



Cabinet

Minute of Decision

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Revitalising the Gulf: Final Policy Decisions

Portfolios **Oceans and Fisheries / Conservation**

On 19 December 2022, following reference from the Cabinet Environment, Energy and Climate Committee, Cabinet:

Background

- 1 **noted** that the Hauraki Gulf/Tikapa Moana/Te Moananui-ā-Toi (the Gulf) is recognised as a taonga of natural, economic, recreational and cultural importance;
- 2 **noted** that State of the Gulf reports over the last 20 years have shown the Gulf to be in an ongoing state of environmental decline;
- 3 **noted** that in June 2021, the Cabinet Environment, Energy and Climate Committee (ENV) agreed to the release of the Revitalising the Gulf Strategy, and agreed to the actions in the Strategy [ENV-21-MIN-0032];
- 4 **noted** that the Revitalising the Gulf Strategy included proposals to increase marine protection in the Gulf from 6.6 percent to around 18 percent, marine protection being a tool that can help reverse some of the documented biodiversity decline in the Gulf;
- 5 **note** that the marine protection proposals are complemented by fisheries management deliverables, including a Hauraki Gulf Fisheries Plan;
- 6 **noted** that the marine protection proposals comprise extensions to two existing marine reserves, and the establishment of 12 High Protection Areas (HPAs) and five Seabed Protection Areas (SPAs);
- 7 **noted** that HPAs and SPAs would be new marine protection tools, and that new legislation to create them would be required, i.e. the Hauraki Gulf Marine Protection Bill (the Bill);
- 8 **noted** that on 23 June 2022, following initial engagement with mana whenua, ENV noted an update on the proposed targeted engagement on the Strategy with key sectors, which included the Department of Conservation undertaking six weeks of targeted engagement on marine protection in the Gulf before new legislation to establish protection could be drafted [ENV-22-MIN-0018];
- 9 **noted** that the feedback received on the marine protection proposals was generally supportive, with mana whenua support qualified with the expectation of an inclusive process to develop the HPA biodiversity objectives;

10 **noted** that industry feedback largely focused on mitigating localised economic impacts;

Consultation on the draft Hauraki Gulf Fisheries Plan

11 **noted** the contents of the draft Hauraki Gulf Fisheries Plan (the Fisheries Plan), attached as Appendix 5 to the paper under ENV-22-MIN-0065 and tabled at the meeting;

12 **noted** that the question of consultation on trawl corridors will be addressed in the material that will accompany the release of the Fisheries Plan;

13 **agreed** to the release of the Fisheries Plan, and for the Ministry for Primary Industries/Fisheries New Zealand (MPI/FNZ) officials to undertake public consultation on the Plan between 16 January and 3 March 2023;

14 **authorised** the Minister for Oceans and Fisheries to make minor or technical changes to the Fisheries Plan before it is released for public consultation;

Extending existing marine reserves

15 **noted** that ‘no take’ marine reserves are a very effective way of protecting marine life and habitats, provide control sites for understanding the impact of fishing elsewhere and for measuring changes in the marine environment over time, and create beneficial ‘spill-over’ effects for commercial and recreational fishing;

16 **agreed** that the existing marine reserves at Cape Rodney-Okakari Point (the ‘Leigh’ marine reserve) and Whanganui A Hei (Cathedral Cove) be extended by way of marine reserve under the Marinas Reserves Act 1971, and that this be done through the Bill rather than through processes under the Act;

17 **noted** that this will more than triple the size of New Zealand’s oldest marine reserve, the ‘Leigh’ reserve established in 1975, which is globally renowned and has inspired many other marine protection efforts worldwide;

18 **agreed** that the part of Hahei Beach in the proposed Cathedral Cove extension be removed from the extension because of the practical difficulty of understanding where fishing rules would start and finish, and because the removal will not materially impact the beneficial effects of the rest of the proposed extension;

Establishing High Protection Areas

19 **agreed** that 12 HPAs be established in the Gulf, including the Ōtata/The Noises HPA;

20 **agreed** that an HPA will seek to achieve agreed biodiversity objectives for the site, and prohibit commercial and recreational fishing while allowing customary fishing;

21 **agreed** that an HPA will also regulate a wider range of pressures than just fishing, e.g. prohibiting dumping, harmful discharges, and the take of non-marine life;

22 **agreed** that customary fishing within HPAs be managed through three core provisions:

22.1 customary fishing must align with biodiversity objectives for the sites. The Crown, drawing upon relevant expertise, will develop the biodiversity objectives in partnership with mana whenua in 2023/2024;

22.2 customary fishers will require permits under the existing customary fisheries framework established under the Fisheries Act 1996;

- 22.3 there will be a legislative mechanism whereby Ministers can, if necessary, apply additional management actions should customary fishing conflict with the biodiversity objectives of a site;
- 23 **noted** that non-fishing customary practices can continue within HPAs, including the small-scale removal of non-living materials such as shells and stones;
- 24 **agreed** that most provisions of HPAs take effect upon their establishment, so that commercial and recreational fishing would no longer be permitted;
- 25 **noted** that it is anticipated to take longer to work through the development of biodiversity objectives for each HPA;
- 26 **noted** that biodiversity objectives for each HPA will be confirmed by regulation under the Bill, and that they may be refined iteratively over time;
- 27 **noted** that existing arrangements for customary fishing under the Fisheries Act 1996 would continue in the event that initial biodiversity objectives for an HPA are not fully developed when the Bill comes into effect;
- 28 **noted** that once biodiversity objectives have been established for an HPA, customary fishing permits will only be issued for fishing in alignment with the biodiversity objectives;

Establishing Seafloor Protection Areas

- 29 **agreed** that five SPAs be established in the Gulf;
- 30 **agreed** that all SPAs have prohibitions on the following activities:
- 30.1 bottom trawling, dredging, and Danish seining fishing methods;
- 30.2 dumping, sand extraction, mining, and aquaculture;
- 31 **agreed** that the SPA at the Mokohinau Islands have prohibitions on the additional following activities:
- 31.1 set netting;
- 31.2 potting and bottom longlining, except for within specified areas that would have minimal impact on fragile and protected species;

Monitoring and enforcement

- 32 **agreed** that Department of Conservation warranted officers be granted powers relating to monitoring and enforcement of customary fishing in HPAs, and to collect evidence of non-compliance to pass on to MPI/FNZ for investigation and further action;
- 33 **agreed** that MPI/FNZ fisheries officers be granted powers relating to monitoring and enforcement of activities in HPAs as authorised under the Bill, and to collect evidence to pass on to the Department of Conservation for investigation and further action;

Financial implications

- 34 **noted** that the implementation of the marine protection proposals in the Revitalising the Gulf Strategy will be funded through reprioritisation and transfer within Vote Conservation, to be determined by the Minister of Conservation;

- 35 **noted** that the implementation of the fisheries management deliverables, including the Fisheries Plan, will be funded by MPI/FNZ baseline;

Legislative implications

- 36 **noted** that a category 4 priority is being sought for the Hauraki Gulf Marine Protection Bill on the 2023 Legislation Programme (to be referred to a select committee in 2023);
- 37 **authorised** the Minister of Conservation to issue drafting instructions to the Parliamentary Counsel Office to give effect to the above paragraphs;
- 38 **authorised** the Minister of Conservation and the Minister for Oceans and Fisheries to make minor or technical changes to policy decisions on issues that arise during legislative drafting, consistent with the general policy intent set out in the paper under ENV-22-SUB-0065.

Rachel Hayward
Secretary of the Cabinet

Secretary's Note: This minute replaces ENV-22-MIN-0065. Cabinet agreed to add recommendation 12.
