Moana Act 2011*, and the views of affected iwi, hapū, and whānau are presented accurately throughout the Report to the Minister.

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Introduction

The Director-General of the Department of Conservation / Te Papa Atawhai (DOC), on behalf of the Minister of Conservation (the Minister), has engaged EnviroStrat Limited to undertake an independent review. EnviroStrat reviewed the advice for the six marine reserves proposed by the *South-East Marine Protection Forum* as part of its 'Network 1' option. The review assesses the statutory process up to the point of decision making by the Minister for the marine reserves and DOC's advice on the application. An independent review is provided for under section 5(6) of the *Marine Reserves Act 1971*.

The purpose of the Review is to give further confidence to the public and the Minister that due process has been followed under the obligations set out in the *Marine Reserves Act 1971*, with reference to the *Marine and Coastal Area (Takutai Moana) Act 2011* and the *Conservation Act 1987*.¹

The Terms of Reference for this Review are:

1. *Has the Director-General, as applicant, complied with the procedural requirements of section 5(1) to (5) of the Marine Reserves Act 1971?*
2. *Has the Director-General, as applicant, fairly and appropriately carried out their responsibilities for administration and management of the statutory process post notification?*
3. *Does the Director-General's report/advice fairly represent the concerns raised in the objections and qualified submissions made?*
4. *Comments on whether the Minister should uphold any objection having regard to the statutory criteria set out in section 5(6)(a) to (e):*
 - a) *interfere unduly with any estate or interest in land in or adjoining the proposed reserve*
 - b) *interfere unduly with any existing right of 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?*
5. *In regard to matter #4, the reviewer's response should take into account the Department of Conservation's obligations to give effect to the Principles of the Treaty of Waitangi pursuant to section 4 of the Conservation Act 1987, and the Minister's obligation to give particular regard to views of affected whānau, hapū and iwi provided under the conservation participation requirements of the Marine and Coastal Area (Takutai Moana) Act 2011.*

Out of Scope

The Review does not include:

¹ In particular, section 4 of the Conservation Act 1987

- A consideration of the merits of the application under Section 5(9) of the Marine Reserves Act.
- Advising the Minister as to any final decision that should be made in respect of the application.
- Consideration of any marine protected areas proposed by the SEMP process that are not proposed marine reserves.
- Direct engagement with agencies (other than DOC for clarification of facts where necessary), iwi, members of the public, or stakeholders.

Methodology

The following documents were reviewed:

- *The Director-General's Application for Marine Reserves in the Southeast Marine Protection Area*
- *Proposed Southeast Marine Protected Areas Consultation Document June 2020*
- *Proposed Southeast Marine Protection Area Summary of Submissions September 2020 (Bothwell et al., 2020)*
- *Report to the Minister of Conservation on the southeast marine reserves application – Volume 1: Assessment of application and analysis of views received* (referred to as 'the Report to the Minister')
- *SEMP Statutory Consultation 2020 Submissions* PublicVoice Index²
- Contact List for Marine Reserves Act Section 5(1)(d)

The South-East Marine Protection Process

In 2014, the South-East Marine Protection Forum (the Forum) was established to consider and recommend marine protection options for the southeast area of the South Island.³ In 2018, the Forum delivered its recommendations to the Ministers of Conservation and Fisheries. This was a non-statutory process which produced two network options for the Ministers to consider (Table 1). The Ministers chose Network 1 and the statutory process began. The statutory process informed the DOC's advice report to the Minister (Table 2).

Table 1. Timeline of SEMP Forum process (2014 –2018)

Date	Process
2014	South-East Marine Protection Forum established to provide recommendations to the Ministers of Fisheries and Conservation on a Network of MPAs from Timaru to Waipapa Point.

² A copy can be found on the DOC website, along with the bundles A-T of submissions, see [here](#).

³ Department of Conservation, 2023 *Report to the Minister of Conservation on the southeast marine reserves application- assessment of application and analysis of views received*

October 2016	Public consultation led by South-East Marine Protection Forum (2,800+ submissions received)
23 February 2018	The SEMP Forum provided two network options to the Ministers of Conservation and Fisheries for their consideration.

Table 2. Timeline of Statutory Process (2019 – present)

Date	Process
11 May 2019	Ministers' public announcement to progress Network 1 ⁴
17 February 2020 – 9 April	Joint DOC/Fisheries New Zealand (FNZ) statutory notification process for Network 1 public consultation commenced but withdrawn 9 April due to New Zealand's COVID-19 Alert Level 4 restrictions
3 June 2020	Joint DOC/FNZ statutory consultation process recommenced
3 August 2020	Joint DOC/FNZ statutory consultation process ended
3 September 2020	Summary of submissions provided to the Minister ⁵

⁴ <https://www.beehive.govt.nz/release/marine-protection-proposed-south-eastern-south-island>

⁵ See section 4.10 of the Report to the Minister

1. Evaluation of Procedural Requirements under Section 5(1) to (5) of the Marine Reserves Act 1971

Has the Director-General, as applicant, complied with the procedural requirements of section 5(1) to (5) of the Marine Reserves Act 1971?

Section 5(1)(a) Eligibility to Apply

Requirement
<p><i>Section 5(1) (a) application for the Order in Council is made to the Director-General by 1 or more of the following:</i></p> <p><i>(i) any university within the meaning of the Universities Act 1961:</i></p> <p><i>(ii) any body appointed to administer land subject to the Reserves Act 1977 if such land has frontage to the seacoast:</i></p> <p><i>(iii) any body corporate or other organisation engaged in or having as one of its objects the scientific study of marine life or natural history:</i></p> <p><i>(iv) Māori, iwi or hapu who have tangata whenua status over the area:</i></p> <p><i>(v) the Director-General.</i></p>

Reviewer Comments

Pursuant to section 5(1)(a)(v), an application for the Order in Council to establish marine reserves in six areas was made by the Director-General of Conservation (Appendix 1: Examples of Public Consultation Newspaper Advertisements).

Findings

The requirements of section 5(1)(a) of the *Marine Reserves Act 1971* have been met.

Section 5(1)(b) Consultation and Publication of Notice of Intent

Requirement
<p><i>Section 5(1)(b) notice of intention to apply for an Order in Council declaring the area a marine reserve has, after consultation with the Director-General, been published by the applicant for the order at least twice, with an interval of not less than 5 nor more than 10 days between each publication, in some newspaper circulating at or nearest to the place where the area is situated, and at least once in each of 4 daily newspapers, one of which shall be published in Auckland, one in Wellington, one in Christchurch, and one in Dunedin:</i></p>

Reviewer Comments

Notice of intention to apply for Orders in Council declaring the areas as marine reserves has, after consultation with the Director-General, been published by the applicant for the Orders in Council, as per Section 5(1)(b) of the *Marine Reserve Act 1971*:

- At least twice: four times for five newspapers from 3rd of June (initial consultation 17 February but withdrawn due to New Zealand’s emergency response to the COVID-19 pandemic). Therefore, the publication of notices meets this requirement.
- With an interval not less than 5 days and no more than 10 days: Notices were published in *New Zealand Herald*, *Dominion Post*, *The Press*, *Timaru Herald*, *Southland Times*, *Oamaru Mail*, and *Otago Daily Times*. These were published on the 3rd of June 2020, except for the *Oamaru Mail*, which was published on 5th June, meeting the first part of this requirement. Notices were published again on the 17th and 31st of July (see Table 3 for a summary of publishing dates). Therefore, the publication of notices meets this requirement.
- In some newspaper circulating at or nearest to the place where the area is situated: Five newspapers that circulate at or nearest to the place where the marine reserve areas are situated:
 - a) *Otago Daily Times*
 - b) *Timaru Herald*
 - c) *Oamaru Mail*
 - d) *Southland Times*
 - e) *The Press*

Therefore, the publication of notices meets this requirement.

- At least once in each of 4 daily newspapers, published in Auckland, Wellington, Christchurch, and Dunedin: Notices were published in the following daily national newspapers – NZ Herald, Dominion Post, The Press, Timaru Herald, Southland Times, and Otago Daily Times. Additional notices were posted in *Oamaru Mail*, a weekly newspaper close to the area of the proposed marine reserve. Therefore, the publication of notices meets this requirement.

Table 3 provides the newspaper publication schedule. The notice in *Oamaru Mail* was published two days behind the initial release on the 3rd of June 2020. This is due to the weekly publishing date of the *Oamaru Mail* falling on the 5th of June 2020. As an additional measure, DOC released three non-statutory notices on the 3rd, 17th and 31st of July 2020 (Table 3).

Table 3. Public Consultation Newspaper Advertisements Schedule

	17 Feb 20	3 Jun 20	10 Jun 20	3 Jul 20	17 Jul 20	31 Jul 20
Otago Daily Times	Y	Y	Y	Y	Y	Y
Timaru Herald	Y	Y	Y	Y	Y	Y
Southland Times	Y	Y	Y	Y	Y	Y
The Press	Y	Y	N/A	Y	Y	Y

Oamaru Mail ⁶	21 Feb 20	5 Jun 20	Y	Y	Y	Y
New Zealand Herald	Y	Y	N/A	N/A	N/A	N/A
The Dominion Post	Y	Y	N/A	N/A	N/A	N/A

Findings

The requirements for section 5(1)(b) of the *Marine Reserves Act 1971* have been met.

Section 5(1)(c) Content of Public Notices

Requirement
<p><i>Section 5(1)(c) every notice published pursuant to paragraph (b)—</i></p> <p><i>(i) states the date of first publication of that notice:</i></p> <p><i>(ii) states the place where the plan referred to in subsection (2) may be inspected:</i></p> <p><i>(iii) gives a general description of the area proposed to be declared a marine reserve:</i></p> <p><i>(iiia) states the proposed name of the proposed marine reserve:</i></p> <p><i>(iv) gives an address for service:</i></p> <p><i>(v) calls upon all persons wishing to object to the making of the order to send their objections in writing, specifying the grounds thereof, to the Director-General within 2 months from the date of first publication of the notice and to serve a copy of the objections, specifying the grounds thereof, on the applicant within the same time.</i></p>

Reviewer Comments

Full notices were published in each newspaper in Table 3 on the 17th of February 2020 (21st of February 2020 for *Oamaru Mail*) and on the 3rd of June 2020 (5th of June 2020 for *Oamaru Mail*) when consultation resumed after New Zealand's emergency response to COVID-19 (see Appendix 1: Examples of Public Consultation Newspaper Advertisements for both full and shorter newspaper notices). Assessment for Section 5(1)(c) (i)-(v) is given below (applicable to full public notices):

- Section 5(1)(c)(i) – States the first date of publication: First publication was published on 17 February 2020 and on 21 February 2020 in the *Oamaru Mail*. Publications restarted on 3 June 2020 (5 June 2020 for *Oamaru Mail*) which stated the first publication date. In the objections and submissions, the notices states "*being two months from the date of first publication of this notice – 3 June 2020.*"
- Section 5(1)(c)(ii) – States the place where the plan can be referred to: Provides a link to website where the consultation document is provided (<https://www.doc.govt.nz/our-work/south-eastern-south-island-marine-protection/>). Physical copies and a map were also noted to be available for viewing at Department of Conservation offices in Christchurch, Dunedin, and Invercargill; visitor centres in Dunedin and Wellington; and public libraries in

⁶ The *Oamaru Mail* is published once weekly, hence the delayed publishing date

Waimate, Oamaru and Balclutha during office hours. A map of the proposed marine reserves can be viewed outside the DOC office in Geraldine. Hard copies were noted as being available by emailing semp@doc.govt.nz (see Appendix 1: Examples of Public Consultation Newspaper Advertisements).

- Section 5(1)(c)(iiia) – The proposed names and general description are given (see Appendix 1 for the general description):

Waitaki Marine Reserve	Ōrau Marine Reserve
Te Umu Koau Marine Reserve	Okaihae Marine Reserve
Papanui Marine Reserve	Hākinikini Marine Reserve

- Section 5(1)(c)(iv) – The address for service is provided: Proposed Southeast Marine Protection Network Department of Conservation, Conservation House, PO Box 10420, Wellington 6143, New Zealand.
- Section 5(1)(c)(v) – calls for persons wishing to object:
 - a) *“Any person, whānau, hapū, and iwi or organisation who wishes to object to Orders in Council being made that establish the marine reserves, may do so by specifying the grounds of the objection in writing and submitting them to the Director-General of Conservation at <https://survey.publicvoice.co.nz/s3/semp-consultation>. If you are unable to provide an online submission, you can post it to the postal address below.”*
 - b) A time frame is provided: *“All objections, submissions and advice must be provided by 3 August 2020 (being two months from the date of first publication of this notice – 3 June 2020)”*

Findings

The requirements for section 5(1)(c)(i)-(v) of the *Marine Reserves Act 1971* have been met.

Section 5(1)(d) Individual Notification

Requirement
<p><i>Section 5(1)(d) notice in writing of the proposed marine reserve is given by the applicant to—</i></p> <p><i>(i) all persons owning any estate or interest in land in or adjoining the proposed reserve. For the purposes of this subparagraph, land shall be deemed to adjoin a proposed marine reserve notwithstanding that it is separated from it by the foreshore or by any road, or that is at a distance of not more than 100 metres from the proposed marine reserve if separated from it by any other reserve of any kind whatsoever or any marginal strip within the meaning of the Conservation Act 1987:</i></p> <p><i>(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></p>

(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:

(iv) the Secretary for Transport:

(v) the Director-General of Agriculture and Fisheries.

Reviewer Comments

DOC provided information as to how section 5(1)(d) parties were identified. DOC's Statutory Land Management (DOC SLM) Team compiled a list of adjacent landowners using QuickMap in late 2019, for public notice in February 2020. Following the withdrawal of the February public consultation due to COVID-19, the DOC SLM team checked for any change of land ownership prior to recommencement of public consultation in June 2020. DOC confirms that about half a dozen landowners had changed in that time. Information provided included names, legal descriptions, PID numbers and title info. Land Online was also used to confirm ownership details. Support staff in Christchurch used that info to find addresses for the private landowners.

Letters were provided to section 5(1)(d) parties on the 3rd of June 2020 (see Appendix 2: Examples letters to section 5(1)(d) parties). A separate letter was sent to 28 of the section 5(1)(d) parties on the 18th of June 2020 which reflected that further enquiries were still being made in relation to these parties on the 3rd of June 2020.

Parties included those listed in reference to DOC-6524183 (see Appendix 4 of the Report to the Minister) and included:

- 268 adjacent landowners with recorded properties/lots, meeting the requirements of section 5(1)(d)(i).
- 14 concession holders with recorded permissions, meeting the requirements of section 5(1)(d)(i).
- 72 resource consent holders with recorded consents, meeting the requirements of section 5(1)(d)(i).
- Three harbour boards with Environment Canterbury, Environment Southland, and the Otago Regional Council being notified, meeting the requirements of section 5(1)(d)(ii).
- Seven territorial authorities: Clutha District Council, Dunedin City Council, Invercargill City Council, Southland District Council, Timaru District Council, Waimate District Council, Waitaki District Council, meeting the requirements of section 5(1)(d)(iii).
- The Secretary of Transport meeting the requirements of section 5(1)(d)(iv).
- The Director-General of the Ministry for Primary Industries (MPI) and the Deputy Director-General of Fisheries New Zealand was cc'd, therefore meeting the requirements of section 5(1)(d)(v).

Note: no petroleum and minerals interests were identified, thus no one was contacted.

Findings

The requirements for section 5(1)(d) of the *Marine Reserves Act 1971* have been met.

Section 5(2) Public Plan

Requirement
<i>Section 5(2) The Director-General shall cause a plan to be prepared on a suitable scale showing all tidal waters coloured blue, and the boundaries and extent of the area sought to be declared a marine reserve. The plan shall be open for inspection free of charge during ordinary office hours by any person at the office of the Department nearest to the proposed reserve.</i>

Reviewer Comments

This section requires the Director-General to “*cause a plan to be prepared*”. The consultation document was available online and included an A4 map.⁷ Physical copies and a map were available for viewing at:

- Department of Conservation offices in Christchurch, Dunedin, and Invercargill;
- Visitor centres in Dunedin and Wellington; and
- Public libraries in Waimate, Oamaru and Balclutha during office hours.

A map of the proposed marine reserves could also be viewed outside the DOC office in Geraldine. Soft copies were available via email (see Appendix 3 for public information sheet). The plan is presented in Figure 1.

⁷ <https://survey.publicvoice.co.nz/s3/sempr-consultation>



Figure 1: Map of Proposed Marine Reserve Network, made available to the public.

Findings

The requirements for section 5(2) of the *Marine Reserves Act 1971* have been met.

Section 5(3) Objections to the making of the order

Requirement

Section 5(3) All 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.

Reviewer Comments

Section 5(3) deals with the rights of objection and does not include any procedural obligations for the applicant. The Director-General of Conservation, in their role as administrator, shall receive a copy of objections.

Findings

In their role as applicant the Director-General has no procedural obligations therefore this requirement is not applicable.

Section 5(4) Applicant's Answer to Objections

Requirement
<i>Section 5(4) The applicant may, on receiving any copy of objections under subsection (3), 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 subsection (1), and the Director-General shall send any such answer he may receive within that time to the Minister for consideration.</i>

Reviewer Comments

The Director-General as the applicant, has chosen to exercise their right not to answer objections. As Section 5(4) outlines, answers to objections may be written by the applicant and provided to the Director-General. As the applicant is the Director-General, they would be answering objections to themselves. As such, the applicant may exercise the right to not answer objections raised. The Director-General did not answer any objections; therefore it was not necessary for any answers to the objections to be sent to the Minister.

Findings

The requirements for section 5(4) of the *Marine Reserves Act 1971* have been met.

Section 5(5) Objections and Answers Sent to the Minister

Requirement
<i>Section 5(5) The Director-General shall refer to the Minister all such objections received within the said period of 2 months, and any answer received within the said period of 3 months.</i>

Reviewer Comments

Section 5(5) sets out obligations for the Director-General of Conservation, as the head of DOC and administrator, not as the applicant. The Director-General has an obligation to send the Minister the objections received within the statutory 2-month period. The Director-General had no applicant answers to send in response to the objections (see Section 5(4) Applicant's answers to objections). Electronic copies of all submissions were provided to the Minister (see Report to the Minister, section 4.10).

Findings

The requirements for section 5(5) of the *Marine Reserves Act 1971* have been met.

2. Evaluation of Statutory Processes Post-Notification

Has the Director-General, as applicant, fairly and appropriately carried out their responsibilities for administration and management of the statutory process post notification?

Reviewer Comments

The applicant has no further administrative, or management responsibilities post notification. This section refers to the Director-General's responsibilities as the head of DOC, distinct from the responsibilities as the applicant. In that case, the administrative and managerial responsibilities of the statutory process post notification (from the *Marine Reserves Act 1971*) are:

- Section 5(2) *prepare plan and that plan be available to the public*
- Section 5(3) *the Director-General to receive any objections to proposal*
- Section 5(5) *the Director-General to send all objections and any answers [no answers in this case] raised to Minister within the said period of 3 months*
- Section 5(6) *the Director-General refers objections and the application to the Minister and may answer the objections*

These are discussed in the sections above; to cause a plan to be prepared and the plan be available to the public, to forward objections, to answer (or not) the objections, and to forward the objections and answers to the Minister.

We interpret the term "*fairly and appropriately*" to mean without a conflict of interest and with an open mind, as both the administrator of the process and applicant for the marine reserves. A review of materials supplied to EnviroStrat by DOC satisfies us that the administrative and managerial responsibilities were carried out fairly and appropriately.

We note extra measures made by DOC to compensate for the effects of COVID-19 (four extra newspaper notices, postponement) and the timeliness of sending the summary of submissions to the Minister was carried out in a fair and appropriate manner.

A total of 4,056 submissions were received during the consultation period, which includes the original submission period from 17 February to 9 April, prior to closing due to COVID-19, and after it reopened between 3 June and 3 August 2020. A summary of submissions is provided by PublicVoice (Bothwell, et al., 2020). The submissions have been collated into 20 bundles, some were bundled according to how they were received.⁸ All submissions were sent to the Minister electronically on the 3rd of September 2020.

Findings

The Director-General, as applicant, has fairly and appropriately carried out their responsibilities for administration and management of the statutory process post notification.

⁸ See DOC's website for more information on this process. <https://www.doc.govt.nz/get-involved/have-your-say/all-consultations/2020-consultations/consultation-on-south-eastern-south-island-marine-protected-areas/>

3. Representation of concerns

Does the Director-General's report/advice fairly represent the concerns raised in the objections and qualified⁹ submissions made?

Reviewer Comments

Section 5(6) of the Marine Reserves Act does not explicitly include submissions of support. However, the submissions in support can assist the Minister in making a decision, when considering the sentiment of the local / wider community, affected whānau, hapū and iwi and other Māori. The decision to uphold an objection (and therefore not progress with establishing a marine reserve) lies solely with the Minister of Conservation. The framework for considering objections is provided in section 5(6)(a)-(e) in the *Marine Reserves Act 1971*. Additionally, objections should be considered with regards to section 4 of the *Conservation Act 1987*, and the *Marine and Coastal (Takutai Moana) Act 2011*. We reviewed the submissions and objections made in both the 'Proposed southeast marine protected areas summary of submissions' report prepared by PublicVoice, and the bundle of submissions (A-T).

We compared the submissions and objections presented in these documents with the objections presented in the Report to the Minister. The PublicVoice report summarises the main themes and objections from the submissions, while the bundles (A-T) contain the submissions in full. The Report to the Minister outlines the objections to the marine reserves and DOC's advice in response to those.

The analysis of objections by DOC is limited to the statutory criteria set out in section 5(6)(a)-(e).¹⁰ The Report to the Minister describes objections for the Network as a whole,¹¹ and each marine reserve individually, with objections listed under the criteria in section 5(6)(a)-(e), along with reference to section 4 of the Conservation Act, and the *Marine and Coastal (Takutai Moana) Act 2011*, (i.e. it is inclusive of affected whānau, hapū and iwi / Māori views, which are identified separately from other submitters). A total of 4,056 submissions were received during the consultation period, with 96% (or 3,893 submissions) indicating a preferred option regarding the proposed Network.¹² Of those, 90% (3,521) supported implementation of the full proposed Network, 8% (319) preferred status quo (i.e. not to implement Network) and 1% (53) preferred another option.¹³

We define "fairly represent the concerns raised in the objections and qualified submissions made" to mean the submitted views in support or objection are reflected and summarised in a representative manner, without undue weighting or skewing of opinions. As such, we evaluated the representation of views submitted to DOC by comparing both the PublicVoice report and the bundles supplied with the original submissions. A selection of submissions were randomly selected, reviewed, and cross-referenced to the Report to the Minister. Most submissions are in

⁹ While the brief and contract specified qualified submissions, DOC's report to the Minister did not refer to qualified submissions. DOC had not established how it was treating qualified submissions and partial support when developing this contract. Qualified submissions are considered as a type of support in the report to the Minister.

¹⁰ See following section for a full list of the criteria.

¹¹ Since objections to the proposed Network are considered as objections to the components of it, including the six proposed marine reserves.

¹² Bothwell et al., 2020

¹³ Ibid.

support of the marine reserve Network, and the concerns raised are fairly represented in the Report to the Minister.

Findings

The Director-General's report to the Minister fairly represents the concerns raised in the objections and submissions made.

Released under the Official Information Act

4. Marine Reserves Act section 5(6) tests

Comments on whether the Minister should uphold any objection having regard to the statutory criteria set out in section 5(6)(a) to (e):

- a. *interfere unduly with any estate or interest in land in or adjoining the proposed reserve*
- b. *interfere unduly with any existing right of 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?*

Reviewer Comments

DOC considered objections within the statutory criteria, and DOC analysis and advice to the Minister is based on the merits of each objection as it pertains to "*undue interference*" as required by section 5(6). '*Unduly*' implies 'without due cause or justification... more than is warranted.'¹⁴ 'Undue' means unjustified or unwarranted in a qualitative sense, not only excessive. The assessment is whether the interference is 'undue', not whether it is significant. This allows for some interference of activity. However, it cannot be excessive, disproportionate, or unwarranted, regarding interfering with the listed activities in section (5)(6)(a)-(e). The Report to the Minister outlines the definitions for 'unduly' in section 3.2.4. 'Section 5(6)(a)-(d) – approach to assessment of "interfere unduly"'. The Report to the Minister also referenced relevant case law as it applies to undue interference.¹⁵

In the following sections, the submitters are classified as either 'affected iwi, hapū or whānau' or 'other submitters'. Affected iwi, hapū and whānau refers to any persons or group affiliated with Kāi Tahu, for the purposes of the *Marine and Coastal Act 2011*. Other Submitters refers to all others, including 'other Māori', who are not identified as being 'affected iwi, hapū and whānau'. This also includes the public, interest or industry association, and the members of the local community.

5(6)(a) Estate or land in or adjoining the proposed marine reserves

Should the Minister uphold objection regarding:

"(a) interfere unduly with any estate or interest in land in or adjoining the proposed reserve"

Objections were received from individual landowners and Dunedin City Council (DCC). DCC gave conditional support and focused on the effect the marine reserves would have on the ability to discharge wastewater and stormwater, existing and future. The objections from adjacent landowners focused on the impact the marine reserves would have on their access to recreational activities.

¹⁴ *CRA3 Industry Association Inc v Minister of Fisheries* [2001] 2 NZLR 345 (CA) at [30].

¹⁵ The following case law was cited by DOC: *CRA3 Industry Association Inc v Minister of Fisheries HC Wellington CP317/99*, 24 May 2000, at [36], *CRA3 Industry Association Inc v Minister of Fisheries* [2001] 2 NZLR 345 (CA) at [30], *CRA3 Industry Association Inc v Minister of Fisheries HC Wellington CP317/99*, 24 May 2000, at [23] and [35], *Akaroa Marine Protection Society Incorporated v Minister of Conservation* [2012] NZHC 933, at [53].

No objections were received from affected iwi, hapū and whānau or submitters identified as 'other Māori'. Objections were made regarding Waitaki, Te Umu Koau, Ōrau, Okaihae, and Hākinkini proposed marine reserves. No objections were made regarding the proposed Papanui marine reserve.

DOC acknowledged the proposed Ōrau and Okaihae marine reserves would likely cause undue interference for some DCC existing activities and have made recommendations that Order in Council provisions be made to mitigate the continuation of relevant municipal services should these proposed marine reserves be approved. Considering the recommendations to accommodate the DCC's requests, we consider this sufficient to address any likely undue interference on the specified existing activities.

Concerning DCC's future needs for stormwater infrastructure, monitoring, maintenance, and increased discharge, and for coastal erosion protection, DOC notes in the Report to the Minister, that the *Marine Reserves Act 1971* provides insufficient flexibility for future issues such as this. DOC has sought to overcome this limitation within the legislation as much as possible. DOC considers this interference would likely be undue and contrary to public interest and has made recommended provisions to the Order in Council to enable future activities. We consider the DOC analysis and recommendation to be sufficient to address undue interference concerns raised.

The themes raised in objections are summarised in Table 4, as is the analysis and recommendations from DOC on undue interference.

Table 4. Objections from 'Other Submitters' (including 'other Māori') regarding land in or adjoining the proposed Network. The objections may be site-specific and may not apply to all six proposed marine reserves. See the report to the Minister for more details.

Theme of Objections	DOC Recommendation
Objections related to adjoining property value and interests	No undue interference
Objections relating to Waitaki irrigation scheme discharges	Provision made in Order in Council to allow for the existing discharge of contaminants and associated monitoring. No permits are required to undertake sampling and monitoring.
Objections related to the continuation of Dunedin city's municipal services	Provisions in the Order in Council to accommodate for specified DCC activities
Objections related to adjoining landowners' recreational activities	No undue interference

Findings

Regarding 5(6)(a) of the *Marine Reserves Act 1971* DOC acknowledges the proposed Ōrau and Okaihae marine reserves would cause undue interference for the DCC and have made recommendations to address this. Considering the recommendations to accommodate DCC's requests should the Minister agree on the proposed recommendations our finding is that the

Minister should not uphold any objection made under Section 5(6)(e) as likely causing undue interference.

5(6)(b) Right of Navigation

Whether the marine reserve would:

“(b) interfere unduly with any existing right of navigation”

Objections were received from individuals, fishing clubs and a combined industry submission (New Zealand Rock Lobster Industry Council, Pāua Industry Council and Fisheries Inshore New Zealand). One objection was received from a submitter identified as ‘other Māori’. No objections were received from submitters identified as affected iwi, hapū or whānau. Objections were focused on seeking shelter during adverse weather (safety) and access to suitable launch sites for smaller vessels. Objections were made against Te Umu Koau, Ōrau, and Hākinikini proposed marine reserves specifically. No objections were made for the other three proposed marine reserves.

DOC recommends a condition in the Order in Council be included to allow vehicle access to the proposed Te Umu Koau and Ōrau marine reserves for the purpose of launching and retrieving vessels, prohibiting other vehicle access, and requiring the most direct route to be taken to minimise vehicle impacts on biodiversity. For the proposed Ōrau marine reserve, DOC also proposes an Order in Council provision for vehicle access relating to lifeguard duties. As such, DOC advises that if the recommended Order in Council provisions are approved by the Minister, then the objections be not upheld and there is no undue interference to navigation caused by the establishment of the marine reserves. The themes raised in objections are summarised below, as is the evaluation and recommendations from DOC on undue interference.

Table 5. Objections from ‘Other Submitters’ (including ‘other Māori’) regarding right of navigation. The objections may be site-specific and may not apply to all six proposed marine reserves. See the report to the Minister for more details.

Theme of Objections	DOC Recommendation
Objections related to vessel access and safety	No undue interference
Objections related to safe boat launching/retrieval	Provision in the Order in Council to allow for vehicle access on foreshore
Objections related to safe anchorage	No undue interference

Findings

Regarding 5(6)(b) of the *Marine Reserves Act 1971* there is no undue interference caused by the proposed marine reserves, individually or collectively, to the existing rights of navigation regarding anchorage, safe shelter and suitable launch sites (assuming the Minister agrees with DOC’s recommendation).

5(6)(c) Commercial Fishing

Should the Minister uphold objection regarding:

“(c) interfere unduly with commercial fishing”

Objections were received from individuals (affected iwi, hapū and whānau, other Māori, and other submitters), Te Ohu Kaimoana, and fishing industry organisations (the New Zealand Rock Lobster Industry Council, Pāua Industry Council, Fisheries Inshore New Zealand, and PāuaMac 5 Incorporated). Objections focused on the displacement of fishing effort from the proposed marine reserves. Pāua and kōura fisheries were of particular concern to many objectors. Other objections included safety concerns for fishers, impacts on total allowable catch (TAC), impacts to trawl fisheries, impacts to local charter fishing businesses and commercial divers/fishermen, loss of generational knowledge if commercial fishing became uneconomic due to the marine reserves. Objections were made in relation to the Network as a whole, and objections were also received specific to each of the six proposed marine reserves.

The themes raised in objections are summarised below, as is the evaluation and recommendations from DOC on undue interference.

Table 6. Objections from affected iwi, hapū, or whānau regarding commercial fishing. The objections may be site-specific and may not apply to all six proposed marine reserves. See the report to the Minister for more details.

Theme of Objections	DOC Recommendation
Objections supporting marine protection but seeking a lower financial impact (Network)	No undue interference
Objections related to general impacts on commercial fisheries (Te Umu Koau)	Undue interference considered likely, DOC recommend amending proposed boundary to exclude the reef known as 'The Church'
Objections related to negative impacts on kōura recruitment (Te Umu Koau)	No undue interference
Objections related to impacts on charter fishing operations (Ōrau)	No undue interference

Table 7. Objections from Other Submitters (including 'other Māori') regarding commercial fishing. The objections may be site-specific and may not apply to all six proposed marine reserves. See the report to the Minister for more details.

Theme of Objections	DOC Recommendation
Objections related to general impacts on commercial fisheries	No undue interference
Objections related to the displacement of fishing effort	No undue interference
Objections related to safety for potting and fishing	No undue interference

Objections related to the proposed take of beach stones (interrupting juvenile pāua habitat)	No undue interference
Objections related to the commercial kōura fishery	Undue interference considered likely, DOC recommend amending proposed boundary to exclude the reef known as 'The Church'
Objections related to the gurnard and elephant fish trawl fishery	No undue interference
Objections related to the commercial eel fishery	No undue interference
Objections related to kina harvesting areas/kina fishery	No undue interference
Objections related to the commercial pāua fishery	No undue interference
Objections related to future aquaculture	No undue interference
Objections relating to impacts on the finfish industry	No undue interference
Objections relating to safety and other impacts on commercial fishing	No undue interference

Findings

Regarding 5(6)(c) of the *Marine Reserves Act 1971*, in responding to concerns raised by Te Ohu Kaimoana and the commercial fishing sector DOC acknowledges undue interference would likely occur at the proposed Te Umu Koau marine reserve. Approximately 11.5% of total commercial kōura catch for CRA7 is currently sourced within the proposed boundaries of Te Umu Koau marine reserve. DOC recommend a boundary change to the proposed Te Umu Koau marine reserve to reduce the impact on the commercial rock lobster sector in the area known as "The Church".

This boundary change (if adopted by the Minister) would reduce the affected CRA7 catch within the proposed marine reserve from approximately 11.5% to approximately 3.6%, significantly reducing the economic impact on the commercial kōura fishery. Should the Minister agree on the proposed boundary change our finding is that the Minister should not uphold any objection made under Section 5(6)(c) as likely causing undue interference.

5(6)(d) Recreational Usage

Should the Minister uphold objection regarding:

"(d) interfere unduly with or adversely affect any existing usage of the area for recreational purposes"

Objections were received from individuals (affected iwi, hapū or whānau, other Māori and other submitters), interest groups (DiveNation and others) and fishing industry groups. Objections focused on concerns regarding recreational fishing for sustenance, fisher / diver safety and displacement, and impacts on local fishing culture. Submitters expressed concern about their right to fish, fisher safety, and displacement. Objections were also received regarding recreational gamebird hunting and the loss of opportunity to gather shells and driftwood. Objections were made against the Network as a whole, and specific objections were received regarding each of the six proposed marine reserves.

DOC recommends including a provision in the Order in Council to allow for small beach fossicking activity to continue, with restrictions on volumes of material taken and methods of take. This provision is not made in response to objections, but rather from the outset of the application. Provided the Minister approves this recommendation, we consider there would be no undue interference to the objection as it is already addressed. The themes raised in objections are summarised below, as is the evaluation and recommendations from DOC on undue interference.

Table 8. Objections from affected iwi, hapū, or whānau regarding recreational usage. The objections may be site-specific and may not apply to all six proposed marine reserves. See the report to the Minister for more details.

Theme of Objections	DOC Recommendation
Objections related to seafood harvesting and recreational fishing	No undue interference
Objections related to displacement of recreational fishing	No undue interference
Objections related to safety risks	No undue interference
Objections related to impacts on recreational fishing	No undue interference
Objections related to favoured recreational fishing and spearfishing locations	No undue interference

Table 9. Objections from Other Submitters (including other Māori) regarding recreational usage. The objections may be site-specific and may not apply to all six proposed marine reserves. See the report to the Minister for more details.

Theme of Objections	DOC Recommendation
Objections related to impacts on recreational fishing	No undue interference
Objections related to increased safety risks to recreational fishers	No undue interference

Objections related to recreational fishing and gamebird hunting in estuaries	No undue interference - however, there is a provision for specific gamebird hunting made under section 5(6)(e) Public Interest.
Objections related to managing fishing activity instead of establishing a marine reserve	No undue interference
Objections related to recreational fishing locations	No undue interference
Objections related to the displacement of recreational fishing	No undue interference
Objections related to recreational pāua fishing	No undue interference
Objections related to collecting beach materials	No undue interference (given this was already provided for prior to these objections being made). DOC recommends providing for small-scale fossicking activities
Objections related to fishing competitions	No undue interference
Objections related to the site's value for recreational fishing	No undue interference

Findings

Regarding 5(6)(d) of the *Marine Reserves Act 1971* there is no undue interference caused by the marine reserves individually or collectively to the recreational usage of the marine and coastal area (assuming the Minister agrees with DOC's recommendation regarding beach fossicking as laid out in section 5(6)(e) - Public Interest).

5(6)(e) Public Interest

Should the Minister uphold objection regarding:

"(e) otherwise be contrary to the public interest?"

Objections were received from individuals (affected iwi, hapū or whānau, other Māori and other submitters), Te Ohu Kaimoana, and fishing industry organisations. Objections were made against the Network as a whole, and specific objections were received regarding each of the six proposed marine reserves. DOC recommends a provision be included in the Order in Council allowing for waterfowl management of the Pleasant River and Stony Creek of pest species such as Canadian Geese. The themes raised in objections are summarised below, as is the evaluation and recommendations from DOC on undue interference.

Table 10. Objections from affected iwi, hapū, or whānau regarding public interest. The objections may be site-specific and may not apply to all six proposed marine reserves. See the report to the Minister for more details.

Theme of Objections	DOC Recommendation
Objections related to customary interests	No undue interference
Objections related to the need or benefit of the proposed Network	No undue interference
Objections related to the lack of a comprehensive national marine protection plan	No undue interference
Objections questioning the integrity of the Forum or consultation process	No undue interference
Objection relating to amending proposed boundaries (Ōrau), as site too small	No undue interference
Objections questioning the management of land-based threats	No undue interference

Table 11. Objections from Other Submitters (including other Māori) regarding public interest. The objections may be site-specific, and may not apply to all six proposed marine reserves. See the report to the Minister for more details.

Theme of Objections	DOC Recommendation
Objections related to impacts on customary interests	No undue interference
Objections related to amendment of the marine reserves	No undue interference
Objections related to the need for a marine reserve in The Catlins	No undue interference
Objections questioning the integrity of the public consultation process	No undue interference
Objections questioning the integrity of the Forum Process	No undue interference
Objections questions the validity of the marine reserve application	No undue interference
Objections questioning the need or benefit of the propose marine protected areas	No undue interference

Objections related to the impacts of the global pandemic	No undue interference
Objections questioning the management of non-fishing / land-based threats	No undue interference
Objections related to extending the marine reserve	No undue interference
Objections related to public access	No undue interference
Objections related to the benefits of kina harvesting	No undue interference
Objections related to Stony Creek estuary	No undue interference
Objections related to waterfowl management	DOC recognises the importance of managing pest species, and recommends some hunting be allowed to continue in the Pleasant River and Stony Creek estuaries via an Order in Council provision for the Te Umu Koau marine reserve.
Objections relating to economic impacts	No undue interference
Objections related to hoiho	No undue interference
Objections related to loss of opportunity to take sand for the purpose of flood protection	No undue interference
Objections related to alternate management options	No undue interference

Findings

Regarding 5(6)(e) of the *Marine Reserves Act 1971* DOC considers that prohibiting hunting of certain bird species within the Stony Creek and Pleasant River estuaries would be contrary to the public interest . As such DOC recommends some hunting be allowed to continue in the Pleasant River and Stony Creek areas. Should the Minister agree on the proposed change our finding is that the Minister should not uphold any objection made under Section 5(6)(e) as likely to be contrary to the public interest.

5. Obligations under the Conservation Act 1987 and Marine and Coastal Area (Takutai Moana) Act 2011

In regard to matter #4, the reviewer's response should take into account the Department of Conservation's obligations to give effect to the Principles of the Treaty of Waitangi pursuant to section 4 of the Conservation Act 1987, and the Minister's obligation to give particular regard to views of affected whānau, hapū and iwi provided under the conservation participation requirements of the Marine and Coastal Area (Takutai Moana) Act 2011.

The Minister is obliged under section 4 of the *Conservation Act 1987* to give effect to the *Principles of the Treaty of Waitangi*. Additionally, the Minister is obliged to give particular regard to the views of the affected iwi, hapū, and whānau when considering the application as stated in the *Marine and Coastal Area (Takutai Moana) Act 2011*.

Kāi Tahu Engagement and Views

Kāi Tahu expressed a preference for direct engagement with DOC, Fisheries New Zealand and Ministers, over making a submission through the statutory (Marine Reserves Act) process, to enable its views to be heard through direct discussion between Treaty Partners.¹⁶ Engagement has occurred at both the Ministerial and officials' level over the period since the marine reserves were notified. Additionally, Kāi Tahu representatives have been involved throughout the SEMP process, dating back to the formation of the Forum. Further details can be found in section 6.3.2. of the Report to the Minister.

A Rōpū Report was drafted in 2021 after several hui between Kāi Tahu and the Crown.¹⁷ It captures the outcomes from Crown engagement with Kāi Tahu, and drew upon hui records. DOC has had ongoing interaction and engagement with Kāi Tahu since the Rōpū Report. Kāi Tahu submitted two letters outlining its views on excerpts of the draft report to the Minister, including the recommendations. Additionally, Kāi Tahu provided to DOC feedback on the draft advice, via a word document.¹⁸ DOC updated the Report to the Minister accordingly.

Treaty of Waitangi Obligations: Section 4 of the Conservation Act 1987

Section 3.3.1 of the Report to the Minister identifies four Treaty principles most relevant for the Minister's decisions on the proposed marine reserves:

1. **Partnership** - *"Mutual good faith and reasonableness: The Crown and Māori must act towards each other reasonably and in good faith."*
2. **Informed decision-making** - *"Both the Crown and Māori need to be well informed of the other's interests and views. When exercising the right to govern, Crown decision-makers need to be fully informed. For Māori, full information needs to be provided in order to contribute to the decision-making process."*

¹⁶ As stated in the Report to the Minister, Kāi Tahu consider the proposed Network would "alienate and displace its customary rights, and this would compound and affect future generations" p. 63.

¹⁷ Department of Conservation and Fisheries New Zealand (Oct 2021). *Manaaki ki te toka—Southeast Marine Protection Rōpū Report Summary of Engagement on Proposed Measures to Address Marine Protection Impacts on Kāi Tahu Rights and Interests*.

¹⁸ letter titled 'corrections and additions to Ministerial SEMP report' from Kāi Tahu, dated 3 November 2022

3. **Active protection** – “The Crown must actively protect Māori interests retained under the Treaty as part of the promises made in the Treaty for the Crown’s right to govern. This includes the promise to actively protect tino rangatiratanga and taonga. Active protection requires informed decision-making and judgement by the Crown as to what is reasonable in the circumstances.”
4. **Redress** – “The Treaty relationship should include processes to address differences of view between the Crown and Māori. The Crown must preserve capacity to provide redress for agreed grievances from not upholding the promises made in the Treaty. Māori and the Crown should demonstrate reconciliation as grievances are addressed.”

Reviewer Comments

The report to the Minister notes the decision of *Ngāi Tai ki Tāmaki Tribal Trust v Minister of Conservation*,¹⁹ where the Supreme Court confirmed section 4 of the *Conservation Act 1987* is a “powerful” treaty clause. Section 4 requires the decision-maker, i.e. the Minister, to give effect to the principles of the Treaty. The court noted it requires more than procedural steps; it requires a process which the meeting of other statutory and non-statutory objectives is achieved, in a manner which can be done consistently with section 4 of the *Conservation Act 1987*. The report to the Minister summarises how DOC has worked with Kāi Tahu and sought to accommodate its requests, where possible. Kāi Tahu has provided written feedback to the draft report to the Minister in November 2022; this is generally in agreement with the recommendations made by DOC, which are summarised below.

1. Partnership

Regarding the principle of partnership, DOC identifies a range of measures it has developed in collaboration with Kāi Tahu, including:

- Facilitating Kāi Tahu participation in particular, the six papatipu rūnaka whose rohe moana are within the proposed marine protected areas were sent notices and other Māori submitters could participate through the statutory process.²⁰
- A proposed co-management structure was co-developed through the Rōpū engagement, which has been designed to ensure partnership is included from operation to strategic tiers of management.
- Proposed co-management arrangements developed by the Rōpū enhance and ensure opportunities for Kāi Tahu to express its views. Co-management groups would oversee proposed measures such as wānaka activity notifications, and the administration and implementation of periodic reviews.
- While final decision-making power is limited to what is specified in the legislation, the intention is to include the opportunity for Kāi Tahu to inform the decision-maker of its views.

2. Informed Decision Making

¹⁹ *Ngāi Tai ki Tāmaki Tribal Trust v Minister of Conservation* [2018] NZSC 122.

²⁰ Report to the Minister, paragraph 191.

Regarding the principle of informed decision making, DOC identifies a range of measures it has developed in collaboration with Kāi Tahu, including:

- Ongoing direct engagement between Kāi Tahu and the Agencies (and Ministers).
- Views of Kāi Tahu and other Māori were captured and analysed during the statutory consultation process. These were also specifically identified in the report to the Minister so that the Minister could more readily find and then consider them.
- A specific rōpū was established to work through the proposed measures from Kāi Tahu to mitigate insofar as possible the impacts of the marine protected areas on its rights and customary interests.
- Additionally, relevant excerpts of the draft report to the Minister were provided to Kāi Tahu for its review and feedback prior to delivery to the Minister.
- The proposed co-management structure to ensure on-going informed decision making is maintained in any of the proposed marine reserves.

3. Active Protection

Regarding the principle of active protection, DOC identifies a range of measures it has developed in collaboration with Kāi Tahu, including:

- Ensuring the engagement process facilitates informed decision-making through ensuring the relevant rights, concerns, and interests of Māori are understood and communicated, so these can be analysed in the advice to the Minister.
- DOC considers the direct ongoing engagement with Kāi Tahu and the statutory process has been carried out in a way which ensures active protection can be given effect in the Minister's decision-making.
- By ensuring Kāi Tahu have a central role in the current and future management.

4. Redress

Regarding the principle of redress, Kāi Tahu and the Crown have previously settled historical claims (via the *Ngāi Tahu Claims Settlement Act 1998* and *Fisheries Settlement Act 1992*). The advice and recommendations were developed in the relevant settlement context.

Marine and Coastal Area (Takutai Moana) Act 2011

The *Marine and Coastal Area (Takutai Moana) Act 2011* provides for participation of affected iwi, hapū, and whānau in some conservation processes regarding common marine and coastal areas. 'Affected iwi, hapū, and whānau' is defined as *the 'iwi, hapū and whānau which exercise Kaitiakitanga in the common marine and coastal area where a conservation process is being considered'* (the Report to the Minister, section 3.3.2). The Minister must fully inform themselves of the views of affected iwi, hapū and whānau, and recognise the importance of these views in their consideration of the application. For more information, see section 3.3.2 of the Report to the Minister.

DOC considered any persons affiliated with Kāi Tahu as being 'affected iwi, hapū, and whānau'. One week prior to the commencement of the consultation process, Kāi Tahu and *Marine and Coastal Area Act 2011* applicants were notified via email. All local rūnaka offices in the regions adjacent the proposed marine reserves were contacted directly via email. Furthermore, during the statutory consultation process, submitters were asked "do you identify as tangata whenua" and if 'yes', they were prompted to provide more details (see Appendix 1). This was used to

identify any persons affiliated with Kāi Tahu. These views are presented separately in the report, so the Minister can 'give particular regard' to these views. Te Ohu Kaimoana was not classified as 'affected iwi, hapū, and whānau', as it is a national organisation.

Findings

DOC has met its obligations arising from section 4 of the *Conservation Act 1987* and under the conservation participation requirements of the *Marine and Coastal Area (Takutai Moana) Act 2011*.

DOC has adopted the following principles in assessing and meeting its obligations:

1. Partnership
2. Informed decision-making
3. Active protection
4. Redress

There has been significant ongoing engagement between the Crown and Kāi Tahu aligned with the above principles and a range of outcomes have been recommended / or are subject to agreement following Ministerial decisions regarding the marine reserves.

Regarding the *Marine and Coastal Area (Te Takutai Moana) Act 2011* DOC have engaged with local rūnaka via email prior to the statutory consultation commencement. During the statutory consultation, persons who identify as tangata whenua were able to specify this, and this was used to identify persons affiliated with Kāi Tahu. These are presented separately so the Minister can 'give particular regard' to these views.

The process has been consistent with *Te Takutai Moana Act 2011* and the views of affected iwi hapū and whānau are presented throughout the Report to the Minister.

Appendix 1: Examples of Public Consultation Newspaper Advertisements

Full Notice:



Department of Conservation
Te Papa Atawhai

Notice of intention to apply for marine reserves on the southeast coast of the South Island – Recommencement of Public Consultation

Public consultation on proposed marine reserves was initiated on 17 February 2020 and withdrawn on 9 April 2020 due to New Zealand's emergency response to the global COVID-19 pandemic. The Department of Conservation is now recommencing public consultation and invites public feedback on the proposed marine reserves, which are unchanged from those consulted on in February 2020. Full details are provided below.

In May 2019, the Ministers of Conservation and Fisheries announced that statutory processes would begin to establish six marine reserves under the Marine Reserves Act 1971 and five Type 2 marine protected areas and a kelp harvesting prohibition area under the Fisheries Act 1996. Together, these would create marine protected areas on the southeastern coast of the South Island similar to network 1 as recommended by the South-East Marine Protection Forum Roopu Manaaki ki te Toka. The identification system used by the forum (e.g. B1) alongside the proposed name of each marine reserve is provided below.

Pursuant to section 5 of the Marine Reserves Act 1971 and section 48 of the Marine and Coastal Area (Takutai Moana) Act 2011, the Director-General of Conservation hereby gives notice of his intention to apply for Orders in Council declaring marine reserves in six areas of sea and foreshore in the southeast South Island, with their proposed names, as follows:

- 1 Waitaki Marine Reserve (B1)** The proposed marine reserve boundary starts approximately 2 km south of the Waitaki River mouth and extends south for 14.8 km (8 NM). The site includes the coastal marine area from MHWS and extends offshore 8 km (4.3 NM). Area: 101.3 km².
- 2 Te Umu Koaui Marine Reserve (D1)** The proposed marine reserve boundary starts approximately 100 m north of the mouth of Stony Creek and extends south to a point approximately 400 m south of the mouth of Pleasant River. It includes Bobbys Head and the entirety of Stony Creek and Pleasant River estuaries. The reserve extends from MHWS to a straight line outer boundary that ranges between 10 km and 12 km offshore. Area: 96 km².
- 3 Papanui Marine Reserve (H1)** The proposed marine reserve boundary starts approximately 6 km out from Cape Saunders and extends north approximately 11 km. It then extends to the 12 NM territorial sea limit, incorporating Papanui Canyon. Area: 167 km².
- 4 Orau Marine Reserve (I1)** The proposed marine reserve boundary extends from Haraake Point on the Otago Peninsula 17.8 km to the outer point of Saint Clair. It includes Lawyers Head, Māori Head, Seal Point and the waters surrounding Gull Rocks from MHWS. The seaward boundary extends from Haraake Point to approximately 1 km to the south of the breaking reef to the west of Ponuihine (White Island). The area does not include Tow Rock. Area: 28.8 km².
- 5 Okaihae Marine Reserve (K1)** The proposed marine reserve encompasses Okaihae/Green Island, extending approximately 1 km to the north, west and east of the island, and 1.3 km to the south. Area: 5 km².
- 6 Hakinikini Marine Reserve (M1)** The proposed marine reserve boundary begins approximately 0.8 km north of the entrance to Akatore Creek and extends south along the coastline for approximately 6.5 km to the northern point of Watsons Beach. It extends from MHWS to approximately 0.6 to 1.3 km offshore. Area: 5.9 km².

A map of the proposed marine reserves, a consultation document with more information about the areas (including the formal application for the marine reserves) and a link to make an objection or submission are all available at this website: <https://surveypublicvoice.co.nz/s3/sempr-consulation>

More information can also be found on the DOC website: <https://www.doc.govt.nz/our-work/south-eastern-south-island-marine-protection/>. DOC is currently investigating the possibility of running live online question and answer sessions with the public. Details will be provided on the DOC website.

To register for regular email updates on the SEMP consultation please email: sempr@doc.govt.nz

Note: Fisheries New Zealand is concurrently running a consultation process on five proposed Type 2 marine protected areas and a kelp harvesting prohibition in the same area (all using the Fisheries Act). The consultation document contains maps and information about these proposed areas.

Printed copies of the consultation document and map are also available for viewing at Department of Conservation offices in Christchurch, Dunedin and Invercargill; visitor centres in Dunedin and Wellington; and public libraries in Waimate, Oamaru and Balchutha during office hours. A map of the proposed marine reserves can be viewed outside the DOC office in Geraldine.

You can request a hard copy of the consultation document (including a formal application for the marine reserves) by emailing: sempr@doc.govt.nz

Any person, whānau, hapū and iwi or organisation who wishes to object to Orders in Council being made that establish the marine reserves, may do so by specifying the grounds of the objection in writing and submitting them to the Director-General of Conservation at <https://surveypublicvoice.co.nz/s3/sempr-consulation>. If you are unable to provide an online submission, you can post it to the postal address below.

Under the Marine and Coastal Area (Takutai Moana) Act 2011, any whānau, hapū or iwi exercising kaitiakitanga in a part of the common marine and coastal area affected by the proposed reserves, have a right to participate in the process and provide their views. The Minister of Conservation must have particular regard to the views of affected whānau, hapū and iwi when considering the proposed marine reserves. To exercise that right, whānau, hapū or iwi who exercise kaitiakitanga in a part of the common marine and coastal area covered by the marine reserve proposals must advise the Director-General of Conservation that they are affected and provide their views on those proposals using the website above. If you are unable to provide an online submission via <https://surveypublicvoice.co.nz/s3/sempr-consulation>, you can post it to the postal address below.

All objections, submissions and advice must be provided by 3 August 2020 (being two months from the date of first publication of this notice – 3 June 2020).

This notice of intention to apply for marine reserves is given by the applicant (the Director-General of Conservation) whose address is:

Proposed southeast marine protection network
Department of Conservation
Conservation House
PO Box 10420
Wellington 6143
New Zealand

Director-General of Conservation

New Zealand Government

Short Notice:

New Zealand Government

HAVE YOUR SAY on proposed southeast marine protected areas

The Department of Conservation and Fisheries New Zealand want to hear your views on the 12 areas proposed for marine protection between Timaru and Waipapa Point


The consultation document is available and you can make a submission at <https://survey.publicvoice.co.nz/s3/sempr-consultation>


You can also make a submission via email southeast.marine@publicvoice.co.nz, or by post to Proposed southeast marine protection network, Department of Conservation, Conservation House, PO Box 10420, Wellington 6143

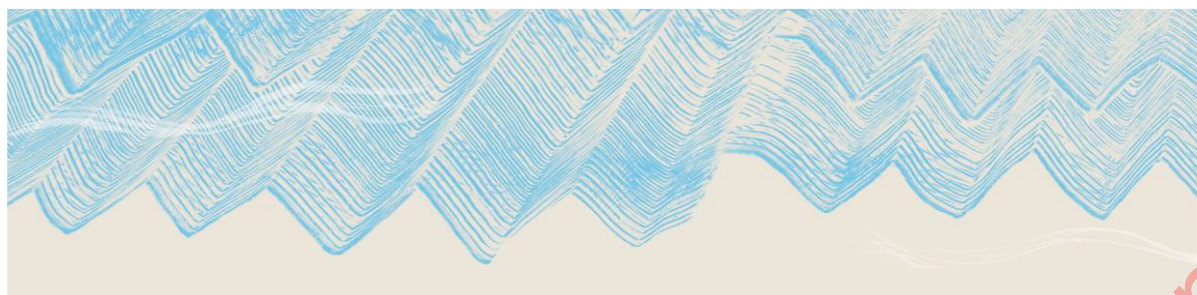
Request a hard copy of the consultation document by emailing sempr@doc.govt.nz

Submissions close on 3 August 2020

For more information visit www.doc.govt.nz (search term: SEMP consultation)

 Department of Conservation
Tū Papa Atarau

 Fisheries New Zealand
Tiri a Tarigaroa



Proposed Southeast Marine Protected Areas – Public Consultation Information

DOC and Fisheries New Zealand invite public feedback on proposed marine protected areas on the southeast coast of the South Island.

Public feedback due by 3 August 2020

Public consultation on the proposed southeast marine protected areas (SEMP) began on 17 February 2020 but was withdrawn on 9 April 2020 due to New Zealand's emergency response to the global COVID-19 pandemic.

SEMP public consultation recommenced on 3 June 2020 and submissions are due by 3 August 2020.

Map of proposed marine protected areas

A map of the proposed marine protected areas, including marine reserves, is displayed alongside this information sheet.

Further information

Consultation information is available online at <https://survey.publicvoice.co.nz/s3/sempr-consultation>. This includes the formal application for marine reserves.

The DOC website has the latest SEMPR information: <https://www.doc.govt.nz/our-work/south-eastern-south-island-marine-protection/>. DOC is investigating options for live online Q&A sessions with the public. Details of these sessions will be on the DOC website.

If you have any questions or would like to receive stakeholder email updates during the consultation period please email sempr@doc.govt.nz.

Printed copy of the consultation document

Printed copies of the consultation document are available for public viewing at some DOC offices in Christchurch, Dunedin and Invercargill, DOC visitor centres in Wellington, Geraldine and Dunedin and public libraries in Waimate, Oamaru and Balclutha. These locations are listed here: <https://www.doc.govt.nz/our-work/south-eastern-south-island-marine-protection/>.

You can request a printed copy of the consultation document (which includes the formal application for the marine reserves) by emailing: sempr@doc.govt.nz.

How to make a submission or objection

You can make an online objection or submission at this website: <https://survey.publicvoice.co.nz/s3/sempr-consultation>. If you are unable to provide an online objection or submission, you can post it to:

Proposed southeast marine protection network
Department of Conservation
Conservation House
PO Box 10420
Wellington 6143
New Zealand



Department of Conservation
Te Papa Atawhai

New Zealand Government

Appendix 2: Examples letters to section 5(1)(d) parties



Department of
Conservation
Te Papa Atawhai

New Zealand Government

DOC-6302670

3 June 2020

Dear Sir/Madam

Notice of intention to apply for marine reserves on the southeast coast of the South Island

Background

In May 2019, the Ministers of Conservation and Fisheries announced that statutory processes would begin to establish six marine reserves under the Marine Reserves Act 1971 and five Type 2 marine protected areas and a kelp harvesting prohibition area under the Fisheries Act 1996. Together, these would create a network of marine protected areas on the southeastern coast of the South Island.

Public consultation on these proposed southeast marine protected areas (SEMP) began on 17 February 2020 but was withdrawn on 9 April 2020 due to New Zealand's emergency response to the global COVID-19 pandemic, which meant people could no longer participate meaningfully in the SEMP public consultation process.

On 14 May 2020, restrictions imposed as part of the national COVID-19 response were eased as the country moved to Alert Level 2.

Public consultation will recommence in early June 2020

This letter is to inform you that the Department of Conservation (DOC) and Fisheries New Zealand plan to recommence public consultation for two months from 3 June 2020.

We invite public feedback on the proposed network, which remains unchanged from that initially consulted on in February 2020.

Why am I being contacted?

As the applicant for the proposed marine reserves, the Director-General of Conservation is required to give written notice to specified parties (section 5(1)(d) of the Marine Reserves Act 1971¹).

Where can I get more information?

A map of the proposed marine reserves, a consultation document with more information about the areas (including the formal application for the marine reserves) and a link to make an objection or submission are all available at this website: <https://survey.publicvoice.co.nz/s3/sempr-consultation>

The DOC website has information about the proposed marine reserves, including a history of the process, an outline of the current public consultation and the next steps: <https://www.doc.govt.nz/our-work/south-eastern-south-island-marine-protection/>

¹<http://www.legislation.govt.nz/act/public/1971/0015/latest/DLM397838.html>



New Zealand Government

18 June 2020

Dear Sir/Madam

Notice of intention to apply for marine reserves on the southeast coast of the South Island

Background

In May 2019, the Ministers of Conservation and Fisheries announced that statutory processes would begin to establish six marine reserves under the Marine Reserves Act 1971 and five Type 2 marine protected areas and a kelp harvesting prohibition area under the Fisheries Act 1996. Together, these would create a network of marine protected areas on the southeastern coast of the South Island.

Public consultation on these proposed southeast marine protected areas (SEMP) began on 17 February 2020 but was withdrawn on 9 April 2020 due to New Zealand's emergency response to the global COVID-19 pandemic, which meant people could no longer participate meaningfully in the SEMP public consultation process.

On 14 May 2020, restrictions imposed as part of the national COVID-19 response were eased as the country moved to Alert Level 2.

This letter is to inform you that the Department of Conservation (DOC) and Fisheries New Zealand recommenced public consultation for two months from 3 June 2020.

We invite public feedback on the proposed network, which remains unchanged from that initially consulted on in February 2020.

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As the applicant for the proposed marine reserves, the Director-General of Conservation is required to give written notice to specified parties (section 5(1)(d) of the Marine Reserves Act 1971¹).

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The DOC website has information about the proposed marine reserves, including a history of the process, an outline of the current public consultation and the next steps: <https://www.doc.govt.nz/our-work/south-eastern-south-island-marine-protection/>

Printed copies of the consultation document are available for viewing at DOC offices in Christchurch, Geraldine, Dunedin and Invercargill; visitor centres in Dunedin and Wellington; and public libraries in Waimate, Oamaru and Balclutha during office hours.

¹<http://www.legislation.govt.nz/act/public/1971/0015/latest/DLM397838.html>

Attachment E

Index of public submissions received during
statutory consultation

Released under the Official Information Act

Appendix E: List of all submitters during public consultation on the proposed SEMP Network

Key: Y submission regarding the Network or/and individual marine reserve(s)
 X submission was an outright or partial objection
bold submission from an organisation

Note:

- For ease of presentation, this appendix consists of two parts: a table of submissions from a variety of parties, and a list of submitters who used the Forest & Bird online form (all of these submissions fully supported the proposed Network).
- The office of the Minister of Conservation was provided with hard and digital copies of all submissions. An electronic database was also provided to aid any search for individual submissions.

Submission ID	Name of submitter	Network	Waitaki	Te Umu Koau	Papanui	Ōrau	Okaihae	Hākinikini
Affected iwi, hapū, or whānau								
ANON-1894433	9(2)(a)	Y						
ANON-2025208		Y	Y	Y	Y	Y	Y	Y
ANON-2045741					YX			
ANON-2056047		YX	YX	YX	YX	YX	YX	YX
ANON-2076797		YX	YX	YX	YX	YX	YX	YX
ANON-2087083		YX						
ANON-2097577		YX						
ANON-2107636	Waitaha Taiwhenua O Waitaki Trust	YX	YX					
ANON-2138789	9(2)(a)	YX		YX				
ANON-2148885		Y	Y	Y	Y	Y	Y	Y
ANON-2159056		YX						
ANON-2159207		YX	YX	YX	Y	YX	YX	YX
ANON-2159235		Y	YX	YX	YX	YX	YX	YX
ANON-2159263		YX						
ANON-2159420								
ANON-2159515		YX		YX				
ANON-2169554		Y						
ANON-481119				YX	YX			
ANON-501166				YX				
ANON-501170				YX				
ANON-551221	Korokota Marae, Te Parawhau Hapu	Y						
ANON-621386	Ezifish Charters Ltd	Y		YX		YX		
ANON-661514	9(2)(a)	YX						
FC-191		YX						
FC-262		YX						
FC-66				YX		YX	YX	
FC-69				YX		YX	YX	
WS-2151276		YX						
WS-2151278						YX	YX	
WS-2151295		YX		YX				
WS-2161341	Te Ohu Kaimoana	YX		YX				
WS-2161343	Te Rūnanga o Ōtākou					YX	YX	YX

Submission ID	Name of submitter	Network	Waitaki	Te Umu Koau	Papanui	Ōrau	Okaihae	Hākinikini
Other Māori submitters								
ANON-1552913	9(2)(a)							YX
ANON-1813883		Y						
ANON-1884412		YX						
ANON-2025288		Y						
ANON-2025316				YX		YX	YX	
ANON-2035372				YX		YX	YX	
ANON-2035468		Y						
ANON-2035563		YX	YX	YX	YX	YX	YX	Y
ANON-2035611		Y	YX		YX	YX	YX	YX
ANON-2056062		YX			Y	YX		
ANON-2056155		YX						
ANON-2056251		Y						
ANON-2056406		Y	YX	YX	YX	YX		
ANON-2076762						YX		
ANON-2076844		YX	YX	Y	YX	YX	YX	YX
ANON-2087194						YX		
ANON-2118008		Y	Y	Y	Y	Y	Y	Y
ANON-2118199								
ANON-2118235		YX		YX				
ANON-2128349				YX				
ANON-2128512	Dive Otago	YX				YX		
ANON-2148853	9(2)(a)			Y				
ANON-2149037				Y				
ANON-2159089								
ANON-2159184								
ANON-2159223		YX						
ANON-2159250		Y						
ANON-2159257				YX				
ANON-2159416		YX	YX	YX	YX	YX	YX	YX
ANON-2159474		YX		Y	Y			
ANON-711687		Y						
ANON-721718		YX						
ANON-751850	Divenation	YX				YX	YX	
ANON-872248	9(2)(a)	YX				YX		
ANON-982606		Y						
FC-10				YX		YX	YX	
FC-108		YX						
FC-111				YX			YX	
FC-13		YX						
FC-139				YX		YX	YX	
FC-17				YX		YX	YX	
FC-188		YX						
FC-197		YX						
FC-212		YX						
FC-213		YX						
FC-233		YX						
FC-24		YX						
FC-240		YX						
FC-48				YX		YX	YX	
FC-57				YX		YX	YX	

Submission ID	Name of submitter	Network	Waitaki	Te Umu Koau	Papanui	Ōrau	Okaihae	Hākinikini
FC-62	9(2)(a)	YX		YX		YX	YX	
FC-82		YX						
FC-90				YX		YX	YX	
FC-93				YX		YX	YX	
All other submitters								
ANON-1552889	9(2)(a)	Y	Y	Y	Y	Y	Y	Y
ANON-1552912		YX				YX		
ANON-1552946		Y	Y	Y	Y	Y	Y	Y
ANON-1553063		Y	Y	Y	Y	Y	Y	Y
ANON-1553065		Y						
ANON-1563087		YX		YX	YX	YX	YX	YX
ANON-1563088		YX		YX	YX	YX	YX	YX
ANON-1563109		Y						
ANON-1573145		Y						
ANON-1583164		Y						
ANON-1593185		Y						
ANON-1653370		Y						
ANON-1713521		Y	Y	YX	YX	Y	Y	Y
ANON-1743635		YX				YX	YX	
ANON-1753674		Y						
ANON-1753677		YX	YX					
ANON-1753700		Y						
ANON-1763750		Y						
ANON-1793812		YX			Y	Y	Y	
ANON-1803863		YX	YX	Y	Y	Y	Y	Y
ANON-1803873		Y			Y	Y		
ANON-1813889		Y						
ANON-1813900		Y	Y	Y	Y	Y	Y	Y
ANON-1823924		Y	Y	Y	Y	Y	Y	Y
ANON-1833932		Y						
ANON-1833933		Y						
ANON-1843949		Y						
ANON-1843957				YX				X
ANON-1843958		Y						
ANON-1843968								
ANON-1854004		Y						
ANON-1854005		Y						
ANON-1854006		YX						
ANON-1854008		Y						
ANON-1854009		Y						
ANON-1854022		YX						
ANON-1864097		Y						
ANON-1864116		Y	Y	Y	Y	Y	Y	Y
ANON-1864167		Y	Y	Y	Y	Y	Y	Y
ANON-1864170	International Bryozoology Association	Y			Y			
ANON-1874238	9(2)(a)	Y						
ANON-1874243		Y	Y	Y	Y	Y	Y	Y
ANON-1884265		YX	Y	YX	YX	YX	YX	YX
ANON-1884343		Y						
ANON-1894530		Y						
ANON-1894534		Y						

Submission ID	Name of submitter 9(2)(a)	Network	Waitaki	Te Umu Koau	Papanui	Ōrau	Okaihae	Hākinikini
ANON-1894549								
ANON-1914669		Y	Y					
ANON-1924699		Y	Y	Y	Y	Y	Y	Y
ANON-1924705		Y						
ANON-1934733		Y						
ANON-1934738		YX					YX	
ANON-1944764		Y						
ANON-1954793						YX		
ANON-1984887		Y						
ANON-1994956		YX						
ANON-1994984		Y						
ANON-1994986		Y						
ANON-2015122		YX						
ANON-2015150				YX				
ANON-2015156								
ANON-2025178		YX						
ANON-2025180								
ANON-2025193		Y	Y	Y	Y	Y	Y	Y
ANON-2025196		Y	Y	Y	Y	Y	Y	Y
ANON-2025200		Y	Y	Y	Y	Y	Y	Y
ANON-2025201		Y	Y	Y	Y	Y	Y	Y
ANON-2025205			Y	Y	Y	Y	Y	Y
ANON-2025209		Y	Y	Y	Y	Y	Y	Y
ANON-2025210		Y	Y					
ANON-2025211		Y						
ANON-2025214			Y	Y	Y	Y	Y	Y
ANON-2025215		Y	Y	Y	Y	Y	Y	Y
ANON-2025216		Y	Y	Y	Y	Y	Y	Y
ANON-2025217		Y	Y	Y	Y	Y	Y	Y
ANON-2025219		Y	Y	Y	Y	Y		
ANON-2025220		Y	Y	Y	Y	Y	Y	Y
ANON-2025233		Y				Y		
ANON-2025286		Y	YX	Y	YX	YX	Y	Y
ANON-2025304		Y						
ANON-2035349		Y						
ANON-2035546		Y						
ANON-2035570		Y						
ANON-2045652		YX	YX	YX	YX	YX	YX	YX
ANON-2045661		Y				Y		
ANON-2045737					YX	Y		
ANON-2045754		Y						
ANON-2045757		Y	Y					
ANON-2045783		YX						
ANON-2045966		Y						
ANON-2045967		Y						
ANON-2046009	Dunedin Host	Y						
ANON-2046026	9(2)(a)			YX		YX	YX	YX
ANON-2056041				YX				
ANON-2056057		Y	YX	YX	YX	YX	YX	YX
ANON-2056061		YX	YX	YX	YX	YX	YX	YX
ANON-2056078				YX			YX	

Submission ID	Name of submitter	Network	Waitaki	Te Umu Koau	Papanui	Ōrau	Okaihāe	Hākinikini
ANON-2056100	9(2)(a)					YX		
ANON-2056131			YX			YX	YX	YX
ANON-2056139		YX			YX	YX		
ANON-2056176		YX	YX	YX	YX	YX	YX	YX
ANON-2056177		YX			YX	YX		
ANON-2056191		YX						
ANON-2056278		YX						
ANON-2056305							Y	
ANON-2056321		YX	YX	YX	YX	YX	YX	YX
ANON-2056324		YX						
ANON-2056401		YX	YX	YX	Y	YX	YX	YX
ANON-2056409		Y	Y	Y	Y	Y	Y	Y
ANON-2056410				YX				
ANON-2066443		YX						
ANON-2066489		Y	Y	Y	Y	Y	Y	Y
ANON-2066512					YX	YX	YX	
ANON-2066574		Y						
ANON-2066592		Y						
ANON-2066613		YX						
ANON-2066671		Y						
ANON-2076887		Y						
ANON-2086942		Y	Y	Y	Y	Y	Y	Y
ANON-2086967		YX	YX	Y	Y	Y	Y	Y
ANON-2086982		Y	Y	Y	Y	Y	Y	Y
ANON-2086985		Y	Y	Y	Y	Y	Y	Y
ANON-2086996		Y	Y	Y	Y	Y	Y	Y
ANON-2087048		YX	YX	YX	YX	YX	YX	YX
ANON-2087084		YX						
ANON-2087109		Y						
ANON-2087126			YX	YX	YX	YX	YX	YX
ANON-2087190		Y	YX	Y	Y	Y	Y	Y
ANON-2087197		Y	Y	Y	Y	Y	Y	Y
ANON-2097248						YX		
ANON-2097326		YX				YX		
ANON-2097352		Y	Y	Y	Y	Y	Y	Y
ANON-2097357		YX						
ANON-2097364				YX				
ANON-2097373				YX				
ANON-2097490		Y	Y	Y	Y	Y	Y	Y
ANON-2097502		YX						
ANON-2097524		Y						
ANON-2097530		Y						
ANON-2097551		YX	YX	YX	YX	YX	YX	YX
ANON-2097593		Y						
ANON-2107639		Y						
ANON-2107693		Y	Y	Y	Y	Y	Y	Y
ANON-2107733	New Zealand Sea Lion Trust	YX			YX	YX		Y
ANON-2107751	9(2)(a)				Y			
ANON-2107763		Y	Y	Y	Y	Y	Y	Y
ANON-2107789		YX						
ANON-2107842		YX	YX	YX	Y	YX	Y	Y

Submission ID	Name of submitter	Network	Waitaki	Te Umu Koau	Papanui	Ōrau	Okaihae	Hākinikini
ANON-2107846	9(2)(a)	YX	YX		YX	YX		
ANON-2107908		Y	Y	Y	Y	Y	Y	Y
ANON-2107914		Y						
ANON-2117930		YX				YX	YX	
ANON-2117943								
ANON-2117946		YX	YX	YX	YX	Y	Y	YX
ANON-2117966		Y						
ANON-2117970						YX		
ANON-2117979		Y						
ANON-2118000		Y	Y	Y	Y	Y	Y	Y
ANON-2118016		Y	Y	Y	Y	Y	Y	Y
ANON-2118036		Y	Y	Y	Y	Y	Y	Y
ANON-2118065		Y						
ANON-2118073		Y	Y	Y	Y	Y	Y	Y
ANON-2118103		Y						
ANON-2118149		Y						
ANON-2118168				YX				
ANON-2118184					Y			
ANON-2118189		Y						
ANON-2118196	Stewart Island Adventures Snorkeling	Y	Y	Y	Y	Y	Y	Y
ANON-2118202	9(2)(a)	YX	YX	YX	YX	YX	YX	YX
ANON-2118203		Y						
ANON-2118208				Y				
ANON-2118230		Y	Y	Y	Y	Y	Y	Y
ANON-2128305		YX			YX	YX	YX	Y
ANON-2128336		Y						
ANON-2128370		Y						
ANON-2128374								YX
ANON-2128398		Y			YX			
ANON-2128399		Y						
ANON-2128450		Y						
ANON-2128451		YX		YX	Y	YX		
ANON-2128456		Y						
ANON-2128460		YX						
ANON-2128463		Y						
ANON-2128465		Y						
ANON-2128493		Y						
ANON-2128500		Y	Y	Y	Y	Y	Y	Y
ANON-2128508		Y		Y				
ANON-2128515		Y						
ANON-2128534		Y		Y				
ANON-2128573		Y						
ANON-2138685		YX						
ANON-2138711		YX						
ANON-2138739		YX						
ANON-2138761		Y	Y	Y	Y	Y	Y	Y
ANON-2138764		Y						
ANON-2138775		Y						
ANON-2138787		YX	YX	Y	Y	Y	Y	Y
ANON-2138794		Y						
ANON-2138808		YX						

Submission ID	Name of submitter	Network	Waitaki	Te Umu Koau	Papanui	Ōrau	Okaihae	Hākinikini
ANON-2138813	9(2)(a)	YX						
ANON-2138817		Y						
ANON-2148834				YX				
ANON-2148862		Y	Y	Y	Y	Y	Y	Y
ANON-2148865	CHCH Penguin Rehabilitation	YX	YX	YX	YX	YX	YX	YX
ANON-2148872	9(2)(a)	Y						
ANON-2148877		Y						
ANON-2148881		Y	Y	Y	Y	Y	Y	Y
ANON-2148886		Y	Y	Y	Y	Y	Y	Y
ANON-2148920	Global Penguin Society	Y						
ANON-2148930	9(2)(a)			YX	YX			
ANON-2148955		YX	Y	Y	Y	Y	Y	Y
ANON-2148963		Y	YX	YX	YX	YX	YX	Y
ANON-2148965			YX					
ANON-2148967		YX	YX	YX	YX	YX	YX	YX
ANON-2148971					Y	YX		
ANON-2148975		YX		YX		YX	YX	YX
ANON-2148990		Y	Y	Y	Y	Y	Y	Y
ANON-2148999		Y						
ANON-2149000		YX	Y	Y	Y	Y	Y	Y
ANON-2149005		Y	Y	Y	Y	Y	Y	Y
ANON-2149006		Y	Y	Y	Y	Y	Y	Y
ANON-2149022		Y						
ANON-2149031	Herbert Heritage Group	YX						
ANON-2149035	9(2)(a)	Y	Y	Y	Y	Y	Y	Y
ANON-2159039				YX	YX	YX	YX	YX
ANON-2159048			Y					
ANON-2159050		YX		YX		YX	YX	YX
ANON-2159057								
ANON-2159061		Y	YX	Y	Y	Y	Y	Y
ANON-2159063			YX					
ANON-2159072		Y						
ANON-2159112		YX	YX	YX	YX	YX	YX	YX
ANON-2159115		Y						
ANON-2159119					YX	YX		
ANON-2159131		Y						
ANON-2159133		Y						
ANON-2159142		Y						
ANON-2159149				YX				
ANON-2159151		YX	YX	YX	YX	YX	YX	YX
ANON-2159154		YX			YX			
ANON-2159177		Y				YX		
ANON-2159178		Y	Y	Y	Y	Y	Y	Y
ANON-2159182		Y				Y	Y	
ANON-2159183		YX	YX	YX	YX	YX	YX	YX
ANON-2159188		Y						
ANON-2159197	Waitaki branch of Forest and Bird	Y	Y	Y	Y	Y	Y	Y
ANON-2159205	9(2)(a)				YX	YX		
ANON-2159216		Y	Y	Y	Y	Y	Y	Y
ANON-2159218		YX				YX	YX	
ANON-2159230		Y						

Submission ID	Name of submitter	Network	Waitaki	Te Umu Koau	Papanui	Ōrau	Okaihae	Hākinikini	
ANON-2159231	9(2)(a)				Y	Y			
ANON-2159239		Y	Y	Y	Y	Y	Y	Y	
ANON-2159247		YX	YX	YX	YX	YX	YX	YX	
ANON-2159249		YX							
ANON-2159252			YX	YX	YX	YX	YX	YX	
ANON-2159264		Y							
ANON-2159268		Y							
ANON-2159282		YX							
ANON-2159283		Y							
ANON-2159300		YX							
ANON-2159341		Y							
ANON-2159355		St Clair SLSC					YX		
ANON-2159376		9(2)(a)	Y						
ANON-2159377	Y								
ANON-2159397	Y								
ANON-2159398					YX				
ANON-2159410	YX		Y	Y	Y	Y	Y	Y	
ANON-2159419						YX			
ANON-2159421	Y								
ANON-2159451	Y								
ANON-2159452	Y								
ANON-2159481	Y								
ANON-2159495	Y								
ANON-2159504	Y								
ANON-2159525	Y			Y					
ANON-2159526	Y								
ANON-2169545	Y		Y	Y	Y	Y	Y	Y	
ANON-2169566	Y		Y	YX	Y	Y	Y	Y	
ANON-2169568						YX			
ANON-2169570	Y								
ANON-2169576	YX								
ANON-2169581	YX								
ANON-2169591	YX								
ANON-2169597				YX					
ANON-2169609	Y								
ANON-2169626	YX		Y	YX	YX	YX	Y	Y	
ANON-2169628	Y		Y	Y	Y	Y	Y	Y	
ANON-481095	Y								
ANON-481110	Y		Y	Y	Y	Y	Y	Y	
ANON-481115	Y								
ANON-481121	Y								
ANON-491129	Y								
ANON-491139	Y								
ANON-491142	YX								
ANON-491149	YX								
ANON-491152	YX								
ANON-501159	YX			YX	YX	YX	YX	YX	
ANON-501167								YX	
ANON-501187	Y								
ANON-511193	Y								

Submission ID	Name of submitter	Network	Waitaki	Te Umu Koau	Papanui	Ōrau	Okaihae	Hākinikini
ANON-521205	9(2)(a)	Y	Y	Y	Y	Y	Y	Y
ANON-531207		Y						
ANON-551217		Y						
ANON-621374								YX
ANON-631416		Y						
ANON-641462		Y						
ANON-651469		Y						
ANON-651470		Y						
ANON-651471		Y						
ANON-651472		Y						
ANON-651473		Y						
ANON-651474		Y						
ANON-651475		Y						
ANON-681561	Monarch Wildlife Cruises	Y			Y			
ANON-691588	9(2)(a)	Y						
ANON-701620		Y			Y	Y	Y	
ANON-701638	Lower Waitaki Irrigaion Company Limited		YX					
ANON-701639	The New Zealand Professional Fishing Guides	Y						
ANON-711668	9(2)(a)	Y	Y	Y	Y	Y	Y	Y
ANON-711669						YX		
ANON-721700		Y						
ANON-721714		YX		YX				
ANON-721737		Y						
ANON-731742				YX		Y	YX	
ANON-741766					YX	YX	Y	
ANON-741783			YX					
ANON-751852						YX		
ANON-761878						YX		
ANON-761879				YX				
ANON-761907			YX	YX	YX	YX	YX	YX
ANON-771994		Y						
ANON-772004		YX	X	YX		YX	YX	
ANON-782015		Y						
ANON-782028		Y						
ANON-812105		Y						
ANON-822127		Y						
ANON-862224		Y						
ANON-882262	Green Island Fishing Club	YX	Y	Y	Y	Y	Y	Y
ANON-892280	9(2)(a)	YX						
ANON-902314		YX						YX
ANON-902323		Y						
ANON-912373		Y						
ANON-932446		Y	Y	Y	Y	Y	Y	Y
ANON-952509				YX				
ANON-972566		YX	YX	YX	YX	YX	YX	YX
ANON-972592		YX						
ANON-972598		YX	YX				YX	
ANON-992642				YX				
ANON-992650		Y						
FC-1		YX						

Submission ID	Name of submitter	Network	Waitaki	Te Umu Koau	Papanui	Ōrau	Okaihāe	Hākinikini
FC-100	9(2)(a)	YX						
FC-101		YX						
FC-102		YX		YX		YX	YX	
FC-103				YX		YX	YX	
FC-104		YX		YX		YX	YX	
FC-105				YX		YX	YX	
FC-106		YX						
FC-107		YX		YX		YX	YX	
FC-109				YX		YX	YX	
FC-11		YX						
FC-110		YX						
FC-112		YX						
FC-113		YX		YX		YX	YX	
FC-114				YX		YX	YX	
FC-115		YX						
FC-116		YX		YX		YX	YX	
FC-117				YX		YX	YX	
FC-118		YX						
FC-119		YX		YX		YX	YX	
FC-12		YX						
FC-120				YX		YX	YX	
FC-121		YX						
FC-122		YX						
FC-123		YX		YX		YX	YX	
FC-124				YX		YX	YX	
FC-125		YX						
FC-126		YX		YX		YX	YX	
FC-127				YX		YX	YX	
FC-128		YX						
FC-129		YX		YX		YX	YX	
FC-130				YX		YX	YX	
FC-131		YX						
FC-132		YX		YX		YX	YX	
FC-133				YX		YX	YX	
FC-134		YX						
FC-135		YX		YX		YX	YX	
FC-136				YX		YX	YX	
FC-137		YX						
FC-138		YX						
FC-14		YX						
FC-140		YX						
FC-141		YX		YX		YX	YX	
FC-142				YX		YX	YX	
FC-143		YX						
FC-144		YX		YX		YX	YX	
FC-145				YX		YX	YX	
FC-146		YX						
FC-147		YX		YX		YX	YX	
FC-148				YX		YX	YX	
FC-149		YX						
FC-15		YX		YX		YX	YX	

Submission ID	Name of submitter	Network	Waitaki	Te Umu Koau	Papanui	Ōrau	Okaihae	Hākinikini
FC-150	9(2)(a)	YX		YX		YX	YX	
FC-151				YX		YX	YX	
FC-152		YX		YX		YX	YX	
FC-153		YX						
FC-154				YX		YX	YX	
FC-155		YX						
FC-156				YX		YX	YX	
FC-157		YX						
FC-158		YX						
FC-159		YX						
FC-16		YX				YX	YX	
FC-160		YX						
FC-161		YX						
FC-162		YX						
FC-163		YX						
FC-164		YX						
FC-165		YX						
FC-166		YX						
FC-167		YX						
FC-168		YX						
FC-169		YX						
FC-170		YX						
FC-171		YX						
FC-172		YX						
FC-173		YX						
FC-174		YX						
FC-175		YX						
FC-176		YX						
FC-177		YX						
FC-178		YX						
FC-179		YX						
FC-18		YX						
FC-180		YX						
FC-181		YX						
FC-182		YX						
FC-183		YX						
FC-184		YX						
FC-185		YX						
FC-186		YX						
FC-187		YX						
FC-189		YX						
FC-19		YX						
FC-190		YX						
FC-192		YX						
FC-193		YX						
FC-194		YX						
FC-195		YX						
FC-196		YX						
FC-198		YX						
FC-199		YX						
FC-2		YX		YX		YX	YX	

Submission ID	Name of submitter	Network	Waitaki	Te Umu Koau	Papanui	Ōrau	Okaihāe	Hākinikini
FC-20	9(2)(a)	YX		YX		YX	YX	
FC-200		YX						
FC-201		YX						
FC-202		YX						
FC-203		YX						
FC-204		YX						
FC-205		YX						
FC-206		YX						
FC-207		YX						
FC-208		YX						
FC-209		YX						
FC-21		YX						
FC-210		YX						
FC-211		YX						
FC-214		YX						
FC-215		YX						
FC-216		YX						
FC-217		YX						
FC-218		YX						
FC-219		YX						
FC-22				YX		YX	YX	
FC-220		YX						
FC-221		YX						
FC-222		YX						
FC-223		YX						
FC-224		YX						
FC-225		YX						
FC-226		YX						
FC-227		YX						
FC-228		YX						
FC-229		YX						
FC-23		YX						
FC-230		YX						
FC-231		YX						
FC-232		YX						
FC-234		YX						
FC-235		YX						
FC-236		YX						
FC-237		YX						
FC-238		YX						
FC-239		YX						
FC-241		YX						
FC-242		YX						
FC-243		YX						
FC-244		YX						
FC-245		YX						
FC-246		YX						
FC-247		YX						
FC-248		YX						
FC-249		YX						
FC-25	Eastern Boating and Fishing Club	YX		YX		YX	YX	

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Submission ID		Network	Waitaki	Te Umu Koau	Papanui	Ōrau	Okaihae	Hākinikini	
FC-250	9(2)(a)	YX							
FC-251		YX							
FC-252		YX							
FC-253		YX							
FC-254		YX							
FC-255		YX							
FC-256		YX							
FC-257		YX							
FC-258		YX							
FC-259		YX							
FC-26		YX			YX		YX	YX	
FC-260		YX							
FC-261		YX							
FC-263		YX							
FC-264		YX							
FC-265		YX							
FC-266		YX							
FC-27					YX		YX	YX	
FC-28		YX							
FC-29		YX							
FC-3		YX							
FC-30		YX			YX		YX	YX	
FC-31					YX		YX	YX	
FC-32		YX							
FC-33		YX							
FC-34		YX							
FC-35		YX			YX		YX	YX	
FC-36					YX		YX	YX	
FC-37		YX							
FC-38		YX			YX		YX	YX	
FC-39					YX		YX	YX	
FC-4		YX							
FC-40		YX							
FC-41		YX			YX		YX	YX	
FC-42					YX		YX	YX	
FC-43		YX							
FC-44		YX			YX		YX	YX	
FC-45					YX		YX	YX	
FC-46		YX							
FC-47		YX			YX		YX	YX	
FC-49		YX							
FC-5		YX							
FC-50		YX			YX		YX	YX	
FC-51					YX		YX	YX	
FC-52		YX							
FC-53		YX			YX		YX	YX	
FC-54					YX		YX	YX	
FC-55		YX							
FC-56		YX			YX		YX	YX	
FC-58		YX							
FC-59		YX			YX		YX	YX	

Submission ID	Name of submitter	Network	Waitaki	Te Umu Koau	Papanui	Ōrau	Okaihae	Hākinikini
FC-6	9(2)(a)			YX		YX	YX	
FC-60				YX		YX	YX	
FC-61		YX						
FC-63				YX		YX	YX	
FC-64		YX						
FC-65		YX		YX		YX	YX	
FC-67		YX						
FC-68		YX		YX		YX	YX	
FC-7		YX						
FC-70		YX						
FC-71		YX		YX		YX	YX	
FC-72				YX		YX	YX	
FC-73		YX						
FC-74		YX		YX		YX	YX	
FC-75				YX		YX	YX	
FC-76		YX						
FC-77				YX		YX	YX	
FC-78		YX						
FC-79		YX						
FC-8		YX		YX		YX	YX	
FC-80		YX		YX		YX	YX	
FC-81				YX		YX	YX	
FC-83		YX		YX		YX	YX	
FC-84				YX		YX	YX	
FC-85		YX						
FC-86		YX		YX		YX	YX	
FC-87				YX		YX	YX	
FC-88		YX						
FC-89		YX		YX		YX	YX	
FC-9		YX						
FC-91		YX						
FC-92		YX		YX		YX	YX	
FC-94		YX						
FC-95		YX		YX		YX	YX	
FC-96				YX		YX	YX	
FC-97		YX						
FC-98		YX		YX		YX	YX	
FC-99				YX		YX	YX	
WS-1051014		YX						
WS-1681106		Y						
WS-1681108		Y						
WS-1681109		Y						
WS-1681110		Y						
WS-1891211		Y						
WS-1891212	Aotearoa Quota Brokers Limited	YX						
WS-1971213	9(2)(a)	Y	Y					
WS-1981214		YX						
WS-2011215	Anderson Family Trust Partnership	YX						
WS-2041220	9(2)(a)	Y						
WS-2041221		Y						
WS-2041222		Y						

Submission ID	Name of submitter	Network	Waitaki	Te Umu Koau	Papanui	Ōrau	Okaihae	Hākinikini
WS-2051224	9(2)(a)	Y						
WS-2051225		Y						
WS-2051226		YX						
WS-2051227		YX						
WS-2051228		Y						
WS-2051229		YX						
WS-2051230		YX						
WS-2051231		YX						
WS-2081242		YX		YX				
WS-2081243		YX						YX
WS-2091246		YX						
WS-2091247		Y		YX	Y	YX	YX	Y
WS-2091248		YX		YX				
WS-2091249	Environment Canterbury Regional Council	Y						
WS-2101250	9(2)(a)	YX						
WS-2111254		YX		Y		Y		
WS-2111255	New Zealand Conservation Authority (NZCA)	Y		YX				
WS-2121257	9(2)(a)	Y						
WS-2121258		Y						
WS-2121260	Giant Kelp 3G Quota Owner Group							
WS-2121261	9(2)(a)							
WS-2121264				YX				
WS-2121265	Penguin Rescue	YX						
WS-2121267	9(2)(a)	Y						
WS-2121268		Y	Y	Y	Y	Y	Y	Y
WS-2121270	Otago Museum	Y	Y	Y	Y	Y	Y	Y
WS-2151273	9(2)(a)	YX		YX				
WS-2151274	Port Chalmers Fishermen's Co-operative	YX		YX				
WS-2151275	Fish and Game New Zealand	YX		YX				
WS-2151277	9(2)(a)	YX						
WS-2151279		Y						
WS-2151280	Southern Clams Limited	Y						
WS-2151281	Save The Otago Peninsula (STOP) Inc Soc				Y	Y		
WS-2151282	9(2)(a)	YX						
WS-2151283	PauaMac5 Incorporated	YX		YX		YX	YX	YX
WS-2151284	9(2)(a)	YX		YX				
WS-2151285	Otago Conservation Board	Y		Y				
WS-2151286	9(2)(a)	YX						
WS-2151287		YX						
WS-2151288	Sea Shepherd New Zealand	Y	Y	Y	Y	Y	Y	Y
WS-2151289	9(2)(a)	Y						
WS-2151290		Y						
WS-2151291		Y						
WS-2151292		YX						
WS-2151293		YX						
WS-2151296		Y	Y	Y	Y	Y	Y	Y
WS-2151297	Maui and Hector's Dolphin Defenders	Y						
WS-2151298	The Friends of Taputeranga Marine Reserve Trust	Y	Y	Y	Y	Y	Y	Y
WS-2151299	9(2)(a)	YX		YX	YX	YX	YX	YX
WS-2151300		YX						

Submission ID	Name of submitter	Network	Waitaki	Te Umu Koau	Papanui	Ōrau	Okaihāe	Hākinikini
WS-2151301	9(2)(a)	YX						
WS-2151302		Y	Y	Y	Y	Y	Y	Y
WS-2151303		Y	Y	Y	Y	Y	Y	Y
WS-2151305		Y	Y	Y	Y	Y	Y	Y
WS-2151307		YX						
WS-2151308		Y	Y	Y	Y	Y	Y	Y
WS-2151310	Fiordland Lobster Company	YX						
WS-2151313	West Coast Penguin Trust	Y						
WS-2151314	9(2)(a)							YX
WS-2151316	Harbour Fish South Island Seafood			YX	YX			
WS-2151317	New Zealand Sport Fishing Council		YX	YX	YX	YX	YX	YX
WS-2151319	Yellow-eyed Penguin trust	Y	Y	Y	Y	Y	Y	Y
WS-2161320	Ornithological Society	Y	Y	Y	Y	Y	Y	Y
WS-2161322	9(2)(a)	YX						
WS-2161323	MOANA project	Y						
WS-2161325	NZ Rock Lobster Industry Council; Paua Industry Council; Fisheries Inshore NZ	YX	YX	YX	YX	YX	YX	YX
WS-2161327	Otago Rock Lobster Industry Association	YX		YX		YX	YX	
WS-2161329	9(2)(a)							YX
WS-2161330			YX	YX	YX	YX	YX	YX
WS-2161331		YX						
WS-2161332	Our Seas Our Future	Y						
WS-2161333	The New Zealand Marine Sciences Society	Y	Y	Y	Y	Y	Y	Y
WS-2161334	9(2)(a)							YX
WS-2161335	Wise Response Society	Y						
WS-2161336	Environment and Conservation Organisations	Y	Y	Y	Y	Y	Y	Y
WS-2161339	Canterbury Aoraki Conservation Board Te Rūnanga Papa Atawhai o Waitaha me Aoraki	Y						
WS-2171378	Fish Mainland		YX	YX	YX	YX	YX	YX
WS-2171379	Forest and Bird	Y	Y	Y	Y	Y	Y	Y
WS-2181392	Southern Inshore Fisheries	YX	YX		YX			
WS-2181393	WWF	Y	Y	Y	Y	Y	Y	Y
WS-2221398	9(2)(a)				YX			
WS-2221399	Sanford Limited			YX	YX			
WS-2231402	Tautuku Fishing Club Dunedin and Haast	YX	YX	YX	YX	YX	YX	YX
WS-2231405	South Island Eel Industry Association	YX		YX				
WS-2231407	Kina Industry Council	YX		YX			YX	
WS-2231408	Specialty and Emerging Fisheries Group	YX						
WS-2301422	9(2)(a)	Y	Y	Y	Y	Y	Y	Y
WS-2371424	Dunedin City Council	Y				YX	YX	
WS-831000	9(2)(a)					YX		
WS-851005		Y						
WS-861008							Y	
WS-901011				YX				
WS-901012	North Otago Dolphin Protection	YX						
WS-921013	9(2)(a)	YX						

List of the names of the submitters who used the Forest & Bird online form.
All these submissions fully supported the proposed Network.

9(2)(a)



9(2)(a)

Released under the Official Information Act

9(2)(a)

Released under the Official Information Act

9(2)(a)

Released under the Official Information Act

9(2)(a)

Released under the Official Information Act

9(2)(a)

Released under the Official Information Act

9(2)(a)

Released under the Official Information Act

9(2)(a)

Released under the Official Information Act

9(2)(a)

Released under the Official Information Act

Released under the Official Information Act

Released under the Official Information Act

9(2)(a)

Released under the Official Information Act

Attachment F

13 December 2022 letter from Kāi Tahu to the
Director-General of Conservation regarding
South East Marine Protection Draft Advice

Released under the Official Information Act



Te Rūnanga o NGĀI TAHU

13 December 2022

Penny Nelson
Director-General
Department of Conservation
By email: pnelson@doc.govt.nz

Tēnā koe Penny

SOUTH EAST MARINE PROTECTION DRAFT ADVICE

Thank you for the opportunity to comment on the draft advice that the Department has prepared on the South East Marine Protection (SEMP).

Ngāi Tahu involvement

As you know, Kāi Tahu has been involved in marine protection initiatives in Otago/Southland for decades and directly with this SEMP kaupapa since work on these proposals started in 2014. We have valued the opportunity to work in partnership with the Department as this proposal has been developed to ensure that solutions are found that are acceptable for both te Tiriti partners.

Kāi Tahu remains committed to working in good faith with the Crown on this kaupapa and consider that good progress has been made. We acknowledge the time and support offered by the Department to enable us to fully consider the proposals and our response to your advice.

Draft Advice

As you know, when we met with Ministers last year to discuss this proposal Kāi Tahu was concerned that it negatively impacts on our customary and settlement rights and interests. We considered that implementing these marine protection areas may alienate us from our rohe moana, prevent us from undertaking our kaitiaki roles and undermine our mana. We proposed the package of measures that we wished to have incorporated into this proposal to address these matters and followed up to outline that package in writing.

We welcome the measures that have been incorporated into the advice to support us to maintain our connection to these areas and to continue to undertake our responsibilities as kaitiaki in these areas. The proposed customary use through wānanga with prior notification, co-management structure, Kāi Tahu rangers, Kāi Tahu names for the reserves, pou whenua,

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continued access to kōiwi tangata, marine mammals and gamebirds in estuaries and continued ability to harvest the pest, *Undaria*, are all particularly important parts of enabling our kaitiaki responsibilities to continue.

Kāi Tahu is also pleased to note the changes that are being implemented by Fisheries NZ to enable more efficient and effective processes in taiāpure and mātaimai. These changes will have a significant impact at the flaxroots and better enable us to manage these areas and the customary fisheries resources that live within them. We also gratefully note the measures that [REDACTED] 9(2)(f)(iv) [REDACTED]

We are also pleased to see that the advice recommends both generational and periodic reviews are undertaken. As we have discussed before, these reviews are an important mechanism to ensure that future generations are able to assert their own rangatiratanga and to exercise their own kaitiakitanga in these areas. These reviews are also vital in ensuring that the reserves are functioning effectively and are meeting the objectives set by the co-management group.

We remain disappointed, however, that we do not have a decision-making role in regards to the generational review. While there may currently be legislative requirements which state that only the Minister may make this decision, we expect that the Crown will amend this legislation to be more te Tiriti compliant (enabling for joint decision making between both te Tiriti partners) before the first generational review is undertaken. That is, within the next 25 years.

Overall, while this package of measures does not meet all the requests that Kāi Tahu made from Ministers last year, Kāi Tahu support this network as currently proposed, subject to comments below.

For clarity, this statement includes supporting the D1-A boundary. We still consider that this boundary has a significant impact on our commercial fishing rights. As you have noted in your analysis, there is a significant amount of commercial fishing effort in this area, which will also be affected. However, we understand that the Department considers that this area is necessary to get a representative network of marine protection. If the rest of the below is able to be accommodated, we will support the proposed boundary.

While we will support this network (subject to the below), we will not support any more marine reserves proposed in this region.

The full network (Type 1, Type 2 and kelp protection area) will provide the Crown a representative and comprehensive network of marine reserves off the south east coast of Te Waipounamu. Further marine protection is therefore not needed, and we will not tolerate any further alienation from our rohe moana, or any further reduction in our settlement rights and interests.

We also seek written commitment from the Minister on details that are not proposed to be included in the Order in Council. We note that there are a number of matters of detail that

the advice seeks to resolve after the Minister's decision making. Many of these are of high importance to Kāi Tahu and to ensure that we maintain our connection to these areas.

While this level of detail may not be appropriate for the Minister's formal decision-making documents, we are seeking written commitment from the Minister on these matters as part of her decision-making process. This commitment will ensure that both te Tiriti partners have shared expectations around how these proposals will be implemented.

To be specific, we seek written commitment from the Minister on the following matters:

- Co-management – The current proposal fails to provide any certainty for Kāi Tahu about our membership and role in these groups. We expect that Kāi Tahu hold 50% of the seats on each of the co-management groups. Equal seats on the co-management group reflects a true partnership arrangement between us as te Tiriti partners. It is also essential for us to be able to undertake our role as kaitiaki in these areas.
We also consider that the top tier of the proposed co-management structure could be removed, with an understanding that Kāi Tahu and Ministers meet on an ad hoc basis as and when required. We do not consider that a formal strategic monitoring group is required.
- Funding – Funding will be required from the Crown to ensure that these reserves are a success. We will not accept that they are set up and then abandoned by the Crown. Instead, we seek a commitment that there will be funding available to support the co-management groups (including Kāi Tahu participation), Kāi Tahu rangers, enable restoration work, research and mātauraka wānanga to take place and any other matters that the co-management groups consider appropriate. We understand that \$60m is currently on the table for the Rangitāhua proposal (covering both sanctuary management by the Kahui and research). A similar fund should be established to support these reserves.
- Kāi Tahu rangers – The draft advice fails to commit to a particular number of Kāi Tahu rangers being established. However, with equal membership on the co-management groups and a pool of funding for managing these reserves, we are comfortable that we will have the ability to develop and establish the required Kāi Tahu ranger coverage and operational activities early in the MPA implementation.

Finally, we appreciate the consideration that the Department has given to the impact that these reserves may have on our application for customary marine title. For the avoidance of doubt, we request that the following statement is included in the Minister's decision making document:

*“That the proposed marine reserves are unlikely, **and are not intended**, to pre-empt or negatively impact on the Ngāi Tahu Whānui application for customary marine title”.*

We consider that this is not a substantial change from the text included in the draft advice but provides additional clarity on this matter and potentially reducing the impact on our application.

We also note that this advice only covers part of the full SEMP package. It has been difficult to form a Kāi Tahu position on this advice, without the full knowledge of the proposal for the

Type 2 and kelp protection area. Our view of these proposals is based on our understanding of the proposals for the Type 2 and kelp protection areas from November 2021. Any significant changes to these proposals may impact our ability to support the SEMP package as a whole.

I would encourage your team to continue to engage with our Strategy and Influence team if you have any questions regarding this feedback. We will also be seeking an opportunity to meet with the Minister of Conservation (and the Minister for Oceans and Fisheries given his concurrence role) to share our views on the proposal directly with her prior to her decision making.

Thank you again for the opportunity to provide feedback on your draft advice. We have valued the engagement that we have had on this kaupapa and we look forward to continuing to work together as the Minister makes her decision and the reserves are implemented.

Ngā mihi

9(2)(a)

Lisa Tumahai
Kaiwhakahaere

9(2)(a)

9(2)(a)
Deputy Kaiwhakahaere
Chair, Kati Huirapa Rūnaka Ki
Puketeraki

9(2)(a)

9(2)(a)
Chair, Te Rūnanga o Ōtakou

9(2)(a)

9(2)(a)
Kaiwhakahaere, Te Rūnanga o Moeraki

9(2)(a)

9(2)(a)
Chair, Te Rūnanga o Waihao

9(2)(a)

9(2)(a)
Kaiwhakahaere, Te Rūnanga o Awarua

9(2)(a)

9(2)(a)
Chair, Te Rūnanga o Arowhenua

Attachment G

13 December 2022 letter from Kāi Tahu to the
Minister for Oceans and Fisheries and
Minister of Conservation regarding South
East Marine Protection Proposals

Released under the Official Information Act



Te Rūnanga o NGĀI TAHU

13 December 2022

Hon David Parker
Minister for Oceans and Fisheries
By email: d.parker@ministers.govt.nz

Hon Poto Williams
Minister of Conservation
By email: p.williams@ministers.govt.nz

E ngā Minister, tēnā korua

SOUTH EAST MARINE PROTECTION PROPOSALS

We understand that both of you will be receiving advice from your respective officials in the new year on the South East Marine Protection Proposals.

This is an important kaupapa and it has taken a lot of work to reach this point. We have engaged in good faith throughout the last eight years and remain committed to finding a solution that works for both te Tiriti partners, including enabling us to express our kaitiaki responsibilities.

We seek an opportunity to discuss these proposals with you both prior to you making any decisions.

We have appreciated the opportunity to provide feedback to the Department of Conservation on their draft advice and welcome the opportunity to do the same with the Fisheries New Zealand advice. However, given the importance of this kaupapa, we would like to be able to discuss it directly with you both prior to any decisions being made.

While we understand that the Fisheries New Zealand advice on the Type 2 and Kelp Protection Area is on a slower track, we consider that there is value in meeting with both of you together, given the concurrence role that the Minister of Oceans and Fisheries has on the Type 1 reserves and the connections between the two parts of the network.

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We will look forward to hearing from you as to when might suit to hui in the New Year. In the meantime, we have asked our kaimahi to continue to engage with your officials to in the spirit of te Tiriti.

Nāhaku noa, nā

9(2)(a)

A large grey rectangular redaction box covers the majority of the page content below the 'Nāhaku noa, nā' heading. The text '9(2)(a)' is visible at the top left of this redacted area.

Lisa Tumahai
Kaiwhakahaere

Cc: Rino Tirikatene, Parliamentary Under-Secretary for Oceans and Fisheries

Released under the Official Information Act

Attachment H

21 June 2023 letter from Kāi Tahu to the
Minister of Conservation and Minister for
Oceans and Fisheries regarding South East
Marine Protection Proposals

Released under the Official Information Act



Te Rūnanga o NGĀI TAHU

21 June 2023

Hon. Willow-Jean Prime
Minister of Conservation
By email: willow-jean.prime@parliament.govt.nz

Hon. Rachel Brooking
Minister for Oceans and Fisheries
By email: Rachel.brooking@parliament.govt.nz

E ngā Minita, tēnā kōrua

SOUTH EAST MARINE PROTECTION NETWORK PROPOSALS

I am writing to express our frustration and disappointment around the proposed South East Marine Protection (SEMP) kaupapa.

As you will know, Ngāi Tahu has been involved in marine protection initiatives for decades. Within the eastern seaboard, our Papatipu Rūnaka and Te Rūnanga have been directly engaged with SEMP since it was first proposed in 2014. We have worked in partnership, honourably and in good faith with the Crown on this kaupapa over the last nine years.

This involvement has taken significant time and effort from Ngāi Tahu. However, we have persisted because of our belief in the importance of this kaupapa and in working with the Crown to ensure the proposed reserves work for both Tiriti partners.

While we remain committed to working with the Crown on this matter, we have developed a view that the Crown could do more to expedite these matters.

Ngāi Tahu involvement to date

Ngāi Tahu has been deeply involved in this kaupapa from its inception. Six of the 18 members of the initial South East Marine Protection Forum, including the Deputy Chair, were Ngāi Tahu representatives. While these Ngāi Tahu representatives did not take a position on either of the options proposed by the Forum, we were committed members of the Forum throughout. Importantly, we did not support or oppose either of the options put forward by the Forum, thus enabling genuine Te Tiriti partnership with the Crown while it formed a position on this kaupapa.

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Since 2018, when the Forum provided its recommendations to Ministers, we have been engaging with the Crown in good faith and have repeatedly worked to meet the often-tight time frames set by the Crown.

This has included engaging with officials on the development of the proposal, providing our view on the subsequent draft of that proposal in late 2021 and, more recently, providing our view on the Department of Conservation's (the Department) draft advice in late 2022.

Timing

We have repeatedly been told that advice and decision making is imminent. As a result, we have diligently responded to Crown's timeframes each and every time we have been asked. And yet, from our perspective, it is not clear that this urgency was warranted; we are still yet to see any substantive progress or decisions. As we understand it, neither the Department's advice on the Type 1 reserves, nor the Fisheries New Zealand (FNZ) advice on the Type 2 reserves has been finalised.

We have appreciated the opportunity to consider exempts and overall recommendations from the Department's draft advice on Type 1 reserves and welcome the measures that have been incorporated into the advice in response to issues we raised with Ministers at Ōtākou marae in March 2021 and online in November 2021. But it appears that the haste with which we were asked to form a view on the Department's draft advice prior to Christmas 2022 was completely unnecessary. In the six months that have followed, this advice is yet to be finalised by officials, and we have seen no further progress.

Further to this, we wish to note that Type 1 reserves are only one part of the network. Eighteen months on from the November 2021 hui with Ministers we are yet to receive any information from FNZ regarding their advice on the Type 2 proposals (or their concurrence advice on the Type 1 proposals).

It is challenging for us to understand the impact of the proposal and to form an informed position when we are only being engaged by one of the two agencies involved, and on only one part of the network. We need information on both parts of the network to be able to effectively engage on this kaupapa.

Engagement with Ministers

We last met with your predecessors in November 2021 to discuss our view on the proposal. We felt that this was a constructive hui and a useful opportunity for us to discuss our positions on various aspects of the kaupapa. It also served as an opportunity for us all to affirm our joint commitment to the process.

Following this, in April 2022, we proposed a follow up hui (letter to Ministers Parker and Allan dated 15 December 2021). No response has been received to this request.

Furthermore, following our review of the Department's advice late last year, we again wrote to the then Minister of Conservation and Minister for Oceans and Fisheries seeking a hui prior to any decision making (letter to Ministers Parker and Williams, dated 13 December 2022). This request has also failed to be taken up, or even acknowledged, by the Crown.

This is not genuine te Tiriti partnership.

Moving forward

We remain committed to working with the Crown on this kaupapa in good faith and would like to find a solution that works for both Tiriti partners. But we need a change in behaviour from the Crown to enable this to happen.

To ensure our engagement on this kaupapa is worthwhile, we need to be provided with adequate information. For example, we understand that there is new fishing data available which has changed the estimated impact of the Type 1 reserves. We have only been provided with partial information that lacks key details regarding the extent of the financial implications expected to result from the proposal. It is simply not possible for us to engage meaningfully on this matter if we are not provided with all the relevant information.

In the same vein, we reiterate the need for us to be engaged on both parts of the network to ensure we have a complete picture of the network and can consider the cumulative effects it may have on our customary practices, our fisheries settlement and our whānau.

In light of the issues raised in this letter, and to ensure a productive way forward for our engagement, we consider that a hui with you both is required. Our kaimahi at Te Rūnanga o Ngāi Tahu will be in touch to assist in making arrangements.

Nāhaku noa, nā

9(2)(a)

Lisa Tumahai
Kaiwhakahaere

Mō tātou, ā, mō kā uri ā muri ake nei.

For us and our descendants after us.

Cc: [redacted] 9(2)(a), Deputy Kaiwhakahaere and Chair, Kati Huirapa Rūnaka ki Puketeraki
[redacted] 9(2)(a), Upoko, Te Rūnanga o Ōtākou
[redacted] 9(2)(a), Te Rūnanga o Ngāi Tahu Representative, Te Rūnanga o Ōtākou
[redacted] 9(2)(a), Upoko, Te Rūnanga o Moeraki and Tangata Tiaki
[redacted] 9(2)(a), Upoko, Te Rūnanga o Waihao and Te Rūnanga o Arowhenua
[redacted] 9(2)(a), Chair, Te Rūnanga o Arowhenua Tangata Tiaki Roopu
[redacted] 9(2)(a), Te Rūnanga o Ngāi Tahu Representative, Te Rūnanga o Awarua and Tangata Tiaki
[redacted] 9(2)(a), East Otago Taiapura Management Committee Chairman and Puketeraki Tangata Tiaki
[redacted] 9(2)(a), East Otago Taiapure Management Committee and Puketeraki Tangata Tiaki
[redacted] 9(2)(a), Te Rūnanga o Ōtākou

Encl.

Letter to Minister of Conservation and Minister for Oceans and Fisheries (15 December 2021)

Letter to Minister of Conservation and Minister for Oceans and Fisheries (13 December 2022)

Attachment I

Draft concurrence letters to the Minister for
Oceans and Fisheries and the Minister of
Transport

Released under the Official Information Act

Hon Willow-Jean Prime

MP for Northland

Minister of Conservation

Minister for Youth

Associate Minister for Arts, Culture and Heritage

Associate Minister of Health



Ref: CORM-[XXX]

Hon Rachel Brooking
Minister for Oceans and Fisheries

Tēnā koe Rachel

Proposed southeast marine protection marine reserves – request for concurrence

The Director-General of the Department of Conservation has made an application for six areas off the southeast coast of the South Island to be formally declared marine reserves under the Marine Reserves Act 1971 (the 'Act'). My decisions on this application have been sought and I am now seeking your concurrence to my decisions in accordance with section 5(9) of the Act.

This application results from recommendations of the South-East Marine Protection Forum¹ and subsequent decisions by previous Ministers of Conservation and Fisheries to proceed with the statutory processes for a suite of marine protected areas – the six proposed marine reserves and six proposed marine protected areas to be established under the Fisheries Act 1996².

The proposed marine reserves fall within the Kāi Tahu³ takiwā. Kāi Tahu, as the Crown's Treaty partner, have been integrally involved in the project since its inception. Kāi Tahu have stated general support for the proposed marine reserves, provided they are established with a number of measures Kāi Tahu see as being necessary to address impacts on their rights and interests. These views have been given particular regard in my decision-making.

In line with the requirements of the Act and the Marine and Coastal Area (Takutai Moana) Act 2011, the application for the six proposed marine reserves was publicly notified and objections called for. Following the receipt of objections and submissions in support, I considered these and advice from the Department of Conservation in accordance with section 5(6)(a)-(e) of the Act. I also considered an independent report on the objections and the application. I have had regard to this information, and I have decided that declaring each of the six proposed marine reserves would not interfere unduly with any estate or interest in

¹ In 2014, the Government appointed the Roopu Manaaki ki te Toka / South-East Marine Protection Forum to consider and recommend marine protection options for the southeast region of the South Island, for the area from Timaru to Waipapa Point (The Catlins), out to 12 nautical miles offshore, and consistent with the Marine Protected Areas Policy and Marine Protected Areas Guidelines.

² Fisheries New Zealand is progressing the statutory processes for these proposals.

³ "Kāi Tahu" refers to Te Rūnanga o Ngāi Tahu and the six affected local papatipu rūnanga: Te Rūnanga o Arowhenua, Te Rūnanga o Waihao, Te Rūnanga o Moeraki, Kāti Huirapa Rūnanga ki Puketeraki, Te Rūnanga o Ōtākou and Awarua Rūnanga.

Hon Willow-Jean Prime

MP for Northland

Minister of Conservation

Minister for Youth

Associate Minister for Arts, Culture and Heritage

Associate Minister of Health



land in or adjoining the proposed reserves, any existing right of navigation, or with commercial fishing. I consider that declaring the proposed marine reserves would not interfere unduly with or adversely affect any existing usage of the areas for recreational purposes. Furthermore, I believe that declaring the areas as marine reserves would not otherwise be contrary to the public interest. I have, therefore, decided not to uphold any objections made under these statutory criteria.

In making my decision to not uphold any objections as above, I propose the marine reserves be declared with a number of conditions and other measures (see Attachment 1). Some of these conditions and other measures were proposed in the application, some have arisen from engagement with Kāi Tahu and other parties, and some are to mitigate what would have otherwise been undue interference with the interests listed in section 5(6)(a)-(e) of the Act.

The proposed names of the marine reserves are: Waitaki, Te Umu Koau, Papanui, Ōrau, Okaihae and Hākinikini. These have been confirmed by Kāi Tahu. These names will be referred to the New Zealand Geographic Board in accordance with section 5(7)(a) of the Act.

I have considered the application against section 5(9) of the Act and I am of the opinion that to declare the areas, with the conditions and other measures set out in Attachment 1, as marine reserves will be in the best interests of scientific study, will be for the benefit of the public, and will be expedient. I also consider that the declaration of the proposed marine reserves with the conditions and other measures set out in Attachment 1 would be consistent with the Crown's obligations in respect of the Treaty of Waitangi. I propose, therefore, to make a recommendation to the Governor-General that Orders in Council be made declaring the six areas as marine reserves.

In accordance with section 5(9) of the Act, I am required to obtain your concurrence before proceeding with my recommendation to the Governor-General. Accordingly, I now seek your concurrence to these decisions on this application, including the conditions and other measures set out in Attachment 1.

To assist you in making your decision, my office will forward to your office electronic copies of the application, the objections and submissions on the application, Te Papa Atawhai's advice on the application, and the independent review report commissioned under section 5(6) of the Act.

My office will liaise with yours regarding communication of decisions on the application.

Hon Willow-Jean Prime

MP for Northland

Minister of Conservation

Minister for Youth

Associate Minister for Arts, Culture and Heritage

Associate Minister of Health



Nāku noa nā

Hon Willow-Jean Prime

Minister of Conservation

cc

Encl. Attachment 1

Hon Willow-Jean Prime

MP for Northland

Minister of Conservation

Minister for Youth

Associate Minister for Arts, Culture and Heritage

Associate Minister of Health



Attachment 1: Order in Council conditions and other measures to be established for each of the six proposed marine reserves

Rationale for each of the Order in Council (OiC) conditions and other measures is detailed in Te Papa Atawhai's advice on the application. Table IV (on page 25) of Te Papa Atawhai's advice summarises each condition/other measure and whether it was in response to an objection received in the statutory process, engagement with Kāi Tahu, proposed in the Director-General's application or engagement with the Ministry of Transport.

Proposed Waitaki marine reserve	
OiC conditions	Continued enhancement of mātauraka Māori and wānaka
	The retrieval of kōiwi tākata and archaeological artefacts
	The retrieval of dead marine mammals and marine mammal parts
	To allow the removal of <i>Undaria pinnatifida</i>
	To require generational reviews (25 years)
	For fossicking of beach materials
	Provision for existing discharges of contaminants and associated monitoring
	For pollution response (allow responses to emergency oil spill or pollution incidents)
Other measures	Formal co-management with Kāi Tahu to be implemented
	The establishment and support of Kāi Tahu rangers
	Periodic reviews incorporated into the formal co-management arrangements
	To use te reo Māori name confirmed by Kāi Tahu
	Pou whenua be established for any new marine reserves
	To record that marine reserve declaration is unlikely, and not intended, to pre-empt or negatively impact on the Ngāi Tahu Whānui application for customary marine title
Proposed Te Umu Koau marine reserve	
OiC conditions	Continued enhancement of mātauraka Māori and wānaka
	The retrieval of kōiwi tākata and archaeological artefacts
	The retrieval of dead marine mammals and marine mammal parts
	To allow the removal of <i>Undaria pinnatifida</i>
	To require generational reviews (25 years)
	For fossicking of beach materials
	For vehicle access over the foreshore for launching or retrieving a vessel
	For gamebird and unprotected waterfowl hunting
	For pollution response (allow responses to emergency oil spill or pollution incidents)

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Other measures	To amend the boundary of the proposed marine reserve to mitigate the interference with the commercial kōura fishery
	Formal co-management with Kāi Tahu to be implemented
	The establishment and support of Kāi Tahu rangers
	Periodic reviews incorporated into the formal co-management arrangements
	To use te reo Māori name confirmed by Kāi Tahu
	Pou whenua be established for any new marine reserves
	To record that marine reserve declaration is unlikely, and not intended, to pre-empt or negatively impact on the Ngāi Tahu Whānui application for customary marine title
Proposed Papanui marine reserve	
OIC conditions	Continued enhancement of mātauraka Māori and wānaka
	To require generational reviews (25 years)
	For pollution response (allow responses to emergency oil spill or pollution incidents)
Other measures	Formal co-management with Kāi Tahu to be implemented
	The establishment and support of Kāi Tahu rangers
	Periodic reviews incorporated into the formal co-management arrangements
	To use te reo Māori name confirmed by Kāi Tahu
	To record that marine reserve declaration is unlikely, and not intended, to pre-empt or negatively impact on the Ngāi Tahu Whānui application for customary marine title
Proposed Ōrau marine reserve	
OIC conditions	Continued enhancement of mātauraka Māori and wānaka
	The retrieval of kōiwi tākata and archaeological artefacts
	The retrieval of dead marine mammals and marine mammal parts
	To allow the removal of <i>Undaria pinnatifida</i>
	To require generational reviews (25 years)
	For fossicking of beach materials
	For vehicle access over the foreshore for launching or retrieving a vessel
	For vehicle access over the foreshore for lifeguard duties
	For existing structures, replacement of existing structures and associated maintenance
	For future structures at Oceans Beach, specifically sand sausages and Reno mattresses, including maintenance and replacement by 'like for like' structures
	For existing remedial activities associated with the historic landfill at Kettle Park, including any associated monitoring
	For existing deposition of sand at Oceans Beach

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	For disturbance of the foreshore at the Tomahawk Creek River mouth for the purposes of flood protection
	For existing discharges of contaminants and associated monitoring
	For specific infrequent discharges for a finite period
	For future stormwater discharges and associated structures
	For future erosion protection measures at St Clair and St Kilda beaches
	For pollution response (allow responses to emergency oil spill or pollution incidents)
Other measures	To amend the boundary of the proposed marine reserve to allow disturbance of the foreshore of the Tomahawk Creek River mouth for the purposes of flood protection
	Formal co-management with Kāi Tahu to be implemented
	The establishment and support of Kāi Tahu rangers
	Periodic reviews incorporated into the formal co-management arrangements
	To use te reo Māori name confirmed by Kāi Tahu
	Pou whenua be established for any new marine reserves
	To record that marine reserve declaration is unlikely, and not intended, to pre-empt or negatively impact on the Ngāi Tahu Whānui application for customary marine title
Proposed Okaihae marine reserve	
OIC conditions	Continued enhancement of mātauraka Māori and wānaka
	The retrieval of kōiwi tākata and archaeological artefacts
	To allow the removal of <i>Undaria pinnatifida</i>
	To require generational reviews (25 years)
	For existing discharges of contaminants and associated monitoring
	For pollution response (allow responses to emergency oil spill or pollution incidents)
Other measures	Formal co-management with Kāi Tahu to be implemented
	The establishment and support of Kāi Tahu rangers
	Periodic reviews incorporated into the formal co-management arrangements
	To use te reo Māori name confirmed by Kāi Tahu
	To record that marine reserve declaration is unlikely, and not intended, to pre-empt or negatively impact on the Ngāi Tahu Whānui application for customary marine title
Proposed Hākinikini marine reserve	
OIC conditions	Continued enhancement of mātauraka Māori and wānaka
	The retrieval of kōiwi tākata and archaeological artefacts
	The retrieval of dead marine mammals and marine mammal parts
	To allow the removal of <i>Undaria pinnatifida</i>

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Associate Minister for Arts, Culture and Heritage

Associate Minister of Health



	To require generational reviews (25 years)
	For fossicking of beach materials
	For pollution response (allow responses to emergency oil spill or pollution incidents)
Other measures	Formal co-management with Kāi Tahu to be implemented
	The establishment and support of Kāi Tahu rangers
	Periodic reviews incorporated into the formal co-management arrangements
	To use te reo Māori name confirmed by Kāi Tahu
	Pou whenua be established for any new marine reserves
	To record that marine reserve declaration is unlikely, and not intended, to pre-empt or negatively impact on the Ngāi Tahu Whānui application for customary marine title

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Associate Minister of Health



Ref: CORM-[XXX]

Hon Michael Wood
Minister of Transport

Tēnā koe Michael

Proposed southeast marine protection marine reserves – request for concurrence

The Director-General of the Department of Conservation has made an application for six areas off the southeast coast of the South Island to be formally declared marine reserves under the Marine Reserves Act 1971 (the 'Act'). My decisions on this application have been sought and I am now seeking your concurrence to my decisions in accordance with section 5(9) of the Act.

This application results from recommendations of the South-East Marine Protection Forum¹ and subsequent decisions by previous Ministers of Conservation and Fisheries to proceed with the statutory processes for a suite of marine protected areas – the six proposed marine reserves and six proposed marine protected areas to be established under the Fisheries Act 1996².

The proposed marine reserves fall within the Kāi Tahu³ takiwā. Kāi Tahu, as the Crown's Treaty partner, have been integrally involved in the project since its inception. Kāi Tahu have stated general support for the proposed marine reserves, provided they are established with a number of measures Kāi Tahu see as being necessary to address impacts on their rights and interests. These views have been given particular regard in my decision-making.

In line with the requirements of the Act and the Marine and Coastal Area (Takutai Moana) Act 2011, the application for the six proposed marine reserves was publicly notified and objections called for. Following the receipt of objections and submissions in support, I considered these and advice from the Department of Conservation in accordance with section 5(6)(a)-(e) of the Act. I also considered an independent report on the objections and the application. I have had regard to this information, and I have decided that declaring each of

¹ In 2014, the Government appointed the Roopu Manaaki ki te Toka / South-East Marine Protection Forum to consider and recommend marine protection options for the southeast region of the South Island, for the area from Timaru to Waipapa Point (The Catlins), out to 12 nautical miles offshore, and consistent with the Marine Protected Areas Policy and Marine Protected Areas Guidelines.

² Fisheries New Zealand is progressing the statutory processes for these proposals.

³ "Kāi Tahu" refers to Te Rūnanga o Ngāi Tahu and the six affected local papatipu rūnanga: Te Rūnanga o Arowhenua, Te Rūnanga o Waihao, Te Rūnanga o Moeraki, Kāti Huirapa Rūnanga ki Puketeraki, Te Rūnanga o Ōtākou and Awarua Rūnanga.

Hon Willow-Jean Prime

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Minister of Conservation

Minister for Youth

Associate Minister for Arts, Culture and Heritage

Associate Minister of Health



the six proposed marine reserves would not interfere unduly with any estate or interest in land in or adjoining the proposed reserves, any existing right of navigation, or with commercial fishing. I consider that declaring the proposed marine reserves would not interfere unduly with or adversely affect any existing usage of the areas for recreational purposes. Furthermore, I believe that declaring the areas as marine reserves would not otherwise be contrary to the public interest. I have, therefore, decided not to uphold any objections made under these statutory criteria.

In making my decision to not uphold any objections as above, I propose the marine reserves be declared with a number of conditions and other measures (see Attachment 1). Some of these conditions and other measures were proposed in the application, some have arisen from engagement with Kāi Tahu and other parties, and some are to mitigate what would have otherwise been undue interference with the interests listed in section 5(6)(a)-(e) of the Act.

The proposed names of the marine reserves are: Waitaki, Te Umu Koau, Papanui, Ōrau, Okaihae and Hākinikini. These have been confirmed by Kāi Tahu. These names will be referred to the New Zealand Geographic Board in accordance with section 5(7)(a) of the Act.

I have considered the application against section 5(9) of the Act and I am of the opinion that to declare the areas, with the conditions and other measures set out in Attachment 1, as marine reserves will be in the best interests of scientific study, will be for the benefit of the public, and will be expedient. I also consider that the declaration of the proposed marine reserves with the conditions and other measures set out in Attachment 1 would be consistent with the Crown's obligations in respect of the Treaty of Waitangi. I propose, therefore, to make a recommendation to the Governor-General that Orders in Council be made declaring the six areas as marine reserves.

In accordance with section 5(9) of the Act, I am required to obtain your concurrence before proceeding with my recommendation to the Governor-General. Accordingly, I now seek your concurrence to these decisions on this application, including the conditions and other measures set out in Attachment 1.

To assist you in making your decision, my office will forward to your office electronic copies of the application, the objections and submissions on the application, Te Papa Atawhai's advice on the application, and the independent review report commissioned under section 5(6) of the Act.

My office will liaise with yours regarding communication of decisions on the application.

Hon Willow-Jean Prime

MP for Northland

Minister of Conservation

Minister for Youth

Associate Minister for Arts, Culture and Heritage

Associate Minister of Health



Nāku noa nā

Hon Willow-Jean Prime

Minister of Conservation

cc Hon Kiritapu Allan, Associate Minister of Transport

Encl. Attachment 1

Hon Willow-Jean Prime

MP for Northland

Minister of Conservation

Minister for Youth

Associate Minister for Arts, Culture and Heritage

Associate Minister of Health



Attachment 1: Order in Council conditions and other measures to be established for each of the six proposed marine reserves

Rationale for each of the Order in Council (OiC) conditions and other measures is detailed in Te Papa Atawhai's advice on the application. Table IV (on page 25) of Te Papa Atawhai's advice summarises each condition/other measure and whether it was in response to an objection received in the statutory process, engagement with Kāi Tahu, proposed in the Director-General's application or engagement with the Ministry of Transport.

Proposed Waitaki marine reserve	
OiC conditions	Continued enhancement of mātauraka Māori and wānaka
	The retrieval of kōiwi tākata and archaeological artefacts
	The retrieval of dead marine mammals and marine mammal parts
	To allow the removal of <i>Undaria pinnatifida</i>
	To require generational reviews (25 years)
	For fossicking of beach materials
	Provision for existing discharges of contaminants and associated monitoring
	For pollution response (allow responses to emergency oil spill or pollution incidents)
Other measures	Formal co-management with Kāi Tahu to be implemented
	The establishment and support of Kāi Tahu rangers
	Periodic reviews incorporated into the formal co-management arrangements
	To use te reo Māori name confirmed by Kāi Tahu
	Pou whenua be established for any new marine reserves
	To record that marine reserve declaration is unlikely, and not intended, to pre-empt or negatively impact on the Ngāi Tahu Whānui application for customary marine title
Proposed Te Umu Koau marine reserve	
OiC conditions	Continued enhancement of mātauraka Māori and wānaka
	The retrieval of kōiwi tākata and archaeological artefacts
	The retrieval of dead marine mammals and marine mammal parts
	To allow the removal of <i>Undaria pinnatifida</i>
	To require generational reviews (25 years)
	For fossicking of beach materials
	For vehicle access over the foreshore for launching or retrieving a vessel
	For gamebird and unprotected waterfowl hunting
	For pollution response (allow responses to emergency oil spill or pollution incidents)

Hon Willow-Jean Prime

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Associate Minister of Health



Other measures	To amend the boundary of the proposed marine reserve to mitigate the interference with the commercial kōura fishery
	Formal co-management with Kāi Tahu to be implemented
	The establishment and support of Kāi Tahu rangers
	Periodic reviews incorporated into the formal co-management arrangements
	To use te reo Māori name confirmed by Kāi Tahu
	Pou whenua be established for any new marine reserves
	To record that marine reserve declaration is unlikely, and not intended, to pre-empt or negatively impact on the Ngāi Tahu Whānui application for customary marine title
Proposed Papanui marine reserve	
OIC conditions	Continued enhancement of mātauraka Māori and wānaka
	To require generational reviews (25 years)
	For pollution response (allow responses to emergency oil spill or pollution incidents)
Other measures	Formal co-management with Kāi Tahu to be implemented
	The establishment and support of Kāi Tahu rangers
	Periodic reviews incorporated into the formal co-management arrangements
	To use te reo Māori name confirmed by Kāi Tahu
	To record that marine reserve declaration is unlikely, and not intended, to pre-empt or negatively impact on the Ngāi Tahu Whānui application for customary marine title
Proposed Ōrau marine reserve	
OIC conditions	Continued enhancement of mātauraka Māori and wānaka
	The retrieval of kōiwi tākata and archaeological artefacts
	The retrieval of dead marine mammals and marine mammal parts
	To allow the removal of <i>Undaria pinnatifida</i>
	To require generational reviews (25 years)
	For fossicking of beach materials
	For vehicle access over the foreshore for launching or retrieving a vessel
	For vehicle access over the foreshore for lifeguard duties
	For existing structures, replacement of existing structures and associated maintenance
	For future structures at Oceans Beach, specifically sand sausages and Reno mattresses, including maintenance and replacement by 'like for like' structures
	For existing remedial activities associated with the historic landfill at Kettle Park, including any associated monitoring
	For existing deposition of sand at Oceans Beach

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	For disturbance of the foreshore at the Tomahawk Creek River mouth for the purposes of flood protection
	For existing discharges of contaminants and associated monitoring
	For specific infrequent discharges for a finite period
	For future stormwater discharges and associated structures
	For future erosion protection measures at St Clair and St Kilda beaches
	For pollution response (allow responses to emergency oil spill or pollution incidents)
Other measures	To amend the boundary of the proposed marine reserve to allow disturbance of the foreshore of the Tomahawk Creek River mouth for the purposes of flood protection
	Formal co-management with Kāi Tahu to be implemented
	The establishment and support of Kāi Tahu rangers
	Periodic reviews incorporated into the formal co-management arrangements
	To use te reo Māori name confirmed by Kāi Tahu
	Pou whenua be established for any new marine reserves
	To record that marine reserve declaration is unlikely, and not intended, to pre-empt or negatively impact on the Ngāi Tahu Whānui application for customary marine title
Proposed Okaihae marine reserve	
OIC conditions	Continued enhancement of mātauraka Māori and wānaka
	The retrieval of kōiwi tākata and archaeological artefacts
	To allow the removal of <i>Undaria pinnatifida</i>
	To require generational reviews (25 years)
	For existing discharges of contaminants and associated monitoring
	For pollution response (allow responses to emergency oil spill or pollution incidents)
Other measures	Formal co-management with Kāi Tahu to be implemented
	The establishment and support of Kāi Tahu rangers
	Periodic reviews incorporated into the formal co-management arrangements
	To use te reo Māori name confirmed by Kāi Tahu
	To record that marine reserve declaration is unlikely, and not intended, to pre-empt or negatively impact on the Ngāi Tahu Whānui application for customary marine title
Proposed Hākinikini marine reserve	
OIC conditions	Continued enhancement of mātauraka Māori and wānaka
	The retrieval of kōiwi tākata and archaeological artefacts
	The retrieval of dead marine mammals and marine mammal parts
	To allow the removal of <i>Undaria pinnatifida</i>

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MP for Northland

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Associate Minister for Arts, Culture and Heritage

Associate Minister of Health



	To require generational reviews (25 years)
	For fossicking of beach materials
	For pollution response (allow responses to emergency oil spill or pollution incidents)
Other measures	Formal co-management with Kāi Tahu to be implemented
	The establishment and support of Kāi Tahu rangers
	Periodic reviews incorporated into the formal co-management arrangements
	To use te reo Māori name confirmed by Kāi Tahu
	Pou whenua be established for any new marine reserves
	To record that marine reserve declaration is unlikely, and not intended, to pre-empt or negatively impact on the Ngāi Tahu Whānui application for customary marine title