Hon Tama Potaka

Minister of Conservation
Minister for Māori Crown Relations: Te Arawhiti
Minister for Māori Development
Minister for Whānau Ora
Associate Minister of Housing (Social Housing)

Ref: 24-B-0566

Hon Shane Jones
Minister for Oceans and Fisheries

Tēnā koe Shane

Proposed Hākaimangō-Matiatai marine reserve – request for concurrence

An application under the Marine Reserves Act 1971 to create a marine reserve off the northwest coast of Waiheke Island was made by a group called the Friends of the Hauraki Gulf Inc. 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.

Ngāti Pāoa has been acknowledged as holding mana whenua for Waiheke Island and its surrounding waters, but not to the exclusion of other iwi who also have interests. Internal tensions within Ngāti Pāoa currently manifest as two representative entities exercising separate mandates to represent Ngāti Pāoa interests. The Ngāti Pāoa Iwi Trust and the Ngāti Pāoa Trust Board take opposing positions on this application.

In line with the requirements of the Act and the Marine and Coastal Area (Takutai Moana) Act 2011, the application for the proposed marine reserve 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 have decided that declaring the proposed marine reserve 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 reserve would not interfere unduly with or adversely affect any existing usage of the area for recreational purposes. Furthermore, I believe that declaring the area as a marine reserve 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 reserve be declared with a number of conditions and other measures (either to reduce interference with the interests listed in section 5(6)(a)-(e) of the Act or as good practice measures):

- Condition to require generational reviews
- Condition for the control of unwanted organisms
- Condition for pollution response
- Condition for existing consented structures, replacement of existing consented structures and associated maintenance
- Condition for existing discharges of contaminants and associated monitoring
- Condition for retrieval of dead marine mammals and marine mammal parts

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DRAFT
Released under Official Information Act

- Recommendation relating to kina removal from the marine reserve for management purposes
- Recommendation to establish an advisory rōpū for the marine reserve

The proposed name of the marine reserve is 'Hākaimangō-Matiatia Marine Reserve'. This name 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 area, with the conditions and other measures above, as a marine reserve 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 reserve with the conditions and other measures set out above 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 an Order in Council be made declaring the area a marine reserve.

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 above.

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 and the Department of Conservation's advice on the application.

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

Mauriora

Hon Tama Potaka
Minister of Conservation

Released under Official Information Act

Hon Tama Potaka

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Minister for Māori Crown Relations: Te Arawhiti
Minister for Māori Development
Minister for Whānau Ora
Associate Minister of Housing (Social Housing)

Ref: 24-B-0566

Hon Simeon Brown
Minister of Transport

Tēnā koe Simeon

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