Volume 2

Report to the Minister of Conservation on the Hākaimangō-Matiatia marine reserve application

Appendices



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Department of Conservation
Te Papa Atawbai

Te Kāwanatanga o Aotearoa
New Zealand Government

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Appendix 1

The Application: Hākaimangō-Matiatia Marine Reserve (Northwest Waiheke Island) – Report in support of an application for an order in council for a marine reserve

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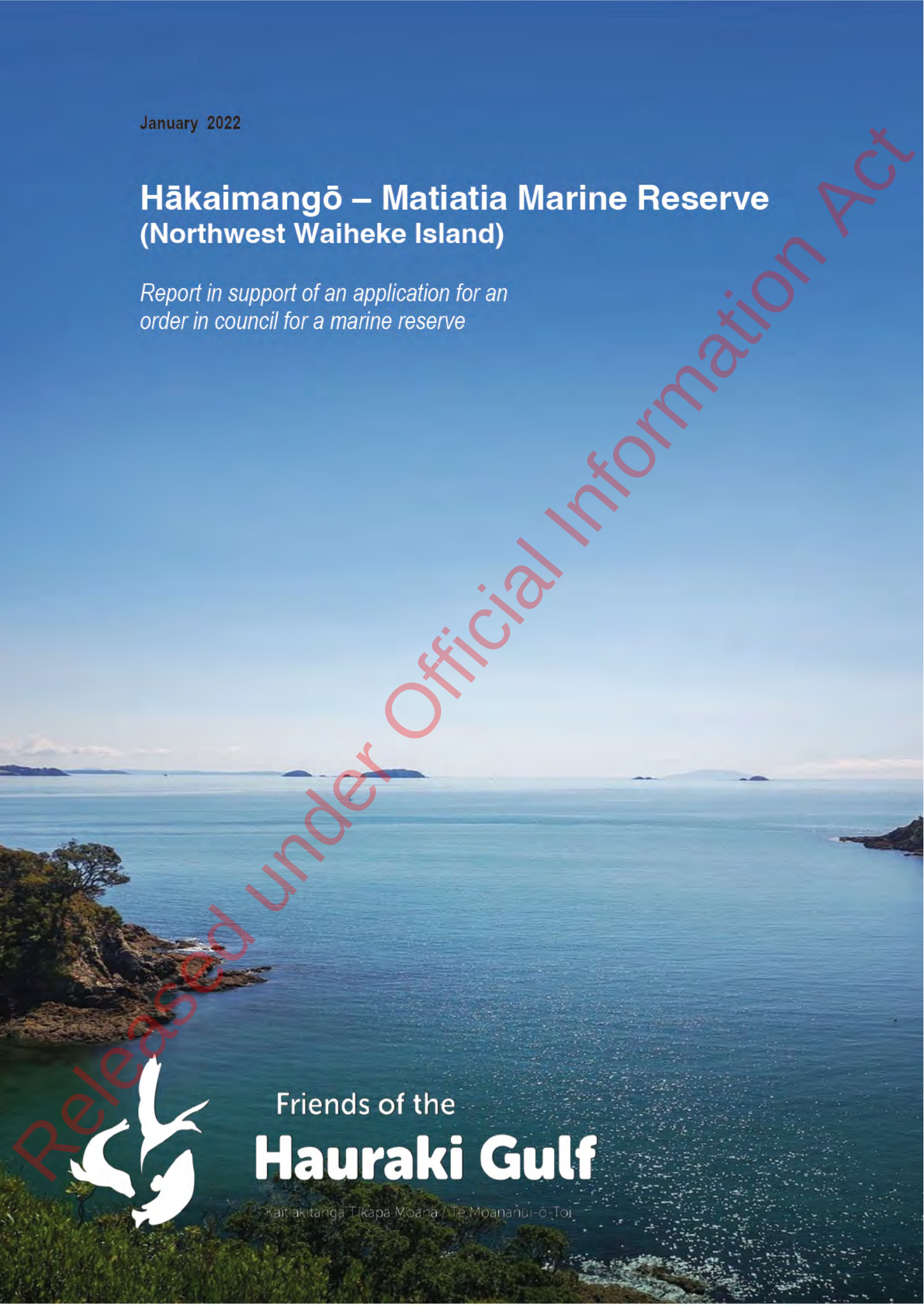
Hākaimangō – Matiatia Marine Reserve
(Northwest Waiheke Island)

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



Friends of the
Hauraki Gulf
Kaitiakitanga Tikapa Moana / Te Moananui-ō-Toi

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Dedication

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

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



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

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

1.0 INTRODUCTION

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

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

1.1 The Hauraki Gulf Marine Park Act (2000).

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

Section 7: Recognition of national significance of Hauraki Gulf

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

Section 8: Management of the Hauraki Gulf

'To recognise the national significance of the Hauraki Gulf, its islands, and catchments, the objectives of the management of the Hauraki Gulf, its islands, and catchments are

(a) the protection and, where appropriate, the enhancement of the life-supporting capacity of the environment of the Hauraki Gulf, its islands, and catchments.'

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

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1.2 Marine Reserves Act

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

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

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

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

1.3 The Conservation Management Strategy Auckland 2014-2024

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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2.0 ORIGIN OF THIS PROPOSAL

2.1 The Friends of the Hauraki Gulf Inc

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

'*to research and advocate for the setting aside of marine protected areas, especially no-take marine reserves…'* and,

'to encourage and facilitate the scientific study of marine life and the natural history of the Hauraki Gulf.'

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

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

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

2.2 The Waiheke Local Board

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

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

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

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

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

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

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

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

That the Waiheke Local Board:

a) agree to release and promote the reports for community consideration

b) note that it does not consider it is the local board’s role to lead on any marine reserve applications(s) and encourages interested community groups to do so

c) note its view that the material gathered to date provides a good and robust basis for pursuing a marine reserve(s)

d) agree to consider any requests for support and assistance from applicants in due course

e) recommend that the Auckland Council Environment and Community Committee and the Sea Change – Tai Timu Tai Pari Hauraki Gulf Political

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

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

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

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

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

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

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

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3.0 THE APPLICATION

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

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

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

3.1 Boundaries of the proposed marine reserve

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

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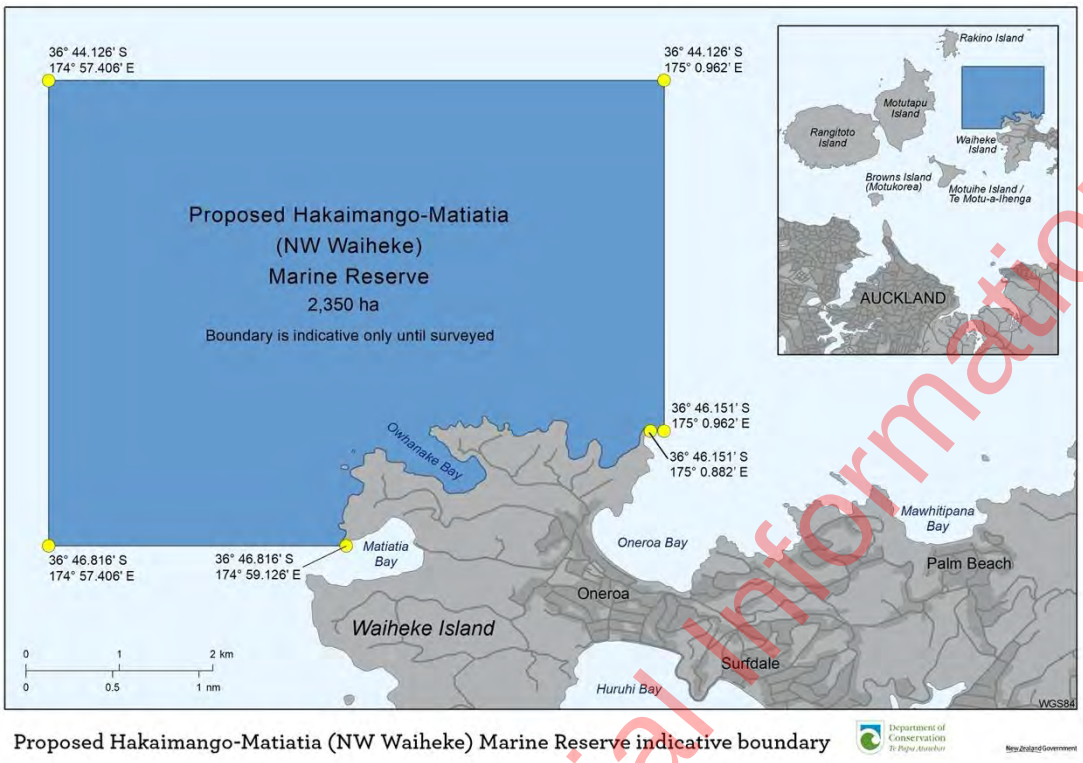

Fig.6. Boundaries of the proposed marine reserve

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

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

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3.2 Māori History of the area Hakaimango Point to Matiatia Point

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

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

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



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

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

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

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

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

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



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

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3.3 The Coastal Marine Area (CMA)

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

coastal marine area *means the foreshore, seabed, and coastal water, and the air space above the water—*
(a) *of which the seaward boundary is the outer limits of the territorial sea:*
(b) *of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of—*
(i) *1 kilometre upstream from the mouth of the river; or*
(ii) *the point upstream that is calculated by multiplying the width of the river mouth by 5.*

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

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

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

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

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

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

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4.0 TYPES OF MARINE HABITATS WITHIN THE PROPOSED MARINE RESERVE

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

4.1 Rocky reef systems - geology

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

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

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

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

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

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

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



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

4.2 Reef types within the proposed marine reserve

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

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

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

4.3 Soft sediment habitats

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

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

4.4 The nationally important marine fossil deposits of – Double U Bay 'Fossil Bay'

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

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

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



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

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

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

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5.0 BIOTA OF THE ROCKY REEF SYSTEMS

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

5.1 Marine algal species

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

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

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

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

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

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

5.2 Marine invertebrates – mobile and sessile

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

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

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

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

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

5.3 Crayfish species

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

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

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6.0 FISH SPECIES WITHIN THE PROPOSED MARINE RESERVE.

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



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

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

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

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

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

For further information of species taken by recreational fishers in this general area see:
https://marlin.niwa.co.nz/files/dataHoldings/scientificResearchDbs/rec_data.pdf

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

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

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7.0 SEABIRD SPECIES WITHIN THE PROPOSED MARINE RESERVE

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

– *Chris Gaskin State of our Seabirds 2021.*

7.1 Seabirds foraging in or breeding near the proposed marine reserve

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



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

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

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



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

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

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

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

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



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

The coastal fringe of the proposed marine reserve was partially surveyed in 2016 and 2017, along with 35 km of the island's coastline by Auckland Council for penguins and petrels (Lovegrove 2017): https://infocouncil.aucklandcouncil.govt.nz/Open/2017/04/WHK_20170427_AGN_7150_AT_files/WHK_20170427_AGN_7150_AT_Attachment_52854_1.PDF

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

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

7.2 The restoration of spotted shags

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

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

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

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

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

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

7.3 North Auckland Seabird Flyway

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

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

7.4 Pest-free islands and the marine reserve

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

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

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8.0 MARINE MAMMALS OF THE PROPOSED MARINE RESERVE

8.1 Marine mammals recorded within or near the proposed marine reserve

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

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



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

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



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

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

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

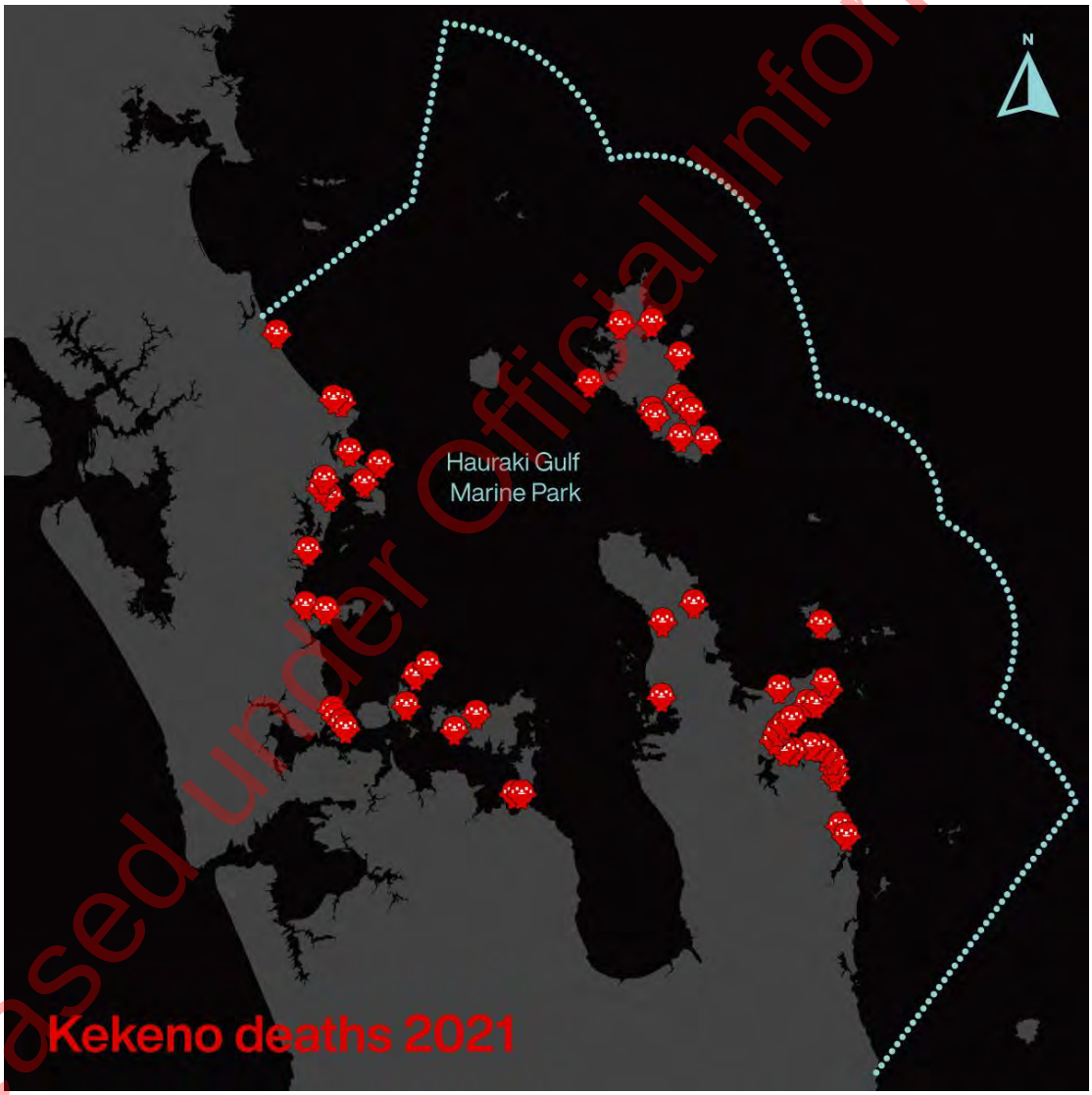

Fig. 23. At least 50 carcasses of New Zealand fur seal pups washed up in the beaches of the Hauraki Gulf Marine Park in 2021. Graphic Shaun Lee. (S. Lee in prep.)

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

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



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

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9.0 THE COASTAL ENVIRONMENT

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

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

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

9.1 The rural buffer zone

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

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

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

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

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9.2 Coastal walkways and public accessibility

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

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

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

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

9.3 The proposed marine reserve and public transport

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

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

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

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

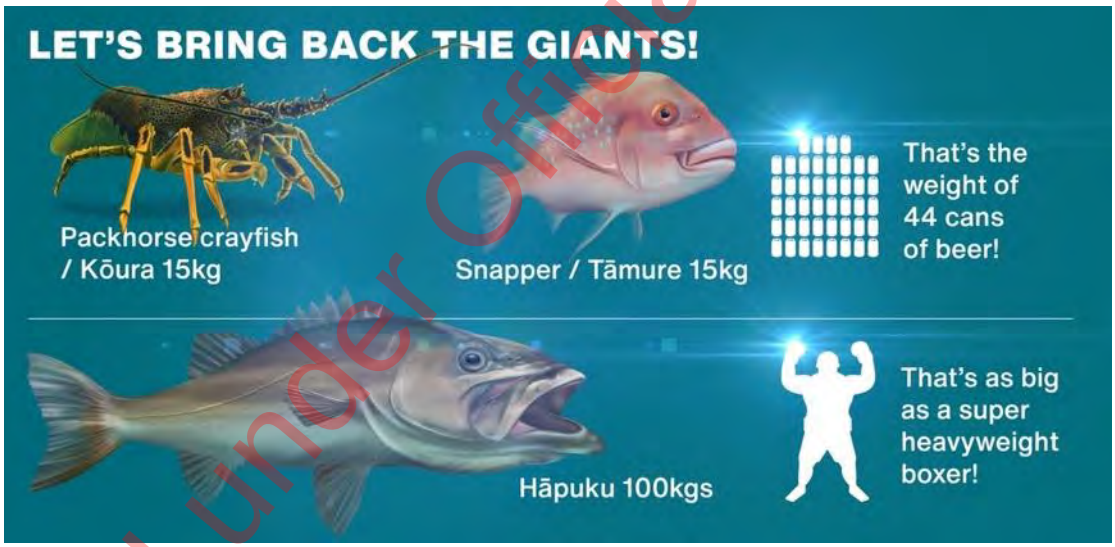

Fig. 25. Graphic Shaun Lee.

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

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

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

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



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

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11.0 WHY MARINE RESERVES?

11.1 Marine Protected Areas or Marine Reserves?

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

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

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

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

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

11.2 Marine Reserves within the Hauraki Gulf

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

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

Total area 3121 ha.

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



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

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11.3 Towards a marine reserve network within the Hauraki Gulf

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

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

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

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

11.4 Marine Reserves and climate change

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

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

In 2016, a strong El Niño event caused the most severe coral bleaching event in history, which killed 67% of the coral in the northern part of the Great Barrier Reef in Australia in just nine months (Hughes *et al.,* 2017). However, corals in the Line Islands affected by the strong 1997–1998 El Niño recovered in fully protected reefs within a decade, whereas they did not in unprotected islands (Sandin *et al*. 2008): https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0001548

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

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See also Sala *et al.* 2021 'Protecting the global ocean for biodiversity, food and climate':
https://www.nature.com/articles/s41586-021-03371-z

In New Zealand we are already seeing mass die-offs of kelp: https://www.frontiersin.org/articles/10.3389/fmars.2019.00084/full
and shellfish:
https://www.theguardian.com/world/2020/feb/18/hundreds-of-thousands-of-mussels-cooked-to-death-on-new-zealand-beach-in-heatwave

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

Ocean acidification impacts on marine life will be most pronounced at the larval stage and have been shown to impact settlement on pāua (*Haliotis iris*) in laboratory experiments:
https://academic.oup.com/icesjms/article/78/1/340/5859739?login=true

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

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

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

11.5 The economic benefits of marine reserves

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

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

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

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

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12.0 CONSULTATION WITH THE PUBLIC & WITH MANA WHENUA

12.1 A history of marine protection public consultation & awareness raising

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

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

b) That the Waiheke Local Board:…

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

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

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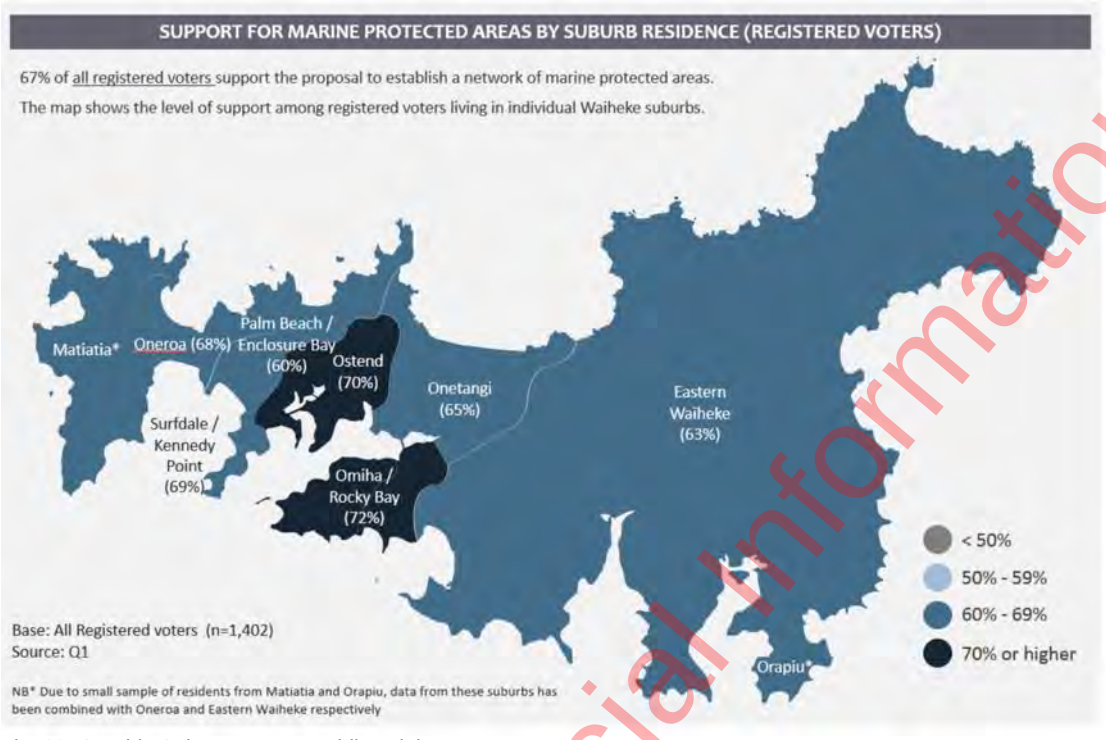

Fig. 28. Graphic Colmar Brunton public opinion survey report

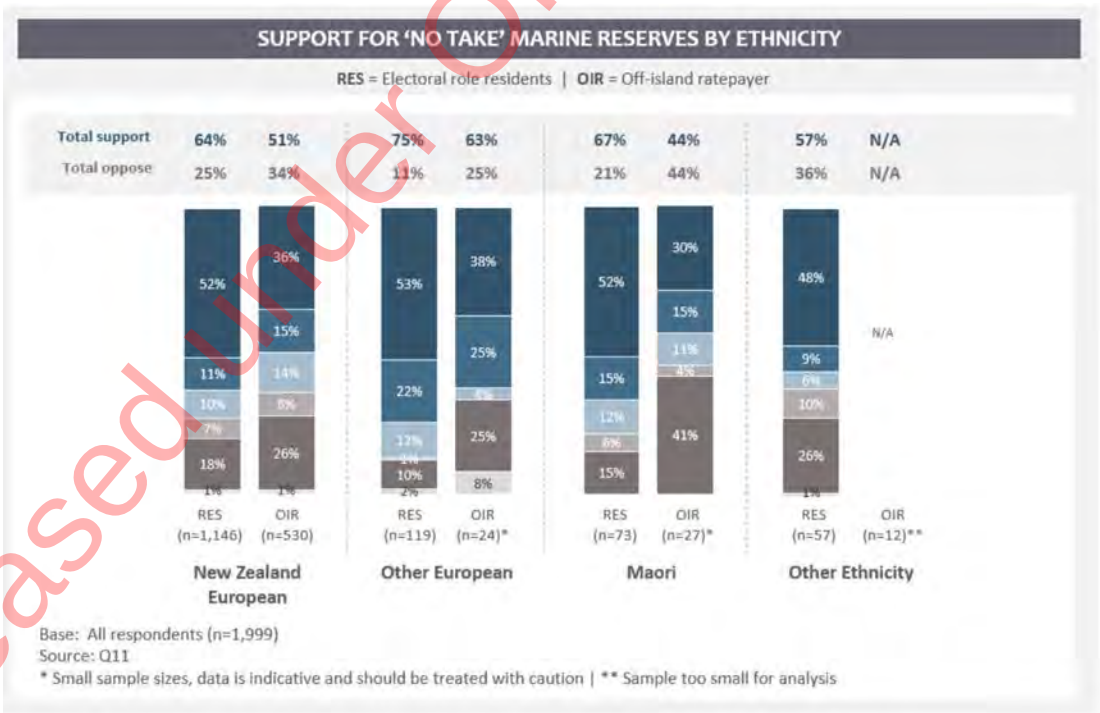

Fig. 29. Graphic Colmar Brunton public opinion survey report

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



Fig. 31. Graphic Shaun Lee.

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

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

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



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

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

- Fill out the online submission form at: www.doc.govt.nz/waihekeproposal
- Or mail your submission: waihekeproposal@publicvoice.co.nz

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15.0 ACKNOWLEDGEMENTS

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17.0 APPENDICES

Appendix 1

Haggitt, Tim eCoast (2017a) Waiheke Island Marine Reserve Network – Gaps Analysis and Feasibility Study
https://www.aucklandcouncil.govt.nz/about-auckland-council/how-auckland-council-works/local-boards/all-local-boards/waiheke-local-board/docswaihekeplans/waiheke-marine-reserve-gaps-feasibility.pdf

Appendix 2

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

Appendix 3. Hauraki Gulf Forum 'The State of our Gulf' (2020).

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

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Appendix 5. Pre-notification consultation Diary 2021

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

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

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

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			visit Waiheke to view the site
4 July	Matariki Festival Waiheke Art Gallery Alex Stone FoHG	Presentation at the Art Gallery to celebrate Matariki by Alex Stone: Alex used our PowerPoint to introduce the audience to our marine reserve project. It was received very positively and there were lots of questions from interested people.	
15 July	DOC Rebecca Bird (National marine protection), Mandy Leathers, Glen Carbines, John Galilee. Mike Lee, Chris Cureen FoHG.	Meeting at DOC. Bledisloe House July 15 2020 Meeting started at 12.30pm Mike summarized our progress to date. He asked for an assessment of our application and requested a timeline for when we can move forward. Chris went over the consultation we are doing in the community. Rebecca outlined the principles of engagement 1. Public engagement prior to notification 2. Working together for the notification process - display of maps etc 3. Plan for the pre-notification period. She stated that an external application is different to an internal application, so she needed assistance in dealing with it. The statutory project plan is Glen Carbines' role. Glen introduced himself and described at length his work in the conservation space, including working on three marine reserve proposals. Mike noted his membership of rec fishing groups & requested an objective, unbiased view on our application. Glen said his professional reputation depends on his being impartial and gave his assurance that we would be given a "fair go." Rebecca on the Assessment: Our application seems thorough and sound. She would like to assess it against the Act - that would be the scope of the process. She asks for the time to make a formal assessment against the Act. Mike said he has already asked if there are any gaps and that the assessment could only be helpful.	Report on consultation 25 August

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

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

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

Chris Curreen Jan 2022

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

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

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

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

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

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

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

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

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

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

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

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

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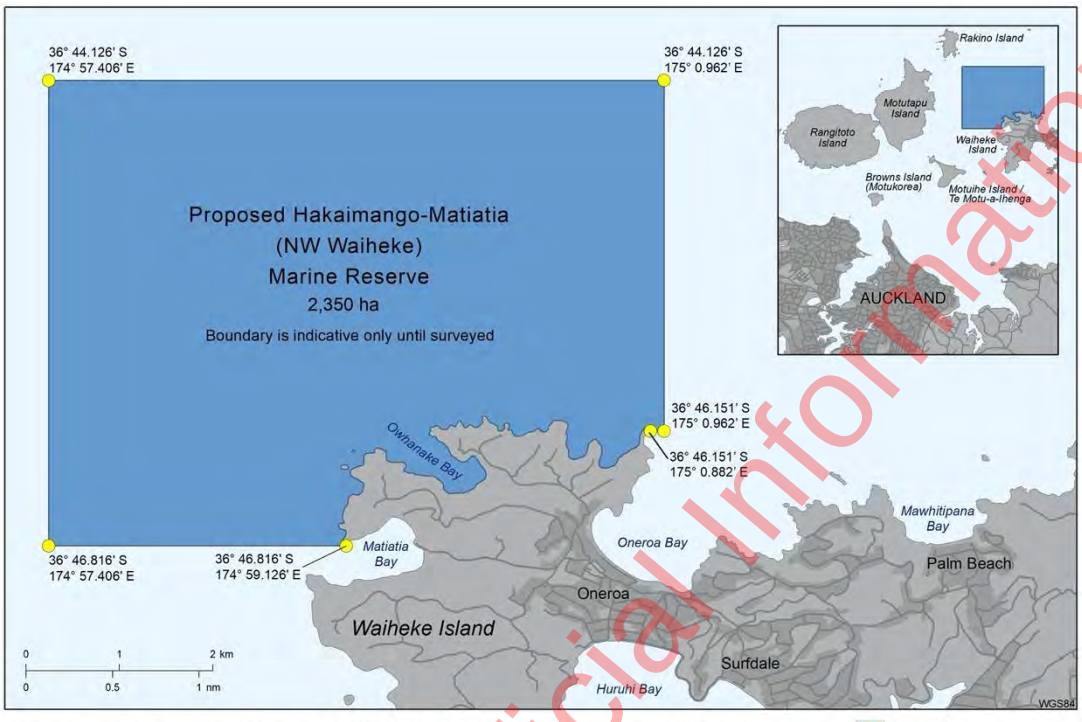
Appendix 7. Plan of proposed Marine Reserve as per section 5 (2) of the Marine Reserves Act (1971).



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

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Appendix 2

Treaty settlement obligations and considerations relevant to decision-making

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Treaty settlement obligations and considerations relevant to decision-making

There are three enacted Treaty settlements and eight further settlements at various stages of negotiation, relating to iwi in the Tāmaki Makaurau area, that are of relevance to the Application.

Each settlement is described below, including limitations (in relation to the harbour), and why Te Papa Atawhai considers each settlement relevant when this is a harbours issue (relationship agreement).

A summary of how themes within each settlement relate to the Application is provided in Table 6-2 and Table 10-1 of the Departmental Report (Volume 1).

Ngāti Paoa (signed DOS)

The Ngāti Paoa Deed of Settlement[1], signed March 2021, is the final settlement of historical Treaty claims of Ngāti Paoa and an agreement between Ngāti Paoa and the Crown. The settlement takes effect following the enactment of the settlement legislation.

The area of interest of Ngāti Paoa stretches along the western shores of the Hauraki Gulf and the eastern suburbs of Auckland, from Te Aroha to Warkworth. It comprises islands in the Tāmaki Strait (including Waiheke and Ponui islands) and reaches across to the Coromandel Peninsula over Manaia and Kaimarama.

The Ngāti Paoa Deed of Settlement includes an agreed historical account, Crown acknowledgements, a Crown apology and cultural, financial and commercial redress.

The Ngāti Paoa Deed of Settlement provides for protocols and relationship agreements. The Ngāti Paoa governance entity will enter a conservation relationship agreement with the Department of Conservation.

The Ngāti Paoa Deed of Settlement provides for cultural redress including an overlay classification that acknowledges the traditional, cultural, spiritual and historical association of Ngāti Paoa with certain sites of significance. The overly classification is over Te Haupa Island Scenic reserve and Pūkorokoro / Miranda Taramaire Government Purpose Reserve Wildlife Management Area.

In addition to the clauses outlined in the Tāmaki Collective, the signed Deed of Settlement contains clauses and sections in the Statements of Association and Conservation Relationship Agreement of relevance to this Application.

The Statements of Association shows the clear and strong traditional, historical, cultural and spiritual significance of Tikapa Maona to Ngati Pāoa and their role as customary kaitiki over the fisheries, as well as identifying Waiheke Island as place with significant interests for the iwi. Areas of significance for Ngāti Paoa include:

Matietie Historic Reserve (covers the area bordering the proposed marine reserve to mean high water mark)

- 'Matietie Historic Reserve has historical, spiritual, cultural and traditional significance for Ngāti Paoa. This coastal reserve area includes some flat terrain where the kāinga Ahipao was once situated, as well as sloping terrain leading to the important site of Mokemoke Pā – a powerful and important remnant of Ngāti Paoa's cultural association to this bay and the wider surrounding area. The reserve extends north as far as Ōwhanake Bay, another significant site to Ngāti Paoa.'

[1] Ngati Paoa DOS signing version 19 March 2021

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- 'Mokemoke Pā, an ancient fortified pā site, was once occupied by Rawiri Takurua and his people of Ngāti Hura and Ngāti Kapu. The pā would act as a sanctuary for the hapū residing within the area in times of small-scale warfare.' (Mokemoke Pā is located on the northern point of Matiatia.)
- 'The northern periphery of the Matietie Historic Reserve includes steep terrain and precipitous rock. The rocks that border the shoreline at sea level once provided Ngāti Paoa with the seafood delicacy, oysters, and the sea was used for transport and food gathering purposes.'
- 'There are a number of archaeological discoveries along the Matietie Historic Reserve that have been registered and recorded including pits, middens, terraces, pā sites and other artefact discoveries. The Matietie Historic Reserve is rich in culture and has historical significance for Ngāti Paoa.'

Te Matuku Bay Scenic Reserve (in the southeastern quarter of Waiheke Island)

- 'The extent of the land and the boundaries stated began at Tirahopuhopu on the south coast, running north along the ridge of hills to Pukeokai, further to Maunganui, thence to Maungataururu, when it descends as far as the mouth of the Rakiwhau River, and then runs south east along the ridge of the hills until it descends into the sea at the point west of Otakawhe Bay. The sacred summits of Maunganui and Te Puke o Kai are of significant importance to Ngāti Paoa. Ngāti Paoa's association with Te Matuku is a result of the expansion and development of Ngāti Paoa in the late seventeenth century primarily due to inter-tribal warfare that expelled the previous inhabitants from the island.'
- 'Ngāti Paoa held interests on the island from the mid eighteenth century through to the early twentieth century, when most of the land once owned by Ngāti Paoa was sold to third parties. Ngāti Paoa currently own 2000 acres of farmland north of Te Matuku, as a result of an earlier Treaty settlement process that recognised Ngāti Paoa's interests at Waiheke.'

Hauraki Gulf / Tīkapa Moana

- 'The coastal marine area of Hauraki Gulf / Tīkapa Moana (Firth of Thames) and the Hauraki Gulf is an integral part of Ngāti Paoa's rohe in Hauraki and Tāmaki Makaurau. Areas of particular cultural significance include the coastal areas from the Piako River near Thames, running west to the Waitakaruru River, travelling northward along the western coast of Hauraki Gulf / Tīkapa Moana, scattered around the inner harbour coastline of Tāmaki, and proceeding north again through to Mahurangi.'
- 'Other significant interests for Ngāti Paoa lie with the many Hauraki Gulf Islands such as Karamuramu, Pākihi, Pōnui, Rātōroa, Pākatoa, Waiheke, Motuihe / Te Motu-a-lhenga, Motutapu, Rangitoto, Otata, Motuhorapapa, Rākino, Tiritiri Matangi, Motuora, Te Haupā and Kawau. Occupation of pā, kāinga and fishing stations on the coastline of Hauraki Gulf / Tīkapa Moana (Firth of Thames), the coastline of Tāmaki Makaurau, including the coastline from Te Hau Kapua (Devonport) through to Mahurangi in the north were important bastions that supported the development and vitality of Ngāti Paoa. Coastal fisheries and other resources were controlled and managed by the various Ngāti Paoa hapū, who exercised their customary kaitiaki role.'
- 'Ngāti Paoa have strong and unbroken traditional, historical, cultural and spiritual associations with the coastline and its ecosystems. These associations remain today, and are central to the identity and mauri of the iwi.'

Habours:

- 'The Application area is located in ocean space explicitly excluded from the settlements. Te Arawhiti states the settlement does not provide for redress in relation to Tīkapa Moana / Hauraki Gulf and Te Tai Tamahine / Te Tai Tamawahine. The Crown and Ngāti Paoa have agreed to

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conduct separate negotiations in the future to discuss potential cultural redress in relation to these areas' which includes the site of the proposed marine reserve.[2]

- Tīkapa Moana - Te Tai Tamahine / Te Tai Tamawahine (and the harbours in those water bodies) are of great spiritual, cultural, customary, ancestral and historical significance to Ngāti Paoa (8.1)
- The Crown recognises Ngāti Paoa have long sought co-governance and integrated management of Tīkapa Moana – Te Tai Tamahine / Te Tai Tamawahine (8.4.2)
- The Crown acknowledges that the aspirations of Ngāti Paoa for Tīkapa Moana – Te Tai Tamahine / Te Tai Tamawahine include co-governance with relevant agencies in order to:
    - restore and enhance the ability of those water bodies to provide nourishment and spiritual sustenance (8.5.1); and
    - facilitate the exercise by Ngāti Paoa of kaitiakitanga, rangatiratanga and tikanga manaakitanga (8.5.3).

Ngā Mana Whenua o Tāmaki Makaurau Collective Redress

The Tāmaki Makaurau Collective Redress Deed[3] provides shared redress for the 13 iwi/hapū that make up the Tāmaki Collective in their maunga, motu and lands within Tāmaki Makaurau. The Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 gives effect to certain provisions of the Redress Deed. This settlement does not settle any historical claims, which are instead achieved through individual settlements of the iwi/hapū who make up the collective.

The Application area is contained within the boundaries of the area of interest of the Tāmaki Makaurau Collective. However, this Treaty settlement does not address settlements related to the Manukau and Waitematā harbours. These negotiations are yet to commence.

While this settlement does not provide redress for the harbours, it remains relevant as it provides for the resetting of the relationship between the collective and DOC and does recognise the spiritual, ancestral, cultural, customary and historic relationship with Tikapa Moana. This is addressed in the Conservation Relationship Agreement between the collective (through the trustees) and the Minister and the Director-General of Conservation. The Conservation Relationship Agreement outlines how the partners will work together, including obligations where consultation is undertaken with Ngā Mana Whenua.

Under the purpose section of the Conservation Relationship Agreement, it states that the agreement 'represents a partnership between the Minister and Department of Conservation and Ngā Mana Whenua o Tāmaki Makaurau:

a) To promote the conservation of natural and physical resources and historical and cultural heritage cross the Tāmaki Makaurau Region in respect of which the Department of Conservation has statutory responsibilities and the iwi/hapū of Ngā Whenua o Tāmaki Makaurau (Ngā Mana Whenua) are mana whenua and kaitiaki; and

b) To give effect to the principles of Te Tiriti o Waitangi / the Treaty of Waitangi, as required by section 4 of the Conservation Act 1987.'

In section 2 'Roles and Responsibilities', the Relationship Agreement establishes as a joint objective that 'Ngā Mana Whenua o Tāmaki Makaurau, the Minister and Department of Conservation are committed to establishing an effective partnership to better protect the health, wellbeing, mauri and wairua of the resources and heritage of the Tāmaki Makaurau Region for all generations.'

[2] Deed of Settlement Summary: Harbours https://www.govt.nz/assets/Documents/OTS/Ngati-Paoa/2021-03-20-N-Paoa-Deed-of-Settlement-Summary.pdf.

[3] Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 No 52 (as at 01 July 2022), Public Act Contents – New Zealand Legislation.

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Furthermore, 2.4 states that 'Ngā Mana Whenua o Tāmaki Makaurau and the Department will seek to establish a relationship that emphasizes shared objectives consistent with the conservation statutory framework and Ngā Mana Whenua o Tāmaki Makaurau kaitiakitanga and mana whenua responsibilities for natural and historic resources, and other taonga.'

The Conservation Relationship Agreement recognises Nga Mana Whenua as having a centuries-old spiritual, ancestral, cultural, customary and historic relationship with Tikapa Moana, the Waitemata and Manukau Harbours, the motu of those seas, and the whenua, waters, and indigenous flora and fauna within the Tamaki Makaurau Region (at 2.5). And, that they have an inter-generational responsibility as mana whenua and kaitiaki under tikanga Māori to preserve, protect, manage and utilise those taonga for all generations (at 2.6).

Of particular relevance to DOC's role with this Application are the following clauses related to Tikapa Moana and marine issues, including shared aspirations for conservation:

- Nga Mana Whenua and the Department share aspirations for conservation of Tikapa Moana / the Hauraki Gulf, the Waitemata and Manukau Harbours and other marine areas in the Tamaki Makaurau Region (8.1)
- Nga Mana Whenua consider all species of marine mammal within the Tamaki Makaurau Region are taonga tuku iho of Nga Mana Whenua (8.2)
- Ngā Mana Whenua and the Department will work together on issues relating to conservation of Tikapa Moana (8.4)

Ngā Mana Whenua and the Department share aspirations of protecting ecosystems and indigenous flora and fauna within the Tāmaki Makaurau Region. These aspirations will be reflected in the strategic partnership objectives. (10.1)

- As part of the annual business planning process, the parties will discuss: a) Opportunities and processes to share, where appropriate, scientific and cultural resource information, including data and research material (including to assist Nga Mana Whenua to exercise their role as kaitiaki) (14.1)

Consultation

The Conservation Relationship Agreement sets out obligations where consultation is undertaken with Ngā Mana Whenua. These obligations on the Department are to (23.1):

a) 'Ensure that Ngā Mana Whenua or the relevant iwi/hapū are consulted as soon as reasonably practicable following the identification of the proposal or issues to be the subject of the consultation;

b) Provide Ngā Mana Whenua or the relevant iwi/hapū with sufficient information and time to make informed comments and/or submissions in relation to any of the matters that are subject of the consultation;

c) Approach the consultation with an open mind and genuinely consider any views and/or concerns that Ngā Mana Whenua or the relevant iwi/hapū may have in relation to any of the matters that are subject to the consultation; and

d) Report back to Ngā Mana Whenua or the relevant iwi/hapū Governance Entity on any decision that is made.'

Conservation Relationship Agreements do not have the effect of granting, creating or providing evidence of an estate or interest in, or rights relating to land or any other resource held, managed or administered under the Conservation Legislation or the Marine and Coastal Area (Takutai Moana) Act 2011. However, breach of these agreements may enable the seeking of a public law remedy, including judicial review.

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Ngāi Tai ki Tāmaki Treaty Settlement

Ngāi Tai ki Tāmaki rohe is centred in Tāmaki Makaurau/Auckland, extending to Hauraki/Coromandel and particularly the coastline, harbours and motu/islands of the Waitemata harbour and Tīkapa Moana / Hauraki Gulf.

Ngāi Tai ki Tāmaki is one of the iwi included in Ngā Whenua o Tāmaki Makaurau Collective Redress Deed and involved in collective negotiations in respect of historical claims in Hauraki.

The Settlement will be the final settlement of historical claims of Ngāi Tai ki Tāmaki. The settlement is made up of a redress package that includes an agreed historical account, Crown acknowledgements, a Crown apology and cultural, financial and commercial redress.

Cultural redress provides statements of association (statutory acknowledgements).

Ngāi Tai ki Tāmaki in their Statements of Association the historical relationship with Hauraki Gulf / Tīkapa Moana.

- 'Waiau was the home of Te Rakau and his two Ngāti Tai/Patutatahi wives. Peace was made in this area when Ngāi Tai and another Iwi were joined in marriage. These descendants conjointly occupied lands at Waiau and across Hauraki Gulf / Tīkapa Moana on motu and lands between present day Howick and Beachlands.'
- 'The chain of islands within he Hauraki Gulf / Tīkapa Moana became collectively known as Nga Poitu o Te Kupenga a Taramainuku (The floats of the net of Taramainuku). Taramainuku was a descendent of Toi. Through ancient whakapapa and ongoing use and occupation, Ngāi Tai maintained their associations to all of these islands not already mentioned, including but not limited to; **Motuhurakina (Rakino Island)**, Motuhoropapa and Otata (Noises Group), Oruapuke, **Waiheke**, Te Pounui a Peretu (Ponui Island) and Pakihi.' (Emphasis added Motuhurakina lies just to the north-west of the proposed marine reserve area.)
- 'Te Rangi-i-totongia ai te ihu a Tamatekapua and **Motutapu** have always been significant motu for Ngāi Tai.' (Emphasis added – Motutapu lies just to the west of the proposed marine reserve area.)
- 'Ngāi Tai ki Tāmaki's association with Motutapu goes back to the time of the tupuna Taikehu, who named the island Motutapu, "after a Peninsula called Motutapu at the north end of Rangiatea", the island from which the Tainui had begun its voyage to Aotearoa. To Taikehu's descendants in the area, the island became known as "Te Motu tapu a Taikehu", or "The Sacred Island of Taikehu". Taikehu's people on Motutapu were all but destroyed in the eruption of Rangitoto that occurred c.1400 AD, with only a small remnant escaping by waka to rejoin their Ngāti Taihaua kinsfolk on the mainland. Thus, Te Motu Tapu a Taikehu is a highly significant wāhi tapu of Ngāi Tai.'
- 'The primary Ngāi Tai interests at Waiheke fall within the south-eastern and central portions of the motu, particularly at Te Huruhē (Man o' War Bay), Te Matuku, Te Awaawaroa, Whakanewha, Kauakarau, Te Pūtiki o Kāhu, and Rangihoua. At the southeastern end of Waiheke, the lands between Waitī, Te Huruhē, Te Matuku and Te Awaawaroa represent an area of shared interest between Ngāi Tai and a hapu of another Iwi. On the Maraetai-facing southern coastline of Waiheke, between Te Matuku, Te Awaawaroa, Whakanewha and Kauakarau, two other Iwi bore witnesses before the Native Land Courts consistently stating that their interests in these areas devolved from their common Ngāti Tai ancestress, Parekaiangaanga. These areas encompass the greater part of the current DOC lands at Waiheke.'

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In addition to the clauses outlined in the Tamaki Collective, the key clauses in the Ngāi Tai ki Tāmaki Deed of Settlement Relationship Agreement[4] with the Department relevant to this application are:

- Ngāi Tai ki Tāmaki will maintain a Kaitiakitanga Roopu that will engage with the Department on issues of mutual interest or concern under legislation such as the Resource Management Act 1991 and the Marine and Coastal Area (Takutai Moana) Act 2011 (9.1)
- Ngāi Tai ki Tāmaki and the Department share aspirations for conservation of Tīkapa Moana / the Hauraki Gulf, the Waitematā and Manukau Harbours and other marine areas in their rohe and will look for opportunities to promote those aspirations including through the process identified in clause 8.4 of the Ngā Mana Whenua o Tāmaki Makaurau Conservation Relationship Agreement (11.1)
- Ngāi Tai ki Tāmaki consider all species of marine mammal within their rohe are taonga tuku iho of Ngāi Tai ki Tāmaki (11.2)
- Ngāi Tai ki Tāmaki wishes to revitalise the Hauraki Gulf Whale Kaitiaki Recovery Unit to deal with locating, towing, burial and recovery of cultural materials from whales, and have strong interests in the management of the tohora urupa at Calypso Bay, Motuihenga (11.3)
- The Department will, consistent with clause 16 of the Ngā Mana Whenua o Tāmaki Makaurau Conservation Relationship Agreement, advise the relevant Ngāi Tai ki Tāmaki contact person of marine mammal fatalities, as well as strandings, and engage where practicable before making decisions on the future of the stranded, dead or fatally injured marine mammal. (11.4)

Ngāti Tamaoho Treaty Settlement

The Ngāti Tamaoho Claims Settlement Act 2018[5] is the final settlement of all historical Treaty of Waitangi claims of Ngāti Tamaoho. The settlement is made up of a redress package that includes an agreed historical account, Crown acknowledgements, a Crown apology and cultural, financial and commercial redress.

The Ngāti Tamaoho area of interest includes the Manukau Harbour and extends to Franklin, the Hūnua Ranges, Awhitū Peninsula, the Waikato wetlands, Tīkapa Moana and north to central Auckland including Remuera and Ellerslie. Historically Ngāti Tamaoho also maintained ancestral connections (through their Ngariki and Ngaiwi antecedents) with the North Shore and Waiheke Island.

In addition to the relevant clauses outlined in the Tamaki Collective, the key clauses from the Relationship Agreement with the Department of Conservation in the Deed of Settlement of Ngāti Tamaoho are:

The aspiration of Ngāti Tamaoho is to see the mauri of a healthy environment sustaining abundant life and prosperous communities who, in turn, are responsible for restoring and protecting the health and wellbeing of the environment for generations to come (1.3). To make this happen, Ngāti Tamaoho want:

- to rebuild the mana of Ngati Tamaoho to exercise kaitiakitanga and have a meaningful role in influencing policies and share in the management of natural, historic, and cultural resources (1.3.1)
- a strong partnership with Te Papa Atawhai, and a seamless and well-integrated approach to managing conservation land, resources and cultural issues (1.3.2)

[4] Ngāi Tai ki Tāmaki Deed of Settlement Documents Schedule 7 Nov 2015 (www.govt.nz).

[5] https://www.govt.nz/assets/Documents/OTS/Ngati-Tamaoho/Ngati-Tamaoho-Deed-of-Settlement-Schedule-Documents-30-April-2017.pdf.

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In giving effect to section 4 of the Conservation Act 1987, The Department is committed to involving Ngāti Tamaoho in conservation decision-making over matters of importance to them, ensuring Ngāti Tamaoho interests are fairly reflected (1.7). That will involve:

- Ngāti Tamaoho and Te Papa Atawhai identifying the types of decisions that Ngāti Tamaoho will be involved in (1.7.1)
- Ngāti Tamaoho and Te Papa Atawhai maintaining open exchanges of information (1.7.2)
- Te Papa Atawhai providing Ngāti Tamaoho sufficient information and time for Ngāti Tamaoho to identify the nature and extent of their interest in an issue, while taking into account the importance of timely and efficient decision-making (1.7.3)
- Te Papa Atawhai providing feedback on how Ngāti Tamaoho interests have been reflected in particular decisions (1.7.4).

Ngāti Tamaoho and the Department share broad aspirations of working collaboratively to protect ecosystems and indigenous flora and fauna within the Ngāti Tamaoho rohe, including freshwater fisheries and the marine area (2.1).

Te Patukirikiri (signed DOS)

In addition to the clauses outlined in the Tāmaki Collective, the key clauses in the signed deed of settlement[6] are:

Statements of Association – Waiheke Island

- 'As a teenager Kapetaua returned to Tāmaki Makaurau to avenge himself against his brother-in-law, Tarakumukumu. He discovered that Tarakumukumu was living on Waiheke Island. Kapetaua crossed to Waiheke and engaged his forces there, defeating his brother-and-law and those with him.
- This was a major event in the history of Te Patukirikiri. As is customary from force of arms, Kapetaua succeeded to his brother-in-law's estate, establishing a land base for Kapetaua, his family, and his descendants.
- Te Patukirikiri held a strong presence at Waiheke. It was through this presence that Te Patukirikiri established connections and whakapapa ties with Marutūāhu tribes when they came to Waiheke. Together with the Marutūāhu tribes, Te Patukirikiri were occupants of Waiheke into the 1800s.Te Patukirikiri continue to hold customary interests at Waiheke today.
- Rangihoua is a Te Patukirikiri pā area on the hills just south of Pūtiki Bay on Waiheke Island. This pā contained general purpose lands used by Te Patukirikiri to maintain the survival of the pā. This land block was acknowledged by Ngāti Paoa as belonging to Pita Taurua, the principal chief of Te Patukirikiri, who was about to be awarded the block when he directed his relatives of shared Te Patukirikiri and Ngāti Paoa lineage to accept the role of guardianship of all Te Patukirikiri lands on Waiheke Island. Three chiefs accepted this direction, so the land was then jointly awarded to those chiefs with both Te Patukirikiri and Ngāti Paoa lineage in the 1800s.
- Huruhī is a general-purpose land block area used by Te Patukirikiri as a tauranga waka and beach area to access and process kaimoana in Pūtiki Bay on Waiheke Island to support the Patukirikiri pā settlements of Rangihoua, Kopuamotomoto,

[6] Te Patukirikiri Deed of Settlement Historical Claims - signing version 5 October 2018 (www.govt.nz).

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Kūpapa, and 'Kohairoa' pā in the vicinity. This land block was a Te Patukirikiri block, whose tribal interests were left in the hands of Ngāti Paoa by Pita Taurua in the 1800s.'

Harbours

- Tīkapa Moana - Te Tai Tamahine / Te Tai Tamawahine (and the harbours in those water bodies) are of great spiritual, cultural, customary, ancestral and historical significance to Te Patukirikiri (8.1)
- The Crown recognises Te Patukirikiri have long sought co-governance and integrated management of Tīkapa Moana – Te Tai Tamahine / Te Tai Tamawahine (8.4.2)
- The Crown acknowledges that the aspirations of Te Patukirikiri for Tīkapa Moana – Te Tai Tamahine / Te Tai Tamawahine include co-governance with relevant agencies in order to:
    - restore and enhance the ability of those water bodies to provide nourishment and spiritual sustenance (8.5.1)
    - facilitate the exercise by Te Patukirikiri of kaitiakitanga, rangatiratanga and tikanga manaakitanga (8.5.3).

Ngāti Maru (initialled DOS)

In addition to the clauses outlined in the Tāmaki Collective, the key clauses in the initialled deed of settlement[7] are:

Tīkapa Moana – Te Tai Tamahine / Te Tai Tamawahine

- Tīkapa Moana - Te Tai Tamahine / Te Tai Tamawahine (and the harbours in those water bodies) are of great spiritual, cultural, customary, ancestral and historical significance to Ngāti Maru (8.1)
- Ngati Maru and the Crown acknowledge and agree that this deed does not provide for cultural redress in relation to Tīkapa Moana - Te Tai Tamahine / Te Tai Tamawahine as that is to be developed in separate negotiations between the Crown and Ngati Maru
- Ngati Maru consider, but without in any way derogating from clause 8.10, negotiations with the Crown will not be complete until they receive cultural redress in relation to Tīkapa Moana - Te Tai Tamahine / Te Tai Tamawahine.
- The Crown recognises
    - the significant and longstanding history of protest and grievance on the Crown's actions in relation to Tīkapa Moana, including the 1869 petition of Tanumeha Te Moananui and other Pare Hauraki rangatira and the Kauaeranga Judgment; and
    - Ngāti Maru have long sought co-governance and integrated management of Tīkapa Moana – Te Tai Tamahine / Te Tai Tamawahine (8.4.2).
- The Crown acknowledges that the aspirations of Ngāti Maru for Tīkapa Moana – Te Tai Tamahine / Te Tai Tamawahine include co-governance with relevant agencies in order to:
    - restore and enhance the ability of those water bodies to provide nourishment and spiritual sustenance (8.5.1)
    - facilitate the exercise by Ngāti Maru of kaitiakitanga, rangatiratanga and tikanga manaakitanga (8.5.3).

[7] Ngāti Maru Deed of Settlement 8 September 2017 (www.govt.nz)

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- The Crown and iwi share many goals for natural resource management, including environmental integrity, the sustainable use of natural resources to promote economic development, and community and cultural well-being for all New Zealanders. The Crown recognises the relationships Ngati Maru have with natural resources, and that the iwi have an important role in their care.
- The Crown agrees to negotiate redress in relation to Tīkapa Moana - Te Tai Tamahine / Te Tai Tamawahine as soon as practicable, and will seek sustainable and durable arrangements involving Ngati Maru in the natural resource management of Tīkapa Moana - Te Tai Tamahine / Te Tai Tamawahine that are based on Te Tiriti o Waitangi / Treaty of Waitangi.
- The Crown owes iwi a duty consistent with the principles of Te Tiriti o Waitangi/the Treaty of Waitangi to negotiate redress for Tīkapa Moana - Te Tai Tamahine / Te Tai Tamawahine in good faith.

Ngāti Tamaterā (initialled DOS)

Ngāti Tamaterā Deed of Settlement[8], initialled 20 September 2017, is the final settlement of all historical claims Treaty of Waitangi claims of Ngāti Tamaterā and is made up of an agreed historical account, Crown acknowledgements and apology, cultural, financial and commercial redress.

Ngāti Tamaterā Iwi area of interest extends from Mahurangi in the north to Ngā Kuri a Wharei in the south. This area encompasses the islands and shores of Tikapa Moana/Hauraki Gulf from Auckland to the Coromandel Peninsula to the islands and shores of Te Tai Tamawahine reaching southwards to Katikati-Te Puna. The connection to this area by Ngāti Tamaterā is expressed by Ngāti Tamaterā as 'mai Matakana ki Matakana'.

Ngāti Tamaterā is part of the Tāmaki Collective or Ngā Mana Whenua o Tāmaki Makaurau. Ngāti Tamaterā is also a member of the Pare Hauraki and Marutūāhu Iwi collectives.

In addition to the clauses outlined in the Ngāti Tamaterā Deed of Settlement, the key clauses in the initialled deed of settlement are:

- Tīkapa Moana - Te Tai Tamahine / Te Tai Tamawahine (and the harbours in those water bodies) are of great spiritual, cultural, customary, ancestral and historical significance to Ngāti Tamaterā (8.1)
- The Crown recognises Ngāti Tamaterā have long sought co-governance and integrated management of Tīkapa Moana – Te Tai Tamahine / Te Tai Tamawahine (8.4.2)
- The Crown acknowledges that the aspirations of Ngāti Tamaterā for Tīkapa Moana – Te Tai Tamahine / Te Tai Tamawahine include co-governance with relevant agencies in order to:
    - restore and enhance the ability of those water bodies to provide nourishment and spiritual sustenance (8.5.1)
    - facilitate the exercise by Ngāti Tamaterā of kaitiakitanga, rangatiratanga and tikanga manaakitanga (8.5.3).

Note: a statement of association for the Hauraki Gulf / Tīkapa Moana is to be inserted before the deed is signed.

[8] Ngāti Tamaterā Deed of Settlement 20 September 2017.

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Ngaati Whanaunga (initialled DOS)

Ngāti Whanaunga Deed of Settlement[9], initialled 25 August 2017, is the final settlement of all historical claims of Ngāti Whanaunga and is made up of an agreed historical account, a Crown apology and Crown acknowledgements as well as cultural, financial and commercial redress.

In addition to the clauses outlined in the Tāmaki Collective, the key clauses in the initialled deed of settlement are:

- Tīkapa Moana - Te Tai Tamahine / Te Tai Tamawahine (and the harbours in those water bodies) are of great spiritual, cultural, customary, ancestral and historical significance to Ngaati Whanaunga (8.1)
- The Crown recognises Ngaati Whanaunga have long sought co-governance and integrated management of Tīkapa Moana – Te Tai Tamahine / Te Tai Tamawahine (8.4.2)
- The Crown acknowledges that the aspirations of Ngaati Whanaunga for Tīkapa Moana – Te Tai Tamahine / Te Tai Tamawahine include co-governance with relevant agencies in order to:
    - restore and enhance the ability of those water bodies to provide nourishment and spiritual sustenance (8.5.1)
    - facilitate the exercise by Ngaati Whanaunga of kaitiakitanga, rangatiratanga and tikanga manaakitanga (8.5.3).

Ngāti Hako (Agreement in Principle)

Ngāti Hako Agreement in Principle Equivalent[10], dated July 2011, sets out what Ngāti Hako intend to seek in a settlement with the Crown. Ngāti Hako Iwi is part of the Hauraki collective. The Iwi of Hauraki entered into a Framework agreement between the Hauraki Collective and the Crown dated 1 October 2010. As a party to the Hauraki Collective Framework Agreement Ngāti Hako are undertaking iwi specific negotiations, they are also seeking settlement redress outside of the Hauraki region in Tamaki and Maramarua.

Of relevance to Ngāti Hako is:

- The Hauraki Collective also seeks co-governance arrangements over Tīkapa Moana (the Hauraki Gulf) and Te Tai Tamahine (the Coromandel East Coast), including harbours and waterways, with the Waikato Regional Council and other local authorities with responsibilities in those coastal marine areas [21]
- The iwi of Hauraki assert mana moana and kaitiaki responsibilities over fisheries in Tīkapa Moana and Te Tai Tamahine, and seek arrangements that reflect those direct relationships [22]
- Ngāti Hako Cultural Redress Areas / properties (appendix 2) – under Tīkapa Moana includes 'Motu and coastal areas of Waiheketua'
    - rangatiratanga and tikanga manaakitanga (8.5.3).

Ngāti Te Ata (Deed of Mandate)

Ngāti Te Ata Deed of Mandate[11], dated September 2010, sets out the Ngāti Te Ata rohe as being:

[9] Ngaati Whanaunga Deed of Settlement.

[10] Ngāti Hako Agreement in Principle Equivalent (Hauraki) 22 July 2011.

[11] Te Arawhiti - Pare Hauraki.

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'From the mouth of the Waikato River to the mouth of the Kaipara in the West. From the mouth of the Kaipara across to Mangawhai in the North. From Mangawhai to Waitakaruru-Piako in the East. From Waitakaruru-Piako to Pukekawa returning to the mouth of the Waikato in the South. The Tasman Sea, Southern shores of the Kaipara Harbour, Waitemata and Manukau Harbours including the Waikato River are the water ways. Puketapu, Maungawhau, Maungakiekie, Maungarei, Matukututureia and the Hunua Ranges are in between. (Rohe description taken from Ngāti Te Ata September 2010 Deed of Mandate submitted to the Crown).'

Ngāti Te Ata Iwi is part of the Tāmaki Makaurau Collective.

Pare Hauraki Collective Agreement

The Pare Hauraki Collective Agreement has been signed by Ngāti Hako, Ngāi Tai ki Tāmaki, Ngāti Hei, Ngāti Maru, Ngāti Paoa, Ngāti Porou ki Hauraki, Ngāti Pūkenga, Ngāti Rāhiri Tumutumu, Ngāti Tamaterā, Ngāti Tara Tokanui, Ngaati Whanaunga, and Te Patukirikiri.

The conservation framework area map in the collective redress deed however does not include Waiheke Island. As such, this redress is not discussed further in regard to this Application.

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Appendix 3

December 2021 Department of Conservation summary document for the Department's engagement with tangata whenua

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Understanding tangata whenua views, rights and interests in relation to the Hakaimango–Matiatia (Northwest Waiheke) Marine Reserve application

December 2021

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Department of Conservation
Te Papa Atawhai

New Zealand Government

Ko te tūmanako e ora pai tonu ana koe, koutou ko tōu iwi, hapū me tōu whānau. Ka tonoa e mātou tēnei ki a koe e pā ana ki te take nui ki te moutere o Waiheke.

The Department of Conservation (DOC) has received an application for a new marine reserve at the northwestern end of Waiheke Island.

Giving effect to the principles of the Treaty of Waitangi and understanding the views of tangata whenua are core requirements of our work to process this application.

This document outlines key information to support an initial discussion with tangata whenua on the proposal. We have included information on:

1. the application process, including the role of the Applicant, DOC and the Minister of Conservation
2. what marine reserves are and their benefits
3. opportunities for tangata whenua to participate in decision-making processes and share views on the application
4. an initial assessment of how the proposal might interact with tangata whenua rights and interests in the area, including customary and commercial fishing, customary title claims under the Marine and Coastal Areas (Takutai Moana) Act 2011 (Te Takutai Moana Act 2011), Treaty settlements redress, and the exercising of kaitiakitanga.

Kōrero Mai!

We have posed some focus questions to help further our understanding of how the proposal might affect your rights and interests. This is just a starting point.

We hope to explore these questions by meeting with you kanohi ki te kanohi (or virtually) in early 2022.

Generating understanding on these matters will enable DOC to effectively advise the Minister of Conservation and support decision making, particularly on how to give effect to the Treaty principle of 'active protection' of Māori rights and interests.

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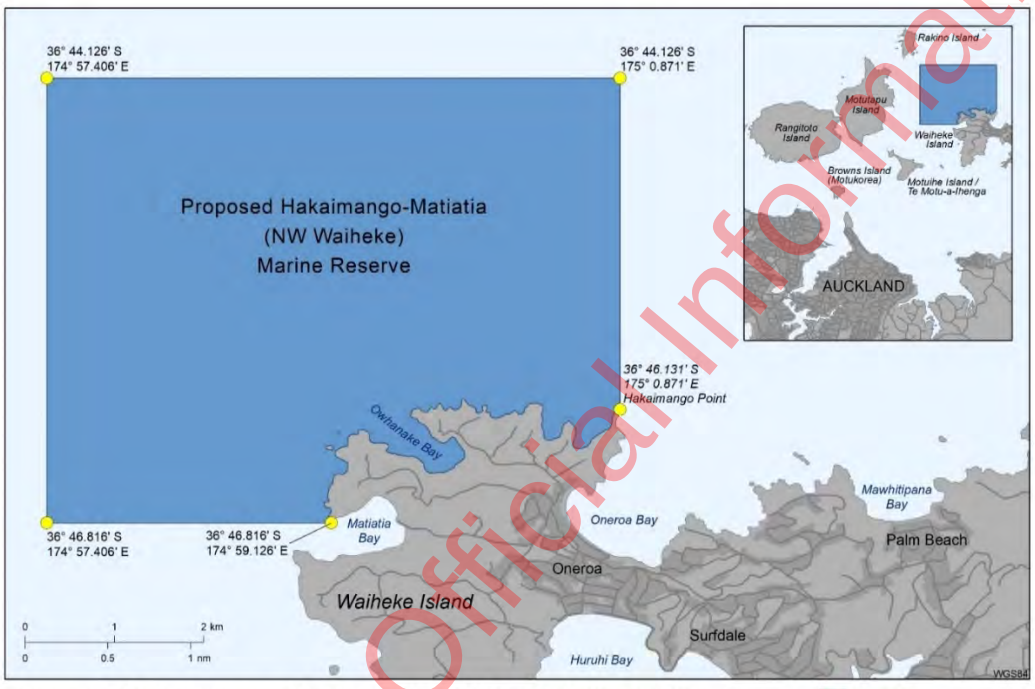
1 Proposed new marine reserve and application process

The Friends of the Hauraki Gulf Inc. (the Applicant) has applied to the Director-General of Conservation for a new marine reserve at the northwestern end of Waiheke Island, covering a marine area of 2300 ha[2].

A map of the proposed area is provided below.



Proposed Hakaimango-Matiatia (NW Waiheke) Marine Reserve

This is not a DOC marine reserve proposal. The Marine Reserves Act 1971 provides for parties other than DOC to make an application for a new marine reserve, as has happened here. However, DOC administers the Marine Reserves Act and still has a key role in this process.[1]

1 This document provides a summary of the process; refer to the Marine Reserves Act 1971 for full process information (www.legislation.govt.nz/).

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1.1 What is DOC's role in the process?

DOC's role is to:

- consult with tangata whenua to understand their views on the proposed new marine reserve and to meet obligations set out in Te Takutai Moana Act, section 4 of the Conservation Act 1987 and relevant Treaty settlement agreements[2]
- support the 2-month public notification process by displaying the map and application at local DOC offices and receiving submissions and objections
- assess the submissions and objections, and assess the application against the requirements of the relevant Acts[3]
- advise the Minister of Conservation, taking care to accurately convey the views of tangata whenua.

1.2 What is the Applicant's role in the process?

The Applicant's[4] role is to:

- inform and engage with tangata whenua, the public and interest groups / stakeholders about the proposal
- publicly notify the application – which starts a 2-month period where submissions and objections can be made to the Director-General of Conservation
- comment on submissions and objections within 1 month of the close of submission period, if they choose to.

1.3 What is the Minister of Conservation's role in the process?

The Minister of Conservation's role is to:

- decide whether to uphold any objections and whether to declare a new marine reserve as proposed. During the decision-making process, the Minister of Conservation must:
    - consider the proposal and any submissions and objections received in writing during the 2-month submission period;
    - give effect to the principles of the Treaty of Waitangi;[5] and
    - have particular regard to the views of 'affected' iwi, hapū and whānau[6]
- if the Minister decides the area should be declared a marine reserve, seek the agreement of the Minister for Oceans and Fisheries, and the Minister of Transport

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2 The Marine Reserves Act is subject to obligations under section 4 of the Conservation Act 1987 to give effect to the principles of the Treaty of Waitangi.
3 The Marine Reserves Act 1971, Te Takutai Moana Act 2011 and the Conservation Act 1987.
4 The Friends of Hauraki Gulf Inc.
5 Section 4 of the Conservation Act 1987.
6 Te Takutai Moana Act 2011 defines 'affected' iwi, hapū or whānau as those who exercise kaitiakitanga in the area covered by the proposed marine reserve. 'Kaitiakitanga' is defined as per section 2(1) of the Resource Management Act 1991 (RMA) – 'kaitiakitanga means the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Māori in relation to natural and physical resources; and includes the ethic of stewardship'.

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- if those Ministers concur, recommend that the Governor-General establishes the new marine reserve by Order in Council, either unconditionally or subject to conditions.

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2 What are marine reserves and their benefits?

Marine reserves are areas of the sea and foreshore that are completely protected from the sea surface to the seafloor. Activities that 'take' or alter the marine life, including fishing, and take sand, rocks and driftwood are generally not allowed in a marine reserve. However, activities that do not harm the marine environment, such as studying marine life, swimming, snorkelling, boating and diving, are encouraged.

The main aim of a marine reserve is to create an area free from alterations to marine habitats and life, providing a place of study to learn about the marine environment.

Under the Marine Reserves Act, marine reserves may be established in areas that contain underwater scenery, natural features or marine life of such distinctive quality or so typical, beautiful or unique that their continued preservation is in the national interest.

The benefits of marine reserves are that they:

- provide a place of study, where anyone can observe and understand what a marine environment free from fishing and other impacts is like
- provide a 'baseline' for studying human impacts on the marine environment
- can help degraded ecosystems recover, giving our young people and future generations a chance to experience a healthy, abundant moana
- protect vulnerable, rare or unique marine habitats and taonga species, helping to ensure they will be there for future generations to enjoy as we do
- strengthen the resilience of marine ecosystems and taonga species to the threats of climate change
- maintain biodiversity (the number of different marine species) by protecting larval supply and genetic diversity, acting as 'genetic banks' to replenish areas where species have disappeared
- can benefit fisheries through the 'spill-over effect', where fishing outside the marine reserve becomes more successful, and help to ensure we have abundant fisheries into the future.

The benefits described here relate to marine reserves 'in general'. DOC has not yet assessed the particular protection values of the Friends of the Hauraki Gulf proposal.

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3 Opportunities for tangata whenua to participate and share their views

If you have any questions about the application, we encourage you to engage directly with the Applicant (contact details are provided at the end of this document). You do not have to wait for public notification on 20 January 2022 to reach out to the Applicant.

DOC encourages tangata whenua to make submissions and objections through the public process. Details about how to do this will be made available on the DOC website and in the Applicant's public notice, which will be published in newspapers on 20 January 2022.

Providing a written submission is an effective way to participate in the decision-making process, particularly for tangata whenua who are 'affected' iwi, hapū and whānau, as defined by Te Takutai Moana Act. Under this Act, those who exercise kaitiakitanga[7] in the area covered by the proposed marine reserve are encouraged to notify the Director-General that they are 'affected' iwi, hapū and whānau and share their views in submissions. This is important because the Minister of Conservation is required to have particular regard to these views.

For this specific requirement to apply, 'affected' iwi, hapū and whānau **must advise in their submissions** to the Director-General that they are 'affected'.

DOC also intends to provide opportunities for tangata whenua to participate and share views kanohi ki te kanohi (or virtually) in early 2022.

7 Kaitiakitanga as per Te Takutai Moana Act has the meaning given in section 2(1) of the RMA – 'kaitiakitanga means the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Māori in relation to natural and physical resources; and includes the ethic of stewardship'.

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4 How the proposal might interact with tangata whenua rights and interests in the area

(Please note that the information provided below is based on our current understanding and may be revised as we learn more. It is not legal advice.)

4.1 Marine reserves and Te Takutai Moana Act

Te Takutai Moana Act provides a process for recognising whānau, hapū or iwi customary marine title and protected customary rights under legislation. There are at least 13 applications for recognition of customary marine titles that include the Waiheke marine area. Decisions on these applications will be made by the High Court or by the Minister for Treaty of Waitangi Negotiations.

The creation of a marine reserve does not prevent recognition of customary marine title as it does not remove the reserve area from the common marine and coastal area.

A marine reserve may impact on protected customary rights, but this will depend on the particular customary activities.

Focus question

If you are a Takutai Moana applicant, what customary activities are you seeking to have recognised as protected customary rights in the area?

4.2 Marine reserves and non-commercial customary fishing rights

Marine reserves are the highest form of protection that can be afforded to marine areas in Aotearoa New Zealand. They are often referred to as 'no-take' protected areas as they restrict all commercial and recreational fishing (although there can be some specific exceptions to this general restriction within the purpose of the Marine Reserves Act).

A marine reserve limits the area available for tangata whenua to utilise customary fisheries tools such as mātaita and taiāpure under the Fisheries Act 1996 and customary fishing regulations.

Ngāti Pāoa has established a 2-year rāhui around Waiheke Island to allow taonga species including tipa (scallops), kūtai (mussels), kōura (rock lobster) and pāua to restore and replenish. A temporary closure to support the rāhui has now been approved by the Minister for Oceans and Fisheries under Section 186a of the Fisheries Act 1996. If the proposed marine reserve is established, it will overlay the temporary closure. When the temporary closure expires, the marine reserve will remain.

Focus question

What customary fishing practices do you undertake in this area? How might the proposed marine reserve affect these practices?

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4.3 Marine reserves and commercial fishing

Marine reserves generally restrict all commercial fishing.

Table 1 presents data provided by Fisheries New Zealand on the amount of commercial fishing in the proposed area over the last 3 years. These data include the estimated catch (greenweight/kg) within the coordinates of the proposed reserve and the number of fishers involved.[8] The estimated catch is combined to include all fish species caught by any method to protect commercially sensitive information.

Table 1: Fishing inside the proposed marine reserve area between 2018 and 2021 (combined species and method estimates).

Fishing year	Estimated catch (kg)	Number of permit holders
2018/19	952	2
2019/20	3672	4
2020/21	2941	4

Focus question

What commercial fishing do you carry out in the area? How might the proposed marine reserve affect commercial fishing by yourself and your whānau, hapū or iwi?

4.4 The marine reserve proposal and Treaty settlements

In addition to the Crown's obligations to consult with tangata whenua to meet Conservation Act requirements, the Crown may also have specific obligations under Treaty settlements.

We have identified three enacted Treaty settlements where the area of interest includes the marine reserve proposal area (Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014, Ngāti Tamaoho Claims Settlement Act 2018 and Ngāi Tai ki Tāmaki Claims Settlement Act 2018).

We have not identified any specific obligations in these settlements that relate to the marine reserve proposal. However, each of the settlements includes a commitment to enter into a relationship agreement with DOC. A key element of those relationship agreements is for the parties to identify strategic objectives to guide future engagement, collaboration and business planning. These may include the protection of marine areas or marine mammals.

A number of Hauraki iwi with areas of interest that include the marine reserve proposal area have also initialled or signed deeds of settlement. These iwi do not yet have relationship agreements with DOC, and their settlements have yet to be enacted. We note, however, that the Pare Hauraki Collective Deed of Settlement includes a draft relationship agreement consistent with those mentioned above. The Pare Hauraki Collective Redress Deed also records that Hauraki iwi seek rights to gather, use and possess materials from dead marine mammals stranded in their rohe, and commits the Crown to future engagement on this matter if required.[9]

8 From the 2018/19 fishing year onwards, fishers transitioned to providing GPS coordinates of fishing locations.

9 The marine reserve proposal area is outside the geographical scope of the Hauraki Conservation Framework in the Pare Hauraki Collective Deed of Settlement.

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Focus question

Are there any obligations in Treaty settlements or relationship agreements that we should be aware of, and take account of, in our engagement with you on this application?

4.5 Marine reserves and exercising kaitiakitanga

Marine reserves may affect how tangata whenua exercise their responsibilities for the care and protection of the marine environment.

Co-management arrangements can be established within the bounds of the Marine Reserves Act. For example, tangata whenua may wish to share some operational decision making with DOC and contribute as a partner to the wider management of marine reserves. Matters related to scientific study, monitoring, mātauranga programmes, education and enforcement could be covered by such arrangements. Novel arrangements can also be co-designed that are specific to the particular context of the proposed marine reserve.

Statutory decisions must still be made by the Director-General and Minister of Conservation.

Focus questions

How might the proposed marine reserve affect how your whānau/hapū/iwi practices kaitiakitanga in the marine area?

How might the proposed marine reserve enable kaitiakitanga?

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5 For more information

5.1 Contact the Applicant

You can engage directly with the Applicant at any time.

Contact the Chair of Friends of the Hauraki Gulf, Michael Lee: mikeleeauckland@gmail.com.

For more information about the proposal, please refer to the Friends of the Hauraki Gulf website: https://friendsofhaurakigulf.nz/.

5.2 Contact DOC

For more information about the process and legislative requirements or to make general enquiries, please contact DOC at marineprotection@doc.govt.nz.

5.3 Contact Fisheries New Zealand

For more information about how fisheries might be impacted by the application, please contact Fisheries New Zealand at info@mpi.govt.nz.

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Appendix 4

List of applicants under the Marine and Coastal Area (Takutai Moana) Act 2011 for customary marine title or protected customary rights in areas that are adjacent to or over the proposed marine reserve

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Applicants under the Marine and Coastal Area (Takutai Moana) Act 2011 for customary marine title or protected customary rights in areas that are adjacent to or within the area of the proposed marine reserve

- Ngāi Tai ki Tāmaki
- Ngati Hako
- Ngati Kawau and Te Waiariki Korora
- Hauraki Maori Trust Board
- Ihaia Paora Weka Tuwhera Gavala Murray Mahinepua Reserve Trust Ngatirua Iti NgatiMuri Nagatiruamahue NgatiKawau Ngati Haiti Ngaitupango NgaPuhi NgatiKahu Te Auopouri
- Ngaati Tamaoho
- Ngapuhi nui tonu-Kota-toka-tutaha-moana o whaingaroa
- Ngapuhi nui tonuu (Te Kotahitanga Marae)
- Ngati Maru
- Ngati Taimanawaiti
- Ngati Tamatera
- Ngati Te Ata
- Te Kaunihera o Te Tai Tokerau
- Ngāpuhi Nui Tonu (Waitangi Marae)
- Reti Whānau
- Te Hikutu Whānau and Hapū
- Te Uri Taniwha
- Te Kawerau a Maki
- Ngā Puhi Nui Tonu (Awataha Marae)
- Te Rūnanga o Ngāti Whātua
- Te Taou (Waitematā)
- Te Hikutu Hapū
- Ngāi Tāhuhu, Ngāti Tu & Ngāti Kukukea
- Ngāati Whānaunga

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Appendix 5

July 2024 Department of Conservation discussion paper provided to the 12 tangata whenua groups for their review – potential management measures for the proposed marine reserve

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Hākaimangō-Matiatia (Northwest Waiheke Island) marine reserve potential management measures

Discussion document for targeted consultation July 2024

Purpose

The Department of Conservation (**DOC**) has prepared this discussion document for targeted consultation with tangata whenua groups who have a significant interest in the proposed Hākaimangō-Matiatia (Northwest Waiheke Island) marine reserve (**the proposed marine reserve**).

This paper is intended as a discussion document for feedback, it does not represent DOC's final position.

Context

On 23 April 2021, the Friends of Hauraki Gulf Inc (**the applicant**) submitted a draft application to the former Director-General of Conservation for the declaration of a marine reserve off the north-western end of Waiheke Island.

The proposed marine reserve was publicly notified in February 2022 for two-months. A total of 1293 submissions and objections were received. Submissions both supporting and objecting to the proposed marine reserve were received from tangata whenua, affected iwi, hapū and whānau, the general public, businesses and entities.

We acknowledge the desire for decisions on this proposed marine reserve to be made as quickly as possible. DOC advice is now nearing completion and will be provided to the Minister of Conservation (**the Minister**) later in 2024.

This targeted consultation is important to ensure DOC advice to the Minister is well informed. The consultation period is two weeks from 19 July 2024 to allow for a timebound review.

DOC has obligations to tangata whenua

Section 4 of the Conservation Act 1987 (**Conservation Act**) requires DOC to "give effect to the principles of the Treaty of Waitangi" in the interpretation and administration of that Act and the first Schedule Acts, which includes the Marine Reserves Act 1971 (**Marine Reserves Act**).[1]

Affected iwi, hapū and whānau also have the right to participate in this process as required by the Marine and Coastal Area (Takutai Moana) Act 2011 (**Takutai Moana**

[1] As confirmed in *Ngai Tahu Māori Trust Board v Director-General of Conservation* 1995 3 NZLR 533

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Act). Under the Takutai Moana Act, the Minister must have "particular regard" to the views of those affected iwi, hapū, or whānau in considering the application for the proposed marine reserve[2].

Why run an additional consultation process?

A range of concerns were raised by iwi, hapū, and whānau submitters in the notification process. Under the Marine Reserves Act, the Minister will need to determine whether to uphold any objections and/ or whether any impacts are considered "undue".

We have developed potential management measures that might help alleviate and/or address some concerns raised in submissions, particularly those that relate to potential impacts on customary rights and interests. These measures are based on current best-practice for proposals made under the Marine Reserves Act. If a marine reserve is declared, any confirmed measures would form part of the ongoing management arrangements. We acknowledge these measures will not satisfy every concern.

This targeted consultation process is intended to inform advice to the Minister on potential management measures for consideration, if the decision is to declare a marine reserve.

This paper is intended as a discussion document for feedback, it does not represent DOC's final position. Your feedback will help DOC in providing final advice to the Minister on the proposed marine reserve.

Who is being invited to provide feedback?

We recently reached out to tangata whenua contacts to test interest in reviewing potential management measures. There was strong interest in providing feedback, so long as this targeted consultation process is efficient.

Written feedback on the potential management measures is being sought from tangata whenua groups and/ or affected iwi, hapū and whānau who have indicated a significant role and/or interest the proposed marine reserve, including:

- Ngāti Paoa Iwi Trust
- Ngāti Paoa Trust Board
- Ngāti Maru
- Piritahi Marae, and
- Te Patukirikiri.

[2] Section 49 of the Marine and Coastal Area (Takutai Maona) Act 2011

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DOC will also invite feedback from other interested or affected tangata whenua groups who have expressed a strong interest in the marine reserve but for various reasons have not actively engaged in the process.

These entities include:

- Ngāi Tai ki Tāmaki
- Ngāti Tamaterā
- Ngāti Whanaunga
- Ngāti Hako
- Ngāti Te Ata
- Ngāti Tamaoho, and
- The Hauraki Collective.

Potential management measures for the proposed marine reserve

Under the Marine Reserves Act, the Minister can decide to declare a marine reserve either unconditionally or subject to conditions.

DOC has developed potential measures in response to some of the concerns raised by submitters on the proposed marine reserve. These measures fall broadly into three categories:

- Operational measures
- Conditions in the Order in council declaring the marine reserve
- Authorisations via a Gazette notice once a marine reserve was established.

Operational measures

Establishment of an advisory committee/ rōpū to help manage the marine reserve

If the marine reserve were to be declared, an advisory body, rōpū or committee (rōpū) could help ensure the marine reserve is well managed in line with local aspirations.

Under section 56 of the Conservation Act, the Minister can appoint an advisory committee and declare it to be a statutory board. Note that it is not possible under the Marine Reserves Act or the Conservation Act to give an advisory rōpū (or any others) the power to make decisions under the Marine Reserves Act. DOC budget decision making is also not able to be delegated but can be informed by rōpū advice.

The functions of an advisory rōpū could include providing advice and recommendations to the Minister and DOC (for example in respect of applications to authorise activities in the marine reserve[3]). The composition and scope of the role of an advisory rōpū could be considered and established through a terms of reference.

[3] Under section 11 the Director-General can authorise "taking for scientific purposes".

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An advisory rōpū could help guide the day to day operational matters like signage and interpretation materials, advocacy and education, and community activities. They could also help the strategic and operational planning aspects of marine reserve management such as a research and monitoring plan including mātauranga Māori. There is scope for an advisory rōpū to help inform the type and scale of monitoring (within available budgets), including how best to align with mātauranga Māori, existing surveys and other monitoring work led by iwi, hapū and whānau in conjunction with DOC, local community groups, scientists (and others).

Questions for feedback:

- Is a rōpū required? Why or why not?
- Any other feedback?

Order in Council Conditions

In making a decision on the proposed marine reserve, the Minister of Conservation may consider whether to recommend the marine reserve be declared unconditionally or subject to conditions. Conditions could be used to mitigate some of the concerns raised in submissions, provided they are consistent with the purpose of the Marine Reserves Act.

DOC has identified the following potential options for conditions for the proposed marine reserve. Other options may be developed following this engagement.

Order in Council condition requiring a generational review

A marine reserve declaration can include a condition requiring a review of the marine reserve at specified intervals. There are a number of marine reserves where a review condition at specified intervals (i.e. 10, 20 or 25 years) is included. Marine reserves can be reviewed without a condition, and some have been the subject of review without this clause[4] but the bar can be quite high. A non-conditional review generally requires a very good reason (such as a Treaty partner commitment, or significant environmental event or impacts since establishment for example) and would be considered amongst other priorities and available resources. Adding a generational review condition can provide certainty from the outset if a marine reserve is declared.

In setting a timeframe for the review, it is important to understand the rationale for the review. For example, a 25-year timeframe might allow for a fulsome ecological assessment on "how well the reserve is functioning" whereas a 10-year review might only allow for an assessment of operational management effectiveness. Another

[4] Te Angiangi marine reserve was initiated in late 2022 on request of the local hapū and by DOC agreement.

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consideration is the cost, resources and time required for a review, it needs to have a clear purpose to be effective.

A review condition could also stipulate that the terms of reference for a review are to be developed in consultation with an advisory rōpū (if one is established).

Questions for feedback:

- Is a review condition required? Why or why not?
- Is a generational review (25 year) review clause appropriate? If not, what period would be appropriate? Why?

Order in Council condition for the control of invasive species

A condition for the control of invasive species could provide for authorisations for invasive species[5] control with appropriate permits from the Ministry of Primary Industries (MPI). Control of invasive species, by parties other than DOC, wouldn't automatically be allowed in a marine reserve without being specified as an Order in Council condition. Control of invasive species is an activity that is generally consistent with the purpose of the Marine Reserves Act. How it should occur is best addressed through engagement with MPI and Treaty partners.

The advantage of a condition being included, would mean rapid responses to invasive threats such as Caulerpa could happen more seamlessly. Additional consents under the Marine Reserves Act are likely unnecessary (where an MPI permit system exists) with this condition. This measure will need to be tested and developed with MPI if included.

Questions for feedback:

- Is the control of invasive species required? Why or why not?
- If yes, would MPI permits be an appropriate mechanism to use if a marine reserve was declared? Why or why not?

Authorisation of activities by Gazette notice

Authorisation via a Gazette notice under section 3(3)(a) of the Marine Reserves Act may be appropriate for customary activities including the exercise of kaitiakitanga responsibilities where the activity is temporary in nature, or activities that may evolve or change over time. For example, we understand that some wish to remove kina as an exercise of kaitiakitanga. If this was deemed appropriate (in consultation with an advisory rōpū for example), DOC could potentially decide to authorise by Gazette Notice. This mechanism is limited in scope and would not provide for the gathering of kaimoana.

[5] Invasive species is considered to mean an unwanted organism using the definition under the Biosecurity Act 1993: "*any organism that a chief technical officer believes is capable or potentially capable of causing unwanted harm to any natural and physical resources or human health*"

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Gazette notices can occur at the same time as a marine reserve is declared, or after. For activities that are not known or well understood at the point when a marine reserve is declared there is still an ability to authorise an activity at a later point in time through a Gazette notice.

Questions for feedback:

- Is the inclusion of kaitiakitanga responsibilities required? If yes, relating to what activities and why?
- What kaitiakitanga activities are currently known to be undertaken or desired in the future?

Matters that have an existing mechanism under the Marine Reserves Act

Some concerns raised by submitters related to activities that are allowed for and/or can continue under existing mechanisms, if the proposed marine reserve is declared.

Customary activities that can continue "unaffected" include monitoring and observation (not involving take) activities which are allowed for under the Marine Reserves Act. There is no intention to prevent observation and connection to the marine environment.

The purpose of the Marine Reserves Act is "...preserving, as marine reserves for the scientific study of marine life"[6]. This can encompass aspects of mātauranga Māori, where activities align with the purpose of understanding and knowledge.

Proposals for activities, or take of marine species, in the marine reserve for the purpose of mātauranga Māori could utilise existing processes for authorising activities or take for scientific study (where outcomes include the reporting or sharing of knowledge).

Alternatively, some mātauranga Māori activities, that are not for the purpose of knowledge or understanding, could potentially be addressed through a Gazette mechanism as outlined above.

A number of other concerns related to activities that can continue with no change if the proposed marine reserve is declared. These include:

- Applications for customary marine titles under the Takutai Moana Act, there is no intention to pre-empt or negatively impact these applications or titles granted under the Act.
- The ability to participate in marine mammal incidents of strandings and entanglement is unaffected and allowed for under the Marine Mammals Protection Act 1978 provisions.
- Access to the marine reserve, if declared, access to the marine reserve area and surrounding waters are unaffected.

[6] Section 3 of the Marine Reserves Act 1971

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How to provide feedback

- Please provide any feedback on the proposed management measures in writing by 5th August 2024.
- Please email feedback to: marineprotection@doc.govt.nz
- Please contact DOC Marine Protection Advisor, Cat Peters on s9(2)(a) if you have any questions or require clarification.

Next steps

We will incorporate feedback and check back with you to ensure we have accurately captured your views prior to providing Ministerial advice later in 2024.

Ngā mihi nui from the marine protection team.

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Discussion Draft

Appendix 6

5 August 2024 Ngāti Pāoa Trust Board response letter on the July 2024 Department of Conservation discussion paper

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Ngati Paoa Trust Board
P.O. Box 204 144
Highbrook
Auckland 2161

5 August 2024

Attn: Cat Peters, PhD (she/her)
Marine Protection Advisor | Kaitohu Tiaki Ahumoana
National marine protection programme
Department of Conservation | Te Papa Atawhai

Tena koe Cat,

Thank you for your email

It is gratifying to hear from DOC on this matter when considering that DOC officials have had the Hākaimangō - Matiatia marine reserve application on their desks since April 2021, and the results of the public notification process since April 2022, and that there has been no meaningful attempt engagement with the Ngati Paoa Trust Board from DOC - until now.

This despite the fact that the NgātI Paoa Trust Board, established by historic tribal hui's at Kaiaua Marae in 2004 is still the valid tribal representative authority for our iwi, (setting to one side the claims of the Post Settlement Government Entity which has prematurely been afforded all the rights accorded post settlement entities, including rights properly related to property and arising from a settlement which does not yet exist).

We remind you of the inherant tangata whenua status of Paoa rangatira as land owners of Waiheke at the time the Treaty of Waitangi was signed in 1840.

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

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

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

The Ngāti Paoa Trust Board is driven by principles of kaitiakitanga, manaakitanga and taonga tuku iho mō ngā uri whakatipu (guardianship of resources for future generations).

These are the principles we maintain that need to be at the heart of the management and advisory roles of the Hākaimangō - Matiatia marine reserve.

The practicalities and the details of how that will work to be fair, needs rather more time than you have allowed us in the very few days allocated to us for a response.

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These practicalities and details will need to be discussed kanohi-ki-te-kanohi with DOC and with we believe the applicants, the Friends of the Hauraki Gulf, but in the meantime, let us make it very clear that the Ngāti Paoa Trust Board position is;

As leading supporters of the Hākaimangō – Matiatia Marine Reserve we must be involved in the oversight of this marine reserve in any advisory roles decided as applicable by Ministers.

This would enable the proper expression of our kaitiakitanga, manaakitanga and taonga tuku iho nga uri whakatipu that we refer to above.

We note the discussion document refers to consultation with 7 iwi of Tamaki Makaurau and the Hauraki Collective and wonder if the marine reserve was situated off say Okahu Bay, Maraetai, the Manukau Harbour, Awhitu, Waiuku or Whanagaparoa, whether that would be the consultative process adopted by DOC in those rohe.

The Ngāti Paoa Trust Board has always maintained that Ngati Paoa are ahi ka of Waiheke and as one of the largest property owners on the Island, it is the Ngati Paoa who hold mana as tangata whenua of Waiheke.

We take a much wider environmental view than simply seeing our world as some sort of commercial property portfolio.

Ngati Paoa Trust Board has worked harmoniously in the past with the Waiheke community to oppose the unpopular Waiheke Marina project and in supporting this marine reserve we recognise that some 95% of the initial submissions from Waiheke, including the local Piritahi Marae and the Waiheke Local Board, firmly supported the marine reserve as we do.

Unlike others who presume to represent our people, we actually believe that the marine reserve will protect the area in its natural condition for our benefit and for the benefit of future generations.

For all the above reasons, Ngāti Paoa is willing to work alongside the Crown and with the local community to ensure the Hākaimangõ-Matiatia Marine Reserve becomes a reality and is managed in accord with the purposes of the Marine Reserves Act, and the provisions of the Hauraki Gulf Marine Park Act, and that the mana of Ngāti Paoa Iwi/hapū will help to make our joint aspirations with the Waiheke community and the beginining of ecological restoration of this part of Tikapa Moana under our mana, a reality.

Any advisory roles would be dependent on which iwi holds kaitiaki status within the Rohe the marine reserve is situated in.

Ngati Paoa undoubtedly is tangata whenua of the rohe known as Waiheke Island.

Nga mihi Nui
Danella Roebeck
Co chair
NPTB

PS. Please find attached extra info

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Ministers meeting gets heated over reserve delays

Minister of Conservation Tama Potaka was greeted by a packed Club Waiheke in Surfdale as residents were quick to draw the minister into a discussion on marine reserves with questions centred around why the report to include marine reserves on the Hauraki Gulf Protection Bill is taking so long.

Mike Lee, Councillor for Waitematā and Gulf Ward and also chairperson of Friends of the Hauraki Gulf, said the Waiheke community has done 10 years of arduous to work to get the Hākaimangō/Mātiatia Marine Reserve application to this point.

"When the process became public [submissions showed] 93 percent for, 95 percent on Waiheke, 70 percent of people identifying as Māori, were in support."

Mike said that the group was asked to respond to objections in detail in one month and the volunteer organisation scrambled to get it done in time. "When it came to D-day, we told the DOC officers 'we will have it in to your offices close of business' and they said, 'No, no, you have to have it in by midday.' I thought, 'Well, that's a bit tough', but we had it in by 9.30am."

"Since that time, DOC have sat on it."

Mike pointed out that the department had missed its declared deadline five times since 2022.

"I had a personal meeting with a DOC manager and he said 'Don't worry, I'm going to have it on the new minister's desk in January 2024.' In their formal advice to you, Minister, they said mid-2024 and now they are saying [later in] 2024."

> **"Call it in, Minister. If we can do this work in a matter of months, they could've done it in a matter of two years," councillor for Waitematā and Gulf Ward Mike Lee**

Mike said if volunteers can deal with these technical questions with the application and provide responses to objectors in a month, surely DOC, with its expertise, could have completed a technical report in two years.

"But the problem is, Minister, they are actually trying to make political recommendations, which is your role, not theirs."

"Call it in, Minister. If we can do this work in a matter of months, they could've done it in a two and a half years."

Potaka acknowledged Mike's concerns. "I do know about those concerns around regulatory responsiveness and performance [with DOC]," he said.

Ngāti Paoa Iwi Trust project manager Blair Anderson explained the trust's position.

"I have been sent here with a message from the Iwi Trust who represent 9000 registered members who have been very clear with me in the response to this.

"We totally oppose the proposed marine reserve. It's a tool but we don't think it's the right tool for the job. It's prohibition in another form and that didn't work in other areas."

Blair said there are other tools that are better placed to deal with the issues and the regeneration that needs to happen alongside that. "Regeneration is a key aspect of bringing back to life our moana. It's not just closing it off and then doing nothing," he said.

"The data in terms of level of support that has been thrown out there is questionable from our perspective, as is the science. We are also concerned that less than 40 percent of the area has been surveyed. So decisions are being made on a small tract like that, that is somewhat unacceptable to us."



Blair Anderson spoke on behalf of the Ngāti Paoa Iwi Trust Board on their opposition to the marine reserve.
Photos Paul Mitchell



"The instrumental problem here is that DOC is trying to make political recommendations, which is your role, Minister, not theirs," said Auckland Councillor Mike Lee to Minister of Conservation, Tana Potaka.

Audience member Charles Palmer also asked the minister where are they in the process of the marine reserves' report status "so you can make a decision?"

Potaka responded that the process is now with DOC and they have told him they are still continuing to form advice.

"They intend to engage further with mana moana and mana whenua to work on customary interests and related matters, and I can't say anything more."

Waiheke artist Alex Stone asked, "Was there a time frame given to you?" But Potaka refused to give a timeframe as he himself has not been given one yet.

Alex said he didn't understand why the government, when confronted with a crisis, wouldn't do anything about it for two years.

Potaka said there were many measures to confront the crisis across the gulf and one of them was that the legislation was going through the proper process. "It might come back from the select committee shortly, but the relevant response to that, especially a unified response throughout all parties, is that it's good progress."

"I recognise it's a process and I think the legislation is progressing fine." • *Silvia Massa*

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Letters to the editor

Ngāti Paoa Trust Board supports marine reserve

I write on behalf of the Ngāti Paoa Trust Board to record our disappointment and disapproval of the message the Paoa Post Settlement Governance Entity (PSGE) project manager Blair Anderson delivered to the public meeting with the Minister of Conservation (story in *Gulf News*, 30 May 2024).

The message Blair conveyed was that the PSGE 'totally opposes' the Hākaimangō-Mātiatia marine reserve, which ironically drew 93 percent public support. In effectively vetoing the marine reserve, the PSGE shows it is not adverse to prohibition, as he puts it. The PSGE also made claims that the protection of marine life and allowing it to flourish is 'locking up the moana'.

No one is locked out of a marine reserve - quite the contrary.

And speaking of 'locking up the moana', it was the PSGE who over-rode public objections and the Ngāti Paoa objectors when signing off approval for the Kennedy Point Marina.

This was indeed privatising and 'locking up the moana' for commercial benefit.

We remind readers that it was the Ngāti Paoa Trust Board who fought that marina through the courts, while the PSGE pocketed the pūtea.

Also Blair Anderson's claim that the PSGE represents '9000 registered members' is belied by the fact that the PSGE sent only 900 ratification voting packs to Ngāti Paoa members and therefore should be treated in similar light as his other assertions.

He seems to be quoting numbers of registered members associated with the Hauraki tribes, who are not tangata whenua, or maybe he simply added a zero?

The fact is we are dealing with an ecological crisis in Tikapa Moana that a marine reserve will have a positive bearing on, and accordingly we support it.

Ngāti Paoa Trust Board is driven by the principles of kaitiakitanga, manaakitanga, and taonga tuku iho mō ngā uri whakatipu (guardianship of resources for future generations).

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

Danella Roebeck, Co-chair,
Ngāti Paoa Trust Board (NPTB)

Waiheke Community Housing Trust's Paul Carew retires

This letter is to let the Waiheke community know that Paul Carew, founding member and chairperson of the Waiheke Community Housing Trust, has resigned from the trust. His work has taken the trust from just an idea to tangible homes for Waiheke home seekers – people and families who would otherwise have had to leave the island. He has tirelessly pursued affordable housing and in particular, the availability of long-term rentals.

The trustees acknowledge and understand Paul's decision to retire, while recognising the need for a new team ready to take on the challenge of building on the progress made over these years. We whole-heartedly thank Paul for his service, and wish him and Fiona all the best for their well-deserved retirement.

Paul will officially leave the housing trust at our next AGM, which will take place on 16 June at Catherine Mitchell Centre from 2-5pm.

New trustee candidates should put their names forward for consideration by email to acting chair Teresa Quin on teresa.quin63@gmail.com

Waiheke Community
Housing Trust, Waiheke

In appreciation

From this old greybeard writer, bouquets of respect to writers Jenny Nicholls, Liza Hamilton and Paul Mitchell.

Their news and opinion pieces and feature articles for *Gulf News* and *Weekender* are exemplars of very fine writing.

Keep up the good work!

Alex Stone, Ostend

Petrol price comparison

	Unleaded 91	Unleaded 95	Diesel
BP 2go Oneroa	$3.75	$3.99	$3.15
Challenge Onetangi	$3.67	$3.91	$3.08
GAS Ostend	$3.63	$3.87	$3.08
Pete Ross Automotive Oban, Stewart Island	$3.80	Unavailable	$2.54
Average fuel prices New Zealand-wide	$2.67	$2.82	$1.99

Prices per litre based on information from Gaspy and individual retailers.

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Appendix 7

Summary from 30 July 2024 hui between the Department of Conservation and Ngāti Pāoa Iwi Trust on the Department's July 2024 discussion paper

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High-level meeting summary

Ngāti Paoa Iwi Trust (the Trust) and Department of Conservation (DOC)

Revisions summary and distribution list

Date	Action
30 July 2024	Meeting held. DOC took notes.
2 August 2024	Draft meeting summary shared by DOC to s9(2)(a) s9(2)(a) and info@paoa.co.nz.
5 September 2024	Edits and feedback received by DOC from s9(2)(a) s9(2)(a) info@paoa.co.nz copied in on email.
8 September 2024	Feedback accepted and document finalised. No further amendments.

Meeting purpose: Engagement on the Hākaimangō-Matiatia marine reserve - potential management measures

Location: Zoom (set up by the Trust)

Time: 30 July 2024, 12:00-13:28

Participants

The Trust:

- s9(2)(a)
- s9(2)(a)
- s9(2)(a)
- s9(2)(a)
- s9(2)(a)

DOC:

- Rebecca Bird, National Marine Protection Programme Team Lead
- Catherine Peters, Marine Protection Advisor.

Context: NPIT requested a conversation with DOC to discuss the "discussion document" on potential management measures for the proposed Hākaimangō-Matiatia marine reserve. DOC was asked to prepare the meeting record for NPIT to review.

Approach taken to meeting summary: High level notes summarising the contribution of each participant.

s9(2)(a)

- This hui was called following DOC's email on mitigation measures to address concern with the proposal to establish a new marine reserve at Waiheke.

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- Things have shifted since the Trust's opposition and concerns have grown rather than abated.
- s9(2)(a) [redacted], and hui with DOC have become repetitive. We want to see the back of this application. We want to see a decision made, and hopefully it is the right decision. I have requested a review of the Marine Reserves Act from all ministers I've met with, and ask this is relayed again to the current Minister.
- We are disappointed the application has been being processed for two years.
- We have reached out to the Friends of the Hauraki Gulf (the Friends) about this application but have not received a response.
- We are concerned the Friends are going to other Ngāti Paoa individuals who do not have the mana or mandate to represent the iwi. It is stirring up tribal grievances. Newsletters by the Friends have been problematic and misleading. The perception that Ngāti Paoa is supporting proposal is misleading others to support it.
- The Friends have failed, and DOC has failed. DOC said many times it was not responsible for applicant pre-application engagement. The DOC process was flawed once they did engage.
- Why is Piritahi Marae included in the distribution list? They are a community marae, not tangata whenua. It becomes a convoluted process when you engage with those who are not tangata whenua.
- We could expand further on why we object to the name and location.
- Ngāti Paoa are an ocean iwi; we are active in marine protection; we utilise our own marine scientists; we are training kaitiaki. This proposal cuts across our rāhui, which was established to manage specific species and help restore marine health at Waiheke.
- This application also contradicts the recommendations of Sea Change.
- For us the objection is not about customary take, it is about prohibiting cultural practices. We are a coastal iwi and are actively working to protect the moana. We are doing mātauranga mapping, looking at restoration and protection by mana whenua. Our ocean is in a bad state with kina barrens and invasive caulerpa (over 400ha currently). Having these problems in a marine reserve this would be disastrous, as it is difficult to address them. DOC needs to understand this.
- There is already Te Matuku Marine Reserve on Waiheke. Mana whenua have concerns about how DOC administers that reserve, and others around country.
- I submitted on the Hākaimangō-Matiatia marine reserve as an individual (representing 400 whanau). Many felt bullied by the Friends group. Quoting support numbers by them made it a numbers game. DOC needs to ensure that the difficult situation for iwi, and the views of those opposing the reserve, are communicated and understood. Articles are still being put out by the Friends,

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naming individuals critically. If an applicant is behaving badly, the application should be thrown out.

- We will take our concerns further if The Minister approves the marine reserve application. Approval will be a breach of Section 4 of the Conservation Act.
- We believe all four tangata whenua with interests on Waiheke oppose this application. We have done our homework and looked at the reserve proposal, and we question the credibility of the applicants. In particular, the proposal miss-quotes and misuses the work of scientists. If this matter goes down a legal pathway, we will look at the critical issues of those involved.
- Thank you for taking the time to listen to our iwi.
- We will await hearing from you once the decision has been made.

s9(2)(a)

- The Ngāti Paoa Trust Board (the Trust Board) is an entity that has caused the Crown problems and significant litigation expense. To me it seems extraordinary DOC is listening to and engaging with the Trust Board. It is a contradictory approach by the Crown, particularly given what Crown Law has stated before various courts.
- In terms of the Friends – we acknowledge they are strong advocates for environment. However, they chose to knowingly engage with the Trust Board to get the answers they wanted. This has undermined trust with the applicant and is a fundamental flaw in this process. The situation is made worse by the process giving credence to the Trust Board, which does not have a mandate to represent Ngāti Paoa.
- s9(2)(a), I appreciate the processes required. DOC has made a mess of this one. You need to talk to Crown Law and Te Arawhiti. You should not be recording or documenting anything the Trust Board says. Their views should not be reflected in advice.
- I understand the Crown has obligations to consult widely, but on Waiheke there is Ngāti Paoa, Ngāi Tai ki Tāmaki, Ngāti Maru and Te Patukirikiri only. The Crown should have done its homework. This application has been detrimental to iwi relationships.
- The application also sits in a wider context including Treaty settlement redress, Sea Change, and the Hauraki Gulf Forum. In Treaty settlement deeds the Crown has made a commitment to revise the legislative framework for the Hauraki Gulf. Delays completing settlements, and therefore delays in doing this, are not the fault of iwi. The application is therefore being made under outdated legislation and in an environment where Treaty settlement conversations are happening, and this is not appropriate.

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- What groups on the ground are doing is also important. The Iwi Trust is leading out the response to caulerpa, and is participating in the Pou Rāhui project, which is focussed on marine regeneration. In contrast, the Trust Board are not active in the conservation space, other than preventing the hunting of invasive stoats on the Waiheke Station. Again, it is not safe for DOC to seek views of the Trust Board. The only responsibility they have is to manage Waiheke Station (which is on the other end of the island from the proposed marine reserve).
- We have read DOC's latest document. We are concerned at the over bureaucratic layers proposed to be added to what is a relatively small geographical space. By creating an extra layer with a marine reserve, then adding a committee layer, and then below that another layer with Biosecurity NZ, you will kill action.
- The first marine reserves established evolved from a policy framework where the balance of marine space was open season. People felt they needed to protect small spaces from all use. They were great for the time. They are not great now. Rather, we need better integrated management for the whole of the moana. What we currently have with marine reserves is bureaucratic mico-management over a series of discrete and small spaces. That contradicts the desire for a wider and holistic management approach.
- I can see the mitigations DOC proposes as an effort to address the concerns raised. But what they will result in are multiple and small management layers. If there were many of these across the Hauraki Gulf, an iwi like Ngāti Paoa would be tied up in a bureaucratic nightmare, trying to engage on each of these reserves. Having many marine reserves would also fracture iwi efforts for integrated management.
- We have, therefore, reflected collectively on your document. We appreciate DOC coming up with these measures, but we feel we will become paralysed with layers of bureaucracy if this approach is taken. We do not agree this 'work around' addresses the concerns that have been raised, such that we can support the proposed marine reserve to go ahead.
- We are standing on principal. We do not want to provide another submission, though we do acknowledge this response is new information for DOC. The record from this hui should suffice and I am happy to help review and finalise it.

s9(2)(a)

- The Trust Board individuals engaged are not the authority with respect to Waiheke. The Minister needs to be clear this Ngāti Paoa (the Iwi Trust) is the appropriate group to represent the iwi.
- Our position must be well represented, and our views provided directly to the Minister.

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- The name proposed (Hākaimangō-Matiatia Marine Reserve) relates to the harvesting of sharks and is inappropriate. Even if the proposed mechanism was entertained, not that we support the marine reserve, that name is not correct.

s9(2)(a)

- There are two key issues that are fundamental to this discussion:
  1) The Minister arrived on Waiheke unannounced and talked to The Friends about this application. He also engaged with other iwi and did not engage with us.
  2) Supporters of the Friends do not understand the Ngāti Paoa stance, and that is clear due to the support of the name. We do not support the name proposed. It is inappropriate for this type of reserve mechanism, which prohibits any use of marine resource.
- s9(2)(a) . I see an advisory group, as is proposed, as another layer to approvals and we can't support this. Dealing with caulerpa, or any invasive species, is a matter of timing. Putting in place an Order in Council or Gazette Notice at the point you need to respond won't work. We understand the bureaucracy of public service. The Minister will take time making decisions. Getting things signed off takes time. You won't get to move to control invasive species quickly enough with what is proposed.
- We have our scientists we work with. I have discussed the scientific report for the Friends with s9(2)(a) . He has raised concerns about facts being cherry picked and recommendations made not being considered. The location was a concern in his report. Two-thirds of the proposed reserve hasn't been surveyed or needs restoration to be pristine. It should not be a Marine Reserve.
- During his recent visit to Waiheke, the Minister was clear kaitiakitanga is a verb and not a noun, and must be used correctly. The comment was made in the hui towards the Friends. Kaitiakitanga relates to those in the water doing the mahi.
- Ngāti Paoa Iwi Trust is instrumental in the current response to caulerpa.
- There is a lack of active management in the existing marine reserve on Waiheke, and this is a concern. It is heavily fished and under managed by DOC. The silt and mangroves are spreading. This reduces my confidence in Marine Reserves generally and the ability of DOC to manage them. The policy framework, approvals, and resources given to DOC to do their job are the cause of the problem.

s9(2)(a)

- I tautoko everything that has been said. I can speak from a grass-roots, local level.

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- When the Friends were going around getting support for their application, they cherry picked who they spoke to. At presentations people were told to listen and not ask questions. The Gulf News and other publications have employed bully tactics. Replies to objections were passive aggressive.
- There has not been a hui for Ngāti Paoa. The reserve proposal ruptured relations within the iwi before the application was even submitted. The Friends consultation was insufficient.
- I submitted in opposition as an individual.
- I was concerned when I received this DOC discussion paper. It feels like objection handling, finding a way around what we object to. The Marine Reserves Act is past its use by date.
- After the Waiheke Marina matter, the Wildlife Act is being reviewed, as it too is outdated. The Marine Reserves Act is from the same era. It has nothing in there for iwi.

Rebecca Bird

- Thank you for inviting us to hear your views. It is useful to reconnect, and this is happening at a good point in time as there is new information to explore.
- We are attending to listen today.
- Background - In 2021 we were notified there was a draft application, and it was the first by an external applicant in over a decade. DOC hadn't dealt with an external application in a long time and our team was a small, newly formed team in DOC, we've had a lot of turnover in this time too. Legislative reform for marine protection was also underway at the time of the application. We have had to learn along the way.
- DOC must process an application received under the Marine Reserve Act. We had to understand the process and the contemporary context including how the application interacted with Section 4 and other broader marine processes. We are not the decision makers – the Minister of Conservation is and the Minister for Oceans and Fisheries, and Minister for Transport must provide concurrence. Applications do not go to Cabinet for decisions.
- What brought us to today - Alex Rogers and Cat Peters joined towards the end of last year. We undertook a review of where we were with our advice, and we felt a renewed approach to treaty partner engagement was needed given the time that had passed. The Hauraki Gulf Bill process was also new context. Cat undertook to read all submission as a first task and understand objections. The Trust submission was a key part of developing the discussion paper for targeted consultation that was sent to you recently. It is targeted outreach (not statutory) deemed by DOC as necessary to help inform our advice.

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- We have heard a lot in this meeting. It's important to remember, this is not DOCs proposal. We are not responsible for the applicant, or their behaviours and we are not the decision makers, this will be the Minister's decision. Our role is to administer our legislation. We appreciate and value the role of mana whenua in this process. We need to ensure we accurately reflect your views, and we undertake to ensure these are provided directly to the Minister.
- I acknowledge this is a complex political and tribal space, this is not our business but is important context.
- Our undertaking is to be transparent; we have read submissions and developed these measures in response to some concerns. We've put these ideas in writing to test them with you, but they won't necessarily all be progressed. We have set out our purpose, we have a range of concerns to consider and not all will be addressed. We encourage you to put any further views in writing.
- We have sought the guidance internally of our Te Papa Atawhai advisors on Treaty partner engagement. We want to ensure we are engaging, and we work under the guidance of Alex as the Director at place.

Cat Peters

- Thank you for sharing your views today.
- I acknowledge I have come in later to this application and I don't have the same history you have. I have however taken the time to read all submissions in detail and hear you through the Huraki Gulf Bill process.
- It is clear time has moved on, views have grown and changed. Substantial work has been done by tangata whenua in the marine space that wasn't captured in your original submission because of timing, e.g Caulerpa. DOC recognises that work and its importance.
- This conversation has highlighted the need for verbal Hui. Our original approach for sharing this information was to meet in person but we were guided in our phone calls with you that we should share it in writing. I hear the comments about layers of bureaucracy. Our intention was to remove those layers/ simplify and this detail will need to be captured clearly if any of these recommendations are made.
- I appreciate the work you put into your original submission and acknowledge you don't wish to write anything further.
- Next steps:
  1) High level points from this meeting will be captured and shared with s9(2)(a) for review.
  2) If possible, we encourage you sharing your views on each aspect of this new information with DOC if there is the appetite to do so.

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3) Space has been left in the advice to attach you views directly (not DOCs interpretation of your views).
4) We will consider the feedback and develop recommendations for the Minister.
5) This will be circulated back to those who shared views to ensure it is accurate.
6) Advice is set to be provided to the Minister towards the end of the year

- These potential measures and resulting recommendations (once developed) don't indicate a pre-determined stance. They are there to provide options for the minister to consider if the decision is to declare a marine reserve.
- As noted, this is the first marine reserve application by an external party in over 10 years. We are looking for opportunities to consider this in a modern context not just roll out what has been done historically or in different contexts.
- I acknowledge this has caused hurt from its conception and you are keen to see this completed.
- Thank you for your time and contributions.

Note:

Meeting was held on 30 July 2024

Draft meeting summary was provided

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Appendix 8

Method used by the Department of Conservation to classify and analyse views on the proposed marine reserve received through statutory consultation

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Department of Conservation's method of analysis of views received through statutory consultation

Classification of submissions received through statutory consultation

The Department commissioned PublicVoice, an independent public research and engagement company, to manage incoming submissions. Submissions were received through the PublicVoice online survey interface, by email or in hardcopy. PublicVoice were responsible for storing and logging all submissions in a database and assigning an individual identifier to each submitter.

Submissions made via the online survey could tick an option to indicate their preference for the proposed reserve. The survey asked, 'How would you rate your level of support for the proposed marine reserve?' and gave the following response options:

- 'Object'
- 'Partially object'
- 'Partially support'
- 'Support'.

Most written submissions received via email or in hardcopy did not follow the PublicVoice online survey format. Therefore, PublicVoice conducted an analysis of the written content of each of these submissions to assign a position as per the online interface preference choices listed above. If the written submission explicitly stated a position, this was used; if it was not explicitly stated, PublicVoice inferred the most relevant position based on the content.

Quality checks were conducted by PublicVoice and the Department throughout this classification process. A quality assurance team reviewed and assessed the accuracy and consistency of how submissions were classified. Subsequent analysis of submissions during the Department's process to develop this advice led to the reclassification of a small number of submissions.

This report classifies the first three preference options above (i.e. object, partially object, partially support) as an 'objection'. Any issues raised in these submissions therefore were summarised and assessed under section 5(6) of the Marine Reserves Act 1971 as part of the Departmental report (Volume 1). The report classifies the fourth preference option (i.e. support) as being 'in support'. Some views included in submissions in support suggested or recommended changes to the proposed marine reserve or provided other information that is of relevance to objections raised by other submitters. While the report does not classify these submissions as objections the particular issues raised are relevant to the advice and are therefore described in the section 5(6) assessment where relevant. Where these views aligned with those in objections, they are described in the advice alongside objections. Where the views provide an opposing point to an objection topic, they are described under a 'Submissions in support' heading. Where submissions in support provide information in relation to the section 5(9) criteria of the Marine Reserves Act, we describe this in chapter 10 of the Departmental report.

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Submissions and views received from Māori

Statutory consultation process

As set out in 5.3.2 of the Departmental report, section 49 of te Takutai Moana Act requires you, in your decision for this 'conservation process', to have particular regard to the views of 'affected iwi, hapū, or whānau'. In addition to the categorisation of submissions described above, the Department undertook a process to determine which submissions received through the statutory consultation process were from affected iwi, hapū or whānau.

The online survey included this mandatory question to enable classification of which submitters meet the statutory definition of 'affected iwi, hapū, or whānau':

- Are you whānau, hapū or iwi that exercises kaitiakitanga in the proposed reserve area?
- Kaitiakitanga under the Marine and Coastal Area (Takutai Moana) Act 2011 means 'the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Māori in relation to natural and physical resources, and includes the ethic of stewardship.'
- A positive response to this question prompted a follow-up request for information:
    - 'Please provide any extra details of your connection and exercise of kaitiakitanga.'

In some instances, the information provided did not demonstrate explicitly that the submitter met the definition of 'affected iwi, hapū, or whānau'. As part of quality assurance steps undertaken, some submissions were reclassified (i.e. changed to not being a submission from 'affected iwi, hapū, or whānau') by the Department based on the information included in these submissions.

For written submissions, that is, those not using the online survey discussed above, information submitters provided in their submission was used to determine if they were 'affected iwi, hapū, or whānau'.

As described in 5.2.6 of the Departmental report, the other obligations in relation to the Treaty (as described in 5.3), in particular section 4 of the Conservation Act, also apply to the consideration of those submissions received through the public process from affected iwi, hapū, or whānau. This is addressed through our advice in chapters 9 and 10 of the Departmental report.

Submissions received through the public consultation process from other Māori submitters (i.e. Māori individuals and groups representing Māori interests that did not identify as 'whānau, hapū or iwi that exercises kaitiakitanga') were not considered to be from 'affected iwi, hapū, or whānau' for the purposes of te Takutai Moana Act. Therefore, the obligation to have 'particular regard' to these views does not apply. However, the Crown's obligations under section 4 of the Conservation Act may still be relevant to your consideration depending on the nature of these views. The submissions from these submitters have, therefore, been identified and discussed at the relevant points of chapters 9 and 10 of the Departmental report.

Other matters relating to submissions and advice generally

General process

Objections raised in submissions were summarised and grouped under the relevant section 5(6) criteria of the Marine Reserves Act. Where there was ambiguity as to which section 5(6) criteria an issue applied to, the criterion that most closely aligned with the issue was chosen. For example, some submitters raised that establishment of the proposed reserve could compromise the safety of recreational boat-based fishers by requiring them to travel further, which could be taken to be an objection against section 5(6)(b) 'existing right of navigation', or against section 5(6)(d) 'usage of the area for recreational purposes'. For this example, the matter was assessed under section 5(6)(d).

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Where issues were raised by submitters relating to Māori customary interests (either by Māori or non-Māori submitters), these were described and assessed under section 5(6)(e) 'public interest', as this was deemed the most appropriate of the five criteria available.

The Department's analysis of issues raised in submissions was informed by our science, technical, policy and legal expertise. Published literature, case law, and information provided by other local and central government agencies also assisted analysis of issues raised in submissions.

The Department's advice in relation to section 5(6) (see chapter 9 of the Departmental report) firstly summarises the objections received about a particular topic, then summarises the Applicant's response to those objections (if one was provided), and finally provides the Department's assessment of the objections raised, including in light of the Applicant's response. As described above, where submissions in support provide relevant information about an objection topic (either aligned with the objection or to the contrary), these views are also described.

Information used to support an assessment of interference with recreational and commercial fishing

As set out in 5.2.4 of the Departmental report, section 5(6)(c) and (d) of the Marine Reserves Act require an assessment of whether a proposed marine reserve would interfere unduly with commercial fishing and recreational usage (including recreational fishing). The Department has used the best available information to inform our assessment (in chapter 9) of this level of interference. This section describes the information available regarding commercial and recreational fishing and the limitations of this information.

When considering whether the interference is undue, it must be balanced against the overall public advantages that would flow from the proposed reserve.

Commercial fishing

The most up-to-date data available were provided by Fisheries New Zealand / Tini a Tangaroa in October 2024. Unless otherwise stated, our assessment in chapter 9 of the Departmental report is based on these updated data. The Department sought confirmation from Fisheries New Zealand that our interpretation and application of those data in this advice was accurate.

Appendix 23 (Volume 2) summarises the estimated amount and value of catch of each commercial fishery that would be affected by the proposed reserve, including at the level of individual fisher's catch. These estimates are from electronic reporting data for the October fishing years 2019-20, 2020-21, 2021-22, and 2022-23 (most finfish), and April fishing years 2020-21, 2021-22, 2022-23, 2023-24 (most shellfish).

To assess the level of interference on commercial fishing, the Department has considered Fisheries New Zealand estimates of how much catch (weight and value) would be displaced by the proposed reserve. This provides an indication of the relative potential for effects the proposed reserve could have on the commercial fishery, as well as for individual commercial fishers. We note, however, that displacement of catch does not equate to the same level of loss to the fishery, as the catch may be taken from elsewhere (in some cases albeit with a higher operating cost and/or with lower market value).

As explained in 5.2.4 of the Departmental report, the test of 'interfere unduly' to be applied under section 5(6)(c) of the Marine Reserves Act means that it is not possible to determine a simple threshold for when interference becomes undue based on the level of potentially affected catch. A site-specific assessment of the expected benefits and those benefits to the relevant habitat will always be required (as set out in chapter 8 of the Departmental report). Moreover (as noted above) it is important to remember that displacement cannot be directly equated to loss. Several factors play into the assessment of the extent of interference.

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Recreational fishing

Compared to commercial fishing, there is less information available on the locations and level of recreational fishing activity. To inform our assessment in relation to recreational fishing objections, we have used the following:

- a summary of information provided by Fisheries New Zealand of recreational fishing surveys undertaken in 2017-18 (Appendix 23, Volume 2)
- information provided by submitters during the statutory consultation for the Application under the Marine Reserves Act.

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Appendix 9

The Applicant's 'Response to Objections / Whakautu ki nga Whakahē' document – 20 April 2022

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20th April 2022

Hākaimangō – Matiatia (NW Waiheke) Marine Reserve application

Response to Objections / Whakautu ki nga Whakahē

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Friends of the
Hauraki Gulf
Kaitiakitanga Tīkapa Moana / Te Moananui-ō-Toi

Foreword

Ngāti Paoa Trust Board

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

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

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

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

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

Danella Roebeck
Co-Chair
Ngāti Paoa Trust Board

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1.0 A summary of submissions

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

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

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

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

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

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

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

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

Economic

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

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

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

Educational

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

For more detail see Appendix 6.

Access

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

Potential for scientific study

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

For more detail see Appendix 7.

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

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2.0 Introduction

2.1 The application

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

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

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

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

1. *(i) all persons owning any estate or interest in land in or adjoining the proposed reserve:* [i.e. 46 addresses in the neighbourhood of the proposed marine reserve]

2. *(ii) any harbour board if the area or any part of the area proposed as a marine reserve is within the jurisdiction of that harbour board:* [i.e. Auckland Harbourmaster, Auckland Transport]

3. *(iii) any local authority or public body in which the foreshore or the control of the foreshore is vested if that foreshore or any part of it is within the area proposed as a marine reserve:* [i.e. Auckland Council/ Waiheke Local Board]

4. *(iv) the Secretary for Transport:*

5. *(v) the Director-General of Agriculture and Fisheries:* [i.e. Ministry for Primary Industries]

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

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

2.2 Right of response to objections

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

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

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

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

Objections which also should be addressed are those which argue the proposed reserve will not meet the purpose of the Act as set out in s 3 (1)'*…for …preserving , as marine reserves for the scientific study of marine life, areas of New Zealand that contain underwater scenery, natural features, or marine life of such distinctive quality, or so typical, or beautiful, or unique, that their continued preservation is in the national interest';* and s 5 (9) *'in the best interests of scientific study and will be for the benefit of the public.'*

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

Michael Lee
Chairperson, The Friends of the Hauraki Gulf Inc

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3.0 Te Tiriti o Waitangi / Treaty of Waitangi

Objections relating to the principles of the Treaty of Waitangi

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

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

Takutai Moana s 47. Participation in conservation processes
(1) In this section and sections 48 to 50, ***affected iwi, hapū, or whānau*** *means iwi, hapū, or whānau that exercise kaitiakitanga in a part of the common marine and coastal area where a conservation process is being considered.*
(2) Affected iwi, hapū, or whānau have the right to participate in conservation processes in the common marine and coastal area.
(3)For the purposes of subsection (1), the conservation processes are—
(a) applications made under section 5 of the Marine Reserves Act 1971 for the purpose of declaring or extending a marine reserve…

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

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Table 1. Submissions from individuals identifying Māori tribal affiliations

1. [18] Ngāpuhi, Ngāti Porou.**Support**
2. [59] Ngāti Kahi ki Whaingaroa me Te Rōroa ki Ngāti Whatua. **Support**
3. [71] Tainui. **Support**
4. [74] Ngāti Kinohaku, Ngāti Maniapoto, Ngāti Toa, Ngāti Rārua, Ngāti Mahuta & Ngāti Tūwharetoa. **Support**
5. [78] Te Ati Awa. **Support**
6. [147] Ngāti Naho Tainui.**Support**
7. [215] Ngāpuhi. **Support**
8. [216] Ngāpuhi, Ngāti Rehia. **Support**
9. [239] Kai Tahu. **Support**
10. [245] Ngāpuhi. **Partially Object** (reserve should be bigger)
11. [253] No tribe indicated. **Support**
12. [263] Ngāti Paoa Trust Board. **Support**
13. [314] Ngāti Paoa. **Object**
14. [315]Ngāti Paoa. **Object**
15. [320] Kai Tahu. **Support**
16. [322] Ngāti Whatua – Orakei. **Support**
17. [323] Ngāti Porou, Ngāti Maniapoto, Rongowhakaata. **Support**
18. [327]Ngai Te Rangi, Ngāti Maniapoto**. Support**
19. [328] Ngāti Paoa (Ngāti Kapu), Ngāti Hako, Ngāti Porou o Hauraki. **Object**
20. [346] Ngāti Hura, Ngāti Kapu, Ngāti Paoa. **Object**
21. [357] Ngāpuhi. **Support**
22. [426] Ngāpuhi. **Object**
23. [434] Ngāti Whakaue Te Arawa. **Support**
24. [486] Ngāti Horowhenua, Ngāti Paoa. Ngāti Pukuenga ki Manaia. **Partial Support** (reserve should be much bigger)
25. [493] Ngāti Paoa. **Object**
26. [496] Ngāti Paoa. **Object**
27. [496]. Ngāti Paoa. **Object**
28. [505] Ngāti Paoa. **Object**
37. [711] Tainui. **Object**
38. [728] Ngarie [Ngāti?] Kahu. **Support**
39. [742] Tainui. **Object**
40. [743] Ngāti Kahu. **Support**
41. [747] Ngāti Raukawa. **Support**
42. [757] Ngāti Rangiwewehi. **Support**
43. [758] Ngāti Porou. **Support**
44. [790] Iwi not indicated. **Support**
45. [794] Te Urikaraka, Ngāti Paoa. **Object**
46. [805]Ngāti Urunumia. **Support**
47. [832] Te Rawara. **Support**
48. [844] Ngāti Kahu. **Support**
49. [856] Ngāi Tai ki Tāmaki. **Support**
50. [860] Ngāti Kahungunu, Ngāi Tūhoe, Rangitāne, Rongowhakaata. **Support**
51. [871] Ngāti Paoa. **Object**
52. [884] Ngāti Raukawa ki te tonga. **Support**
53. [897] No iwi indicated**. Support**
54. [905] Ngāpuhi. **Support**
55. [908] Ngāpuhi. **Support**
56. [916] Ngāti Awa, Tainui, Tuhoe, Te Whānau Apanui, and other. **Support**
57. [917] Ngāti Awa me Ngāti Mahuta. **Support**
58. [929]. Ngāti Paoa, Ngāpuhi, Ngāti Porou. S**upport**
59. [932] Te Arawa/ Tuhoe. **Support**
60. [935] Ngāti Kahungunu, Ngāiterangi Ngāti Maniapoto. **Support**
61. [976] ‘All’. **Support**
62. [986] Ngāti Hako, Ngāti Paoa. **Object**
63. [987] ‘Uri o Papatuanuku.’ **Object**
64. [1004] Ngāti Paoa. **Support**
65. [1006]. No iwi indicated. **Support**
66. [1009] Ngāti Rangitaua-Ngāti Paoa. **Object**
67. [1011] Ngāti Paoa, Ngāti Hura, Ngāti Kapu **Object**
68. [1020] Tainui. **Support**
69. [1027] Ngāti Paoa. **Object**
70. [1029] Te Arawa. **Support**

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29. [511] Ngāpuhi. **Object** 30. [515] Ngāti Paoa, Ngāti Porou, Ngāti awa, Ngāpuhi, Marutūahu. **Support** 31. [609] Ngāti Paoa. **Support** 32. [650] Ngāpuhi. **Support** 33. [652] Ngāti Paoa, Ngāti Tipa. **Support** 34. [669] Ngāpuhi. **Support** 35. [698] Ngāti Porou, Ngāpuhi. **Support** 36. [710] Whakatōhea/Upokokorehe. **Support**	71. [1041] Te Arawa, Tūwharetoa, Ngāti Pikiao Tainui-Waikato. **Object** 72. [1045] Te Rarawa, Te Arawa. **Support** 73. [1089] Ngāti Paoa. **Support** 74. [1100] Marutūāhu, Kāhui-ariki, Ngāti Hako, Ngāti Pāoa. **Object** **75. [**1117] No iwi indicated**. Support** 76. [1119] Piritahi Marae. (Multi iwi). **Support** 77. [1124] Te Urikaraka/Ngāti Paoa. **Support** 78. [1274] Te Patukirikiri. **Object**

Of the 78 submissions 73% (57) were in support and 27% (21) were objections (one of which a partial objection). Three objections we understand were essentially from the same person, and two by another but were counted and responded to regardless.

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

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

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THEME: The marine reserve will prevent the exercise of kaitiakitanga. Ngāti Paoa Iwi Trust (Herearoha Skipper) WSHMMR-791862 Herearoha Skipper HMMR-682516 Lucy Tukua WSH791868 Lucy Tukua HMMR-784100 Mereana Berger Ngāti Paoa HMMR-682516 Laurie Nicholas Te Arawa, Tūwharetoa, Ngāti Pikiao, Tainui, Waikato HMMR-794826		The applicant disagrees. A protected, recovering ecosystem will enable, indeed require more, not less opportunities for kaitiakitanga. In terms of kaitiakitanga of the moana, several submitters point to the approval given by the Ngāti Paoa Iwi Trust, for the controversial Waiheke marina at Kennedy Point as not being an ideal example of the exercise of kaitiakitanga. Submitter Rachael Monks, Ngāpuhi, Ngāti Rehia. [216. HMMR-502084] states: *'The continued decline of sea life in the area is unacceptable. The rāhui placed 2 years ago does not go far enough, with the inclusion of another marina, wildlife are not being prioritised. We need government mandates to be enforced to protect sea life.'* Submitter Ariana Brown, Ngāti Porou, Ngāti Maniapoto, Ngāti Rongowhakaata. (customary fisher). HMMR-67247, states: *'It is clear that this Moana needs to be protected better for future generations. The building of the super yacht marina on Waiheke has already been a failure by DOC to protect this Moana and uphold its obligations to Māori and Te Tiriti o Waitangi.'*

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THEME: The application does not have the support of the Tangata Whenua Ngāti Paoa Iwi Trust (Herearoha Skipper) WSHMMR-791862 Herearoha Skipper HMMR-682516 Apanui Skipper HMMR-773635 Mereana Berger HMMR-682516 Lucy Tukua WSH791868 Lucy Tukua HMMR-784100 WSHMR-69124 NZ Rock Lobster Industry Council/Fisheries Inshore NZ, Paua Industry Council. WSHMMR-791829 Coastal Custodians	*'Ngāti Pāoa OPPOSE the Hākaimango-Mātiatia Marine Reserve.'* Herearoha Skipper	The applicant responds by acknowledging that the recognised tangata whenua of Waiheke is Ngāti Paoa including Te Uri Karaka. The Crown (Te Puni Kokiri -Te Kahui Mangai) recognises two tribal authorities representing Ngāti Paoa iwi. The Ngāti Paoa Trust Board and the Ngāti Paoa Iwi Trust. That being said the applicant must point out that the Ngāti Paoa Trust Board and tribal kaumatua and whānau descended from 19th century Ngāti Paoa/Uri Karaka rangatira who lived at Matiatia and Owhanake Bay have formally declared their tangata whenua and kaitiaki status and have submitted in support of the Marine Reserve. Ngāti Paoa rangatahi opposing the Kennedy Point Marina aligned with Protect Putiki & Te Marae o Ngāti Horowhenua, have submitted in support of the marine reserve. Atatarangi Newton HMMR-784472 Protect Putiki submits: '*We also acknowledge the Ngāti Pāoa Trust Board for their position with the marine reserve and for their tireless efforts to protect the biodiversity and mauri of Pūtiki Bay from the development of the Kennedy Point Marina.*' As noted, the local Piritahi Marae WSHMMR-791940 supports the marine reserve. Its submission by Bianca Ranson includes the following: *'We acknowledge Ngāti Pāoa as the mātua mana whenua of Waiheke Island and the importance of partnership for the management and protection of marine ecosystems and coastal areas. The Ngāti Pāoa Trust Board has announced their support for the marine reserve application. They state the importance of mātauranga and western science working together for the conservation of the marine environment. Piritahi Marae supports Ngāti Pāoa and other mana whenua of Waiheke Island in the active practice of kaitiakitanga and the application of mātauranga for the care and protection of biodiversity and the restoration of the mauri of our moana. We acknowledge that marine reserves are not ideal for wider ecosystem based management however this is protection available and needed now. Our support for the application asks that mātauranga and tangata whenua be central to the management and kaitiakitanga of the reserve. Under the Takutai Moana Act 2011, Section 47 we reserve our right as whānau of Piritahi Marae and Waiheke Island to participate in conservation processes in the common marine and coastal area.'* See Appendix 2.

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		We further note the submission of Denny Ngahauewha Thompson. WSHMMR-791823: '*I am Ngati Hura of Ngāti Paoa and a direct descendant of rangatira Wiremu Hoete and Rawiri Takarua who lived at northwest Waiheke in the 19th century and who the Crown recognised as the paramount leaders of Waiheke Ngāti Paoa. I would like to stress that in the term used by the Marine Reserves Act, my whānau and myself are Tangata Whenua.* *Therefore please count this letter as a submission in support of the application. In addition to the reasons advanced by the Ngāti Paoa Trust Board, my support is also based on the reasons set out in the Marine Reserves Act...*" Also from Moana Te Aira Te Uri Karaka Te Waero WSHMMR-791958. '*Supporting the formation of the proposed marine reserve from my perspective is the additional protection it affords coastal wāhi tapu, and more stringent protocols on land development activities. I am the fifth generation Kaitiaki since the signing of Te Tiriti O Waitangi by my Great Great Grandfather Te Kupenga Te Waero. Whose flame has never been extinguished. I am known as Moana Te Aira Te Uri Karaka Te Waero.*' Finally, the Ngāti Paoa Trust Board co-Chair Danella Roebeck HMMR-592270 states: *'Ngāti Paoa holds tino rangatiratanga on Waiheke Island. The Ngāti Paoa Trust Board is the sole trustee of Waiheke Station, the 2nd largest land block on Waiheke Island, and the only asset of Ngāti Paoa pre settlement. The Board holds this whenua as kaitiaki for the beneficiaries of Paoa. Kaitiakitanga of Waiheke Island sits with the Ngāti Paoa Trust Board.'* – See Appendix 2 letter from Ngāti Paoa Trust Board.

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THEME: Marine reserves are outdated and racist. Ngāti Paoa Iwi Trust (Herearoha Skipper) WSHMMR-791862 Darleen Tana 'Te Uri o Papatuanuku' HMMR-784622	*'In 2022, these outdated systematic racist conservation practices are unacceptable.'* Herearoaha Skipper *I find it incredibly audacious and arrogant that, while well-meaning - pakeha see fit to instigate a mechanism created in the fullness of racial subjugating intent to ostracize tangata whenua in 2022 from our own Maori selves and our obligations/responsibility as Kaitiaki Tuuturu....* Darleen Tana	The applicant disagrees. We will focus our response on the mechanism in question rather than the shrill and rather unfortunate comments. In our opinion the Marine Reserves Act (1971) in conjunction with the Marine and Coastal Area (Takutai Moana) Act (2011) is fit for purpose. While one can find fault in any legislation, it is hard to fault the Marine Reserves Act for its evident effectiveness in preserving a small but precious part of our marine environment in the national interest. Far from the feeling '*subjugated and ostracised*' 73% of submitters identifying as Māori along with the Ngāti Paoa Trust Board support the application. Successive NZ Governments led by PM Key, PM English and PM Ardern have recognised the effectiveness of permanent no-take marine reserves. In 2015 Mr Key proposed to the United Nations General Assembly an extensive no-take area around the Kermadec Islands, albeit given its size and location and international significance probably with its own special legislation but thereby effectively extending the existing Kermadec / Rangitāhua Marine Reserve. This according to the present government is to become the 620,000 sq Rangitāhua / Kermadec Ocean Sanctuary. In light of this, it is hard to understand how protecting the natural world in the face of a growing environmental crisis can be construed in such negative terms by the objectors. Rather than seeing marine reserves as 'racist', the overwhelming majority of submitters identifying as Māori take a longer view and see a bigger picture. They support this application believing something must be done to protect our fragile marine environment and its life supporting capacity - to support nature. Submitter in support Tainui Tukiwaho HMMR-784433 puts it very simply '*I support Te Taiao*'.

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Darleen Tana 'Te Uri o Papatuanuku' HMMR-784622	*The permanent nature of the marine reserve proposal is legal support for the ongoing colonization of my whakapapa connection with moana.* Darleen Tana	The applicant disagrees and so does the Ngāti Paoa Trust Board and Ngāti Paoa and Te Uri Karaka tribal members whose whakapapa include 19th century rangatira Wiremu Hoete, Te Kupenga Te Waero and Rawiri Takarua who lived at Matiatia and Owhanake on the shores of the proposed marine reserve, and the local Piritahi Marae. Rather than colonise the objector's whakapapa (the objector does not provide her hapū or Iwi but the applicant is aware, it is not local), the permanent nature of the marine reserve will enable permanent sanctuary for hard pressed marine life in one relatively tiny but important area of the Hauraki Gulf
THEME: More sophisticated tools exist than marine reserves. Dean Ogilvie Ngāti Paoa HMMR-773911 Darleen Tana 'Te Uri o Papatuanuku' HMMR-784622 Jeanine Clarkin Ngāti Hako Ngāti Paaoa HMMR-784661	*We have a number of more sophisticated and progressive tools and mechanisms, including kōura rewilding, kina removal or even ranching.* Dean Ogilvie	The applicant disagrees with this statement as those 'more sophisticated and progressive tools and mechanisms' evidently involve human interventions which are experimental, unproven, uncosted and by their own admission relate to a very limited number of species (3 are cited) in an stressed ecosystem of myriad species, and will do nothing at all about tackling the principal problem of overfishing. We note the comment from Nicola MacDonald chair of the Auckland Conservation Board WSHMMR-791874. *"The complete protection offered by Marine Reserves is essential for rapid recovery and continuing survival of high levels of marine biodiversity,and that there is now substantial scientific evidence from Hauraki Gulf waters that it is only within fully protected marine reserves that substantial recovery biodiversity has occurred* The applicant is unable to comment on what the objectors mean by 'ranching'? The applicant points out that these objectors have 126 km of the Waiheke coastline and the rest of the Hauraki Gulf available for them to undertake these activities including 'ranching'.

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

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THEME: Marine reserves lock out Māori from connecting with the moana Mereana Berger HMMR-682516	*'The marine reserve will extinguish connectivity with the moana and prevent practise of kaitiaki'*	The applicant disagrees. The Marine Reserves Act does not exclude anyone from connecting with the moana. In fact the opposite. The Marine Reserves Act s 3 (4) expressly states *'the public should have freedom of access and entry to the reserves so that they enjoy in full measure the opportunity to study, observe and record marine life in its natural habitat'.* We fully agree with submitter Karla Allies Ngāti Paoa, Ngāti Horowhenua [HMMR 742918] who points out: *'Myself and other Ngāti Paoa whānau have been occupying Pūtiki Bay since March 9th, 2021. We occupied in protest at the marina development and remain under the tikanga of rongoa, practicing kaitiakitanga, reconnecting to our whenua, moana and selves. Our marae "Horowhenua ki Tai" is on the beach and our papakainga is situated on the beach and Kennedy point reserve.* *Waiheke is our turangawaewae.* *My great grandmother was born and raised in Matiatia. This area is the ancestral whenua of Ngāti Horowhenua, our hapu. Our destiny is to be the kaitiaki of the moana.* *This marine reserve of 2350 hectares is a good location and the geography of the area makes it an ideal fish nursery. The Gulf is in crisis and some action to help our moana and life within,is better than nothing, but it is a drop in the bucket for what is required… I do support the application for the Marine reserve and rely on DOC to behave in good faith as our Te Tiriti partner by supporting mana whenua, in particular Ngāti Horowhenua, Ngāti Paoa, to become the Marine Rangers in this place.'*

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THEME: The marine reserve will be damaging to Māori/personal identity Mereana Berger HMMR-682516 Carla Perese Ngāti Paoa HMMR-752960 Maria Kahui Ngāti Paoa HMMR-752972 Tommy Ngapera Ngāti Paoa HMMR-753017	*'It does not acknowledge the whole of me. I am whānau, hapū and iwi with kaitiakitanga responsibilities. My pepeha narrates that Waiheke is me. This marine reserve proposal proposes taking away part of me. Who has the right to do that? Only me. The moana is my whanaunga. I do not agree to part of my family being cut off from me.'*	The applicant must respectfully disagree with these objectors whose submissions are identically worded. Theirs appears to be a somewhat personalised view of nature which evidently does not accept the right of the natural world to exist independently of humans (nor themselves personally) and be protected from excessive human exploitation. The Ngāti Paoa Trust Board which represents whānau, hapū and iwi takes a diametrically contrary view as does the Piritahi Marae and more than 73% of submitters identifying as Māori, who believe, as do many Pākehā, they have kaitiaki responsibilities in the broadest sense to safeguard and protect nature. These making up 93% of submitters support the marine reserve for a variety of reasons. Not the least the protection of the ecosystem of this area will thereby allow nature to regenerate and thereby restore its life supporting capacity and that this will in turn enrich their traditional associations with the moana and its restored wildlife – and for their descendants. We note the submission of Katherine Ngapo, Ngāti Paoa, Ngāti Porou, Ngāti Awa, Ngāpuhi, Marutūahu. HMMR-753065: *'I grew up on Waiheke and spent almost my whole life there 60 plus years. As a Maori family we gathered a lot of our kai from the sea and I am very aware of how prolific the gulf was. I also got my scuba ticket as a teenager and have dived in places such as the Poor Knights, Mokihinaus, Great Barrier and Little Barrier, Kawau, and all around Waiheke with snorkel and scuba. I can remember being surrounded by huge schools of fish, and so much kelp when I was diving. I know how full of life it was. I honour that life, the mauri and wairua of it, how it can feed other animals and people. I want that life to continue and believe we are heading currently towards species extinction and underwater deserts as told in the State of the Gulf Reports which are highlighting at each successive report a continuing decline. We need no take areas to address this, we need it immediately and I support this reserve off Waiheke 100%.'*

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THEME: Marine reserves do not have regard to the Māori World View Ngāti Paoa Iwi Trust (Herearoha Skipper) WSHMMR-791862 Dean Ogilvie HMMR-773911	*Fundamentally I see this as a difference in world views. This marine reserve approach feels like humans have no place in the environment. It is something seperate [sic] from us and we need to lock it up and throw away the key for perpetuity'* Dean Ogilvie	The applicant disagrees. While we feel it is not appropriate for the applicant to debate the Māori world view, the Ngāti Paoa Trust Board and a number of Ngāti Paoa descended from 19th century Rangatira who lived in the area of the proposed reserve, the Piritahi Marae, and 73% of individual Māori submitters, have a different view from the objector, seeing the urgent need for the protection, conservation and preservation of the natural world and marine species as within the national interest and fully within their Māori world view, just as with the conservation of terrestrial species. Long term island resident Jacqueline Joseph (Ngāti Kinohaku, Ngāti Maniapoto, Ngāti Toa, Ngāti Rārua, Ngāti Mahuta & Ngāti Tūwharetoa) HMMR 794856, articulates the views of many Māori submitters: *'I wholeheartedly believe that marine reserves are incredibly important for our moana; a chance for them to regenerate under our protection. I think science has shown this time & time again. In a time when our oceans are being massively overfished & polluted, we need to act swiftly, not dilly dally around. I support the proposal because I want to protect out moana for future generations. The act of raping the moana till there is nothing left needs to stop. There should be more protections put in place before it is all gone & there are no fishes left.'* With due respect, the world view of these objectors is clearly not the only Māori world view.
THEME: The Marine reserve is in the estate of Marutūāhu William Peters Te Patukirikiri WSHMMR-812420	*'Te Patukirikiri is opposed to all applications concerning the Friends of the Hauraki Gulf regarding the tribal estate of Marutūāhu people which includes the Hauraki Gulf and Tikapa Moana.'*	The applicant does not disagree but the objector overlooks the fact that Ngāti Paoa is a major iwi of Marutūāhu and that both the Ngāti Paoa Trust Board and the Ngāti Paoa Iwi Trust maintain that Ngāti Paoa are the tangata whenua of Waiheke. The Iwi Trust, while not supporting the application maintains the area of the proposed reserve is 'the rohe moana' of Ngāti Paoa. The Pāoa Trust Board and Ngāti Paoa descendants of 19th century rangatira who lived in Matiatia and Owhanake (Te Huruhi), the coastal area of the marine reserve support the application and its objectives to protect and restore this part of the moana.

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THEME: Te Tiriti o Waitangi Treena Thompson Ngāti Paoa HMMR 692585 Lucy Tukua WSH-791868 Lucy Tukua HMMR 784100	*Manawhenua have Rahui in place, around the motū. Manawhenua are kaitiaki by whakapapa. I believe as tāngata te whenua. Manawhenua have customary harvesting and fishing to our moana by whakapapa under the tiriti.* *I strongly oppose the Matiatia Marine Reservation for the above reasons.*	The applicant disagrees. The objection goes to Article 2 of the Treaty and te tino rangatiratanga. Many marine reserves were actively led by tangata whenua e.g. Te Tapuae o Rongokako (Ngāti Konohi o Ngāti Porou) and Whanganui a Hei Marine Reserve (Ngāti Hei). The latest being the government's plans to massively extend the existing no-take Kermadec Marine Reserve to become the 620,000 sq km Rangitāhua / Kermadec Ocean Sanctuary which is supported by Ngāti Kuri and Te Aupouri. Furthermore it is standard best practice that tangata whenua are actively involved governing committees of marine reserves. The Hākaimangō - Matiatia Marine Reserve is supported by 73% of submitters identifying as Māori, by Ngāti Pāoa tribal members and by the Ngāti Paoa Trust Board which has declared its tino rangatiratanga over the area and the taonga that the marine reserve will protect in keeping with the objectives and principles of the Treaty.

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THEME: The marine reserve is not big enough. Karla Allies Ngāti Paoa, Ngāti Pukenga ki Manaia. Horowhenua ki Tai Marae, Waiheke. HMMR-742918 Kyle Smart Ngāti Awa/Ngāti Māhuta Shane Gardner Ngāti Porou/ Ngapuhi HMMR--773350	*'The marine reserve] doesn't go far enough. The Hauraki Gulf marine park is 1.2 million hectares. To have any hope of reviving the "mauri" of the gulf, it is said 30% of the oceans must be under some form of protection. That means 400,000 hectares of Te Moananui o Toi must be protected…If 30% of Waiheke waters were protected under "Marine Protected area (MPA), then we could get somewhere.'* Karla Allies *'I would fully support if the area was larger.'* Shane Gardner	The applicant agrees in principle. These submissions are 'partially in support' and mirror a number of 'partial objections' and even some full 'objections' that argue the marine reserve should be larger. That being said the proposed 2350 ha reserve, supported by 93% of submissions, will be bigger than any existing marine reserve in the Hauraki Gulf, almost doubling the existing area of protection. Moreover scientists advise that it is of sufficient scale to enable restoration of the life-supporting capacity of this area. As the submission from Piritahi Marae points out, the proposed reserve '*...has extensive biodiversity in physical habitat and is in the ecological transition zone between the inner and outer Hauraki Gulf. The marine reserve will significantly increase egg production and juvenile fish, particularly tāmure or snapper. The Goat Island Marine Reserve is estimated to contribute to 10.6% of newly settled juveniles to the surrounding 400sq km area. With the tāmure population down 83% from what it once was in the Hauraki Gulf, the protection the reserve will give to allowing for increased population is critically important.'* Finally we agree with Karla Allies Ngāti Paoa who goes on to say, '*... the Gulf is in crisis and some action to help our moana and life within, is better than nothing, but it is a drop in the bucket for what is required.* Indeed. But we have to start somewhere. It is time to take action rather than sitting around and endlessly talking about it.

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THEME: The marine reserve is not necessary as the rāhui is a sufficient means of marine protection Herearoha Skipper Ngāti Paoa Iwi Trust Herearoaha Skipper Apanui Skipper Treena Thompson HMMR 692585 Carla Perese HMMR-752960 Marcia Kahui HMMR-752972	*'Pou Rāhui will be the catalyst to elevate marine restoration throughout Tīkapa Moana and Te Moananui-ā-T oi using rāhui as a credible, bespoke Māori customary marine management tool to address the current challenges of `functionally extinct' fauna and flora, taonga species' Herearoha Skipper*	The applicant supported the rāhui around Waiheke as a step in the right direction. The rāhui has legal force under s186c of the Fisheries Act and is considered a 'temporary closure of a fishery.' The Williams '*Dictionary of the Māori Language*' interprets **rāhui** as '*A mark to warn people against trespassing; used in the case of **tapu,** or for temporary protection of fruit, birds, or fish etc.*' It is noted that the rāhui around Waiheke covers only four seafood species for a period of two years. It provides NO protection for fish at all and whereas scientists advise there are hundreds of marine species in this ecosystem under severe stress due in large part to overfishing. Relying solely on rāhui which single out taonga food species overlooks the importance in the ecosystem of other less valued, more humble and cryptic biota and their vital role in a healthy functioning marine ecosystem. The applicant agrees with submitter Rachel Monks Ngāpuhi, Ngāti Rehia [HMMR 502084] *'The continued decline of sea life in the area is unacceptable. The rāhui placed 2 years ago does not go far enough, with the inclusion of another marina, wildlife are not being prioritised. We need government mandates to be enforced to protect the sealife.'*

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THEME: Rāhui NZ Sport Fishing Council/the Legasea Team WSHMMR-791865 Janine Paton HMMR-773680 Jess Whiting HMMR-773689 Lucy Tukua HMMR-784100 Spencer Roff HMMR-784346 Apanui Skipper HMMR-784712 Herearoha Skipper HMMR-784715 Bill McGarry HMMR-794808 Treena Thompson HMMR-692585 Claudia Pierce HMMR-753050 Matt von Sturmer HMMR-753053	*The submitter maintains that the protections in the proposed area are sufficient.*	The applicant disagrees with these submitters because: • The rāhui placed around Waiheke only addresses the take of four types of seafood species - kōura, kutai, paua, tupa. It does not protect any fish, and is in place for only a few years. • The Waiheke rāhui will not be sufficient for a full subaquatic recovery, as measured over time by the re-establishment of large, long-lived umbrella / apex reef species like hāpuku, tāmure kourā packhorse crayfish, and reef fish which live to over 60 years of age. • It is scientific consensus that effective restoration should consider entire ecosystems. • The International Union for the Conservation of Nature (IUCN) has developed global standards for marine protection (IUCN WCPA, 2018). They exclude protections that are short term or species specific. • The applicant is aware of just a few scientific papers published on the efficacy of rāhui; none conclude that rāhui (temporary closures) generate comparable recovery and abundance benefits as those of marine reserves. The most relevant paper is Booth 2020. Other papers review rāhui on single species, which generally produced mixed results. Rāhui are a seafood / fisheries management tool - not a tool for conservation or generating scientific baselines. • The marine reserve will complement the rāhui. • The marine reserve will offer an unprecedented opportunity for the comparative scientific study of a rāhui area, normal fishing regulations area, an experimental 'High Protection Area' and a fully protected reserve actually adjoining each other along with active restoration measures. The applicant concurs with the New Zealand Marine Sciences Society WSHMMR-791859 *'The proposed marine reserve only covers ~5% of the Waiheke coastline so in our view this provides a small first step in a more holistic and community-wide approach to marine conservation on Waiheke Island.'*

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THEME: Customary practices are more appropriate NZ Sport Fishing Council/Legasea team WSHMMR-791865	*The submitter objects to the marine reserve application because they think Māori customary practices are better suited for marine protection.*	The applicant disagrees that a customary tool is more appropriate because: • The holistic concepts of mauri ('life principle') and established ecological science are predicated on an interconnected habitat-wide approach. • This is seen around the world, where all national parks, both marine and terrestrial, encompass entire habitats. Areas dedicated to biodiversity recovery allow all of the species within them to replenish themselves. National parks and all other nature reserves on land and in the sea are generally not managed for a few species alone. • The proposed marine reserve is THE most effective way of addressing the environmental crisis of the degradation of the Hauraki Gulf at a habitat-wide level. • Tikanga-based and more narrowly-focussed actions such as temporary conservation rāhui were developed in an epoch of far greater base resilience of all Aotearoa / New Zealand's ecosystems, and during a time of far lower population pressure and technological capability than in 2022. • A 'more-focused' approach may overlook as yet unknown contributing factors to certain species' decline or recovery. • A 'more-focused' approach implies that we already know the specific answers to recovery of mauri and biodiversity throughout the Hauraki Gulf. A habitat-wide approach does not necessarily make this assumption; and is a safer, more reliable, and scientifically-proven approach. • In terms of the widely-accepted Precautionary Principle, a habit-wide approach is more sound, and much more likely to be successful in the restoration of mauri. The applicant accepts that certain tikanga-based actions may be more focused. Conservation rāhui, for example, tend to be based on only a few species, and for limited time periods. The applicant disagrees that the Marine Reserves Act 1971 is not the right tool because it is the only tool that

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		will deliver the outcomes sought. The outcomes sought are very popular (as expressed in the number of submissions) and are in the national interest. A fixed term rāhui for four invertebrate species will not be enough to ensure the return of 60+year-old reef fish like hāpuku, red moki and decades-old kōura, (red and packhorse crayfish) - or the many species of seabirds and marine mammals.
THEME: Customary practice and tikanga Auckland Council WSHMMR-791826	*The applicant has not identified any impacts of a marine reserve on customary practices and tikanga.*	The applicant after consultation with tangata whenua and manawhenua understands the marine reserve will not impact on any customary practices or tikanga. The applicant supports the rāhui which prevents customary shellfish and crayfish gathering. Moreover the applicant does not believe it is its role under the Marine Reserves Act or the Takutai Moana Act to identify customary practices and tikanga, some of which are private, indeed tāpu. We have consulted with tangata whenua and manawhenua to seek their views on these questions. We have also worked closely over the past year with DOC officials, who the applicant can attest are very much concerned with these questions. While we respect assertions by the spokesperson for the Ngāti Paoa Iwi Trust, from our consultation with the Ngati Paoa Trust Board and Ngāitai ki Tāmaki the only activity which will be impacted will be fishing, which stating the obvious, is the whole point of the exercise, We recommend the council heed the words of submitter Moana Te Aira Te Uri Karaka Te Waero WSHMMR-791958. This submitter is tangata whenua and a person of mana. '*The status of Marine Reserve not only provides protection to waterways. It also encompasses the whenua it surrounds. Whenua which is wāhi tapu to my people - past and present… Supporting the formation of the proposed marine reserve from my perspective is the additional protection it affords coastal wahi tapu, and more stringent protocols on land development activities.*'

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THEME: Treaty Claims Auckland Council WSHMMR-791826	*The applicant has not discussed any potential impacts on Treaty claims, Customary MarineTitle claims and the Māori Commercial Aquaculture Claims Settlement Act 2004 (including the New Space Plan, which is in progress with Fisheries New Zealand).*	The council is quite mistaken in this assertion. The applicant has indeed discussed all those questions as is tika with Ngāti Paoa Trust Board, kaumatua and whānau and with Ngāitai ki Tāmaki who have recognised manawhenua status over neighbouring Otata (the Noises Islands), and also on an ongoing basis with the Department of Conservation. We have acknowledged the proposed Ngāti Paoa Treaty settlement in the *Hākaimangō-Matiatia (NW Waiheke) Marine Reserve Application Report* (2022) and in good faith satisfied to the best of our ability all obligations under the Marine & Coastal Area (Takutai Moana) Act. To the best of our knowledge the marine reserve proposal in this area will not impact negatively on any Treaty settlement, nor compromise any claim for customary title or customary rights under the Marine & Coastal Area (Takutai Moana) Act. The customary practice and tikanga of the rāhui we formally acknowledge and respect. The Council should heed the words of the Ngati Paoa Trust Board. '*Ngāti Paoa are driven by principles of kaitiakitanga (environment responsibility), manaakitanga (capability building), and taonga tuku iho mō ngā uri whakatipu (guardianship of resources for future generations).* *It is for all the above reasons that Ngāti Paoa will walk alongside Friends of the Hauraki Gulf in support of the application to establish the Hākaimangō-Matiatia Marine Reserve, and that the mana of Ngāti Paoa Iwi/hapū support will help to make our joint aspirations a reality*.'

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Theme: Section 186 temporary closure (Rāhui) NZ Sport Fishing Council/Legasea team WSHMMR-791865	*The submitter objects to the marine reserve application because the area under a section 186 closure (the Rāhui) is a bigger area.*	The applicant agrees that the rāhui area is greater than the proposed marine reserve but this does not negate the the need for this marine reserve because: • The rāhui around Waiheke covers only four species and does not in any way address the problem of chronic overfishing which has cascade effects on the whole marine ecosystem. The Hākaimango-Matitia Marine Reserve will provide sanctuary for *all* locally-occurring marine life. • There is no current scientific evidence that rāhui are effective in current environmental circumstances in the Hauraki Gulf. • Only three scientific papers have been written, which may be seen to be (in part) assessing the efficacy of rāhui in New Zealand. All conclude that the rāhui they looked at were NOT successful in the recovery of mauri. • If the submitter is motivated by the desire to see biodiversity recover in the Hauraki Gulf, then the above proposition is not in itself a reason to oppose the Hakaimango-Matiatia Marine Reserve, for both rāhui and marine reserved will complement each other in achieving this commonly-held aspiration. • Most rāhui are temporary; all marine reserves are in perpetuity. So it follows that a marine reserve, regardless of size, will have greater long-term ecological benefits than a rāhui. Indeed we are seeking inter-generational benefits. While the applicant supports the rāhui, the applicant disagrees that the rāhui will deliver the outcomes sought by the marine reserve application. The additional outcomes sought by the fishing restrictions in the marine reserve application are very popular (as expressed in the number of submissions) and are in the national interest.

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THEME: Active intervention restoration Carla Perese HMMR 752960 Marcia Kahui HMMR 752972 Treena Thompson HMMR 692585	A marine reserve would prevent active conservation measures within the area	The applicant agrees. The marine reserve will allow nature itself to lead the healing process in this area. Meanwhile, as noted, the questionable practice of killing kina, the localised high numbers of which are due to the removal of kina's natural predators (especially tāmure/snapper) due to over-fishing, is therefore trying to deal with an effect rather than the fundamental cause of environmental degradation. Those keen on active intervention have some 126 km of the Waiheke coastline and c99% of the Hauraki Gulf to undertake such conservation measures.

Late objection from Ngāti Maru Rūnanga

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

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

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

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

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

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

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Ngāti Paoa Trust Board
P.O. Box 204 144
Highbrook
Auckland 2161

11 April 2022

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

Attn : Lara McDonald

Kia ora Lara

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

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

Those negotiations are continuing.

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

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

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

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

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

1. Ngāti Maru Runanga had every opportunity to enter a submission in the timeframe allowed to iwi and the general public.

2. Ngāti Maru Runanga has not respected Ngāti Paoa's centuries old tikanga relationships with Waiheke and Tikapa Moana (along with other iwi), which

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

3. Tikapa Moana around Waiheke is a taonga tuku iho. It is part of the essential identity of Ngāti Paoa, as recently illustrated by the rāhui placed by Ngāti Paoa around the Island under the above pou/values. No objection was raised by Ngāti Maru Runanga, because it is not their turangawaewae.

4. Tikapa Moana is also a pātaka of Ngāti Paoa over the centuries, especially Waiheke Island.

5. Crown Collective Deeds of Settlement do not define tangata whenua or ahi ka status.

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

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

It is not for DOC or the Crown to adjudicate on the mana motuhake of Ngāti Paoa on Waiheke Island.
The blood of our tupuna in Tikapa Moana ensures tino rangatiratanga on Waiheke Island sits with Ngāti Paoa
This history was documented long before colonisation and treaty settlements.

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

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

This standing does not change because of Collective Treaty Settlements.

Nga mihi
Danella Roebeck

Co Chair
Ngāti Paoa Trust Board

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4.0 Section 5(6)(a) – Landowners

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

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

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

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

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

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

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

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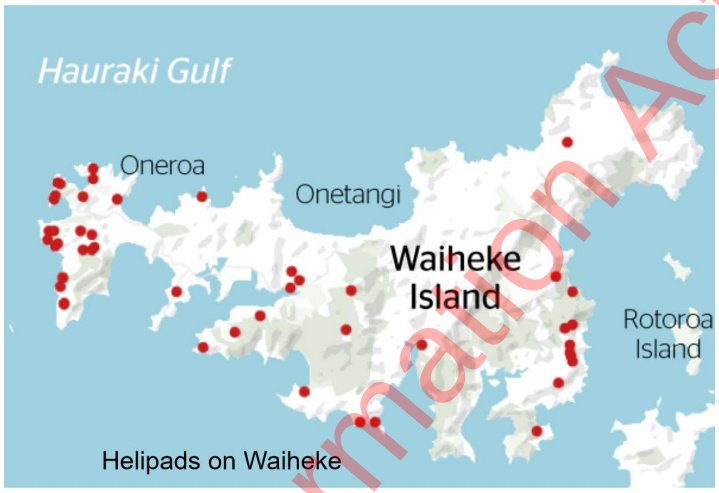
	quiet way of life enjoyed by the residents and locals alike. ‘	locations of helipads in the graphic below.  Graphic *Gulf News* Helicopter landing at one of the coastal properties adjoining the proposed marine reserve.  Photo Leith Duncan 47% of all private helicopter landing pads on Waiheke are in the domain of the Coastal Custodians, an area within minutes of the Fast ferry terminal at Matiatia. The submitter's objection to a marine reserve, among other things, suggests a remarkable double standard at play.
THEME: Infrastructure Coastal Custodians WSHMMR-791829	*‘No existing infrastructure to support increase in Tourism’.* *‘Waiheke Island infrastructure does not exist to support*	The applicant does not expect any measurable increase in marine reserve inspired nature tourism for some years until the marine ecosystem in this area begins to regenerate and that future visitors will be interested in the sea, accessing the area probably by kayak from nearby Matiatia, or Oneroa Bay, or directly

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

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

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

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

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

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

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Landowners views WSHMMR-791829		the 2015 Colmar Brunton survey.
THEME: Historic public opinion survey Coastal Custodians Landowners views WSHMMR-791829	*In the Colmar Brunton Report it was not as clear where people felt that marine reserves should be established as the survey results were fragmented and conflicting. If one summarised the specific areas that were considered most acceptable versus the least opposed, registered voters on Waiheke Island favour less populated eastern areas and offshore islands. The specific area that FOHG has proposed for their marine reserve actually received no support in the 2015 Colmar Brunton poll (Matiatia to Western Point of Oneroa, Bing 2015).*	The stated goals of the 2015 Colmar Brunton survey were to; Specifically, the research was designed to measure: ● The level of support for the establishment of a network of Marine Protected Areas around Waiheke and surrounding islands. ● The level of support for the establishment of 'no take' marine reserves around Waiheke and surrounding islands. ● The key factors that should be taken into consideration to inform the establishment of 'no take' marine reserves ● Opinions for and against the establishment of MPAs and 'no take' marine reserves. ● Residents' views on the general areas or specific places that are considered acceptable and unacceptable for the establishment of 'no take' marine reserves. ● How perceptions differ by suburb, age, gender, ethnicity, participation in activities (including beaches visited), and type of resident, for example those who live on Waiheke all the time compared to those who have a non-permanent or rental/investment property on Waiheke. The findings of the 2015 Colmar Brunton survey are more than vindicated in 2022 by the resounding 95% support of submissions for the marine reserve by Waiheke residents.
THEME: Tangata whenua input Coastal Custodians Landowners views WSHMMR-791829	*When FOHG gave DOC formal notice of their intention to apply for an Order-in-Council for a new marine reserve [Marine Reserves Act 1971, S5, 1(b)] on 23 April 2021, they also sent the Ngāti Pāoa Iwi Trust (i.e. the Post Settlement Governance Entity) and the Ngāti Pāoa Trust Board a copy of their proposal. It is our understanding that prior to 23 April 2021 there had been limited or no correspondence with mana whenua about their involvement with the FOHG proposal. There was also no discussion with local landowners until 23 May 2021.*	Agreed in part however the applicant notes that the location proposed in the application is one which has been well socialised by the Waiheke Local Board as a potential site for a Marine reserve and through their processes, there was a level of engagement with Mana Whenua and Tangata Whenua, especially the Ngāti Paoa representative to the Waiheke Local Board the George Tearoha Kahi. Further, members of the FoHG participated in early meetings of the Waiheke Marine Collective, circa 2019, along with representatives from the Ngāti Paoa Trust Board (NPTB) who participated in these meetings supported by the Department of Conservation.

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

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

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

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

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5.0 Section 5(6)(b) – Navigation

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

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

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

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

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

Submission #	Objection	Response
THEME: Navigating the boundaries Amanda Walker HMMR-753140 Chris Thompson HMMR-773626	*The submitters object to the location of the marine reserve because it will be difficult to navigate as 3 points are GPS or buoys. The reserve would be better located between the Motutapu & Rakino headlands*	The applicant disagrees with the submitter because: ● The establishment of the Hākaimangō-Matiatia Marine Reserve will in no way affect any rights of navigation in the proposed area. Vessels of all types will still be able to travel through and anchor in the waters of the reserve. ● *"Usually there are no restrictions on recreational boating other than they cannot take marine life. They can continue to anchor, sail and swim – just not take."* - email from Carmel Dwyer, Maritime New Zealand 7 April 2022 (available on request) ● There are many marine reserves and other spatial features that require the use of buoys in the marine environment. Two buoys will not create undue interference to existing navigational rights.

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		• Modern technology that is easily accessed via cell phone can show exactly where the boundaries are. The applicant recommends the submitter download the Marine Mate https://www.marinemate.co.nz/ app which will identify and alert the submitter to marine reserve areas using GPS. This is particularly useful for fishing on the borders of marine reserves. The cell phone coverage in the proposed area is fine if the submitter would prefer to use an online service or download maps. • Signage showing the location of local marine reserves is common throughout Aotearoa / New Zealand. • Auckland Council's submission WSHMMR-791826 states *"The application presents no significant constraints on rights to navigation".* The applicant notes suggestions such as extending the reserve boundaries to Rakino Island and Motutapu but would point out that the location of the reserve has been modified to accommodate navigation concerns. This was considered sensible by submitters e.g. New Zealand Marine Sciences Society WSHMMR-791859. *'While we would support a marine reserve with a longer coastline and a larger area, we accept the rationale put forward by the applicant to remove the Matiatia Harbour area from the proposal as this area is frequented by vessel traffic, including the commercial ferries operating between Auckland and Waiheke Island. However, we are of the view that serious consideration should be given to including the two sites to the east of the proposal (sites 4 and 4a) identified by Haggitt, 2016.'–*
THEME: Boat traffic and safety concerns Alex Carpenter HMMR-4620 Brett & Ann Vemer HMMR-562186 Amanda Walker HMMR-753140 Harry Miles HMMR-672444 Pink Smith HMMR-672447	*The submitters wish the marine reserve to be further east for public safety concerns as the area has a lot of boat traffic.* *High boat traffic makes it unsafe for snorkelling and swimming.* *Unsafe for snorkelling and swimming.*	The applicant disagrees with the submitters objection because: • High speed boat traffic is offshore and does not overlap snorkelling depths • The area at Owhanake Bay is eminently suitable for snorkelling and swimming as is Little Island Bay and several small bays to the north of Matiatia Bay • Divers may deploy flags which are easily navigated around • There are no restrictions to boat traffic in the existing 44 marine reserves in New Zealand • The objection is not relevant because under the act the proposed reserve must avoid "undue interference with or adversely affect any existing usage of the area for recreational purposes."If the proposed area becomes a marine reserve there will be no adverse impact on existing usage.

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

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	anchor, it won't be long before drag damage to the seabed is raised, made an issue, and boats potentially banned.'	 Photo. Alex Stone The application makes no mention of banning anchoring and the applicant has no intention to ban anchoring.

Accordingly the application will not unduly cause any due interference to any existing right of navigation.

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

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

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

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

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

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

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

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THEME: Displacement Mark Edwards Paua Industry Council, Fisheries Industry Inshore, Seafood Industry WSHMMR-761679	*The negative effects on surrounding fisheries will not be mitigated by 'spillover' benefits because the benefits are confounded by environmental and management variables and often dissipate at distances greater than 1km from a reserve border. (Ovando, D 2018)*	The applicant disagrees. The following sentence from the same paper states that *"even properly measured [the studies] do not directly address the question of total regional effects of MPAs."* The submitter would be better to reference more local research into spillover such as tāmure / snapper leaving the Cape Rodney to Okakari Point (Goat Island / Leigh) Marine Reserve which boosted the commercial fishery by $NZ 1.49 million per annum (Qu *et. al*. 2021). The Qu *et al.* (2021) study was based in part on a separate study by researchers at the University of Auckland who found that 10.6% of juvenile snapper were found up to 55 km away sourced from this small (547 ha) marine reserve (Le Port *et al*. 2017). Post recovery no-take marine reserves have proven to enhance the abundance of populations beyond the reserve boundaries. The Guardians of Kāpiti Marine Reserve Charitable Trust Board note in their submission WSHMMR-802078 *"The spillover of harvestable species from reserves is evident from the presence of fishers around the edges of the protected areas. For example, cray pots and recreational fishers often line the reserve boundaries around the marine reserve at Kapiti."* Andy Spence, HMMR-301049 points out, *'In addition the area is uniquely accessible for the science (& other) departments of the various Auckland universities and schools. We note the University of Auckland already has a viticulture research centre already established on a property it owns in this area.'*

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THEME: Displacement Mark Edwards Paua Industry Council, Fisheries Industry Inshore, Seafood Industry WSHMMR-761679	*The fishing industry strongly disputes the applicant's assertion that Qu et al (2021)12 provides an accurate or reliable basis for assessing potential fisheries benefits of the proposed reserve.*	The applicant believes the objection is unfounded. Other than the Ovando 2018 reference based on research in a completely different environment. The submitter has not provided any evidence to support their objection. In contrast the Qu *et al.* 2021 University of Auckland study provides compelling evidence about what is currently happening in the Hauraki Gulf and should not be dismissed merely because the objector finds the scientific conclusions of Qu *et al.* inconvenient, No scientific paper is required to state the obvious: that nearby fisheries overall will benefit significantly from strategically-placed safe sanctuaries where fish and other marine life is allowed to live and breed and not be harassed and killed.
THEME: Displacement Mark Edwards Paua Industry Council, Fisheries Industry Inshore, Seafood Industry WSHMMR-761679	*The submitter objects to the proposed marine reserve because it will slow down the stock rebuilding rate (Hilborn, R., F. Micheli, and G. A. De Leo 2006) due to displaced fishing efforts.*	The applicant disagrees. The overseas study provides a model which shows the displacement effect on managed fished populations. At 2350 ha the proposed marine reserve is 0.59% of the 4,000 km² HGMP which itself is a tiny fraction of the Snapper 1 Fishery. The effects of any displacement of fishing activity are likely to be very localised and short term. The applicant disagrees that it will slow down the population rebuilding rate in any measurable way. Rather the contrary. The applicant also points out that the model developed in the cited paper did not take into effect larval dispersal or the increased fecundity for larger adults that are known to be provided by a marine reserve (Le Port *et al*. 2017). The *'Agency analysis and advice on selection of MPAs towards development of the Hauraki Gulf Marine Park MPA network'* prepared by DOC and FNZ provided an indicative assessment of affected users and potential associated costs. No work was done to calculate the long term financial gains to fisheries generated by large adults who produce exponentially more larvae (See Qu *et.al*. (2021). Scientific modelling suggests that the protected area will need to be at least twice as productive when protected to make up for this displaced effort (Halpern *et al.* 2004). Modelling undertaken inside the Snapper 1 Fishery (Denny *et al*. 2004) suggests, however, that the 18-times productivity of protected areas will more than compensate for displaced effort and result in substantially higher abundances (better fishing) in the unprotected areas outside the proposed reserve.

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THEME: Displacement Mark Edwards Paua Industry Council, Fisheries Industry Inshore, Seafood Industry WSHMMR-761679	*Commercial fishing in the proposed marine reserve uses low-impact fishing methods and has a negligible effect on the biodiversity values of the site.* *Nevertheless, the proposed marine reserve may interfere unduly with commercial fishing* *because:* *(a) the cumulative impacts on set netters of this and other proposed marine protected areas (MPAs) are likely to be significant;* *(b) the displacement of recreational fishing from the site is likely to interfere with commercial* *fishing elsewhere in the Gulf; and* *(c) the marine reserve has no obvious benefits for biodiversity or scientific research, which suggests that even a small impact on commercial fishing is likely to be "undue".*	The applicant disagrees. See above and Appendix 4. As the objector notes, there is relatively little commercial fishing in this area. There are adjacent areas of similar ecology and abiotic conditions nearby. Set netting has been opposed by conservationists for many years because of marine mammal entanglements, the possibility of ghost fishing following loss and the addition of plastic waste. The three targeted species mentioned can be caught elsewhere by other methods. Setnetters took only 8% commercial greenweight landed catch (HG Forum report 2020). Set-nets are passive killers of gravid sharks returning to the inner Gulf to give birth. In 2003 a gravid 5.5 metre great white was snagged and wantonly killed east of Waiheke Island (Beston, A. 2003. *Waiheke shark may have been a record great white.* NZ Herald). As reported in the *NZ Herald and* The 2020 Hauraki Gulf Forum reports, trevally numbers have plummeted by 86 per cent from historic levels, snapper by 83 per cent, sharks – a key part of the ecosystem – by 86 per cent and dolphins 97 per cent. At the present rate, the decline fishermen are likely to face will be even more severe and be unduly restricted. The *'Agency analysis and advice on selection of MPAs towards development of the Hauraki Gulf Marine Park MPA network'* prepared by DOC and FNZ provide an indicative assessment of affected users and potential associated costs. No work was done to calculate the long term financial gains to fisheries generated by large adults who produce exponentially more larvae (See Qu et. al. (2021). The applicant believes the long term benefits of the proposed marine reserve will outweigh any detectable short term losses and provide an important 'fish bank' to buffer the effects of overfishing. Finally Auckland Council's submission WSHMMR-791826 states *"The application presents no significant constraints on existing commercial fishing".*

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THEME: Displacement Mark Edwards Paua Industry Council, Fisheries Industry Inshore, Seafood Industry WSHMMR-761679	*Under the Fisheries Act, New Zealand's fisheries must be managed to provide for utilisation while ensuring sustainability. It is not in the public interest to establish a marine reserve which threatens the sustainability of fisheries.*	The applicant strongly disagrees. The Fisheries Act has been in effect and updated since 1986. As the reports (2014, 2017, 2020) attest the Gulf, including fish stocks, has been steadily declining. Clearly the Fisheries Act on its own is insufficient to stop, let alone reverse the decline, least of all achieve sustainability. The majority of supportive submissions from recreational fishers state categorically that they have witnessed severe declines in fish numbers and catches and that marine reserves must be established to halt the declines.
THEME: Marine Reserves Act Mark Edwards Paua Industry Council, Fisheries Industry Inshore, Seafood Industry WSHMMR-761679	*The proposal does not comply with the requirements of the MRA Specifically, it is not in the public interest to:* *seek to protect marine biodiversity using outdated legislation that is contentious and no longer fit for purpose; establish a marine reserve that cannot be justified in relation to the purpose of the MRA;*	The Marine Reserves Act (MRA) is currently the law. The 44 no-take marine reserves around NZ attest the efficacy of the Act and the benefits to the public. As many scientific papers demonstrate, these reserves are of significant benefit to science and the marine ecosystem. Ballantine (2014), Edgar, (2017), to cite just two and a review by Willis, (2013). Since they were established under the MRA, it is clearly fit for purpose. The applicant is aware there are calls for the MRA to be reviewed but considers that the existing legislation is effective in the meantime. It is the Marine Reserves Act's key no-take ethic which most evidently offends its critics but the government has recently announced it is finally proceeding with a massive extension of the Kermadec Island marine reserve to become the 620,000 sq km Rangitāhua / Kermadec Ocean Sanctuary. So the conservation principle embodied in the Marine Reserves Act is more relevant than ever before.

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THEME: Displacement Mark Edwards Paua Industry Council, Fisheries Industry Inshore, Seafood Industry WSHMMR-761679	*Research shows that the negative impacts of displaced fishing effort are more severe in countries like New Zealand where fisheries are regulated by a Total Allowable Catch (TAC). Unless the TAC is explicitly reduced when a marine reserve is established, the same amount of catch will continue to be taken, effectively guaranteeing that fishing will become more intense outside the reserve.* *a) increase the risk of local depletion. For example, recreational fishing pressure that is displaced from the marine reserve will concentrate fishing pressure in remaining open areas of the Gulf – that will put more pressure on that environment than previously and it will generally mean more effort as you will be fishing in areas with lower density of fish (if it was higher it would already be the key area for fishing);* *b) Slow down stock rebuilding rates….* *c) Exacerbate spatial conflict between fishing sectors. Customary, recreational and commercial fishers will all be forced to operate in a reduced area, which will result in increased competition, particularly for species that are highly valued by all sectors and have a strong spatial dependence such as*	To put things in context, the applicant notes, the proposed reserve would represent a circa 4% area of the entire Waiheke coastline, and with all other combined no-take MPAs in the Gulf would still account for LESS than 1% of protected underwater habitat. This being the case, displacement of fishing effort would be miniscule. On the other hand it must be pointed out the deeply concerning facts about the Hauraki Gulf that the objectors appear to be unaware of or have overlooked. In addition to the near 100% decline in green-lipped mussels, There is: 57% decline in key fish stocks, 67% decline in seabirds, 76% decline in crayfish, 83% decline in snapper, 86% decline in trevally, 86% decline in all shark species 97% decline in whales and dolphins (see Hauraki Gulf Forum, *State of Our Gulf 2020*). Additionally there are other signals of major ecosystem stress in this area. We note the mass die-off of over 51 juvenile fur seals in the Spring of 2021, probably from starvation. The proposed marine reserve, small as it is, would be more than four times larger than the Cape Rodney to Okakari Point (Leigh) Marine Reserve whose remarkable generative capacity considering snapper alone throughout much of the Hauraki Gulf, has been the subject of recent scientific research viz. Qu *et al* (2021). Any short term negative impacts from 'displacement' would be more than offset by the countervailing benefits accruing from ecological restoration and species regeneration enabled by the proposed marine reserve. Finally the objector has singularly failed to demonstrate that the proposed marine reserve would cause as the Act s5 (6) (c) stipulates **'*any undue interference in commercial fishing*.'**

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	rock lobster	
THEME: Displacement Mark Edwards Paua Industry Council, Fisheries Industry Inshore, Seafood Industry WSHMMR-761679	*Cumulatively, these proposals (Sea Change, Rahui) will cause substantial displacement of fishing resulting in: major cumulative impacts on the economics of fishing; cumulative localised depletion and, potentially, negative effects on fish stock sustainability; and the severe restriction of areas where fishing effort displaced from the proposed marine reserve can be relocated Additional negative impacts on the habitats and ecosystems that support fisheries through increased pressure on less productive areas.*	The applicant must strongly disagree. See above responses to the displacement related objections. Regarding the cumulative impacts; the Hauraki Gulf has been under the management of MPI, its predecessors and the Fishing Industry using the Fisheries Act and updates since 1986. The deplorable state of the Gulf is such that restoration will require massive efforts. Continuing with the present regime is short sighted and more likely to result in undue consequences. WSHMMA-791874 Nicola MacDonald Chair – Auckland Conservation Board *- notes that the complete protection offered by Marine Reserves is essential for rapid recovery and continuing survival of high levels of marine biodiversity, and that there is now substantial scientific evidence from Hauraki Gulf waters that it is only within fully protected marine reserves that substantial recovery biodiversity has occurred.* The applicant believes that without such protection, generalised depletion and negative effects on sustainability will continue to the detriment of the fishing industry and other users of the Gulf. Whatever sectional interests may assert, if this deplorable state of affairs is allowed to persist It is certainly not in the national interest.

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

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

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

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

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

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

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

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

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

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

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

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

Submission #	Objection	Response
THEME: Recreational fishing Charlie Walden HMMR-261589 Steve Goodman HMMR-773506	*The submitter wishes to fish in the area.*	The applicant disagrees with the objection because: • The submitter may fish in adjacent waters. • The fisheries benefits listed in Appendix 4. The applicant agrees it will not be possible to fish in the area once it becomes a no-take marine reserve but

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		points out that the countervailing fisheries benefits will far outweigh the submitters' objection. Submitter HMMR-572195 points out *'Creating such an area where fish, molluscs, seaweed and all local marine life can reproduce without impact from fishing would act like a "super spreader" allowing the rapid rebuilding of the aquatic populations with the flow on effects to the surrounding marine areas.'* The wider fisheries benefits of marine reserves are demonstrable and well known to the general public. This is why there are **relatively** few objections to this application and overwhelming public support (93% of over 1300 submissions were in support). This demonstrates one of the many reasons why marine reserves are in the national interest. A great proportion of the positive submissions are from fishers who acknowledge that the depletion of fish stocks must be halted and that marine reserves are their preferred option.
THEME: Recreational fishing NZ Sports Fishing Council & the Legasea Team WSHMMR-791865 Craig Pearse HMMR-773509 David Novelle HMMR-784013 Spencer Roff HMMR-784346 Jess Whiting HMMR-773689 Claudia Pierce HMMR-753050	*The submitter wishes the Government to reduce commercial fishing rather than make marine reserves.*	The applicant disagrees with the submitters objection because: • Of the fisheries benefits of marine reserves (see Appendix 4) • The recreational catches of tāmure / snapper, kahawai and kingfish in the HGMP exceed the commercial catches (State of our Gulf 2020). NIWA state recreational snapper catches are 2 x commercial (Neilson M 2021). • Marine reserves provide a reference point for measuring other changes we have made by fishing elsewhere. Marine reserves have more fish than fished areas where stocks are managed at low levels. For example the Snapper 1 stock (North Cape to East Cape) target for commercial fishers is 40% of the unfished biomass within 25 years (SNAPPER (SNA1) MANAGEMENT PLAN Prepared by the SNA1 Strategy Group with assistance from the Ministry for Primary Industries, 2016). The biomass estimate for snapper in the 2019 Hauraki Gulf trawl survey was 14%. (Parsons, 2020). • Marine reserves offer an opportunity for the public to experience our best attempt at an unfished biomass.

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

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

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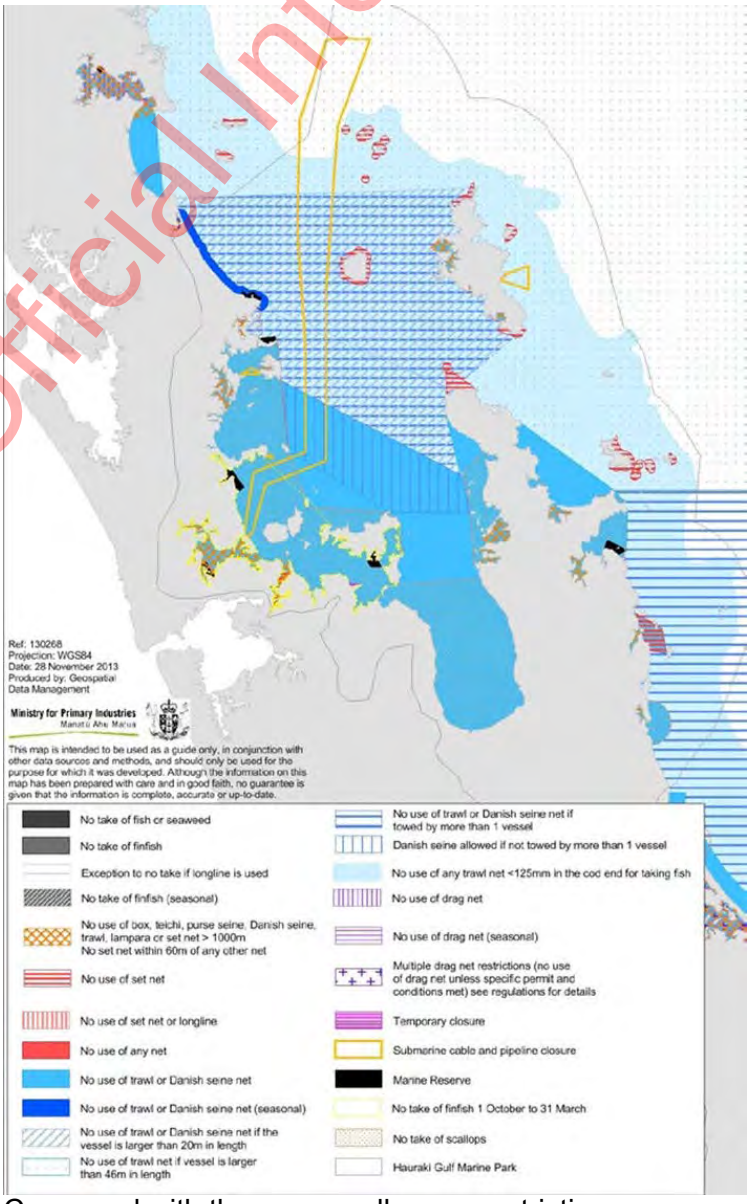
	The proposed marine reserve would remove one of the main Waiheke Island recreational fishing areas used by local fishermen on a routine basis.	
THEME: Recreational fishing Steve Goodman HMMR-773506	*There are enough sea areas excluding (recreational) fishermen*	The applicant disagrees. Compare these maps: There are commercial fishing restrictions on every inch of the Hauraki Gulf Marine Park.  Compared with the very small areas restricting

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		recreational fishing, and those currently under consideration.  Existing marine protected areas (MPAs) in the Hauraki Gulf Marine Park. (Department of Conservation and Fisheries New Zealand 2021: Sea Change – Tai Timu Tai Pari Plan marine protected area (MPA) proposals: agency analysis and advice on selection of MPAs towards development of the Hauraki Gulf Marine Park MPA network. 166 p. Lead authors: Irene Pohl and Greig Funnell. The applicant believes that by comparison with the restrictions on commercial fishermen on the one hand and the proportion of the Gulf in unfished protection available to conservationists on the other, recreational fishers have outstanding access. So the proposal will not interfere unduly or adversely affect recreational fishers.
THEME: Recreational fishing	*Already has a cable lane as an unlabelled MR reducing fishing*	The applicant disagrees with the submitter because even with the further restriction • In the Hauraki Gulf Marine Park, recreational fishers have access to more than 93% of the

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Carl Wilson HMMR-773527	*area.*	waters. • The diversity of public views towards marine life are not fairly expressed in Aotearoa / New Zealand's marine spatial planning. This application helps address the spatial shortfall to create a more inclusive society. • The cable zones do not exclude drift-fishing or trolling and were not designed to increase biodiversity or abundance.
THEME: Recreational fishing Dave Moody HMMR-773512	*Making the Recreational fishery smaller is not the answer to protecting the fishery long-term*	The applicant is aware the proposed marine reserve will only reduce the area available for fishing by a fraction of 1% but will not 'interfere unduly with or adversely affect' or impact on those who choose to fish for recreation at any given time or the recreational fishery as a whole. We concur with the following submitters. *HMMR-602297 There are many many places that fishermen like myself can go. Plenty of other spots for us to fish.* *HMMR-311694 This area is in more open water and away from the busiest boat ramps, so it does not negatively impact on the vast majority of recreational fishers in the Hauraki Gulf.*
THEME: Recreational fishing Tony Noakes HMMR-773518	*Fish stock - good (so proposed reserve is not needed).*	The applicant disagrees that the fish stock is 'good' - far from it. The *Hauraki Gulf Forum State of Our Gulf Report 2020* points out:: 57% decline in key fish stocks, 67% decline in seabirds, 76% decline in crayfish, 83% decline in snapper 86% decline in trevally 86% decline in all shark species 97% decline in whales and dolphins (Appendix 3: A near 100% decline in green-lipped mussels, It is no surprise that all of the supportive submissions state the opposite point of view. The applicant asks, If the fish stock 'is good', where are the historically present (in the Gulf & around Waiheke) 50-kg kingfish, dense schools of surface-swimming trevally, schools of snapper, dense congregations of blue cod inhabiting reefs, 60-year old red moki, two species of boarfish, schooling hapuku in the shallows (to name but a few species)? It is worth noting: '*A curious thing happens when fish stocks steadily decline: People who aren't aware of the old levels accept*

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

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THEME: Size Nick Wild HMMR-773728, Matthew Taylor HMMR-773923	*Too large an area would be removed from subsistence and recreational fishing.*	The applicant disagrees because the increase in fisheries production will be distributed by the current regime to the popular areas adjacent. These are at least as easily accessed by subsistence and recreational fishers as the proposed area. See Appendix 4 . In addition, the Government wants to increase marine protection. *"We have ambitions to lift New Zealand's marine protected area so that we get closer to that 30 per cent"* – David Parker 2021 (Vance 2021). The Hauraki Gulf Forum wants to increase marine protection in the Gulf to 30%. Hauraki Gulf Forum (2021) The government plans to increase marine protection in the Gulf from 6.6 percent (including the existing cable protection zone) to 17.6 percent (DOC 2021). Leaving a shortfall of 12.4%. One of the criticisms from marine scientists of the present marine reserves is that they are too small and don't cover the home range of resident animals (see below). The size of the proposed reserve fits the recommended size for keystone species therefore the submitter's objection is unfounded. In contrast, many submissions argue that the reserve is in fact far too small and should be extended. For instance: New Zealand Marine Sciences Society WSHMMR-791859 *"Due to the mobility of many exploited species (e.g., rock lobster, snapper, blue cod), the effective area of a marine reserve is considerably smaller than the actual size of the reserve. This is due to "edge-effects" associated with removal of fish through fishing at and near the boundaries. These edge-effects have been shown to extend from 200m to 2km inside marine reserve boundaries, depending on the mobility of the exploited species in question (Guidetti 2007, Kellner et al. 2009, Willis et al. 2003). Consequently, simple, straight-line boundaries minimise edge-effects, whereas complicated boundaries maximise edge effects and therefore reduce the effective size and conservation value of marine reserves. For example, research by Willis et al. (2003) in the Cape Rodney – Okakari Point Marine Reserve (Leigh) showed that edge effects on snapper extend approximately 1 km into the reserve due to high fishing pressure on the reserve boundaries. Based on this research and subsequent tagging work,*

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		Babcock et al. (2012) have recommended that reserves should span at least 5 km2 of coastline in order to protect resident reserve snapper populations. Similarly, Freeman et al. (2009) studied rock lobsters in the Te Tapuwae O Rongokako Marine Reserve and concluded that, if reserves are intended to conserve 'natural' biological communities, then decisions on reserve boundaries should take into consideration the movement of the species intended for protection. In California, a minimum size for marine reserves of 5 km of coastline was also recommended during the Marine Life Protection Act process in order to protect a wide variety of exploited species (CDFG, 2008). NZMSS generally agrees with the boundaries, location and size/area of the proposed marine reserve. These straight-line boundaries of the reserve will help to reduce the edge effects detailed above." and. WSHMMR-791853 *I am aware that international research has argued for larger marine reserves than smaller that this reserve could be larger, for example extending to the most southern Motutapu, following mean high spring eastwards around the coast of Motutapu Northern point of Motutapu and extending over to Rakino and around to Noises and back to the most north eastern position as marked in the insert in the map below.* *This larger reserve would allow for a highly praised catchment approach as adjacent Waiheke Island land use planning by D. J. Scott.* HMMR-572198 *The reserve should be larger and join the islands, Rakino, Motutapu, Motuihe, Waiheke.* WSHMMR-791883 *After much research, I believe the most significant risk associated with marine reserves is exploitation at the boundaries by fishermen, primarily commercial fisheries. Marine life knows no boundaries and will freely travel in and out of any area as they please. Fishermen can take advantage of this, which reverses the benefits associated with marine reserves; therefore, stricter rules should be implemented to stop this. For example, there could be a smaller limit for fish and shellfish caught around the outskirts of the marine reserve, or the use of berley could be banned near the marine reserve to prevent fish and shellfish from being lured out and getting caught.* HMMR-331082 *I lived on Waiheke for 12 years (2007-2019) and heartily agree that it's long passed time for a decent sized reserve in the Hauraki. This proposal looks like a good start, though it is not large enough. Over the*

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		years I wrote to politicians suggesting that there should be a reserve around the entire Waiheke coast, with small exceptions for locals on a couple of headlands - and at another time that the entire Hauraki should be a no take reserve. I tried mollifying the fisher-folk by suggesting some exceptions for single line, single hook, personal fishing ... to no avail. For heaven's sake, get this one put in place and at least start the process of restoring the marvellous life that we used to have. WSHMMR-261046 *I would strongly urge that the area intended should be EXTENDED to the south head of Matiaitia Bay and include Matiatia Bay itself. The primary reason for this is that boats will attempt fishing close to the boundary of the proposed reserve and cause danger for marine traffic approaching and leaving the bay including the ferry service. Also, the Bay which is seldom used for fishing at this time anyway, would serve as an extended shallow water nursery.* HMMR-773563 *I support any effort to improve our natural environments. However, I would prefer that these efforts would reflect an addressing of the overriding issue at hand here: unregulated recreational take across the entire hauraki gulf, and extremely poorly managed fisheries under the current QMS. One small marine reserve will not fix our fisheries. I urge you to do more in this space.*
THEME: Recreational fishing Peter Goodwin HMMR-773605	*Marine resources can be managed with catch limits, sizes, commercial catch and exploitation restrictions. Reserve not needed*	The applicant notes that the Fisheries Act, which includes the suggested controls, has been in force, in its present form, in the Hauraki Gulf since 1986. Before then the Gulf was a controlled fishery. Decline has continued despite using catch limits, sizes, quotas, gear closures and other restrictions. Clearly, management with the Fisheries Act alone is insufficient to stop the decline let alone restore the marine ecology and species of the Hauraki Gulf.
THEME: Recreational Fishing Ryan Bingey HMMR-776320 Jess Whiting HMMR-773689, Nick Wild HMMR-773728,	*Fishes weekly for a few family meals.* *Families deprived of kaimoana to survive the rapid rise in cost of living.*	The applicant believes the proposed marine reserve would reduce only a comparatively minimal area of recreational fishing in Waiheke waters. Adjacent areas offer much easier access for subsistence fishing, noting the present rāhui on four seafood species all around the island. Also with all due respect, if the objectors' activity is primarily economically driven it cannot be considered recreation. The countervailing benefit to fisheries is that after a short lag, scientists predict a spillover effect with a measurable increase of marine life dispersing into adjacent areas ultimately benefiting and sustaining into the future

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

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

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

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

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

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

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	in the national interest.	
THEME: Application NZ Sports Fishing Council & the Legasea Team WSHMMR-791865 Amie Russell HMMR-722792, Spencer Roff HMMR-784346, Mark Edwards NZ Rocklobster Council etc. WSHMMR-761679	The application does not meet the scientific purposes of the Marine Reserves Act 1971.	The purpose of the Marine Reserves Act 1971 is to preserve areas of the sea and foreshore in their natural state as the habitat of marine life for scientific study. Section 3.1 elaborates on the purpose and DoC have broken it down into two criteria. Marine reserves may be established in areas that: • contain underwater scenery, natural features, or marine life, of such distinctive quality, or so typical, or • are so beautiful, or unique, that their continued preservation is in the national interest. The applicant disagrees with the objector because the marine reserve application report (see Appendix 1) contains detailed information in support of the criteria. Many of the supporting submissions received confirm the purpose of the application. E.g: *WSH-791859 "In general, NZMSS supports the establishment of the proposed Hākaimangō – Marine Reserve. The proposed marine reserve only covers ~5% of the Waiheke coastline so in our view this provides a small first step in a more holistic and community-wide approach to marine conservation on Waiheke Island. In addition, NZMSS believes that more no-take marine protected areas are needed to enable the establishment of an effective MPA network for the Hauraki Gulf.* - Kathy Walls, President New Zealand Marine Sciences Society *"The purpose criteria need to be applied with reference to both the ecological state of the Proposal Area as it now is and as it can become with the benefit of no-take protections. If too strictly applied, then due to pre-existing degradation – no coastal marine areas would qualify."* *"We now understand from science that the purposes of marine reserves are best met when viewed as part of an interconnected network. This Proposal will benefit from (and in turn create benefits for) the other reserves and protected areas in the Hauraki Gulf;"* *"The location of the Proposal Area (adjacent to the coast of populated Island in the heart of the Gulf – with good connectivity to Auckland City and its Universities) –*

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		enabling easy access for scientific study and the various public benefits listed in s3(2)(d);" – Prue Taylor, Deputy Director, NZ Centre for Environmental Law, University of Auckland (HMMR-341856) *"I am familiar with the science work done at Waiheke Island backgrounding this proposal and I can personally vouch for the extensive and professional effort that the group has brought to this project and proposal over a 15 year period. I support their arguments and descriptions presented in the Application and wholeheartedly recommend that the Ministers approve the Application."* – Vince Kerr (B.Sc.) (HMMR-682561) *"This reserve will provide an ideal scientific study area for the Gulf showing how quickly marine species can recover with protection. Not only is it a zone between the inner and outer Gulf and as such scientifically important. Not only does it provide opportunities for research on species and their environment it would also provide an unexploited control area (c.f. Ballantine, W. & Langlois), showing the comparison between natural unexploited nature and the consequences of harvest or other exploitation. It would also offer a contrast of, for example, rates of recovery between a no-take marine reserve and a marine protected area as I believe, is being proposed for the Noises Group just to the north. Such a comparison would be of global interest. In addition, it would provide a control area to show the effectiveness of the kelp farming efforts on the northern coast. Since the proposed reserve is in a transition zone, it offers a scientific comparison with the more estuarine reserves at Te Matuku and Pollen Island. Scientific purposes alone offer ample reason for the formation of this proposed no-take marine reserve."* – Tony Chamberlain, PQ Associates (WSHMMR-731343) *"To have an easily accessible area on our doorstep to study and learn about the marine environment would be hugely beneficial."* – Katherine Cole, science teacher on Waiheke Island (WSHMMR-791721) *"NZMSS would like to see research and monitoring highlighted as critical activities in the marine reserve. The marine reserve will provide new research opportunities and it is likely that some of our members will be interested. Monitoring the marine reserve should be undertaken as a priority, with a focus on biodiversity, recovery of harvested species, physical parameters such as sea temperature changes and social and cultural*

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		changes. The Society considers it important that opportunities are provided by the Department of Conservation to include matauranga Māori." – New Zealand Marine Sciences Society WSHMMR-791859 An additional 113 submissions expressing an interest in the application for research (including mātauranga, and citizen science) purposes included (but were not limited to): HMMR-702663, HMMR-512096, HMMR-732852, HMMR-753101, HMMR-753128, HMMR-763188, HMMR-773386, HMMR-773425, HMMR-773485, HMMR-773806, HMMR-773896, HMMR-773905, HMMR-784016, HMMR-784226, HMMR-784319, HMMR-784322, HMMR-784391, HMMR-784487, HMMR-784556, HMMR-784583, HMMR-784607, HMMR-784613, HMMR-784640, HMMR-784646, HMMR-784658, HMMR-784700, HMMR-794760, HMMR-794820, HMMR-794850, HMMR-794853, WSHMMR-681229, WSHMMR-721307, WSHMMR-731337, WSHMMR-731346,WSHMMR-731367, WSHMMR-731373, WSHMMR-741391, WSHMMR-741394, WSHMMR-741400, WSHMMR-741442, WSHMMR-751448, WSHMMR-751451, WSHMMR-761457, WSHMMR-761466, WSHMMR-761478, WSHMMR-761550, WSHMMR-761556, WSHMMR-761565, WSHMMR-761571, WSHMMR-761583, WSHMMR-761643, WSHMMR-761664, WSHMMR-791700, WSHMMR-791715, WSHMMR-791781, WSHMMR-791796, WSHMMR-791814, WSHMMR-791856, WSHMMR-791886, WSHMMR-791889, WSHMMR-791901, WSHMMR-791904, WSHMMR-791907, WSHMMR-791928, WSHMMR-791934, WSHMMR-791937, WSHMMR-791955, WSHMMR-791961, WSHMMR-791964, WSHMMR-801988, WSHMMR-802003, WSHMMR-802009, WSHMMR-802018, WSHMMR-802033, WSHMMR-802039, WSHMMR-802075, WSHMMR-802078, WSHMMR-802084, WSHMMR-802090, WSHMMR-802123, WSHMMR-802132, WSHMMR-802138, WSHMMR-802141, WSHMMR-802144, WSHMMR-802153, WSHMMR-802168, WSHMMR-802174, WSHMMR-802186, WSHMMR-802195, WSHMMR-802198, WSHMMR-802222, WSHMMR-802234, WSHMMR-802246, WSHMMR-802249, WSHMMR-802252, WSHMMR-802255, WSHMMR-802261, WSHMMR-802276, WSHMMR-802321, WSHMMR-802330, WSHMMR-802333, WSHMMR-802336, WSHMMR-802369, WSHMMR-802381, WSHMMR-802387, WSHMMR-802393, WSHMMR-802408, WSHMMR-802411, WSHMMR-802414, WSHMMR-822435, WSHMMR-842447, WSHMMR-842450, WSHMMR-842456.

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		Many of these submissions referred to the area as important, great or ideal for study. Research has been a topic of great interest see Appendix 7. There were 221 supporting submissions from submitters who identified as being in a "science and research" interest group. Only 4 objectors, 1 partial objector and 7 partial supporters identified with this interest group.
THEME: Marine Reserves Act Mark Edwards Paua Industry Council, Fisheries Industry Inshore, Seafood Industry WSHMMR-761679	*The application does not: identify particular research projects that would be undertaken in the reserve; explain why this site is more important than any other site for the scientific study of marine life; or explain why marine reserve status is necessary in order for scientific study of marine life to be undertaken at the site.*	This is dealt with in detail later in the document but it should be noted the applicant is not a generator or designer of scientific research projects. In general the applicant concurs with many submitters that the marine reserve functioning as a benchmark or control, the no-take aspect of the proposal offers an opportunity to measure extraction and restoration variables to assist a wide range of scientific research. It would offer invaluable comparative research opportunities with ecosystems and biota in nearby areas that are being exploited. It could serve as a control to assess the effectiveness of active intervention e.g.kina removal, mussel or oyster seeding. Comparison also with proposed High Protection Areas which do not yet exist and are considered experimental. These will be subject to negotiation but are planned to include customary fishing. The Hākaimangō-Matiatia no-take reserve and the nearby proposed bespoke Noises High Protection Area would be ideal for comparative research on species recovery & recruitment and comparisons of ecosystem function in a similar marine environment, The proximity of the Te Matuku marine reserve offers comparison of marine life between a protected south-facing sheltered mangrove inner Gulf muddy estuarine habitat with a north-facing quasi-Outer Gulf site with a high energy exposed rocky shoreline, comprising a mosaic of reefs, brown kelp forests, sponge gardens and large expanses of sandy seabed. Once species assemblies re-establish it will provide an unprecedented opportunity to study comparative larval dispersal throughout the Hauraki Gulf. We also note widespread aspirations among submitters to study and teach mātauranga in the recovering ecosystem of the marine reserve. There were at least 113 submissions expressing an interest in the application for research (including mātauranga, and citizen science) purposes Finally the applicant concurs with the expatriate marine

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		scientist William Rudman HMMR-752954. '*Marine reserves and no-take zones will not solve all the problems associated with the marine environment but they give depleted populations and habitats a chance to recover, and give scientists the opportunity to monitor what is happening to the various marine habitats and ecosystems, as the effects of climate change take hold. Marine Reserves and associated marine stations/laboratories also have an important educational effect, as their very existence shows the individual that their community considers that conservation of the natural world is of value.*' Note Appendix 6, The educational benefits of the proposed marine reserve and Appendix 7, Research projects suggested for the proposed marine reserve.
THEME: Underwater scenery Spencer Roff HMMR-784346, NZ Sports Fishing Council & the Legasea Team WSHMMR-791865	The submitter objects to the marine reserve because the application failed to present underwater scenery, natural features etc.	Under the Marine Reserves Act 1971, marine reserves may be established in areas that contain underwater scenery, natural features or marine life of such distinctive quality, or so typical, beautiful or unique that their continued preservation is in the national interest'. The submitter objects to the marine reserve application due to a lack of detail on this in the application. The applicant disagrees with the submitters objection as the underwater environment is well described over 18 pages in Sections 4-8 of the marine reserve application. The submitter can read the application here https://www.doc.govt.nz/waihekeproposal/ The applicant has provided a detailed application that exceeds all the requirements of the Marine Reserves Act 1971. The excellent application and public awareness campaign for the proposed marine reserve makes the decision to enact it a popular choice.
THEME: Location Coastal Custodians Landowners views WSHMMR-791829	*Little scientific support for the location*	The applicant disagrees, more than 113 submissions expressed an interest in the marine reserve application for research (including mātauranga, and citizen science) purposes. There has even been interest from overseas, from the producers of the Oscar and Bafta-award-winning documentary film *My Octopus Teacher*, in funding scholarships for research in the Hākaimangō-Matiatia Marine Reserve. (Personal email correspondence from Faine Loubser 7 April 2022)
THEME: Te Matuku Claudia Pierce HMMR-753050,	*The submitter thinks that Waiheke Island should be*	The applicant disagree with the submitters objection because: • The Hauraki Gulf Forum (Hauraki Gulf Forum 2021), the Government (Vance 2021) and the

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	content with the Te Matuku Marine Reserve	international community (IUCN 2021) are pursuing a goal of 30% protection. • At the moment less than 1% of the Hauraki Gulf Marine Park is protected. Less than 1% of New Zealand's Exclusive Economic Zone (excluding Niue) meets IUCN guidelines for marine protection (MPATLAS 2022). • The Waiheke community, through its democratically-elected leadership via the Waiheke Local Board, had already in 2016 submitted a plan for a network of five new marine reserves around the Waiheke coastline. • Te Matuku Reserve is invaluable as a nursery ground for juvenile hapuku, bass, snapper, and a multitude of other reef species. It also serves as a sanctuary and feeding ground for many coastal birds (NZ dotterel, kuaka, banded rail, reef heron, to name but a few) which congregate/roost/feed on sandy spits and mud flats. However, Te Matuku habitat is substantially different from the proposed reserve in that it has a southerly aspect, with a significant element of mangrove forest, great expanses of muddy seabed, but virtually no rocky reefs. In solid contrast, the proposed reserve has a northerly aspect, with considerable areas of rocky reefs, healthy stands of brown kelps, mixed with considerable areas of soft muddy sediments and sponge gardens. Such a mosaic of habitat will carry substantially more reef species than the mangrove nursery grounds of Te Matuku. Over and above that the Hakaimango-Matiatia reef areas are favoured by the giant packhorse crayfish, which has a very limited distribution when compared with the red crayfish. The submitter's objection is unfounded.
THEME: Te Matuku Amie Russell HMMR-722792, Craig Thorburn HMMR-722786	*Because the Te Matuku Marine Reserve has not been monitored the marine reserve is not fulfilling its purpose.*	While it is not our role to answer for DOC and its operational activities in a different marine reserve, a baseline fauna and flora survey was undertaken at Te Matuku Bay in 1996 Hayward *et al.*(1997) prior to the area being gazetted a marine reserve. Under the MRA marine reserves are for scientific purposes. Te Matuku is both available and has in fact been surveyed for fish and for benthic species. K. Sivaguru and Dan Breen did a fish pilot study surveying once in 2009 and in 2010 on the Tamaki Straight section of the reserve using dropped underwater video (DUV) while Schimel, with others, mapped the benthos with a side sonar scan on both the intertidal and the subtidal section (Katona).

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

9.0 Section 5(6)(e) – Public Interest

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

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

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

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

'Establishment of the Hakaimango-Mataitai Marine Reserve would establish a marine sanctuary in the mid Gulf, an area 10 times the size of the Tiritiri Matangi Nature Reserve, one of the jewels in our terrestrial conservation portfolio. Today there is an even more urgent need for expanding marine protection in the Hauraki Gulf for the issues of declining marine biodiversity and pollution that I have outlined. Hākaimangō-Matiatia Marine Reserve, a proposal supported by numerous local conservation groups, the Waiheke Island Local Board and I understand, the Ngati Paoa Trust Board, already has wide popular support and is a bold conservation initiative. The establishment of this new Hakaimango- Matiatia marine reserve, in my considered opinion, is a long overdue marine conservation initiative. It has my whole hearted support.'
Hon Chris Carter Minister of Conservation 2002-2007 WSHMMR-802093

Submission #	Objection	Response
THEME: Biodiversity Spencer Roff HMMR-784346	The submitter argues that marine reserves do not increase biodiversity in surrounding waters.	The applicant disagrees with the submitter as the spillover effect is well documented (see Appendix 4 and Commercial Fishing above). The submitter's objection is unfounded.
THEME: Biodiversity NZ Sports Fishing Council & the	The submitter is objecting to the application as the marine reserve does not protect	The applicant disagree with the submitter because: ● Marine mammals and seabirds are protected species which can not be targeted by fishers.

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Legasea Team WSHMMR-791865 Chris Thompson HMMR-773626 Spencer Roff HMMR-784346	highly mobile species which will not spend a significant amount of time in the proposed marine reserve.	• The marine reserve application does not intend to protect highly mobile species from the direct effects of fishing. • The marine reserve will indirectly benefit highly mobile species by increasing REEF LIFE abundance in the proposed area. A healthy functioning reef ecosystem will be a valuable feeding area for both protected reef species AND seasonal pelagics as per the marine reserve application section 7.1 and 8.0. • The abundance will spillover (see Appendix 4) increasing food supply to the wider area. • The proposed marine reserve will function as part of a network of marine reserves to support highly mobile species in the Hauraki Gulf Marine Park (HGMP). The applicant shares the submitter's concern for highly mobile species. Their compassion for protected species, many of which are Threatened or At Risk of extinction is commendable. The applicant disagrees that this is a reason to object to the marine reserve. Waiheke waters used to carry world record 50+ kg kingfish in season, thus gazetting such a no-take reserve will provide for a scientific experiment in finding out if these giant pelagics eventually return. The marine reserve will benefit highly mobile species, of which there is a lot of public concern for. This is one of many reasons why the marine reserve has overwhelming public support. Some of the benefits may not take too long. *HMMR-712720 I live … adjacent to the proposed Marine Reserve. During the Covid lockdowns when there was no recreational fishing activity around Waiheke Island the difference in the fish life after the few weeks was dramatic. I was swimming at Owhanake and enjoyed more fish life than I had seen for many years.*
THEME: Biodiversity NZ Sports Fishing Council & the Legasea Team WSHMMR-791865	The submitter objects to the marine reserve due to The applicant overstating claims in the marine reserve	The applicant disagree with the submitter's objection because: • The applicant didn't claim it was a main spawning area, just that it would enhance spawning.

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	application.	• The last study on tāmure snapper egg production in the area was published 24 years ago (J. R. Zeldis, R. I. C. C. Francis 1998) in the paper the area for the proposed marine reserve (strata 8) was poorly sampled. Therefore the importance of the area for tāmure snapper spawning is unknown. The applicant supports the submitter's interest in protecting known Tāmure / Snapper spawning areas and thinks that more work should be done to protect spawning areas. The applicant disagrees that the submitter's objection is a reason to not proceed with the marine reserve application. The marine reserve will increase tāmure snapper recruitment in the HGMP (see Appendix 4). This increase in tāmure snapper recruitment is in the national interest.
THEME: Biodiversity & abundance NZ Sports Fishing Council & the Legasea Team WSHMMR-791865 Blake Masefield HMMR-773638	The submitter is concerned that the marine reserve won't generate biodiversity or abundance outcomes.	The applicant disagrees with the submitter as all fished species are found in higher densities/numbers in marine reserves than the adjacent unprotected ocean. Published research papers, personal communications, and personal observations undertaken over a 40-year period absolutely guarantee there will be significant AND abundance outcomes inside and adjacent to a no-take marine reserve (Pers. Comm. & Pers. Observ. Sid Marsh). This marine reserve is four times as big as the marine reserve at Leigh (Cape Rodney-Okakari Point Marine Reserve / Goat Island). The larger size means that when kōura / crayfish leave the reefs as part of their normal lifecycle they will still be protected. This was an important design consideration. The applicant shares concerns with the submitter about other issues including plastic and sediment pollution. Local and central governments should do more to address these issues. Marine reserves provide important buffers for impacts that affect marine life. This marine reserve will make the HGMP more resilient. This marine reserve is in the national interest as the public want healthier, more resilient ocean ecosystems.

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THEME: Application NZ Sport Fishing Council/Legasea team WSHMMR-791865	The submitter objects to the marine reserve application because there is nothing unique about the area proposed for protection from fishing.	The applicant disagrees with the submitter because: • Under the Marine Reserves Act 1971 an area may qualify for protection if it is "typical, beautiful or unique", while other aspects are typical of the transition zone between Inner and Outer Gulf. • The area has unique features described in the application, specifically in section 4.4 The submitter's objection is unfounded.
THEME: Application NZ Sport Fishing Council/Legasea Team WSHMMR-791865	The submitter questions the validity of a paper cited in the marine reserve application.	The applicant disagrees with the submitter because: FoGH have contacted the publisher who said *"All papers in ICES jms are peer reviewed"* and contacted the author Sylvaine Giakoumi, PhD who added: *"Our paper was certainly peer-reviewed and for sure was reviewed at least by R Hilborn* *It contains both published and unpublished data as indicated in the Supplemental online material."* *"Our dataset included only studies which provided data for the biomass of fish assemblages in fully protected areas, partially protected areas, and open access areas. We used data from (Friedlander and DeMartini, 2002), (Claudet et al., 2008), (Harmelin-Vivien et al., 2008), (Aburto-Oropeza et al., 2011), (Garcia-Rubies et al., 2013), (Rife et al., 2013), (Friedlander et al., 2014), Friedlander et al. (unpublished data), and Giakoumi et al. (2017)."* *"In the supplementary material you can also find the methodology of the meta-analysis, which did only account for the effect sizes and their variance but we also weighted them to ensure greater contribution of the most robust studies."* Dr Enric Sala added *"If one reads our paper (which was peer reviewed and published in an academic journal), one can read in the methods section how we conducted the meta analysis, and in the supplemental materials are the citations of the published papers we obtained the data from. So what this person is saying is just not true."* The submitter's objection is unfounded.
THEME: Application	Not all areas of Waiheke Island	The submitter's objection is untrue, five areas were selected by the local board. The applicant agreed that

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Graeme Moore WSHMMR-791829	were considered by The applicant. Dr. Tim Haggitt's recommendation for the area The applicant proposed is premised on it being selected from only four areas put forward by the Waiheke Island Local Board on the western end of the Island.	the areas considered were limited by decisions made by the Waiheke Local Board. The process is clearly explained on page 12 of the application. The wisdom of the decisions made by the local board are reflected in the popular support for the application.
THEME: DOC Claudia Pierce HMMR-753050	The submitter objects to the marine reserve application because the Department of Conservation (DOC) is not resourced to manage it.	• The applicant agrees that DOC is under-funded. Their budget is way less than 1% of the tax spend in New Zealand. To make the argument that DOC can't do the work when we don't resource them adequately is a wider issue. See 'One percent please' https://www.alexstonethinkingstrings.com/446852493 • And DOC is and for the present remains the legislative entity entrusted with this work.

10.0 Miscellaneous objections

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

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

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

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		“Sea Change The Stakeholder Working Group was approached by community representatives from Waiheke and Aotea (Great Barrier) seeking that marine protected areas be included in the Plan for both islands. Because the SWG also heard conflicting views and concerns at not being consulted regarding proposals it was considered more appropriate for the location of MPAs for the two islands to be decided by those communities as part of the implementation of Sea Change.” The process failed to deliver any plans for MPAs. The applicant accepts this in part and notes that; Sea Change was a stakeholder driven process which by nature precluded any form of robust public interaction. To this date, the wider public has had no opportunity to provide feedback on the proposals in the Sea Change Plan. This theme of engagement has been adopted by the Waiheke Marine Project and the processes therein are orientated around invited and selected stakeholder groupings. The proposal from FoHG is supported by scientifically established principles including social principles articulated through the Colmar Brunton survey of Waiheke Residents and Ratepayers and subsequent scientific reports along this coastline, funded by the Waiheke Local Board. The applicant has helped fulfil Sea Change recommendations by proposing the marine reserve. Community support for the recommended MPA is clear in the popular support for the proposed marine reserve and in the more than a thousand supportive submissions. No polling or public consultation has been done on the Sea Change recommendations. Friends of Taputeranga Marine Reserve Trust’s excellent submission WSHMMR-802381 notes. *"The Trust considers that the Hākaimangō-Matiatia Marine Reserve application meets the requirements of the Marine Reserves Act 1971 and supports its creation. The Trust recommends that the proposed Hākaimangō-Matiatia Marine Reserve application be progressed expediently, and considered as distinct and additional to the proposed marine protected areas within the Government Response Strategy that responds to the Sea Change Hauraki Gulf Marine Spatial Plan that is currently being considered (albeit slowly)."*

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		Auckland Council's supporting submission WSHMMR-791826 notes that *"The proposed area would ultimately add to the network of marine protection in the Gulf."*
THEME: Marine Reserves Act Coastal Custodians Landowners views WSHMMR-791829	*The FOHG Marine Reserve proposal uses fifty-year-old legislation to lock-up 2,350 ha of coastal marine habitat in perpetuity. It is an out-of-date Act and process with no regard to Section 4 of the Conservation Act 1987 and the principles of Te Tiriti o Waitangi. Both the Coastal Custodians and, from what we understand, Ngāti Pāoa Iwi Trust believe that direct intervention will be required to regenerate the North-West Waiheke Island marine environment, not simply locking it up in perpetuity. The solution is best achieved through ongoing measures such as rahui and community and government collaboration.*	The applicant disagrees. The Marine Reserves Act is current law, and the Crown is well aware of its obligations under the Treaty of Waitangi and the Conservation Act. We deny the argument that direct intervention is required to facilitate regeneration, noting that it is not clear what the science informs this idea, however we assume this is a reference to a desire to establish a kina removal program in this area and in doing so generate an argument against a no-take marine reserve. The applicant is not aware of any direct intervention in the marine environment in New Zealand or overseas that has resulted in the abundance or biodiversity benefits of a no-take marine reserve. The marine reserve will serve as an important benchmark to measure active restoration efforts against.
THEME: Application Coastal Custodians Landowners views WSHMMR-791829	*We believe the research of marine scientists has been directed and selectively presented by FOHG.*	The applicant disagrees and recommends a reading of the marine reserve application document and the scientific reports appended to it.
THEME: Application Coastal Custodians Landowners views WSHMMR-791829	*Where the Director-General is not the applicant, the Department of Conservation (DOC) has a neutral and independent statutory role to process an external application pursuant to the Marine Reserves Act 1971. It is the role of the applicant, FOHG to undertake*	Agreed

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

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

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

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

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

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

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THEME: Erosion Coastal Custodians Landowners views WSHMMR-791829	*Figure 2b. Matiatia Estates Circa 2021 – Note Revegetation*	Noted
THEME: Rights Coastal Custodians Landowners views WSHMMR-791829	*Section 5 of the Marine Reserves Act 1971 states: 5.1 (d) notice in writing of the proposed marine reserve is given by the applicant to -*	Agreed
THEME: Recreational boating Coastal Custodians Landowners views WSHMMR-791829	*The proposed marine reserve is also in the middle of a main maritime highway for recreational boats coming out of Auckland to the Noises and other areas (Figure 13a). Maritime safety must also be considered with this marine reserve proposal, as there is a high potential for accidents with large numbers of recreational boats transiting through increasing numbers of dive boats and divers in the water. The high vessel traffic through the proposed marine reserve area (Figures 13b & 13c) should also be considered by the Department of Conservation in terms of the potential success of the proposed marine reserve itself (Thurstan et. al. 2012).*	The applicant disagrees with the submitter because: ● *"Usually there are no restrictions on recreational boating other than they cannot take marine life. They can continue to anchor, sail and swim – just not take."* - email from Carmel Dwyer, Maritime New Zealand 7 April 2022 (available on request) ● High speed boat traffic is offshore and does not overlap snorkelling depths. ● The inner Hauraki Gulf has a lot of boat traffic because it is adjacent to New Zealand's largest city. Marine reserves near cities are more accessible (and therefore more in the public interest) than marine reserves further from cities. ● The objection is not relevant because under the act the proposed reserve must avoid *"undue interference with or adversely affect any existing usage of the area for recreational purposes."* If the proposed area becomes a marine reserve there will be no adverse impact on existing usage. ● Fishing boat traffic is likely to decrease in the area. Other traffic related to recreational activities experiencing marine life are only expected to increase once the area is showing signs of recovery. ● The applicant agrees that boat traffic could have a minor impact on the recovery

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		potential of the area (along with many other minor factors) but does not consider it a significant factor. In the paper cited, boat strike of wildlife and sediment disturbance were the major risks. To our knowledge no cases of boat strike have been documented in the area. The rocky coastline and depth at which most of the boat traffic occurs means concerns about erosion due to wake or prop wash are unfounded.
THEME: Location Alex Carpenter HMMR-462045 Brett & Ann Vermer HMMR-562185 Amanda Walker HMMR-753140	*The submitters wish the marine reserve to be further east for public access.*	The applicant disagrees with the submitter's objection because: • Convenient public access to the proposed marine reserve, via the existing (approximately 4 km) public walkway, makes this the most accessible area on the whole Waiheke coastline. • To move the marine reserve area further east would clash with the already restricted areas of public access (and much more limited car parking) at Oneroa, Little Oneroa and Sandy Bay Beaches. • The proposed reserve is fully accessible to the general public via Sealegs, jet skis, subs, kayaks, swimming, beach diving/snorkelling, use of conventional boats & charter vessels etc. • Under the MRA marine reserves are for scientific purposes. Scientists have provision for access so while public access is desirable it is not essential. • 93% of 1,300 submissions support a marine reserve in this area. *"The location of the proposed Hākaimangō – Matiatia Marine Reserve on the northwestern section of Waiheke Island will enable visitors from Auckland to visit the reserve relatively easily (i.e., via ferries to Waiheke Island and recreational vessels)."* – New Zealand Marine Sciences Society WSHMMR-791859
THEME: Sea Change	*The submitter objects to the proposed marine*	The applicant disagrees that the Sea Change proposals exclude future marine protection

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NZ Sports Fishing Council & the Legasea Team WSHMMR-791865 Mereana Berger HMMR-682516 Matt von Sturmer HMMR-753053 Mark Edwards NZ Rocklobster Council etc. WSHMMR-761679	*reserve because it is not part of the Govt's response to Sea Change – Tai Timu Tai Pari titled Revitalising the Gulf (Sea Change).*	initiatives including new Marine Reserves. Additional protections are required to meet the Hauraki Gulf Forums goal of 30% protection (Hauraki Gulf Forum 2021), the Government's ambition of 30% protection (Vance 2021) and global efforts to protect 30% of our ocean by 2030 (IUCN 2021). Sea Change 2017 had a marine protection goal for Waiheke Island. *"By 2018, identify any gaps in the MPA network with specific attention to Waiheke Island and Aotea – Great Barrier Island. Establish further MPAs if required"* *"Sea Change The Stakeholder Working Group was approached by community representatives from Waiheke and Aotea (Great Barrier) seeking that marine protected areas be included in the Plan for both islands. Because the SWG also heard conflicting views and concerns at not being consulted regarding proposals it was considered more appropriate for the location of MPAs for the two islands to be decided by those communities as part of the implementation of Sea Change."* The process failed to deliver any plans for MPAs. The applicant has helped fulfil Sea Change recommendations by proposing the marine reserve. Community support for the recommended MPA is clear in the popular support for the proposed marine reserve and in the more than a thousand supportive submissions. No polling or public consultation has been done on the Sea Change recommendations. Moreover there is a very important public interest aspect in terms of the government's wider environmental responsibilities e.g. the Climate Emergency. On this very important point, submitter Lady Jennie Fenwick HMMR-361904 reminds us '*Resilience to Climate Change. By maximising biodiversity and abundance the marine reserve will protect the HGMP from climate change impacts, particularly heatwaves, invasive species and ocean acidification. Marine reserves are like insurance against uncertainty*.' Please see the Hākaimangō-Matiatia (NW Waiheke Application Report (2020). Appendix 1. Section 11.4 of which records scientific evidence of

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		the comparative climate event resilience of protected marine natural areas compared to non-protected areas. Auckland Council supporting submission WSHMMR-791826 notes that *"Marine protection and conservation measures in the Hauraki Gulf will play an important role in helping Aotearoa, New Zealand meet the goals set in its Biodiversity Action Plan 2016 – 2020 (the Plan, New Zealand Government 2016) and achieve 'a growing nationwide network of marine protected areas, representing more of New Zealand's marine ecosystems.'"* The Sea Change project specifically excluded Waiheke from its considerations, so has provided no Waiheke solution to the Hauraki Gulf's decline in marine biodiversity. The Hākaimangō-Matiatia Marine Reserve is the proposal of the Waiheke community towards the re-generation of the mauri of the Hauraki Gulf Marine Park, As the largest community living entirely within the Hauraki Gulf Marine Park, we believe we should have some voice in this.
THEME: Surveillance Francisco Blaha HMMR-341847	*The proposal does not address monitoring, control and surveillance.*	This proposed marine reserve is both available and well placed for scientific study which is in effect monitoring. It is anticipated that the public will keep a watchful eye. In addition it is relatively close to Auckland making it simpler for DOC to manage as necessary.
THEME: Not in public interest/ Coastal Custodians WSHMMR-791829	*Coastal Custodians assert that the FOHG marine reserve proposal is contrary to the public interest [Marine Reserves Act 1971 S5, 6(e)] because it is not inclusive of mana whenua or local residents. We also believe it is not well integrated within either the Government's strategy Revitalising the Gulf or the Noises High Protection Area Proposal (Figure 5) and because a more inclusive and holistic pathway towards marine*	The applicant claims the opposite, the proposal is very much in the public interest and further this is demonstrated by wide support, 93% from submitters, including support from the Ngāti Paoa Trust Board, Auckland Council, Waiheke Local Board. The dire state of the Hauraki Gulf marine environment is well documented. The Marine Reserves Act processes do not anticipate any alignment with any draft or other Govt strategy such as *'Revitalise the Gulf'.* Auckland Council's submission WSHMMR-791826 states *"Several local boards, who provided feedback, state they support increasing marine protection in the Hauraki Gulf and support this marine reserve application".*

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

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	Hence all four areas selected by the Waiheke Local Board (2016) for consideration as marine reserves are in the western end of Waiheke Island where the majority of the population live and where a marine reserve can be most easily accessed (Figure 8).	
THEME: Location Alex Carpenter HMMR-462045 Brett & Ann Vermer HMMR-562185 Amanda Walker HMMR-753140	*The submitters wish the marine reserve to be further east for public access.*	The applicant disagrees with the submitter's objection because: • Convenient public access to the proposed marine reserve, via the existing (approximately 4 km) public walkway, makes this the most accessible area on the whole Waiheke coastline. • To move the marine reserve area further east would clash with the already restricted areas of public access (and much more limited car parking) at Oneroa, Little Oneroa and Sandy Bay Beaches. • The proposed reserve is fully accessible to the general public via Sealegs, jet skis, subs, kayaks, swimming, beach diving/snorkelling, use of conventional boats & charter vessels etc. • Under the MRA marine reserves are for scientific purposes. Scientists have provision for access so while public access is desirable it is not essential. • 93% of 1,300 submissions support a marine reserve in this area. *"The location of the proposed Hākaimangō – Matiatia Marine Reserve on the northwestern section of Waiheke Island will enable visitors from Auckland to visit the reserve relatively easily (i.e., via ferries to Waiheke Island and recreational vessels)."* – New Zealand Marine Sciences Society WSHMMR-791859
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Appendices

1. The Application

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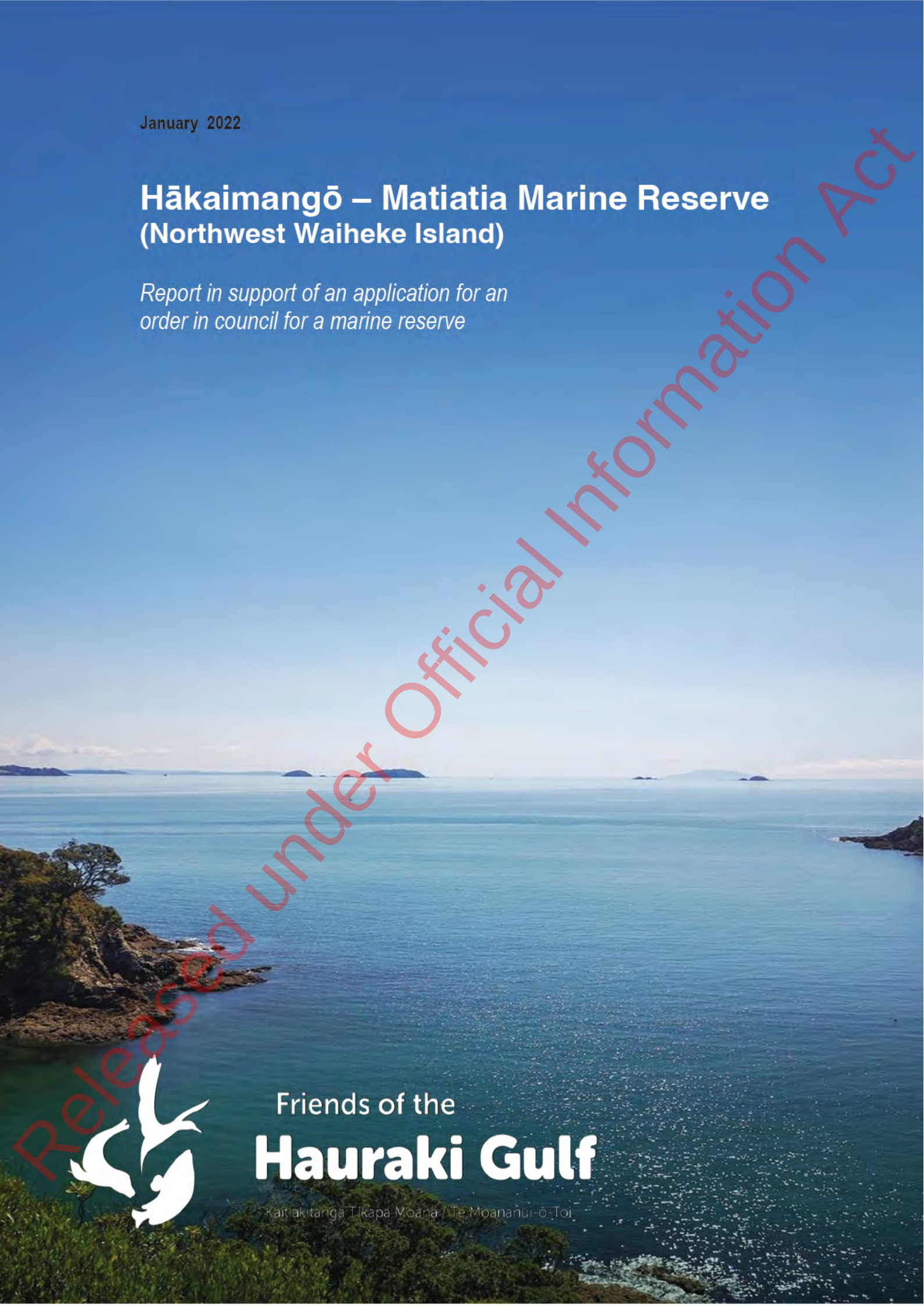
January 2022

Hākaimangō – Matiatia Marine Reserve
(Northwest Waiheke Island)

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



Friends of the
Hauraki Gulf
Kaitiakitanga Tikapa Moana / Te Moananui-ō-Toi

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Dedication

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

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



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

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

1.0 INTRODUCTION

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

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

1.1 The Hauraki Gulf Marine Park Act (2000).

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

Section 7: Recognition of national significance of Hauraki Gulf

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

Section 8: Management of the Hauraki Gulf

'To recognise the national significance of the Hauraki Gulf, its islands, and catchments, the objectives of the management of the Hauraki Gulf, its islands, and catchments are

(a) the protection and, where appropriate, the enhancement of the life-supporting capacity of the environment of the Hauraki Gulf, its islands, and catchments.'

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

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1.2 Marine Reserves Act

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

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

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

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

1.3 The Conservation Management Strategy Auckland 2014-2024

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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2.0 ORIGIN OF THIS PROPOSAL

2.1 The Friends of the Hauraki Gulf Inc

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

'*to research and advocate for the setting aside of marine protected areas, especially no-take marine reserves…'* and,

'to encourage and facilitate the scientific study of marine life and the natural history of the Hauraki Gulf.'

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

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

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

2.2 The Waiheke Local Board

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

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

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

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

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

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

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

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

That the Waiheke Local Board:

a) agree to release and promote the reports for community consideration

b) note that it does not consider it is the local board’s role to lead on any marine reserve applications(s) and encourages interested community groups to do so

c) note its view that the material gathered to date provides a good and robust basis for pursuing a marine reserve(s)

d) agree to consider any requests for support and assistance from applicants in due course

e) recommend that the Auckland Council Environment and Community Committee and the Sea Change – Tai Timu Tai Pari Hauraki Gulf Political

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

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

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

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

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

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

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

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3.0 THE APPLICATION

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

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

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

3.1 Boundaries of the proposed marine reserve

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

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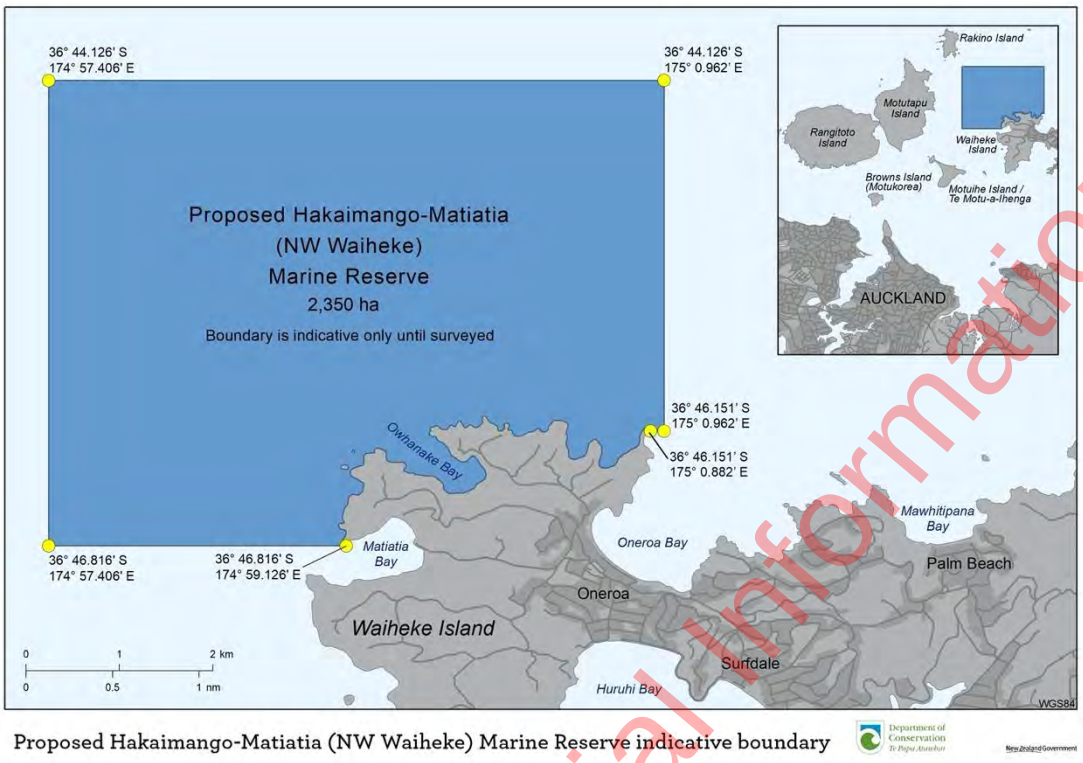

Fig.6. Boundaries of the proposed marine reserve

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

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

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3.2 Māori History of the area Hakaimango Point to Matiatia Point

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

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

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



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

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

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

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

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

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



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

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3.3 The Coastal Marine Area (CMA)

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

coastal marine area *means the foreshore, seabed, and coastal water, and the air space above the water—*
(a) *of which the seaward boundary is the outer limits of the territorial sea:*
(b) *of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of—*
(i) *1 kilometre upstream from the mouth of the river; or*
(ii) *the point upstream that is calculated by multiplying the width of the river mouth by 5.*

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

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

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

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

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

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

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4.0 TYPES OF MARINE HABITATS WITHIN THE PROPOSED MARINE RESERVE

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

4.1 Rocky reef systems - geology

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

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

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

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

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

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

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



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

4.2 Reef types within the proposed marine reserve

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

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

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

4.3 Soft sediment habitats

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

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

4.4 The nationally important marine fossil deposits of – Double U Bay 'Fossil Bay'

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

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

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



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

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

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

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5.0 BIOTA OF THE ROCKY REEF SYSTEMS

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

5.1 Marine algal species

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

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

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

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

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

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

5.2 Marine invertebrates – mobile and sessile

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

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

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

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

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

5.3 Crayfish species

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

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

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6.0 FISH SPECIES WITHIN THE PROPOSED MARINE RESERVE.

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



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

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

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

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

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

For further information of species taken by recreational fishers in this general area see:
https://marlin.niwa.co.nz/files/dataHoldings/scientificResearchDbs/rec_data.pdf

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

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

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7.0 SEABIRD SPECIES WITHIN THE PROPOSED MARINE RESERVE

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

– *Chris Gaskin State of our Seabirds 2021.*

7.1 Seabirds foraging in or breeding near the proposed marine reserve

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



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

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

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



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

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

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

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

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



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

The coastal fringe of the proposed marine reserve was partially surveyed in 2016 and 2017, along with 35 km of the island's coastline by Auckland Council for penguins and petrels (Lovegrove 2017): https://infocouncil.aucklandcouncil.govt.nz/Open/2017/04/WHK_20170427_AGN_7150_AT_files/WHK_20170427_AGN_7150_AT_Attachment_52854_1.PDF

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

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

7.2 The restoration of spotted shags

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

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

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

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

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

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

7.3 North Auckland Seabird Flyway

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

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

7.4 Pest-free islands and the marine reserve

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

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

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8.0 MARINE MAMMALS OF THE PROPOSED MARINE RESERVE

8.1 Marine mammals recorded within or near the proposed marine reserve

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

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



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

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



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

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

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

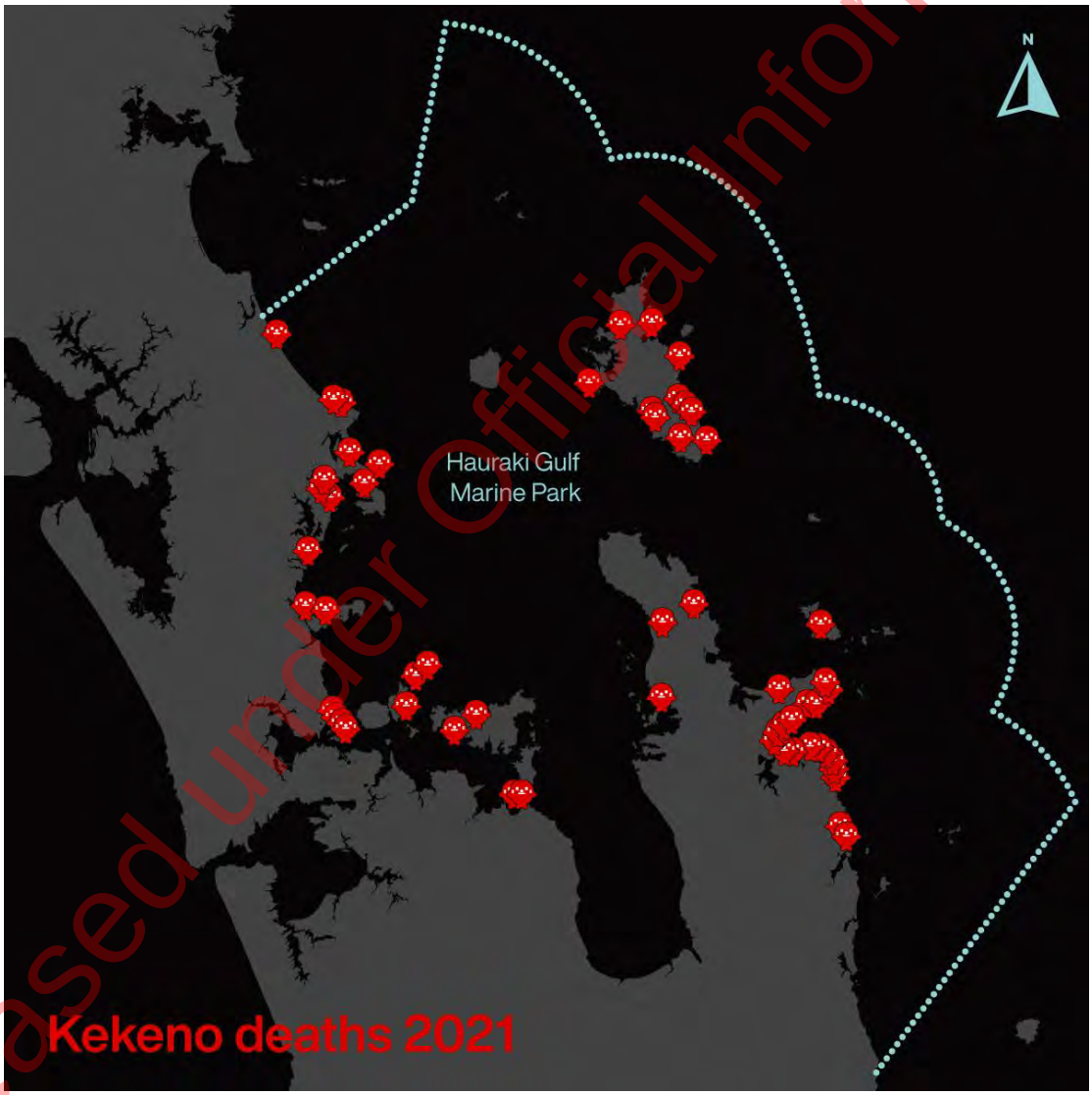

Fig. 23. At least 50 carcasses of New Zealand fur seal pups washed up in the beaches of the Hauraki Gulf Marine Park in 2021. Graphic Shaun Lee. (S. Lee in prep.)

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

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



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

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9.0 THE COASTAL ENVIRONMENT

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

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

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

9.1 The rural buffer zone

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

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

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

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

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9.2 Coastal walkways and public accessibility

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

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

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

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

9.3 The proposed marine reserve and public transport

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

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

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

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

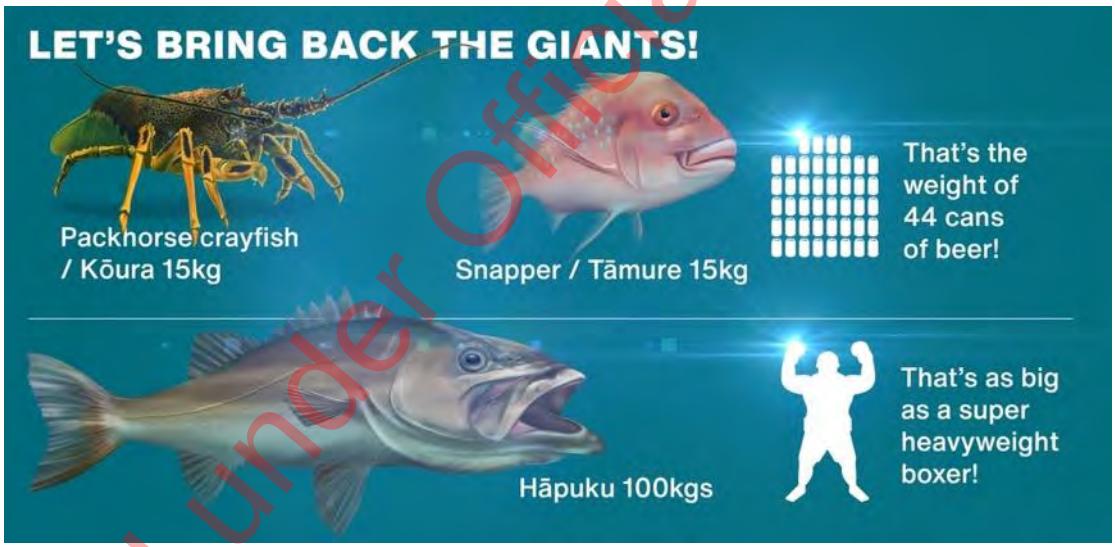

Fig. 25. Graphic Shaun Lee.

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

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

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

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



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

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11.0 WHY MARINE RESERVES?

11.1 Marine Protected Areas or Marine Reserves?

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

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

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

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

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

11.2 Marine Reserves within the Hauraki Gulf

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

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

Total area 3121 ha.

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



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

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11.3 Towards a marine reserve network within the Hauraki Gulf

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

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

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

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

11.4 Marine Reserves and climate change

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

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

In 2016, a strong El Niño event caused the most severe coral bleaching event in history, which killed 67% of the coral in the northern part of the Great Barrier Reef in Australia in just nine months (Hughes *et al.,* 2017). However, corals in the Line Islands affected by the strong 1997–1998 El Niño recovered in fully protected reefs within a decade, whereas they did not in unprotected islands (Sandin *et al*. 2008): https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0001548

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

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See also Sala *et al.* 2021 'Protecting the global ocean for biodiversity, food and climate':
https://www.nature.com/articles/s41586-021-03371-z

In New Zealand we are already seeing mass die-offs of kelp: https://www.frontiersin.org/articles/10.3389/fmars.2019.00084/full
and shellfish:
https://www.theguardian.com/world/2020/feb/18/hundreds-of-thousands-of-mussels-cooked-to-death-on-new-zealand-beach-in-heatwave

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

Ocean acidification impacts on marine life will be most pronounced at the larval stage and have been shown to impact settlement on pāua (*Haliotis iris*) in laboratory experiments:
https://academic.oup.com/icesjms/article/78/1/340/5859739?login=true

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

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

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

11.5 The economic benefits of marine reserves

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

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

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

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

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12.0 CONSULTATION WITH THE PUBLIC & WITH MANA WHENUA

12.1 A history of marine protection public consultation & awareness raising

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

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

b) That the Waiheke Local Board:…

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

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

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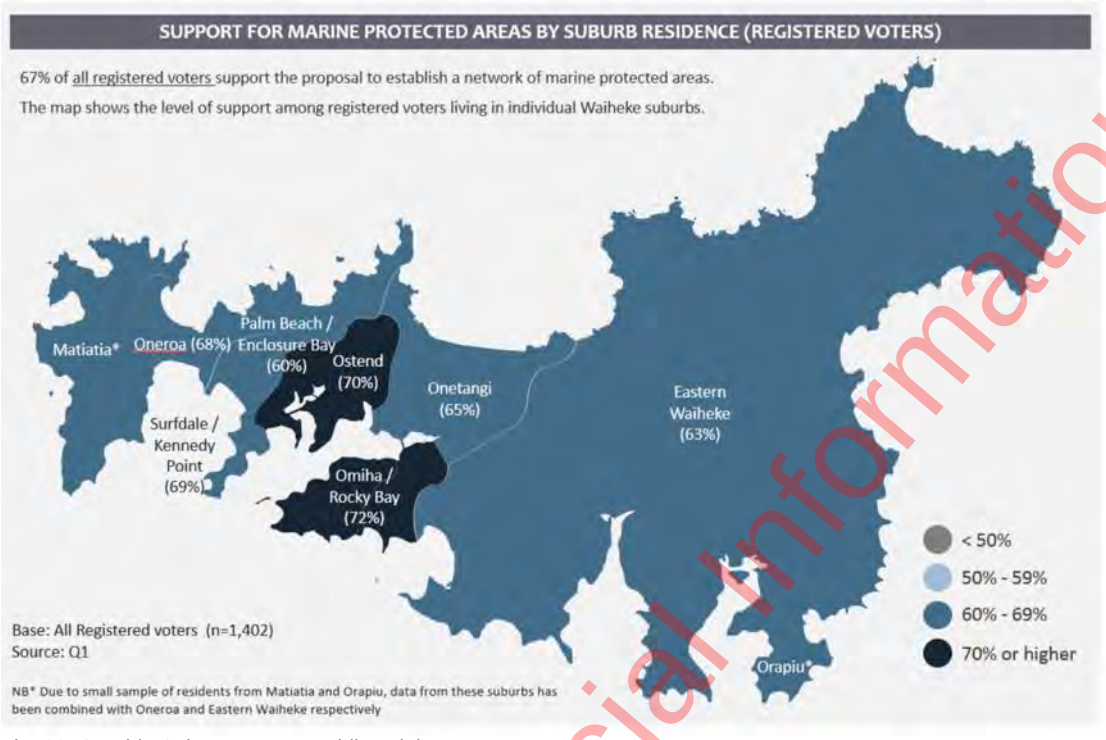

Fig. 28. Graphic Colmar Brunton public opinion survey report

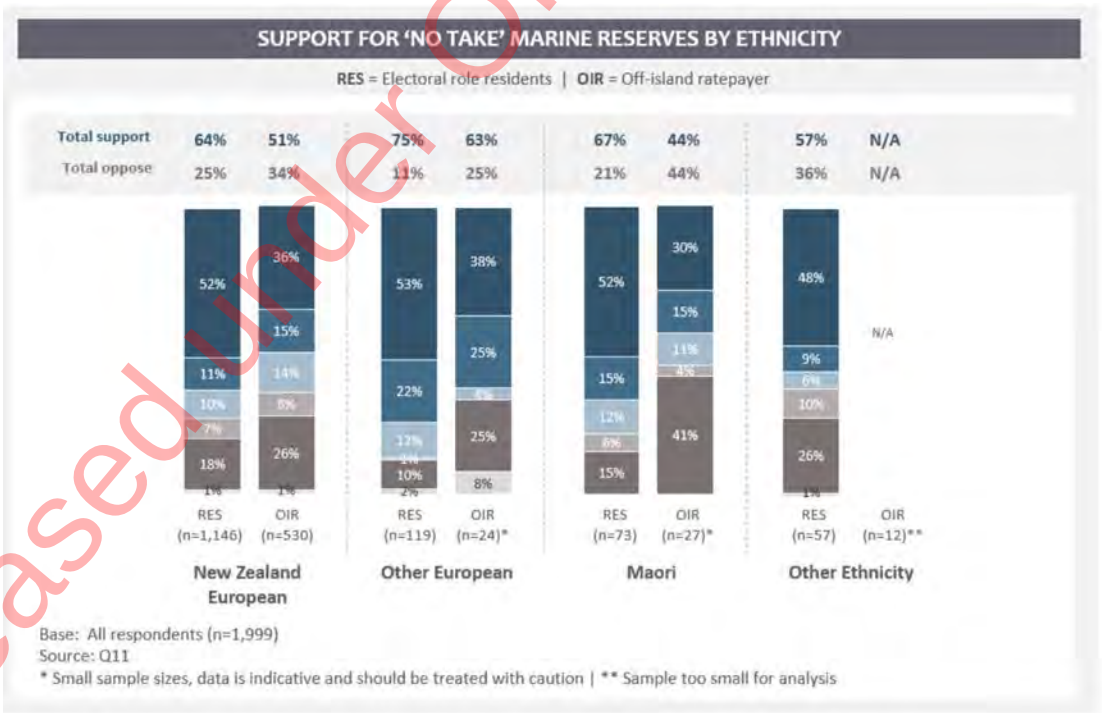

Fig. 29. Graphic Colmar Brunton public opinion survey report

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



Fig. 31. Graphic Shaun Lee.

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

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

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



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

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

- Fill out the online submission form at: www.doc.govt.nz/waihekeproposal
- Or mail your submission: waihekeproposal@publicvoice.co.nz

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15.0 ACKNOWLEDGEMENTS

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17.0 APPENDICES

Appendix 1

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Appendix 2

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

Appendix 3. Hauraki Gulf Forum 'The State of our Gulf' (2020).

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

Appendix 4. Bing, Emily. (2015). Marine Protection Research. Colmar Brunton.

https://www.aucklandcouncil.govt.nz/about-auckland-council/how-auckland-council-works/local-boards/all-local-boards/waiheke-local-board/Documents/waiheke-marine-research-report.pdf

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Appendix 5. Pre-notification consultation Diary 2021

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

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

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

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			visit Waiheke to view the site
4 July	Matariki Festival Waiheke Art Gallery Alex Stone FoHG	Presentation at the Art Gallery to celebrate Matariki by Alex Stone: Alex used our PowerPoint to introduce the audience to our marine reserve project. It was received very positively and there were lots of questions from interested people.	
15 July	DOC Rebecca Bird (National marine protection), Mandy Leathers, Glen Carbines, John Galilee. Mike Lee, Chris Cureen FoHG.	Meeting at DOC. Bledisloe House July 15 2020 Meeting started at 12.30pm Mike summarized our progress to date. He asked for an assessment of our application and requested a timeline for when we can move forward. Chris went over the consultation we are doing in the community. Rebecca outlined the principles of engagement 1. Public engagement prior to notification 2. Working together for the notification process - display of maps etc 3. Plan for the pre-notification period. She stated that an external application is different to an internal application, so she needed assistance in dealing with it. The statutory project plan is Glen Carbines' role. Glen introduced himself and described at length his work in the conservation space, including working on three marine reserve proposals. Mike noted his membership of rec fishing groups & requested an objective, unbiased view on our application. Glen said his professional reputation depends on his being impartial and gave his assurance that we would be given a "fair go." Rebecca on the Assessment: Our application seems thorough and sound. She would like to assess it against the Act - that would be the scope of the process. She asks for the time to make a formal assessment against the Act. Mike said he has already asked if there are any gaps and that the assessment could only be helpful.	Report on consultation 25 August

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

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

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

Chris Curreen Jan 2022

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

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

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

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

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

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

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

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

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

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

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

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

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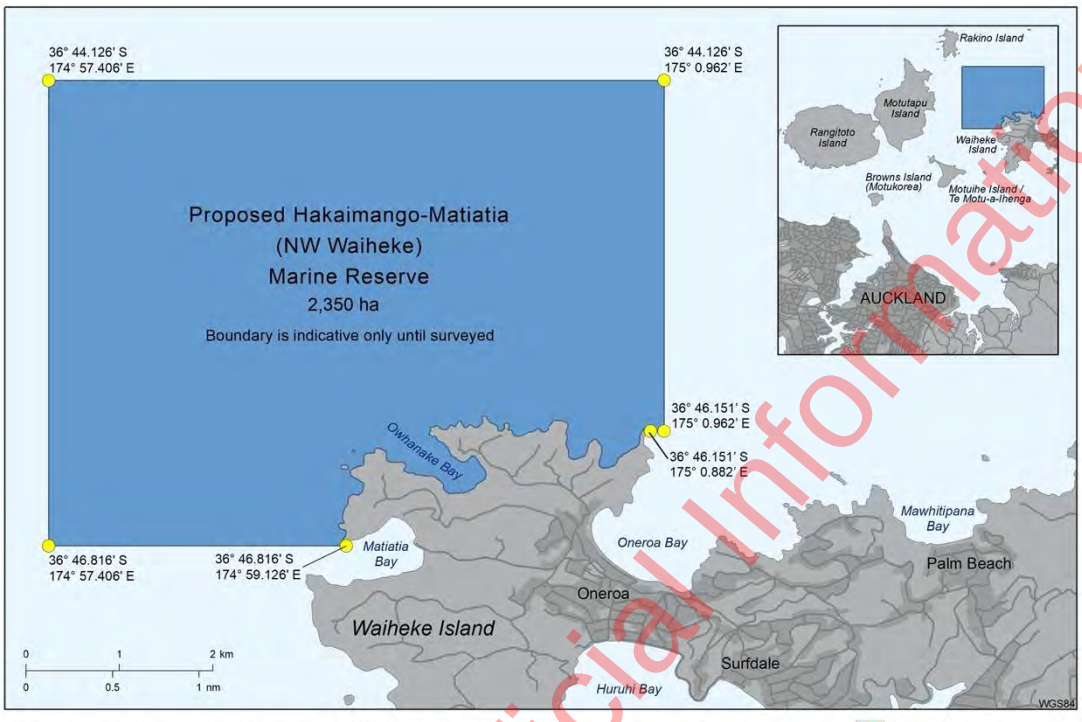
Appendix 7. Plan of proposed Marine Reserve as per section 5 (2) of the Marine Reserves Act (1971).



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

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

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Submission from Piritahi Marae

PIRITAHI MARAE
Waiheke Island
53 Tahatai Rd, Oneroa, Waiheke Island 1081
Website: piritahi.net.nz
Email: piritahimaraecommittee@gmail.com

20/03/2022

Submission in support of the proposed Hakaimango-Matiatia (Northwest Waiheke) Marine Reserve.

Nga mihi i runga i ngā āhuatanga o te wā

1. Piritahi Marae is a Ngā Hau e Whā marae situated on the shore of Te Huruhi Bay, Waiheke Island. The whenua the marae stands on was secured in 1976 by tangata whenua and the Waiheke community. Since then, Piritahi has expanded to include the Piritahi Hau Ora, Piritahi Childcare and a maara kai for whānau and community. Many of our whānau have intergenerational connections to both Piritahi and Waiheke Island. As ahi kaa and tangata whenua of the marae we come from various hapū and iwi throughout Aotearoa. It is where we learn, grieve, receive healthcare, grow kai, and our children are cared for. It is where we wānanga and where we learn kōrero, tikanga and kawa to inform our responsibilities to our past, to each other and our responsibilities to te taiao. Piritahi is where we host manuhiri from across the country and the world. Piritahi is the only marae on Waiheke Island.

2. Through lived experience, our kuia and kaumātua have witnessed the rapid decline of marine biodiversity around Waiheke Island. Species that once were abundant are now infrequently seen. Over the past 40+ years they have seen our marine coastal environment go from a healthy pātaka kai and ecosystem to a barren seabed with many functionally extinct species. The ability to continue the lived experiences with a healthy ocean and biodiversity and ability to continue intergeneration knowledge and mātauranga is under threat. Urgent action is required for the protection and rejuvenation of the mauri of Tikapa Moana.

3. As Māori, as tangata whenua and as whānau with an understanding and connection to the moana, we want to see the mauri given a chance for biodiversity and ecosystems to recover. For this reason we submit in support of the Hākaimango-Matiatia (Northwest Waiheke) Marine Reserve.

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2. Submission

1. Marine reserves are 'no take' areas protected from the sea surface to the seafloor where no fishing or removal of any other material is allowed. Diving, swimming, boating, snorkelling and other activities that don't harm marine life are allowed in marine reserves. Much of the scientific understanding of oceans comes from studying protected reserves. The Hakaimango-Matiatia Marine Reserve will give effect to complete protection to 2,350 ha from fishing and would be the largest marine reserve in the Hauraki Gulf. This will provide an important benchmark and reference point for assessing the impacts of activities on other areas around Waiheke Island and the wider Hauraki Gulf. It will be of significant scientific benefit.

2. We acknowledge Ngāti Pāoa as the mātua mana whenua of Waiheke Island and the importance of partnership for the management and protection of marine ecosystems and coastal areas. The Ngāti Pāoa Trust Board has announced their support for the marine reserve application. They state the importance of mātauranga and western science working together for the conservation of the marine environment. Piritahi Marae supports Ngati Paoa and other mana whenua of Waiheke Island in the active practice of kaitiakitanga and the application of mātauranga for the care and protection of biodiversity and the restoration of the mauri of our moana. We acknowledge that marine reserves are not ideal for wider ecosystem based management however this is protection available and needed now. Our support for the application asks that mātauranga and tangata whenua be central to the management and kaitiakitanga of the reserve. Under the Takutai Moana Act 2011, Section 47 we reserve our right as whānau of Piritahi Marae and Waiheke Island to participate in conservation processes in the common marine and coastal area.

3. Tikapa Moana/The Hauraki Gulf is in ecological collapse. Extraction, pollution, over-fishing, sedimentation, bottom trawling and governance has led to the significant decline of marine biodiversity. Numerous species are now at the point of functional extinction. 0.33% of the Hauraki Gulf Marine Park is currently fully protected from fishing. The Hākaimango-Matiatia Marine Reserve will increase this by 0.195%.

4. The Revitalising our Gulf plan could increase marine protection within the Hauraki Gulf Marine Park to 0.575% by the end of 2024. This is far from the 30% protection goal of the Hauraki Gulf Forum. A 2021 poll by the Hauraki Gulf Forum shows general support for 30% protection is 77% with only 5% in opposition. A survey of Waiheke on island residents in 2015 showed 67% support of marine protected areas.

5. The location of the Hākaimango-Matiatia marine reserve was identified by marine biologist Dr Tim Haggitt after extensive surveys around Waiheke Island. It has extensive biodiversity in physical habitat and is in the ecological transition zone between the inner and outer Hauraki Gulf. The marine reserve will significantly

   increase egg production and juvenile fish, particularly tāmure or snapper. The Goat Island Marine Reserve is estimated to contribute to 10.6% of newly settled juveniles to the surrounding 400sq km area. With the tāmure population down 83% from what it once was in the Hauraki Gulf, the protection the reserve will give to allowing for increased population is critically important.

6. Opportunities for rangatahi and whānau to learn from and interact with the recovering and eventually thriving marine ecosystem of the Hākaimango-Matiatia Marine Reserve will provide educational opportunities to learn about marine habitats, ecosystems and further protection measures. It has the potential to inspire careers in marine biology and conservation. The marine reserve will also provide economic opportunities for local whānau and community.

7. The benefits of active kaitiakitanga, mātauranga and science to tangata whenua, mātāwaka and the Waiheke community and most importantly for the biodiversity and mauri of Tikapa Moana, the Hauraki Gulf are significant. Due to the urgent need for ocean protection around Waiheke, and this proposal being a step toward that now, Piritahi Marae supports the proposed Hakaimango-Matiatia (Northwest Waiheke) Marine Reserve.

8. If you have any questions about the points raised in this submission, please do not hesitate to contact us.

Piritahi Marae Trust & Committee
Attn: Bianca Ranson
piritahimaraecommittee@gmail.com
+6421422773

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Correspondence with Ngāti Paoa Iwi Trust Board

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

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

> Begin forwarded message:
>
> **From:** Michael Lee <mikeleeauckland@gmail.com>
> **Subject:** **Correspondence for the chairman Waiheke Marine protection**
> **Date:** 23 April 2021 at 4:03:16 PM NZST
> **To:** admin@ngatipaoaiwi.co.nz
> **Cc:** kaitiaki@ngatipaoaiwi.co.nz
>
> Kia ora Jay,
>
> I would be very grateful if you could forward this correspondence (please see attachments) to chairman Glen and the Board.
>
> All the best for the weekend.

Final to DG Hakaim...cx.pdf

Friends of the Hauraki Gulf

21 Tiley Road, Waiheke Island

23 April 2021

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

Tēnā koe e te rangatira

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

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

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

I am writing to you on behalf of the Friends of the Hauraki Gulf Inc, a Waiheke-based marine conservation group founded in 2013 which has been campaigning for marine protection since that time. In January this year the Friends of the Hauraki Gulf wrote a submission supporting the Ngāti Paoa rāhui over the moana of Waiheke.

Based on some eight years of discussion and debate and scientific surveys of the area, we are proposing a marine reserve over some 7.5km of coastline to the northwest of Waiheke. We are notifying Ngāti Paoa as mana whenua and kaitiaki of our intentions at the same time as your Treaty partners, the Crown, the Director-General, Department of Conservation, Te Papa Atawhai.

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

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

Nāku iti noa, nā,

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

Nga mihi,

Mike Lee



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Correspondence with Herearoha Skipper

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

Kia ora rangatira Glen,

Ngā mihi mahana ki a koe.

I hope this is the right email but please see the email thread below.
I am not sure if Herearoha is speaking on behalf of the Ngāti Pāoa Iwi Trust Board but I would like to respond by reassuring you and board members that at no time have I or the Friends of the Hauraki Gulf stated or implied that Denny Thompson has a 'mandate to represent Ngāti Pāoa'. Nor to my knowledge has Denny ever made such a claim.
That being said we make no apology for consulting with him and other persons with ancestral connections to this area. We note that 'Iwi, Hapū and Whānau' have a right to be consulted under the Marine & Coastal Area (Takutai Moana) Act.
Moreover we are also mindful that your cousin Denny is a direct descendant of a leading 19th century Ngāti Pāoa chief of this area, Rawiri Takurua, whom we have referred to in the marine reserve application report sent to you on 23 April this year. As with yourself the proposed reserve adjoins his ancestral land.

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

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

Noho ora mai,

Mike Lee
chair
Friends of the Hauraki Gulf (Inc)

> On 19/07/2021, at 12:26 PM, Herearoha Skipper <herearoha@gmail.com> wrote:
>
> Kia ora Mike & Alex
>
> I would like to advise that Denny Thompson does not have the mandate to represent Ngāti Pāoa on matters such as this for Waiheke Island.
>
> The Ngāti Pāoa Iwi Trust supports the protection of the environment but we will only engage in this being a partnership approach or being led by Ngāti Pāoa and other mana whenua.
>
> Noho ora mai
>
> **Herearoha Skipper**
> Email: herearoha@waikato.ac.nz | herearoha@gmail.com
> Mobile: 027 2900 158
>
> ---------- Forwarded message ----------
> From: **Friends of the Hauraki Gulf** <friends.hg21@gmail.com>
> Date: Fri, 16 Jul 2021 at 15:35
> Subject: Newsletter Friends of the Hauraki Gulf July 2021
> To: <herearoha@waikato.ac.nz>

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

ML

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

Friends of the
Hauraki Gulf
Kaiaiarunga Tikapa Moana / Te Moananui-ā-Toi

21 Tetley Rd
Surfdale
Waiheke Island 1081
19th May 2021

Kia ora Herearoha,
We were inspired by your words at the recent hui at Piritahi marae where you expressed the need for extensive and long lasting rahui on all species.
As a concerned environmentalist you will be aware of the alarming decline in marine life around our island and across the Hauraki Gulf.
That decline, confirmed by numerous scientific reports, is very much down to human activities encroaching on the Gulf, such as industrial and agricultural pollution and overfishing.
While there have been years of meetings, discussions and debate about what to do about this, little has been done to protect that precious marine life. The Friends of the Hauraki Gulf are a group of Waiheke based marine environmentalists, with members on Great Barrier, Rakino and Auckland. We are deeply concerned about the continuing decline of our marine environment and what this will mean for our children and grandchildren. For that reason we believe it is high time for action. Earlier this year we came out in support of the Ngati Paoa rāhui. We believe however that much more needs to be done to achieve protection of our marine environment, its degraded ecosystems and the marine life that is struggling to survive.

We are therefore initiating an application for a marine reserve at the northwest end of Waiheke, from Hakaimango Point to Matiatia Point enabling permanent protection of approximately 2500 ha of the coastal marine area. This would be the biggest marine reserve in the Hauraki Gulf but it would still leave 99% of the Gulf open for fishing.
This proposal is based on recommendations of marine scientists who believe because of its size and location and its special attributes protecting this area would enable major benefits for the Gulf. The concept was formally received by the Waiheke Local Board in October 2017.

Our campaign is about to go live, but we thought because of your own interest in this issue we should give you a heads up. The proposal was sent to the Ngati Paoa Iwi Trust, and the Ngati Paoa Trust Board on 23 April 2021 - the same day it was sent to the Director-General of DOC.
Please see our draft application document, outlining in detail the background to our proposal and the unique benefits of the recommended site, attached
below.

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We seek your active support.
ngā mihi

Mike Lee
Chair
Mikeleeauckland@gmail.com

Chris Curreen
Secretary
friends.hg21@gmail.com

Hakaimango.pdf

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Correspondence with the Ngāti Paoa Trust Board

Friends of the Hauraki Gulf

21 Tetley Road, Waiheke Island

23 April 2021

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

Tēnā kōrua e ngā rangatira.

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

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

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

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

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

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

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

Nāku iti noa, nā

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

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Correspondence with the Ngāti Paoa Iwi Trust

Friends of the
Hauraki Gulf

21 Tetley Road, Waiheke Island

23 April 2021

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

Tēnā koe e te rangatira.

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

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

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

I am writing to you on behalf of the Friends of the Hauraki Gulf Inc, a Waiheke-based marine conservation group founded in 2013 which has been campaigning for marine protection since that time. In January this year the Friends of the Hauraki Gulf wrote a submission supporting the Ngāti Paoa rāhui over the moana of Waiheke.

Based on some eight years of discussion and debate and scientific surveys of the area, we are proposing a marine reserve over some 7.5km of coastline to the northwest of Waiheke. We are notifying Ngāti Paoa as mana whenua and kaitiaki of our intentions at the same time as your Treaty partners, the Crown, the Director-General, Department of Conservation, Te Papa Atawhai

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

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

Nāku iti noa, nā,

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

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Correspondence with the Ngāti Paoa Iwi Trust Board

Friends of the
Hauraki Gulf

19 January 2022

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

Kia ora rangatira Glen

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

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

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

Ngā mihi nui,

Mike Lee
Chair
Friends of the Hauraki Gulf Inc.

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Correspondence with the Ngāti Paoa Trust Board

Ngati Paoa Trust Board
P.O. Box 204 144
Highbrook
Auckland 2161

22 February 2022

Friends of Hauraki Gulf
C/- Michael Lee

Kia ora Michael

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

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

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

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

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

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

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

Nga mihi
Daniella Roebeck
Co chair - Ngati Paoa Trust Board

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3. Correspondence / information relating to adjacent landowners

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Friends of the
Hauraki Gulf
Kaitiakitanga Tikapa Moana / Te Moananui-ō-Toi

21 Tetley Rd
Surfdale
Waiheke Island 1081
13 May 2021

Dear Korora Road, Delamore Drive and Alan Murray Lane residents

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

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

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

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

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

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

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

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

Michael Lee
Chair
mikeleeauckland@gmail.com

Chris Curreen
Secretary
friends.hg21@gmail.com

Proposed Hakaimango – Matiatia marine reserve



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Friends of the
Hauraki Gulf

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

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

Proposed Hākaimangō – Matiatia (Northwest Waiheke) Marine Reserve

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

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

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

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

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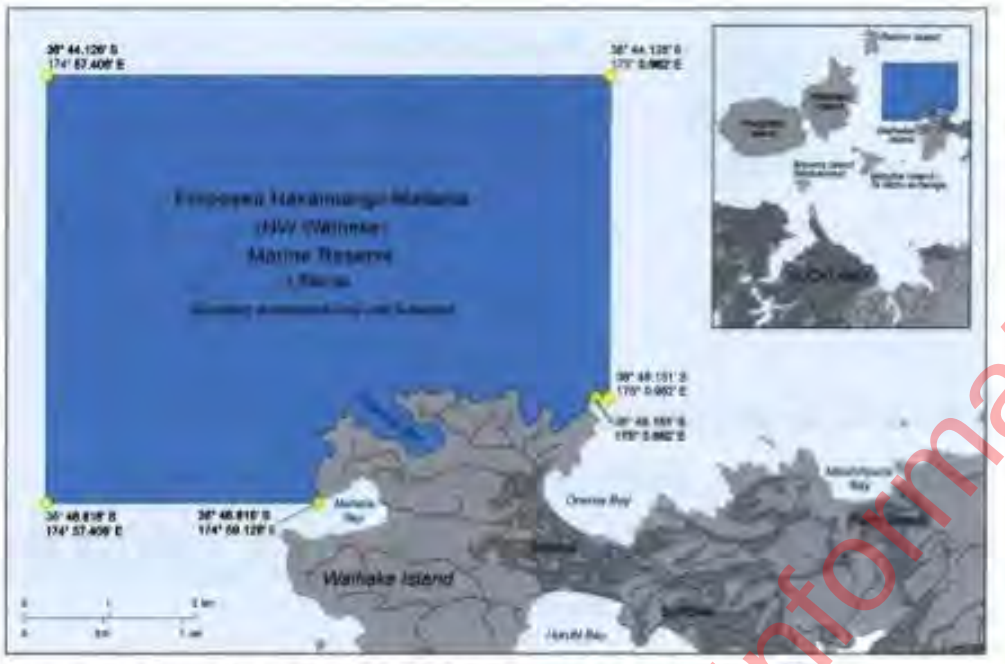

Proposed Hākaimango-Matiatia (NW Waiheke) Marine Reserve indicative boundary

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

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

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

To make a submission to the Director General of Conservation:

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

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

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

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

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

Yours sincerely

Michael Lee
Chair

Chris Curreen
Secretary

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Supportive submission from Christy Ralphs

Yes in my backyard

Musings from island gardener Christy Ralphs

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

It's not always the big ticket, negative items that get NIMBYism going though. It doesn't actually take much – any change can be hard for us as humans to deal with. What some people see as improvements, e.g. a new cycle lane, others see as potential issues e.g. loss of off street car parking. And anything that puts restrictions around a place that didn't have restrictions previously is bound to trigger concern. A marine reserve for example.

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

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

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

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

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

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

But now is the chance for our Waiheke community to step up. This time we all have the opportunity to support something positive that will have the best chance to make an impactful difference for our moana. I've read the research. I support other initiatives to improve our marine environment. But in terms of impact, there is absolutely nothing that comes even close to the benefits of having a fully protected no-take marine reserve.

My teenager was not too impressed when we were discussing opponents of the proposed marine reserve. They pointed out that it is going to be 20 years, at least, before the area recovers to anywhere near what reserves like Goat Island and the Poor Knights are like. In other words, it's their natural heritage we're talking about. My teenager is tired of all the talk and no action from older generations. They are angry that our generation have stuffed up the environment so badly, but at the end of the day make no meaningful changes. My teenager is sick of being invited to forums to represent the 'youth voice' where nothing ever gets done afterwards.

I feel their anger and their grief and their feelings of hopelessness, and I can't say anything because it's all true. Until now – right in our backyard, us rapidly greying adults (or those already there) have a chance to put things right. To show that we do care about their future, that we are sorry for the devastation we have caused. A marine reserve in my backyard? Yes Please. •





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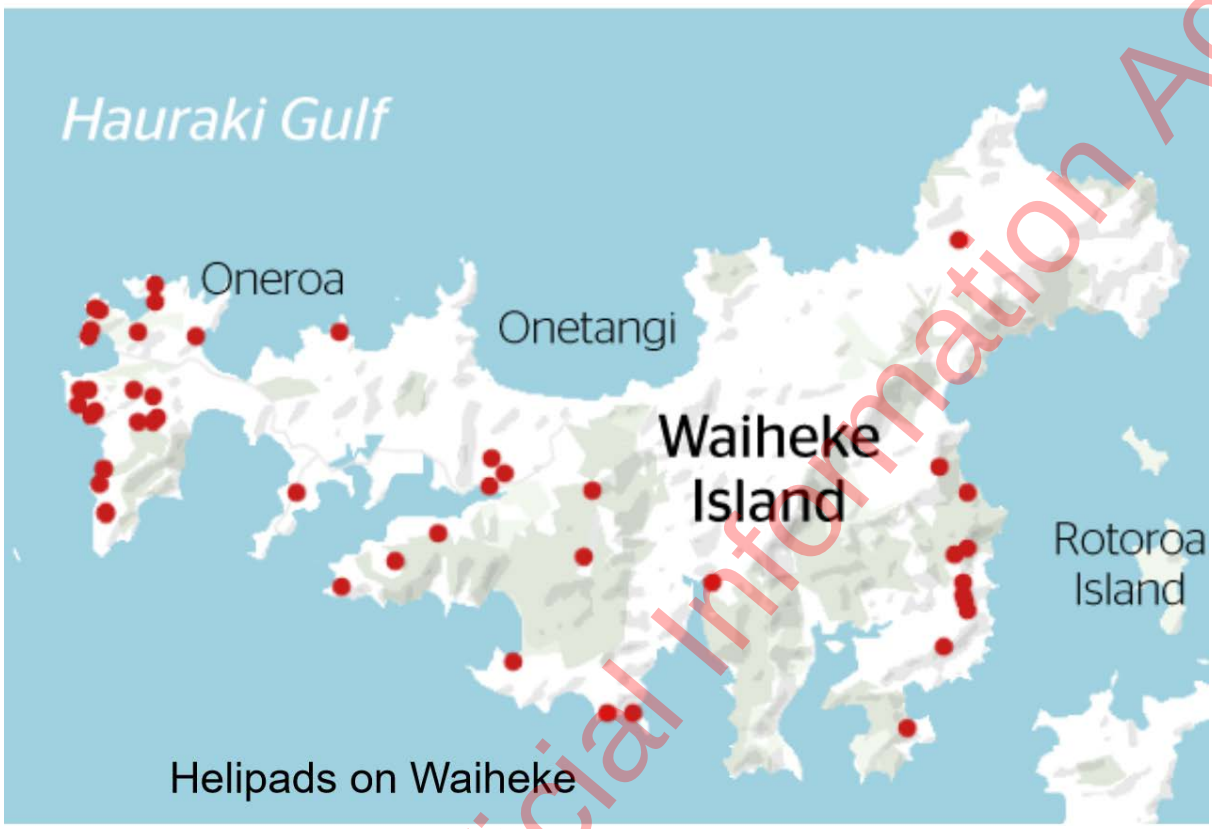
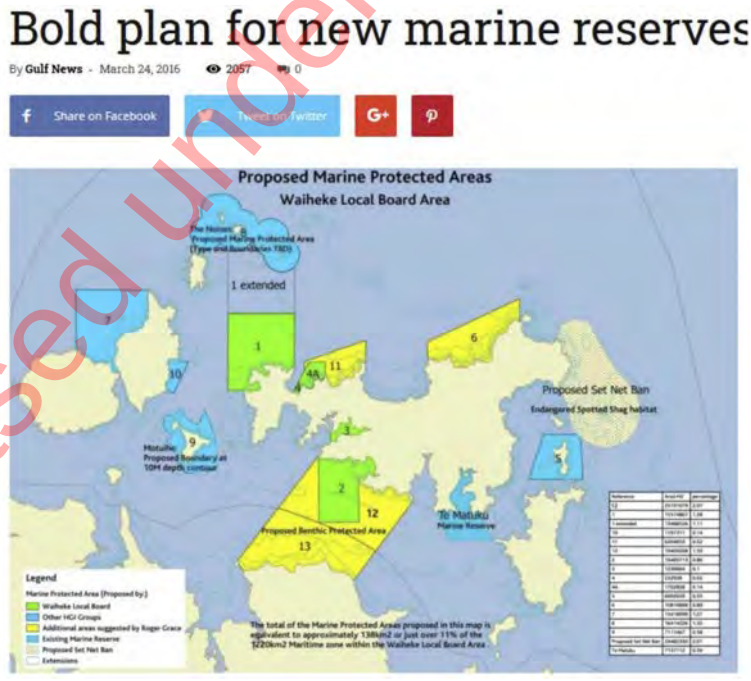
Helicopter helipad map



Map of proposed MPAs Gulf News 24 March 2016



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Gulf News 19 July 2012

Retrospective consent sought for path through covenanted bush

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

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

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

The neighbour who alerted the council, Erin Clatworthy, says she first noticed the roughly 100-metre-long walkway in late April this year. She saw what appeared to be tracks through the bush becoming more prominent over time.

"I could see what looked like a straight line developing in the bush. I looked and thought it's obviously just my imagination, until it became very clear that it was a straight line with an angle going through the bush. That's when I photographed it."

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

Mrs Clatworthy says she was surprised that someone in Mr Aitkin's position would undertake earthworks through covenanted bush without acquiring resource consent first.

According to the abatement notice – currently on hold while resource consent is sought – if Mr Aitken cannot acquire retrospective approval he will have to reinstate the bush and undo the works to create the track.

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



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



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

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

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

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

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

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

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

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

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

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



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

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4. The fisheries benefits of marine reserves

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

1. It takes thirty six 30cm Tāmure / Snapper to make the same amount of eggs as one 70cm fish (Willis et. al., 2003). This marine reserve would dramatically increase egg production in the HGMP.
2. Marine reserves make a disproportionate (2,330% Tāmure / Snapper in the reserve at Leigh) larvae spillover. Adult Tāmure / Snapper within the reserve at Leigh were estimated to contribute 10.6% of newly settled juveniles to the surrounding 400km2 area, with no decreasing trend up to 40km away (State of our Gulf 2020).
3. The proposed marine reserve is big enough for people to fish the borders with a clear conscience. Fishing here will be popular with many big fish leaving the area (See Halpern et. al. 2009 on spillover).
4. Juvenile Tāmure / Snapper leaving the Cape Rodney to Okakari Point (Goat Island/Leigh) Marine Reserve boosted the commercial fishery by $NZ 1.49 million per annum (Qu et. al. 2021). Auckland University found 10.6% of juvenile snapper found throughout the Gulf – up to 55 km away were sourced from this one marine reserve. The researchers found economic benefits to the recreational fishery are even more substantial. There are other commercially fished species in the area. The proposed marine reserve is four times bigger than the Goat Island reserve.
5. Although MPAs were not initially conceived to help catch more fish outside their boundaries, well-enforced marine reserves can increase adjacent fishery catches, ensure the sustainability and increase the long-term profitability of local fisheries. See Halpern et al., 2009
6. All spatial limitations to protect fisheries displace fishing effort. These limitations are temporary while populations recover inside the managed areas. Once populations inside the protected area recover they make a disproportionate contribution to the fished population through the mechanisms explained above.

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5. The recreational benefits of marine reserves

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

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

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6. The educational benefits of the proposed marine reserve

Benefit	Explanation
Citizen science projects • Waiheke High School • Waiheke Collective • Waiheke Resources Trust • Re-wilding koura	These Waiheke Island-based institutions all have programmes that would benefit greatly from the establishment of the marine reserve. These projects will also contribute to New Zealand's kete of knowledge. For example, people working on Jobs in Nature projects for the Waiheke Resources Trust already input real-time environmental information into a custom app. Those working on the boundaries and within the marine reserve area, will be able to add valuable information to this.
Experiencing Marine Reserves visits	The Hākaimangō--Matiatia Marine Reserve will offer the closest venue to Auckland for this valuable, nation-wide community and junior school activity, where young people are taken to enjoy marine reserves in a safe and supervised manner. See https://www.emr.org.nz/ EMR is a supporter of the Hākaimangō-Matiatia Marine Reserve initiative; and has worked with the applicant since 2012.
Guided tours	Community events, such as the Waiheke Walking Festival will benefit greatly from the additional attractions the marine reserve will offer.
Moana Rangers' Training	The future management of the Hauraki Gulf Marine Park will rely on many moana rangers. The Hākaimangō-Matiatia Marine Reserve will provide a perfect outdoor classroom for their tuition. The Waiheke community already has established the career path for this, with the NCEA-recognised qualifications earned at the Waiheke High School Sea Sports Academy providing a significant foundation towards the tertiary qualification Outdoor Leadership.
PADI instructing (scuba tuition)	The Hākaimangō-Matiatia Marine Reserve will provide the best and most-accessible-to Auckland venue for this. PADI have courses on Underwater Photography, Videography,Naturalist, Fish Identification, Reef Conservation, Project AWARE, and Shark Conservation. Read more here https://www.padi.com/courses/ Another scuba tuition programme called SSI has similar courses.

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

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7. Research projects suggested for the proposed marine reserve

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

- The important packhorse crayfish nursery / habitat reefs, which run in a narrow west-east band across the northern coast of Waiheke Island, provide an unparalleled opportunity to study breeding and dispersal behaviours of this species, which happens to be the largest lobster in the world. Baseline data has been gathered by marine and citizen scientists. Further research could help us understand how different management areas impact lobster abundance and seasonal migrations in and out of the Gulf for not only the packhorse but also the red crayfish species.

- The north-facing aspect, combined with the size, of the proposed reserve, provides the perfect habitat for the return, and restoration, of umbrella reef species / apex reef predators long fished out and absent for much of the last century: schooling 40+ kg hapuku in shallow waters, and aggregations of up to 100 giant boarfish (to name but two representative species) working the sand, mud and sponge gardens of the seabed. Once such species reestablish there will be an unprecedented opportunity (for researchers, citizen scientists and matauranga practitioners) to log reef predator / prey interactions and dispersal throughout the Marine Park and beyond.

- Another useful experiment could determine if those hapuku juveniles / sub-adults dispersing from Te Matuku Reserve (the mangrove forests are nursery grounds for many species, including tamure / snapper) end up establishing territories within the proposed reserve area, and those other suitable habitats where they will not be immediately fished out. Note: Hapuku/large grouper species have an insatiable appetite for baited hooks, more so than any other fish, and thus are one of the very first species to be totally fished out in an area.

- Taking a strategic long-term view, the practice of Matauranga Māori can only be enhanced. Future generations of Ngāti Paoa (and all other Kiwis) will be exposed to these long-lost nga ika / nga kararehe returning to the shores of Waiheke Island.

- Likewise, cultural take in the grounds adjacent to the MPA will ultimately be inundated with the full suite of kaimoana. This phenomenon would be worth a scientific study in its own right.

- A kina study could be initiated, comparing populations within the proposed reserve (kept in check by the staged return of large predatory reef fish), with those in situ kina populations running amok outside of the reserve.

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



Photo Andy Spence

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Appendix 10

Auckland Council submission on the Application – 17 March 2022

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WS - Proposed Hākaimangō - Matiatia Marine Reserve - copy

3. Your details

1. Details

First Name

Dave

Last Name

Allen

Email Address

Dave.Allen@aucklandcouncil.govt.nz

Region

Auckland / Tāmaki-makau-rau

Phone Number

Street Address

Suburb

City

2. Are you responding as an individual or as an organisation?

Organisation

3. Please state the name of the organisation.

Auckland Council

6. Which group(s) best describes your interest:

Environmental group
Science and research

7. How would you rate your level of support for the proposed marine reserve?

Support

9. Upload any supporting documents

WSHMMR-791826.pdf

10. Date submission received

03/17/2022

11. Channel received

Written submission i.e. word document, pdf

12. Entered by

Zephaniah

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From: Dave Allen <Dave.Allen@aucklandcouncil.govt.nz> on behalf of Dave Allen <Dave.Allen@aucklandcouncil.govt.nz> <Dave Allen <Dave.Allen@aucklandcouncil.govt.nz>>
Sent on: Thursday, March 17, 2022 8:06:13 AM
To: Hākaimangō <waihekeproposal@publicvoice.co.nz>
CC: Jacquie Reed <jacquie.reed@aucklandcouncil.govt.nz>
Subject: Auckland Council submission on proposed marine reserve, NW Waiheke Island
Attachments: Auckland Council submission on marine reserve Waiheke Island.pdf (639.33 KB)



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17 March 2022

By online submission Proposed Hākaimangō - Matiatia Marine Reserve (publicvoice.co.nz)

Auckland Council's Submission on *Hākaimangō-Matiatia Marine Reserve application*

Thank you for providing Auckland Council with the opportunity to provide a submission on this application for a marine reserve. Auckland Council's responses are attached.

This submission is approved by the Chair and Deputy Chair of the Environment and Climate Change Committee, and an Independent Māori Statutory Board member, acting under delegation on behalf of the Governing Body.

21 local boards and mana whenua were invited to provide input, and this is considered in council's submission.

Please contact Dr Jacquie Reed (jacquie.reed@aucklandcouncil.govt.nz), Senior Analyst (Auckland Plan, Strategy, and Research Department), if you have any queries regarding Auckland Council's submission.

Ngā mihi,

Electronic signatures, names, and positions

Cr Richard Hills	Chair, Environment and Climate Change Committee
Cr Pippa Coom	Deputy Chair, Environment and Climate Change Committee
Member Karen Wilson	Independent Māori Statutory Board member, Environment and Climate Change Committee

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Submission on Hākaimangō-Matiatia Marine Reserve application

17 March 2022

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Mihimihi

Ka mihi ake ai ki ngā maunga here kōrero,

ki ngā pari whakarongo tai,

ki ngā awa tuku kiri o ōna manawhenua,

ōna mana ā-iwi taketake mai, tauiwi atu.

Tāmaki – makau a te rau, murau a te tini,
wenerau a te mano.

Kāhore tō rite i te ao.

I greet the mountains, repository of all that has been said of this place,

there I greet the cliffs that have heard the ebb and flow of the tides of time,

and the rivers that cleansed the forebears of all who came those born of this land

and the newcomers among us all.

Auckland – beloved of hundreds, famed among the multitude, envy of thousands.

You are unique in the world.

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Executive summary

1. Auckland Council thanks the Department of Conservation (DOC) for the opportunity to provide a submission on the application for a Hākaimangō-Matiatia Marine Reserve, northwest Waiheke Island, as proposed by the Friends of the Hauraki Gulf Incorporated.
2. Auckland Council's Environment & Climate Change Committee met on 10 March 2022 to consider this submission. This submission is approved by the Chair and Deputy Chair of the Environment and Climate Change Committee, and a member of the Independent Māori Statutory Authority, under delegation on behalf of the governing body. Local boards and mana whenua have provided input into this submission.
3. **Auckland Council supports in principle** the marine reserve application, noting that there are a few areas requiring further clarification and assessment by DOC in reaching a decision to progress the application. These topic areas include, for example, the ecological suitability of the proposed area, boundary changes, working with Ngāti Pāoa Iwi Trust, Ngāti Pāoa Trust Board, Ngāi Tai ki Tāmaki and other mana whenua to determine their aspirations for marine protection, and assessing how this application aligns with other central government strategies and significant initiatives underway in the wider Hauraki Gulf. Auckland Council encourages DOC to take active steps to address the highlighted areas, including engagement with mana whenua, prior to making its recommendations on the application to the Minister of Conservation.
4. Auckland Council's submission focuses on whether the proposed area is ecologically significant, identifies any planning constraints regionally or locally, and any other constraints or impacts from other activities in the proposed marine reserve area.
5. The proposed marine reserve area contains important marine habitats of biological value. This is true of much of the northern coast of Waiheke and surrounds, and further evaluation of other technical information available by DOC is recommended.
6. The application presents no significant constraints on rights to navigation, existing aquaculture, or existing commercial fishing.
7. Staff have identified gaps that require further investigation by DOC regarding the ecological suitability of the proposed area, meeting Ngāti Pāoa Iwi Trust's aspirations for marine protection, and its alignment with Government strategies and initiatives in the wider Gulf.
8. Further assessment on the potential displacement of recreational fishing activities from the proposed area in conjunction with other high protection areas, or other categories of marine protection, proposed nearby through *Revitalising the Gulf: Government Action on the Sea Change Plan (Government Response Strategy)* should be carried out.
9. During the council's own staff engagement, we note Ngāti Manuhiri have deferred their response to Ngāti Pāoa's response. Ngāti Pāoa Trust Board support the application. Ngāti Pāoa Iwi Trust have yet to formally advise their position, but a representative has indicated some opposition in late February 2022.
10. Council staff also acknowledge the views provided by Ngāi Tai ki Tāmaki who want to see how this application could be considered in a wider context including the Government Response Strategy initiatives to improve the wellbeing of the Hauraki Gulf. Ngāi Tai ki Tāmaki indicated that they could not support this application at this time. Concerns expressed include outstanding matters such as Treaty settlements

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and other customary claims, integration with current wider marine protection proposals across the Hauraki Gulf, and what other tools are available for managing fishing activities, as they serve an overall outcome to revitalise the Hauraki Gulf.

11. Several local boards, who provided feedback, state they support increasing marine protection in the Hauraki Gulf and support this marine reserve application noting that there is further consideration undertaken of other technical scientific reports, wider marine spatial planning within the Hauraki Gulf, consultation with mana whenua and local communities including avenues for citizen science projects in the proposed marine reserve.

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Tāmaki Makaurau context

13. Auckland Council is a unitary authority. It is the largest council in New Zealand in terms of population and it is also the most diverse. The Auckland region covers a wide range of land uses from dense urban to rural productive, includes areas with important conservation and recreation values, and encompasses a large coastal marine area. Auckland Council provides a range of services and programmes to the region.

14. The Auckland Plan 2050 identifies that to achieve the Auckland we want, we must address the three most important challenges of high population growth, ensuring prosperity is shared amongst all Aucklanders, and arresting and reversing environmental degradation.

15. Auckland Council is unique in having an Independent Māori Statutory Board (IMSB) to assist council to make decisions, perform functions and exercise powers. The Schedule of Issues of Significance and The Māori Plan for Tāmaki Makaurau provide a framework for these to be considered. The IMSB also undertakes Te Tiriti o Waitangi audits to assess whether council acts in accordance with its statutory responsibilities. The IMSB has provided input on this submission.

16. More than 1.7 million people live in Auckland already. The rate and speed of Auckland's population growth puts pressure on our communities, our environment, and our housing and infrastructure networks. It also means increasing demand for space, infrastructure and services necessary to support this level of growth. Many Aucklanders are prosperous and have high living standards, yet there are significant levels of socio-economic deprivation, often in distinct geographic areas.

17. Much of Auckland's identity and appeal is based on the natural environment, but this is vulnerable to degradation from the impacts of human activities. Despite regulation and considerable effort, Auckland's environment continues to be affected by past decisions, Auckland's rapid growth and development, as well as emerging threats such as climate change. In June 2019, Auckland Council formally declared a Climate Emergency, recognising the importance of, and urgency required, to address climate change for the benefit of current and future generations.

18. The State of Our Gulf report (Hauraki Gulf Forum, 2020) and Revitalising the Gulf: Government Action on the Sea Change Plan (2021) note the environmental decline of the Hauraki Gulf. Both reports recommend the establishment of marine reserves as part of a strategy to restore the ecological health in the Gulf.

19. Marine protection and conservation measures in the Hauraki Gulf will play an important role in helping Aotearoa, New Zealand meet the goals set in its Biodiversity Action Plan 2016 – 2020 (the Plan, New Zealand Government 2016) and achieve ‘a growing nationwide network of marine protected areas, representing more of New Zealand’s marine ecosystems.’

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Key submission points

Introduction

20. There is an existing strategic direction for marine protection within *Sea Change – Tai Timu Tai Pari Hauraki Gulf Marine Spatial Plan* (Sea Change), which was publicly released in December 2016. Sea Change included numerous objectives and to improve the waiora (health) and mauri (life force) of the Gulf. However, a direction for marine protection around Waiheke was not provided by Sea Change.

21. The *State of Our Gulf* report (2020) (Hauraki Gulf Forum, 2020), Sea Change and *Revitalising the Gulf: Government Action on the Sea Change Plan* (Government Response Strategy (2021)) acknowledge the environmental decline of the Hauraki Gulf. These reports recommend the establishment of marine reserves as part of an overall strategy to restore the Hauraki Gulf's ecological health.

22. The Government Response Strategy (June 2021) identified eleven potential new High Protection Areas, two additional areas of marine protection adjacent to existing marine reserves and five proposed seafloor protection areas to help restore the Hauraki Gulf. Staff understand that DOC and Fisheries New Zealand intend to publicly consult on these areas in the second half of 2022, introduce new legislation in 2023, with successful sites recognised in law in 2024.

23. Further, Auckland Council is aware that initial engagement by DOC and Fisheries New Zealand with mana whenua is currently underway, with a view to determining how customary practices can be expressed in High Protection Areas and other marine protection categories under consideration. The Government Response Strategy also includes initiatives for fisheries management (being further developed in 2022), habitat restoration and localised management.

24. The proposed Hākaimangō-Matiatia Marine Reserve application is distinct and additional to these proposed marine protected areas in the Government Response Strategy. Although the Government Response Strategy did not include proposed marine protection adjacent to Waiheke Island within this wider proposed marine protection network, it did explicitly recognise that there were other community-driven initiatives on the island seeking greater protection in the Hauraki Gulf.

25. The Hauraki Gulf Forum has adopted a 30% target for marine protection in the Hauraki Gulf. Currently, 6.6% of the Gulf has some form of marine protection (including the existing cable protection zone). Should the additional marine protected areas within the Government Response Strategy proceed as proposed, the total area of the Gulf with some form of marine protection (including seafloor protection) would increase to 17.6%. This figure does not include the proposed Hākaimangō-Matiatia Marine Reserve application that this submission is considering.

26. Near Waiheke Island, there are high protection areas now proposed for Rangitoto / Motutapu, and Rotoroa Island. Within the Government Response Strategy, the Noises Islands is acknowledged as a proposal under development through a community-led initiative. The Government Response Strategy has technically assessed that the Noises Islands site warrants some form of marine protection but did not support the proposed marine reserve option included in the Sea Change plan[1].

[1] Department of Conservation and Fisheries New Zealand 2021: Sea Change – Tai Timu Tai Pari marine protected area (MPA) proposals: agency analysis and advice on selection of MPAs towards development of the Hauraki Gulf Marine Park MPA network. 166 p.

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27. In addition to existing marine protection initiatives, Ngāti Pāoa declared a rāhui on Waiheke Island on 13 January 2021 imposing no take restrictions on four species of kaimoana within 1 nautical mile from Waiheke's coastline, including kōura / crayfish, tīpa / scallop, pāua and kūtai / mussel. This is to enable stocks to recover. The Waiheke Local Board passed a Notice of Motion (WHK/2021/8) supporting the rāhui and commended the application to Fisheries New Zealand.

28. On 25 February 2021 the Governing Body unanimously resolved to support Ngāti Pāoa's rāhui (CP2021/01123). Giving effect to this resolution, the Mayor wrote to the Minister for Oceans and Fisheries in support of the temporary closure application. This was formally recognised through a temporary fishery closure on those four species groups from 1 December 2021 to 30 November 2023. Ngāti Pāoa are currently introducing a management plan, which includes signage, boundary markings and marine monitoring.

Assessment of the application

29. Auckland Council has been involved with other significant approaches to marine protection currently being considered by central government in the wider Hauraki Gulf. Council collated the views of Local Boards, mana whenua and technical staff to assist DOC in its assessment of the current marine reserve application.

30. Although it is not council's role to assess the merits of a marine reserve application against the statutory requirements of the Marine Reserves Act (1971), the submission focuses on those relevant criteria within the Act from a local board, mana whenua and technical staff perspective to assist DOC in their assessment. Relevant matters for consideration include:

- marine reserves may be established to preserve areas for scientific study, that contain underwater scenery, natural features, or marine life of distinctive quality, or so typical, beautiful, or unique that their continued preservation is in the national interest
- any regional and local planning constraints and any impacts on adjacent land areas or structures in the marine area
- any constraints or issues on right to navigation, aquaculture, commercial fishing, and existing recreational use in the area
- mana whenua views on the consultation process and the contents of the application
- any gaps in the application identified with a view that these are considered by DOC in their assessment of the application.

Significance of the area proposed

31. The Hauraki Gulf Marine Park Act (2000) recognises the Hauraki Gulf, its islands, and catchments as nationally significant.

32. Beyond the fundamental regional issues, objectives and policy narrative in the AUP, the creation of marine reserves or other similar management tools can also align with Auckland Council's Indigenous Biodiversity Strategy (2012) goal to encourage community involvement with protection and management of biodiversity. It specifically supports the indicator, "increases in area of land and sea actively managed in partnership with the community" under Objective 5 (Achieve greater understanding, valuing stewardship and guardianship of biodiversity with our community).

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33. An ecological survey that included the proposed marine reserve was undertaken by Haggitt (2016)[2]. It concluded the proposed area contained a range of physical habitats; high macroalgal biodiversity; complex subtidal rocky reefs; high sessile invertebrate diversity; and a range of biogenic habitats. However, reef fish biodiversity in the area is low.

34. Council staff agree that the proposed area contains important marine habitats of biological value but note that this is true of much of the northern coast of Waiheke Island and surrounds. Auckland Council acknowledges the considerable technical evaluation of marine biodiversity values across the Hauraki Gulf undertaken by central government and Crown research agencies as part of the supporting documents for the Government Response Strategy34.

35. The proposal has the potential to increase the protection of high-quality habitats within the Hauraki Gulf which may become a refuge for the recovery of highly fished species. These include lobster, scallops, and snapper.

36. The proposed area would ultimately add to the network of marine protection in the Gulf. However, it does not fall within the identified areas for high protection, seafloor protection, or marine protected areas adjacent to existing no-take reserves identified by the Government Response Strategy. Further analysis is required to identify the potential role of the proposed Hākaimangō-Matiatia marine reserve with the network of marine reserves proposed by the Government Response Strategy.

Planning constraints and any impacts from adjacent land areas or structures in marine area

37. The proposed marine reserve location includes part of two Outstanding Natural Features (i.e., marine fossil in Double U Bay and Island Bay submarine volcanics) and an Outstanding Natural Landscape (i.e., Hākaimangō Point and immediately surrounding Coastal Marine Area) scheduled for protection in the Auckland Unitary Plan. While the marine reserve may not provide additional legal protection for these sites, it would allow greater protection for adjoining areas and improvement in the state of the surrounding environment.

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

39. The proposal has no anticipated impact on adjacent land uses in relation to the Auckland Council District Plan: Hauraki Gulf Island section or regional provisions of the Auckland Unitary Plan (Operative in Part).

40. There is a public park (Owhanake Reserve) and coastal walking track adjacent to the proposed area. Owhanake Reserve and council's Owhanake-Matiatia Walkway provides excellent public access directly to most of the northwestern coast adjoining the proposed marine reserve.

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[2] Haggitt, T. 2016 Ecological survey of Waiheke Island north-west coastline – December 2016. A report prepared for Waiheke Island Local Board and Hauraki Gulf Conservation Trust. Draft version 3.

[3] Evaluation of Biodiversity Protected by Sea Change Tai Timu Tai Pari 2020 – Marine Protected Area Proposals. Prepared for Department of Conservation. National Institute of Water and Atmospheric Research Ltd, 145 p.

[4] Department of Conservation and Fisheries New Zealand 2021: Sea Change – Tai Timu Tai Pari marine protected area (MPA) proposals: agency analysis and advice on selection of MPAs towards development of the Hauraki Gulf Marine Park MPA network. 166 p.

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Other constraints and impacts from other activities in the marine area

41. Marine reserves have a specific purpose defined under the Marine Reserves Act (1971) and any placement of a marine reserve in the Hauraki Gulf will lead to different outcomes and uses for the wider Gulf. Auckland Council, including its local boards, acknowledge that achieving the strategic objective of a representative marine reserve network in the Hauraki Gulf is important.

42. Local board feedback was sought specifically on the proposed Hākaimangō-Matiatia Marine Reserve application and was used to inform this council-wide submission. Input was received from the following eleven local boards: Aotea/Great Barrier, Henderson-Massey, Hibiscus and Bays, Howick, Kaipātiki, Waiheke, Waitematā, Orākei, Papakura, Waitākere Ranges and Whau. In essence, local boards are broadly supportive, but wish to ensure that such proposals are adequately assessed against available technical information, have appropriately involved input from the community and mana whenua, and consider how any one proposal contributes to a broader network.

43. From a local perspective, there is high recreational fishing in the proposed area so there will be an impact on this existing recreational use which is not addressed in the application. Protecting this area (or any other inner Hauraki Gulf area) will likely shift this fishing effort to other adjacent areas and an assessment of these impacts requires further consideration by DOC and Fisheries New Zealand.

44. There is no existing aquaculture or known aquaculture proposals in the proposed reserve area. There are unlikely significant impacts on commercial fishing.

45. The proposal has no impact on rights of navigation. The placement of boundary buoys, where required, may represent a navigational safety issue in high marine traffic areas. A suggestion from one local board is to extend the reserve boundaries to the eastern coast of Motutapu Island aligning with geographical features such as natural headlands. This would allow for easy identification for boat users and coastal fishers, and to include more coastline and protect more coastal ecology. Council staff were not able to contact Auckland's Harbourmaster in the short time available to prepare this submission. In addition, the Minister of Transport may be able to offer perspectives on this issue should a concurrence request eventuate.

Identified gaps in the application

46. Council staff have identified several matters for further consideration by DOC, including:

    - whether the size and extent of the proposed area is sufficient to meet the biodiversity outcomes sought, including protecting mobile species. There is an opportunity to consider whether other complementary marine protection / fisheries management measures could be used adjacent to the area for increased protection. The proposed area may be too small thus limiting the overall effectiveness of the reserve. Consideration of the reserve boundaries as they relate to the proposed placement of adjacent High Protection Areas and a community-led proposal at the Noises Islands, as set out in the Government Response Strategy, could be considered.

    - increasing protections for more mobile species in the Hauraki Gulf (i.e., through a network of marine protection measures including large marine reserves). An international example showing what is possible with a large marine reserve of 7,111 ha (in Cabo Pulmo, Mexico) has shown 463% increase in absolute biomass within a short timeframe (15 years) and the biomass of top predators

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and carnivores increased by 11 and 4 times, respectively. Other case studies on marine reserve size and extent would be worth evaluating, and an extension to the proposed marine reserve boundaries be considered.

- more clarity around how the proposed area contributes and integrates into the network of other marine protection measures proposed under Sea Change (2016), and the Government Response Strategy (2021). Specifically, how the marine reserve connects to other areas proposed as High Protection Areas or the community-led proposal assessed within the Government Response Strategy at the Noises Islands.
- further assessment on whether local iwi support a permanent measure or prefer a temporary measure such as the rāhui.
- future nature and extent of Treaty settlements, resolution of any customary title claims, and implementation of provisions in aquaculture settlement legislation.
- other pressures on the ecology of the proposed area, for instance, there is evidence of sedimentation having an impact within the proposed marine reserve area, but the source of sediments is not well understood. DOC should consider the broad range of pressures on the area and if a marine reserve is the correct tool to improve these.

Mana whenua engagement

47. The Marine Reserves Act (1971) does not include any references to Te Tiriti o Waitangi or any specific requirements for engagement with mana whenua. However, the Minister of Conservation must have particular regard to the views of affected iwi, hapū and whānau in considering a proposal to create a marine reserve under the Marine and Coastal Area (Takutai Moana) Act 2011 (sections 47 to 49). In addition, the Marine Reserves Act is listed in Schedule 1 of the Conservation Act as an enactment to be administered by DOC. The Conservation Act (1987) must be interpreted and administered as to give effect to the principles of the Treaty of Waitangi.

48. Council staff sought mana whenua feedback on the proposed Hākaimangō-Matiatia Marine Reserve application on 8 February 2022. Ngāti Manuhiri have deferred to Ngāti Pāoa's response. Apart from the Ngāti Pāoa Trust Board and Ngāti Pāoa Iwi Trust no other mana whenua provided feedback into council's submission.

49. On 22 February 2022, Ngāti Pāoa Trust Board sent correspondence (Attachment B) to Friends of the Hauraki Gulf (FoHG), in support of the application, stating that the proposed marine reserve aligned with their aspirations for the Gulf. The correspondence concluded with the Ngāti Pāoa Trust Board agreeing to walk alongside FoHG to establish the Hākaimangō-Matiatia Marine Reserve, and that the mana of Ngāti Pāoa Iwi/hapu support will help to make their joint aspirations a reality.

50. At the Waiheke Local Board hui on 23 February 2022, Ngāti Pāoa Iwi Trust provided verbal feedback on the proposed Hākaimangō-Matiatia Marine Reserve application and indicated that they are likely to oppose the application for various reasons. A formal position from the Ngāti Pāoa Iwi Trust may not have been available to Auckland Council prior to finalising this submission. More generally, DOC will need to engage with Ngāti Pāoa Iwi Trust and other mana whenua as part of their evaluation process.

51. The applicant notes the results of the Hauraki Gulf Forum polls, that showed strong support from Māori to allocate 30% of the Hauraki Gulf Marine Park to be protected. There are several ways that marine protection can be achieved. However, Auckland Council observes that Māori poll respondents are unlikely to all whakapapa back to

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Waiheke Island and will inevitably represent a wider Māori view from across the Hauraki Gulf.

52. The applicant has undertaken some initial pre-engagement and consultation with mana whenua. However, the applicant has not identified any impacts of a marine reserve on customary practices and tikanga. The applicant has not discussed any potential impacts on Treaty claims, Customary Marine Title claims and the Māori Commercial Aquaculture Claims Settlement Act 2004 (including the New Space Plan, which is in progress with Fisheries New Zealand).

53. Estimates of customary take of aquatic life are not included in the application, and therefore do not align with other strategic directions for marine protection under Sea Change and the Government Response Strategy, which does recognise and provide for customary harvesting within the proposed marine protected areas.

54. Auckland Council recommend further engagement and consideration of mana whenua views, Treaty settlements and customary takes is required. Recent correspondence between the Ngāti Pāoa Trust Board and FoHG indicates that this is occurring through the Department of Conservation. Further engagement with Ngāti Pāoa Iwi Trust will also be required, and there is a willingness for that to occur from the applicant. Similarly, further engagement with Ngāi Tai ki Tāmaki is also recommended.

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Appendix 11

23 April 2021 – Applicant's notification to the Director-General of Conservation of their intention to apply for an Order in Council declaring the proposed marine reserve, plus their draft Application

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Friends of the
Hauraki Gulf
Kaitiakitanga Tikapa Moana / Te Moananui-o-Toi

21 Tetley Road, Waiheke Island

23 April 2021

Lou Sanson
Director-General
Department of Conservation
PO Box 10420
Wellington 6143

Dear Lou,

Hakaimango – Matiatia (Northwest Waiheke) Marine Reserve - Notice of intention to apply for an Order-in-Council

Pursuant to Section 5 (1) (b) of the Marine Reserves Act 1971, the Friends of the Hauraki Gulf (Inc.) hereby give notice of our intention to apply for an Order-in-Council from the Director-General declaring a section of the northwest coastal marine area of Waiheke Island, Hauraki Gulf, from Hakaimango Point to Matiatia Point, a marine reserve.

The proposed boundaries are from Hakaimango Point at the northwestern extremity of Oneroa Bay at 36°46'04.00" S, 175°00'55.40" E, northward for a distance of 3 km (the eastern boundary), to 36°44'48" S, 175°00'56" E, thence westward 4.5km (the northern boundary) to 36°44' 48" S, 174° 57'55.91"E, then southward 4.2 km (the western boundary) to 36°46'49.50"S, 174°57.55'.91"E, and finally eastward 2.1 km, (the southern boundary) to Matiatia Point at 36° 46' 49.50" S, 174°59' 08.20" E. The area covered by this application comprises 2500 hectares in extent.

The aspiration of the Waiheke community for marine protection in this area goes back to the early 1990s, and especially since 2013 under the leadership of the Waiheke Local Board. The area has been scientifically surveyed, publicised, consulted on, discussed and debated. This long process which has taken place against a background of growing public concern about the state of the marine environment in the Hauraki Gulf helped achieve a strong community consensus in support of the recent rāhui declared by Ngāti Paoa around Waiheke, which is currently under formal consideration by the Ministry of Primary Industries under the Fisheries Act 1996.

Concurrently with this notice to the Crown we are formally notifying the Crown's Treaty partners, manawhenua, the Ngāti Paoa Iwi Trust and the Ngāti Paoa Trust Board (and other Iwi authorities such as the Director-General may advise) along with a copy of this application, with our solemn commitment to formal consultations with manawhenua as part of the statutory processes of the Marine Reserves Act (sections 5 (1) (b), (c) & (d). Furthermore we will initiate the statutory requirements for applicants set out in the Act, two weeks from the date of this letter.

Please find attached the draft formal application document in pdf along with a separate plan (in two forms) indicating the boundaries of the proposed reserve to assist the Director-General in accordance with s 5 (2) of the Act. We very much look forward to your response.

Yours sincerely,

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

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Hakaimango – Matiatia Marine Reserve
Northwest Waiheke Island



Draft application from the

Friends of the
Hauraki Gulf
Kaitiakitanga Tīkapa Moana / Te Moananui-ō-Toi

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Appendix 4. Bing, Emily (2015). Marine Protection Research. Colmar Brunton. *45*

Appendix 5. Formal Notice of the intention to apply for a marine reserve over the coastal marine area off northwest Waiheke from Hakaimango Point to Matiatia Point *45*

Frontispiece. A view from Owhanake Bay, northwards over the proposed marine reserve.

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Figs 2, 3 & 4. Aerial views, looking southwestward, over the coast line of the proposed Hakaimango – Matiatia Marine Reserve, northwest Waiheke Island. (photos Shaun Lee).

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

1.0 INTRODUCTION

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

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

1.1 The Hauraki Gulf Marine Park Act (2000).

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

1.2 Section 7: Recognition of national significance of Hauraki Gulf

'The interrelationship between the Hauraki Gulf, its islands, and catchments and the ability of that interrelationship to sustain the life-supporting capacity of the environment of the Hauraki Gulf and its islands are matters of national significance.'

(The 'Life supporting capacity of the Gulf and its islands' is defined in section 7 (2) (c) *inter alia* as 'soil, air, water, and ecosystems'.).

1.3 Section 8: Management of Hauraki Gulf

'To recognise the national significance of the Hauraki Gulf, its islands, and catchments, the objectives of the management of the Hauraki Gulf, its islands, and catchments are—

1. (a) the protection and, where appropriate, the enhancement of the life-supporting capacity of the environment of the Hauraki Gulf, its islands, and catchments.'

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Furthermore section 9 of the Act declares s7 & s8 to be a National Policy Statement and s10 declares s7 & s8 to be a NZ Coastal Policy Statement. Finally, section 13 enjoins 'all persons exercising powers or carrying out functions for the Hauraki Gulf' to have 'particular regard' to the provisions of s7 & s8.

1.4 The Conservation Management Strategy 2014-2024

The Department of Conservation Management Strategy (CMS) acknowledges the crucial importance of the natural values of Hauraki Gulf. The CMS accordingly commits to supporting the Hauraki Gulf Marine Park Act, sections 7 & 8 in particular [see CMS s7 5 1 1]. Section 6 of the CMS deals with the Hauraki Gulf and commits to *'enhance the special natural, historic, and cultural values of Auckland and the Hauraki Gulf Marine Park.'* The Hauraki Gulf Marine Park and its nationally important ecological values are dealt with comprehensively in section 7. Section 9 deals with 'Marine Reserve Places'. This section highlights the important conservation role of marine reserves but reveals that only 0.163% of the Auckland coastal marine area is protected by marine reserves. Noting also that the oldest marine reserve Cape Rodney to Okakari Point is under 'the greatest pressure from increasing use with 300,000 visitors a year'. The situation is analysed in some detail in the appendix 8. 'Marine habitats and ecosystems in Auckland'. Under the category 'Northeastern bioregion Te Arai Point to Miranda'. Nine geographically defined ecosystem types are identified. Of those nine ecosystem types, seven list 'overfishing' or as in the case of the Outer Hauraki Gulf '*overfishing resulting in trophic cascade'* as a major threat.

1.5 Environmental decline and official inaction.

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

This deeply concerning trend has been highlighted in a series of Hauraki Gulf 'State of the Environment' three-yearly reports produced by the Hauraki Gulf Forum. Such reports are required under section 17 (1) (g) of the Hauraki Gulf Marine Park Act. The first was produced in 2005. The most recent such report in 2020, entitled 'State of Our Gulf' confirms a continuing trajectory of environmental decline. Among other findings,

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there is a major and continuing decline in key fish stocks, including an 83% decline in snapper, also a 76% decline in crayfish, a near 100% decline in green-lipped mussels and a 97% decline in whales and dolphins (Hauraki Gulf Forum 2020).

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

A non-statutory 'Spatial Plan' for the Hauraki Gulf branded as 'Sea Change, Tai Timu-Tai Pari' largely sponsored by Auckland Council was completed in 2017 but unfortunately along with the by-and-large exclusion of the general public, due to conflicting objectives and interests of various stakeholders' agendas, and the weight and influence of the extractive resource users, nothing tangible has emerged from this process by way of meaningful marine conservation measures. The 'Sea Change' report states that 'marine protection is best left to the government'. At the same time despite its Conservation Act (1987) mandate the Department of Conservation has failed to initiate any marine reserve proposals for more than a decade. In May 2019 the Hauraki Gulf formally voted to support 20% of the Hauraki Gulf Marine Park being protected as a 'long term aspirational goal'.

From early 2019 a 'marine group' on Waiheke Island, a sub-group of a 'Waiheke Collective', conducted a series of private and public meetings, workshops and hui culminating in a 'Future Search' process convened by a Department of Conservation officer, but two years on, no meaningful conservation measures emerged from that process either, except (surprisingly) to rule out consideration of no-take marine reserves as an acceptable form of marine protection.

In the face of this official inactivity, in January 2021, mana whenua iwi Ngāti Paoa, supported by the local Piritahi Marae declared a two-year rāhui against the taking of kōura / crayfish, tipa / scallops, pāua and kūtai / green-lipped mussels from around the coastline of Waiheke Island. This is arguably the most tangible attempt at marine resource conservation in the waters of the Hauraki Gulf in recent years. The rāhui is currently under consideration by the Ministry of Primary Industries under s186 (a) of the Fisheries Act. However a rāhui by definition is limited in time and scope and by itself cannot protect complete marine ecosystems and the myriad of biota therein.

On Waiheke Island, growing awareness and concern among the island's community, recorded by professional opinion polling undertaken on behalf

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of the Waiheke Local Board by Colmar Brunton in 2015 indicated strong public support (67%) from residents for better protection of the marine environment around Waiheke and the inner Gulf, and specifically for marine reserves (64%). (see section 2 & appendix 3).

The Waiheke Island community's strong support for marine reserves is in keeping with its long history of environmental awareness and activism, especially in regard to the marine environment. In 1901 Waiheke Island residents drew up a petition objecting to the destructive impacts of trawling in the inner Gulf – one of several from Aucklanders at that time (Peart 2016). In 1934 fifty Waiheke residents were among the first Aucklanders to express objections to the mid 20th century scheme to discharge the city's sewage into the Gulf at Browns Island - Motukorea. The scheme was famously overturned but only after a long and bitter battle led by Sir Dove-Myer Robinson (Bush 1980). Waiheke Island volunteers in large numbers led off the campaign to replant Tiritiri Matangi 'open sanctuary' in 1984 (Rimmer 2004); Waiheke islanders were prominent in the eventually successful movement to stop marine dumping within the Hauraki Gulf and actively protested against the dumping off the Noises in 1992. Waiheke Islanders were prominent in the long campaign for a Hauraki Gulf Marine Park. In the 1990s the Waiheke Royal Forest & Bird Protection Society branch successfully proposed a marine reserve at Te Matuku Bay which was finally gazetted in 2005, the first since the establishment of the Hauraki Gulf Marine Park. The Waiheke community's support for marine reserves is backed by science, going back to at least Ballantine (1991). Recent international research, notably Edgar *et al*. (2014) and Sala & Giakoumi (2017) has confirmed that no-take marine reserves are by far the most effective means of achieving marine protection.

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Fig.5. An artist's perspective view northward over the Hauraki Gulf. From an illustration in the 1983 publication *Hauraki Gulf Maritime Park*. The painting is believed to be the work of the marine biologist, conservationist and passionate advocate for marine reserves, Dr Roger Grace (1945-2019).

1.5 Origin of this proposal

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

Subsequently on behalf of the Local Board, Auckland Council commissioned the market research agency Colmar Brunton to undertake an independent survey of registered Waiheke voters and off-island residential ratepayers to determine public opinion on the question of marine protection for Waiheke. The Colmar Brunton Survey sought to ascertain public views on marine protection in general and marine reserves in particular via means of a postal and on-line public opinion survey. A total of 1999 residents responded to the survey. 'Total Support' for marine protected areas from island residents was 67% and off-island ratepayers 54%. 'Total Support for 'no take' marine reserves from island residents was 64% with 52% of off-island ratepayers (Bing, Colmar Brunton, 2015). (see appendix 3 and figs 22 & 23).

In May 2015 the Waiheke Local Board approved funding for a marine protected area scientific assessment of five areas in the CMA of Waiheke

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Island. These five sites were developed and demarked by the Waiheke Local Board, chosen because they were largely contiguous with public land and natural areas. In June 2016, Auckland Council signed a Services Agreement with the Waiheke Local Board and the Hauraki Gulf Conservation Trust granting funds for a 'Marine Reserves Assessment on Waiheke' which was to include a final report and a colour brochure to present the results to the Waiheke Community.

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

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

Almost a year later the reports were published on the Waiheke Local Board agenda of 26 October 2017 and released for community consideration.

Upon formally receiving the (eCoast) reports Waiheke Local Board resolved:

That the Waiheke Local Board:

a) agree to release and promote the reports for community consideration

b) note that it does not consider it is the local board's role to lead on any marine reserve applications(s) and encourages interested community groups to do so

c) note its view that the material gathered to date provides a good and robust basis for pursuing a marine reserve(s)

d) agree to consider any requests for support and assistance from applicants in due course

e) recommend that the Auckland Council Environment and Community Committee and the Sea Change – Tai Timu Tai Pari Hauraki Gulf Political Reference Group investigate incorporating the proposed Waiheke marine reserves areas into the Auckland Council Sea Change Tai Timu Tai Pari implementation programme.

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

Despite the Waiheke Local Board's resolution, the Haggitt reports, and the Colmar Brunton report which preceded them, were not formally accepted by Auckland Council's Environment and Community Committee nor accepted by the *Sea Change – Tai Timu Tai Pari* reference group for inclusion in the Sea Change implementation programme. The colour brochure is yet to be produced. In short nothing further was done to advance the Local Board proposal - until March this year. At this time the Friends of the Hauraki Gulf Inc., disappointed at the lack of meaningful conservation action resulting from the two year Waiheke Collective Marine Group 'Future Search' process, resolved to proceed with a formal application for an order-in-council for a type 1 marine reserve for northwest Waiheke over the area identified and recommended by Dr Haggitt as PMR1.

1.6 Marine Reserves

'Type 1 Marine reserves are the highest level of marine protection established under the Marine Reserves Act 1971. The main aim of a marine reserve is to create an area free from alterations to marine habitats and life, providing a useful comparison for scientists to study. Marine reserves may be established in areas that contain underwater scenery, natural features or marine life of such distinctive quality, or so typical, beautiful or unique that their continued preservation is in the national interest' (www.doc.govt.nz).

1.7 The Friends of the Hauraki Gulf Inc

The Friends of the Hauraki Gulf an incorporated society was established in 2013. Among its purposes are '*to research and advocate for the setting aside of marine protected areas, especially no-take marine reserves…'* and *'to encourage and facilitate the scientific study of marine life and the natural history of the Hauraki* Gulf.' In 2013 it commissioned the first detailed underwater topographic survey of the northwest Waiheke coastline. This was carried out using side-scan sonar and undertaken by marine scientists Roger Grace, Vince Kerr and Dan Breen who followed up with a marine species survey of 15 sites in this area. This resulted in the paper *Subtidal and intertidal habitats of the North coast of Waiheke Island (Hauraki Gulf)* (Kerr & Grace 2013). An initial proposal for a marine reserve on the northern coast of the island though winning support from the Hauraki Gulf Forum in June 2013 never proceeded to formal application, as the Waiheke Local Board assumed the leadership in raising public awareness and by sponsoring additional scientific research to advance the quest for formal marine protection around Waiheke.

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2.0. THE APPLICATION

Hakaimango Point to Matiatia Point proposed Marine Reserve North western Waiheke Island, Hauraki Gulf
(Ecological District. Inner Hauraki Gulf 0905)

Hakaimango Point to Matiatia Point (northwest Waiheke) the proposed marine reserve in this application is located off the north western coastline of Waiheke Island. It covers 2500 ha of the coastal marine area of the Hauraki Gulf. The area was identified after a series of scientific surveys and two comprehensive reports by Dr Tim Haggitt (eCoast, 2017a & b) as contracted by the Waiheke Local Board. For the full eCoast report please see:https://www.aucklandcouncil.govt.nz/about-auckland-council/how-auckland-council-works/local-boards/all-local-boards/waiheke-local-board/docswaihekeplans/waiheke-north-western-coastline-ecologoical-survey.pdf

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



Fig.6. Hakaimango Pt. to Matiatia Pt, northwest Waiheke Island, showing boundaries of the proposed marine reserve (GeoMaps).

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2.1 Boundaries of the proposed reserve

The boundaries of the proposed reserve from mean high water springs extend northward from Hakaimango Point at the north western extremity of Oneroa Bay at 36°46'04.00" S, 175°00'55.40" E, for a distance of 3km (the eastern boundary), to 36°44'48" S, 175°00'56" E, thence westward 4.5km (the northern boundary) to 36°44' 48" S, 174° 57'55.91"E, then southward 4.2km (the western boundary) to 36°46'49.50"S, 174°57.55'.91"E, and finally eastward 2.1km, (the southern boundary) to Matiatia Point at 36° 46' 49.50" S, 174°59' 08.20" E (Fig. 2). These boundaries encompass some 2500ha which would make this the largest marine reserve in the Hauraki Gulf.

Note. This proposal differs slightly from PMR1 based on the Board's initial proposal in that the southern boundary does not extend as southward to the southern head of Matiatia Bay Whetumatarau. Instead the southern boundary of this proposal stops at the northern head of Matiatia Point and so does not include Matiatia Harbour. Due to Matiatia Harbour's importance as a major transport hub; the need for periodic construction and other activities in the CMA to maintain wharf infrastructure etc., the Society considers including Matiatia Harbour would introduce complexities into the application and future reserve management. The Society also recognises the popularity and convenience of recreational wharf fishing at Matiatia, especially for people who don't own boats. Furthermore the society considers marine transport and other land-based transport activities and uses, including consented discharges for road and carpark stormwater outfalls and treated wastewater discharges would not be fully compatible with the Marine Reserves Act (s 3) requirement to manage a marine reserve in a 'natural state'. Whereas the coastal foreshore, lying within the boundaries of this proposal from Matiatia Point to Hakaimango Point is in a 'natural state', with the coastal foreshore (ad littoral zone) bordered in regenerating native vegetation.

2.2 Māori History of the area Hakaimango Point to Matiatia Point

It is proposed that the working name of the marine reserve be 'Hakaimango – Matiatia Marine Reserve' based as with other marine reserves on navigational boundary features. The formal name would be a matter for the Crown, the NZ Geographic Board - Ngā Pou Taunaha o Aotearoa and mana whenua, Ngāti Paoa. The name Hakaimango relates to the importance of the Mahurangi shark fishery in the Māori history of the Hauraki Gulf, in the late 18th and mid 19th centuries. By the 1790s the Marutūahu tribes had extended their summer fishing expeditions to the Mahurangi shark fishery, the richest fishery in the Gulf, located between Kawau Island and Whangaparaoa. Traditional sources state some 2000 rig sharks (*Mustelus lenticulatus*) known to Maori as mangō or kapetā (lemonfish, spotted dogfish) were taken by Ngāti Paoa on an annual basis from this fishery. The convergence of tribes from as far afield as the Firth of Thames, Manukau and the Waikato sometimes produced flashpoints between strangers. Hence, Ngāti Paoa repaired to their stronghold at the western end of Oneroa Beach to dry and store their catch. Drying racks could

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be up to several hundred metres long and could be smelt many kilometres away – hence the name Ha Kai Mangō.

A significant find of Māori fishing gear, eroded from a midden, at that end of the beach, is held by the Waiheke Museum. A colonial official, who expressly went to Matiatia in 1857 to meet the Ngāti Paoa chief Rawiri Takarua (brother of Wiremu Hoete), was disappointed to find that he was unavailable, being away shark fishing at Mahurangi.

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



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

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

Thus as the landward frontage of a marine reserve, Hakaimango comes with a long, rich cultural heritage. This heritage has been formally acknowledged by the Crown as part of the Treaty of Waitangi settlement with Ngāti Paoa in the form of a Statutory Acknowledgement over the Department of

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Conservation Matietie Historic Reserve. [Our thanks to historian Paul Monin for this information.]

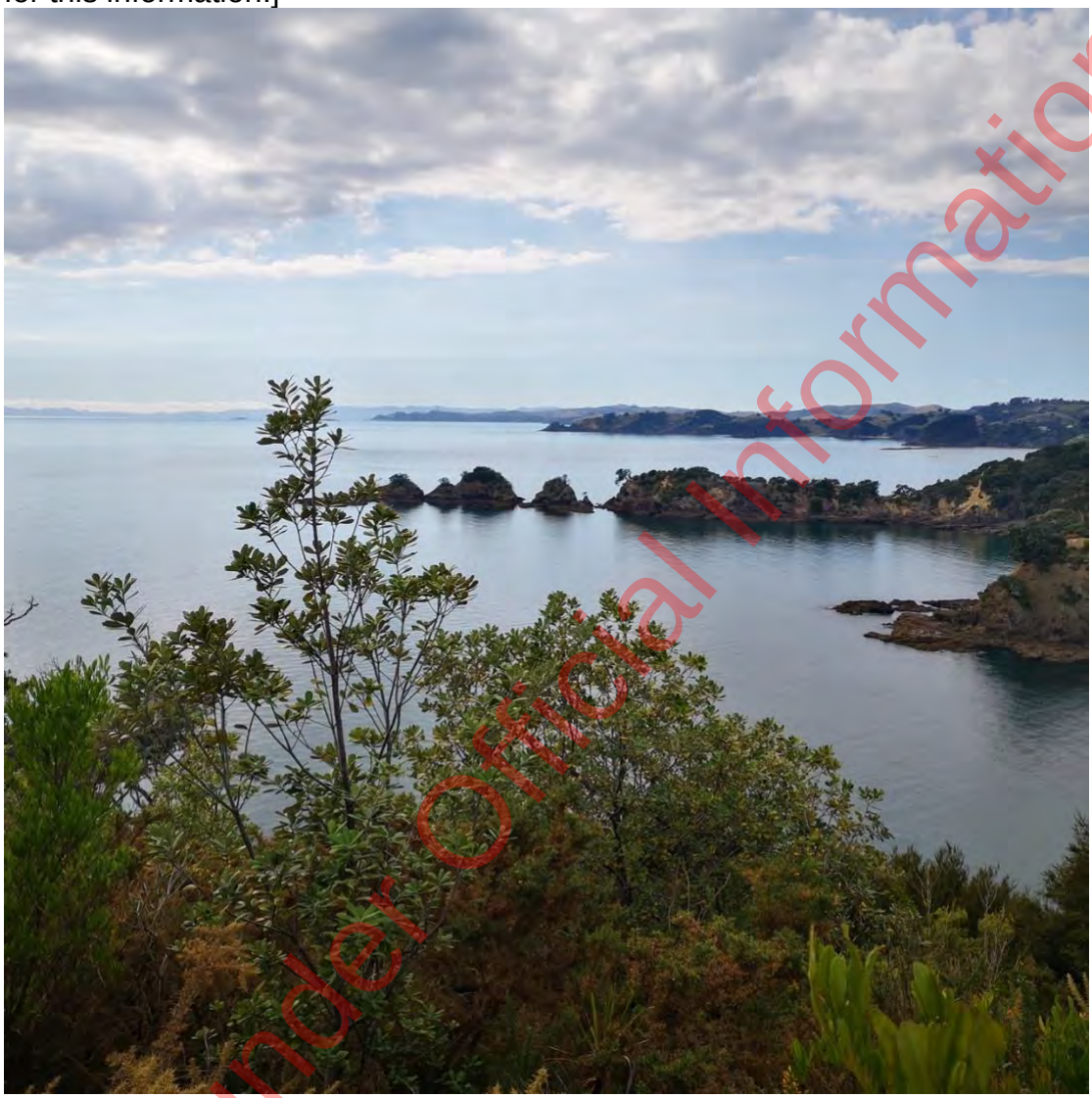

Fig 8. A view eastward to the Hakaimango peninsula & its cluster of islets & beyond along the northern coast of Waiheke Island. The peninsula, once heavily fortified, was as its name suggests, used by Ngāti Paoa as a major shark drying platform for rig sharks (Mangō) taken at the Mahurangi shark fishery.

2.3 The Coastal Marine Area (CMA)

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

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

The CMA of the proposed reserve contains a diverse range of intertidal and subtidal marine habitats, notably rocky reef systems, but also numerous gravel beaches and some muddy sand beaches extending out to soft sediment sea floors framed by headlands and extended complex reef systems. From the northeast Hakaimango peninsula, to the remarkable Double U Bay which contains the geologically significant 'Fossil Bay', Island Bay, Owhanake Bay, Cable Bay and then southwestwards towards Matiatia Point, the entrance to Matiatia Bay. In between these named bays are innumerable beaches, some quite large, varying in size down to gravel floored runnels carved between weathered rocky outcrops. As eCoast (2017b) points out the boundary lines and scale of the proposed reserve would be adequate to protect the species that occur within in it and potentially enable them and others to be restored to more natural levels.

3.0 TYPES OF MARINE HABITATS WITHIN THE COASTAL MARINE AREA OF THE PROPOSED RESERVE

3.1 Rocky Reef Systems

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

The intertidal shoreline of northwest Waiheke Island is notable for its rocky, cliffs, stacks, embayed islets and undersea reefs of eroded ancient Triassic to Jurassic Waipapa greywacke (Eagle *et al.* (1995). This rock was formed up to 300 million years ago and forms the bedrock of Waiheke Island. Unlike most of Auckland where it is deeply buried, because this ancient bedrock tilts upward towards the east, at Waiheke it emerges at the surface.

The rocky reefs projecting from this section of Waiheke's coast range in gradient from steep to moderate-flat, and often characterized by distinct zonation bands (barnacles, oysters to macroalgae) from high to low tide. Within the intertidal zone of the proposed marine reserve, rocky reefs comprise some 24 hectares. (eCoast 2017a) Intertidal rocky reefs are a particularly notable feature of Waiheke's indented northwestern coastline, especially between Hakaimango Point and Owhanake Bay. Overlaying the ancient greywacke, is sedimentary rock known as the Waitemata Group,

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which thickly covers the Auckland isthmus, deposited in, the Miocene epoch 20 to 25 million years ago. In some places this rock is fossil bearing.



Fig.9. The proposed marine reserve intertidal with kelp rich rocky reef terraces, interspaced with gravel and sand beaches and soft sediment sea floor,

3.2 Reef types of within the proposed marine reserve

- Low Lying platform reefs or terraces
- Complex platform reefs characterised by overhangs and crevices
- Terrace and boulder reef mix
- Boulder reefs
- Cobbles
  (eCoast 2017b).

These subtidal reefs typically extend down a depth of 10 to 15 metres. This is shallow brown sea wrack mixed habitat/sponge flats. Algal habitat approximates 22 hectares within the proposed reserve (eCoast 2017a).

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3.3 The nationally important marine fossil deposits of Fossil Bay – Double U Bay

Waiheke's northwest coastline, east of Oneroa is particularly rich in fossils. Especially so Double U Bay which includes 'Fossil Bay; the cliffs, and the intertidal platforms. The fossils here were discovered by a geology student W.Tetley in 1927 whose family had a house on Waiheke. He was joined by the famous biologist A.W.B. Powell and J.A. Bartrum. Together they found and described 78 fossilised ancient marine bivalves and gastropods. Subsequently many more fossils of long extinct corals and crustacea species have been discovered here. The area is a precious graveyard of the ancient ancestors and precursors of today's marine species, which lived along the shore line of the continent of ancient Zealandia before it largely submerged beneath the sea some 23 million years ago in what is called the 'Oligocene drowning'. Fossils of 91 different marine species have now been recorded from this locality. (Eagle *et al.* 1995) The proposed marine reserve would not only throw a korowai of protection over today's precious marine life but also the remains of their ancient ancestors.

4.0 BIOTA OF THE ROCKY REEF SYSTEMS

4.1 Marine algal species

Marine vegetation along the northern Waiheke subtidal coastline is predominantly comprised of mixed algal habitat. Twenty two different macroalgal species are recorded, ranging from large brown, canopy-forming kelps such as *Ecklonia radiata* and the fucoid seaweed *Carpophyllum flexuosum* through to fine filamentous turfing species. Species diversity of macroalgal habitat was particularly high east of Owhanake (eCoast 2017b). Species diversity of this underwater forest is particularly high east of Owhanake Bay. (eCoast 2017b).

Moving from very shallow waters (<1m) to deep (>10m) vegetation is characterized by Neptune's necklace (*Hormosira banksia*) co-occuring with brown seaweed (*Xiphophora chondrophylla*). Between 2-3m depth the

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Fig.10. Rocky reefs, a prominent feature of the proposed Hakaimango-Matiatia marine reserve, support rich kelp forests, colourful sponge communities and sessile molluscs like green-lipped mussels. Photo Roger Grace from the *Story of Hauraki Gulf Maritime Park* (1983)

kelp (*Ecklonia radiata*) occurs in discrete monospecific stands alternating with similar sized patches of mixed fucoid algae species such as *(X. chonrophylla)* with the brown fucoid algae, sea wrack or 'flapjack' (*C. flexuosum* & *C. maschalocarpum*). Beyond the mixed algal zone i.e., between 3-15m depth, monospecific stands of *C. flexuosum* commonly occur. In mid depths *E. radiata* (described as 'the kauri of the sea') is found at peak size and abundance (eCoast 2017b). The deeper parts of the proposed reserve are notable for the species diversity of the marine vegetation. In addition to tall forests of brown flapjack, large patches of the green seaweed, rimurimu (*Caulerpa geminata*) occur with 'a rich assemblage of ephemeral and perennial red foliose algae' (eCoast 2017b). Note these deeper reef areas are also impacted by fine sediment. [This possibly from the 270,000 cubic metres of harbour dredgings dumped off the Noises in 1992].

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4.2 Marine invertebrates mobile and sessile

At the highest level of the intertidal reefs below the lichen zone, is the periwinkle zone. The common periwinkle (*Littorina littorea*) is a grazing sea snail. Below the periwinkle zone are found the sessile barnacle communities: column barnacle (*elminius modesta*); and in more exposed positions the volcano shaped surf barnacle (*Epopella plicata*) with areas of the little black mussel (*Xenostrobus pulex*). Below the barnacles there are extensive beds of oysters, the smaller Auckland rock oyster / tio reperepe (*Saccostrea glomerata*), usually at more shallow levels, along with the more prevalent Pacific oyster (*Crassostrea gigas*). Further out in deeper water are found isolated patches of green-lipped mussels / kūtai (*Perna canalicula*). This area, especially the reefs projecting out on either side of Owhanake Bay once supported high numbers of green-lipped mussels along with pāua (*Haliotis iris*) before over exploitation over the past 30 years has stripped them virtually bare (S. Farqhuar pers. com.).

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

Sessile inverterbates include the encrusting sponge (*Cliona chilata*) and the hard coral (*Culicea rubeola*). At greater depths the sea sponge (*Halicondria moorei*), the erect branch sponge (*Callyspongia ramosa*), the large grey sponge, (*Ancorina alata*), the orange golf ball sponge (*Tethya burtoni*), ascidians or sea squirts, including (*Cnemidocarpa bicornuta),* and solitary coral (*Monomycis rubrum*), are common components of this habitat type. (eCoast 2017b).

4.3 Crayfish

Crayfish or rock lobster / kōura (*Jasus edwardsii*) are a key predator species in the coastal reef system and would be expected to be in high abundance in the Hauraki Gulf in the natural state or in protected areas. However despite rigorous searches of crevices, ledges and boulder reefs in this area in late 2016 as part of the eCoast survey, no crayfish were found at any of the sampling sites. The complex reefs systems within the proposed marine reserve are likely to be highly suitable for crayfish which were present in this

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area in good numbers until the 1960s at which time equipment became widely accessible for recreational scuba diving. The absence of crayfish in what should be ideal habitat area can only be attributed to excessive human harvesting.



Fig.11. Normally abundant in rocky reef systems the crayfish (*Jasus edwardsii*) has been driven to functional extinction around Waiheke and the inner Gulf through over exploitation by people. Dr Tim Haggitt considers the area of the proposed marine reserve with its plethora of submarine rocky reef crevices and overhangs is one of the best sites in the inner Hauraki Gulf to enable the recovery of this important species (Photo Roger Grace from *The Story of the Hauraki Gulf*)

4.4 Cryptic reef fishes

Cryptic reef fishes for these reefs with abundance compared to other sites in the Hauraki Gulf are the delicately coloured triplefins: the spectacled triplefin (*Ruanoho whero*); mottled triplefin (*Forsterygion malcolmi*); variable triplefin (*F. varium*); the slender roughy (*Optivus elongatus*) [low to moderate abundance]; yellow-black triplefin (*F. flavonigrum*); scorpion fish (Scorpaenidae); crested blenny (*Parablennius laticlavius*) [low abdundance]; and the common triplefin (*Forsterygion lapillum*) [high abundance] (eCoast 2017b)

5.0 SOFT SEDIMENT HABITATS

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

The dominant soft sediment immediately adjacent to rocky reefs and the main channel area is of coarse sand and whole shells habitat featuring communities of erect sponges and red algae. At Owhanake Bay, in sheltered

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areas of the shallows at the eastern side of the bay, probably as a result of modification of the intertidal by historic quarrying of beach shingle, and accumulation of sediments, areas of soft muddy flats provide habitat for cockles / tuangi (*Astrovenus stutchburyi*) (S. Farqhuar pers.comm). At greater depths the survey found occasional scallops / tipa (*Perna novaezelandiae*) and beds of unidentified bivalves. These sandy habitats are also characterized by shrimp, worm and crab holes indicative of abundant infaunal communities (eCoast 2017b).

With increasing distance offshore the sea floor transitions to fine muddy sand containing patches of horse mussels / hururoa (*Atrina zelandica*), especially in the main channel area along the western coastline. At greater depths underwater species become less evident on the sea floor except for occasional crab/shrimp/worm holes.

6.0 FISH SPECIES WITHIN THE PROPOSED RESERVE.



Fig.12. Snapper / tamure (*Chrysophrys auratus*), the iconic fish of the Hauraki, targeted by recreational and commercial fishers alike, now under threat with stocks only at some 25% of virgin biomass. Dr Tim Haggitt considers the area of the proposed marine reserve one of best sites around Waiheke to enable the recovery of this important species. (Photo Roger Grace from *The Story of the Hauraki Gulf*)

Pelagic and larger reef fish, including commonly targeted finfish species such as snapper / tamure (*Chrysophrys auratus*), kingfish / haku (*Seriola lalandi lalandi*) kahawai **(***Arripis trutta*) are all present within the proposed reserve, as is the benthic red gurnard / kumukumu (*Chelidonichthys cuculus*). The survey found the endemic spotty / pakirikiri (*Notolabrus celidotus*) to be numerically

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dominant here as in other parts of the inner Gulf – as opposed to the outer Gulf.

Snapper ('legal sized') individuals and schools of juveniles were found to be present at all sites, particularly around rocky reefs. Other species recorded were koheru (*Decapterus koheru*), red moki (*Cheilodactylus spectabilis*), silver drummer (*Kyphosus sydneyanus*), goat fish / red mullet (*Upeneichthys porosus*) and sweep (*Scorpis lineolate*). New Zealand eagle rays / whai repo (*Myliobatis tenuicaudatus*) frequent Owhanake Bay at full tide and nearby Matiatia feeding in the shallows - a familiar sight and heartening reminder of the natural world to Waiheke ferry commuters hurrying along the wharf from a day's work in the city.

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

7.0 SEABIRDS OF THE PROPOSED HAKAIMANGO - MATIATIA MARINE RESERVE

7.1 Seabirds foraging in or breeding near the proposed marine reserve



Fig.13. A scene more typical nowadays of the outer Gulf, and around a Waiheke 50 years ago. Boil-ups still occur in the sea around northern Waiheke, including in the proposed marine reserve, especially in the late summer. A 'boil-up' with mixed flocks of seabirds, petrels, shearwaters and terns and other sea birds, diving into schooling kahawai,

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pilchards, kingfish and often including sharks in the Outer Gulf (Photo Frederic Pelsy, from *Sea birds of the Hauraki Gulf* (Gaskin & Rayner 2017).

The proposed marine reserve is also an important feeding ground for seabirds. The following species are recorded as breeding in the locality: white-fronted terns / tara (*Sterna striata*), red-billed gulls / tarāpunga or akiaki (*Larus scopulinus*), southern black-backed gulls / karoro (*Larus dominicanus*), Australasian gannets / tākapu (*Morus serrator*), variable oystercatchers / tōrea (*Haematopus unicolor*), fluttering shearwaters / pakahā (*Puffinus gavia*), pied shags / kawau (*Phalacrocorax varius*), little shags / kawau paka (*P. melanoleucos brevirostris*), little black shags / kawau tui (*P. sulcirostris*), spotted shags / kawau pāteketeke (*P. punctatus*), white-faced storm petrels / takahikare (*Pelagodroma marina maoriana*), grey-faced petrels / titi /ōi (*Puffinus griseus*), common diving petrels / kuaka (*Pelecanoides urinatrix urinatrix*)and northern little penguins /kororā (*Eudyptula minor iredale*) (Gaskin & Rayner 2017).



Fig. 14. Northern little penguin / kororā (*Eudyptula minor iredale*) breeds along the coastline on the proposed marine reserve and on nearby islets Little penguins are highly vulnerable to loss of nesting areas, food sources. They feed in the area of the proposed marine reserve. Photo Adrien Lambrechts, from *Sea birds of the Hauraki Gulf* (Gaskin & Rayner 2017)



Fig 15. Bullers Shearwater ((*Puffinus bulleri*) a frequent visitor to the proposed marine reserve. Photo Neil Fitzgerald from *Sea birds of the Hauraki Gulf* (Gaskin & Rayner 2017)

Furthermore the endemic Bullers shearwaters (*Puffinus bulleri*) which breeds almost only on the Poor Knights Islands, some 150 km to the north, are regularly seen foraging in this area and further down the Motuihe channel,

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especially during the late summer (Lee 1999). Local residents recall fluttering shearwaters and white-fronted terns breeding on the inshore islets of this coastline (S.Farquhar, M. Delamore (pers. comm).

7.2 The restoration of spotted shags

Finally the proposed reserve would assist the recovery of the endemic spotted shag / pāteketeke (*Phalacrocorax punctatus*) in the Hauraki Gulf. This particularly attractive species of shag, the only New Zealand shag that breeds on cliffs was once routinely shot by fishermen. It has been seriously reduced in numbers and restricted to breeding on Tarahiki Island and two rocky outcrops at the eastern end of Waiheke. Spotted shags are known to have formerly bred on the Noises Islands. After the intervention of Auckland Museum led by ornithologists Matt Rayner and Tim Lovegrove who created replica colony of model spotted shags on Otata in 2019, during the preparation of this application a small number of spotted shags have been recorded on Otata for the first time in many decades. Apart from shooting and nest predation by rats, food shortages are thought to be behind the collapse of spotted shag numbers in the Hauraki Gulf. The nascent population of Otata shags will be foraging in this area. The recovery of the spotted shag is likely to be assisted by providing statutory protection over these waters.

7.3 North Auckland Seabird Flyway

The northwestern boundary of the proposed marine reserve meets the southern boundary of the ecologically significant North Auckland Seabird Flyway which is used in the summer season by thousands of Cooks petrels / (*Pterodroma cookii*) and likely grey-faced petrels /tītī and even black petrels / tāiko (*Procellaria parkinsoni*) moving from the Outer Gulf feeding grounds in the Tasman Sea (Gaskin & Rayner 2017). So even the sky above this proposed reserve is ecologically significant.

7.4 The proposed marine reserves and pest free islands

The proposed marine reserve is fringed on its northern, western and southern sides at varying distances by a chain of rodent-free islands, islets and stacks. From the Noises group, Rakino and surrounding stacks and islets, Motutapu, Motuihe and Crusoe (Papakohatu). These regenerating islands would have a beneficial symbiotic ecological relationship with the marine reserve. On all of these islands large and small, seabirds are now breeding, free of predators, for the first time in over 100 years. Such predator-free islands are deemed 'lifeboats' for the recovery of our seabirds by Gaskin & Rayner (2017) - but recovering seabird populations also need protected feeding grounds - as do marine mammals.

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8.0 MARINE MAMMALS

The proposed marine reserve is a feeding ground for marine mammals,



Fig 16. New Zealand fur seal / kekeno (*Arctocephalus forsteri*). (Shaun Lee).



Fig. 17. A small population of New Zealand fur seals (at least 5 in this photo – the one to the left magnified) has re-established in the Gulf and hauls out at nearby Otata in the Noises Islands. These seals are almost certainly foraging in the waters of the proposed marine reserve. Photo Mike Lee.

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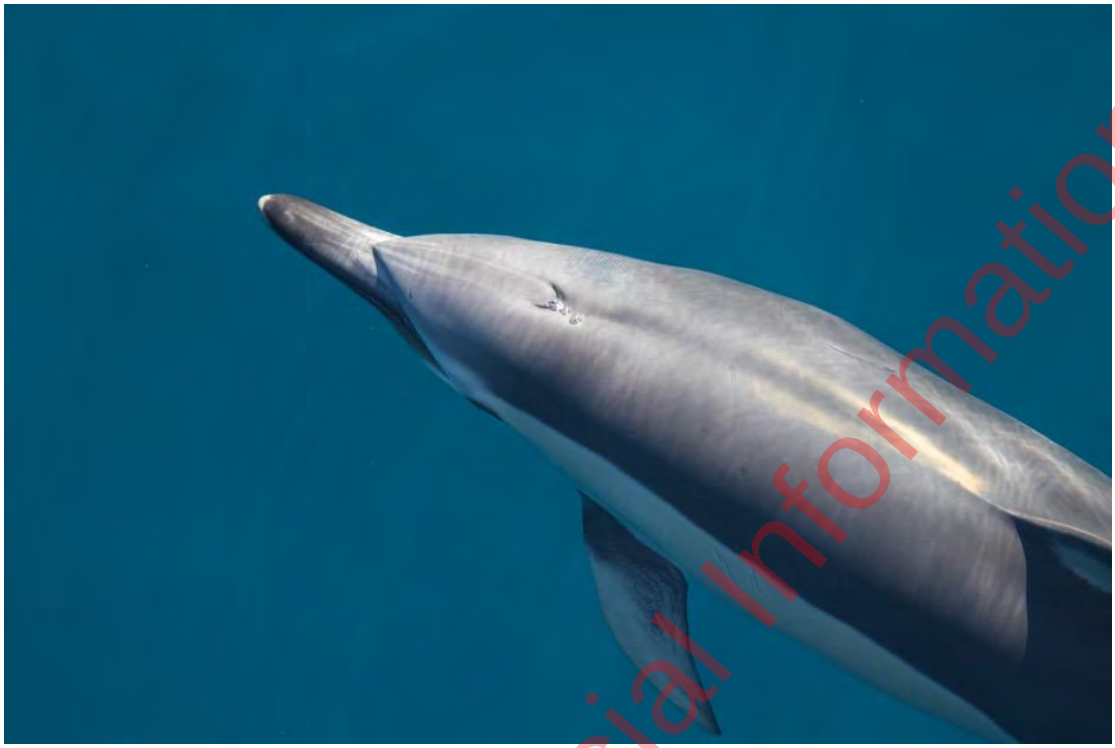

Fig 18. The common dolphin / aihe (*Delphinus delphis*) frequently seen feeding in the proposed marine reserve. Photo Shaun Lee.

Short-beaked common dolphins / aihe (*Delphinus delphis*), bottlenose dolphins / terehu (*Tursiops truncatus*), orca / kera wēra (*Orcinus orca*) feed in this area. Long-finned pilot whales (*Globicephala melas*) known to local fishermen as 'black fish' were regularly seen in the area within living memory (S. Farquhar, pers. comm). and a recovering population of endangered New Zealand fur seals / kekeno (*Arctocephalus forsteri*). Fur seals were hunted to extinction in northern New Zealand hundreds of years ago but are slowly re-establishing in the Gulf, and haul out on the eastern side of Otata Island, just 2 nautical miles or so to the north of the proposed marine reserve's northern boundary.

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Fig. 19. A view across Owhanake Bay northeastwards & across the Gulf to Coromandel's Moehau & to Aotea / Great Barrier Island.

9.0 THE COASTAL ENVIRONMENT

The proposed marine reserve Hakaimango Point to Matiatia Point – Northwest Waiheke, is bounded by a topographically diverse coastal fringe over 7km in length which includes, 3.7km of Waiheke's northern coastline to the west of Oneroa, and 3.5km of western coastline to the north of Matiatia Harbour. This length of this coastal interface is within the 5 to 10 kilometres minimum, for marine reserve design recommended by Thomas and Shears (2013). The land is mainly elevated and deeply indented by literally dozens of inlets and bays, the largest being Owhanake Bay at the head of which is a protected raupo/flax wetland, the smallest no more than narrow runnels between reef platforms carved out by the sea. Formerly farmland, almost all the coastal and littoral zone bounding the proposed reserve is in Council foreshore reserve and the DOC Matietie Historic Reserve donated to the public by the Delamore family. The reserve will now have a formal Statutory

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Acknowlegement placed on the title acknowledging Ngāti Paoa's historical association with this part of Waiheke, as part of a Treaty of Waitangi settlement between the Crown and Ngāti Paoa. The area is linked almost from end to end with Auckland Council public walkways. There are eight rural properties bordering the coast line.

9.1 The Rural buffer zone

The hinterland buffering this coastal fringe from the township of Oneroa, immediately to the east, is zoned rural-lifestyle [Rural 1, (landscape amenity), Rural 2 (western landscape) and Open space 1 (ecology and landscape)], and is mainly in regenerating bush some of which is natural, much of which the result of restoration plantings some 25 years ago, undertaken as a condition of subdivision. The balance is in pasture and economically significant vineyards. The private land is in large lifestyle blocks with high end homes and some boutique visitor accommodation.
There also some further small council reserves which feature World War 2 archaeological sites, including a coastal defence lookout bunker, dormitory and cookhouse and the Korora reserve adjacent to Hakaimango Point.

9.2 Coastal walkways and public accessibility

A network of walkways including the island-wide Te Ara Hura trail enable good public access and provide a splendid panorama of views overlooking out over the proposed reserve to almost all points of the compass. Interestingly while the foreshore is directly accessible over much of the coastline, parts of the northern side coastline while readily viewable have land access restricted due to the steep cliffs. Perhaps not such a bad thing for a natural area. Beginning at Hakaimango Point looking eastwards across the entrance to Oneroa Bay along the northern coast line of Waiheke, to the Thames estuary and Coromandel peninsula beyond; then anticlockwise northwards out to Moehau and the outer Gulf. Great Barrier Island (Aotea), Little Barrier (Hauturu) can be seen on the skyline and more proximate, the islands and islets of the Noises, Ahaaha and David Rocks, Maria, Otata and Motuhoropapa, northwestwards out to Tiritiri Matangi, Rakino, with Tāwharanui's Takatu Point on the horizon, thence westwards to Motutapu and Rangitoto, beyond to the high rise skyline of the Auckland City central business district and the Waitakere ranges beyond; finally southwards down the Motuihe Channel to the Tāmaki Strait with the distant Hunua Ranges beyond. The accessibility and excellent visibility over the surrounding sea would also facilitate monitoring and enforcement of the protected status of the reserve.
There is good road access to the foreshore reserve which has plenty of space for parking. Kayaks are available for hire at Matiatia.

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9.3 The proposed marine reserve and public transport

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

9.4 What has been lost. Marine biota once present around Waiheke Island.

The ecological decline of the Hauraki Gulf is something Aucklanders are well aware of – and concerned about. The ongoing decline of various marine species vertebrate and invertebrate has been identified and highlighted in various scientific studies, and especially in the three yearly, *State of the Environment of the Hauraki Gulf* reports. What these reports do not generally cover however are the species which already been driven into local extinction through over exploitation. Many of these species were to found around Waiheke in living memory of people alive today. Here are some of the lost or seriously depleted species that we are advised should be in the area in healthy numbers: Long-finned boarfish; giant boarfish; splendid perch, conger eel, butterfish, marble fish, large red moki. schools of sweep, silver drummer, spotted demoiselle, blue maomao, blue cod, sandagers wrasse, blue moki, schools of trevally and large hāpuku / (hapuka), (pers comm S Farquhar & S. Marsh).

Sharks once seen in the area of the proposed reserve on a regular basis were mako, hammerheads, thresher and bronze whalers, with the odd seasonal appearance of bill fish and skipjack tuna. There should also be school sharks, rig sharks and spiny dogfish in good numbers. These amazing assemblages of fish were once seen in vast boil-ups which sometimes extended as far as the eye could see, joined by hosts of seabirds, (pers comm S. Farquhar). Not any more. The same could be said about crayfish species: the rock lobster and its cousin the packhorse crayfish, should be found in reef systems on the northern side of the island right into shallow waters, (pers comm S. Marsh). But the process of local extinction need not be inexorable. There is still time to turn things around.

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Fig.20. Embayed Islet at Matiatia Point. Near the western boundary of the proposed reserve near Mokemoke pā. A ten minute walk along the shore from the Waiheke ferry terminal.Photo Mike Lee

10.0 'MARINE PROTECTED AREAS' OR MARINE RESERVES?

It is often argued that time-limited marine protection - ranging from temporary closures or up to 25 years; or by allowing selective exploitation including 'customary take' might be just as efficacious as no-take marine reserves. A recent meta-analysis of previous studies published in the ICES Journal of Marine Science by Enric Sala and Sylvaine Giakoumi in 2017 shows that biomass of whole fish assemblies in marine reserves is on average 670% greater than in adjacent unprotected areas, and 343% greater than in partially protected MPAs. By comparison fish biomass in partially protected MPAs was only 183% greater than in unprotected areas, and often it was not different.

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

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

10.1 Marine Reserves within the Hauraki Gulf

Cape Rodney to Okakari 547 ha (1975).
Long Bay – Okura 518 ha (1995).
Motu Manawa -Pollen Island 500 ha (1995).
Te Matuku Bay 700 ha (2005).
Tāwharanui 394 ha (2011).

A total of 2659 ha.– therefore significantly less than 1% of the Hauraki Gulf is protected in marine reserves. The addition of the Hakaimango – Matiatia marine reserve 2500 ha would almost double the area of marine protection in the Haurakl Gulf

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10.2 Towards a marine reserve network within the Hauraki Gulf



Fig. 21. Marine reserves in the Hauraki Gulf (Department of Conservation)

Being 29 km from Motu Manawa-Pollen Island, 25 km from Long Bay-Okura and 17 km from Te Matuku marine reserves, Hakaimango – Matiatia (Northwest Waiheke) is representative of a more exposed marine transition zone between the Inner and Outer Gulf. The distances between these reserves are within the recommended guidelines for marine reserve network design (Thomas & Shears 2013). A Hakaimango – Matiatia Marine Reserve

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strategically placed between outer and inner Hauraki Gulf would be a significant contribution to the formation of such a network - an important step along the path to achieving this long held objective advocated by Roger Grace and others (see Grace 2014).

10.3 Marine Reserves and climate change

In 2020 the parliament of New Zealand declared a climate emergency, following earlier such declarations from local authorities such as Auckland Council. The governments of the world say they are in race against time to reduce carbon emissions. Reducing emissions and the likelihood of the effects of global warming, sea level rise and coastal inundation is considered to be of the highest priority for our government. People are encouraged to drive electric cars or cycle, on the principle that every bit helps. Sala and Giakouni studying the impact of climate change on the marine environment found that while marine reserves may not provide resistance against warming, they can provide resilience. In 2016, a strong El Niño event caused the most severe coral bleaching event in history, which killed 67% of the coral in the northern part of the Great Barrier Reef in Australia in just nine months (Hughes *et al.,* 2017). However, corals in the Line Islands affected by the strong 1997–1998 El Niño recovered in fully protected reefs within a decade, whereas they did not in unprotected islands (Sandin *et al*. 2008). In Baja California, Mexico, a mass mortality event caused by climate- driven oxygen depletion affected pink abalone populations, but they replenished faster within marine reserves because of large body size and high egg production of the protected adults (Micheli *et al*. 2012 in Sandin *et al.* 2008).

Consultation with the public and with manawhenua

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

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

b) That the Waiheke Local Board:…

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

The Waiheke Local Board then sought to establish a robust view of the level of community awareness and support for marine protection and marine reserves around Waiheke. As mentioned in s.1.4 of this proposal the board engaged Colmar Brunton to undertake a survey of resident and ratepayer views.

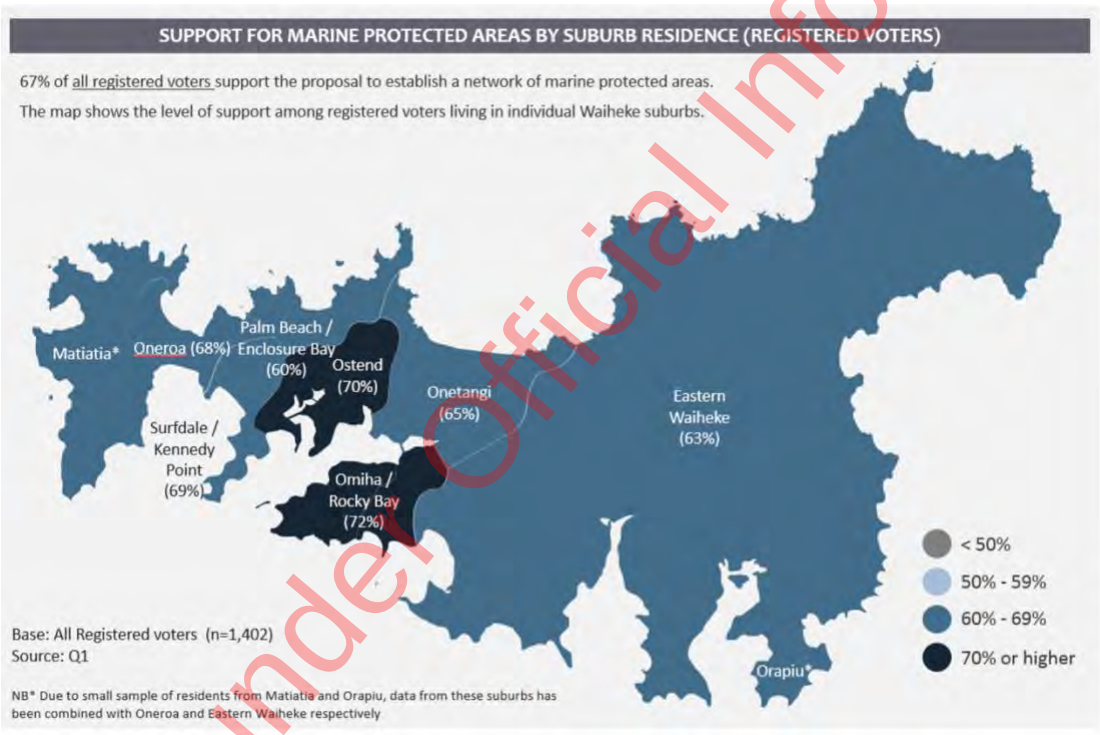

Fig. 22.

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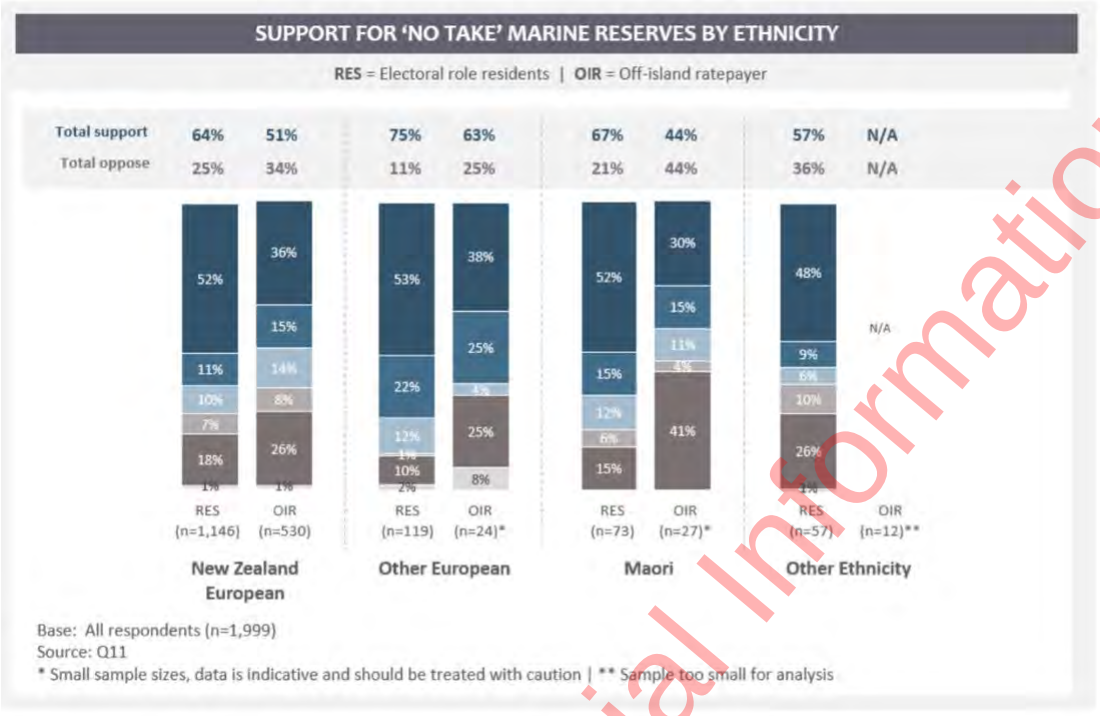

Fig. 23.

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

The Friends of the Hauraki Gulf Inc has a long history of discussing marine protection and its support of marine reserves with the Māori community of Waiheke and with representatives of mana whenua Ngāti Paoa, beginning with a meeting at Piritahi Marae in March 2013, and most recently at the hui to discuss the Ngāti Paoa rāhui in January 2021.

11.0 BENEFITS OF A HAKAIMANGO - MATIATIA (NORTHWEST WAIHEKE) MARINE RESERVE

- Protecting and enhancing the life-supporting capacity of a strategic area of the coastal marine area of the Hauraki Gulf located in an ecologically significant maritime transition zone between the inner Gulf and the outer Gulf.
- Protecting all fish species within from line fishing, spear fishing, netting and dredging close to areas subject to heavy fishing pressure and maritime activities.
- Protecting and enhancing highly productive ecologically vital underwater kelp rocky reef systems

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- Protecting and enhancing a diverse range of sand and soft sediment habitats and associated biological communities.
- Protecting an area containing internationally important Jurassic Miocene fossil deposits.
- Protecting and enhancing an area of habitat highly suitable for the recovery of spiny rock lobster, kōura (*Jasus edwardsii*) in the inner Gulf, a species presently subject to a rāhui by mana whenua and kaitiaki, Ngāti Paoa.
- Protecting and enhancing an area of highly suitable habitat for the recovery of pāua (*Haliotis iris*), a species presently subject to the rāhui
- Protecting and enhancing an area of highly suitable habitat for the recovery of green-lipped mussel, kūtai (*Perna canaliculus*) presently subject to the rāhui.
- Protecting and enhancing an area of highly suitable habitat for the recovery of scallop beds, tipa (*Pecten novaezealandiae*) presently subject to the rāhui.
- Protecting and enhancing an area involved in the spawning of snapper, tamure (*Chrysophrys auratus*).
- Protecting and enhancing those natural, historic, and physical resources (including kaimoana) of the Hauraki Gulf, its islands, and catchments with which tangata whenua have an historic, traditional, cultural, and spiritual relationship.
- Protecting and enhancing the rāhui declared by Ngāti Paoa in its role as kaitiaki.
- Protecting and enhancing of natural and physical resources of the Hauraki Gulf, Tikapa Moana, Moana nui a Toi.
- Protecting and enhancing an area of the Hauraki Gulf used by marine mammals, including common dolphins / aihe (*Delphinus delphis*), bottlenose dolphins / terehu (*Tursiops truncatus*), orca / kera wēra (*Orcinus orca*) and recovering population of New Zealand fur seals, kekeno (*Arctocephalus forsteri*).
- Protecting and enhancing the marine feeding resources of at least 15 seabird species that have been recorded breeding and/or foraging in this area including endangered endemic species.
- Protecting and enhancing fish and invertebrate (including shellfish and crayfish) larval export due to the strong tidal currents associated with the waters of the proposed marine reserve to the inner and outer Gulf, thus facilitating the recovery of fish stocks and kai moana outside the protected area.
- Protecting and enhancing marine ecosystems of the Hauraki Gulf for their own intrinsic value.
- Protecting and enhancing the opportunity for the comparative scientific study of marine ecosystems, and marine biota in the Hauraki Gulf.
- Protecting and enhancing the opportunity for scientific study of seabirds and their restoration in the Hauraki Gulf.

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- Protecting and enhancing seabird and shore bird nesting areas along the coastal fringe, especially at Island Bay and nearby islets.
- Protecting and enhancing the opportunity for scientific study of marine mammals and their restoration in the Hauraki Gulf.
- Protecting and enhancing the traditional conservation values of Waiheke Island and the strongly stated aspirations of its people.
- Protecting and enhancing the conservation values of Tāmaki Makaurau and the strongly stated aspirations of the people of Auckland.
- Enabling ideal outdoor education opportunities for the young people of Waiheke and of Auckland. For example the proposed marine reserve, so easily accessible would enhance Waiheke High School's Seasports Academy and its underwater modules – snorkelling and scuba and integrate it with the sciences curriculum.
- Enabling aspirational management goal-setting including the restoration of locally extinct iconic species such as hāpuku / groper and crayfish species kōura to this part of the Hauraki Gulf.
- Advancing long held aspirations by marine scientists and the public for a network of marine reserves in the Hauraki Gulf.
- Finally doing something tangible and meaningful to protect the Hauraki Gulf and the precious under threat wildlife which lives here - instead of just talking about it.

12.0 SUMMARY - THE CASE FOR A HAKAIMANGO – MATIATIA MARINE RESERVE

The proposed marine reserve contains an especially diverse array of high quality marine habitats provided by a unique series of rocky reefs and deep inlets and bays of soft sediments, enabling rich kelp sponge and sessile and mobile invertebrate communities and bivalve beds, the latter associated with both rocky reef and soft sediments.

Subtidal rocky reef habitat between Hakaimango Point and Matiatia Point is predominantly kelp dominated, with kelp diversity particularly high at the deepest depths, east of Owhanake Bay. Urchin barrens have been found to be negligible between Hakaimango Point and Matiatia Point in contrast to other areas outside the proposed reserve, especially along the northern Waiheke coastline to the east of Enclosure Bay and in many other parts of the Hauraki Gulf.

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

These features indicate the area's high suitability for habitat repair and ecosystem regeneration, especially restoring key species like snapper and

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crayfish, promoting through larval spread the restoration of these and other marine biota in the inner Hauraki Gulf.

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

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

The proposed marine reserve at 2500 ha would be largest in the Hauraki Gulf and of a scale to become a central element in a Hauraki Gulf marine protected network;

The proposed marine reserve at 2500 would at one stroke almost double the size of the area of protected marine environment in the Hauraki Gulf;

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

The proposed marine reserve would also have an economic benefit, enabling a unique opportunity for sustainable eco tourism and kayaking activities;

The proposed Hakaimango-Matiatai Marine Reserve provides an opportunity for active partnership between manawhenua as kaitiaki, the Crown and the local community in governance and management of the proposed marine reserve.

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

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

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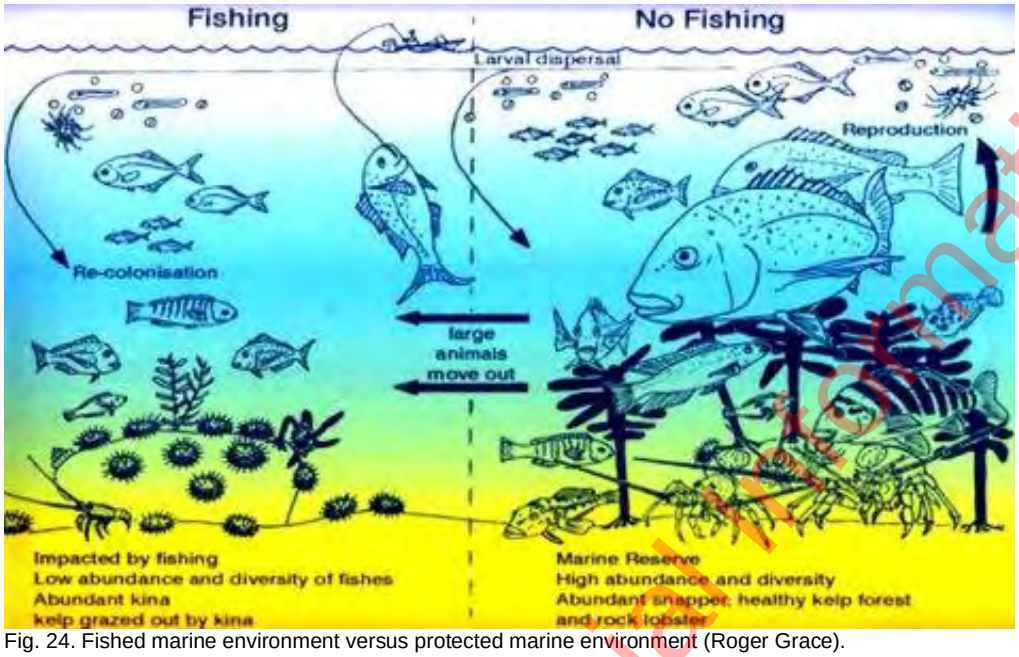

Fig. 24. Fished marine environment versus protected marine environment (Roger Grace).

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Fig 25. Near Island Bay looking northwards. One of the dozens of beaches and inlets, large and small which are a feature of the highly indented coast line of the proposed Hakaimango – Matiatia marine reserve.

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13.0 ACKNOWLEDGEMENTS

The authors Michael Lee and Leith Duncan on behalf of the Friends of the Hauraki Gulf would like to acknowledge and thank the following people who have assisted in the preparation of this application report: Dr Tim Haggitt, Paul Monin, Shaun Lee, Stuart Farquhar, Paul Walden, Sid Marsh, Alex Stone, Chris Cureen, Captain Christopher Barradale, Peter Green, Dr Andrew Jeffs & Mike Delamore.
This application is dedicated to the memory of Dr Roger Grace and Dr Bill Ballantine.

…

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15.0 APPENDICES

Appendix 1

A report prepared for Waiheke Local Board and Hauraki Gulf Conservation Trust, eCoast, September 2016. https://www.aucklandcouncil.govt.nz/about-auckland-council/how-auckland-council-works/local-boards/all-local-boards/waiheke-local-board/docswaihekeplans/waiheke-marine-reserve-gaps-feasibility.pdf

Appendix 2

Haggitt, Tim (2017b). *Ecological survey of Waiheke Island northwest coastline December 2016*. Prepared for Auckland Council and Hauraki Gulf Conservation Trust. eCoast. https://www.aucklandcouncil.govt.nz/about-auckland-council/how-auckland-council-works/local-boards/all-local-boards/waiheke-local-board/docswaihekeplans/waiheke-north-western-coastline-ecologoical-survey.pdf

Appendix 3. Hauraki Gulf Forum 'The State of our Gulf' (2020). **https://www.aucklandcouncil.govt.nz/about-auckland-council/how-auckland-council-works/harbour-forums/docsstateofgulf/state-gulf-full-report.pdf**

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Appendix 4. Bing, Emily (2015). Marine Protection Research. Colmar Brunton. https://www.aucklandcouncil.govt.nz/about-auckland-council/how-auckland-council-works/local-boards/all-local-boards/waiheke-local-board/Documents/waiheke-marine-research-report.pdf

Appendix 5. Formal Notice of the intention to apply for a marine reserve over the coastal marine area off northwest Waiheke from Hakaimango Point to Matiatia Point

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

Hakaimango – Matiatia (Northwest Waiheke) Marine Reserve Proposal
Notice under Section 5, Marine reserves Act 1971

Pursuant to Section 5 of the Marine Reserves Act 1971, the Friends of the Hauraki Gulf Inc hereby gives notice of its intention to apply for an Order-in Council declaring an area on the northwest coastal marine area of Waiheke Island a marine reserve. The proposed name of the reserve is 'Hakaimango – Matiatia Marine Reserve.'

The area covered by this application comprises 2500 hectares. The boundaries are as follows:
From Hakaimango Point at the northwestern extremity of Oneroa Bay at 36°46'04.00" S, 175°00'55.40" E, northward for a distance of 3 km (the eastern boundary), to 36°44'48" S, 175°00'56" E, thence westward 4.5km (the northern boundary) to 36°44' 48" S, 174° 57'55.91"E, then southward 4.2 km (the western boundary) to 36°46'49.50"S, 174°57.55'.91"E, and finally eastward 2.1 km, (the southern boundary) to Matiatia Point at 36° 46' 49.50" S, 174°59' 08.20" E (Fig. 2). …

The formal application including a plan of the proposed marine reserve showing all tidal water and the boundaries and extent of the area to be declared a marine reserve may be inspected free of charge at the Department of Conservation office in Auckland, Auckland Public Library, Waiheke Public Library, Auckland Council Waiheke Service Centre,. Copies of the Application document will be available at a cost of $12 from the Friends of the Hauraki Gulf.

Any person or organisation may object to the making of an Order-in-Council establishing the marine reserve by specifying the grounds of the objection in writing and submitting it to the Director-General, Department of Conservation within two months from the date of the first publication of this notice. Submissions should be addressed to: The Director General of Conservation, C/- Regional Conservator, Department of Conservation, Private Bag 68 908, Newton, Auckland. A copy must be sent to Friends of the Hauraki Gulf

The provisional date of the first publication of this notice is Thursday 13th May The period for submitting objections closes on 20th May 2021

This notice of intention to apply for a marine reserve is given by the Applicant, The Secretary, Friends of the Hauraki Gulf inc. 21 Tetley Road, Surfdale, Waiheke Island. 1081.

Michael Lee
Chairman
Friends of the Hauraki Gulf Inc

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Appendix 12

The Department of Conservation's initial and then formal response to the Applicant acknowledging the notification of the Applicant's intention to apply for the proposed marine reserve – 5 May and 3 June 2021 respectively

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Department of Conservation
Te Papa Atawhai

DOC – 6644637

05 May 2021

Michael Lee
Chair, Friends of the Hauraki Gulf (Inc.)
21 Tetley Road
Waiheke Island
Via email: mikeleeauckland@gmail.com

Tēnā koe Michael

Re: Hakaimango – to Matiatia Marine Reserve – Notice of intention to apply for an Order-in-Council

Thank you for providing formal notice to the Director-General on 23 April 2021 of your intention to apply for an Order-in-Council on behalf of the Friends of the Hauraki Gulf (Inc.).

I understand the proposal is for a new marine reserve under the Marine Reserves Act 1971 (the Act), covering some 2,500ha off the north western corner of Waiheke Island, between Hakaimango Point and Matiatia Point.

You have provided the Director-General with:

1. A letter setting out the notice of an intention to apply for a marine reserve.
2. A plan of the proposed marine reserve (map).
3. A draft application document.

As you are aware, consultation with the Director-General constitutes the first step in the statutory process set out under section s5(1)(b) of the Act. Once this step is complete, the next step is for you (as the applicant) to give public notice of the intention to apply for a marine reserve, inviting public submissions and giving notice to certain parties as identified in the Act.

You have advised that your intent is to initiate the next step in the statutory process two weeks from the date of your letter dated 23 April 2021.

I do not consider that this is adequate time to consult with the Director-General. I am therefore advising that the Director-General will not be able to respond within two weeks from the date of your letter.

We suggest that you hold an informal discussion with officials as soon as possible, to help the Director-General respond. I have directed my team to contact you in the first instance to discuss the process, our role, and consultation with mana whenua and other parties.

...2

Department of Conservation *Te Papa Atawhai*
Auckland / Tāmaki Makaurau Office
Private Bag 68908, Newton, Auckland 1141
www.doc.govt.nz

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My Statutory Manager, John Galilee, will make contact with you in the week beginning 10 May 2021.

I look forward to hearing more from you soon.

Nāku noa, nā



Andrew Baucke
Director Operations, Auckland Region
Department of Conservation – Te Papa Atawhai
Privacy of natural persons

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Department of Conservation
Te Papa Atawhai

DOC – 6663072

03 June 2021

Michael Lee
Chair, Friends of the Hauraki Gulf (Inc.)
21 Tetley Road,
Waiheke Island

Via email: mikeleeauckland@gmail.com

Tēnā koe Michael

Re: Hakaimango – to Matiatia (North West Waiheke) Marine Reserve – Notice of intention to apply for an Order-in-Council – Director-General acknowledgement of consultation

Thank you for providing formal notice to the Department of Conservation (DOC) on 23 April 2021 of your intention to apply for an Order-in-Council on behalf of the Friends of the Hauraki Gulf (Inc.).

I understand the proposal is for a new marine reserve under the Marine Reserves Act 1971 (the Act), covering some 2,500ha off the north western corner of Waiheke Island, between Hakaimango Point and Matiatia Point.

You have provided DOC with:

1. A letter setting out the notice of an intention to apply for a marine reserve.
2. A plan of the proposed marine reserve (map).
3. A draft application document.

Regarding your 23 April notice of intention, I understand Andrew Baucke, Director of Operations, replied to your letter on 5 May 2021, and his team spoke to you by phone on 11 May to discuss the application process.

Acknowledgement of statutory consultation with the Director-General

I would like to draw your attention to the statutory requirements under Section 5 *(in particular)* of the Marine Reserves Act 1971 (the Act).

Under section 5(1)(b) of the Act, consultation with the Director-General constitutes the first step in the statutory process. Whilst I am pleased to formally acknowledge and respond to your notification, I am not yet providing an assessment of the merits of your application as that will obviously need to follow.

Department of Conservation *Te Papa Atawhai*
Whare Kaupapa Atawhai / Conservation House
PO Box 10420, Wellington 6143

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Preparing for public notification

Once section 5(1)(b) has been satisfactorily undertaken, the next step is for you, as the applicant, to give public notice of the intention to apply for a marine reserve, inviting public submissions and giving notice to certain parties as identified in the Act.

Adequate pre-notification consultation is highly recommended.

I understand your intention is to notify the public as soon as possible, and that some informal notification has already taken place.

In the Department's experience, pre-notification consultation is integral in determining the success of applications under the Act.

While I understand interested parties have been engaged in the development of the proposal, in our experience best practice engagement includes seeking contemporary views on marine reserve applications prior to public dissemination.

I therefore encourage you to engage and consult widely to ensure that affected iwi, hapū and whānau, and the wider community, including those who are likely to be affected by the proposal, have had ample opportunity to provide input prior to notifying the application.

Keeping good records is essential

As you know, the process of establishing a marine reserve is a statutory process, where certain steps must occur before a reserve can be gazetted. Also, under the Official Information Act 1982 (OIA), the statutory marine reserve process is open to public scrutiny. For both these reasons it is necessary for applicants (and DOC officials) to keep good records throughout marine reserve planning, application and processing. For example, please ensure that you keep copies of formal letters, documents and advertisements related to the statutory process to demonstrate the requirements of the Act have been met. In addition, records of meetings held, notes, minutes, and documented decisions (for example), should all be kept.

Supporting your application through the statutory process

DOC has a National Marine Protection Programme team who are happy to support you throughout the application process and to be your point of contact for questions related to the Act. In addition, Andrew and his Auckland team are happy to provide advice to support your consultation with mana whenua and other parties.

I suggest that you hold an informal discussion with my officials, to discuss how you would like to work together. I have directed my team to contact you in the first instance to initiate this discussion.

The National Marine Protection Programme Team Lead, Rebecca Bird will be in touch with you in the week beginning May 31, 2021. Alternatively, you can contact her on rbird@doc.govt.nz or by phone: s9(2)(a)

I wish you and wider Friends of the Hauraki Gulf success with your application and look forward to receiving regular updates on the process.

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Nāku noa, nā



Lou Sanson
Director-General
Department of Conservation – Te Papa Atawhai

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Appendix 13

Copies of the Applicant's notice of intention to apply for the proposed Hākaimangō-Matiatia marine reserve, 20 and 27 January 2022

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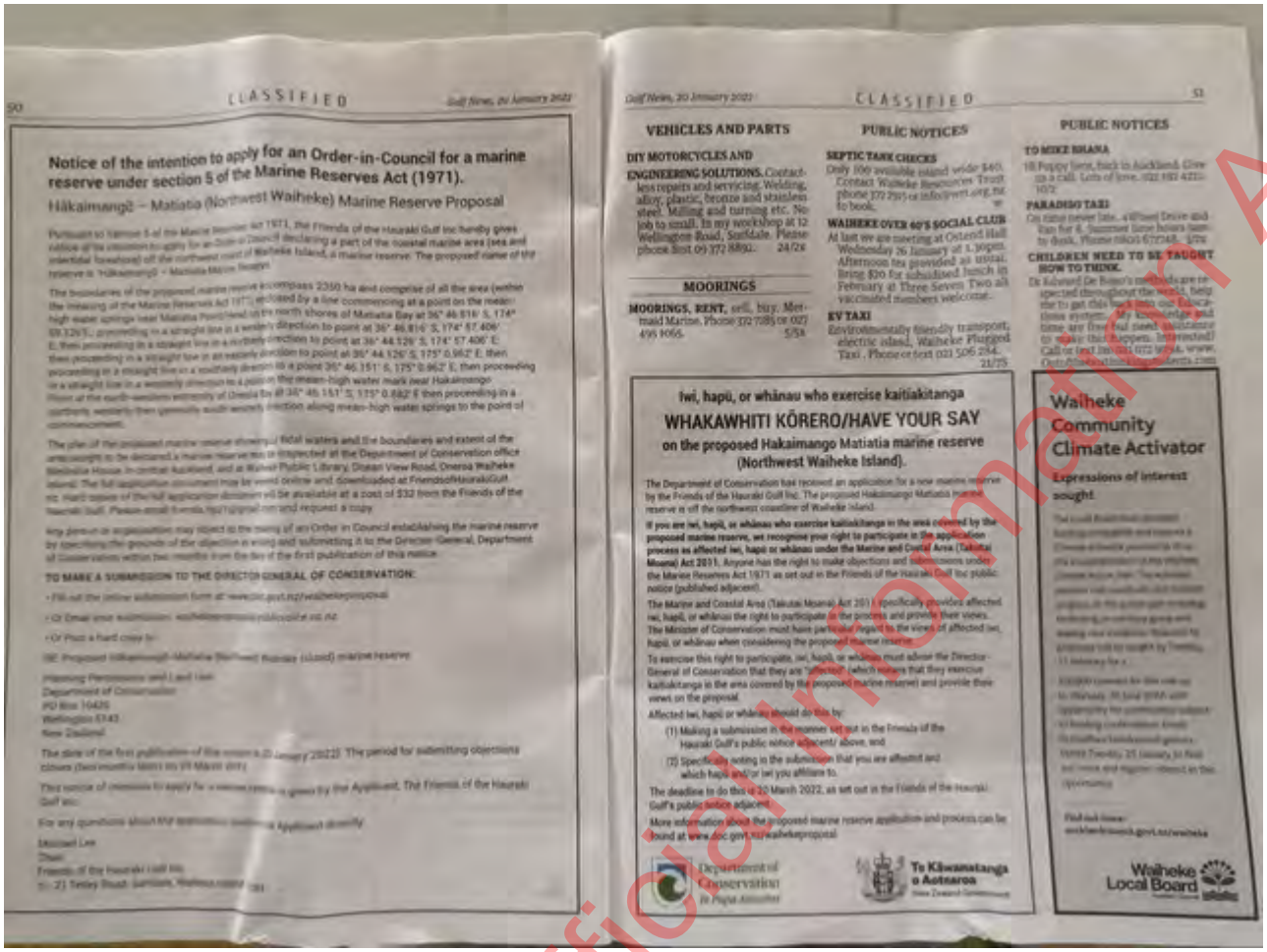

50 CLASSIFIED Gulf News, 20 January 2022

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

Hākaimangō – Matiatia (Northwest Waiheke) Marine Reserve Proposal

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

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

The plan of the proposed marine reserve showing all tidal waters and the boundaries and extent of the area sought to be declared a marine reserve may be inspected at the Department of Conservation office Bankside House, in central Auckland, and at Walmsley Public Library, Ocean View Road, Oneroa Waiheke Island. The full application document may be viewed online and downloaded at FriendsofHaurakiGulf.nz. Hard copies of the full application document will be available at a cost of $32 from the Friends of the Hauraki Gulf. Please email friends.hg1@gmail.com and request a copy.

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

TO MAKE A SUBMISSION TO THE DIRECTOR-GENERAL OF CONSERVATION:

- Fill out the online submission form at www.doc.govt.nz/waihekeproposal
- Or Email your submission: waihekeproposal@doc.govt.nz
- Or Post a hard copy to:

RE: Proposed Hākaimangō–Matiatia (Northwest Waiheke Island) marine reserve

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

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

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

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

Michael Lee
Chair
Friends of the Hauraki Gulf Inc
c/- 21 Tetley Road, Glenfield, Waitemata 0629

Gulf News, 20 January 2022 CLASSIFIED 51

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PUBLIC NOTICES

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PUBLIC NOTICES

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Iwi, hapū, or whānau who exercise kaitiakitanga

WHAKAWHITI KŌRERO/HAVE YOUR SAY

on the proposed Hakaimango Matiatia marine reserve (Northwest Waiheke Island).

The Department of Conservation has received an application for a new marine reserve by the Friends of the Hauraki Gulf Inc. The proposed Hakaimango Matiatia marine reserve is off the northwest coastline of Waiheke Island.

If you are iwi, hapū, or whānau who exercise kaitiakitanga in the area covered by the proposed marine reserve, we recognise your right to participate in the application process as affected iwi, hapū or whānau under the Marine and Coastal Area (Takutai Moana) Act 2011. Anyone has the right to make objections and submissions under the Marine Reserves Act 1971 as set out in the Friends of the Hauraki Gulf Inc public notice (published adjacent).

The Marine and Coastal Area (Takutai Moana) Act 2011 specifically provides affected iwi, hapū, or whānau the right to participate in the process and provide their views. The Minister of Conservation must have particular regard to the views of affected iwi, hapū, or whānau when considering the proposed marine reserve.

To exercise this right to participate, iwi, hapū, or whānau must advise the Director-General of Conservation that they are 'affected' which means that they exercise kaitiakitanga in the area covered by the proposed marine reserve) and provide their views on the proposal.

Affected iwi, hapū or whānau should do this by:

(1) Making a submission in the manner set out in the Friends of the Hauraki Gulf's public notice adjacent/ above, and

(2) Specifically noting in the submission that you are affected and which hapū and/or iwi you affiliate to.

The deadline to do this is 20 March 2022, as set out in the Friends of the Hauraki Gulf's public notice adjacent.

More information about the proposed marine reserve application and process can be found at www.doc.govt.nz/waihekeproposal

Department of Conservation Te Papa Atawhai

Te Kāwanatanga o Aotearoa New Zealand Government

Waiheke Community Climate Activator

Expressions of interest sought

Waiheke Local Board

Released under Official Information Act



20 January 2022
Volume 49
Number 3
ISSN 1170-0483

EDITORIAL

One for the fish

It's pretty hard to accept that if the current Waiheke-led bid for a no-take marine reserve bounding Waiheke's north western headlands fails, only a derisory 0.3 percent of the Hauraki Gulf's once magnificent undersea biodiversity will ever have the chance to recover as it has at least over the last 30 years.

From a vantage point in Oneroi Village in this achingly beautiful golden summer, the blue is a sham.

Endangered seabird, whale, dolphin and fish populations are severely depleted and penguins and juvenile fur seals are dying of hunger. Regrettably the authorities have made it clear they have no interest in creating further fully no-take marine reserves. This despite despairing calls from environmental scientists and citizens who have said for decades that turning the tide on the degradation of the sea floor and the gulf's once intricate and abundant marine food chains would require meaningful protection of 30 times that area.

The trouble is that fishing is free stuff and - with the pressures of a city of 1.6 million - it leaves the gulf defenceless against a vast and often careless leisure fishing population and entrenched commercial interests exploiting picky overseas fish markets like Japan at any cost to remaining fish stocks and species.

No matter that the Hauraki Gulf Marine Park Act of 2000 says that the interrelationship between the Hauraki Gulf, its islands and catchments to sustain the life-supporting capacity of the Hauraki Gulf is of "national significance".

Or that there have been strings of aspirational attempts at urgent protection for the Hauraki Gulf going back to 1965 when recreational divers and marine scientists worked towards the Marine Reserves Act in 1971, which was considered world-leading and, in many respects still is, providing the highest level of marine protection for underwater scenery, natural features, marine life of distinctive quality or so typical, beautiful or unique that their continued preservation is in the national interest.

What we got was quite the opposite - complete hubris. In 1992, *Gulf News* reported Auckland City's recommendation that government left the future of the Hauraki Gulf to local authorities, big landowners united to look after their own interests and the city's Hauraki Gulf committee was chaired, not by Gulf Islands councillor Sandra Lee but by a C&R representative from Mt Roskill.

By 2020 key fish stocks had declined by 57 percent, snapper by 83 percent and crayfish by 78 percent. There was a near 100 percent loss of green-lipped mussels, an 88 percent loss of all shark species, a 97 percent decline in whales and dolphins and, last year, a mass die-off of juvenile fur seals.

In 2017, and against competing the critical importance of the natural values of the Hauraki Gulf, a largely self-selecting cabal of industry players and conflicting vested interests put together a non-statutory "spatial plan" for the Hauraki Gulf branded as Sea Change Tai Timu Tai Pari. Waiheke and its local board were largely excluded. The project languished as a tawdry artefact of the previous National government's naked ambition to extract a billion-dollar fish industry out of the Hauraki Gulf, resurfacing last year as the Labour government's plans to implement - in 2022 - Sea Change's watered-down version of marine protection in the gulf.

The 2350ha Hakaimango Point to Matiatia marine reserve application, currently out for public feedback, is the last ditch, a last stand, a last gasp in which the last fish small and fragile ark in which the last fish and their kith and kin are left in peace to breed and rebuild.

We can still swim, traverse, anchor in and watch over their tiny refuge. There is no need us call for mass access; no shore base. There is no need to exploit it at all. The science was done and justified the high-value site. In 2015 Colmar Brunton surveyed community opinion and found 64 percent of Waiheke residents were specifically in support of the 1971 version of no-take marine reserves in the waters around Waiheke.

Extending out towards the Noises Islets, the proposed area's rocky reefs have retained much of the original kelp forest and significant fish species, if not the mussel beds that once carpeted and filtered the gulf and it hasn't succumbed to the kina barrens that exist over large areas of the inner gulf.

The impressive application for a Marine Reserve between Hakaimango Point and Matiatia under Section 5 of the 1971 act is in the name of Friends of the Hauraki Gulf chaired by long-time conservationist and former ARC chairman Mike Lee, and written by Lee with Dr Leith Duncan, who took the leading role in the successful application campaign for the most recent other marine reserve at Te Matuku on Waiheke's western coastline 30 years ago.

Notice of the application for the marine reserve appears in our public notices section on page 51 of this issue, along with details on how to make a submission. The period for feedback closes on 20 March. • Liz Waters

GULF NEWS
www.waihekegulfnews.co.nz

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TELEPHONE: 372 5055
POSTAL ADDRESS
PO Box 5, Oneroa, Waiheke Island
EMAIL
editor@waihekegulfnews.co.nz
reporter@waihekegulfnews.co.nz
classified@waihekegulfnews.co.nz
sales@waihekegulfnews.co.nz
AFTER HOURS NEWS ADVICE 021 07
EDITORIAL
Liz Waters (editor), Jim Mahoney (sub editor), Erin Johnson (news@waihekegulfnews.co.nz), Sophie Be (reporter@waihekegulfnews.co.nz) Paul Mitchell and Jim Birchall.
ADVERTISING
Michelle Lewis, Dell McInnes and Tessa O'Shea (027 332 8647)
ACCOUNTS
Dianne Handyside
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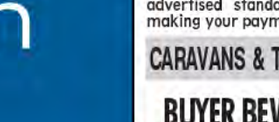

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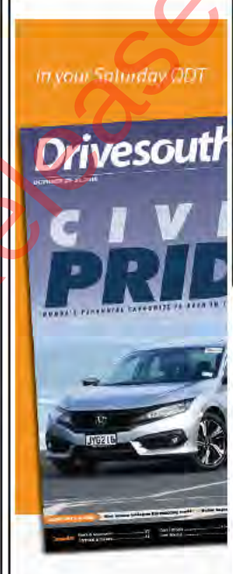



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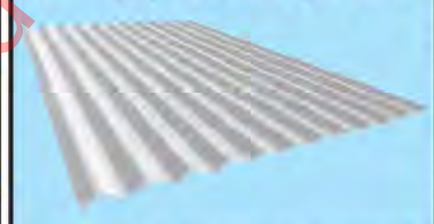

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PUBLIC NOTICES

MARINE MAMMALS PROTECTION REGULATIONS 1992

APPLICATION FOR A MARINE MAMMAL PERMIT

Pure Salt NZ Limited have applied for a new permit to operate commercial vessel-based and land-based marine mammal viewing tours of all species of whale, dolphin and seal at various locations in the coastal waters of Fiordland, Foveaux Strait, and Stewart Island and swimming with all species of seals excluding sea lions, and all species of dolphins excluding bottlenose and hectors dolphins in the coastal waters of Stewart Island and South Coast between Puysegur Point and Bluff.

Application details can be obtained online at www.doc.govt.nz/get-involved/have-your-say/, received by email on request from permissionschristchurch@doc.govt.nz or from a Department of Conservation office.

Any submissions on the application are to be sent to the Director-General of Conservation, Department of Conservation, Christchurch Shared Services, Private Bag 4715, Christchurch Mail Centre, Christchurch 8140, Attention: Michael Dine to be there by 11.59pm Friday the 18th of February 2022.

Note: Submissions are part of a statutory process and may be commented on by the applicant.

Department of Conservation
Te Papa Atawhai

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Iwi, hapū, or whānau who exercise kaitiakitanga

WHAKAWHITI KŌRERO/ HAVE YOUR SAY

on the proposed Hākaimangō Matiatia Marine Reserve (Northwest Waiheke Island).

The Department of Conservation has received an application for a new marine reserve by the Friends of the Hauraki Gulf Inc. The proposed Hākaimangō Matiatia marine reserve is off the northwest coastline of Waiheke Island.

If you are iwi, hapū, or whānau who exercise kaitiakitanga in the area covered by the proposed marine reserve, we recognise your right to participate in the application process as affected iwi, hapū or whānau under the Marine and Costal Area (Takutai Moana) Act 2011. Anyone has the right to make objections and submissions under the Marine Reserves Act 1971 as set out in the Friends of the Hauraki Gulf Inc public notice (published above).

The Marine and Costal Area (Takutai Moana) Act 2011 specifically provides affected iwi, hapū, or whānau the right to participate in the process and provide their views. The Minister of Conservation must have particular regard to the views of affected iwi, hapū, or whānau when considering the proposed marine reserve.

To exercise this right to participate, iwi, hapū, or whānau must advise the Director-General of Conservation that they are "affected" (which means that they exercise kaitiakitanga in the area covered by the proposed marine reserve) and provide their views on the proposal.

Affected Iwi, hapū or whānau should do this by:

(1) Making a submission in the manner set out in the Friends of the Hauraki Gulf's public notice adjacent, and

(2) Specifically noting in the submission that you are affected and which hapū and/or iwi you affiliate to.

The deadline to do this is March 20, 2022, as set out in the Friends of the Hauraki Gulf's public notice above.

More information about the proposed marine reserve application and process can be found at www.doc.govt.nz/waihekeproposal

Te Kāwanatanga o Aotearoa
New Zealand Government

Department of Conservation
Te Papa Atawhai

PUBLIC NOTICES

Public Notice | Pānui

VARIATION TO QUEENSTOWN LAKES PROPOSED DISTRICT PLAN CHAPTER 29 TRANSPORT & PLAN CHANGE TO QUEENSTOWN LAKES DISTRICT OPERATIVE DISTRICT PLAN SECTION 14 TRANSPORT - ACCESSIBLE PARKING

SUMMARY OF DECISIONS REQUESTED

Date of Public Notice: 20 January 2022

Queenstown Lakes District Council gives notice as of 20 January 2022 that a Summary of Decisions Requested for the variation to Queenstown Lakes Proposed District Plan Chapter 29 Transport and Plan Change to Queenstown Lakes District Operative District Plan Section 14 Transport is available for inspection.

Where can I get a copy?

Please visit the QLDC website https://www.qldc.govt.nz/your-council/district-plan/amendments-to-accessible-parking-provisions to view the following:

- Summary of decisions requested
- Copies of submissions received
- Address list for persons who have made submissions
- Online form for making a further submission in the prescribed form

Hard copies of the summary and original submissions can also be viewed at the following locations during business hours:

Council offices: (open 8.00am - 5.00pm, Monday to Friday)

- 10 Gorge Road, Queenstown
- 74 Shotover Street, Queenstown,
- 47 Ardmore Street Wānaka

You can access the QLDC website www.qldc.govt.nz free of charge at the Public Libraries listed below: (please check www.codc-qldc.govt.nz for opening times)

- Queenstown Library: 10 Gorge Road
- Wānaka Library: Dunmore Street
- Arrowtown Library: 58 Buckingham Street
- Glenorchy Library: 13 Islay Street
- Lake Hāwea Library: Myra Street
- Makarora Library: Rata Road
- Frankton Library: Hawthorn Drive
- Kingston Library: 48 Kent Street

Who can make a further submission?

The following persons may lodge a further submission:

(a) Any person representing a relevant aspect of the public interest; and
(b) Any person that has an interest in an aspect of the variation or plan change greater than the public in general.

What can a further submission cover?

Further submissions must be limited to matters in support of, or in opposition to, a matter raised in an original submission.

How do I make a further submission?

Make your further submission online at: https://www.qldc.govt.nz/your-council/district-plan/amendments-to-accessible-parking-provisions.

Alternatively written submissions may be made:

By Post: Queenstown Lakes District Council, Private Bag 50072, Queenstown 9348, Attention: PDP Accessible Parking Further Submission
Via Email: pdpsubmission@qldc.govt.nz (subject line: PDP Accessible Parking Further Submission).

Written submissions must follow Form 6 as prescribed by the Resource Management Act 1991. This form is available from the locations listed above.

Due date for further submissions:

All further submissions must be received by the Council no later than ten (10) working days from the date of this notice being 3 February 2022.

Please note:

When a person or group makes a submission or further submission on a District Plan or Plan Change this is public information. Please note that by making a submission your personal details, including your name and addresses will be made publicly available under the Resource Management Act 1991. This is because, under the Act, any further submission supporting or opposing your submission must be forwarded to you as well as to QLDC. There are limited circumstances when your submission or your contact details can be kept confidential. If you consider you have compelling reasons why your submission or your contact details should be kept confidential please contact the Senior District Plan Administrator on 03 441 0499 to discuss.

You must serve a copy of your further submission on the person(s) who made the original submission(s) that your further submission relates to, no later than five (5) working days after providing Council with a copy.

Not sure whether you can make a further submission?

A Duty Policy Planner can help - just call Council on 03 441 0499 (Queenstown) or 03 443 0024 (Wānaka).

QUEENSTOWN LAKES DISTRICT COUNCIL
Private Bag 50072 | 10 Gorge Road Queenstown
Phone 03 441 0499 | www.qldc.govt.nz

NOTICE OF THE INTENTION TO APPLY FOR AN ORDER-IN-COUNCIL FOR A MARINE RESERVE UNDER SECTION 5 OF THE MARINE RESERVES ACT (1971)

Hākaimangō — Matiatia (Northwest Waiheke) Marine Reserve Proposal

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

The boundaries of the proposed marine reserve encompass 2,350ha and comprise of all the area (within the meaning of the Marine Reserves Act 1971) enclosed by a line commencing at a point on the mean-high water springs near Matiatia Point/Head on the north shores of Matiatia Bay at 36° 46.816' S, 174° 59.126' E; proceeding in a straight line in a westerly direction to point at 36° 46.816' S, 174° 57.406' E; then proceeding in a straight line in a northerly direction to point at 36° 44.126' S, 174° 57.406' E; then proceeding in a straight line in an easterly direction to point at 36° 44.126' S, 175° 00.962' E; then proceeding in a straight line in a southerly direction to a point 36° 46.151' S, 175° 00.962' E; then proceeding in a straight line in a westerly direction to a point on the mean-high water mark near Hakaimango Point at the north-western extremity of Oneroa Bay at 36° 46.151' S, 175° 00.882' E then proceeding in a northerly, westerly then generally south westerly direction along mean-high water springs to the point of commencement.

The plan of the proposed marine reserve showing all tidal waters and the boundaries and extent of the area sought to be declared a marine reserve may be inspected at the Department of Conservation office, Bledisloe House in central Auckland, and at Waiheke Public Library, Ocean View Road, Oneroa, Waiheke Island. The full application document may be viewed online and downloaded at FriendsofHaurakiGulf.nz. Hard copies of the full application document will be available at a cost of $32 from the Friends of the Hauraki Gulf. Please email friends.hg21@gmail.com and request a copy.

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

To make a submission to the Director General of Conservation:

- Fill out the online submission form at: www.doc.govt.nz/waihekeproposal
- Email your submission: waihekeproposal@publicvoice.co.nz
- Post a hard copy to:

RE: Proposed Hākaimangō-Matiatia (Northwest Waiheke Island) marine reserve Planning Permissions and Land Unit,
Department of Conservation,
P.O. Box 10420,
Wellington 6143, New Zealand.

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

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

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

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

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TIME FOR A CLEAN OUT? Wanted, quality used items, anything considered, must be in good condition. — Ph. Luke 027-431-5322.

ADULT ENTERTAINMENT

ADVERTISEMENTS in this column must conform to our standard. Advertisements must be received by 4 p.m. day prior Tues.-Fri.; 4 p.m. Fri. for Mon. and 4 p.m. Thursday for Saturday. The newspaper reserves the right to delete or hold out anything we consider in bad taste.

A BUBBLY blonde, a few days only, long slim legs, green eyes, please ask for specials, working till 3 a.m. — Phone 021-0872-9827.

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VIXEN, 35, go past the rest to get to the best. — Phone 022-500-5372.

Released under Official Information Act

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MUIR, Alan
RUSH, Neville
VAN DORRESTEIN, John

ANTHOPOULOS, Sophia:
On Tuesday, 18 January 2022, passed away peacefully at Wellington Hospital, aged 85 years. Beloved wife of the late Ioannis (John). Treasured mother and mother-in-law of Kosta and Senada, Thena and Andrew. Much adored Yiayia of Anastasia and Georgia. Loved by family in Australia, USA and Greece.

"At rest now,
will always be remembered."

In lieu of flowers, donations to the Greek Orthodox Cathedral and Wellington Free Ambulance would be appreciated and may be left at the service. In accordance with the family's wishes, Sophia's funeral will be open to vaccinated people only and certificates must be shown upon arrival at the venue. If you wish to attend, please register on Sophia's tribute page at www.tributes.co.nz, where you can also leave a message for the family. Sophia's funeral service will be held at the Greek Orthodox Cathedral, "O Evangelismos tis Theotokou" (Annunciation of the Birth giver of God), Hania St, Mt Victoria, on Friday 21 January 2022 at 11.00am, thereafter burial at Makara Cemetery. You are welcome to pay your respects at Thena and Andrew's house on Wednesday and Thursday from 3.00pm.

The Wilson Funeral Home
Newtown & Karori
Locally Owned

BROWN, Margaret Hazel:
Passed away peacefully at Coastal Villas Care Centre, Raumati Beach, on Monday, 17 January 2022, at the age of 75 years. Former wife of Lucio Casagrande and Allan Brown. Mother and mother-in-law to Daniel and Philippa, Cameron, and grandmother to Emilia. Margaret was an active member of the Kapiti Arts Society, Kapiti Camera Club, Mana Arts Society, Linkline Group, Friendship Force and U3A. An intrepid traveller, she travelled to many destinations throughout the world as well as regular visits to family and friends in England. Thanks to the nurses and staff at Coastal Villas Care Centre for their kindness and care. Messages to "the Brown family" may be placed in Margaret's tribute book at www.tributes.co.nz or posted C/- PO Box 723 Paraparaumu. Margaret's funeral service will be held at Harbour City Funeral home chapel, 300 Kapiti Road, Paraparaumu, on Friday, January 21, 2022, at 11.00am, followed by a private cremation. In accordance with the family's wishes Margaret's funeral will be open to vaccinated people only and certificates must be shown upon arrival at the venue.

Harbour City Funeral Home
Kapiti, Wellington, & Hutt Valley

Chaplaincy Services at Wellington Hospital help everyone
Please donate to Hospital Chaplaincy Trust PO Box 12397, Wellington 6144 or by direct credit to: 06 0513 0258082 00
www.whct.org.nz

DODUNSKI, Rose Margaret (Toppy) (nee Perrett):
Passed away peacefully at Taranaki Base Hospital, aged 97 years. Wife of the late Albert Thomas Dodunski, mother of David (Australia), Pauline and Barry (New Plymouth), Rose and Maurice (Porirua), Albert and Bee (Fielding), Mary and the late Gary (Hamilton), Steve and Sandy (Inglewood). Much loved and cherished nana to 29 grandchildren, 40 great-grandchildren and 2 great-great-grandchildren. All messages to the Dodunski family may be sent C/- P.O. Box 218, Stratford. Due to the current Covid-19 restrictions to attend this funeral you must present your My Vaccine Pass on entry. Rosary Prayers will be prayed at The Sacred Heart Catholic Church, Standish Street, Inglewood, on Thursday 20th January 2022 at 7.00pm. A Requiem Mass for Rose will be celebrated at the Sacred Heart Catholic Church, Inglewood, on Friday 21st January 2022 at 11.30am, followed by her interment at the Inglewood Cemetery.

Brian Darth
Funeral Services
06 765 7672
Proud member of NZ Independent Funeral Homes

DOWNES, Richard Grenville:
Passed away peacefully on 18 January 2022, aged 82 years. A dearly loved husband, father, father-in-law, grandfather and great-grandfather. Now reunited with your dear Mercia. A private family farewell is being held today.

Ana-Maria
Funeral Services

GUILLARD, Harold James (Harry):
On 19th January 2022 in Masterton quietly at Wairarapa Hospital, aged 83 years. Dearly loved husband of Lidian Guillard (deceased), and step-dad to Lidian's children Junior, Jonathan, Abraham, Kyle, George, Metua and John. He was also the special ex-husband of Anne Barber (deceased) and their children Regina, Eva, Jill, Bernadette and Michelle. Harry is also survived by his former spouse Lorraine Larson and their children Tina, Pierre (deceased), and Maurice. Loved Grandad of his many grand, great and great-great-grandchildren. A service for Harry will be held at 19 French Street, Masterton, on Friday 21st January starting at 10.00am sharp. Please note that Harry will later that day be interred at Hastings Cemetery at 3.00pm and laid to rest with Lidian as per his wishes. This is a Vaxed Event.

Rosewood Funeral Home

Professional Service
Anyone can supply funeral services in New Zealand as the profession is not regulated. However all members of the Funeral Directors Association of New Zealand (FDANZ) are professionals who practice within the Association's Codes of Conduct and Ethics. Therefore you can be confident in their ability to provide care, support and the attention you and the deceased deserve. FDANZ members are named in the funeral notices and the Yellow Pages. Please call in or telephone for a free brochure so you make the right choice.

KERR, Caitlin:
Sadly on January 16, 2022 our beautiful, caring and sassy daughter Caitlin passed away peacefully with us at her side, after her long battle with cancer, aged 15 years. Beloved daughter of Hayden, Kezia, and the late Nicola Kerr, and amazing inspiration to everyone her life has touched. While we are happy knowing she is in heaven with her mum, the lives of us left behind will be so much less colourful without her here to brighten our days. A celebration of Caitlin's life will be held at the Upper Hutt Baptist Church, 1 Milton Street, on Saturday, January 22, 2022 at 1.00pm. For anyone who wishes to see her, she will be there for viewing between 12.00pm-12.30pm. The service will be followed by light refreshments. There will be no open floor for speakers, but there will be a way for people to leave a message. But, in the meantime, if you would like to send a message of a memory you have of Caitlin, please send it through to haydenkerr1975@gmail.com. We are wanting this to be a celebration, so we encourage you to wear bright and/or sparkly coloured clothing. The service will be vaccine pass only, please allow time for checking in. For those who are unable to attend, we are intending to livestream. Please contact office@geeandhickton.co.nz for details.

Gee & Hickton, FDANZ
www.geeandhickton.co.nz
Ph 04 528 2331

KIDD, Rohan (Mick): J.P. (Retired)
On 17 January 2022, peacefully in hospital, aged 85 years, surrounded by his family. Dearly loved husband of Gai for 54 years. Loved by his sons and daughters in law John and Bridget and Brad and Sally. Beloved Faaaa of his grandchildren Campbell, Charlie, Harry, Lucy and Sylvie. A true Taranaki boy and loved brother of Toi, Ola, Rona, Bob, Barry, Marlene and Morris. A cherished uncle to his many nieces and nephews. A very special thanks to the many health professionals who have cared for Faaa in recent times, in particular the Wellington Emergency Department, MAPU, AWHI, Community Nurses and Ward 5 at Kenepuru Hospital. You all do an amazing job. Messages and tributes may be placed in Rohan's tribute book at www.tributes.co.nz. Rohan's funeral will be held at the Cockburn Street Chapel, 1 Cockburn Street, Lyall Bay, Wellington, at 2.00pm on Tuesday 25 January, followed by a private cremation. A separate burial service will be held in Stratford at a later date. In accordance with the family's wishes Rohan's funeral will be open to vaccinated people only and certificates must be shown upon arrival at the venue. This service can be viewed via the livestream tab on the Tributes website.

Harbour City Funeral Home
Kapiti, Wellington, & Hutt Valley

MACKAY, Ross Alistair:
13.10.1951 — 17.01.2022
Ross died peacefully surrounded by his friends and family after a short illness. Devoted and beloved father and father-in-law of Emily, Nic, & Izzy, Alex, and Poppa-in-waiting for their babies. Cherished former husband of Jacqui, brother of Ian & Jenny, Lynsey & Bruce, and uncle to his nieces and nephews. Ross loved and was loved by many others. A private cremation will be held on 20 January 2022. Vaccinated whānau and dear friends are invited to a celebration of Ross's life at 2.00pm on Friday 21 January 2022 in the Boat Shed. The service will be livestreamed and if you wish to view please see the link ahead www.vimeo.com/667497412/d9541bb89e Messages to the Mackay whānau can be sent to rossmackaytributes@gmail.com. Heartfelt thanks to the staff at the Haem & Onc Ward at Wellington Hospital. In lieu of flowers, donations are welcome to the Cancer Society.

Lychgate Funerals
FDANZ 385 0745
www.lychgate.co.nz

MEEK, Thomas (Tom):
Service No. 2719402, Senior Air Craftsman RAF. Of Raumati Beach. Formerly of Edinburgh, Scotland and Ngaio, Wellington. Passed away peacefully at home in the company of his family on Tuesday, 18 January 2022, aged 88 years. Dearly loved husband of Hazel for 63 years. Loved father and father-in-law of Ross & Tracey, Craig & Bronwyn and Grant & Kerry. Adored Grandad to Holly, Dylan, Aimee, Nathan, Kingsley, Michael and great grandad to Mason. Loved and missed by his extended family in Scotland and America. All messages to "The Meek Family", c/- PO Box 119, Paraparaumu 5254. A service for Tom will be held in Kapiti Coast Funeral Home Chapel, 9-11 Hinemoa St, Paraparaumu, tomorrow, Friday, 21 January 2022 at 2.30pm, thereafter private cremation. At the family's request, attendance will be by vaccine pass only. Tom's service will be livestreamed via www.kcfh.stream. In lieu of flowers, donations in Tom's memory to Mary Potter Hospice may be left through their donation page at www.marypotter.org.nz. Thanks to Mary Potter and Nurse Maude staff for their loving care.

Kāpiti Coast Funeral Home
04 298 5168

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PO Box 6584, Wellington 6141
Save the Children

MUIR, Alan John Herbert:
Died peacefully at Nelson Tasman Hospice surrounded by love on 17 January 2022, aged 80. Loved husband of the late Judy Muir (nee Lovatt). Dearly loved father of Dawn, Leonie and Nigel, and father-in-law of Tanya, Erin, and Mish. Loving granddad to Jake, Zac, Rick, Milly and Corey. Alan was much loved by his sister Jocelyn, and brothers-in-law Max and Ashley. Brother to the late Graeme, Robbie and Neil. He was a much-loved friend to many.

Moe mai rā Alan. His love of life and his family will be his legacy. Faith, hope and love ... but the greatest of these is love.

A service to celebrate Alan's life will be held Saturday 22 January, 2.00pm, at the Holy Trinity Anglican Church, Dorset Street, Richmond. Due to Covid restrictions, vaccine passes will be required and scanned at the service. For those unable to attend, the service will be live-streamed and the link can be found at www.shoneandshirley.co.nz Grateful thanks to the staff at Nelson Hospital and the Nelson Tasman Hospice. Messages to the Muir family, c/- 164 Tahunanui Drive, Nelson 7011. In lieu of flowers, donations to the Nelson Tasman Hospice, who took such loving care of Alan, would be appreciated. These may be made via the following website link https://www.nelsonhospice.org.nz/fundraising/making-a-donation/

Shone & Shirley Funeral Directors
03 546 5700

RUSH, Neville John:
On 16th January 2022, peacefully at home surrounded by family, aged 80 years. Dearly loved husband, father and granddad. Special thanks to the staff of Mary Potter Hospice for their care and support of Neville. Messages to the 'Rush family' made be left in Neville's tribute book at www.tributes.co.nz or posted c/- PO Box 14-366, Kilbirnie 6241. As per Neville's wishes, a private service has been held. A gathering to share memories will be held at a later date.

Harbour City Funeral Home
Kapiti, Wellington, & Hutt Valley

VAN DORRESTEIN, John Richard:
Sadly passed away aged 56, fondly remembered by Fleur Connor, Trisha and Ian Hartley, Allan and Ivena Heald. Service to be held on Friday January 21st at 10.30am at Gee & Hickton, Lower Hutt, followed by a private cremation.

In Memoriam

RAIT, Evan Wemyss:
October 28, 1942 — January 20, 2021
'Till the day breaks and the shadows flee away.'
Loving memories, Lynda

Family Notice Classified Bookings
0800 287 322
EMAIL familynotices@stuff.co.nz

Classifieds

Public Notices

iPredict Limited
(in Liquidation)
("the Company")

Notice is hereby given that, pursuant to Section 241(2)(a) of the Companies Act 1993, the shareholder of the Company appointed David Ian Ruscoe (IP#50) and Mark Terence McDonald (IP#135), both of Grant Thornton New Zealand Limited, as joint and several liquidators of the Company. The liquidation commenced on 19 January 2022 at 9.08am.

Notice is also given that the Liquidators hereby fix Friday, 18 February 2022 as the date on or before which the creditors of the Company are to make their claims and to establish any priority their claims may have under Section 312 of the Companies Act 1993, or to be excluded from the benefit of any distribution made before their claims are made, or as the case may be, from objecting to any distribution.

Enquiries may be directed during normal business hours to Adele Hicks, adele.hicks@nz.gt.com

Grant Thornton New Zealand Limited
PO Box 10712
Wellington 6143

Dated: 19 January 2022

David Ian Ruscoe
Liquidator

SMOKE ALARM PROFESSIONALS LIMITED (IN LIQUIDATION)
("the Company")
NOTICE OF APPOINTMENT OF LIQUIDATORS
AND
NOTICE TO CREDITORS TO CLAIM
Pursuant to Section 255(2)(a) and Liquidation Regulation 12 of the Companies Act 1993

Iain Bruce Shephard and Jessica Jane Kellow, Licensed Insolvency Practitioners of BDO Wellington (registration numbers: IP71 and IP75), were appointed liquidators of the Company by a special resolution of the shareholders on 18 January 2022 at 9.00am.

NOTICE is hereby given that as liquidators of the Company, we fix the 22 February 2022, as the day on or before which the creditors of the Company are to make their claims, and to establish any priority their claims may have under Section 312 of the Companies Act 1993 (as amended) or to be excluded from the benefit of any distribution made before the debts are claimed, or as the case may be, from objecting to the distribution.

Creditors and shareholders may direct enquiries during normal business hours to:

Ryan Kilkolly
BDO Wellington, Business Restructuring
Level 1, 50 Customhouse Quay
Wellington 6011

Postal Address PO Box 10340
Wellington 6143

Telephone (04) 472 5812
Email ryan.kilkolly@bdo.co.nz

DATED this 18th Day of January 2022.

JESSICA KELLOW
Liquidator

Damaged or wet newspaper?
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CUSTOM BUILDS LIMITED
(in Liquidation)
Company Number: 6391857
Notice of appointment of liquidator and to creditors to claim

Heath Gair, Licensed Insolvency Practitioner of Palliser Insolvency, was appointed liquidator of the above company on 14 January 2022 at 11:30am by special resolution pursuant to section 241 (2)(a) of the Companies Act 1993. The liquidator fixes 14 February 2022 as the day by which the creditors of the company are to make their claims and to establish any priority under the Companies Act 1993.

Dated: 19 January 2022

Heath Gair
Liquidator

Contact details:
Palliser Insolvency,
Level 16, 157 Lambton Quay,
PO Box 57124, Mana 5247,
Porirua, 04 462 4055,
office@palliserin.co.nz

Iwi, hapū, or whānau who exercise Kaitiakitanga
WHAKAWHITI KŌRERO/ HAVE YOUR SAY
on the proposed Hākaimangō Matiatia marine reserve (Northwest Waiheke Island).

The Department of Conservation has received an application for a new marine reserve by the Friends of the Hauraki Gulf Inc. The proposed Hākaimangō Matiatia marine reserve is off the northwest coastline of Waiheke Island.

If you are iwi, hapū, or whānau who exercise kaitiakitanga in the area covered by the proposed marine reserve, we recognise your right to participate in the application process as affected iwi, hapū or whānau under the Marine and Costal Area (Takutai Moana) Act 2011.

Anyone has the right to make objections and submissions under the Marine Reserves Act 1971 as set out in the Friends of the Hauraki Gulf Inc public notice (published above).

The Marine and Costal Area (Takutai Moana) Act 2011 specifically provides affected iwi, hapū, or whānau the right to participate in the process and provide their views. The Minister of Conservation must have particular regard to the views of affected iwi, hapū, or whānau when considering the proposed marine reserve.

To exercise this right to participate, iwi, hapū, or whānau must advise the Director-General of Conservation that they are "affected" (which means that they exercise kaitiakitanga in the area covered by the proposed marine reserve) and provide their views on the proposal.

Affected Iwi, hapū or whānau should do this by:

(1) Making a submission in the manner set out in the Friends of the Hauraki Gulf's public notice adjacent/above, and

(2) Specifically noting in the submission that you are affected and which hapū and/or iwi you affiliate to.

The deadline to do this is 20 March 2022, as set out in the Friends of the Hauraki Gulf's public notice adjacent/above.

More information about the proposed marine reserve application and process can be found at www.doc.govt.nz/waihekeproposal

New Zealand Government
Department of Conservation
Te Papa Atawhai

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

Hākaimangō – Matiatia (Northwest Waiheke) Marine Reserve Proposal

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

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

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

Hard copies of the full application document will be available at a cost of $32 from the Friends of the Hauraki Gulf. Please email friends.hg21@gmail.com and request a copy.

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

To make a submission to the Director General of Conservation:

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

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

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

For any questions about the application, contact the Applicant directly:
Michael Lee
Chair
Friends of the Hauraki Gulf Inc
c/- 21 Tetley Road, Surfdale, Waiheke Island. 1081

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Public notices

Temporary road closure

Auckland Transport gives notice of temporary road closures as detailed below.

Herne Bay, Waitemata Local Board area

Bayfield Rd (#1 to #38 Bayfield Rd) and Buller St (Kelmarna Ave to Wharf Rd).

From Thursday 27 January to Friday 28 January 2022. From 7am to 7pm, each day.

Closed for road improvements on behalf of Downer NZ. Contingency dates: 29 January - 3 February 2022. Traffic controllers will be on point to assist affected residents in and out of driveway and road closures.

Reference number: AT263/2021.

Orakei, Orakei Local Board area

Kitemoana St (Tamaki Dr to End of Cul-de-Sac).

From Monday 24 January to Tuesday 25 January 2022. From 8am to 6pm, each day.

Closed for road maintenance on behalf of Auckland Transport. Contingency dates: 26 January - 5 February 2022. Additional dates: 21 February and 27 February - 5 March 2022. Resident access will be maintained at all times.

Reference number: AT82/2021.

Freemans Bay, Waitemata Local Board area

Collingwood St (#48 Collingwood St to Wellington St).

From 7am on Monday 24 January to 7pm on Sunday 6 February 2022, continuously.

Closed for road improvements on behalf of Auckland Transport. Contingency dates: 7 - 18 February 2022.

Reference number: AT020/2022.

Mount Wellington, Maungakiekie - Tamaki Local Board area

Bowden Rd (#5 to End of the Cul-de-Sac) and Timaru Pl (Bowden Rd to End of the Cul-de-Sac).

From 8am on Sunday 23 January to 5am on Monday 24 January 2022.

Closed for road maintenance on behalf of Auckland Transport. Contingency dates: 30 - 31 January 2022. Access to businesses will be maintained at all times.

Reference number: AT023/2022.

Mount Wellington, Maungakiekie - Tamaki Local Board area

Bowden Rd (Carbine Rd to End of the Cul-de-Sac) and Timaru Pl (Bowden Rd to End of the Cul-de-Sac).

From Monday 24 January to Friday 28 January 2022. From 7pm to 5am, each night.

Closed for road maintenance on behalf of Auckland Transport. Contingency dates: 31 January - 4 February 2022. Access to businesses will be maintained at all times.

Reference number: AT024/2022.

Glendowie, Orakei Local Board area

Roberta Ave (West Tamaki Rd to Vista Cres) and Roberta Ave (#20 to Vanessa Cres).

From Monday 24 January to Saturday 29 January 2022. From 9am to 5pm, each day.

Closed for road maintenance on behalf of Auckland Transport. Contingency dates: 31 January - 5 February 2022. Resident access will be maintained at all times.

Reference number: AT030/2022.

Mount Wellington, Maungakiekie - Tamaki Local Board area

Harris Rd (Marua Rd to #3 Harris Rd) and Harris Rd (Ellerslie Panmure Highway to #3 Harris Rd).

From Sunday 23 January to Tuesday 25 January 2022. From 7am to 6pm, each day.

Closed for road maintenance on behalf of Auckland Transport. Contingency dates: 26 January - 6 February 2022.

Reference number: AT031/2022.

Penrose, Maungakiekie - Tamaki Local Board area

Hugo Johnston Dr (Southpark Ln to End of the Cul-de-Sac).

From Monday 24 January to Saturday 29 January, from 7am to 7pm, each day and from Monday 31 January to Saturday 5 February 2022, from 7am to 7pm, each day

Closed for road maintenance on behalf of Auckland Transport. Contingency dates: 7 - 12 February 2022. Access to businesses will be maintained at all times.

Reference number: AT032/2022.

Te Atatu South, Henderson - Massey Local Board area

Strid Rd (Entire Strid Rd).

From Thursday 6 January to Monday 10 January, from 7am to 7pm, each day and from Monday 24 January to Wednesday 26 January 2022, from 7am to 7pm, each day.

Closed for road improvements on behalf of Auckland Transport. Contingency dates: 27 - 31 January 2022. Additional Contingency dates: 11 January - 10 February 2022. Only five days will be used between contingency window.

Reference number: AT198/2021.

Pukekohe, Franklin Local Board area

Buckland Rd (Kitchener Rd to #501 Buckland Rd).

From 9am to 5pm on Wednesday 26 January 2022.

Closed for road maintenance on behalf of Auckland Transport. Contingency dates: 27 - 28 January 2022.

Reference number: AT001/2022.

Clarks Beach, Franklin Local Board area

Torkar Rd (Stella Dr to Crispe Rd), Stevenson Rd (Clarks Beach Rd to Taihiki Rd) and Seaway Rd (Millen Pl to Stevenson Rd).

From Monday 24 January to Tuesday 25 January 2022. From 7am to 7pm, each day.

Closed for road maintenance on behalf of Auckland Transport. Contingency dates: 26 - 28 January 2022.

Reference number: AT003/2022.

Red Hill, Papakura Local Board area

Dominion Rd (Settlement Rd - Dominion Rd RAB to #159 Dominion Rd).

From 7am on Monday 24 January to 7pm on Thursday 31 March 2022, continuously.

Closed for water supply improvement on behalf of Watercare. Contingency dates: 31 January - 31 March 2022.

Reference number: AT005/2022.

Mangere, Mangere - Otahuhu Local Board area

Coronation Rd (Waterfront Rd and Coronation Rd intersection to End of Te Araroa Trail, Coronation Rd).

From 8am to 2pm on Wednesday 26 January and Wednesday 2 February 2022.

Closed for crane operation on behalf of NZTA.

Reference number: AT015/2022.

Mangere, Mangere - Otahuhu Local Board area

Te Motu Way (#2 to Robertson Rd).

From 7pm on Wednesday 26 January to 5am on Thursday 27 January 2022.

Closed for road improvements on behalf of Auckland Transport. Contingency dates: 27 - 30 January 2022. Only one day will be used between contingency window.

Reference number: AT016/2022.

Howick, Howick Local Board area

Evelyn Rd (Entire Evelyn Rd) and Coates Rd (Evelyn Rd to #25 Coates Rd).

From Monday 10 January to Sunday 30 January 2022. From 7am to 7pm, each day.

Closed for road improvements on behalf of Auckland Transport.

Extended from December.

Reference number: AT018/2022.

Albany, Upper Harbour Local Board area

Gills Rd (Intersection of Gills Rd and Living Steam Ave to around #18 Gills Rd).

From 7am on Monday 22 November 2021 to 7pm on Thursday 31 March 2022, continuously.

Closed for road improvements on behalf of Auckland Transport.

Dates extended.

Reference number: AT776/2021.

Freemans Bay, Waitemata Local Board area

Collingwood St (Ponsonby Rd to Heke St).

From 7am on Monday 10 January to 7pm on Sunday 23 January 2022, continuously.

Closed for road improvements on behalf of Auckland Transport. Contingency dates: 24 January - 18 February 2022.

Reference number: AT019/2022.

Massey, Henderson - Massey Local Board area

Waimumu Rd (Waimumu Rd intersection of Triangle Rd and Huruhuru Rd to #57 Waimumu Rd).

From 7pm on Friday 28 January to 5am on Monday 31 January 2022, continuously.

Closed for road improvements on behalf of Auckland Transport. Contingency dates: 4 - 15 February 2022.

Reference number: AT017/2022.

Onehunga, Maungakiekie - Tamaki Local Board area

Alfred St (Neilson St to Church St).

From 8pm on Monday 24 January to 5am on Tuesday 25 January 2022.

Closed for road maintenance on behalf of Auckland Transport. Contingency dates: 26 January - 6 February 2022.

Reference number: AT039/2022.

Blockhouse Bay/Avondale, Whau Local Board area

Blockhouse Bay Rd (Great North Rd to #44 Blockhouse Bay Rd).

From 8pm on Monday 31 January to 5am on Tuesday 1 February 2022.

Closed for road improvements on behalf of Auckland Transport. Contingency dates: 1 - 10 February 2022.

Reference number: AT221/2021.

For further information please call Auckland Transport on 09 355 3553.

AT.govt.nz

Auckland Transport
An Auckland Council Organisation

NOTICE TO CREDITORS

All persons having a claim against the Estate of MARGARET EILEEN TIMMER of Auckland, Retired who died on 9 September 2021 are required to send particulars of such claim as owing at the date of death to Denham Bramwell Lawyers PO Box 76 004, Manukau, Auckland 2241, fax 09 262 3875 within one month of the date of publication of this advertisement. Claims due and owing at the date of death should be so certified. Creditors are warned that any claim not lodged within this period are liable to exclusion.

Notice of the intention to apply for an Order-in-Council for a marine reserve under section 5 of the Marine Reserves Act (1971)

Hākaimangō – Matiatia (Northwest Waiheke) Marine Reserve Proposal

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

The boundaries of the proposed marine reserve encompass 2350 ha and comprise of all the area (within the meaning of the Marine Reserves Act 1971) enclosed by a line commencing at a point on the mean high water springs near Matiatia Point/ Head on the north shores of Matiatia Bay at 36° 46.816' S, 174° 59.126'E.; proceeding in a straight line in a westerly direction to point at 36° 46.816' S, 174° 57.406' E; then proceeding in a straight line in a northerly direction to point at 36° 44.126' S, 174° 57.406' E; then proceeding in a straight line in an easterly direction to point at 36° 44,126' S, 175° 0.962' E; then proceeding in a straight line in a southerly direction to a point 36° 46.151' S, 175° 0.962' E; then proceeding in a straight line in a westerly direction to a point on the mean high water mark near Hakaimango Point at the north-western extremity of Oneroa Bay at 36° 46.151' S, 175° 0.882' E then proceeding in a northerly, westerly then generally south westerly direction along mean high water springs to the point of commencement.

The plan of the proposed marine reserve showing all tidal waters and the boundaries and extent of the area sought to be declared a marine reserve may be inspected at the Department of Conservation office Bledisloe House in central Auckland, and at Waiheke Public Library, Ocean View Road, Oneroa Waiheke Island. The full application document may be viewed online and downloaded at FriendsofHaurakiGulf. nz. Hard copies of the full application document will be available at a cost of $32 from the Friends of the Hauraki Gulf. Please email friends.hg21@gmail.com and request a copy.

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

TO MAKE A SUBMISSION TO THE DIRECTOR GENERAL OF CONSERVATION:

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

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

This notice of intention to apply for a marine reserve is given by the Applicant, The Friends of the Hauraki Gulf inc.

For any questions about the application, contact the Applicant directly:
Michael Lee
Chair
Friends of the Hauraki Gulf Inc
c/- 21 Tetley Road, Surfdale, Waiheke Island. 1081

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Released Under Official Information Act

Family Notices

Deaths

Index

BASSETT, Edward
CHISHOLM, Eleanor
HOPE, Elaine
LEE, Elizabeth
MACDONALD, Alison
McBRIDE, Joyce
PRICE, Heather

BASSETT, Edward John: (JP Rtd)
NZ Army 41443
Malaya, Borneo, Vietnam
Passed away peacefully in his happy place, at home, on Wednesday, January 19, 2022.
"Off on his next Journey"
Devoted husband of Kay. Loving Dad to Deon and Lisa; Steve and Pip; and Sarah and James. Most treasured Pop of Jackson, Tenika, Mason, Chloe, Chase, and Jay, and will be missed by Ted. A Celebration of Eddie's life is to be held on Monday, January 24, 2022 at 1.00pm, at the Papanui RSA, 1 Harewood Road, Papanui, Christchurch.
HALL & CO.
www.undertaker.co.nz

CHISHOLM, Eleanor May:
Of Fairfield. Peacefully on Wednesday, January 19, 2022 at Yvette Williams Retirement Village with family at her side, after a 10 year battle with Alzheimer's, aged 66. Dearly loved wife of Bruce. Much loved mother of Julie, Glen, and Claire; and loved mother-in-law of Ben, Nicola, and Andrew. Adored Nana of Henry, Florence; Nina, Pip; James, and Jack. The family would like to thank Maria and Janice, Cythia and the team at St Andrews, and Nicola and the team at Yvette Williams for their care. Please note: Vaccination Passports will be required. The service can be viewed via live-stream at www.campbellandsons.co.nz/live-stream. A service for Eleanor will be held in Campbell and Sons Chapel, 95 Gordon Road, Mosgiel, on Saturday, January 22 at 10.00am, followed by private interment. In lieu of flowers, donations to the Neurological Foundation would be appreciated and left at the service. Messages to 18 Bremner Street, Fairfield 9018.
Campbell & Sons FUNERAL SERVICES
Family Owned
campbellandsons.co.nz

HOPE, Elaine Marie:
Passed away peacefully on January 18, 2022 at Greymouth Hospital. Much loved wife of the late Kevin. Loved mother and mother-in-law of Brian and Noreen (Palmerston North), Christine and Brian (Kaikoura), and Lynn (Greymouth), best mate of Shorty (Greymouth). Loved nana of Nathan, Jasmine, Lisa, Kelly, Vaughan and Brennan. Loved great-grandma of her 16 great-grandchildren. Loved sister and sister-in-law of the late Albert and Joan Brennan, the late Ted and Ola Brennan, the late Johnny Brennan, Bill (dec) and Mary Brennan, Eric Butler and Frank and Helen Brennan, the late Ross and Joyce Hope, and Margie Hope, the late Bernie and Margaret Hope, Maurice and Irene Hope, and the late Bryan Hope. A loved aunty and cousin. Messages to 132 Preston Road, Blaketown, Greymouth. A special thank you to the Access Carers and staff at Greymouth Hospital who did a wonderful job looking after our mum. To honour Elaine's wishes a private cremation has been held.
Anisy Funeral Home Greymouth

LEE, Elizabeth Anne:
On Tuesday, January 18, 2022, in her lovely new home, after coping amazingly with many illnesses during her life, aged 56 years. Very dearly loved daughter of Shirley and the late Ray Lee, and treasured sister of the late Ross Lee. Dearly loved by Ross' children, Matthew, Rebecca, and Thomas, and their mother Jill and her partner Perry. Loved grand-daughter of the late Bob and Daisy Lee, and the late Annie and Morton Waddel. Much loved by her aunts, uncles and cousins. Special friend of Keren, Helen, and Fiona. Messages may be addressed to The Family of the late Elizabeth Lee, c/- PO Box 39001, Christchurch 8545. A Service to celebrate Elizabeth's life will be held in our Westpark Chapel, 467 Wairakei Road, Burnside, Tomorrow (Friday), at 10.00am. At a later date, her family and friends will gather to be present when her ashes are placed alongside those of her father Ray, brother Ross, and her Lee Grandparents, at the "Lee Resting Rock" in the Cardrona Valley. Vaccine Passes will be required.
Lamb & Hayward
03 359 9018

MACDONALD, Alison:
Passed away peacefully on Wednesday, January 19, 2022 in Dixon House, Greymouth. Dearly loved mum of Julie and Donna, loved nana of Poppy, Carrie and Jamie, and loved great-nana of Carter, Reeve and Leah. Much loved sister of Janet and Robert, and the late Lindsay. Loved auntie, cousin, and friend to many. Messages to 51 Ward Street, Runanga. A memorial service to celebrate Alison's life will be held in the Anisy Funeral Chapel, 77 Shakespeare St, Greymouth. on Saturday, January 22, 2022 at 2.00pm. Covid rules apply, double vaccinations essential.
Resting in the care of
Anisy Funeral Home Greymouth

Missed delivery?
VISIT
my.stuff.co.nz

McBRIDE, Joyce Lorraine:
(Formerly of Mimihau, Wakanui, and Governors Bay)
On January 18, 2022, at Christchurch, aged 94 years. Dearly loved wife of the late Doug, loved mother and mother-in-law of Stephen and Kay, John (Barney), Ross and Raelee, Jane and the late Bill, Malcolm and Sandra, "Nanny and Nanny Boats" of Kari, Kelly-Ann, and Kimberley; Tom, and Chloe; Jesse; Alice, and Cherysh, "Great Nanny and Nanny Boats" of Benji, Levi, Mia; Kason, Judd; Sophie; and Caleb. Sincere thanks to the caring staff at Anthony Wilding. Messages may be addressed to The Family of the late Joyce McBride, c/- PO Box 39001, Christchurch 8545. The Funeral Service for Joyce will be held in the St Cuthbert's Anglican Church, 8 Governors Bay - Teddington Road, on Tuesday, January 25, at 1.00pm, followed by interment at St Cuthbert's Churchyard, Governors Bay. Vaccine passes are required.
Lamb & Hayward
03 359 9018

PRICE, Heather:
On January 15, 2022 peacefully at Rosebank Lifecare, Ashburton, surrounded by her loving family, aged 74 years. Loved mother of Sheree, and Shawn, and loved grandmother of Chontelle, Michelle, Jasmine, Zane, Crystal, Holly, and Summer, and a beloved great-grandmother. Messages to the Price family, c/- PO Box 472, Ashburton 7740. At Heather's request, a private memorial service will be held.
Paterson's Ashburton
FDANZ
03 307 7433

Acknowledgments

JACKSON, Peggy Anne (née Squire):
Peter, Mary, Lynne, Brian, Tim, Philippa and Joanna, wish to express our sincere thanks to everyone on the passing of a most loved wife, mother, mother-in-law, grandmother and great-grandmother. Our heartfelt gratitude to everyone who called in, phoned, baked, sent cards, letters and thoughts from so many. Please accept this as a personal acknowledgement.

Share, connect and remember
with a Family Notice in your local paper
To place your Family Notice phone
0800 287 322
Weekdays 9am–5pm. Sunday 2pm–5pm.
OR EMAIL familynotices@stuff.co.nz
Please include your name, contact phone number and address.
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SPENCER
THU: 11:00am, 1:15pm, 3:30pm, 5:45pm
FRI: 10:20am, 12:35pm, 3:20pm, 5:45pm
SAT: 10:10am, 12:30pm, 3:10pm, 5:40pm
SUN: 10:00am, 12:15pm, 2:30pm, 5:55pm
MON, TUE, WED: 10:20am, 12:35pm, 3:20pm, 5:45pm
SPENCER (M) Offensive language & self harm references.

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SPENCER Kristen Stewart
The marriage of Princess Diana and Prince Charles
THURS, FRI 11am, 1.15pm, 3.30pm, 5.45pm
(M) Off Lang, Self Harm Ref
WEST SIDE STORY
★★★★★ Empire Magazine
★★★★★ Daily Telegraph
An adaptation of the 1957 musical
THURS, FRI 11.15am, 8pm
(M) Viol
DELICIOUS
★★★★ 1/2 THE LISTNER
THURS, FRI 1.10pm, 5.40pm
(M) Adult Themes
THE KING'S MAN
THURS, FRI 8.10pm
(R16) Off Lang, Viol & Sex Ref
HOUSE OF GUCCI
★★★★★ London Evening Standard
★★★★ Independent (UK)
THURS, FRI 2.15pm, 7.50pm
(M) Off Lang, Viol, Sex Ref
BEST SELLERS Michael Caine
THURS, FRI 3.30pm, 6pm
(M) Off Lang
SING 2 Buster Moon and his friends
THURS, FRI 11am (G)
LICORICE PIZZA
★★★★★ Guardian ★★★★★ Time Out
STARTS 27th JAN
(M) Sex Ref, Drug Ref, Off Lang
THE EYES OF TAMMY FAYE
★★★★ Screen Rant
STARTS 27th JAN
(M) Sex Scenes, Drug Use

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Cinema and licensed bar. Bookings 326-6102
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THE KING'S MAN
THU FRI SAT 5:30 • 8:00 SUN 3:00
(R16) violence sexual references & offensive language
NIGHTMARE ALLEY
THU FRI 6:00 SAT 5:15 • 8:00
MON 2:00
(R13) Graphic violence cruelty offensive language & content may disturb
KING RICHARD (M)
THU 8.15 FRI SAT 7:30 TUE WED 7:30
HOUSE OF GUCCI
THU FRI 5:00 SAT SUN 2:00
TUE WED 2:00
(R13) violence offensive language sex scenes
BELLE
THU 4:00 FRI SAT 5:30
SUN MON 3:00 TUE WED 5:30
(PG) Violence
SING 2 (PG)
THU 11:00 • 2:00 FRI 12:00 • 2:00
SAT 2:00 SUN MON 1:00
TUE WED 11:00 • 2:00
ADAMS FAMILY 2
THU 11:30 • 2:00 FRI SAT 2:00
SUN 1:00 MON TUE WED 12:00 • 2:00
(M) offensive language
CLIFFORD THE BIG RED DOG (PG)
THU FRI 11:00 • 2:00
MON TUE WED 12:00

Public Notices

Iwi, hapū, or whānau who exercise Kaitiakitanga
WHAKAWHITI KŌRERO/ HAVE YOUR SAY
on the proposed Hākaimangō Matiatia marine reserve (Northwest Waiheke Island).

The Department of Conservation has received an application for a new marine reserve by the Friends of the Hauraki Gulf Inc. The proposed Hākaimangō Matiatia marine reserve is off the northwest coastline of Waiheke Island.

If you are iwi, hapū, or whānau who exercise kaitiakitanga in the area covered by the proposed marine reserve, we recognise your right to participate in the application process as affected iwi, hapū or whānau under the Marine and Costal Area (Takutai Moana) Act 2011.

Anyone has the right to make objections and submissions under the Marine Reserves Act 1971 as set out in the Friends of the Hauraki Gulf Inc public notice (published above).

The Marine and Costal Area (Takutai Moana) Act 2011 specifically provides affected iwi, hapū, or whānau the right to participate in the process and provide their views. The Minister of Conservation must have particular regard to the views of affected iwi, hapū, or whānau when considering the proposed marine reserve.

To exercise this right to participate, iwi, hapū, or whānau must advise the Director-General of Conservation that they are "affected" (which means that they exercise kaitiakitanga in the area covered by the proposed marine reserve) and provide their views on the proposal.

Affected Iwi, hapū or whānau should do this by:

(1) Making a submission in the manner set out in the Friends of the Hauraki Gulf's public notice adjacent/above, and

(2) Specifically noting in the submission that you are affected and which hapū and/or iwi you affiliate to.

The deadline to do this is 20 March 2022, as set out in the Friends of the Hauraki Gulf's public notice adjacent/above.

More information about the proposed marine reserve application and process can be found at www.doc.govt.nz/waihekeproposal

New Zealand Government
Department of Conservation Te Papa Atawbai

Public Notices

RIVER WORKS ARARIRA/ LII RIVER

The LII drainage committee will begin weed cutting of the Ararira/LII river from 12 January 2022 through until 28 February 2022.

River users are asked to be careful during this time as machinery will be operating in the river. A weir/barrier will be in place 200m downstream of the Wolfes Road boat ramp for this period. This work is in accordance with Environment Canterbury consents CRC000818.1 and CRC000819.

If you require further information please contact Council Water Services team on 0800 SELWYN (735 996).

selwyn.govt.nz
Selwyn DISTRICT COUNCIL

Notice of the intention to apply for an Order-in-Council for a marine reserve under section 5 of the Marine Reserves Act (1971).

Hākaimangō – Matiatia (Northwest Waiheke) Marine Reserve Proposal

Pursuant to Section 5 of the Marine Reserves Act 1971, the Friends of the Hauraki Gulf Inc hereby gives notice of its intention to apply for an Order in Council declaring a part of the coastal marine area (sea and intertidal foreshore) off the northwest coast of Waiheke Island, a marine reserve. The proposed name of the reserve is "Hākaimangō – Matiatia Marine Reserve."

The boundaries of the proposed marine reserve encompass 2350 ha and comprise of all the area (within the meaning of the Marine Reserves Act 1971) enclosed by a line commencing at a point on the mean-high water springs near Matiatia Point, Head on the north shores of Matiatia Bay at 36° 46.816' S, 174° 59.126' E; proceeding in a straight line in a westerly direction to point at 36° 46.816' S, 174° 57.406' E; then proceeding in a straight line in a northerly direction to point at 36° 44.126' S, 174° 57.406' E; then proceeding in a straight line in a easterly direction to point at 36° 44.126' S, 175° 00.962' E; then proceeding in a straight line in a southerly direction to a point 36° 46.151' S, 175° 00.962' E; then proceeding in a straight line in a westerly direction to a point on the mean-high water mark near Hakaimango Point at the north-western extremity of Oneroa Bay at 36° 46.151' S, 175° 00.882' E then proceeding in a northerly, westerly then generally south westerly direction along mean-high water springs to the point of commencement.

The plan of the proposed marine reserve showing all tidal waters and the boundaries and extent of the area sought to be declared a marine reserve may be inspected at the Department of Conservation office Bledisloe House in central Auckland, and at Waiheke Public Library, Ocean View Road, Oneroa Waiheke Island. The full application document may be viewed online and downloaded at FriendsofHaurakiGulf.nz.

Hard copies of the full application document will be available at a cost of $32 from the Friends of the Hauraki Gulf. Please email friends.hg21@gmail.com and request a copy.

Any person or organisation may object to the making of an Order in Council establishing the marine reserve by specifying the grounds of the objection in writing and submitting it to the Director-General, Department of Conservation within two months from the date of the first publication of this notice.

To make a submission to the Director General of Conservation:

- Fill out the online submission form at: www.doc.govt.nz/waihekeproposal
- Email your submission: waihekeproposal@publicvoice.co.nz
- Post a hard copy to: RE: Proposed Hākaimangō-Matiatia (Northwest Waiheke Island) marine reserve
  Planning Permissions and Land Unit
  Department of Conservation
  PO Box 10420
  Wellington 6143
  New Zealand

The date of the first publication of this notice is 20 January 2022. The period for submitting objections closes (two months later) on 20 March 2022

This notice of intention to apply for a marine reserve is given by the Applicant, The Friends of the Hauraki Gulf inc.

For any questions about the application, contact the Applicant directly:
Michael Lee
Chair
Friends of the Hauraki Gulf Inc
c/- 21 Tetley Road, Surfdale, Waiheke Island. 1081

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Notice of the intention to apply for an Order-in-Council for a marine reserve under section 5 of the Marine Reserves Act (1971).

Hākaimangō – Matiatia (Northwest Waiheke) Marine Reserve Proposal

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• Or Email your submission: waihekeproposal@publicvoice.co.nz

• Or Post a hard copy to:

RE: Proposed Hākaimangō-Matiatia (Northwest Waiheke Island) marine reserve

Planning Permissions and Land Unit
Department of Conservation
PO Box 10420
Wellington 6143
New Zealand

The date of the first publication of this notice is 20 January 2022]. The period for submitting objections closes (two months later) on 20 March 2022

This notice of intention to apply for a marine reserve is given by the Applicant, The Friends of the Hauraki Gulf inc.

For any questions about the application, contact the Applicant directly:

Michael Lee
Chair
Friends of the Hauraki Gulf Inc
c/- 21 Tetley Road, Surfdale, Waiheke Island. 1081

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Appendix 14

Copy of the Applicant's letter to persons owning any estate or interest in land in or adjoining the proposed marine reserve (17 January 2022), and the list of recipients of this letter

Released under Official Information Act

Friends of the
Hauraki Gulf
Kaitiakitanga Tikapa Moana / Te Moananui-ā-Toi

c/- 21 Tetley Road
Surfdale
Waiheke Island 1081
17 January 2022

Dear Korora Road, Delamore Drive and Alan Murray Lane residents,

Proposed Hākaimangō – Matiatia (Northwest Waiheke) Marine Reserve

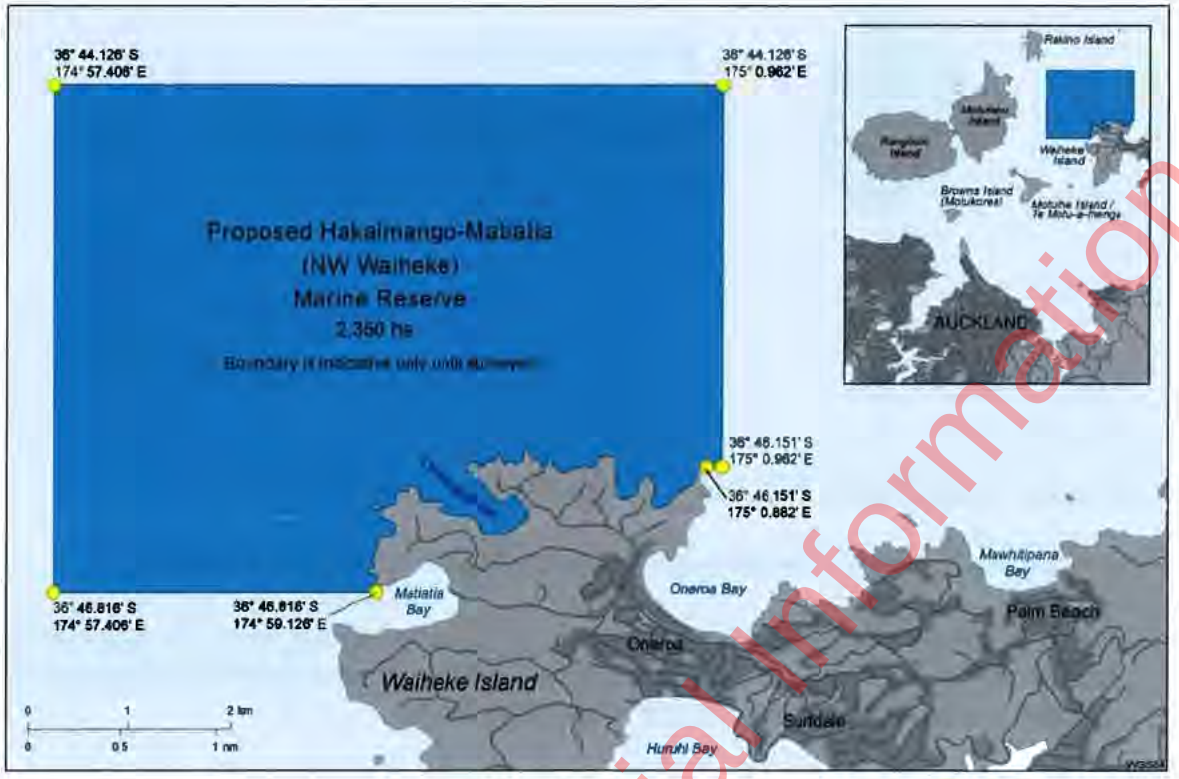
On 13 May 2021 we wrote to you advising you of our intention to make an application for a marine reserve off the northwest coast of Waiheke Island centred at Owhanake Bay, extending from Hakaimango Point to Matiatia Point.

On 23 May we presented to a well-attended meeting of local residents hosted by Barry and Meg Fenton, answered questions and heard your concerns. Those concerns mainly related to possible intrusive impacts of visitors to the area and increased traffic on Korora Road. Accordingly we removed references in our report which could be seen as a encouraging tourism and car-borne visitation, even deleting the reference to the Owhanake Bay carpark. We also resolved that if the proposal should be eventually successful we would energetically lobby the Waiheke Local Board to make Korora Road a bus-free thoroughfare.

Now after a nine month period of pre-notification consultations, meetings, discussions, engagements with various parties, including the Department of Conservation and regular newsletters we are writing to advise you that we will be formally notifying our application on 20 January 2022. Please see below details of finalised plan of the proposed marine reserve.

The boundaries of the proposed marine reserve encompass 2350 ha and comprise of all the area (within the meaning of the Marine Reserves Act 1971) enclosed by a line commencing at a point on the mean-high water springs near Matiatia Point/Head on the north shores of Matiatia Bay at 36° 46.816' S, 174° 59.126' E; proceeding in a straight line in a westerly direction to point at 36° 46.816' S, 174° 57.406' E; then proceeding in a straight line in a northerly direction to point at 36° 44.126' S, 174° 57.406' E; then proceeding in a straight line in an easterly direction to point at 36° 44.126' S, 175° 00.962' E; then proceeding in a straight line in a southerly direction to a point 36° 46.151' S, 175° 00.962' E; then proceeding in a straight line in a westerly direction to a point on the mean-high water mark near Hakaimango Point at the north-western extremity of Oneroa Bay at 36° 46.151' S, 175° 00.882' E then proceeding in a northerly, westerly then generally south westerly direction along mean-high water springs to the point of commencement.

Released under Official Information Act



Proposed Hakaimango-Matiatia (NW Waiheke) Marine Reserve indicative boundary

The plan of the proposed marine reserve showing all tidal waters and the boundaries and extent of the area sought to be declared a marine reserve may be inspected at the Department of Conservation office Bledisloe House in central Auckland, and at Waiheke Public Library, Ocean View Road, Oneroa Waiheke Island. The full application document may be viewed online and downloaded at FriendsofHaurakiGulf.nz.

The Public Notice will be published in the *Gulf News*, *NZ Herald* and other main centre daily papers on 20 January. A follow up will appear in *Gulf News* the following week. The full application document may be viewed online and downloaded at FriendsofHaurakiGulf.nz. Hard copies of the full application document will be available at a cost of $32 from the Friends of the Hauraki Gulf. Please email friends.hg21@gmail.com and request a copy

Any person or organisation may object to the making of an Order in Council establishing the marine reserve by specifying the grounds of the objection in writing and submitting it to the Director-General, Department of Conservation within two months from the date of the first publication of this notice.

To make a submission to the Director General of Conservation:

- Fill out the online submission form at: www.doc.govt.nz/waihekeproposal
- Email your submission: waihekeproposal@publicvoice.co.nz
- Post a hard copy to:
  RE: Proposed Hākaimangō-Matiatia (Northwest Waiheke Island) marine reserve

Released under Official Information Act

Planning Permissions and Land Unit
Department of Conservation
PO Box 10420
Wellington 6143
New Zealand

The date of the first publication of this notice is 20 January 2022. The period for submitting objections closes (two months later) on 20 March 2022

This notice of intention to apply for a marine reserve is given by the Applicant, The Friends of the Hauraki Gulf inc.

For any questions about the application, contact the Applicant directly:

Yours sincerely

Michael Lee
Chair

Chris Curreen
Secretary

Released under Official Information Act

Property Location	Rates Assessment Number	VG Number	RID Privacy	Mailing Address Name	Mailing Address	Phone	Mobile	Email
70 Korora RoadWaiheke IslandAuckland 1081	12342479085		Withhold Name & Address	CONFIDENTIAL	CONFIDENTIAL			
54 Korora Road WAIHEKE ISLAND 1081	12346102576		Withhold Name & Address	CONFIDENTIAL	CONFIDENTIAL			
54A Korora Road WAIHEKE ISLAND 1081	12346102568		Withhold Name & Address	CONFIDENTIAL	CONFIDENTIAL			
76 Korora RoadWaiheke IslandAuckland 1081	12342479659	02951-00000001850	Not Private	Privacy of natural persons	Privacy of natural persons	Privacy of natural persons		
222 Delamore DriveWaiheke IslandAuckland 1081	12342461946	02951-00000004400	Not Private					
122 Delamore DriveWaiheke IslandAuckland 1081	12342448028	02951-00000004470	Not Private					
38 Korora RoadWaiheke IslandAuckland 1081	12342567612	02901-00000000400	Not Private					
49 Delamore DriveWaiheke IslandAuckland 1081	12342477184	02951-00000004220	Not Private					
58 Korora RoadWaiheke IslandAuckland 1081	12345440945	02951-00000002010	Not Private					
159 Delamore DriveWaiheke IslandAuckland 1081	12342493236	02951-00000004280	Not Private					
83 Delamore DriveWaiheke IslandAuckland 1081	12345350657	02951-00000004240	Not Private					
218 Delamore DriveWaiheke IslandAuckland 1081	12342461407	02951-00000004420	Not Private					
56 Korora RoadWaiheke IslandAuckland 1081	12342382159	02951-00000000600	Not Private					
52B Korora RoadWaiheke IslandAuckland 1081	12343893106	02951-00000000302	Not Private					
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50 Korora RoadWaiheke IslandAuckland 1081	12342622974	02951-00000000200	Not Private					
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39 Delamore DriveWaiheke IslandAuckland 1081	12342477478	02951-00000004210	Not Private					
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1 Ocean View RoadWaiheke IslandAuckland 1081	12342502057	02951-00000001801	Not Private	Department of Conservation	Privacy of natPO Box 5244Moray PlaceDunedin 9058			
79 Delamore DriveWaiheke IslandAuckland 1081	12342476951	02951-00000004230	Not Private	Privacy of natural persons	Privacy of natural persons	Privacy of natural persons		
25 Delamore DriveWaiheke IslandAuckland 1081	12342477745	02951-00000004200	Not Private					
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73 Korora RoadWaiheke IslandAuckland 1081	12342480169	02951-00000001900	Not Private					
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48 Korora RoadWaiheke IslandAuckland 1081	12342622761	02951-00000000101	Not Private	Privacy of natural persons		0		
165 Delamore DriveWaiheke IslandAuckland 1081	12342463051	02951-00000004290	Not Private			0		
9 Alan Murray LaneWaiheke IslandAuckland 1081	12342446769	02951-00000004010	Not Private			0		
124 Delamore DriveWaiheke IslandAuckland 1081	12342447781	02951-00000004480	Not Private			0		
63 Korora RoadWaiheke IslandAuckland 1081	12342310794	02951-00000002060	Not Private			0		
52A Korora RoadWaiheke IslandAuckland 1081	12343892916	02951-00000000301	Not Private			0		
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12 Alan Murray LaneWaiheke IslandAuckland 1081	12342445983	02951-00000004040	Not Private			0		
64 Korora RoadWaiheke IslandAuckland 1081	12342325686	02951-00000002070	Not Private			0		
219 Delamore DriveWaiheke IslandAuckland 1081	12342462209	02951-00000004320	Not Private			0		
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59 Korora RoadWaiheke IslandAuckland 1081	12342308552	02951-00000002020	Not Private			0		

Released under Official Information Act

Appendix 15

14 January 2022 – Copy of the Applicant's letter to the Chief Executive of Auckland Transport and the Auckland Harbourmaster regarding the proposed marine reserve

Released under Official Information Act

Friends of the
Hauraki Gulf
Kaitiakitanga Tikapa Moana / Te Moananui-ō-Toi

21 Tetley Road
Surfdale, Waiheke
14 January 2022

Shane Ellison
The Chief Executive
Auckland Transport.
Private Bag 92250, Auckland 1142

Captain Andrew Hayton,
The Harbourmaster
Private Bag 92250, Auckland 1142

Dear Sirs

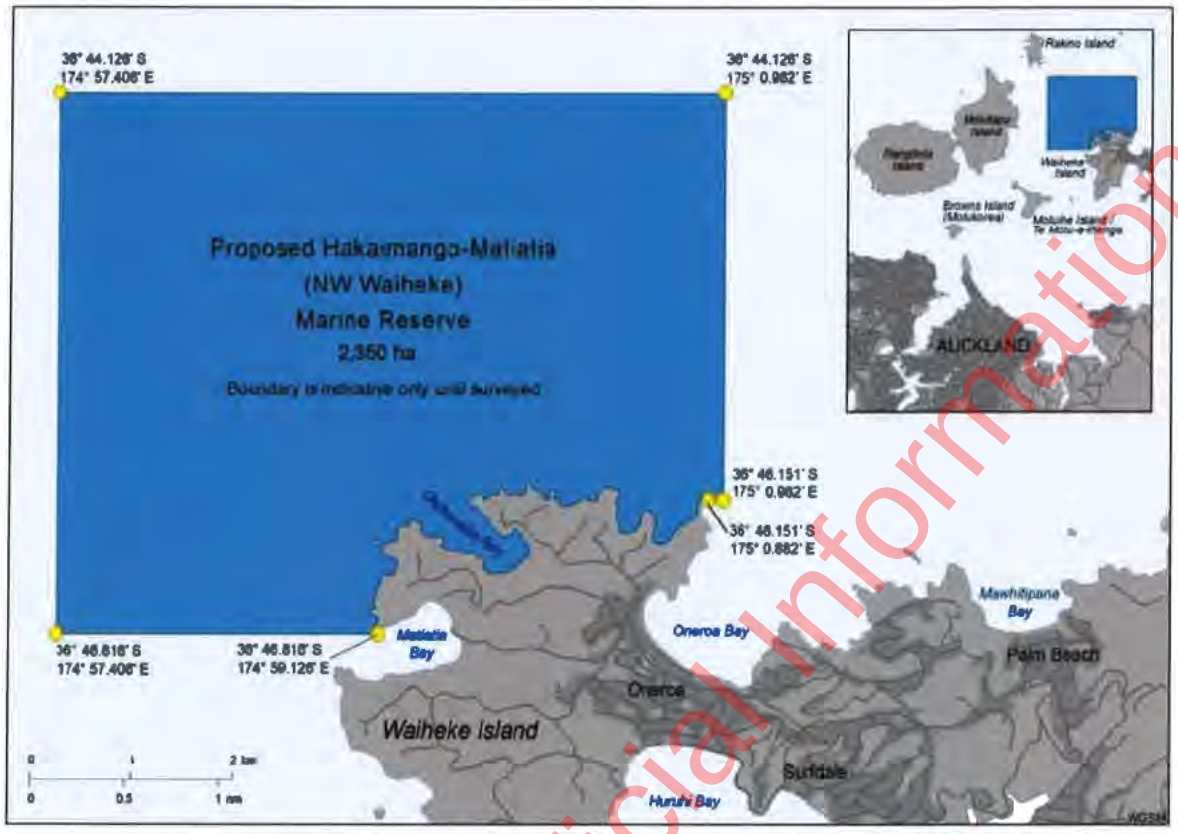
Marine Reserve application - Northwest Waiheke Island

I am writing to you, on behalf of the Friends of the Hauraki Gulf, as the heads of a statutory body (harbour board) under Section 5 (1) (d) (ii) of the Marine Reserves Act 1971.

Pursuant to the Act, the Friends of the Hauraki Gulf Inc hereby gives notice of its intention to apply for an Order in Council declaring an area on the northwest coastal marine area of Waiheke Island a marine reserve. The proposed name of the reserve is 'Hākaimangō – Matiatia (Northwest Waiheke) Marine Reserve.' The proposed application will be publicly notified as per the requirements of s 5 (1) (c) on 20 January 2022.

The boundaries of the proposed marine reserve encompass 2350 ha and comprise of all the area (within the meaning of the Marine Reserves Act 1971) enclosed by a line commencing at a point on the mean-high water springs near Matiatia Point/Head on the north shores of Matiatia Bay at 36° 46.816' S, 174° 59.126' E; proceeding in a straight line in a westerly direction to point at 36° 46.816' S, 174° 57.406' E; then proceeding in a straight line in a northerly direction to point at 36° 44.126' S, 174° 57.406' E; then proceeding in a straight line in an easterly direction to point at 36° 44.126 S, 175° 00.962' E; then proceeding in a straight line in a southerly direction to a point 36° 46.151' S, 175° 00.962' E; then proceeding in a straight line in a westerly direction to a point on the mean-high water mark near Hakaimango Point at the north-western extremity of Oneroa Bay at 36° 46.151' S, 175° 00.882' E then proceeding in a northerly, westerly then generally south westerly direction along mean-high water springs to the point of commencement. Please see the plan overleaf.

Released under Official Information Act



Proposed Hakaimango-Matiatia (NW Waiheke) Marine Reserve indicative boundary

The full application document may be viewed online and downloaded at FriendsofHaurakiGulf.nz:

https://friendsofhaurakigulf.nz/wp-content/uploads/2021/11/Hakaimango-Matiatia-Marine-Reserve.pdf

Hard copies of the full application document will be available at a cost of $32 from the Friends of the Hauraki Gulf. Please email friends.hg21@gmail.com and request a copy.

Any person or organisation may object to the making of an Order in Council establishing the marine reserve by specifying the grounds of the objection in writing and submitting it to the Director-General, Department of Conservation within two months from the date of the first publication of this notice.

To make a submission to the Director General of Conservation:

- Fill out the online submission form at: www.doc.govt.nz/waihekeproposal
- Email your submission: waihekeproposal@publicvoice.co.nz
- Post a hard copy to:
  RE: Proposed Hākaimangō-Matiatia (Northwest Waiheke Island) marine reserve
  Planning Permissions and Land Unit
  Department of Conservation
  PO Box 10420
  Wellington 6143. NZ.

Released under Official Information Act

As indicated the period for submissions begins on 20 January closes on 20 March 2022.

We are happy to discuss the details of this proposal with you or your officials at a time of your convenience.

Yours sincerely



Chris Curreen
Secretary
Friends of the Hauraki Gulf Inc.

Released under Official Information Act

Appendix 16

Copy of the Applicant's letter to the Waiheke Local Board regarding the proposed marine reserve

Released under Official Information Act

Dear Local Board member

I am writing on behalf of the Friends of the Hauraki Gulf (Inc).

We understand your local board has been asked to make a submission on the proposed Hākaimangō-Matiatia (NW Waiheke) Marine Reserve.

As the applicants for this proposal we wish to present to you our formal application report. Please find attached.

We can advise that the proposal is receiving widespread grass-roots support from the general public. It also has the support of Tangata Whenua represented by the Ngāti Paoa Trust Board, and also from the individuals and whanau of the descendants of 19th century Waiheke rangatira.

The Hauraki Gulf is under increasing pressure. Fish resources have been depleted through over-fishing, water quality is being degraded from run-from the land, colloidal clays, toxins, and nutrients from urban development and agriculture especially intensificw dairying. The whole ecosystem is under stress. One has to ask what are we leaving behind for our children and grandchildren?

'The 2020 State of our Gulf report, depicted a collapsed ecosystem due to overfishing, invasive fishing practices, marine dumping and sediment and nutrient runoff.' **(Alex Rogers Executive Officer Hauraki Gulf Forum).**
Find the reports here: https://gulfjournal.org.nz/state-of-the-gulf/

Despite this unfortunate situation currently less than half of 1% of the Hauraki Gulf Marine Park is in protected no-take marine reserves. This is appalling and we can and must do better than this.

While the Friends of the Hauraki Gulf are the applicants and authors of the application report, this application could never have happened without the work of the **Waiheke Local Board**.

In 2015 the Waiheke Local Board and Auckland Council commissioned a professional public opinion survey among Waiheke Island residents and ratepayers on the subject of marine protection, and found strong support for marine protection and marine reserve.

The scientific survey found 67% of registered voters supported marine protection, with 64% of registered voters supported no-take marine reserves.
See: https://www.aucklandcouncil.govt.nz/about-auckland-council/how-auckland-council-works/local-boards/all-local-boards/waiheke-local-board/Documents/waiheke-marine-research-report.pdf

Released under Official Information Act

If anything the level of public support (probably because of growing awareness of the plight of the Gulf and the pressing need to do something about), is now greater than ever.

The area of the proposed marine reserve on the northwest corner of Waiheke Island was first identified in a study commissioned by the **Waiheke Local Board and Auckland Council** in 2016 by marine biologist Tim Haggitt of eCoast. Of all the areas Dr Haggitt surveyed he considered this the best and designated it 'PMR1' (proposed marine reserve 1).

The area of the proposed marine reserve is geologically remarkable for its extensive underwater platforms and terraces. This important geological feature supports extensive kelp beds in a remarkable state of preservation.These in turn would enable relatively rapid restoration of currently damaged and depleted coastal ecosystem in this area of the Hauraki Gulf. Read the report here:
https://www.aucklandcouncil.govt.nz/about-auckland-council/how-auckland-council-works/local-boards/all-local-boards/waiheke-local-board/docswaihekeplans/waiheke-north-western-coastline-ecologoical-survey.pdf

The site covers an ecological transition zone between the waters of the inner and outer Gulf. Marine species normally found only in the outer Gulf and a rarity anywhere nowadays, such as Kōura, both packhorse crayfish and red rock lobster *a*re still found in this area so the recovery time here will be faster than other overfished areas of the Gulf .

If approved the Hākaimango-Matiatia Marine Reserve at 2350 ha would be the biggest marine reserve in the Gulf, almost doubling the area of no-take sanctuaries.. We are confident the Hākaimangō-Matiatia marine reserve over time would become a biological treasure house, a 'jewel in the crown' of the Hauraki Gulf Marine Park, enhancing the life-supporting capacity of the marine species protected therein and a source of pride which by its very existence, would enrich the lives and wellbeing of the people of Waiheke, of the Gulf, the Auckland region and beyond.

The proposed Hākaimangō-Matiatia Marine Reserve provides an opportunity for active partnership between Ngāti Paoa as kaitiaki, the Crown and the local community in governance and management of the proposed marine reserve.

Opportunities to submit on a marine reserve are rare indeed. The former Director-General of DOC Lou Sanson remarked he had never seen a application for a marine reserve by a community group in the nine years he served as the chief executive of the department. We thank those local boards like Kaipatiiki Local Board who have already resolved to submit in support.
May we also ask you as citizens of the Auckland region and the Gulf top email your individual submissions in support to the Department of Conservation:
waihekeproposal@publicvoice.co.nz

We passionately believe it is time to do something tangible and meaningful to protect the Hauraki Gulf and the precious threatened wildlife which lives here – instead of just talking about it.

Released under Official Information Act

We ask for your support and are happy to answer any questions you might have.

Chris Curreen
Secretary
Friends of the Hauraki Gulf Inc

https://friendsofhaurakigulf.nz

Released under Official Information Act

Appendix 17

14 January 2022 – Copy of the Applicant's letter to the Chief Executive of the Ministry of Transport regarding the proposed marine reserve

Released under Official Information Act

Friends of the
Hauraki Gulf
Kaitiakitanga Tikapa Moana / Te Moananui-ō-Toi

21 Tetley Road
Surfdale, Waiheke
14 January 2022

Peter Mersi
Chief Executive
Ministry of Transport
Manatū Waka
Head Office
P O Box 3175
Wellington 6140

Dear Sir

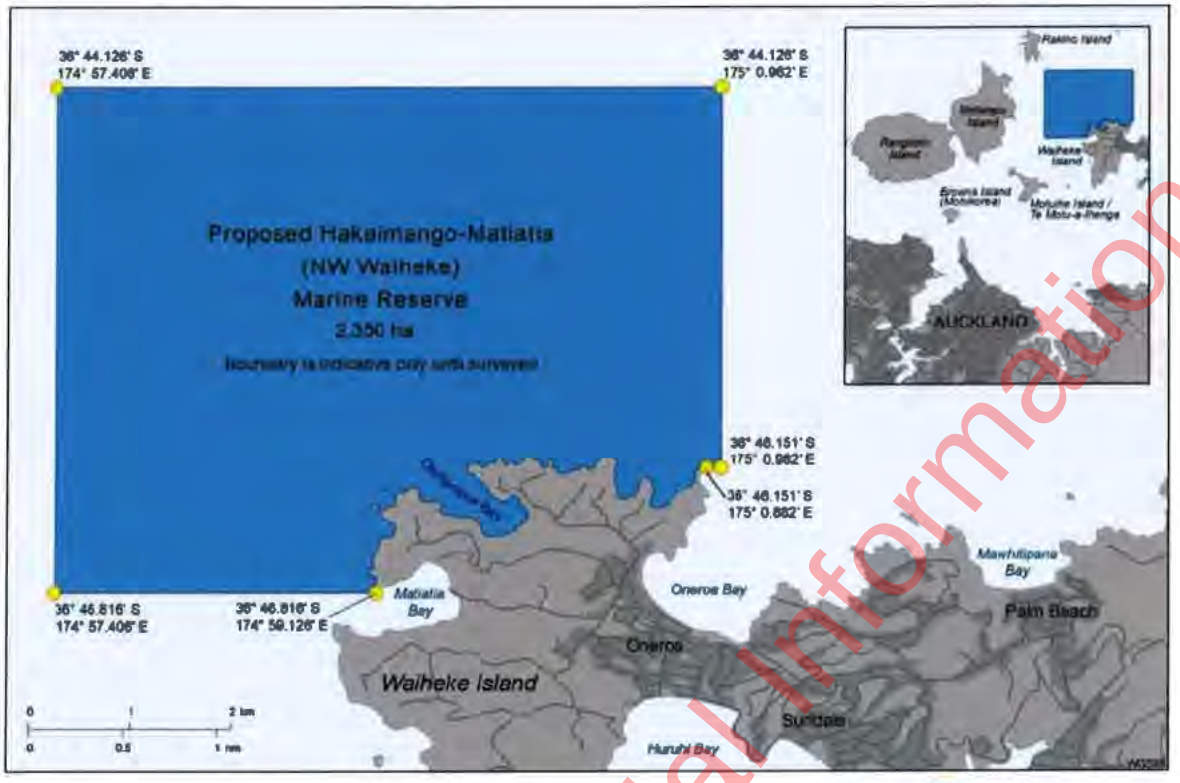
Marine Reserve application - Northwest Waiheke Island

I am writing to you, on behalf of the Friends of the Hauraki Gulf, as the head of a statutory body ('Secretary for Transport') under Section 5 (1) (d) (iv) of the Marine Reserves Act 1971.

Pursuant to the Act, the Friends of the Hauraki Gulf Inc hereby gives notice of its intention to apply for an Order-in Council declaring an area on the northwest coastal marine area of Waiheke Island a marine reserve. The proposed name of the reserve is 'Hākaimangō – Matiatia (Northwest Waiheke) Marine Reserve.'

The boundaries of the proposed marine reserve encompass 2350 ha and comprise of all the area (within the meaning of the Marine Reserves Act 1971) enclosed by a line commencing at a point on the mean-high water springs near Matiatia Point/Head on the north shores of Matiatia Bay at 36° 46.816' S, 174° 59.126' E; proceeding in a straight line in a westerly direction to point at 36° 46.816' S, 174° 57.406' E; then proceeding in a straight line in a northerly direction to point at 36° 44.126' S, 174° 57.406' E; then proceeding in a straight line in an easterly direction to point at 36° 44.126' S, 175° 00.962' E; then proceeding in a straight line in a southerly direction to a point 36° 46.151' S, 175° 00.962' E; then proceeding in a straight line in a westerly direction to a point on the mean-high water mark near Hakaimango Point at the north-western extremity of Oneroa Bay at 36° 46.151' S, 175° 00.882' E then proceeding in a northerly, westerly then generally south westerly direction along mean-high water springs to the point of commencement. Please see graphic.

Released Under Official Information Act



Proposed Hakaimango-Matiatia (NW Waiheke) Marine Reserve indicative boundary

The full application document may be viewed online and downloaded at FriendsofHaurakiGulf.nz.

https://friendsofhaurakigulf.nz/wp-content/uploads/2021/11/Hakaimango-Matiatia-Marine-Reserve.pdf

Hard copies of the full application document will be available at a cost of $32 from the Friends of the Hauraki Gulf. Please email friends.hg21@gmail.com and request a copy.

Any person or organisation may object to the making of an Order in Council establishing the marine reserve by specifying the grounds of the objection in writing and submitting it to the Director-General, Department of Conservation within two months from the date of the first publication of this notice.

To make a submission to the Director General of Conservation:

- Fill out the online submission form at: www.doc.govt.nz/waihekeproposal
- Email your submission: waihekeproposal@publicvoice.co.nz
- Post a hard copy to:
  RE: Proposed Hākaimangō-Matiatia (Northwest Waiheke Island) marine reserve
  Planning Permissions and Land Unit
  Department of Conservation
  PO Box 10420
  Wellington 6143
  New Zealand

Released under Official Information Act

The date of the first publication of this notice is 20 January 2022]. The period for submitting objections closes (two months later) on 20 March 2022

We are happy to discuss the details of this proposal with you or your officials at a time of your convenience.

Chris Curreen
Secretary
Friends of the Hauraki Gulf Inc.

Released under Official Information Act

Appendix 18

14 January 2022 – Copy of the Applicant's letter to the Director-General of the Ministry for Primary Industries

Released under Official Information Act

Friends of the
Hauraki Gulf
Kaitiakitanga Tikapa Moana / Te Moananui-ā-Toi

21 Tetley Road
Surfdale, Waiheke
14 January 2022

Ray Smith
Director-General
Ministry for Primary Industries,
P.O. Box 2526,
Wellington

Dear Sir

Marine Reserve application - Northwest Waiheke Island

I am writing to you, on behalf of the Friends of the Hauraki Gulf, as the head of a statutory body ('Agriculture and Fisheries') under Section 5 (1) (d) (v) of the Marine Reserves Act 1971.

Pursuant to the Act, the Friends of the Hauraki Gulf Inc hereby gives notice of its intention to apply for an Order in Council declaring an area on the northwest coastal marine area of Waiheke Island a marine reserve. The proposed name of the reserve is 'Hākaimangō – Matiatia (Northwest Waiheke) Marine Reserve.' The proposed application will be publicly notified as per the requirements of s 5 (1) (c) on 20 January 2022.

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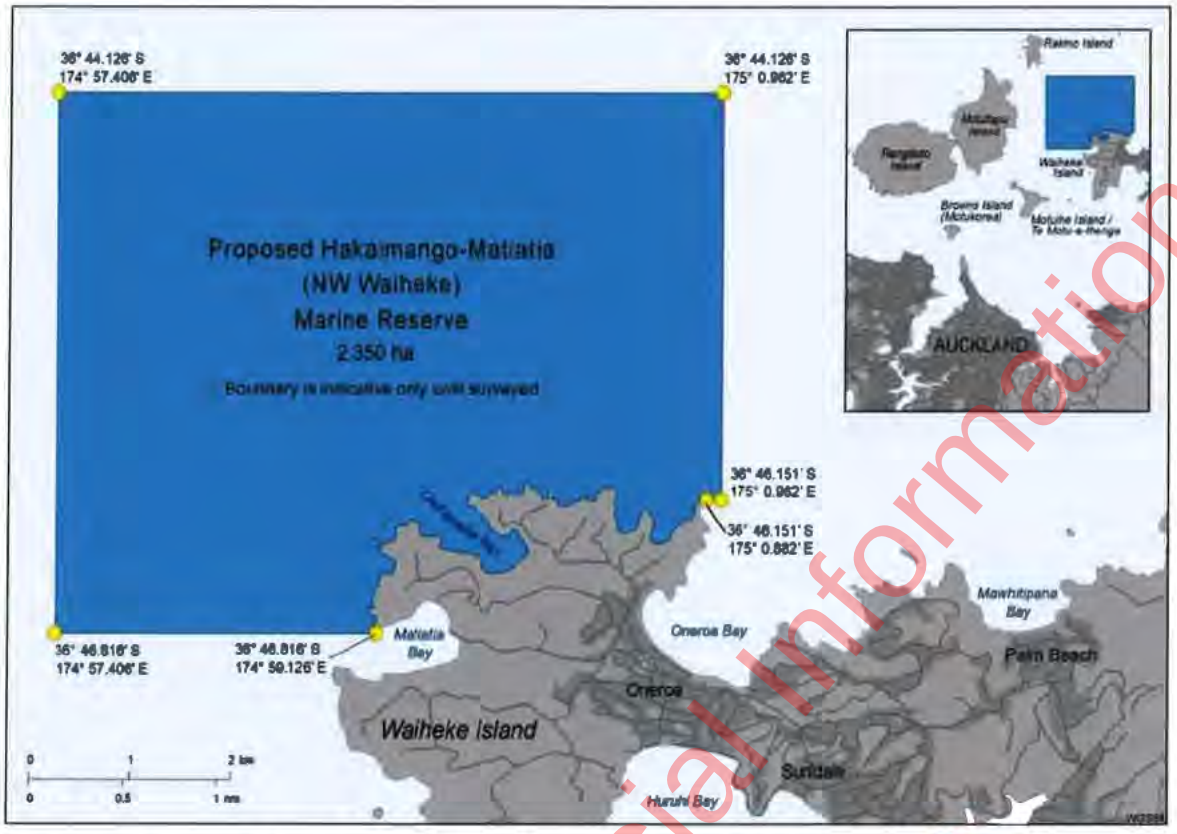
Released Under Official Information Act



Proposed Hakaimango-Matiatia (NW Waiheke) Marine Reserve indicative boundary

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Hard copies of the full application document will be available at a cost of $32 from the Friends of the Hauraki Gulf. Please email friends.hg21@gmail.com and request a copy.

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To make a submission to the Director General of Conservation:

- Fill out the online submission form at: www.doc.govt.nz/waihekeproposal
- Email your submission: waihekeproposal@publicvoice.co.nz
- Post a hard copy to:
  RE: Proposed Hākaimangō-Matiatia (Northwest Waiheke Island) marine reserve
  Planning Permissions and Land Unit
  Department of Conservation
  PO Box 10420
  Wellington 6143. NZ.

Released under Official Information Act

As indicated the period for submissions begins on 20 January closes on 20 March 2022.

We are happy to discuss the details of this proposal with you at a time of your convenience.

Yours sincerely



The Secretary
Friends of the Hauraki Gulf Inc.

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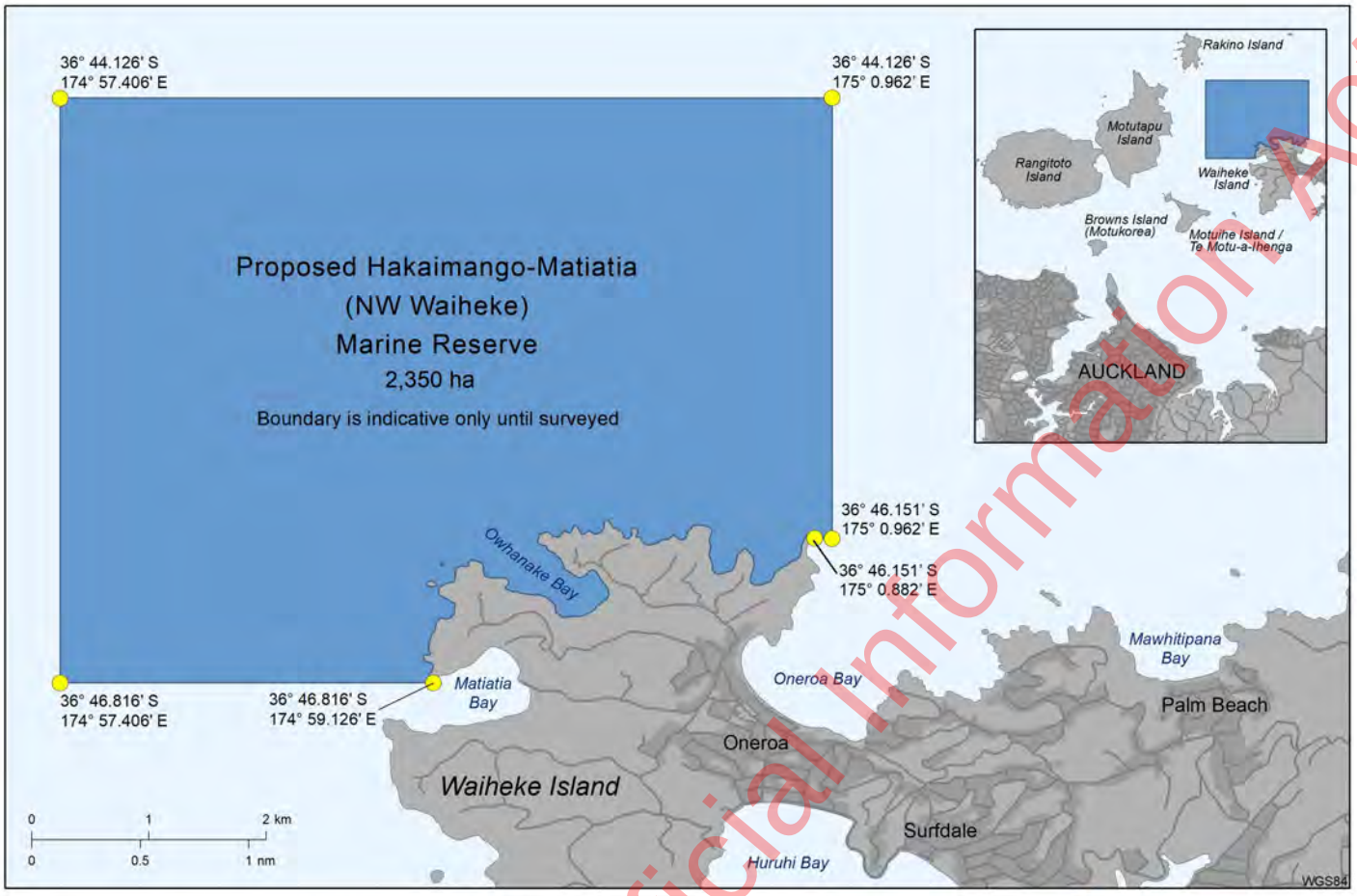
Appendix 19

Copy of the plan of the proposed marine reserve, prepared by the Department of Conservation

Released under Official Information Act



Proposed Hakaimango-Matiatia (NW Waiheke) Marine Reserve indicative boundary

Department of Conservation
Te Papa Atawhai
Te Kāwanatanga o Aotearoa
New Zealand Government

Released under Official Information Act

Appendix 20

20 January 2022 – Copy of the Director-General of Conservation's notices for 'iwi, hapū, or whānau who exercise kaitiakitanga' regarding the application for the proposed marine reserve

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VEHICLES AND PARTS

DIY MOTORCYCLES AND ENGINEERING SOLUTIONS. Contactless repairs and servicing. Welding, alloy, plastic, bronze and stainless steel. Milling and turning etc. No job to small. In my workshop at 12 Wellington Road, Surfdale. Please phone first 09 372 8892. 24/2x

MOORINGS

MOORINGS, RENT, sell, buy. Mermaid Marine. Phone 372 7185 or 027 495 1065. 5/5x

PUBLIC NOTICES

SEPTIC TANK CHECKS
Only 100 available island wide $40. Contact Waiheke Resources Trust phone 372 2915 or info@wrt.org.nz to book. w

WAIHEKE OVER 40'S SOCIAL CLUB
At last we are meeting at Ostend Hall Wednesday 26 January at 1.30pm. Afternoon tea provided as usual. Bring $20 for subsidised lunch in February at Three Seven Two all vaccinated members welcome.

EV TAXI
Environmentally friendly transport, electric island, Waiheke Plugged Taxi . Phone or text 021 506 284. 21/7S

PUBLIC NOTICES

TO MIKE BHANA
Hi Poppy here, back in Auckland. Give us a call. Lots of love. 022 102 4221. 10/2

PARADISO TAXI
On time never late. 4Wheel Drive and Van for 8. Summer time hours 9am to dusk. Phone 0800 672748. 3/2x

CHILDREN NEED TO BE TAUGHT HOW TO THINK.
Dr Edward De Bono's methods are respected throughout the world, help me to get this back into our Educations system. My knowledge and time are free but need assistance to make this happen. Interested? Call or text Ian 021 072 9094. www.Outofthebox thinkingstudents.com

Iwi, hapū, or whānau who exercise kaitiakitanga

WHAKAWHITI KŌRERO/HAVE YOUR SAY

on the proposed Hakaimango Matiatia marine reserv (Northwest Waiheke Island).

The Department of Conservation has received an application for a new marine reserve by the Friends of the Hauraki Gulf Inc. The proposed Hakaimango Matiatia marine reserve is off the northwest coastline of Waiheke Island.

If you are iwi, hapū, or whānau who exercise kaitiakitanga in the area covered by the proposed marine reserve, we recognise your right to participate in the application process as affected iwi, hapū or whānau under the Marine and Coastal Area (Takutai Moana) Act 2011. Anyone has the right to make objections and submissions under the Marine Reserves Act 1971 as set out in the Friends of the Hauraki Gulf Inc public notice (published adjacent).

The Marine and Coastal Area (Takutai Moana) Act 2011 specifically provides affected iwi, hapū, or whānau the right to participate in the process and provide their views. The Minister of Conservation must have particular regard to the views of affected iwi, hapū, or whānau when considering the proposed marine reserve.

To exercise this right to participate, iwi, hapū, or whānau must advise the Director-General of Conservation that they are "affected" (which means that they exercise kaitiakitanga in the area covered by the proposed marine reserve) and provide their views on the proposal.

Affected Iwi, hapū or whānau should do this by:

(1) Making a submission in the manner set out in the Friends of the Hauraki Gulf's public notice adjacent/ above, and

(2) Specifically noting in the submission that you are affected and which hapū and/or iwi you affiliate to.

The deadline to do this is 20 March 2022, as set out in the Friends of the Hauraki Gulf's public notice adjacent.

More information about the proposed marine reserve application and process can be found at www.doc.govt.nz/waihekeproposal

Department of Conservation
Te Papa Atawbai

Te Kāwanatanga o Aotearoa
New Zealand Government

Waiheke Community Climate Activator

Expressions of Interest sought

The Local Board have allocated funding to establish and support a Climate Activator position to drive the implementation of the Waiheke Climate Action Plan. The Activator position will coordinate and monitor progress on the action plan including facilitating an advisory group and leading new initiatives. Requests for proposals will be sought by Tuesday, 15 February for a

$20,000 contract for this role up to Thursday, 30 June 2022, with opportunity for continuation subject to funding confirmation. Email liz.ross@aucklandcouncil.govt.nz before Tuesday, 25 January to find out more and register interest in this opportunity.

Find out more:
aucklandcouncil.govt.nz/waiheke

Waiheke Local Board
Auckland Council

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Public notices

Notice to Owners of Timeshare Units in Body Corporate 31428 aka Taupo Ika Nui Timeshare – 64 Lake Terrace, Taupo

Body Corporate 31428 obtained a Court Order dated 7 December 2020 ("Court Order") to cancel the timeshare unit development known as Taupo Ika Nui Timeshare at the above address and to sell the property.

The sale has been completed. Tompkins Wake, Lawyers, Hamilton are holding the sale proceeds on behalf of the owners.

Take notice that the persons listed in this notice are entitled to a share of the sale proceeds. Any such person must contact Tompkins Wake using the below contact details within 3 months of the first publication of this notice ("Prescribed Period") to claim a share of the sale proceeds. Take further notice that if any such person fails to contact Tompkins Wake within the Prescribed Period the relevant share of the sale proceeds will be paid to the Commissioner of Inland Revenue in accordance with the Court Order.

Owners to be located

Unit Number	Timeshare Week	(now) cancelled Record of Title	Registered Owner
1	34	SA36A/234	Helen Seton Adey, Myra Beatrice Adey
2	34	SA36B/834	Kian Kok Ang
6	1	SA31C/194	Anna Babalouka
6	3	SA31C/196	Anna Babalouka
13	32	SA35B/332	Andrew Nicholas Barnes, Graeme Richard Barnes
12	18	SA32B/426	Antony Edward Black, Maureen Thelma Black
18	40	SA35C/840	Antony Edward Black, Maureen Thelma Black
18	23	SA35C/823	Alexander Cheung, Colleen Cheung
2	18	SA36B/818	John Henry Walter Cockburn
2	19	SA36B/819	John Henry Walter Cockburn
17	38	SA35C/738	John Hugh Davidson
10	18	SA28C/120	Kevin James Duncum
22	35	SA28C/187	David Cole Edmonds
26	25	SA33C/825	David Cole Edmonds
1	33	SA36A/232	Norman Robert Fraser, Valerie Robin Fraser
12	37	SA32B/444	Norman Robert Fraser, Valerie Robin Fraser
23	43	SA28C/246	Isabel Sandra Wainman Gallon, Terence Ian Gallon
14	44	SA34C/144	Bruce Leslie Gee, Margaret Elizabeth Gee
9	47	SA28C/97	Allan Merritt Halverson, Joanne Elizabeth Halverson
22	51	SA28C/203	David Morgan Hayward
13	35	SA35B/335	David Michael Hickey, Jennifer Lianne Fenton,Kenneth James Hickey
13	36	SA35B/336	Heather Claire Hickey
13	37	SA35B/337	Heather Claire Hickey
12	6	SA32B/414	Lynda Rose Kenning, Murray Russell Kenning
12	7	SA32B/415	Lynda Rose Kenning, Murray Russell Kenning
21	35	SA34B/35	Peter Koh Soon Kwang
1	51	SA36A/250	Pradip Kumar
13	12	SA35B/312	Sheryl Anne Madden
28	37	SA34A/737	Sheryl Anne Madden
1	38	SA36A/237	Elsie Cope Mallinder
10	21	SA28C/123	Gwyneth Merle Mason
3	17	SA36A/317	Donald Ian Mathews, Shareleen Robyn Joy Mathews
5	7	SA35B/447	Brian McSweeney
23	8	SA28C/212	Mohd Isa Bin Mohd Salleh
13	6	SA35B/306	Mohd Isa Bin Mohd Salleh
1	22	SA36A/221	Elizabeth Ann Murphy, James Neil Murphy
10	16	SA28C/118	John Rountree Pulham
10	34	SA28C/135	John Rountree Pulham
5	47	SA35B/487	Julie Patricia Quirke, Steve Neville Quirke
13	24	SA35B/324	Miria Simpson
14	38	SA34C/138	Warren Baillie Smith
9	3	SA28C/54	Grant Dean Spivey, Michelle Antoinette Spivey
11	28	SA31B/28	Johnny Takirau
9	20	SA28C/71	Anna Kwan Terry, John Kwan Terry
21	42	SA34B/42	S.V.A Wilson Limited

Anyone knowing the whereabouts of any of the owners listed above or their executors and administrators of their estate (if any) is asked to bring this notice to their attention.

Please contact Christine Gavin, Tompkins Wake, Level 8 Westpac House 430 Victoria Street Hamilton, PO Box 258,Hamilton 3240 , or email christine.gavin@tompkinswake.co.nz

PUBLIC NOTICE.

RICHARD HAROLD SMITH

FORMERLY OF 1/340 MOUNT EDEN ROAD, MOUNT EDEN

SON OF THE LATE HAROLD STANLEY 'SONNY' SMITH

Would anyone knowing the whereabouts of Richard Harold Smith bring this notice to his attention and tell him to urgently contact Foy & Halse Solicitors at 539 Mount Eden Road, Mount Eden or by phone on 09 638 7151 regarding his late father's estate. – Graeme Halse, Principal

BE SEEN. BE HEARD. ADVERTISE WITH NZME. ADVERTISE@NZME.CO.NZ NZME.

Public notices

Notice of Day of Election of Trustees & Poll and Notice of Annual General Meeting, Special General Meeting *for* Kahukuraariki Trust

Notice is hereby given that a date of Saturday 5 March 2022 has been fixed for the election of Trustees to the Kahukuraariki Trust.

NOMINATIONS RECEIVED

Nominations for the eight (8) Trustees to the Kahukuraariki Trust closed at 12 noon on Wednesday 22 December 2021. The following people have been duly nominated:

Otangaroa Marae (one vacancy):
HOTERE, Ana
MANUEL, David

Te Komanga Marae (one vacancy):
KINGI, Roger
TUA, Charlie

Taemaro Marae (one vacancy):
KING, Lisa
PANGARI, Pita
RIPIKOI, Hone (JJ)

Waimahana Marae (one vacancy):
JOSEPH, Jean
SMITH, Janice

As there are more candidates than there are vacancies to be filled for Otangaroa Marae, Taemaro Marae, Te Komanga Marae and Waimahana Marae, elections will be held between the listed candidates for each of the respective Marae on Saturday 5 March 2022 under the First Past the Post electoral system by postal and online voting, or in person at the Wahi Pooti on Saturday 5 March 2022.

ELECTIONS NOT REQUIRED

As there was only one nomination received for one vacancy for each of the following Marae, no elections are required and the respective candidates are deemed to be elected unopposed:

Mangatowai Marae: April HETARAKA
Taupo Marae: Waitangi WOOD
Waihapa Marae: Teresa TEPANIA-ASHTON
Waitaruke Marae: Norm MCKENZIE

SPECIAL RESOLUTIONS POLL

Notice is also given that a Special Resolutions Poll will be held on Saturday 5 March 2022. Members will also be able to hand-deliver their completed voting papers for the Resolutions Poll to a ballot box at the Special General Meeting on Saturday 12 March 2022 (as outlined below). There will be **two** resolutions to vote for, and each adult registered member will have one (1) vote for each resolution.

The resolutions to be considered are as follows:

Resolution One: That the ownership of the land block known as Stony Creek Station remain with Kahukuraariki Trust.

Resolution Two: That the amendments to the Trust Deed be approved (a copy of the amendments will be sent with the voting material).

ISSUE OF VOTING PAPERS

Each adult registered member who affiliates to, and has identified Otangaroa Marae, Taemaro Marae, Te Komanga Marae or Waimahana Marae as their primary Marae for voting purposes, will be posted a voting pack (for their respective Marae) for the election of Marae Trustees and the Special Resolutions Poll from Tuesday 1 February 2022.

All other adult registered members will be posted a voting pack for the Special Resolutions Poll only from Tuesday 1 February 2022.

RETURN OF VOTING PAPERS

Votes can be returned by post (using the freepost envelope provided in the voting pack) or online (using voting credentials provided in the voting pack), or to a ballot box at a Wahi Pooti on Saturday 5 March 2022.

Voting closes at 12 noon on Saturday 5 March 2022. Completed voting papers will be accepted by post up to Tuesday 8 March 2022, provided that the envelope is postmarked on or before Saturday 5 March 2022.

A ballot box will be available for the hand-delivery of voting papers **for the special resolution poll only** between 9.00am and 10.00am at the Special General Meeting on Saturday 12 March 2022.

NOTICE OF WAHI POOTI, SPECIAL GENERAL MEETING & ANNUAL GENERAL MEETING

Two Wahi Pooti will be held between 8.00am and 12 noon on Saturday 5 March 2022 at:

- the Returning Office, Election Services, Level 2, 198 Federal Street, Auckland Central; and
- Wesleydale Memorial Church and Hall, 27 Leigh Street, Kaeo.

A ballot box will be available at each of the above locations for the hand-delivery of voting papers.

A Special General Meeting will be held at 9.00am on Saturday 12 March 2022 at Waihapa Marae, Weber Waihapa Road, Kaeo. This will be followed by the Annual General Meeting at 10.00am.

Dated at Auckland, 19 January 2022

Dale Ofsoske, Chief Returning Officer
Independent Election Services Ltd
Phone: (09) 973 5212 or 0800 922 822

Kahukuraariki Trust

Clinical Supply Services Limited (In Liquidation)

Notice of Appointment of Liquidators

The above-named company was placed into liquidation by special resolution of the shareholders on 17 January 2022 at 12.40pm.

Gareth Russel Hoole (Registration number: IP26) and Clive Robert Bish (Registration number: IP64), Chartered Accountants and Licensed Insolvency Practitioners were appointed joint and several liquidators pursuant to Section 241(2)(a) of the Companies Act 1993.

Notice to Creditors to Prove Debts or Claims

Notice is given that the liquidators fix 15 February 2022 as the day on or before which creditors of the company are to make their claims and to establish any priority their claims may have, under Section 312 of the Companies Act 1993, or to be excluded from the benefit of any distribution made before their claims are made or, as the case may be, from objecting to any distribution.

Dated this 18th Day of January 2022

GARETH RUSSEL HOOLE
LIQUIDATOR

CLIVE ROBERT BISH
LIQUIDATOR

The address and telephone number to which, during normal business hours, enquiries may be directed by a creditor or member:

Ecovis KGA Limited
Chartered Accountants
PO Box 37223
Parnell
Auckland
Telephone: (09) 921 4630

KGB Curtain Services Limited (In Liquidation)

Notice of Intention to Remove Company from the Register

Pursuant to section 320 of the Companies Act 1993 ("Act")

We, Jeffrey Philip Meltzer and Michael Lamacraft (Licensed Insolvency Practitioners), Liquidators of the above-named company whose registered office is situated at Level 2, 5-7 Kingdon Street, Newmarket, Auckland, hereby give notice that, pursuant to section 318(1)(e) of the Act and having filed with the Registrar our Final Report on the liquidation, it is intended to remove the Company from the New Zealand Register.

Any objection to the removal, pursuant to section 321 of the Act, must be delivered to the Registrar of Companies no later than 31 March 2022.

17 January 2022.

M Lamacraft
Liquidator
Licenced Insolvency Practitioner
(Registration Number: IP108)

Contact details:
Meltzer Mason,
Level 2, 5-7 Kingdon Street,
Newmarket,
Auckland 1052.

Postal address:
P O Box 6302,
Victoria Street West,
Auckland 1141.

DDSS Limited (In Liquidation)

Notice of Intention to Remove Company from the Register

Pursuant to section 320 of the Companies Act 1993 ("Act")

We, Rachel Mason-Thomas and Jeffrey Philip Meltzer (CAANZ Accredited Insolvency Practitioners), Liquidators of the above-named company whose registered office is situated at Level 2, 5-7 Kingdon Street, Newmarket, Auckland, hereby give notice that, pursuant to section 318(1)(e) of the Act and having filed with the Registrar our Final Report on the liquidation, it is intended to remove the Company from the New Zealand Register.

Any objection to the removal, pursuant to section 321 of the Act, must be delivered to the Registrar of Companies no later than 25 February 2022.

19 January 2022.

R Mason-Thomas
Liquidator
CAANZ Accredited Insolvency Practitioner

Contact details: Meltzer Mason, Level 2, 5-7 Kingdon Street, Newmarket, Newmarket, Auckland 1052. Postal address: P O Box 6302, Victoria Street West, Auckland 1141.

DISCOVER MORE nzherald.co.nz

Public notices

TE WAKATOTO AND TE TUHIMARAEIKURA KUKUTAI WHAANAU TRUST ANNUAL GENERAL MEETING

10.00am Saturday 26th February 2022

Te Kotahitanga marae, Te Kumi Rd, Te Kohanga

Registration commences at 9.30am

Agenda

10.00am Mihi whakatau and whanaungatanga

12.00pm Lunch

01.00pm Trust hui

Apologies

Introduction of Trustees & Accountant

Financial & IRD report

Reports

Poripori Kumikumi A Residue Trust

Ngai Tukairangi Trust

Ngati Whatua ki Orakei Trust

Paritītaha Paamu

Māori Land Court application to REMOVE or ADD whanau successors to Trust Schedule.

General Business

Karakia whakamutunga

Ngoa uri o Te Wakatoto and Te Tuhimaraeikura Kukutai are encouraged to attend and the marae is available for an overnight stay.

RSVP for numbers and catering purposes please to

Mrs Denise Ewe
(Trust Secretary)
denise.ewe32@gmail.com
(09) 2989563
or
0272989563

Public notices

Dash Training Limited (in liquidation)

Notice of Appointment of Liquidator

Notice is hereby given that pursuant to Section 241 (2) (a) of The Companies Act 1993 the undersigned was appointed liquidator of the above-named company by a special resolution of the shareholders.

The directors have resolved that the company will be able to pay its debts, and a copy of the resolution has been delivered to the Registrar of Companies. The shareholders no longer require the company.

The liquidation commenced on 17 January 2022 at 2.00 pm.

Notice to Creditors to Prove Debts or Claims

The liquidator does hereby fix the Monday, 21 February 2022 as the day on or before which the creditors of the company are to prove their claims and to establish any priority their claims may have under Section 312 of The Companies Act 1993, or to be excluded from the benefit of any distribution made before their claims are made or, as the case may be, from objecting to the distribution.

Meizi Xu

Address of Liquidator:
Duberly Vincent Associates,
PO Box 305527,
Triton Plaza,
Auckland 0757.
Telephone: (09) 415 9900.
Facsimile: (09) 415 1220.
Email: jennifer@dva.co.nz

Remember us in your Will and leave a legacy of hope
THE SALVATION ARMY
For more info, call
0800 53 00 00

IWI, HAPŪ, OR WHĀNAU WHO EXERCISE KAITIAKITANGA

WHAKAWHITI KŌRERO/HAVE YOUR SAY

on the proposed Hākaimangō Matiatia marine reserve (Northwest Waiheke Island).

The Department of Conservation has received an application for a new marine reserve by the Friends of the Hauraki Gulf Inc. The proposed Hākaimangō Matiatia marine reserve is off the northwest coastline of Waiheke Island.

If you are iwi, hapū, or whānau who exercise kaitiakitanga in the area covered by the proposed marine reserve, we recognise your right to participate in the application process as affected iwi, hapū or whānau under the Marine and Costal Area (Takutai Moana) Act 2011. Anyone has the right to make objections and submissions under the Marine Reserves Act 1971 as set out in the Friends of the Hauraki Gulf Inc public notice (published above).

The Marine and Costal Area (Takutai Moana) Act 2011 specifically provides affected iwi, hapū, or whānau the right to participate in the process and provide their views. The Minister of Conservation must have particular regard to the views of affected iwi, hapū, or whānau when considering the proposed marine reserve.

To exercise this right to participate, iwi, hapū, or whānau must advise the Director-General of Conservation that they are "affected" (which means that they exercise kaitiakitanga in the area covered by the proposed marine reserve) and provide their views on the proposal.

Affected Iwi, hapū or whānau should do this by:

(1) Making a submission in the manner set out in the Friends of the Hauraki Gulf's public notice adjacent/ above, and

(2) Specifically noting in the submission that you are affected and which hapū and/or iwi you affiliate to.

The deadline to do this is 20 March 2022, as set out in the Friends of the Hauraki Gulf's public notice above.

More information about the proposed marine reserve application and process can be found at www.doc.govt.nz/waihekeproposal

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Appendix 21

4 August 2022 – Department of Conservation technical assessment of the proposed Hākaimangō-Matiatia (NW Waiheke) marine reserve application against the criteria in Section 3 of the Marine Reserves Act 1971

Released under Official Information Act

Technical assessment of the proposed Hākaimangō-Matiatia (NW Waiheke) marine reserve application against the criteria in Section 3 of the Marine Reserves Act 1971

Clinton Duffy
Marine Species Team, Department of Conservation
4 August 2022

Released under Official Information Act

1 Context

1. The Friends of the Hauraki Gulf Inc. (the Applicant) has applied to the Director-General of Conservation to establish a marine reserve at the north-western end of Waiheke Island covering an area of 2350 ha between Matiatia and Hakaimango Point (Fig. 1).

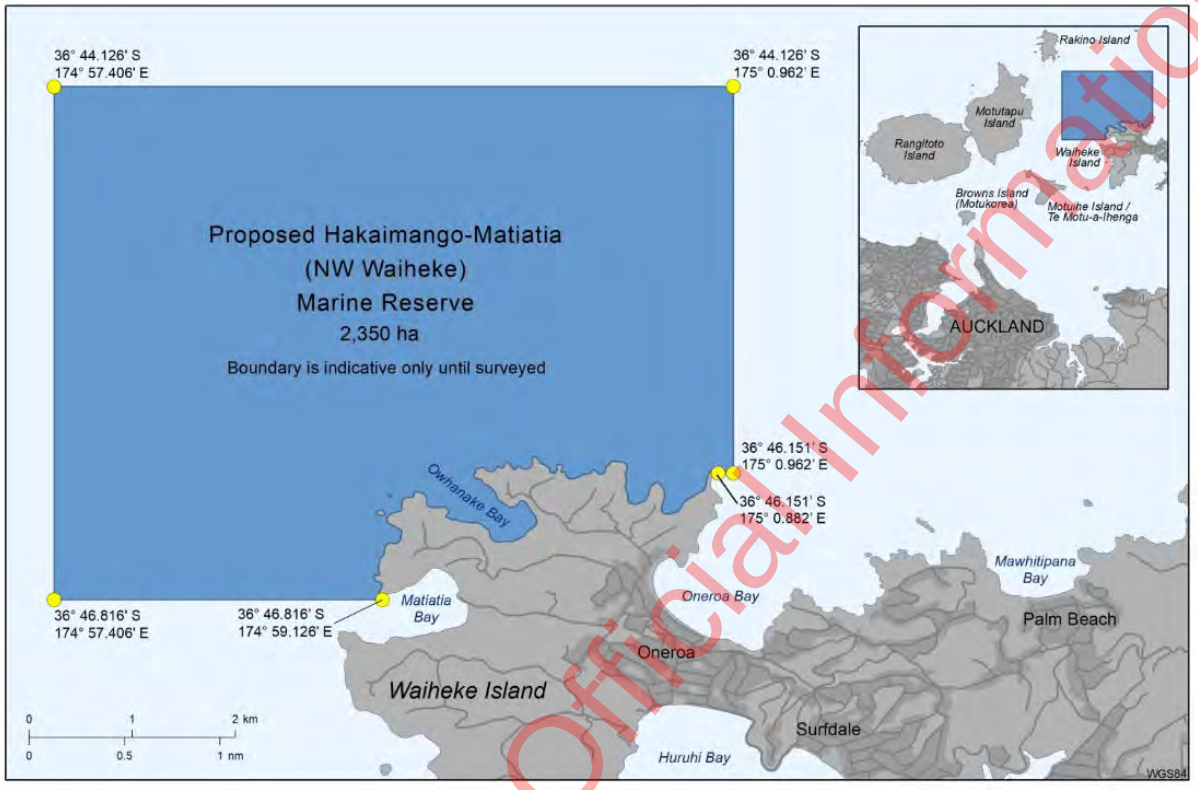

Fig. 1. Boundaries of the proposed Hakaimango-Matiatia Marine Reserve, Waiheke Island, Hauraki Gulf.

2. The proposed marine reserve extends from MHWS offshore about 3.3 km west from the headland at the northern entrance to Matiatia Bay and 3.75 km north from Hakaimango Point. It includes the intertidal zone between these points, as well as all waters within Owhanake Bay. Depths within the proposed reserve generally do not exceed 20 m below chart datum, except north of the entrance to Matiatia Bay and off Owhanake Bay where depths of 24 and 22 m below chart datum have been recorded (Chart NZ5324, New Zealand North Island-East Coast, Tamaki Strait and Approaches including Waiheke Island).
3. Much of the coastline is formed by steep cliffs, rock stacks and rocky headlands separated by gravel beaches (Fig. 2). Owhanake Bay is a sheltered, semi-estuarine inlet. A small, intermittently flowing stream flows across a long stony beach at the head of the bay. The sides of the bay are steep, and the intertidal zone is rocky. The floor of the bay itself shelves to a maximum depth of about 9 m and is largely covered by muddy fine sand. The floor of the channel between Waiheke and Motutapu

Released Under Official Information Act



Fig. 2. Island Bay, Waiheke Island, looking east from Double U Bay (Fossil Bay), at low water, 31 December 2021. These intertidal and shallow subtidal reefs are identified as an Outstanding Natural Feature in the Auckland Unitary Plan. Motutapu and Rangitoto Islands are visible in the background (image by C. Duffy).

4. Islands consists of broken shell, sand and mud, and is swept by strong tidal currents. Rocky reefs extend a relatively short distance from shore, reaching a maximum depth of 17 m. The intertidal zone is dominated by a dense band of rock oysters above a band of large brown algae at low water. Subtidally, five main reef habitat types occur within the proposed reserve: shallow *Carpophyllum*, mixed algae (*Carpophyllum* spp. and *Ecklonia radiata*), *Carpophyllum flexuosum* forest, urchin barrens and sponge flats. Algal dominated habitats and urchin barrens are estimated to cover about 0.22 km^2 and 0.03 km^2 respectively (Haggitt 2016).

MPA Policy Habitat Classification	Area (km^2)	Area (ha)
Estuarine Rocky Shore	0.044	4.4
Estuarine Sand	0.160	16
Estuarine Reef	0.083	8.3
Sheltered Rocky Shore	0.255	25.5
Sheltered Shallow Reef	1.055	105.5
Sheltered Shallow Sand	1.653	165.3
Shallow Mud	6.703	670.3
High Current Rocky Shore	0.014	1.4
High Current Shallow Gravel	0.877	87.7
High Current Shallow Mud	11.532	1153.2
High Current Shallow Reef	0.245	24.5
High Current Shallow Sand	0.870	87

Table 1. Marine Protected Areas Policy habitat-types represented within the proposed Hakaimango Point to Matiatia marine reserve.

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2 Proposed benefits of a marine reserve between Hākaimangō – Matiatia, Northwest Waiheke Island

5. The supporting document for the application cites 32 potential benefits of the proposed marine reserve (Appendix 1) (Friends of the Hauraki Gulf 2022). Most can be grouped into the following broad themes:

(i) Benefits relating to the provision of habitat for marine and coastal species, including:

- protecting and enhancing highly productive, ecologically vital, kelp forest rocky reef systems
- protecting and enhancing a diverse range of sand and soft sediment habitats and associated biological communities
- protection of a marine transition zone between the inner and outer Gulf
- protecting all fish species occurring within the proposed reserve
- protecting a snapper spawning area, pāua, green-lipped mussel, scallop, red rock lobster, packhorse rock lobster, marine mammals and seabirds
- enhancement of larval export from the area, promoting recovery of populations outside the marine reserve
- protecting and enhancing seabird and shore bird nesting areas along the coastal fringe (note: these habitats would be located above MHWS springs, therefore outside the proposed marine reserve)

(ii) Benefits relating to the scientific study of marine life, including:

- protecting and enhancing the opportunity for the comparative scientific study of marine ecosystems, and marine biota of the Hauraki Gulf
- enhancing local opportunities for the young people of Waiheke Island to study marine life
- protecting and enhancing the opportunity to study marine mammals and seabirds

(iii) Matters related to the national interest, including:

- protection of the life supporting capacity of the Hauraki Gulf Marine Park
- protecting an area containing nationally important Miocene fossil deposits
- advancing development of an MPA network within the Hauraki Gulf
- enhancing the resilience of the Hauraki Gulf to climate change impacts
- doing something tangible and meaningful to protect the Hauraki Gulf and the threatened wildlife which lives in it
- protecting and enhancing the conservation values of Waiheke Island and Tāmaki Makaurau
- protecting and enhancing the natural and physical resources of the Hauraki Gulf / Tīkapa Moana / Te Moananui-ā-Toi

Released under Official Information Act

- protecting and enhancing marine ecosystems and biota of the Hauraki Gulf for their own intrinsic value
- protecting and enhancing those natural, historic, and physical resources (including kaimoana) of the Hauraki Gulf, its islands, and catchments with which tangata whenua have an historic, traditional, cultural, and spiritual relationship
- enhancing the size and value of the commercial and recreational fishery of the Hauraki Gulf
- protecting and enhancing the rāhui declared by Ngāti Paoa in its role as kaitiaki.

Released under Official Information Act

3 Assessment of the proposed marine reserve against the criteria in the Marine Reserves Act 1971

6. Section 3(1) of the Marine Reserves Act 1971 states that the provisions of this Act shall have effect for the purpose of preserving, as marine reserves for the scientific study of marine life, areas of New Zealand that contain underwater scenery, natural features, or marine life, of such distinctive quality, or so typical, or beautiful, or unique that their continued preservation is in the national interest.
7. The definition of area in the Marine Reserves Act 1971 includes any part of the seabed vertically below the surface of the territorial sea of New Zealand or the foreshore of the coast of New Zealand and includes any water at any material time upon or vertically above it.
8. Underwater scenery and natural features are not defined in S. 2 of the Marine Reserves Act 1971. Underwater scenery can be interpreted as meaning the appearance of the underwater landscape, whereas natural features are generally defined as distinctive attributes or components of the landscape that are a product of nature. Natural features include landforms and systems that have been modified or degraded by anthropogenic activities or non-indigenous species, but not human-made structures (Environment Foundation 2018; Ministry for the Environment 2021).
9. The Marine Reserves Act 1971 defines marine life as any species of the plant or animal kingdoms which at any time of its life inhabits the sea or foreshore, except for wildlife within the meaning of the Wildlife Act 1953 (i.e., sea birds, marine reptiles and any marine species declared to be an animal under section 7BA).

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4 Underwater Scenery and Natural features of the proposed marine reserve

10. The supporting document does not discuss underwater scenery within the proposed marine reserve. The area is typical of much of the inner Hauraki Gulf and is not considered to contain any areas of distinctive, unique or beautiful underwater scenery. Soft sediments are the predominant substrate type within it and while the rocky reefs are broken and varied, they do not extend particularly far offshore or present any particularly dramatic or picturesque underwater landscapes. Underwater visibility in the area ranges from 3 m to at least 12 m (C. Duffy pers. obs.). Silt drapes over the substrate and seaweeds in many places (Haggitt 2016; C. Duffy pers. obs.). Hakaimango Point is the only dive spot within the proposed marine reserve discussed by Moran et al. (2004). They described it as a beginner level dive on a "nice reef" supporting common species of reef fishes, small crayfish in crevices and under ledges, and colourful sponges and anemones.
11. Significant natural features occurring within the proposed reserve are the submarine volcanics (pillow lavas, chert) exposed in Island Bay and the fossil beds exposed in Double U Bay (Fig. 2) (Hayward & Brook 184; Eagle et al. 1995; Hart 2019). Both sites are identified as Outstanding Natural Features in the Natural Heritage Overlay of the Auckland Unitary Plan. This also identifies Hakaimango Point and the area surrounding it as an Outstanding Natural Landscape and area of High Natural Character (https://unitaryplanmaps.aucklandcouncil.govt.nz/upviewer/).

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5 Marine life occurring within the proposed marine reserve

12. Although several surveys have covered part or all the proposed marine reserve a comprehensive list of species found in the area was not provided with the application. A brief review of the supporting document, scientific literature, fishing and diving reports and citizen science observations shows a minimum of 187 species of marine life have been recorded within the proposed marine reserve (Appendix 1). This is a conservative number as it excludes microorganisms, meiofauna and most planktonic, infaunal and cryptic species.

5.1 Benthic communities

13. The size and location of the proposed reserve at the northwest corner of Waiheke Island means it contains a relatively diverse range of marine habitats (Table 1). The northern coastline is characterised by rocky headlands separated by gravel beaches, deeply dissected rocky intertidal platforms extending up to 100 m offshore and shallow subtidal rocky reefs that shelve steadily to 15-17 m depth before giving way to soft sediments. Owhanake Bay contains large areas of sheltered shallow mud and sand, a long cobble and silty sand beach at its head and very sheltered shallow rocky reef. From Owhanake Bay to Matiatia the marine habitats are similar to those along the northern coastline but they experience stronger tidal currents. Depth averaged maximum tidal currents along the northern coastline are estimated to 0.03-0.25 $cm.s^{-1}$, whereas from Owhanake Bay to Matiatia they increase to 0.26-0.4 $cm.s^{-1}$ near shore and 0.41-0.75 $cm.s^{-1}$ offshore (Chiaroni et al. 2010).
14. Subtidal rocky reefs within the proposed marine reserve are dominated by beds of large brown algae to about 14 m depth. Below that, light levels are insufficient to sustain large seaweeds and the 'kelp forests' give way to sponges (e.g., *Raspailia topsenti*, *Cliona celata*, *Polymastia croceus*, *Tethya* spp., *Ecionemia alata*, *Stelletta conulosa*, *Callyspongia ramosa*, *Psammocinia* spp.) and a variety of other common encrusting organisms (Kerr & Grace 2013; Haggitt 206a, b). Haggit (2016b) found algal diversity, sessile invertebrate diversity and reef fish diversity were highest outside Owhanake Bay and lowest inside Double U (Hakaimango) Bay. He also observed differences in the composition of the algal assemblages between these sites with kelp (*Ecklonia radiata*) dominating outside Owhanake Bay, and tangleweed (*Carpophyllum flexuosum*) dominating in Double U Bay (Hakaimango Bay). No true deep reef habitat occurs in the proposed reserve because most reefs do not extend below about 17 m depth (Kerr & Grace 2013; Haggitt 2016b).
15. The predominant habitat types within the proposed marine reserve are soft sediments. The MPA habitat classification categorises the bulk of the sediments in the area as high current shallow mud, a habitat type not well represented in existing and other proposed MPAs within the Hauraki Gulf Marine Park (Table 1). Morrison et al. (2003) also classified the subtidal sediments within the proposed reserve as mud based upon acoustic data. However, navigational charts identify the substrate between Waiheke and Motutapu Islands as sand and broken shell (S.bkSh), and Kerr & Grace (2013) mapped much of the area as shallow coarse sand and shell gravel noting that mud increases below 15 m depth (Fig. 3). Haggitt (2016b) investigated soft sediment habitats in the proposed marine reserve using a towed underwater video camera. He found that fine sand was the predominant substrate within Double U Bay (Hakaimango Point), coarse sand and shell dominated immediately adjacent to coastal rocky reefs and in parts of the channel between Waiheke and Motutapu Islands, and finer muddy sand predominated almost everywhere below 15 m depth. He observed encrusting and erect sponges and attached red algae were a common component of the epifauna occurring on coarse sand and shell; patches of low-density horse mussels (*Atrina zelandica*) and scallops occurred along the western coastline of Waiheke Island; and biogenic structures were uncommon on mud bottoms below 15 m depth.
16. Chiaroni et al.'s (2010) observations of the epifauna of soft sediments between Waiheke and Motutapu Islands were similar to those of Haggitt (2016b). They found coarse sediments in

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high tidal flow areas were characterised by a "High Current Community" dominated by filter feeding sessile invertebrates and mobile scavengers such as the cushion star (*Patiriella regularis*), or a "Mobile Epifauna" community dominated by species such as starfish, gastropods and hermit crabs. Muddy habitats had little epifauna and were dominated by burrowing organisms. Chiaroni et al. (2010) examined a limited number of benthic samples from the main channel between the islands. The sample taken closest to the proposed reserve grouped with their "*Theora-Echinocardium*" community. This community type was found in sites with a high mud content and was characterised by high numbers of the small, invasive bivalve *Theora lubrica* and significant numbers of the burrowing urchin *Echinocardium cordatum*. Morton & Miller (1968) also assigned the infauna of this area to an *Echinocardium* community. Chiaroni et al. (2010) and Haggitt (2016b) both noted high within and between group variability in the composition of the soft sediment benthic communities reflecting the patchiness of these habitat types.

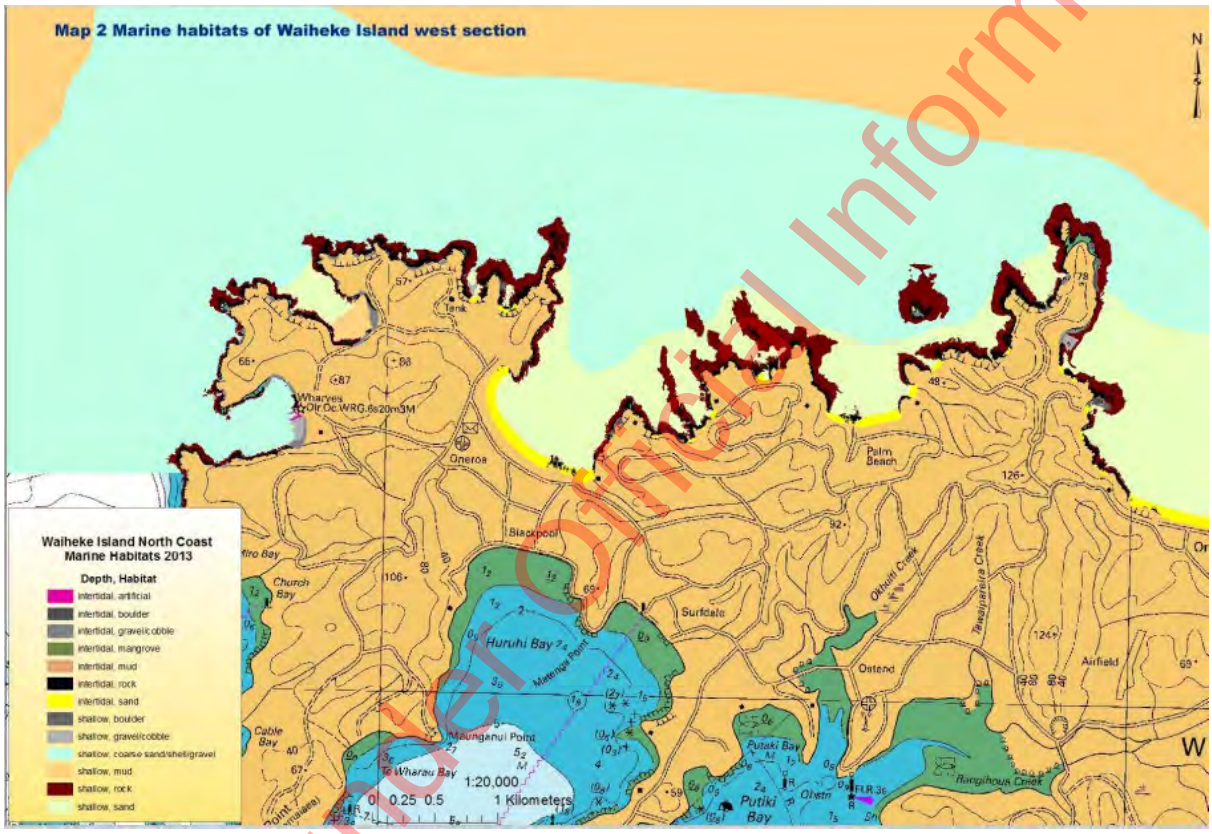

Fig. 3. Marine habitats of northwest Waiheke Island from Kerr & Grace (2013).

5.2 Demersal fishes

17. The fish assemblages occurring on soft sediments in the proposed marine reserve are given little attention in the supporting document. Morrison et al. (2003) provide a brief overview of the main species recorded in research trawls in the Hauraki Gulf including within the proposed marine reserve. They reported high densities of snapper (*Chrysophrys auratus*) (>30,000 per km^2), jack mackerel (*Trachurus novaezelandiae*) (>10,000 per km^2) and sand flounder (*Rhombosolea plebia*) (>1000 per km^2), and lower relative densities of gurnard (*Chelidonichthys kumu*) (<100 per km^2), trevally (*Pseudocaranx georgianus*) (<200 per km^2), john dory (*Zeus faber*) (<250 per km^2), baracoutta (*Thyrsites atun*) (<200 per km^2) and rig (<100 per km^2) within the proposed reserve. Research trawls indicate that the area extending southeast from Rakino and Motutapu Islands to Onetangi Bay, Waiheke Island, and south to Motuihe Island contains regionally important snapper habitat. Other areas within the Hauraki Gulf Marine Park with similar densities of snapper occur in Colville Bay, the area between Motutapu and Rangitoto

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Islands and Whangaparaoa Peninsula, and Whangaparaoa Bay (Morrison et al. 2003). A detailed towed video study of snapper habitat in the inner Hauraki Gulf found benthic diversity and predicted adult snapper density to be moderate to high off northwest Waiheke Island. Predicted juvenile snapper density in the proposed reserve was low, like most of the inner Gulf, but was higher in lower current areas close to shore and along the northern coastline of Waiheke Island (Compton et al. 2012). Airey & Duncan (2004) reported snapper, trevally, kahawai (*Arripis trutta*) and kingfish (*Seriola lalandi*) can be caught in large numbers off northwest Waiheke Island.

5.3 Threatened and protected species

18. The supporting document for the application claims or implies the proposed reserve provides habitat for almost 40 protected species (smalltooth sandtiger shark *Odontaspis ferox*, great white shark *Carcharodon carcharias*, 32 species of seabirds, five marine mammals) (Friends of the Hauraki Gulf 2022). Although marine species (corals, fishes, seabirds and marine reptiles) protected under the Wildlife Act (1953) are not marine life for the purposes of the Marine Reserves Act 1971, their presence in the proposed reserve would be relevant to consideration of whether protection of the area is in the public interest. However, there is little evidence that the proposed reserve provides critical or important habitat for many of the named species. No Significant Ecological Areas – Marine (SEA-M) are identified within it by the Auckland Unitary Plan, and no Shorebird Sites of Importance, Hotspots for Seabirds and Shorebirds, or Hotspots for Cetaceans were identified in the area by Sea Change - Tai Timu Tai Pari, or recent reviews of the status of seabirds in the Hauraki Gulf Marine Park (Appendix 3) (Gaskin & Rayner 2013; Gaskin 2021a; https://www.seasketch.org).

5.3.1 Protected sharks

19. The great white shark is a large, pelagic species that is widespread around the upper North Island, including in Hauraki Gulf and Firth of Thames. Although most confirmed recent records of this species within the marine park come from the outer Hauraki Gulf, there have been occasional sightings and captures of great white sharks in Waitemata Harbour, Rangitoto Channel and around Waiheke Island. The latter include the capture of a pregnant female containing near-term embryos north of Horuhoru/Gannet Rock in 2003, and an unconfirmed sighting of a 2.5 m juvenile off Onetangi Beach in February 2021. The absence of regular reports of great white sharks from Waiheke Island suggests it does not provide critical habitat for this species and that individuals probably transit through the area relatively quickly. Reference in the supporting document to smalltooth sandtiger sharks being taken in the general area cannot be confirmed. This species is globally distributed with a reported depth range of 10–883 m. Most records of this species from the Southern Hemisphere come from outer continental shelves and oceanic ridges (Fergusson et al. 2008).

5.3.2 Seabirds

20. The support document identifies the following seabirds as breeding in the 'general area' of the proposed marine reserve:

- white-fronted tern / tara iti (*Sterna striata*)
- red-billed gull / tarāpunga or akiaki (*Larus novaehollandiae scopulinus*)
- southern black-backed gull / karoro (*Larus dominicanus dominicanus*)
- Australasian gannet / tākapu (*Morus serrator*)
- variable oystercatcher / tōrea (*Haematopus unicolor*)
- fluttering shearwater / pakahā (*Puffinus gavia*)
- New Zealand pied shag / kawau (*Phalacrocorax varius*)
- little shag / kawau paka (*P. melanoleucos brevirostris*)

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- little black shag / kawau tui (*P. sulcirostris*)
- spotted shag / kawau pāteketeke (*Stictocarbo punctatus*)
- white-faced storm petrel / takahikare (*Pelagodroma marina maoriana*)
- grey-faced petrel / titi /ōi (*Pterodroma macroptera gouldi*)
- northern diving petrel / kuaka (*Pelecanoides urinatrix urinatrix*)
- northern little penguin / kororā (*Eudyptula minor iredale*)

21. Of these, only the little penguin, white-fronted tern and southern black-backed gull have been confirmed as breeding on the coast adjoining the proposed marine reserve (Taylor 2000; Gaskin & Rayner 2013; Lovegrove 2016; Rawlence et al. 2019; Gaskin 2021a). Observations posted on the citizen science platform iNaturalist suggest small numbers of red-billed gulls also nest on the western headland and rock stacks at the entrance to Owhanake Bay.
22. The nearest Australasian gannet colony to the proposed reserve is Horuhoru/Gannet Rock, 14.6 km northeast of Hakaimango Point. Birds from this colony forage throughout the western Hauraki Gulf, including along the northern coastline of Waiheke Island and Motuihe Channel, the central section of Firth of Thames and around Mercury Islands (Adams 2021). In spring and summer these birds concentrate their foraging activity in a well-defined hotspot southeast of Kawau Island, and a less defined area north of Rangitoto Island. In autumn-winter gannets still concentrate their foraging in this hotspot but they also spend more time foraging in the centre of the Gulf, Whangaparaoa Bay and off the eastern end of Waiheke Island. Compared to these areas relatively little foraging occurs within the proposed marine reserve (Gaskin 2021b).
23. Except for grey-faced petrel all the shearwaters and petrels named in the supporting document breed on islands in the outer Hauraki Gulf, or on the Hen and Chickens and Poor Knights Islands (Wragg, 1985; Taylor 2000; Gaskin & Rayner 2013). Grey-faced petrel and northern diving petrel nest on The Noises Islands, 2.8 – 4.25 km north of the northern boundary of the proposed reserve, and small numbers of grey-faced petrel have been found nesting in Sandy Bay, Waiheke Island (Taylor 2000; Gaskin & Rayner 2013; Lovegrove 2016). These species rarely forage in sheltered coastal waters. Grey-faced petrel feed mainly east of New Zealand, whereas diving petrels mainly feed in the central-outer Gulf (Cunningham & Moors 1985; Zhang et al. 2019; Taylor 2000; Gaskin & Rayner 2013; Gaskin 2021; https://nzbirdsonline.org.nz).
24. The supporting document also states that the northwestern boundary of the proposed marine reserve meets the southern boundary of the North Auckland Seabird Flyway (Pg. 35, Friends of the Hauraki Gulf 2022). This flyway is an ecologically significant corridor used by up to a third of the Gulf's Cook's petrel (*Pterodroma cookii*) population to move between nest sites on outer Gulf islands and foraging areas in the Tasman Sea (Gaskin & Rayner, 2013). Other species that may also use the flyway are grey-faced petrel and black petrel (*Procellaria parkinsoni*). Although the boundaries of the flyway are not sharply defined, the southern boundary as described by Gaskin & Rayner (2013) is situated just north of the proposed marine reserve, but most birds cross the mainland further north around Wellsford and Kaipara Harbour (Fig. 4) (Gaskin & Rayner 2013). The proposed marine reserve is therefore unlikely to have any direct or indirect effect on the birds using the flyway.

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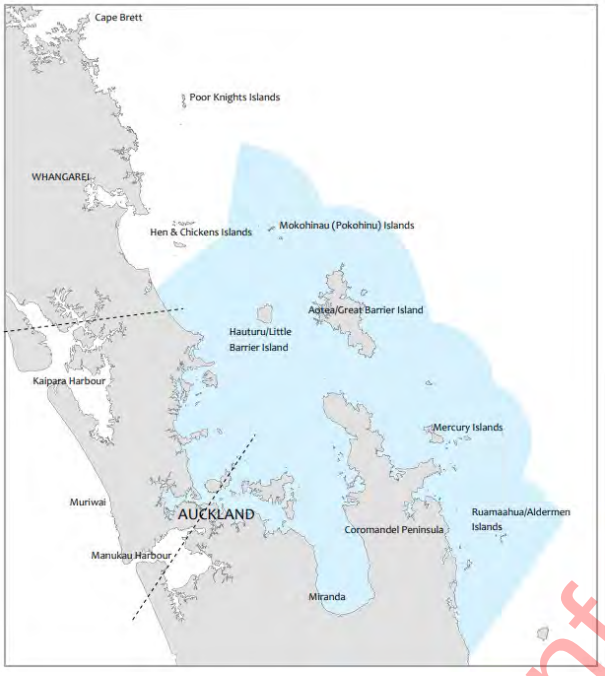

Fig. 4. Location of the 'North Auckland Seabird Flyway' (area between the dotted lines) within the Hauraki Gulf Marine Park (blue), from Gaskin & Rayner (2013).

25. Section 7.2 of the supporting document asserts that historic breeding of spotted shag parēkareka (*Stictocarbo punctatus*) along the northern coast of Waiheke Island, including at Hakaimango Point, is evidence of the ecological significance of the proposed marine reserve (Friends of the Hauraki Gulf 2022). Northern spotted shags are geographically and genetically distinct from spotted shags in central and southern New Zealand (Rawlence et al. 2019). They were once widespread and probably bred at many coastal locations in northern New Zealand prior to 1910, however by 1930 the population had been reduced to a few hundred pairs. Shooting them was banned in 1931. Following protection the population in the Firth of Thames recovered to about 2000 pairs by the 1960s. During the 1970s and 1980s several colonies were documented around Waiheke Island (Kauri Point, Tarahiki Island, Ponui Island, Horuhoru/Gannet Rock, Te Whau Point), at the Noises and on the west coast of Waikato and Northland (Evans & Hosking 2019; Rawlence et al. 2019; Rayner 2021). However, the population crashed during the 1990s and today numbers only about 300 pairs. Most of these birds nest on Tarahiki Island, just south of Waiheke Island, with some intermittent breeding occurring at two sites on the eastern end of Waiheke. Tracking studies suggest spotted shags spend most of their time foraging around mussel farms in the eastern Firth of Thames (Evans & Hosking 2019; Rayner 2021a).

26. The cause of the collapse of the northern spotted shag population is unknown but coincided with the devastating pilchard herpesvirus incursion in 1995 and declining abundance of anchovy (Whittington et al. 1997, 2008; Paul et al. 2001; Evans & Hosking 2019). Both these small pelagic fishes normally inhabit productive coastal and shelf waters where upwelling of nutrients drives seasonal plankton blooms (Paul et al. 2001; 2005). Failure of pilchard (*Sardinops sagax neopilchardus*) abundance to recover following the herpesvirus incursion could be due to ongoing effects of the virus or changing environmental conditions within the Gulf (Whittington et al. 2008; Hauraki Gulf Forum 2020). Environmental factors potentially driving the decline of small pelagic fishes within Hauraki Gulf include ongoing degradation of inshore habitats by pollution and excessive sedimentation, cyclical ocean climate phenomena (El Niño-Southern Oscillation, Interdecadal Pacific Oscillation) and global climate change (Zeldis et al. 2001, 2005; Bradford-Grieve et al. 2006; Willis et al. 2007; Ministry for the Environment & Stats NZ 2019; Rayner 2021b). Their current preference for feeding around mussel farms suggests that spotted shags' ability to find alternative prey in the face of these events may have been constrained by the loss of more than 700 km² of mussel reefs from the Firth of Thames and Tamaki Strait due to commercial dredging (McLeod et al. 2013; Rayner 2021a). While the proposed marine reserve might reduce spotted shag-fishery interactions

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within a small part of their range, none of the factors likely to be driving their decline would be affected by it.

27. The conservation status of northern little penguins is At Risk – Declining (Lovegrove 2016; Robertson et al. 2021). Habitat loss due to coastal development, chronic disturbance, roadkill, predation particularly by domestic dogs and degradation of inshore marine habitats are driving large declines in mainland populations (Gaskin & Rayner 2013; Lovegrove 2016; Mattern & Wilson 2018; Gaskin 2021). Populations on offshore islands, including Waiheke Island, are generally doing better than those on the mainland but are still vulnerable to introduced mammalian predators, disturbance and increasingly coastal development (Lovegrove 2016; Mattern & Wilson 2018). At sea little penguins are also vulnerable to disturbance by vessels, boat strike and entanglement in marine debris (Gaskin & Rayner 2013; Mattern & Wilson 2018). Little penguins feed primarily on small pelagic and demersal fishes such as sprats (*Sprattus* sp.), pilchard, anchovy, yelloweyed mullet (*Aldrichetta forsteri*), ahuru (*Auchenoceros punctatus*), red cod (*Pseudophycis bacchus*) and Graham's gudgeon (*Grahamichthys radiata*), as well as small cephalopods (Geurts 2006; McKenzie 2011; Mattern & Wilson 2018; Lukies 2019). Adult survival and breeding success is strongly linked to prey availability, with periodic mass mortalities associated with crashes in preferred prey (Gaskin & Rayner 2013; Mattern & Wilson 2018). During breeding little penguins generally forage between 5-30 km from their nest burrow. Outside the breeding season foraging range increases to 62-214 km for multi-day trips. During day trips most time is spent within 9 km of the coast, and for multi-day trips most time spent is within 20 km of the coast (Geurts 2006; McKenzie 2011; Mattern & Wilson 2018; Lukies 2019). Longer trips are associated with lower prey availability (Mattern & Wilson 2018). Little penguins nesting in Hauraki Gulf feed primarily on anchovy and arrow squid (*Nototodarus gouldi*), with pilchard, yelloweyed mullet, jack mackerel (*Trachurus* sp.), morid and gobiiforme fishes being of secondary importance (Geurts 2006; McKenzie 2011; Lukies 2019). Degradation of inshore habitats close to little penguin colonies appears to be driving an increase in foraging range in the inner Hauraki Gulf. Potential causes of this include damage to benthic habitats and declining water clarity caused by excess terrestrial sedimentation and algal blooms (Gaskin 2021a). While little penguins nesting adjacent to the proposed marine reserve are likely to spend some time foraging within it, their preferred prey tend to be more abundant in the outer Gulf and seem unlikely to be positively affected by its establishment. Gaskin & Rayner (2013) recommended management around breeding colonies should focus on pest control and disturbance minimisation. The proposed marine reserve would have no influence on terrestrial threats to any of the seabirds breeding northwest Waiheke Island coastline.

5.3.3 Marine mammals

28. Section 8 of the support document states the following marine mammal species can be expected to forage within the proposed marine reserve:

- common dolphins / aihe (*Delphinus delphis*)
- bottlenose dolphins / terehu (*Tursiops truncatus*)
- orca / kera wēra (*Orcinus orca*)
- long-finned pilot whales (*Globicephala melas*)
- New Zealand fur seals / kekeno (*Arctocephalus forsteri*)

29. Common and bottlenose dolphins, killer whales (orca) and pilot whales observed in Hauraki Gulf range throughout the waters off the northeast North Island, although regular sightings of distinctively marked individuals indicate the dolphins are largely resident in parts of the outer Gulf (Childerhouse 2021). The proposed marine reserve represents a very small part of the known ranges of these species, and despite the considerable amount of research that has been conducted in Hauraki Gulf the area covered by the proposal does not appear to be regularly used by any of them (fig. 5-6) (O'Callaghan & Baker 2002; Berghan et al. 2008; Stockin et al. 2008; Wiseman et al. 2011; Hamilton 2020). Habitat suitability modelling predicts that Motuihe Channel contains suitable habitat for bottlenose dolphins (Hamilton 2020). However, the relatively low number of reported sightings of bottlenose dolphins in this area suggests that the

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model may be overestimating the extent of bottlenose habitat in the inner Gulf, or that dolphins are avoiding this area for some reason (e.g., low prey availability and/or chronic disturbance by commercial and recreational vessels).

30. New Zealand fur seals can be found almost anywhere around the New Zealand coastline throughout the year. Adults congregate at breeding colonies (rookeries) from late spring to early summer. During winter adults and juveniles disperse widely but tend to aggregate at haulouts located close (<150 km) to preferred foraging areas (Boren 2010; Baird 2011). Since receiving full protection the fur seal population has been recovering and recolonising their former range. As numbers at southern rookeries reach carrying capacity breeding is occurring further north, often at what were winter haulouts. The closest rookery to Hauraki Gulf is Moutohora/Whale Island in the eastern Bay of Plenty, although occasional breeding occurs on Motunau and possibly the Mercury Islands (Young et al. 2011). Established haulouts around the upper North Island include Mercury Islands, Noises Islands, Poor Knights Islands and Three Kings Islands. Males leave the rookeries in summer soon after the breeding season, with juveniles weaning and leaving the colonies between July and October. Non-breeding adults and juveniles may come ashore almost anywhere to rest, particularly if they are weak or injured. Fur seals generally feed offshore along or beyond the edge of the continental shelf on small mid-water, demersal and benthic fishes and squid (Boren 2010; Baird 2011).

31. Although the foraging ecology of fur seals has not been studied anywhere in the upper North Island the suggestion in the supporting document that fur seals from the small haulout established on Otata Island, Noises Islands, are likely to forage in the proposed reserve has little to support it. Important prey species of juvenile and adult fur seals inhabiting Tasman Bay, a similarly shallow, sheltered coastal environment, are anchovy, pilchard, jack mackerel, sprats (*Sprattus* sp.) and arrow squid (*Nototodarus* spp.) (Boren 2010; Baird 2011). These species are important in the diets of seabirds and cetaceans inhabiting the Hauraki Gulf and are also likely to be the preferred prey of fur seals. Most multispecies feeding aggregations in the Gulf are generally located in open water east or well north of Waiheke Island. It therefore seems likely that seals hauling out at the Noises concentrate their feeding in those areas or travel out of the Gulf to feed along the edge of the continental shelf where rafts of seals are regularly seen (C. Duffy pers. obs.). As fur seals regularly undertake multiday foraging trips of well over 100 km even seals hauling out at inner Gulf locations such as the Noises Islands can easily access deep water outside the marine park (Boren 2010).

32. The rocky coast within and immediately adjacent to the proposed reserve does however provide suitable habitat for fur seals, and juveniles have occasionally been observed hauled out there (e.g., https://www.inaturalist.org/observations/96986458). Juvenile fur seals around weaning age can dive to at least 44 m depth meaning all the proposed reserve would be well within the foraging range of juveniles and adults (Baylis et al. 2005). The shallow inshore area within the proposed marine reserve would also provide a relatively safe environment for juveniles to learn to forage in should a haulout or rookery ever establish there. This seems unlikely to occur in the near future as fur seals currently prefer to haulout at the Noises Islands.

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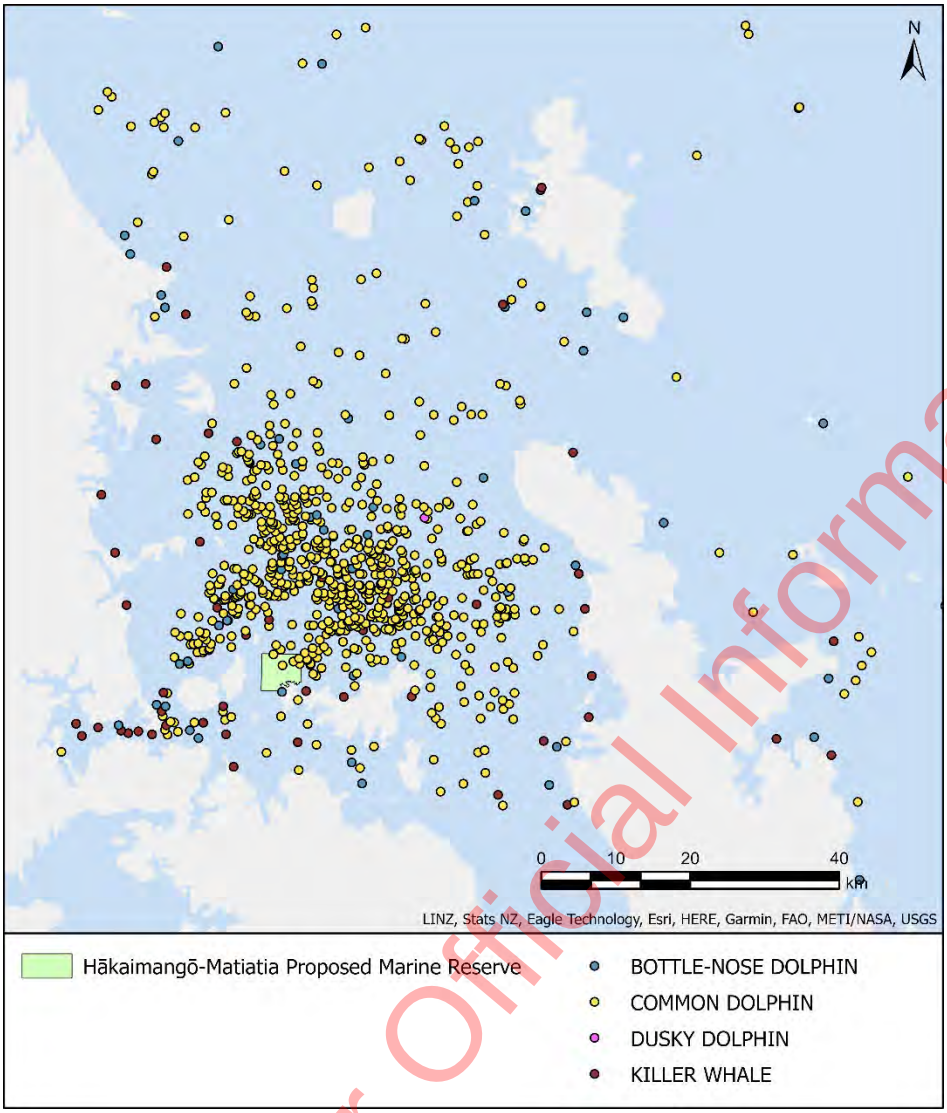

Fig. 5. Distribution of dolphin sightings in the Hauraki Gulf Marine Park reported to the Department of Conservation's marine mammal sightings database.

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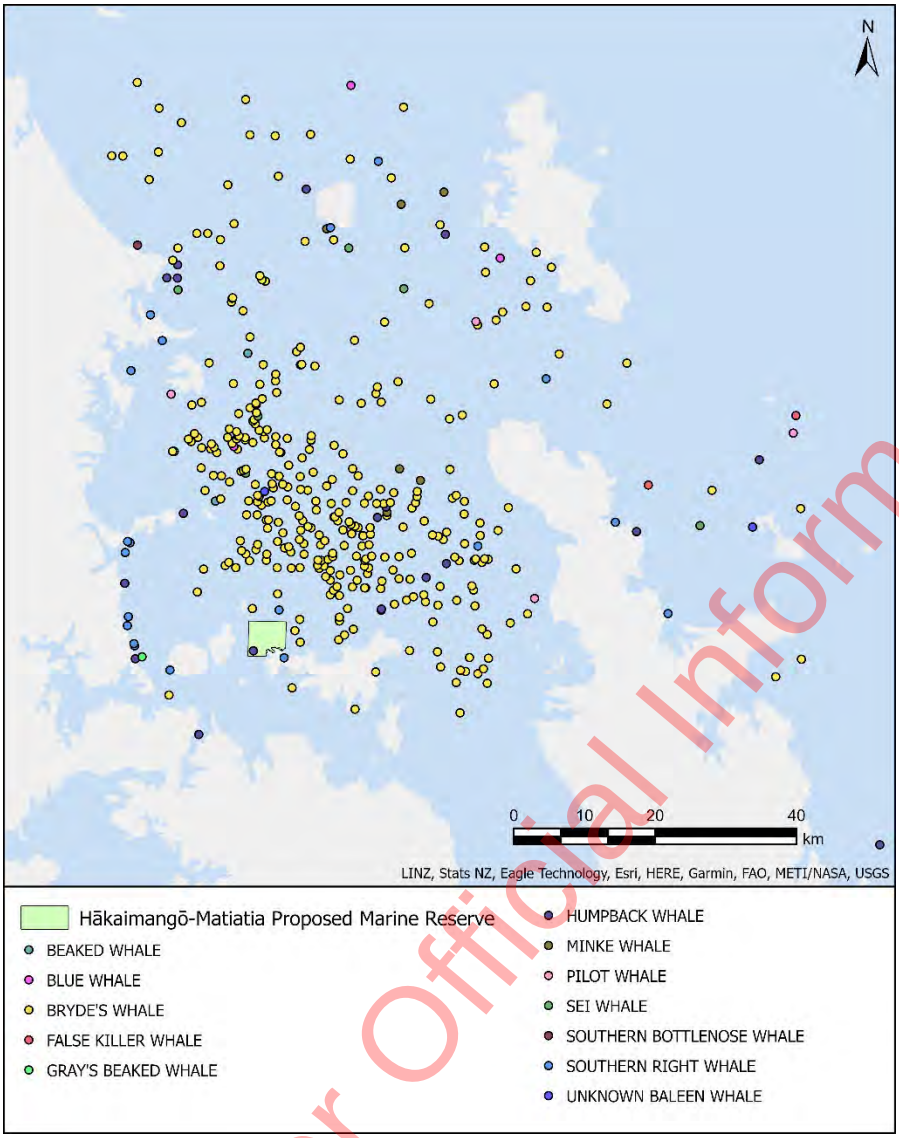

Fig. 6. Distribution of whale sightings in the Hauraki Gulf Marine Park reported to the Department of Conservation.

33. Section 8.2 of the supporting document asserts that the mortality of at least 50 fur seals (49 *Arctocephalus forsteri*, 1 *A. tropicalis*) documented in the Hauraki Gulf Marine Park between July and October 2021 is "another reminder that all is not well within the marine ecosystem" and "another reason for meaningful action to improve marine protection in the Hauraki Gulf, especially by way of provision of no-take marine reserves." Fur seal deaths occur throughout the year due to a number of natural and anthropogenic (e.g., fisheries interactions, persecution) causes but are exaggerated by major storms and climatic events that cause prey shortages, particularly if these occur during the weaning period. The distribution, seasonality, sizes and body condition of the fur seals found dead in Hauraki Gulf Marine Park in 2021 were not considered unusual by the Department and did not point to the occurrence of an adverse ecological event such as a 'mass die-off'. Notwithstanding that, the potential for no-take marine reserves to contribute to the recovery of the fur seal population within the Hauraki Gulf Marine Park appears limited given what is known of fur seal diet and foraging ecology. The size of the proposed reserve is much smaller than the foraging range of even juvenile fur seals and as previously noted it is unlikely to have any effect on populations of the seals' preferred prey.

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5.4 Potential effects of protection on depleted and locally extinct species

34. Section 10 (What has been lost?) of the support document contends that the proposed Hākaimangō - Matiatia Marine Reserve would help reverse the trend of declining abundance and local extinctions within Hauraki Gulf. It refers to the disappearance "vast boil-ups" of baitfish "which sometimes extended as far as the eye could see" and asserts that several fishes and invertebrates found in the area have "been driven into local extinction or are at very low numbers through over exploitation." Those species are listed as:

- long-finned boarfish (*Zanclistius elevatus*)
- giant boarfish (*Paristiopterus labiosus*)
- splendid perch (*Callanthias australis*)
- conger eel (*Conger* spp.)
- marble fish (*Aplodactylus arctidens*)
- red moki (*Cheilodactylus spectabilis*)
- blue maomao (*Scorpis violacea*)
- blue cod (*Parapercis colias*)
- Sandagers wrasse (*Coris sandeyeri*)
- blue moki (*Latridopsis ciliaris*)
- trevally (*Pseudocaranx georgianus*)
- hāpuku / hapuka (*Polyprion oxygeneios*)
- red rock lobster (*Jasus edwardsii*)
- packhorse rock lobster (*Sagmariasus verreauxi*)

35. While the role that any no-take marine reserve can play in the restoration of the wider biodiversity values of the Gulf may be difficult to demonstrate, positive spill-over effects to areas outside no-take marine reserves have been observed in the Gulf and international research indicates these benefits are likely to be enhanced within marine reserve networks (Leport et al. 2017; Harrison et al. 2012, 2020). Spill-over effects of no-take marine reserves depend on the responses of individual species to protection (Harrison et al. 2020). These responses can be difficult to predict and are dependent on multiple factors including species biology, the location, size and configuration of no-take areas, habitat availability, local environmental gradients, local and regional hydrological processes, and large-scale climate phenomena (Ward et al. 2001; Shears & Babcock 2004; Shear et al. 2008; Freeman et al. 2012; Willis 2013; Edgar et al. 2017; Schiel et al. 2018; Allard et al. 2022).

36. The effects of spatial protection on bait fishes have not been examined in New Zealand. The most abundant bait fishes in the Hauraki Gulf are anchovy, pilchard, piper (*Hyporhamphus ihi*), ahuru (*Auchenoceros punctatus*), jack mackerel (*Trachurus novaezelandiae*) and yellow-eyed mullet (*Aldrichetta forsteri*) (Crossland 1981; Paul et al. 2001; 2005). Although only jack mackerel have been formally recorded within the proposed reserve (Appendix 1), all these species are widespread and probably occur within it from time to time. Anchovy, pilchard, ahuru, jack mackerel and yellow-eyed mullet have floating eggs and spawn in midwater, whereas piper lay their eggs on seagrass (*Zostera muelleri novozelandica*) and a variety of other biogenic seafloor structures. It is not known if piper spawn anywhere within the proposed marine reserve, or if suitable spawning habitat for piper occurs anywhere within it. There are no extensive areas of seagrass with Owhanake Bay or elsewhere within the proposed reserve. The remaining species all have centres of spawning located well outside the proposed marine reserve. Ahuru spawn in the outer Firth of Thames east of Waiheke Island, whereas the other

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species have centres of spawning in the central and outer Gulf well north of Waiheke Island (Crossland 1981).

37. Multi-species feeding assemblages ('boil-ups') in the Gulf form around concentrations of zooplankton and schools of small pelagic fishes (pilchard and anchovy) (Baker & Maddon 2007; Carroll et al. 2019; Gostischa et al. 2021; Davis 2022). Although there are no stock assessments available for bait fishes in Hauraki Gulf, there is anecdotal evidence of widespread declines in abundance of pilchard and anchovy, and a shift from feeding primarily on fishes to zooplankton has been suggested for Bryde's whales in the Gulf (Baker & Maddon 2007; Carroll et al. 2019). As noted above, the populations of pilchards and anchovy and the zooplankton they prey upon can exhibit large fluctuations in abundance due to seasonal and longer-term changes in oceanographic conditions (Paul et al. 2001). There is evidence that pelagic productivity off the northeast coast of North Island has been declining for at least a decade, potentially due to climate driven changes in upwelling (Ministry for the Environment & Stats NZ 2019). This could be driving the declines in bait fishes in the region. Other potentially contributing factors are ongoing effects of the pilchard herpesvirus incursion in 1995 and declining environmental quality due to pollution and excess terrestrial sedimentation (Whittington et al. 2008; Paul et al. 2001; Hauraki Gulf Forum 2020). As the proposed marine reserve would have no influence on regional and global scale environmental processes such as these it is unlikely to have any influence on the populations of bait fishes in the Gulf. It is also too small and located in the wrong place to provide bait fishes such as pilchards and jack mackerel with any protection from commercial fishing.

38. Most species monitored in New Zealand marine reserves have shown little if any effect of protection (Davidson et al. 2007; Pande & Gardner 2012; Smith & Anderson 2016; Schiel et al. 2018; Allard et al. 2022). Direct positive effects of protection are generally observed in heavily exploited species but may not persist due to indirect effects on habitat availability, increased predation or competition within marine reserves, or climate change (Neuheimer et al. 2011; Shears et al. 2021; Willis 2013; Schiel et al. 2018; Allard et al. 2022). In New Zealand positive effects of marine reserve protection have been reported for snapper (*Chrysophrys auratus*), red moki, blue moki, butterfish (*Odax pullus*), horse mussels (*Atrina zelandica*), scallops (*Pecten novaezelandiae*), red rock lobster and large brown algae (Davidson et al. 2007; Freeman 2008; Pande et al. 2008; Freeman et al. 2012; Leleu et al. 2012; Pande & Gardner 2012; Willis 2013; Edgar et al. 2017; Schiel et al. 2018; Allard et al. 2022). Positive and negative effects of protection have been reported for kina (*Evechinus chloroticus*), leatherjacket (*Meuschenia scaber*), blue cod and banded wrasse (*Notolabrus fucicola*); and negative effects have been reported for understorey algae, the limpet *Cellana stellifera*, Cook's turban shell (*Cookia sulcata*), spotty (*N. celidotus*), small snapper, goatfish (*Upeneichthys porosus*) and hiwihiwi *(Chironemus marmoratus*) (Shears & Babcock 2003, 2004; Leleu et al. 2012; Pande & Gardner 2012; Edgar et al. 2017; Schiel et al. 2018; Kulins 2021; Allard et al. 2022).

39. Of the species identified in the supporting document as being absent or depleted in the proposed marine reserve longfinned boarfish, splendid perch, conger eel, marblefish, blue maomao and Sandager's wrasse are not generally targeted by commercial or recreational fishers and are therefore unlikely to show a direct positive response to establishment of a reserve in the area.

40. Long-finned and giant boarfishes are demersal species found in a variety of soft sediment, rocky and biogenic habitats between 20 - 540 m and 5 - 200 m depth respectively. Both species are generally most abundant below 20 - 30 m depth (Ayling & Cox 1982; Russell 1969, 1983; Thompson 1981; Hardy 1983; Penney et al. 2007; Francis 2012; Trnski 2015; Booth 2020; C. Duffy pers. obs.). Giant boarfish are a popular target of spear fishers, whereas long-finned boarfish are seldom taken by spear fishers or recreational line fishers. Both species are vulnerable to commercial bottom trawls and gill nets. As giant boarfish are more frequently encountered in shallow coastal habitats and targeted by fishers, they are more likely than long-finned boarfish to benefit from the proposed marine reserve. While individuals and small groups of both species may be observed in the same place on rocky reefs for several weeks at a time, almost nothing else is known about their movements. The fact that they are caught in trawls over the continental shelf well away from reefs suggests they may only be temporarily resident in shallow coastal waters and may be most vulnerable to fishing beyond the boundaries of the proposed reserve (Ayling & Cox 1982; Penny et al. 2007; Francis 2012).

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41. Splendid perch are schooling planktivores normally found on deep reefs. Although they have occasionally been seen on inshore reefs below 20 m depth in the Hauraki Gulf their preferred habitat is steep rocky reefs between 50-350 m depth (Doak 1972; Thompson 1981; Francis 2012; Smith et al. 2013). There are no directed fisheries for this species, and they are rarely caught by recreational fishers. As few of the rocky reefs within the proposed marine reserve exceed 17 m depth the absence of splendid perch from the area is probably due to a lack of suitable habitat not fishing.
42. Sandager's wrasse and marblefish are shallow rocky reef species that prefer exposed reefs characterised by a mosaic of habitats including large brown seaweeds, algal turf and urchin barrens. The inner Hauraki Gulf therefore represents marginal habitat for them (Smith et al. 2013). Small inner Gulf populations of these species could be extirpated by relatively low levels of fishing mortality. Both species can be taken by spear, Sandager's wrasse can also be taken by angling and marblefish are vulnerable to set nets. However, declines in the abundance Sandager's wrasse observed in Poor Knights Islands and Cape Rodney to Okakari Point marine reserves suggest the disappearance of this species from the inner Gulf islands may be driven by larger scale climate phenomena. Schiel et al. (2018) reported a significant decline in subtropical species, particularly wrasses, in the Poor Knights Islands Marine Reserve over the last 40 years, and Allard et al. (2022) observed a similar decline in Sandager's wrasse and two other subtropical species in Cape Rodney to Okakari Point Marine Reserve over the same period. As declines in the abundance of these species have also been observed outside marine reserves both studies concluded these were likely to be due to gradual losses of populations following a period of strong recruitment in the early 1970s. It is possible that the southward extension of the Eastern Australian Current observed over the last 30 years has weakened the Tasman Front and reduced the transport of the larvae of tropical and subtropical species to the northeast North Island (Cetina-Heredia et al., 2014; van Gennip et al., 2017). Marblefish are herbivores and feed mainly on turfing red algae. Their juveniles feed on small benthic invertebrates but settle into beds of seaweeds (Thompson 1981; Francis 2012). Their reported decline in abundance around Waiheke Island could therefore be due to the combined effects of declining water quality, sedimentation and the effects of grazing by kina on the abundance and species composition of seaweeds (Villouta et al. 2001).
43. Blue maomao are planktivores that typically feed in large schools either at the surface or in mid-water near or above reefs. While they are often a conspicuous component of the reef fish fauna of offshore islands and reefs in northern New Zealand, they are uncommon along the northern coast of Waiheke Island and the inner Hauraki Gulf more (C. Duffy pers. obs.). As they feed on zooplankton (copepods, euphausiids, larvaceans) it is possible their populations in the inner Hauraki Gulf have been adversely affected declining pelagic productivity off the northeast North Island or declining water quality in the inner Gulf (Ministry for the Environment & Stats NZ 2019; Hauraki Gulf Forum 2020). However, two ecologically similar species, sweep (*Scorpis lineolata*) and butterfly perch (*Caesioperca lepidoptera*), are common on reefs along the northern coastline of Waiheke Island (C. Duffy pers. obs.). Although edible and sometimes used as live baits blue maomao are infrequently targeted by recreational fishers, and there are no commercial fisheries for the species within the Gulf.
44. Two species of conger eel occur in Hauraki Gulf, *Conger monganius* and *C. verreauxi*. Both are common rocky reef species, and large *C. verreauxi* also occur over open sandy and muddy bottoms (C. Duffy pers. obs.). Although not usually targeted by fishers both species are occasionally taken on lines and in commercial and recreational rock lobster pots. *Conger verreauxi* is also occasionally taken in bottom trawls. There is no information on the response of either species to no-take marine reserves in New Zealand. Elsewhere, studies on moray eels have found contrasting effects of marine protection. Off California moray eels inhabiting temperate kelp-dominated reefs were longer, older, heavier, had higher body condition and were more abundant within an MPA than in fished areas. This was thought to be an indirect effect of protection as fish the eels preyed upon were also larger and more abundant in protected areas (Mehta et al. 2020). In contrast, moray eels on Caribbean coral reefs were found to be more abundant on fished reefs than in no-take marine protected areas. This was thought to be due to depletion of the eels' predators and competitors, particularly sharks, by fishing (Clementi et al. 2021).
45. The remaining species listed in this section of the supporting document are exploited by customary, commercial and recreational fisheries. However, their responses to protection by

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the proposed marine reserve are likely to be varied. Red moki are common on shallow rocky reefs around northern North Island and central New Zealand (Leum & Choat 1980; Francis 2012). They occur at low to moderate densities in the central and inner Hauraki Gulf, and are most abundant on complex, high-relief reefs with abundant shelter (Leum & Choat 1980; Smith et al. 2013). Males and females can live for up to 97 years (Ewing et al. 2007; Ziegler et al. 2007). Juveniles settle into shallow water and are territorial towards conspecifics, whereas adults inhabit slightly deeper water and are more gregarious (Leum & Choat 1980). Red moki are home ranging, inhabiting the same shelters year after year, and do not migrate to spawn (McCormick 1989). Their size, conspicuous markings and behaviour make them particularly vulnerable to spear fishers. They are also vulnerable to set nets and rock lobster pots. Their abundance outside no-take marine reserves in the inner Gulf is very low and probably a result of fishing pressure. They feed on a wide range of small benthic invertebrates including small kina (*Evechinus chloroticus*) and at high densities probably form an important part of the urchin-kelp trophic cascade along with snapper (*Chrysophrys auratus*) and rock lobsters (Thompson 1981; Shears & Babcock 2003; Leleu et al. 2012).

46. In contrast, blue moki is a large demersal species that occurs over soft sediments as well as on and near reefs. Schools of juveniles and adults are common on shallow rocky reefs in central and southern New Zealand (Morrison et al. 2014). Larval settlement has not been documented around the northern North Island and most observations of blue moki from Bay of Plenty north are of individuals or small groups of adults close to maximum size (Doak 1972; Francis 2012). Adults are thought to migrate annually to breed off East Cape. Blue moki are vulnerable to lines, bottom trawl, set nets, and spear fishing. It is likely that any adults recruiting onto coastal reefs in the inner Gulf are rapidly removed by fishing. This species may therefore benefit from the proposed reserve but adults would be vulnerable to fishing during their spawning migration.

47. Although not common blue cod occur on rocky reefs and biogenic habitats throughout the Hauraki Gulf (Thompson 1981). Juveniles settle onto coarse sediments and biogenic habitats immediately below or adjacent to rocky reefs and move onto reefs as they grow (Thompson 1981; Morrison et al. 2014). Their sedentary behaviour and predatory nature make them highly vulnerable to line fishing and potting. As most adults do not move more than a few hundred metres throughout their lives local populations can be rapidly depleted by fishing. Consequently, large blue cod tend to be most abundant within no-take marine protected areas (e.g., Cape Rodney to Okakari Point Marine Reserve, Hauraki Gulf Submarine Cable Protection Zone), or in areas where fishing pressure is low. Biogenic habitats used by adult and juvenile blue cod are also vulnerable to disturbance by dredging and bottom trawling. This species is likely to directly benefit from the proposed reserve provided there is suitable juvenile habitat within it or nearby.

48. Although trevally are common throughout the Hauraki Gulf large surface schools are now usually only seen around offshore islands such as the Mokohinau Islands, parts of Great Barrier Island and Cuvier Island (Taylor 2000; Airey & Duncan 2004; Gaskin & Rayner 2013; C. Duffy pers. obs.). They are fished commercially by trawl, Danish seine and set net, and recreationally with lines, set net and spear. Little data on the responses of trevally to marine reserve protection is available however anecdotal evidence suggests there has been little or no recovery of trevally populations in the Poor Knights Islands and Tuhua Marine Reserves. It is possible these marine reserves are too small to effectively protect them. The no-take area of the Poor Knights Islands Marine Reserve only extends 800 offshore, whereas the Tuhua Marine Reserve extends 1.852 km (one nautical mile) offshore but only 5 km along the island's northern coastline. Set netting and longlining are prohibited within one nautical mile around the rest of the island. It therefore seems unlikely that the proposed reserve would be large enough to have a direct positive effect on trevally.

49. The hāpuku/groper is a large, gregarious demersal species reaching a maximum reported size of 178 cm total length and 76 kg in weight. It occurs throughout New Zealand waters and the Southern Ocean. Juveniles are pelagic and associate with flotsam before settling into benthic habitats between 50-100 m depth (Francis 2012; Roberts 2015). Although usually fished for on deep rocky reefs hāpuku are a highly mobile species that also occurs over soft sediments on the outer continental shelf and upper slope. Adults are most common between 100-400 m depth but used to be seasonally abundant in shallow coastal waters and could be caught from shore in some parts of their range (Francis 2012; Paul 2014). In the early 1900s large hāpuku were

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common in the Hauraki Gulf, including around the inner islands (fig. 7-8) (Paul 2014). Historically schools of hāpuku moved into the Gulf during autumn and winter and offshore into water greater than 60 m depth during summer (Doak 1972). These seasonal movements are reversed in central and southern New Zealand, and there is also a northward movement of adults associated with spawning (Doak 1972; Francis 2012; Roberts 2015). The highly mobile, migratory nature of hāpuku means it is unlikely the proposed marine reserve would be large enough to protect them (Blyth-Skyrme et al. 2006). The lack of rocky reef habitat below 15-17 m depth means there are no structures that might hold hāpuku within the proposed reserve and any fish moving outside it would be immediately vulnerable to fishing. No effects of marine reserve protection have been reported for hāpuku in any marine reserve in New Zealand to date.


SPORT IN THE HAURAKI GULF, AUCKLAND: LANDING A 70LB HAPUKA ON A YACHT NEAR WAIHEKE. H. Winkelmann, Photo.

Fig. 7. A hāpuka (*Polyprion oxygeneios*) caught near Waiheke Island in December 1901 (Auckland Weekly News, 12 December 1901).


A PROFITABLE DAY'S FISHING: HAPUKA CAUGHT OUTSIDE AUCKLAND HARBOUR. L. Ludlow, Photo.

Fig. 8. A catch of hāpuka (*Polyprion oxygeneios*) caught outside Auckland Harbour in 1913 (Auckland Weekly News, 24 July 1913).

50. Red and packhorse rock lobsters are large ecologically and culturally important marine invertebrates that were once abundant on rocky reefs throughout Hauraki Gulf (Langlois et al.

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2005, 2006; Jeffs et al. 2013; MacDiarmid et al. 2013). Both species have been overfished to the point where they are considered functionally extinct, meaning their abundance is now so low that they are no longer a functionally important part of the Hauraki Gulf marine ecosystem (Pinkerton et al. 2015). Red rock lobsters in Hauraki Gulf are managed as part of the CRA2 rock lobster fishery which extends from Te Arai Point to East Cape, including the Mokohinau Islands. Catch per unit effort (CPUE) in CRA 2 declined from less than 0.6 kg per pot-lift in 2001–02 to below 0.3 kg per pot-lift in 2017-18. CRA2 currently has the lowest CPUE of any rock lobster quota management area. Fisheries assessments show estimated red rock lobster spawning stock biomass in CRA2 has steadily decreased since 1945. The stock is currently estimated to be only 14% of the unfished (1945) biomass (Webber et al. 2021). However, the spawning stock biomass is predicted to increase over the next five years due to recent good recruitment (Webber et al. 2021). Packhorse rock lobster are now rare or absent from much of their former range. Although juveniles can sometimes be found in rock pools in Northland adults are now typically only found in relatively deep water around offshore islands. Almost all the commercial catch comes from the east coast of North Island (Roberts & Webber 2021). The most recent fishery assessment for the species indicates that the population was fished down to a very low level in the 1980s but has since recovered and now appears to be above the biomass required to sustain the maximum yield (Webber et al. 2018; Roberts & Webber 2021). Both rock lobster species would be likely to directly benefit from protection with the proposed marine reserve. Along with snapper they are an important part of the trophic cascade regulating the cover of seaweeds on many North Island reefs.

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6 Habitat quality and representativeness

51. Benthic habitats within the proposed marine reserve are relatively undisturbed by mobile fishing gears. Trawling in the inner Gulf was banned in 1902, Danish seining in 1929 and commercial shellfish dredging in the 1960s (Paul 2014). Despite this, some effects on the benthos appear to have been permanent. For example, there has been no reported recovery of the large green-lipped mussel bed that used to occur off the northern tip of Hakaimango Point (Morrison et al. 2003; Kerr & Grace 2013; Haggitt 2016b). The loss of this mussel bed may have contributed to the loss of the Hakaimango Point spotted shag colony (Rayner 2021a). Biogenic structures known to occur on soft sediments within the proposed reserve include beds of small seaweeds, encrusting and emergent sponges, mats of ascidians and low-density horse mussels. The variability of the soft sediment assemblages observed in this area is high and likely to enhance biological diversity (Chiaroni et al. 2010; Kerr & Grace 2013; Haggitt 2016b).
52. There is circumstantial evidence in the form of visible sediment plumes and observations of fine silt covering benthic organisms that terrestrial sediments could be adversely affecting marine life within the proposed marine reserve. However, trends in sedimentation and the effects of this on the biota of the area have not been studied. Peleg (2021) found that collapse of the gastropod community, shortening of macroalgal canopies and increases in non-indigenous species richness in Long Bay-Okura Marine Reserve, south of Whangaparaoa Peninsula, was correlated with increased sediment cover on the reefs but did not establish a causal link between these events. Urchin barrens, an indirect effect of overfishing urchin predators, have been observed in proposed reserve but dense algal forests also occur within it (Chiaroni et al. 2010; Kerr & Grace 2013; Haggitt 2016b). Chronic noise pollution and disturbance by high levels of vessel traffic, particularly on weekends and public holidays, may also adversely affect marine life but this has yet to be quantified and is likely to be widespread in the Hauraki Gulf.
53. Two studies have used conservation planning software Zonation to identify priority sites for biodiversity protection and inform the design of a network of representative MPAs within the Hauraki Gulf Marine Park. Jackson (2014) mapped 46 benthic habitat types within the marine park derived from existing environmental data and the MPA Policy habitat classification. The main soft sediment habitats identified within the proposed marine reserve were shallow high current mixed sediment, shallow high current mud and sandy mud, and shallow sheltered mud and sandy mud. The distribution and characterisation of these habitat classes are consistent with the observations of benthic habitats occurring in the area made by Chiaroni et al. (2010), Kerr & Grace (2013) and Haggitt (2016b). Jackson's (2014) analysis found that the channel between Motutapu and Waiheke Islands contains the largest area of shallow, high current mixed sediment habitat within the Hauraki Gulf Marine Park (0.44% of the area of the HGMP), whereas the deeper mud and sandy mud habitats were more widespread. Map grid cells located between Motutapu and Waiheke Islands area were consistently prioritised for protection (top 10-15% of cells retained) in the Zonation scenarios based upon the habitat classes alone. Cells in the channel between the islands were also selected in top 10-15% of sites for protection in scenarios run using modelled demersal fish distributions but more cells in the deeper northern part of the proposed reserve were not prioritised for protection. Cells in the top 10% of sites tended to be concentrated along the coastline of Waiheke Island north of Matiatia. When fishing was added as a cost layer to habitat-only scenarios cells between Waiheke and Motutapu Islands were retained in the top 50% of sites but most deeper parts of proposed reserve not prioritised for protection. Lundquist et al. (2020) performed similar analyses using a modified benthic habitat classification and improved demersal fish models to assess the potential biodiversity benefits of the MPA network proposed in the Sea Change plan. In baseline scenarios using only the habitat classes most cells within the proposed marine reserve were prioritised in the top 2-30% of sites, with coastal cells north of Matiatia being selected in the top 2.5%. In the scenarios that prioritised existing marine reserves and the MPAs proposed in Sea Change most of the cells in the channel between Motutapu and Waiheke Islands within the proposed marine reserve were selected in the top 5-20% of sites (Lundquist et al. 2020).
54. Although these findings indicate that the current swept soft sediments between the islands represent an uncommon habitat-type within the Hauraki Gulf Marine Park, their significance for conservation of benthic biodiversity is unclear. Jackson & Lundquist (2016) concluded that

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the differences between scenarios using just the benthic habitat classes and those using just modelled species distributions (demersal fishes) indicated that habitat surrogates that are more strongly correlated with biodiversity should be developed before they are used to inform biodiversity protection within the marine park. A later scenario using only modelled demersal fish distributions resulted in a relatively small part of the middle of the channel between Motutapu and Waiheke Islands being prioritised in the top 10% of cells for protection, with most cells within the proposed marine reserve falling in the lower 80-100% of cells. Combining species and habitat models resulted in a large proportion of the proposed reserve being selected in the top 30% of cells and increased the number of cells selected in the top 5% when compared to the habitat only scenario (Lundquist et al. 2020). However, these findings have not been ground-truthed.

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7 Conclusions

55. The support document for the Friends of the Gulf proposal makes a number of simplistic, unsubstantiated and sometimes erroneous claims regarding the potential direct and indirect effects of the proposed marine reserve, its potential effect on the wider ecological condition of the Gulf, and its use by a variety of species. Nevertheless, it qualifies as an area that can be considered for marine reserve status under Section 3(1) of the Marine Reserves Act 1971 because it contains a range of natural features and marine life that are typical of those found within the inner Hauraki Gulf. In addition, it contains two geological formations (the submarine volcanics in Island Bay and the fossil beds in Double U Bay) recognised in the Auckland Unitary Plan as Outstanding Natural Features. Hakaimango Point and the surrounding area is also recognised in the Plan as an Outstanding Natural Landscape and area of High Natural Character.
56. The large size (about 2350 ha.) and location of the proposed reserve mean it encompasses a representative range of inner Hauraki Gulf intertidal and subtidal habitats (Grace 1983; Chiaroni et al. 2010; Kerr & Grace 2013; Jackson 2014; Haggitt 2016a, b; Lundquist et al. 2020). These include a large area of shallow high current mixed sediments in the channel between Waiheke and Motutapu Islands; shallow high current reefs between Matiatia and the northern coastline of Waiheke Island; shallow sheltered reefs in the bays along the northern coastline of Waiheke; and the very sheltered, semi-estuarine habitats in Owhanake Bay. Shallow high current habitats are underrepresented in existing marine reserves in the Hauraki Gulf Marine Park and the marine protected areas proposed by Sea Change (Chiaroni et al. 2010; Kerr & Grace 2013; Jackson 2014; Haggitt 2016a, b; Lundquist et al. 2020).
57. Existing information for the area covered by the proposed marine reserve shows that it provides habitat for at least 187 species (Appendix 1). Although it is difficult to predict the short and long-term changes that may occur within specific marine protected areas, positive effects of protection have been documented for snapper, red moki, red rock lobster, butterfish, blue cod, john dory, silver drummer and large brown seaweeds within the existing Hauraki Gulf marine reserves (Haggitt 2011; Leleu et al. 2012; Willis 2013; Edgar et al. 2017; Kulins 2021; Peleg 2021; Allard et al. 2022). All these species occur within the proposed marine reserve, and as it is 1.4 – 5 times the size of the existing marine reserves it is highly likely that these species would respond positively to protection if the application was accepted. Paua (*Haliotis iris*) abundance is also likely to respond positively to protection but pāua may not reach minimum legal size within the proposed marine reserve due to the environmental conditions prevailing in the inner Gulf (Hooker et al. 1997; Laferriere 2016). Exploited species unlikely to respond positively to protection at this site include small bait fishes, large pelagic species such as kahawai, kingfish and trevally, large migratory demersal fishes such as blue moki and hapuku, as well as sea birds and marine mammals. The potential effects of marine reserve protection on benthic species are uncertain but could be positive for exploited species such as scallops, and negative for invertebrate species important in the diet of rock lobster (Langlois et al. 2005, 2006).
58. Although species protected under the Wildlife Act 1953 are not marine life for the purposes of the Marine Reserves Act 1971 their presence within a proposed marine reserve would be relevant to the national interest. However, the area is not a recognised hot spot for protected marine wildlife or marine mammals. Of the almost 40 protected species the application claims or implies use the area, only the southern black backed gull, red-billed gull, white-fronted tern and little penguin can be considered resident within it. All are likely to forage outside the boundaries of the proposed reserve and would receive little direct benefit from it.
59. Although, the ongoing decline in the environmental condition of the marine environment of the Hauraki Gulf has been well documented the high ecological, cultural and social values of the Gulf still warrant protection (Leleu et al. 2012; Aguirre et al. 2016; Hauraki Gulf Forum 2020). While no take marine reserves are not sufficient in themselves to address or correct all the factors driving loss of marine biodiversity in the Hauraki Gulf Marine Park they provide protection from disturbance to vulnerable habitats, can restore trophic processes within their boundaries and positively affect the abundance and size structure of exploited species inhabiting them. When nested within MPA networks populations of exploited species protected within no-take reserves can also export biologically significant numbers of recruits to fished populations and improve the sustainability of adjacent fisheries (Kaplan et al. 2006; Kahui &

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Alexander 2007; Aiken & Navarrete 2011; Goni et al. 2011; Ley & Allen 2013; Leport et al. 2017; Harrison et al. 2012, 2020). They can also increase the abundance and size of trophy size fish accessible to sport fishers (Roberts et al. 2001; Goni et al. 2011; Bellquist & Semmens 2016).

60. The accessibility of the proposed marine reserve and its proximity to research institutions located in Auckland and Waikato means it is likely to be used for scientific research and education. Leleu et al. (2012) noted that no-take marine reserves provide real-world experiments that show the importance of species in food webs and the consequences of fishing for ecosystems. Because ecosystem structure varies with environment, climate and species distributions marine reserves need to be permanent and replicated geographically to maximise their scientific and ecological value (Department of Conservation and Ministry of Fisheries 2005; IUCN-WCPA 2008; Fernandes et al. 2012; Leleu et al. 2012) (Appendix 2).

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Appendix 1 - Checklist of marine species recorded from the proposed Matiatia – Hakaimango Point marine reserve

Phylum	Family	Species	Common name	Source
Chlorophyta	Caulerpaceae	*Caulerpa geminata*	sea grapes	Haggitt (2016 b)
Chlorophyta	Codiaceae	*Codium convolutum*	green alga	Haggitt (2016 b)
Chlorophyta	Codiaceae	*Codium fragile*	deadman's fingers	iNaturalist: https://www.inaturalist.org/observations/19167270
Ochrophyta	Dictyotaceae	*Dictyota* sp.	brown alga	Haggitt (2016 b)
Ochrophyta	Dictyotaceae	*Spatoglossum chapmanii*	brown alga	iNaturalist: https://www.inaturalist.org/observations/100709271
Ochrophyta	Dictyotaceae	*Zonaria turneriana*	brown alga	Haggitt (2016 b)
Ochrophyta	Stypocaulaceae	*Halopteris* sp.	brown alga	Haggitt (2016 b)
Ochrophyta	Scytosiphonaceae	*Colpomenia* sp.	puffball algae	Haggitt (2016 b); iNaturalist: https://www.inaturalist.org/observations/100709233
Ochrophyta	Chordariaceae	*Leathesia marina*	sea cauliflower	C. Duffy pers. obs., 31 Dec 2021
Ochrophyta	Splachnidiaceae	*Splachnidium rugosum*	gummy weed	C. Duffy pers. obs., 31 Dec 2021
Ochrophyta	Xiphophoraceae	*Xiphophora chondrophylla*	brown alga	Haggitt (2016 a, b)
Ochrophyta	Sargassaceae	*Carpophyllum flexuosum*	flexible flapjack/tangle weed	Haggitt (2016 a, b)
Ochrophyta	Sargassaceae	*Carpophyllum maschalocarpum*	common flapjack	Haggitt (2016 a, b)
Ochrophyta	Sargassaceae	*Carpophyllum plumosum*	sea plume	Haggitt (2016 a, b)
Ochrophyta	Sargassaceae	*Sargassum sinclairii*	Sargassum weed	Haggitt (2016 b); iNaturalist: https://www.inaturalist.org/observations/81395323
Ochrophyta	Hormosiraceae	*Hormosira banksii*	Neptunes' necklace	C. Duffy pers. obs., 31 Dec 2021
Ochrophyta	Ralfsiaceae	*Ralfsia* sp.	brown crusts	Haggitt (2016 b)
Ochrophyta	Splachnidiaceae	*Scytothamnus australis*	brown alga	C. Duffy pers. obs., 31 Dec 2021

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Ochrophyta	Lessoniaceae	*Ecklonia radiata*	common kelp	C. Duffy pers. obs., 2 May 2002
Rhodophyta	Lithothamniaceae	*Lithothamnion crispatum*	rhodolith	iNaturalist: https://www.inaturalist.org/observations/100709266
Rhodophyta	Corallinaceae	*Corallina officinalis*	turfing coralline alga	C. Duffy pers. obs., 31 Dec 2021
Rhodophyta	Hildenbrandiaceae	*Apophlaea sinclairii*	red crust	C. Duffy pers. obs., 31 Dec 2021
Rhodophyta	Bonnemaisoniaceae	*Asparagopsis armata*	harpoon weed	Haggitt (2016 b)
Rhodophyta	Gelidiaceae	*Gelidium caulacantheum*	red alga	C. Duffy pers. obs., 31 Dec 2021
Rhodophyta	Pterocladiaceae	*Pterocladia lucida*	agar weed	Haggitt (2016 a, b)
Rhodophyta	Gigartinaceae	*Gigartina* sp.	red alga	Haggitt (2016 b)
Rhodophyta	Pseudoanemoniaceae	*Hummbrella hydra*	red alga	Haggitt (2016 b)
Rhodophyta	Gracilariaceae	*Curdiea coriacea*	red alga	Haggitt (2016 b)
Rhodophyta	Plocamiaceae	*Plocamium angustum*	red alga	Haggitt (2016 b)
Rhodophyta	Champiaceae	*Champia* sp.	red alga	Haggitt (2016 b)
Porifera	Raspailiidae	*Raspailia topsenti*	finger sponge	Haggitt (2016 a, b)
Porifera	Clionaidae	*Cliona celata*	sulphur boring sponge	iNaturalist: https://www.inaturalist.org/observations/100709270
Porifera	Microcionidae	*Clathria rubens*	encrusting sponge	Haggitt (2016 b)
Porifera	Polymastiidae	*Polymastia croceus*	sponge	Haggitt (2016 a, b)
Porifera	Halichondriidae	*Halichondria moorei*	encrusting sponge	Haggitt (2016 b)
Porifera	Suberitidae	*Suberites* sp.	sponge	iNaturalist: https://www.inaturalist.org/observations/81395323
Porifera	Tethyidae	*Tethya berquistae*	pink golf ball sponge	Haggitt (2016 b)
Porifera	Tethyidae	*Tethya burtoni*	orange golf ball sponge	iNaturalist: https://www.inaturalist.org/observations/102510497; https://www.inaturalist.org/observations/81395049
Porifera	Ancorinidae	*Ecionemia alata*	massive slaty sponge	Haggitt (2016 a, b)
Porifera	Ancorinidae	*Stelletta conulosa*	massive sponge	iNaturalist: https://www.inaturalist.org/observations/100709257

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Porifera	Callyspongiidae	*Callyspongia ramosa*	finger sponge	Haggitt (2016 b); iNaturalist: https://www.inaturalist.org/observations/100709246
Porifera	Ircinidae	*Psammocinia* sp.1	sponge	Haggitt (2016 b)
Porifera	Ircinidae	*Psammocinia* sp.2	sponge	Haggitt (2016 b)
Cnidaria	Sertulariidae	*Sertularia* sp.	hydroid	Haggitt (2016 b)
Cnidaria	Cyaneidae	*Cyanea* sp.	lion's mane jellyfish	iNaturalist: https://www.inaturalist.org/observations/43803293
Cnidaria	Sagartiidae	*Anthothoe albocincta*	white-striped anemone	Haggitt (2016 b)
Cnidaria	Flabellidae	*Monomyces rubrum*	cup coral	Haggitt (2016 b); iNaturalist: https://www.inaturalist.org/observations/104559110, https://www.inaturalist.org/observations/81395054
Cnidaria	Rhizangiidae	*Culicia rubeola*	colonial cup coral	Haggitt (2016 b); iNaturalist: https://www.inaturalist.org/observations/81395322
Platyhelminthes	Stylochoplanidae	*Stylochoplana* sp.	polyclad flatworm	iNaturalist: https://www.inaturalist.org/observations/104559684
Annelida	Chaetopteridae	*Chaetopterus* sp.	parchment tubeworm	C. Duffy pers. obs., 2 May 2002; Haggitt (2016 b)
Annelida	Sabellidae	*Sabella spallanzanii*	Mediterranean fan waorm	iNaturalist: https://www.inaturalist.org/observations/100709260
Annelida	Sabellidae	*Pseudobranchiomma grandis*	fan worm	iNaturalist: https://www.inaturalist.org/observations/100709261
Annelida	Sabellidae	*Pseudobranchiomma* sp.	fan worm	iNaturalist: https://www.inaturalist.org/observations/104559682
Annelida	Sabellidae	unidentified genus and species	fan worm	iNaturalist: https://www.inaturalist.org/observations/104559683
Annelida	Serpulidae	unidentified spirorbids	small spiral tubeworm	iNaturalist: https://www.inaturalist.org/observations/104559685; https://www.inaturalist.org/observations/104559687
Arthropoda	Elminiidae	*Austrominius modestus*	beaked barnacle	C. Duffy pers. obs., 31 Dec 2021
Arthropoda	Balanidae	unidentified species	barnacle	iNaturalist: https://www.inaturalist.org/observations/81395054
Arthropoda	Chthamalidae	*Chamaesipho columna*	column barnacle	Friends of the Hauraki Gulf (2022)
Arthropoda	Chthamalidae	*Chamaesipho brunnea*	brown barnacle	Friends of the Hauraki Gulf (2022)
Arthropoda	Tetraclitidae	*Epopella plicata*	plicate barnacle	Friends of the Hauraki Gulf (2022)

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Arthropoda	Paguridae	*Pagurus novizelandiae*	New Zealand hermit crab	Friends of the Hauraki Gulf (2022)
Arthropoda		undentified species	hermit crab	Haggitt (2016 a, b)
Arthropoda	Palinuridae	*Jasus edwardsii*	red rock lobster	Moran et al. (2004); Friends of the Hauraki Gulf (2022)
Arthropoda	Palinuridae	*Sagmariasus verreauxi*	packhorse rock lobster	Friends of the Hauraki Gulf (2022)
Mollusca	Acanthochitonidae	*Cryptoconchus porosus*	butterfly chiton	Haggitt (2016 a, b)
Mollusca	Chitonidae	*Chiton pelliserpentis*	snakeskin chiton	C. Duffy pers. obs., 31 Dec 2021
Mollusca	Littorinidae	*Austrolittorina antipodum*	blue and white periwinkle	Friends of the Hauraki Gulf (2022)
Mollusca	Littorinidae	*Austrolittorina cincta*	blue and white periwinkle	Friends of the Hauraki Gulf (2022)
Mollusca	Charoniidae	*Charonia lampas*	knobbed triton	iNaturalist: https://www.inaturalist.org/observations/119539078
Mollusca	Cymatiidae	*Cabestana spengleri*	Spengler's trumpet	iNaturalist: https://www.inaturalist.org/observations/104559681
Mollusca	Velutinidae	*Lamellaria ophione*	sea slug	Morley & Hayward (2015)
Mollusca	Cominellidae	*Cominella quoyana*	whelk	Haggitt (2016 b)
Mollusca	Cominellidae	*Cominella glandiformis*	mud whelk	Friends of the Hauraki Gulf (2022)
Mollusca	Cominellidae	*Cominella virgata*	red-mouthed whelk	Haggitt (2016 b)
Mollusca	Tudiclidae	*Buccinulum linea*	lined whelk	Haggitt (2016 b)
Mollusca	Borsoniidae	*Phenatoma rosea*	pink tower shell	iNaturalist: https://www.inaturalist.org/observations/100709268
Mollusca	Muricidae	*Axymene traversi*	whelk	Haggitt (2016 a, b)
Mollusca	Muricidae	*Dicathais orbita*	cart rut shell	iNaturalist: https://www.inaturalist.org/observations/104559687; Haggitt (2016)
Mollusca	Muricidae	*Haustrum* sp.	whelk	iNaturalist: https://www.inaturalist.org/observations/104559687
Mollusca	Muricidae	*Xymenella* sp.	whelk	Haggitt (2016 b)
Mollusca	Neritidae	*Nerita melanotragus*	black nerite	C. Duffy pers. obs., 31 Dec 2021
Mollusca	Fissurellidae	*Scutus breviculus*	shield shell	Morley & Hayward (2015)
Mollusca	Haliotidae	*Haliotis iris*	paua	Friends of the Hauraki Gulf (2022)

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Mollusca	Calliostomatidae	*Maurea punctulata*	spotted top shell	Haggitt (2016 a, b)
Mollusca	Trochidae	*Cantharidus purpureus*	red opal topshell	Haggitt (2016 b)
Mollusca	Trochidae	*Coelotrochus viridis*	green topshell	Haggitt (2016 b)
Mollusca	Trochidae	*Diloma aethiops*	spotted topshell	Friends of the Hauraki Gulf (2022)
Mollusca	Trochidae	*Cookia sulcata*	Cook's turban	Haggitt (2016 a, b)
Mollusca	Turbinidae	*Lunella smaragda*	catseye	Haggitt (2016 b)
Mollusca	Onchidiidae	*Onchidella nigricans*	leathery slug	Morley & Hayward (2015)
Mollusca	Acteondiae	*Pupa affinis*		Morley & Hayward (2015)
Mollusca	Aplysiidae	*Aplysia argus*	sea hare	Morley & Hayward (2015)
Mollusca	Aplysiidae	*Bursatella leachii*	ragged sea hare	Morley & Hayward (2015)
Mollusca	Bullidae	*Bulla quoyii*	brown bubble shell	Morley & Hayward (2015)
Mollusca	Retusidae	*Retusa oruaensis*		Morley & Hayward (2015)
Mollusca	Haminoeidae	*Papawera zelandiae*	white bubble shell	Morley & Hayward (2015)
Mollusca	Aglajidae	*Melanochlamys cylindrica*		Morley & Hayward (2015)
Mollusca	Philinidae	*Philine angasi*		Morley & Hayward (2015)
Mollusca	Pleurobranchidae	*Berthella ornata*		Morley & Hayward (2015)
Mollusca	Pleurobranchidae	*Pleurobranchaea maculata*	grey side-gilled slug	Morley & Hayward (2015)
Mollusca	Chromodorididae	*Ceratosoma amoenum*	clown nudibranch	Haggitt (2016 a, b)
Mollusca	Discodoridida e	*Rostanga muscula*	nudibranch	Morley & Hayward (2015)
Mollusca	Doridiidae	*Aphelodoris lactuosa*	variable nudibranch	Morley & Hayward (2015)
Mollusca	Doridiidae	*Doris granulosa*	nudibranch	Morley & Hayward (2015)
Mollusca	Dendrodoridi dae	*Dendrodoris arborescens*	dorid nudibranch	iNaturalist: https://www.inaturalist.org/observations/106843509
Mollusca	Dendrodoridi dae	*Dendrodoris citrina*	sea lemon	Morley & Hayward (2015)
Mollusca	Dendrodoridi dae	*Dendrodoris krusensternii*	gem doris	iNaturalist: https://www.inaturalist.org/observations/100709247
Mollusca	Facelinidae	*Phidiana milleri*	aeolid	Morley & Hayward (2015)
Mollusca	Plakobranchidae	*Elysia maoria*	sacoglossan sea slug	Morley & Hayward (2015)
Mollusca	Siphonariidae	*Siphonaria australis*	false limpet	C. Duffy pers. obs., 31 Dec 2021
Mollusca	Mesodesmatidae	*Paphies australis*	pipi	C. Duffy pers. obs., 31 Dec 2021

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Mollusca	Mactridae	*Oxyperas elongatum*	long trough shell	iNaturalist: https://www.inaturalist.org/observations/106843516
Mollusca	Veneridae	*Austrovenus stutchburyi*	New Zealand cockle, tuangi	Friends of the Hauraki Gulf (2022)
Mollusca	Glycymeridid ae	*Tucetona laticostata*	dog cockle	Moreton & Miller (1968)
Mollusca	Mytilidae	*Mytilus planulatus*	blue mussel	iNaturalist: https://www.inaturalist.org/observations/104559687
Mollusca	Mytilidae	*Perna canaliculus*	green-lipped mussel	Morrison et al. (2003); Friends of the Hauraki Gulf (2022)
Mollusca	Mytilidae	*Xenostrobus pulex*	little black mussel	Friends of the Hauraki Gulf (2022)
Mollusca	Ostreidae	*Magallana gigas*	Pacific oyster	Friends of the Hauraki Gulf (2022)
Mollusca	Ostreidae	*Saccostrea glomerata*	rock oyster	C. Duffy pers. obs., 31 Dec 2021
Mollusca	Pinnidae	*Atrina zelandica*	horse mussel	iNaturalist: https://www.inaturalist.org/observations/100709252; https://www.inaturalist.org/observations/104559685
Mollusca	Pectinidae	*Pecten novaezelandiae*	scallop	Moran et al. (2004); Haggitt (2016 b)
Mollusca	Octopodidae	*Octopus tetricus*	common Sydney octopus	iNaturalist: https://www.inaturalist.org/observations/100709271
Echinoder mata	Asteriidae	*Coscinasterias muricata*	eleven-armed star	Haggitt (2016 b)
Echinoder mata	Asterinidae	*Patiriella regularis*	common cushion star	Haggitt (2016 b)
Echinoder mata	Asterinidae	*Stegnaster inflatus*	ambush star	iNaturalist: https://www.inaturalist.org/observations/106843508
Echinoder mata	Echinometrid ae	*Evechinus chloroticus*	kina	iNaturalist: https://www.inaturalist.org/observations/100709253, https://www.inaturalist.org/observations/106843514,
Echinoder mata	Loveniidae	*Echinocardium cordatum*	heart urchin	Moreton & Miller (1968)
Echinoder mata	Stichopodida e	*Australostichop us mollis*	Australasian brown sea cucumber	iNaturalist: https://www.inaturalist.org/observations/100709233
Bryozoa		unidentified encrusting sp. (orange)	bryozoan	Haggitt (2016 b)
Bryozoa		unidentified encrusting sp. (black)	bryozoan	Haggitt (2016 b)

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Bryozoa		unidentified encrusting sp. (brown)	bryozoan	Haggitt (2016 b)
Chordata	Didemnidae	*Didemnum densum*	sea squirt	iNaturalist: https://inaturalist.nz/observations/100709236; Haggitt (2016 b)
Chordata	Holozoidae	*Hypsistozoa fasmeriana*	sea squirt	Haggitt (2016 b)
Chordata	Polyclinidae	*Aplidium* sp. (orange)	sea squirt	Haggitt (2016 b)
Chordata	Styelidae	*Asterocarpa coerulea*	blue sea squirt	Haggitt (2016 b)
Chordata	Styelidae	*Cnemidocarpa bicornuta*	saddle sea squirt	Haggitt (2016 b)
Chordata	Styelidae	*Cnemidocarpa nisiotis*	saddle sea squirt	Haggitt (2016 b)
Chordata	Styelidae	*Styela clava*	staked sea squirt	iNaturalist: https://www.inaturalist.org/observations/104559686
Chordata	Styelidae	*Styela plicata*	pleated sea squirt	iNaturalist: https://www.inaturalist.org/observations/104559679
Chordata	Triakidae	*Mustelus lenticulatus*	rig	Morrison et al. (2003)
Chordata	Myliobatidae	*Myliobatis tenuicaudatus*	eagle ray	Friends of the Hauraki Gulf (2022)
Chordata	Moridae	*Lotella rhacina*	rock cod	C. Duffy pers. obs., 2 May 2002
Chordata	Bythitidae	*Bidenichthys consobrinus*	pink brotula	C. Duffy pers. obs., 2 May 2002
Chordata	Gobiesocidae	*Dellichthys morelandi*	urchin clingfish	C. Duffy pers. obs., 2 May 2002
Chordata	Trachichthyidae	*Optivus elongatus*	slender roughy	C. Duffy pers. obs., 2 May 2002
Chordata	Zeidae	*Zeus faber*	John dory	C. Duffy pers. obs., 2 May 2002; Morrison et al. (2003)
Chordata	Scorpaenidae	*Scorpaena papillosa*	dwarf scorpionfish	C. Duffy pers. obs., 2 May 2002
Chordata	Triglidae	*Chelidonichthys kumu*	gurnard	Morrison et al. (2003); Friends of the Hauraki Gulf (2022)
Chordata	Plesiopidae	*Acanthoclinus* sp.	rockfish	C. Duffy pers. obs., 2 May 2002
Chordata	Carangidae	*Decapterus koheru*	koheru	Haggitt (2016 b)
Chordata	Carangidae	*Pseudocaranx georgianus*	trevally	Morrison et al. (2003); Airey & Duncan (2004)
Chordata	Carangidae	*Seriola lalandi*	kingfish	Airey & Duncan (2004); Haggitt (2016 b)
Chordata	Carangidae	*Trachurus novaezelandiae*	jack mackerel	C. Duffy pers. obs., 2 May 2002; Morrison et al. (2003); Friends of the Hauraki Gulf (2022)
Chordata	Arripidae	*Arripis trutta*	kahawai	Airey & Duncan (2004); Haggitt (2016 b)
Chordata	Sparidae	*Chrysophrys auratus*	snapper	Morrison et al. (2003); Airey & Duncan (2004); Moran et al.

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				(2004); Compton et al. (2012); Haggitt (2016 b)
Chordata	Mullidae	*Upeneichthys porosus*	goatfish	Haggitt (2016 b); C. Duffy pers. obs., 2 May 2002
Chordata	Pempheridae	*Pempheris adspersa*	New Zealand bigeye	C. Duffy pers. obs., 2 May 2002
Chordata	Kyphosidae	*Kyphosus sydneyanus*	silver drummer	Haggitt (2016 b)
Chordata	Kyphosidae	*Scorpis lineolatus*	sweep	C. Duffy pers. obs., 2 May 2002
Chordata	Cheilodactylidae	*Chirodactylus spectabilis*	red moki	Moran et al. (2004); Haggitt (2016 b); iNaturalist: https://www.inaturalist.org/observations/106843515
Chordata	Girellidae	*Girella tricuspidata*	parore	iNaturalist: https://www.inaturalist.org/observations/100709265
Chordata	Labridae	*Notolabrus celidotus*	spotty	Haggitt (2016 a, b)
Chordata	Labridae	*Notolabrus fucicola*	banded wrasse	Haggitt (2016 b)
Chordata	Odacidae	*Odax pullus*	butterfish	Haggitt (2016 b)
Chordata	Uranoscopidae	*Genyagnus monopterygius*	spotted stargazer	iNaturalist: https://www.inaturalist.org/observations/81395323
Chordata	Tripterygiidae	*Ruanoho whero*	spectacled triplefin	C. Duffy pers. obs., 2 May 2002
Chordata	Tripterygiidae	*Forsterygion lapillum*	common triplefin	C. Duffy pers. obs., 2 May 2002
Chordata	Tripterygiidae	*Forsterygion flavonigrum*	yellow-black triplefin	C. Duffy pers. obs., 2 May 2002
Chordata	Tripterygiidae	*Forsterygion varium*	variable triplefin	C. Duffy pers. obs., 2 May 2002
Chordata	Tripterygiidae	*Forsterygion malcolmi*	banded triplefin	C. Duffy pers. obs., 2 May 2002
Chordata	Tripterygiidae	*Notoclinops segmentatus*	blue-eyed triplefin	C. Duffy pers. obs., 2 May 2002
Chordata	Blenniidae	*Parablennius laticlavius*	crested blenny	Haggitt (2016 a, b)
Chordata	Thalasseleotrididae	*Thalasseleotris iota*	pygmy sleeper	C. Duffy pers. obs., 2 May 2002
Chordata	Gempylidae	*Thyrsites atun*	baracoutta	Morrison et al. (2003)
Chordata	Scombridae	*Scomber australasicus*	blue/slimey mackerel	Friends of the Hauraki Gulf (2022)
Chordata	Rhombosoleidae	*Rhombosolea plebia*	sand flounder	Morrison et al. (2003)
Chordata	Monacanthidae	*Meuschenia scaber*	leatherjacket	C. Duffy pers. obs., 2 May 2002
Chordata	Charadriidae	*Haematopus unicolor*	variable oystercatcher	Lovegrove (2016)

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Chordata	Laridae	*Chroicocephalus novaehollandiae scopulinus*	red-billed gull	Lovegrove (2016); iNaturalist: https://www.inaturalist.org/observations/100659428, https://www.inaturalist.org/observations/100659430, https://www.inaturalist.org/observations/100659429
Chordata	Laridae	*Sterna striata*	white-fronted tern	Friends of the Hauraki Gulf (2022)
Chordata	Laridae	*Larus dominicanus dominicanus*	black-backed gull	Friends of the Hauraki Gulf (2022)
Chordata	Phalacrocoracidae	*Microcarbo melanoleucos brevirostris*	little shag	iNaturalist: https://www.inaturalist.org/observations/102510497
Chordata	Spheniscidae	*Eudyptes minor*	little penguin	Lovegrove (2016)
Chordata	Otariidae	*Arctocephalus forsteri*	New Zealand fur seal	iNaturalist: https://www.inaturalist.org/observations/96986458
Chordata	Delphinidae	*Delphinus delphis*	common dolphin	DOC Marine Mammals Sightings Database
Chordata	Delphinidae	*Tursiops truncatus*	bottlenose dolphin	DOC Marine Mammals Sightings Database
Chordata	Balaenopteridae	*Megaptera novaeangliae*	humpback whale	DOC Marine Mammals Sightings Database

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Appendix 2 - Marine Protected Areas: Policy and Implementation Plan principles

Implementing Principles

The purpose of these principles is to guide the implementation process to establish a network of representative MPAs and ensure the management tools adequately provide for the maintenance or recovery of biodiversity.

Network Design Principles

Network Design Principle 1: The MPA network will protect examples of the full range of natural marine habitats and ecosystems.
The sites included in the MPA network should be representative of all marine environment areas (at the agreed scale) and should cover centres of endemism and rare habitats or ecosystems.

Network Design Principle 2: MPAs should be designated based on a consistent approach to classification of habitats and ecosystems.
To establish a representative MPA network, decisions are needed by Ministers on the classification approach to be used, including the scale or scales at which marine habitats and ecosystems will be classified and the extent to which other biological and physical information may be used to assist classification. The classification approach may be reviewed in response to new information on the marine environment or classification systems. A transparent process will be used to determine and review the classification approach.

Network Design Principle 3: The MPA network should be viable.
The marine environment is subject to ongoing stresses both natural and human induced. A viable network will be more likely to withstand and recover from such impacts, increasing the likelihood of sustainably achieving the overall network. Viability will depend on matters including: the nature of the protection; the presence of replicate MPAs protecting particular habitat and ecosystem types; connectivity between MPAs; the nature of actual or potential threats to a particular habitat; and the amenability of those threats to mitigation using MPA management measures.
Where possible, MPA network planning should be designed to ensure the maintenance of ecosystem processes. The number of replicate MPAs included in the network will usually be two. However, in circumstances where a habitat or ecosystem is particularly vulnerable to irreversible change, more replicates may be established as a national priority.
Agencies will need to work together to respond effectively to external threats (such as sedimentation, incursion of exotic invasive species, or oil spills) to the MPAs.

Network Design Principle 4: National priorities for additions to the MPA network will be developed and reviewed on an annual basis.
National priorities for MPA planning will be set for a five-year period and the priorities will be reviewed annually. National priorities will guide and inform biogeographic region and offshore MPA planning.

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The overall goal is to protect the full range of marine habitats and ecosystems. Prioritisation of actions will therefore be driven by the requirement to protect the under-represented habitats and ecosystems. "Outstanding, rare, distinctive, or internationally or nationally important" habitats or ecosystems will then be considered. Priorities will then be influenced by consideration of threats to under-represented habitats and ecosystems. Progress could also be made quickly where underrepresented habitats and ecosystems can be protected with insignificant impact on existing users and Treaty settlement obligations.
A transparent process will be used to determine and review national priorities.

Network Design Principle 5: An evaluation programme will be undertaken.
Evaluation will focus on the implementation of the MPA Policy. It will: a) assess progress in achieving the MPA Policy objective; and b) assess MPA planning processes to ensure consistency with the implementing principles.
A stocktake of MPAs will be prepared each year to assess progress against priorities. Protected areas established outside the MPA planning process will be recognised as part of the MPA network provided they are representative of particular habitat and ecosystem types, and their management measures meet the protection standard.
The evaluation programme will provide information that will be fed into an annual report to decision makers to enable progress on implementing the network and consistency with the MPA Policy to be measured in a timely manner. The report will also be made publicly available.

Network Design Principle 6: A monitoring programme will be undertaken.
The monitoring programme will assess the performance of the MPA network, with respect to its viability, and the effectiveness of the individual MPAs at achieving their own specific biodiversity objectives. Results from the monitoring programme will be made publicly available.
For each MPA the monitoring programme will be based on the: a) site biodiversity objectives – based on the attributes of the habitat and ecosystem; and b) performance of the MPA management tools.
Where monitoring reveals that management tools are not adequately protecting the area, the management tools for that MPA will need to be reviewed.

Planning Principles

Planning Principle 1: Every MPA should be designated on the basis that it is representative of one or more habitats or ecosystems, and in a manner consistent with the national network priorities and the MPA implementing principles.
This will provide clarity about the anticipated contribution of each MPA to the network, guidance on tool selection, and a reference for performance monitoring. The attributes of the habitat and ecosystem that each MPA is protecting will be recorded in the inventory of MPAs.

Planning Principle 2: The management tool(s) used at a site must be sufficient to meet the protection standard.
To meet the protection standard, a management tool must enable the maintenance or recovery of the site's biological diversity at the habitat and ecosystem level to a healthy functioning state. In particular, the management regime must provide for the maintenance and recovery at the site of:
a) physical features and biogenic structures that support biodiversity;

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b) ecological systems, natural species composition (including all life-history stages), and trophic linkages;
c) potential for the biodiversity to adapt and recover in response to perturbation.

Maintenance and recovery include, where feasible, the avoidance of change from human induced pollution, sedimentation, fishing, tourism or visitor-based disturbance, undersea or seafloor commercial activities, or scientific/research activities. The selection of tools for the management regime will require assessing their ability to address such human-related threats and activities.

The NZBS contemplates the use of some management tools that allow some level of extractive use in MPAs. Management tools must, however, not allow levels of biological removals or physical disturbance that would breach the requirements outlined above in paragraph 83.

Planning Principle 3: The special relationship between the Crown and Maori will be provided for, including kaitiakitanga, customary use and mātauranga Maori.

This principle reflects the need to take into account obligations that arise from Treaty of Waitangi commitments to tangata whenua that are included in marine management legislation and Treaty settlement legislation. Agencies need to ensure effective participation of tangata whenua in relevant processes. Whilst these commitments do not give tangata whenua a veto over MPA proposals, they do mean that where MPAs are being considered for a particular area, tangata whenua should be involved at an early stage.

Consideration of the impacts of MPAs on customary use and management practices is an essential part of creating an effective MPA network and avoiding unnecessary conflict.

Planning Principle 4: MPA establishment will be undertaken in a transparent, participatory, and timely manner.

Support for MPAs is likely to be increased where affected parties are adequately informed and have confidence in the integrity of the decision-making process. MPA implementation will be undertaken in a manner that constructively engages tangata whenua, regional councils, other government agencies and particular interests whose use of marine areas will be affected by MPAs, in addition to groups with an interest in marine biodiversity. These processes will be undertaken in a transparent manner that informs and allows for participation and input from the public.

In addition, agencies will meet any statutory consultation and participation obligations associated with implementing their management tools.

The establishment process will be documented to aid transparency for stakeholders. Each planning exercise will result in a report that outlines the marine protected area proposals identified.

Planning Principle 5: Adverse impacts on existing users of the marine environment should be minimised in establishing MPAs.

MPAs are more likely to be established in a timely and efficient manner where appropriate recognition is given to the rights and responsibilities of users of the marine environment. Gaps in the network may be able to be addressed at a number of different sites, and the protection standard will be able to be met using a variety of management measures.

Where there is a choice of several sites, which if protected would add a similar ecosystem or habitat to the MPA network, the site(s) chosen should minimise adverse impacts on existing users and Treaty settlement obligations. Where there is a choice to be made among minimum impact sites, selection may also be guided by:

a) accessibility for management and enforcement requirements; and
b) benefits such as educational, diving and tourism opportunities.

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The tools used to meet the protection standard will be selected primarily on the basis of adequately managing foreseeable threats to the site's biodiversity. A marine reserve will be established to protect at least one sample of each habitat or ecosystem type in the network. A range of management tools may be used to protect further samples provided the tools meet the protection standard and minimise adverse impacts on existing users. Tools selected will be implemented consistent with legislation and Cabinet decisions.
The process to consider sites and tools in a region can be undertaken concurrently.

Planning Principle 6: The management tools used to establish MPAs should be consistent and secure in the long term, subject to any necessary changes to allow them to better achieve the MPA Policy objective, taking into account natural dynamics.
Many improvements in biodiversity will not happen in the short term. The MPA Policy represents a long-term investment in the marine environment with the expectation that benefits will arise over time. It therefore makes sense to work towards long-term protection. Nevertheless, it may be necessary to adjust the design and/or location of some MPAs in light of changing environmental conditions, improving knowledge and changes in the use of the marine environment.

Planning Principle 7: Best available information will be taken into account in decision-making.
Understanding of marine habitats and ecosystem processes is limited, as is information on current uses and the effects of those uses on biodiversity. MPA decision-making will be informed by the best available information. Best available information means the best information relating to ecological, environmental, social, cultural and economic aspects of the marine environment that is available without unreasonable cost, effort or time. Standards will be developed to outline the quality requirements for the use of information in MPA planning.

Planning Principle 8: Decision-making on management actions will be guided by a precautionary approach.
Management actions to implement MPAs should not be postponed because of a lack of full scientific certainty, especially where significant or irreversible damage to ecosystems could occur or indigenous species are at risk of extinction. Each agency will need to apply the precautionary approach in a manner consistent with its statutory obligations.

Planning Principle 9: The MPA management regime must be enforceable.
Where compliance and enforcement is inadequate, the MPA Policy objective is unlikely to be achieved. The level of enforcement and compliance required will be based on the risk of non-compliance and the impact of that non-compliance on achieving the MPA Policy objective.

Planning Principle 10: MPA research will be effectively planned and co-ordinated.
MPA research is important for a number of reasons. These include developing the classification approach, determining whether individual MPAs are meeting the MPA Policy objective, how MPAs should best be designed and managed, and the social and economic impacts of MPAs. MPAs also provide invaluable comparisons or controls for research investigating the ecological structure and function of marine communities, with potential benefits for fisheries and environment management.

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Appendix 3 - Significant Ecological Areas in the Auckland Unitary Plan

D9. Significant Ecological Areas Overlay

D9.1. Background

Auckland's indigenous biodiversity is unique with a diverse range of ecosystems reflecting the complex physical environment of the region. Natural ecosystems and indigenous biological diversity contribute to the character and identity of Auckland and distinguish it from other regions of New Zealand.

Healthy and functioning ecosystems contribute to improved water quality, soil conservation and carbon sinks, as well as providing opportunities for our recreation, economic, and cultural use. However, development has resulted in the loss of habitats and a reduction of biodiversity. Urban expansion and development, changes in coastal and rural land uses, and the ongoing degradation from pest species continue to threaten the maintenance of indigenous biodiversity.

In order to protect and better provide for the management of areas that contribute significantly to Auckland's biodiversity it is important to spatially identify them as significant ecological areas, in accordance with B7.2 Indigenous biodiversity. Significant ecological areas have been identified for terrestrial areas, and parts of the coastal marine area.

D9.1.2 Significant Ecological Areas – Marine (SEA-M)

Significant Ecological Areas – Marine are identified areas of significant indigenous vegetation or significant habitats of indigenous fauna located in the coastal marine area.

Schedule 4 Significant Ecological Areas – Marine Schedule identifies the factors used to determine Significant Ecological Areas – Marine and the values of scheduled areas.

The following categories of significant ecological areas in the coastal marine area are identified in Schedule 4 Significant Ecological Areas – Marine Schedule and on the planning maps:

SEA-M: Significant Ecological Area – Marine

SEA-M1: Areas which, due to their physical form, scale or inherent values, are considered to be the most vulnerable to any adverse effects of inappropriate subdivision, use and development.

SEA-M2: Areas are of regional, national or international significance which do not warrant an SEA-M1 identification as they are generally more robust.

SEA-M1w, SEA-M2w: Areas that are identified as significant wading bird areas.

Schedule 4 Significant Ecological Areas – Marine Schedule

Factors for assessing ecological value [rps]

An area shall be considered an area of significant indigenous vegetation and/or a significant habitat of indigenous fauna in the coastal marine area if it meets one or more of the sub-factors (1) to (6)

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below, with factors (1) to (5) being applied first, and factor (6) last to identify gaps in representation across marine habitats and ecosystems, and to identify best examples of each habitat or ecosystem. These factors are also referred to in B7.2.2(3).

These factors have been used to determine the areas included in Schedule 4 Significant Ecological Areas – Marine Schedule, and will be used to assess proposed future additions to the schedule.

FACTORS:

(1) RECOGNISED INTERNATIONAL OR NATIONAL SIGNIFICANCE

Sub-factor:

(a) it is an area identified as internationally or nationally significant for either indigenous marine ecosystems or biodiversity, or with reference to the species that utilise these ecosystems.

(2) THREAT STATUS AND RARITY

Sub-factors:

(a) it is a habitat that is required to provide for the life cycle of a marine plant or animal that is locally rare and has been assessed under the New Zealand Threat Classification System (NZTCS), and determined to have a national 'At Risk' conservation status of Naturally Uncommon, Relict, Recovering and Declining; or

(b) it is a habitat that is required to provide for the life cycle of a plant or animal that occurs naturally in Auckland and has been assessed as having a regional threatened conservation status including Regionally Critical, Endangered and Vulnerable and Serious and Gradual Decline; or

(c) it is a habitat that is required to provide for the life cycle of a plant or animal that occurs naturally in Auckland and has been assessed by a nationally or internationally recognised assessment process (e.g. NZTCS, IUCN) and determined to have a threatened conservation status including Critical, Endangered, or Vulnerable; or

(d) it is a habitat that occurs naturally in Auckland and is required to provide for the life cycle of a marine animal that is listed as a Protected Species in Schedule 7A of the Wildlife Act (1953); or

(e) it is an indigenous marine habitat or ecosystem that occurs naturally in Auckland and has been assessed by the Council or other national assessment process to be threatened based on evidence and expert advice;

or

(f) it is an indigenous vegetation or habitat of indigenous fauna that occurs within an indigenous coastal ecosystem as identified in NZCPS Policy 11b(iii) as being particularly vulnerable to modification.

(3) UNIQUENESS OR DISTINCTIVENESS

Sub-factors:

(a) it is habitat for a marine plant or animal that is endemic or near-endemic to the Auckland region; or

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(b) it is an indigenous ecosystem that is endemic to the Auckland region or supports ecological assemblages, structural forms or unusual combinations of species that are endemic to the Auckland region; or

(c) it is a habitat that supports occurrences of a plant, animal or fungi that are the largest specimen or largest population of the indigenous species in Auckland or New Zealand.

(4) DIVERSITY

Sub-factors:

(a) it is an intact habitat sequence extending across an environmental gradient, and including both floral and faunal habitat components; or

(b) it includes a large number of intertidal and/or subtidal habitats; or

(c) it is a habitat type that supports a high species richness for its type.

(5) STEPPING STONES, BUFFERS AND MIGRATION PATHWAYS

Sub-factors: (a) it is a site which makes an important contribution to the resilience and ecological integrity of surrounding areas; or

(b) it is part of a network of sites that cumulatively provide important habitat for indigenous fauna or when aggregated make an important contribution to ecological function and integrity; or

(c) it is an example of an indigenous ecosystem, or habitat of indigenous fauna that is used by key species permanently or intermittently for an essential part of their life cycle, including migratory pathways, roosting or feeding areas; or

(d) it is an example of an ecosystem, indigenous vegetation or habitat of indigenous fauna, that is immediately adjacent to, and provides protection for, indigenous biodiversity in an existing protected natural area (established for the purposes of biodiversity protection for either terrestrial or marine protection) or an area identified as significant under the 'threat status and rarity' or 'uniqueness' factor.

(6) REPRESENTATIVENESS

Sub-factors:

(a) it is an example of an indigenous marine ecosystem (including both intertidal and sub-tidal habitats, and including both faunal and floral components) that makes up part of at least 10% of the natural extent of each of Auckland's original marine ecosystem types and reflecting the environmental gradients of the region; and

(b) it is an example of an indigenous marine ecosystem, or habitat of indigenous marine fauna (including both intertidal and sub-tidal habitats, and including both faunal and floral components), that is characteristic or typical of the natural marine ecosystem diversity of Auckland; or

(c) it is a habitat that is important to indigenous species of Auckland, either seasonally or permanently, including for migratory species and species at different stages of their life cycle (and including refuges from predation, or key habitat for feeding, breeding, spawning, roosting, resting, or haul out areas for marine mammals); or

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(d) it is an ecosystem that contains an intact ecological sequence across an environmental gradient (e.g., intact intertidal vegetation sequence including seagrass, mangrove, saltmarsh, and terrestrial coastal vegetation); or

(e) it is an ecosystem that contains a large number of marine habitat types, with the full range of habitats represented that is typical for that depth and exposure within the Auckland region; or

(f) it is a habitat or ecosystem of particular importance for indigenous or migratory species.

The location of Significant Ecological Areas identified within the Auckland Region can be viewed at: https://aucklandcouncil.maps.arcgis.com/apps/webappviewer/index.html?id=01eb57408000447fa2d5dd2776ee472d

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Appendix 4 - Relevant Sea Change Tai Timu Tai Pari policies

6. Biodiversity Rerenga Rauropi

Management actions for Theme B – Protected, enhanced, and restored habitats

6. By 2018, identify any gaps in the MPA network with specific attention to Waiheke Island and Aotea – Great Barrier Island. Establish further MPAs if required[5].

Footnote 5: The Stakeholder Working Group was approached by community representatives from Waiheke and Aotea (Great Barrier) seeking that marine protected areas be included in the Plan for both islands. Because the SWG also heard conflicting views and concerns at not being consulted regarding proposals it was considered more appropriate for the location of MPAs for the two islands to be decided by those communities as part of the implementation of Sea Change.

Revitalising the Gulf: Government action on the Sea Change Plan

We have identified various actions to enhance the function of the Gulf's habitats by removing key stressors. We will do this by establishing 11 High Protection Areas and five Seafloor Protection Areas, protecting marine areas adjacent to two existing marine reserves, and undertaking a range of management actions to protect rare and threatened habitats and species in the Gulf (see Section 5.5 "Marine Protection" and Section 5.6 "Protected Species").

5.5. Marine Protection

The Strategy outcomes for marine protection in the Gulf are:

- protection of at-risk, high ecological value and representative habitats and ecosystems in the Gulf to support their recovery;
- increased understanding of marine ecosystems within the Gulf, and the pressures on them, to support holistic management; and
- restoration of the Gulf's healthy marine environment to enhance cultural practices and social and spiritual wellbeing

To deliver the above outcomes, we propose to:

- ensure that the protected area proposals complement the management actions under the Hauraki Gulf Fisheries Plan to boost the local abundance of fish

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Appendix 22

Ngāti Pāoa Iwi Trust submission on the Application – 20 March 2022

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WS - Proposed Hākaimangō - Matiatia Marine Reserve - copy

3. Your details

1. Details

First Name

[redacted]

Last Name

[redacted]

Email Address

[redacted]

Region

Phone Number

[redacted]

Street Address

[redacted]

Suburb

[redacted]

City

[redacted]

2. Are you responding as an individual or as an organisation?

Organisation

3. Please state the name of the organisation.

Ngāti Pāoa Iwi Trust

4. Do you identify as Māori?

Yes

5. Please tell us which whānau, hapū or iwi you affiliate to.

Marutūāhu, Kāhui-ariki, Ngāti Hako, Ngāti Pāoa

6. Are you whānau, hapū or iwi that exercises kaitiakitanga in the proposed reserve area?

Yes

8. Which group(s) best describes your interest:

Local community group
Waiheke Island community member

9. How would you rate your level of support for the proposed marine reserve?

Object

11. Upload any supporting documents

WSHMMR-791862.pdf

12. Date submission received

03/20/2022

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13. Channel received

Written submission i.e. word document, pdf

14. Entered by

Zephaniah

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From: Privacy of natural persons

Sent on: Sunday, March 20, 2022 11:53:59 AM

To: marineprotection@doc.govt.nz; Hākaimangō <waihekeproposal@publicvoice.co.nz>; kiri.allan@parliament.govt.nz; D Parker (MIN) <d.parker@ministers.govt.nz>

CC: Privacy of natural persons

Subject: Ngāti Pāoa Iwi Trust - Hākaimango-Mātiatia Marine Reserve Submission

Attachments: NPIT Hākaimango-Mātiatia Marine Reserve Submission.pdf (363.38 KB)

Tēnā koutou

Ngāti Pāoa OPPOSE the Hākaimango-Mātiatia Marine Reserve. Please find attached submission from the Ngāti Pāoa Iwi Trust.

Don't hesitate to contact Privacy of natural persons or myself via email, mobile, or landline if you have any further queries.

Noho ora mai

Privacy of natural persons
Email: Privacy of natural persons
Mobile: Privacy of natural persons | Landline: Privacy of natural persons

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20 March 2022

Ngāti Pāoa Iwi Trust
Privacy of natural persons
[redacted]

Re: Proposed Hākaimango-Mātiatia (Northwest Waiheke Island) Marine Reserve

Post Settlement Governance Entity	**Ngāti Pāoa Iwi Trust**
Trustees	Tania Tarawa Rangitahi Pompey Mihingarangi Forbes James Ratahi Herearoha Skipper
Contract Person	Privacy of natural persons [redacted]
Iwi	Ngāti Pāoa 4,803 members
Hapū Location: Waiheke Island	Ngāti Hura Ngāti Kapu Te Uri Karaka
Kaitiakitanga	NPIT Exercise the guardianship as tangata whenua of Hākaimango-Mātiatia in accordance with tikanga Māori in relation to and physical resources, and includes the ethic of stewardship[1]
Proposed Hākaimango-Mātiatia Marine Reserve	Our Submission **OBJECT**

**Ngāti Pāoa Iwi Trust acknowledges the retirement of our Chair, Glen (Joe) Tupuhi, who fully supports Ngāti Pāoa Iwi Trust and our submission.*

[1] Marine and Coastal Area (Takutai Moana) Act 2011

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Ngāti Pāoa Historical Context

Ngāti Pāoa are the descendants of the Chief and Tohunga Pāoa (Waikato, Te Arawa) and Tukutuku (Marutūāhu, Kāhui-ariki, Ngāti Hako). During the 18th century, the mana over Waiheke Island was held principally by Ngāti Maru. According to tribal historical narratives[2], a conflict broke out between Ngāti Pāoa and Ngāti Maru over the drowning of Ngāti Pāoa rangatira, Rongomaurikura while crossing Tīkapa Moana. Rongomaurikura and his war party capsized off the western shores of Te Tara o te Ika (Coromandel Peninsula) near the Islands of Rangipūkea and Wekarua by Manāia harbour. Many of the bodies washed up on shore. Te Hinaki, one of the senior leaders of Ngāti Pāoa blamed Tamati Waka Te Puhi and his people Ngāti Maru for eating the bodies. Ngāti Maru vigorously denied these allegations. Sporadic warfare broke out with multiple deaths experienced on both sides. A type of peace was reached between these two iwi by Reverend Samuel Marsden, while on board the HMS Coromandel in 1 August 1820[3]. A year later a flotilla of waka tauā led by Hongi Hika from Pewhairangi[4] attacked the two Ngāti Pāoa fortified pā Mauinaina and Mokōia on the western banks of the Waiōtāiki[5] river. This caused all the Ngāti Pāoa survivors including those on Waiheke to flee Inland. Ten years later, Ngāti Pāoa returned to Hauraki. Ngāti Hura, Ngāti Kapu and Te Uri Karaka noticing that Ngāti Maru did not return to Waiheke, crossed over and occupied many of their former kāinga.

This is just a short recent snap shot of Ngāti Pāoa history that connects us to Waiheke. In 1840, 22 Ngāti Pāoa rangatira[6] signed a copy of Te Tiriti o Waitangi at Te Karaka on the western banks of Waiotāiki (Ministry for Culture and Heritage). Our tūpuna were led to believe that they would benefit significantly if they signed Te Tiriti. That their natural resources, their beliefs and their customary practices would be protected. Ngāti Pāoa were to find out the hard way that the promise of a mutually beneficial relationship was never realised. In fact, Ngāti Pāoa were to experience trauma at the hands of the Crown who used force to remove our people off the Island and then taken to their lands on the mainland at Wharekawa and Whakatīwai.

More recently over a decade now, Ngāti Pāoa have been in negotiations with the Crown in order to address all the breaches of Te Tiriti o Waitangi that our tūpuna have suffered at their hands. Ngāti Pāoa still have yet to settle even though we have followed their every instruction to do so. Ngāti Pāoa have a clear strategic plan to fulfill the key aspirations of the iwi. A significant aspiration of Ngāti Pāoa is to revive, restore and reignite the mauri of the surrounding moana of Te Motu-ārai-roa, Te Motu-waiheke. Part of the healing that Ngāti Pāoa are undertaking to reconnect mentally, spiritually and physically to Waiheke is to enact our cultural and customary practices at place.

Ngāti Pāoa Iwi Trust

On the 1 November 2020 results of the election for the new board of trustees for the Ngāti Pāoa Iwi Trust (NPIT) was announced and on 20 March 2021, Ngāti Pāoa's Deed of

[2] Maihi Te kapua Te Hinaki states in JPS Volume 60 1951, pp.80-92
[3] Smith, 1910:135-136
[4] Bay of Islands
[5] Tāmaki River
[6] On 4 March 1840 the following Ngāti Pāoa chiefs signed at Te Karaka: Wīremu Hoete, Hakopa, Te Awa, Te Tāpuru, Te Tītaha, Kahukoti, Ruinga, Hohepa, Pouroto, Inoha, Hinaki, Keka, Mohi Te Harare, Anaru, and Waitangi. On July 9 the following Ngāti Paoa chiefs signed: Karamu, Kūpenga, Ngāhuka, Ngā manu, Raro Maru, and Te Hangi

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Settlement was signed at Wharekawa Marae. Friends of the Gulf (FoHG) and DOC need to understand that NPIT is the mandated body to represent all matters that affect Ngāti Pāoa treaty settlement business and view this proposal as contravening Section 4 of the Conservation Act 1987. The Government, FoHG and DOC also need to understand that NPIT is trying to operate while under-resourced, are in a rebuilding, pre-implementation phase and are focused on building capability and capacity across the iwi, while experiencing like everyone else, three years of an unprecedented worldwide pandemic.

Friends of the Hauraki Gulf

NPIT acknowledges the efforts of the FoHG to address the significant issues and concerns with the decline of our coastal environment. NPIT fully supports the protection of the moana environment, but not at the expense of our special relationship along this coastline, which Ngāti Pāoa have fought long and hard for our mana in these spaces to be recognised.

Engagement with the NPIT has been through letters to the chair in a couple of email communications. NPIT shares the same concerns about the continuing decline of our marine environment and what this will mean for our tamariki and mokopuna. In January 2021 the Friends of the Hauraki Gulf also came out in support of the Ngāti Pāoa Rāhui, nō reira ka haere tonu ngā mihi ki a rātau. NPIT also supports that much more needs to be done to achieve protection of our marine environment, its degraded ecosystems and the marine life that is struggling to survive.

Our initial response is that the purpose of the rāhui is to restrict taking of taonga species so that we can restore for future generations with the intention of lifting the rāhui over time. Our commitment as mana whenua is to educate our communities about the rāhui and develop an action plan to future-proof and restore our taonga species within the moana. This process needs to be led by Ngāti Pāoa and other mana whenua on Waiheke. Wānanga (workshops) are already underway with mātauranga scholars, traditional knowledge holders, including Māori marine scientists, climatologist, astrologist, māramataka & weather experts, localised knowledge holders, kaitiaki and kaumātua. Ngāti Pāoa are also engaged with rangatahi (youth) in which we will train our next generation to learn about kaitiakitanga from a Ngāti Pāoa world view.

It is unfortunate that the FoHG has not taken the time to meet with the Ngāti Pāoa Iwi Trust or many of our whānau and hapū on this matter, who are active kaitiaki and reside on Waiheke, as it is imperative that this is done with the iwi, not just individuals. Our kaumātua gave the directive to lay down the rāhui, however we had to socialise the rāhui with our Ngāti Pāoa whānau, hapū, iwi, marae, governance boards NPIT & NPTB, mātāwaka, and other mana whenua to ensure we had support before the rāhui was laid down and also update all of them as we proceeded through the 186A Temporary Closure application and future management plan.

NPIT sees the merits of a Marine Reserve for Waiheke, however we are in the process of Treaty Settlement and partnership engagement with the Crown is front and center of our role for Ngāti Pāoa and therefore the landscape has changed for iwi.

The proposed Hākaimango-Mātiatia Marine Research proposal cuts across our rohe moana and the work that Ngāti Pāoa has been actively working on as our obligation since the rāhui. This proposal will not strengthen our historic, traditional, cultural, and spiritual relationship

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as tangata whenua[7] (pg 57), it is not for others to articulate iwi aspirations. Ngāti Pāoa has had an intergenerational relationship for centuries, colonisation caused our displacement from Te Motu-ārai-roa. Ngāti Pāoa is focused on repatriation back to whenua, back to moana, and now this locks us and our mokopuna out.

Marine Reserves

In our view, marine conservation practices such as permanent no-take marine reserves and marine protected areas (MPA) extinguish connectivity with our moana and make it illegal for Māori to enact intergenerational customary practices[8].

Marine reserve legislation is antiquated (obsolete), and at the time it was written, did not have regard for a Māori world view. We have seen it used to that effect in a current situation, which in its process has not approached the kaupapa in a partnership way. It does not take into consideration the points raised around the benefits of manawhenua being able to carry out their responsibilities around kaitiakitanga. Simply locking up an area for perpetuity denies the opportunity for manawhenua to carry out customary practices such as gathering kai, not only to manaaki, but also importantly to observe conditions, behaviour's and relationships between the moana, the whenua and Ranginui. The ability to observe these things is what our knowledge systems are built on.[9]

> *"Restoration of the Gulf's healthy marine environment is **critical to the survival** of cultural practices and social and spiritual wellbeing".*

There are currently 44 marine reserves across Aotearoa New Zealand, less than 5% are monitored on a regular basis. None of the marine monitoring regimes include mātauranga me ngā tikanga Māori. None of the marine reserves make provision for localised, place-based kaitiakitanga restorative actions or contribution. Further, no marine reserve in Aotearoa New Zealand have identified significant increased biodiversity nor increased global understandings of ecological wisdom for present and future generations. Marine Reserves are administered and managed in an ad hoc manner by a distant central government agency. Marine Reserves legislatively enforce the removal of localised kaitiakitanga responsibilities, connectivity, practices and transmission of Ngāti Paoa intergenerational ecological knowledge to a Western de-centralised administrative action. In 2022, these outdated systematic racist conservation practices are unacceptable.

A strong correlation has been identified between areas in the world with high biodiversity to areas where Indigenous peoples continue to enact their traditional practices[10]. Striking parallels of global declines in biodiversity are correlated with declines in Indigenous languages and practices[11]. This loss is further paralleled with declines in the transmission of ecological cultural wisdom and traditions through the generations[12]. The enormity of these findings has identified a gap in conservation approaches for culturally and ecologically important species and spaces. Restoration and conservation management strategies that

[7] Hākaimango-Mātiatia Marine Reserve - report in support of an application for an order in council for a marine reserve, January 2022.
[8] Paul-Burke et al, 2022. New Zealand Journal Marine and Freshwater Research (in press), March 2022.
[9] Contributor to Sea Change Consultation Hui with Ngāti Pāoa, 18 November 2021
[10] World Wildlife Foundation. 2020.Living planet report: Bending the curve of biodiversity loss.
[11] World Wildlife Foundation. 2014. Living planet report: Species and spaces, people and places.
[12] Ray & McCormack-Ray. 2004. Coastal marine conservation science and policy. Oxford, UK.

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include and prioritise Indigenous ecological knowledge (mātauranga Māori) and action-oriented management practices (kaitiakitanga) have a higher rate of local acceptance, and, consequently, greater conservation value[13].

Marine and Coastal Area (Takutai Moana) Act 2011

Hauraki Iwi were recognised as taking a lead role during the Foreshore and Seabed protests in 2004. Over a 1000 senior iwi leaders from throughout Aotearoa met at Ngāhutoitoi Marae in Paeroa to discuss what Maoridom was going to do in a collective sense against this bill.

Ngāti Pāoa has a rich historical relationship with awa, moana, and the marine and coastal areas. As hapū of Ngāti Pāoa took shape our tupuna built huge waka taua and extended their footprint to the Tāmaki River, Te Wai o Taiki, Kohimarama, Waitemata, Te Haukapua and Kiritai on the North Shore. From their many pā, Ngāti Pāoa moved throughout the islands of Waiheke, Pōnui, Rataroa, Pakatoa and the wider Gulf islands of Tīkapa Moana o Hauraki to Mahurangi 'Ngā Poitō o te Kupenga a Taramainuku', the floats of the net of Taramainuku. Ngāti Pāoa exercise our rangatiratanga over a substantial corridor of land and coastal margins.[14]

Te Takutai Moana Act 2011 provided ways for Māori to get legal recognition of their customary rights in the takutai moana (the marine and coastal area), either through an agreement with the government or by a High Court order.

Department of Conservation

It is NPIT view that the Department of Conservation failed to properly consult with Ngāti Pāoa, our hapū Ngāti Hura, Ngāti Kapu, and Te Uri Karaka, or our whānau who reside on Waiheke and those who are active participants as Ngāti Pāoa representatives on a range of Waiheke committees. DOC failed to understand their views on the proposed marine reserve and to meet obligations set out under section 4 of the Conservation Act 1987, Te Takutai Moana Act 2011, and relevant Treaty settlement agreements.

NPIT attempted to meet with DOC on 25 Nov 2021. The board received an email on 9 December 2021 from DOC. One email communication prior to public submission **is not good enough**. Ngāti Pāoa have multiple requests to engage with numerous agencies, knowing that we have minimal capacity and no resourcing for engagement. Consequently, a hui was held on 4 February 2022 via zoom. This was the first engagement for NPIT regarding this application. The experience Ngāti Pāoa has been subjected to is a feeling of being relegated to a mere stakeholder, being consulted with the rest of the community through an open public process that creates division amongst our people and the Waiheke community. This has been reiterated by FoHG in their discussion with DOC on 10th June 2021 that:

> *FoHG focus on Ngāti Paoa is not just based on best practice but under the proposed Treaty Settlement the Crown has Ngati Paoa a 'Statutory Acknowledgement' relating to the publicly owned Matietie historic reserve. In effect when it comes to RMA*

[13] Cinner & Aswani. 2007. Integrating customary management into marine conservation. Biological Conservation, 140, 201-216.
[14] https://www.ngatipaoaiwi.co.nz/history.html

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*consents and other matters (eg marine reserve applications) this gives Ngāti Paoa a status rather similar to **neighbouring landowners** under the Marine Reserves Act.*[15]

To reiterate, sending emails on a significant kaupapa like this does **not** constitute a partnership that gives effect to the principles of the Treaty of Waitangi. And it definitely does not build or support effective conservation partnerships with Ngāti Pāoa at the local level when treated so poorly as this. A statutory acknowledgement that recognises Ngāti Pāoa particular cultural, spiritual, historical and traditional association with the proposed Hākaimango-Mātiatia Marine Reserve submission, even though it is stated in the aforementioned Act compared to that of a `neighbouring landowner' in NPIT's view is insulting. Again, Ngāti Pāoa feel a deep sense of being disenfranchised from this process.

Understanding Ngāti Pāoa views, rights, and interests[16]

First and foremost, it is important that any important kaupapa that has a significant impact on whānau, hapū, iwi, marae and our communities are given time for proper consideration and engagement. NPIT will need to decide on what level of engagement is required with our members and in this case Ngāti Pāoa members raised concerns with our board once finding out through the public notice. The following focus questions were sent to NPIT from DOC:

1. What customary fishing practices do you undertake in this area? How might the proposed marine reserve affect these practices?
2. What affect commercial fishing do you carry out in the area? How might the proposed marine reserve affect commercial fishing by you and your whānau, hapū or iwi?
3. Are there any obligations in Treaty settlements or relationship agreements that we should be aware of, and take account of, in our engagement with you on this application?
4. How might the proposed marine reserve affect how your whānau, hapū, iwi practices kaitiakitanga in the marine area?
5. How might the proposed marine reserve enable kaitiakitanga?

These questions are heavily loaded and seem to privilege FoHG and not mana whenua.

Revitalising the Gulf - Government action on the Sea Change Plan

Tai Timu Tai Pari - Hauraki Gulf Marine Spatial Plan

The Ministry of Fisheries & DOC through Sea Change have engaged with Ngāti Pāoa and many other iwi about their fisheries plan and marine protection proposals to discuss our views and to identify what our customary practices are. The discussion was to share our views on how these proposals can best respond to the rights, interests, and aspirations of mana whenua as rangatira and kaitiaki. Yet, ironically discussing marine protection with DOC and MPI with this kaupapa and then on the other hand, Ngāti Pāoa mana is undermined through the Hākaimango-Mātiatia Marine Reserve process.

The irony is the Government is currently exploring a more effective model of addressing biodiversity degradation and mauri depletion in the Hauraki Gulf, when the better pathway

[15] Hākaimango-Mātiatia Marine Reserve - report in support of an application for an order in council for a marine reserve, January 2022, pg 65.
[16] Department of Conservation consultation document, December 2021.

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forward is **allowing iwi to lead this space**. What is disappointing is that the Government has not thought about asking Māori if they were given the opportunity to lead, what they would do to halt further degradation, and how they would go about reviving the mauri of our waterways?

One of the Ngāti Pāoa contributors to these discussions explains in a more succinct way how inextricably connected Ngāti Pāoa are to their whenua and their rohe moana:

> *The engagement with our environment is key to ensure that our mātauranga is passed on through the generations. The concept of mana whenua describes a special relationship, as the environmental influences are embedded in our DNA at conception, and I believe a resonance occurs at DNA level when we engage with the environment in our rohe. Our special relationship that mana whenua has with the environment is a very deep one and is the important point here, and that any activity in our rohe is a manifestation and a reminder of that deep connection.*

Ngāti Pāoa does not want to sever that link. We also don't want to be treated as another stakeholder under the management of DOC and FoHG.

NGĀTI PĀOA STRATEGIC ENVIRONMENTAL PLAN

Pou Rāhui, Pou Tikanga, Pou Oranga - reigniting the mauri of Tīkapa moana and Te Moananui-ā-Toi

The health of the Hauraki Gulf is declining at an alarming rate. Like all Gulf communities and iwi, Ngāti Pāoa are deeply concerned and wish to contribute toward healing and restoring it. *Rāhui* is a tool of environmental management choice being used increasingly by iwi[17]. Six rāhui tapu have been established across the Hauraki Gulf, demonstrating the level of concern and frustration iwi have reached. This is unprecedented in our living memory. Ngāti Pāoa is proposing an action-based protection and management model designed to establish rāhui as the primary tool. The current status of Tīkapa Moana and Te Moananui-ā-Toi requires an active protection model not a passive one.

More particularly, we seek to establish the scientific basis of rāhui so that, going forward, it can be as effective as possible as a tool for ecosystem restoration and healing. To achieve this, we will develop a model of environmental monitoring to be led by iwi (alongside monitoring by others) to understand change occurring in the environment by which iwi are able to decide when and where to apply interventions including rāhui and by which factors they can measure their effectiveness.

This strategic integrated plan will be the first of its kind to bring together an all-Māori team of revered traditional mātauranga Māori environmental experts with contemporary kaupapa Māori scientists, academics, iwi practitioners, environmentalists and rangatahi. This kaupapa draws on experts that specialise on the moana (sea), whenua (land), rangi (sky), and iwi (people) to address the state of our environment through rāhui. Each team member is a mātauranga expert and a leader in their field of expertise. Ngāti Pāoa intend to work alongside other iwi representatives who are tribal leaders, sit on their tribal governance

[17] There are at present six iwi across the Hauraki Gulf including Ngāti Hei who have established rāhui around parts of their rohe moana - Ngāti Pāoa, Ngāti Tamaterā, Ngāi Tai ki Tāmaki, Ngāti Hei, Ngāti Rehua-Ngātiwai and Ngāti Manuhiri.

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boards, and manage their environmental strategy. The iwi organisations are active Treaty partners to the Crown.

Pou Rāhui will be the catalyst to elevate marine restoration throughout Tīkapa Moana and Te Moananui-ā-Toi using rāhui as a credible, bespoke Māori customary marine management tool to address the current challenges of `functionally extinct' fauna and flora, taonga species that were once gathered from traditional mahinga kai and tauranga ika sites. All New Zealanders view the notion of gathering kaimoana and fishing as their right. Unfortunately, current pressure on our taonga species is not only unacceptable, but also unsustainable. The key objectives of Pou Rāhui is to address the urgent needs of Aotearoa New Zealand's degraded inshore coastal spaces by improving the unique biodiversity and by restoring, reconnecting, and reigniting the marine environment using a mātauranga taiao Māori approach for the purposes of all New Zealanders.

Ngāti Pāoa is working with the Pou Rāhui team to explore an alternative way of improving marine biodiversity and environmental health using a mātauranga taiao Maōri approach. This approach will achieve wider benefits beyond the aspirations of all iwi, such as providing an exemplar for the complementarity between mātauranga Māori and science, a new Rāhui Toolkit, and how to embed mātauranga and tikanga into environmental policy. The central theme of this strategic plan is focused on **Rāhui** to revive, restore and reignite 'te mauri o te moana.

As more iwi across the Gulf lay rāhui down, commercial and recreational fishers and divers are forced to look further afield, placing more impact on other iwi's natural resources. Ngāti Pāoa are mindful of this point.

Concluding remarks

Ngāti Pāoa recognise the importance of relationships and collaborative efforts to benefit our moana. It is 2022, marine ecosystems are degrading globally at unprecedented rates. Western enforced conservation strategies and practices **have not** saved our moana. They have not increased biodiversity nor strengthened the connectivity of humans with nature. Ngāti Pāoa recognise that change is required. Outdated western conservation practices such as the proposed Hākaimanga-Mātiatia Marine Reserve, that actively seeks to legislatively eliminate Māori intergenerational connectivity, wisdom and practices are unacceptable. Ngāti Pāoa would prefer to work with our wider community and identify opportunities to change the paradigm of conservation to one in which the enormous contributions, knowledge and practices of Indigenous Māori peoples are recognised, supported and implemented in contemporary marine management. With regards to fisheries resources in the Hauraki Gulf, there is an urgent need to stop ALL destructive fishing activities immediately. Ngāti Paoa dares to dream and be bold.

It is for these reasons that Ngāti Pāoa OPPOSE the Hākaimango-Mātiatia Marine Reserve.

s9(2)(a)

s9(2)(a)
On behalf of Ngāti Pāoa Iwi Trust

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Appendix 23

Proposed Hākaimangō-Matiatia Marine Reserve – an assessment of displaced commercial landings and recreational catch between 2019 and 2024– Fisheries New Zealand Tini a Tangaroa report

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Fisheries New Zealand
Tini a Tangaroa

Proposed Hākaimangō-Matiatia Marine Reserve – an assessment of displaced commercial landings and recreational catch between 2019 and 2024

Introduction

The Department of Conservation (DOC) requested a summary of fisheries catch and landings data relating to the area of the proposed Hākaimangō-Matiatia marine reserve. These data will help estimate the level of displaced commercial landings and recreational catch from proposed marine reserve and support analysis of objections made relating to effects of the proposed marine reserve on these fisheries.

This assessment uses the best available information to describe the estimated displaced commercial landings and recreational catch if the marine reserve were to be put in place, noting that there are other impacts on fisheries and fishing interests, i.e., anyone with an interest in customary, commercial, or recreational fishing, that are not accounted for in this assessment. Therefore, it is important to note that the findings presented in this document are not equivalent to interference on fishing and fishing interests more broadly.

Data contained within this report are classified as commercial and in-confidence and are being shared for internal use at DOC. These data and this report may not be shared publicly at this level.

Context

The proposed marine reserve lies within the Hauraki Gulf, which is within the broader Fisheries Management Area 1 (FMA 1) that encompasses the waters from North Cape and southwards to Cape Runaway. FMA 1 is the basic fisheries management unit for some of the most important inshore fish species in New Zealand, such as snapper, trevally, gurnard, and tarakihi. Figure 1 shows Waiheke Island, the existing Te Matuku marine reserve and s 186A temporary closure around the island, as well as the boundaries of the proposed Hākaimāngō-Mātiatia marine reserve.

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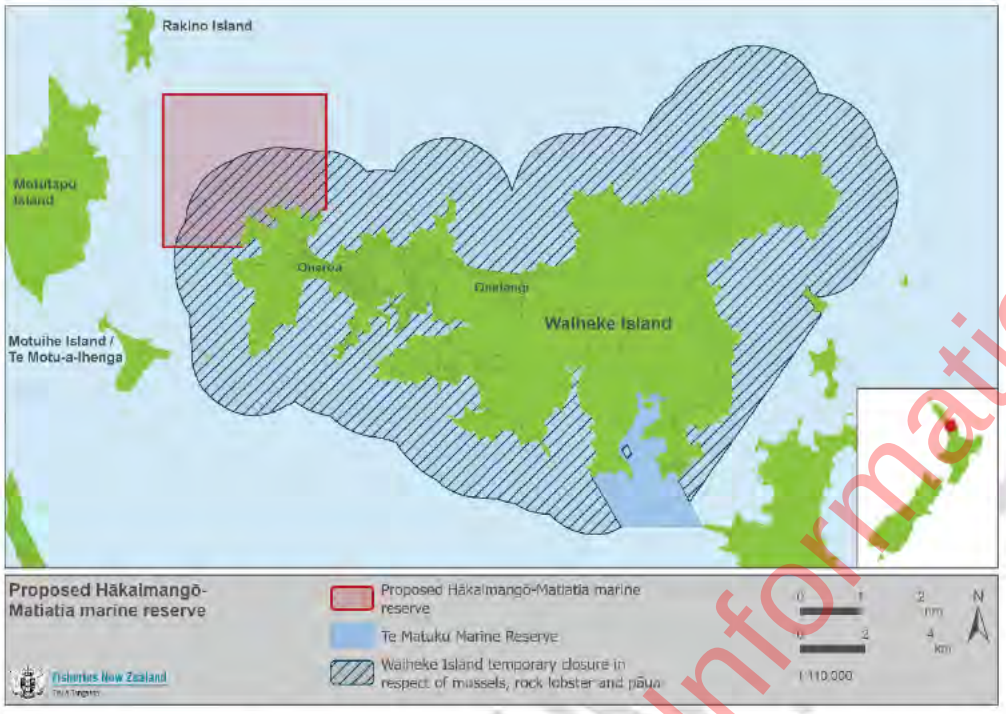

Figure 1. Waiheke Island and the existing marine protection measures plus boundaries of the proposed Hākaimangō-Matiatia marine reserve.

The proposed reserve is within an area of the Hauraki Gulf which is –

- within an area defined in Regulations 4(j) and 22(1)y of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986 and within which commercial fishing using bottom trawling, Danish seining, and scallop dredging is already excluded (Figure 2)
- closed to the commercial take of finfish species by any method between 1 October and 31 March each year, except for stated exceptions (Appendix A) [see Regulation 4F of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986] (Figure 2);
- heavily utilised for recreational fishing, being an area close to well-utilised boat launching ramps; and
- is a separate application from the protection measures proposed under the Hauraki Gulf / Tīkapa Moana Marine Protection Bill (the Bill) as part of Revitalising the Gulf; an impact assessment for these protection areas have been provided separately[1,2]. If approved, the marine reserve would exclude fishing from the area in addition to those proposed under the Bill and will contribute to the cumulative impacts on fisheries and fishing interests.

[1] revitalise-gulf-commercial-fishers-report.pdf (doc.govt.nz)
[2] stage2-revit-gulf-economic-impact-assessment.pdf (doc.govt.nz)

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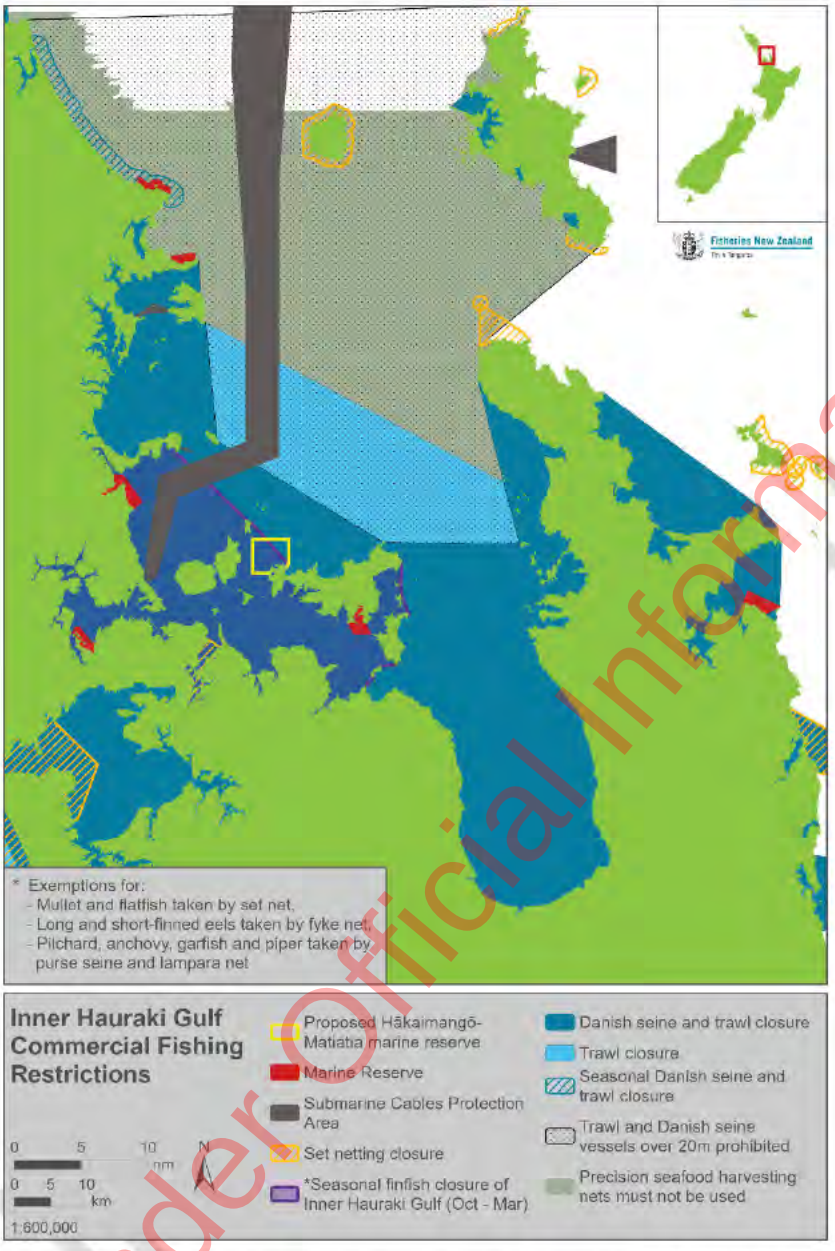

Figure 2. Selected fishing restrictions in the Hauraki Gulf Marine Park.

Fisheries and fishing interests

The Hauraki Gulf is a highly productive part of the wider FMA 1 for many important inshore finfish species. Intertidal and subtidal shellfish species are also important at the many sheltered beaches and rocky reef areas. The resources are utilised by Māori customary fishers and the commercial and recreational fishing sectors.

Commercial fishing

Being on the doorstep of Auckland, commercial fishing in the Hauraki Gulf is also important for supplying significant local markets (general consumers and hospitality businesses) and exports via Auckland Airport.

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The commercial fishing methods used in the area shown in Figure 1 are set netting, bottom longlining, ring netting, and diving. Set net and dive methods are mostly used inside the proposed marine reserve (see Appendix 2).

Recreational fishing

The Hauraki Gulf lies adjacent to the country's largest city, with many recreational fishers utilising the inner Hauraki Gulf in particular, which is where the proposed marine reserve is situated. Access to the waters of the Hauraki Gulf is easy with numerous boat launching facilities, sheltered beaches, and good ferry and road access for land-based fishing. Private vessels (including powerboats, jet-skis, sailing vessels, and kayaks) provide the main fishing platforms for recreational fishers, while charter vessels take paying passengers to reliable fishing spots.

Māori customary fishing

The Hauraki Gulf is a taonga and vital resource for tangata whenua who harvest a wide range of species from its waters for customary purposes. Twelve Iwi share interests in the Island and its waters. Customary fisheries continue to give rise to Treaty duties on the Crown. To address these duties, the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 requires the Crown to make regulations under the Fisheries Act 1996 to provide for the use and management practices of Māori and the special relationship of tangata whenua with important customary fishing grounds. The Fisheries (Kaimoana Customary Fishing) Regulations 1998 have been made for this purpose but are yet to be applied in this area. In the interim, tangata whenua have placed a rāhui over the waters surrounding to area and requested the Minister to place a s186 temporary closure over the taking of some species until more permanent management measures can be developed.

Estimated displaced commercial landings and recreational catch

Best available data

The assessment provided below is based on the best available data.

Data on commercial fishing activity, defined here in terms of catch and landings is used for the October fishing years 2019-20, 2020-21, 2021-22, and 2022-23 (most finfish), and April fishing years 2020-21, 2021-22, 2022-23, 2023-24 (most shellfish). While there are commercial catch data prior to 2019, they are not available at the spatial resolution necessary to accurately assess commercial impact at the marine reserve scale. The data used in this analysis are the most recent complete fishing years and include electronic catch and position data with more precise spatial location of events enabling the estimation of fishing and catch within the proposed marine reserve area.

Recreational catch data are from the 2017-18 aerial-access survey and National Panel Survey. While dated, these are the best data available to characterise recreational fishing in the area. It is known that recreational fishing activity and catch varies between years as influenced by factors such as weather and the variability in the distribution of species. The data provide estimates of recreational catch within an area which best approximates the proposed marine reserve area. The aerial-access data also shows how many recreational fishing vessels were observed across the survey area over the survey period. These data are based on actual counts of vessels seen to be fishing but exclude some vessels which might have fished at times. The estimated catches are most likely under-estimates as the data also do not fully capture shore-based angling.

Māori customary fishing activity and catch cannot be estimated from the available data. Under s50-52 of the Fisheries (Amateur Fishing Regulations 2013 which currently provides for Māori to take fisheries resources for hui or tangi, the reporting of catch is not required. Engagement with tangata

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whenua will be the best pathway to establishing the customary use and practices in the area and understanding the potential impacts of the proposed marine reserve on those practices.

As noted above, tangata whenua have specific fisheries rights afforded under the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992. These rights extend beyond fishing and catch to the right to observe customary use and management practices. Establishing a marine reserve could impact on those rights, hence direct engagement with tangata whenua is encouraged.

Impact on commercial fishing

Method

FNZ has estimated the port value of annual estimated commercial landings in the proposed marine reserve area to approximate the level of interference with commercial fishing (of which displaced landings is a part of). The assessment estimates the potential impact based on displaced annual estimated port value by multiplying the catch and landings estimates from the reserve area by port prices (NZD/kg greenweight) for the corresponding fishing year. Estimates of displaced annual port value are indicative, assuming historical catch patterns remain consistent and do not consider flow-on effects in processing or retail, or displacement of effort to other areas. A fisher's ability to catch fish elsewhere or use different fishing methods to land the same species is not assessed, noting that this varies on an individual basis depending on factors such operational capacity and the availability of favourable fishing areas.

A broad indicator of the effect on fisheries is the catch taken within the proposed area as a percentage of the catch from the wider quota management area (QMA) for each stock. This indicates the relative importance of the fishing grounds within the proposed areas compared to fishing grounds elsewhere in the management areas. Most of the commercial fisheries in FMA 1 are fully developed (fished throughout the available areas of the stocks and the Total Allowable Commercial Catch's are generally fully caught), which means there are limited opportunities for utilisation in other undeveloped areas of the stocks. This means that any fishing effort and catch displaced to adjacent areas is likely to increase fishing pressure on those areas and result in increased competition and conflicts among fishers.

It should be noted that the annual port price survey is voluntary and collects prices for the year ahead, for the purpose of establishing appropriate cost recovery levies. Other uses of port prices are not considered when the port prices are determined, and so caution should be applied when using port prices for purposes beyond cost recovery. For this reason, FNZ has rounded estimated affected revenue to the nearest $100 to better reflect the accuracy associated with this calculation.

Also note the catch estimates are provided using CatchMapper[3], which is an information service that estimates fishing within spatial boundaries, which are not otherwise able to be estimated from the landings data, in this case within FMA1 (given that fish stock boundaries do not align to Fisheries Management Areas). CatchMapper provides heat maps and spatial estimates of catch and effort anywhere in the EEZ for all types of commercial fishing except eel fishing, and the quality of the underlying data varies greatly for different types of fishing.

[3] Forecasting quantity of displaced fishing Part 2: CatchMapper - Mapping EEZ catch and effort. (mpi.govt.nz)

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Results

Tables 1 to 5 below summarise the annual landed catch of species reported taken by commercial fishers within the proposed marine reserve area, from the wider management stock, and the associated affected annual port value.

The landed catch of a given species by a permit holder taken from the proposed marine reserve area was generally a low proportion (less than [redacted]) of the total landings taken across the broader quota management area (QMA). The most notable exception to this finding were sea cucumber landings by permit holder [redacted] in 2020-21, 2021-22, and 2023-24, which represented [redacted] and [redacted] of the total landings from the broader QMA, respectively.

Based on landings data from commercial fishing activity between Oct 2019 and March 2024[4], 7 commercial fishing permit holders would be affected as they have reported catch within the proposed area. For each fisher, the proportion of catch from the proposed marine reserve area versus their catch from the stock (wider QMA) varied between less than [redacted] percent and [redacted] percent in 2019-20, [redacted] percent in 2020-21, less than [redacted] percent to [redacted] percent in 2021-22, and less than [redacted] to [redacted] percent in 2022-23. Based on data across fishing years, the three set net fishers catching rig (SPO 1) would have the greatest combined level of affected annual revenue from catch landed within the proposed marine reserve. This ranges from [redacted] in 2019-20 to [redacted] in 2021-22[5], all things remaining equal.

When considering proportion of landing revenue of these seven permit holders (annual landings revenue (Table 6) , three would have been affected in one of the four fishing years by less than [redacted] percent of their annual revenue. Two would have been affected in three of the four years by less than [redacted] percent of their annual revenue. Two would have been impacted in four of the last four fishing years, one between [redacted] percent of their annual revenue, the other between [redacted] percent of their annual revenue, exceeding [redacted] percent once. Over the last two fishing years, no single permit holder has been impacted by more than [redacted] percent of their annual revenue.

[4] Only considering complete fishing years in that period

[5] Rounded to the nearest $1000

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Table 1. Annual estimated landings of quota species per fisher (anonymised) from within the proposed Hākaimangō-Matiatia marine reserve and estimated affected revenue in the 2019-20 October fishing year.

2019-20 October fishing year								
Fish Stocks		Permit holder ID	Annual landings by fisher from Proposed area (kg greenweight)	% of fisher's catch from QMA	Annual stock total landings from full QMA (kg greenweight)	% of total landings from QMA	Port Price ($ per kg)	Estimated affected revenue ($)
Red gurnard	GUR1	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	2.54	[redacted]
Snapper	SNA1	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	5.86	[redacted]
Snapper	SNA1	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	5.86	[redacted]
Rig	SPO1	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	2.06	[redacted]
Trevally	TRE1	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	1.40	[redacted]
Kahawai	KAH1	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	0.72	[redacted]
Snapper	SNA1	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	5.86	[redacted]
Rig	SPO1	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	2.06	[redacted]
Kina	SUR1B	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	0.96	[redacted]
						Fishing year total		4 500

Table 2. Annual estimated landings of quota species per fisher (anonymised) from within the proposed Hākaimangō-Matiatia marine reserve and estimated affected revenue in the 2020-21 October and April fishing years.

2020-21 October fishing year								
Fish Stocks		Permit holder ID	Annual landings by fisher from Proposed area (kg greenweight)	% of fisher catch from QMA	Annual stock total landings from QMA (kg greenweight)	% of total landings from QMA	Port Price ($ per kg)	Estimated affected revenue ($)
Snapper	SNA1	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	6.13	[redacted]
Rig	SPO1	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	3.55	[redacted]

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School shark	SCH1	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	2.05	[redacted]
Snapper	SNA1	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	6.13	[redacted]
Rig	SPO1	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	3.55	[redacted]
Kahawai	KAH1	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	1.48	[redacted]
							Fishing year total	[redacted]
2020-21 April fishing year								
Sea cucumber	SCC 1B	[redacted]	[redacted] kg	[redacted]	[redacted]	[redacted]	1.20	[redacted]

Table 3. Annual estimated landings of quota species per fisher (anonymised) from within the proposed Hākaimangō-Matiatia marine reserve and estimated affected revenue in the 2021-22 October and April fishing years.

2021-22 October fishing year								
Fish Stocks		Permit holder ID	Annual landings by fisher from Proposed area (kg greenweight)	% of fisher's catch from QMA	Annual stock total landings from QMA (kg greenweight)	% of total landings from QMA	Port Price ($ per kg)	Estimated affected revenue ($)
Snapper	SNA1	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	6.02	[redacted]
Rig	SPO1	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	4.67	[redacted]
Kahawai	KAH1	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	1.48	[redacted]
School Shark	SCH1	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	1.87	[redacted]
Snapper	SNA1	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	6.02	[redacted]
Rig	SPO1	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	4.67	[redacted]
Trevally	TRE1	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	1.95	[redacted]

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Kina	SUR1B	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	0.98	[redacted]
							Fishing year total	18 100
2021-22 April fishing year								
Sea cucumber	SCC1B	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	1.20	[redacted]
Sea cucumber	SCC1B	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	1.20	[redacted]
							Fishing year total	<100

Table 4. Annual estimated landings of quota species per fisher (anonymised) from within the proposed Hākaimangō-Matiatia marine reserve and estimated affected revenue in the 2022-23 October and April fishing years.

2022-23 October fishing year								
Fish Stocks		Permit holder ID	Annual landings by fisher from Proposed area (kg greenweight)	% of fisher catch from QMA	Annual stock total landings from QMA (kg green- weight)	% of total landings from QMA	Port Price ($ per kg)	Estimated affected revenue ($)
Rig	SPO1	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	3.85	[redacted]
Kahawai	KAH1	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	0.88	[redacted]
School shark	SCH1	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	1.80	[redacted]
Snapper	SNA1	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	6.01	[redacted]
Rig	SPO1	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	3.85	[redacted]
Trevally	TRE1	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	1.58	[redacted]
Kahawai	KAH1	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	0.88	[redacted]

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School shark	SCH1	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	1.80	[redacted]
Snapper	SNA1	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	6.01	[redacted]
Rig	SPO1	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	3.85	[redacted]
							Fishing year total	[redacted]
2022-23 April fishing year								
Sea cucumber	SCC1B	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	1.20	[redacted]
Sea cucumber	SCC1B	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	1.20	[redacted]
							Fishing year total	<100

Table 5. Annual estimated landings of quota species per fisher (anonymised) from within the proposed Hākaimangō-Matiatia marine reserve and estimated affected revenue in the 2023-24 April fishing year.

2023-24 April fishing year								
Fish Stocks		Permit holder ID	Annual landings by fisher from Proposed area (kg greenweight)	% of fisher catch from QMA	Annual stock total landings from QMA (kg green-weight)	% of total landings from QMA	Port Price ($ per kg)	Estimated affected revenue ($)
Sea cucumber	SCC1B	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	1.20	[redacted]
							Fishing year total	[redacted]

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Table 6. Estimate of percentage of revenue lost from within the proposed marine reserve from the total revenue by permit holder rounded to the nearest hundred dollar. Note that the landing revenue for Permit Holder [redacted] was calculated before the end of the fishing year for October 2023-24.

	Total estimated landing revenue					Estimated landing revenue inside Proposed Area					% landing revenue inside Proposed Area				
	2019-20	2020-21	2021-22	2022-23	2023-24	2019-20	2020-21	2021-22	2022-23	2023-24	2019-20	2020-21	2021-22	2022-23	2023-24
Permit Holder [redacted]	[redacted]					[redacted]					[redacted]				
Permit Holder [redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]	
Permit Holder [redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]	
Permit Holder [redacted]	[redacted]		[redacted]	[redacted]		[redacted]		[redacted]	[redacted]		[redacted]		[redacted]	[redacted]	
Permit Holder [redacted]		[redacted]					[redacted]					[redacted]			
Permit Holder [redacted]		[redacted]	[redacted]	[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
Permit Holder [redacted]				[redacted]					[redacted]					[redacted]	

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Impact on recreational fishing

Method

The distribution of recreational fishing effort and associated landed catch of snapper and kahawai (the main species targeted by recreational fishers) in the Hauraki Gulf and in the proposed marine reserve area was estimated using aerial survey data collected during forty-seven flights in 2017-18 and the associated boat launching ramp creel surveys (Hartill *et al* 2019)[6]. The aerial survey provides numbers of boats fishing and their location, while the creel survey provides data on the catch per trip. These data are used to estimate the average catch associated with each boat observed during the aerial surveys.

Data from these two sources were scaled to account for fishing that would have occurred from boat types with different occupancy rates, and at times when the survey flight was not taking place. The scaled boat counts were then used to estimate the landed catch of snapper and kahawai that would have been taken at each location where the survey observed a recreational boat actively fishing.

It is noted that the aerial overflight surveys only record fishing activity from stationary boats actively fishing. Boats underway or obviously not fishing, evidenced by observing other activities such as swimming or picnicking ashore nearby were ignored. Also, other less common forms of boat-based fishing that are not readily enumerated from the air, such as trolling, netting, longlining, and diving were not included.

These surveys also do not provide data on land-based fishing, fishing by residents from small craft, and diving to harvest suitable species.

Results

The best available data on recreational fishing activity and catches within the proposed area of the proposed marine reserve is provided by the aerial access survey done in 2017-18. There are sufficient data to estimate catches within the proposed area for only snapper and kahawai. Table 3 shows the number of boat trips and catches within the proposed marine reserve area and as a percentage of the wider Hauraki Gulf recreational catch. The estimated trips and catches within the proposed marine reserve area are less than 1%.

Table 7. Estimated recreational catch of snapper and kahawai and boat trips from 2017-18 aerial-access surveys.

Estimated recreational catch for snapper and kahawai from 2017-18 aerial-access survey			
	Within proposed area	Wider Hauraki Gulf	% in proposed area
Number boat trips	2082	249 422	0.83
Snapper catch (kg)	14 378	1 923 000	0.75
Kahawai catch (kg)	3 665	458 000	0.80

The number of recreational vessels observed to be fishing during the survey within each square kilometre is represented in Figure 3. Actual vessel counts on each flight were scaled up to account for vessels fishing outside survey times and vessel size. The values represent a fair snapshot of the entire FMA during the survey period. The actual numbers are relative, but the patterns are

[6] Hartill, B; Bian, R; Rush, N; Armiger, H (2019) Aerial-access recreational harvest estimates for snapper, kahawai, red gurnard, tarakihi and trevally in FMA 1 in 2017–18. New Zealand Fisheries Assessment Report 2019/23. 39 p.

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important, showing which areas are more heavily used. The proposed marine reserve area overlaps with areas of low to moderate vessel density. Creating the marine reserve would likely displace these vessels to the nearest adjacent areas within easy reach of boat launching ramps, including areas with the highest vessel densities.

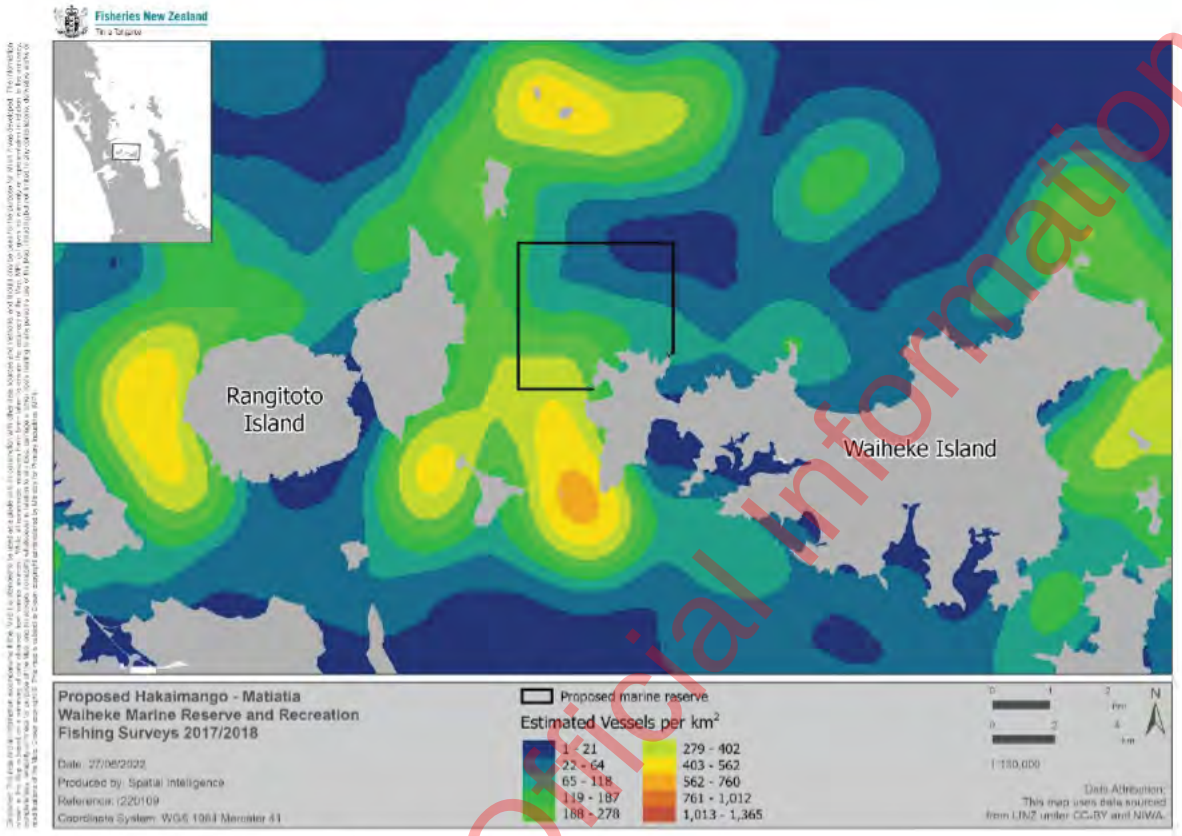

Figure 3. Estimated numbers of vessels per km^2 from 2017-18 aerial-access survey. The black box shows the proposed reserve boundaries.

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APPENDIX A - Exceptions (highlighted) to the restrictions under Regulation 4F of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986

4F Seasonal closure of inner Hauraki Gulf

(1)Subject to subclauses (2) and (3), no commercial fisher shall—

(a)at any time during the period beginning with 1 October in any year and ending with the close of 31 March in the following year, take by any method any finfish from the inner Hauraki Gulf; or

(b)possess any finfish taken in contravention of subclause (1).

(2)Subclause (1) shall not prevent the taking or being in possession of—

(a)grey mullet or yellow-eyed mullet taken by a set net:

(b)flatfish taken by a set net with a total height not exceeding 1 metre and whose entire bottom length, when set, is in direct contact with the sea bed:

(c)long-finned eels or short-finned eels taken by a fyke net:

(d)pilchards or anchovy taken by a purse seine or lampara net:

(e)garfish or piper taken by a purse seine or lampara net.

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APPENDIX B – Commercial fishing effort inside and outside of the proposed marine reserve

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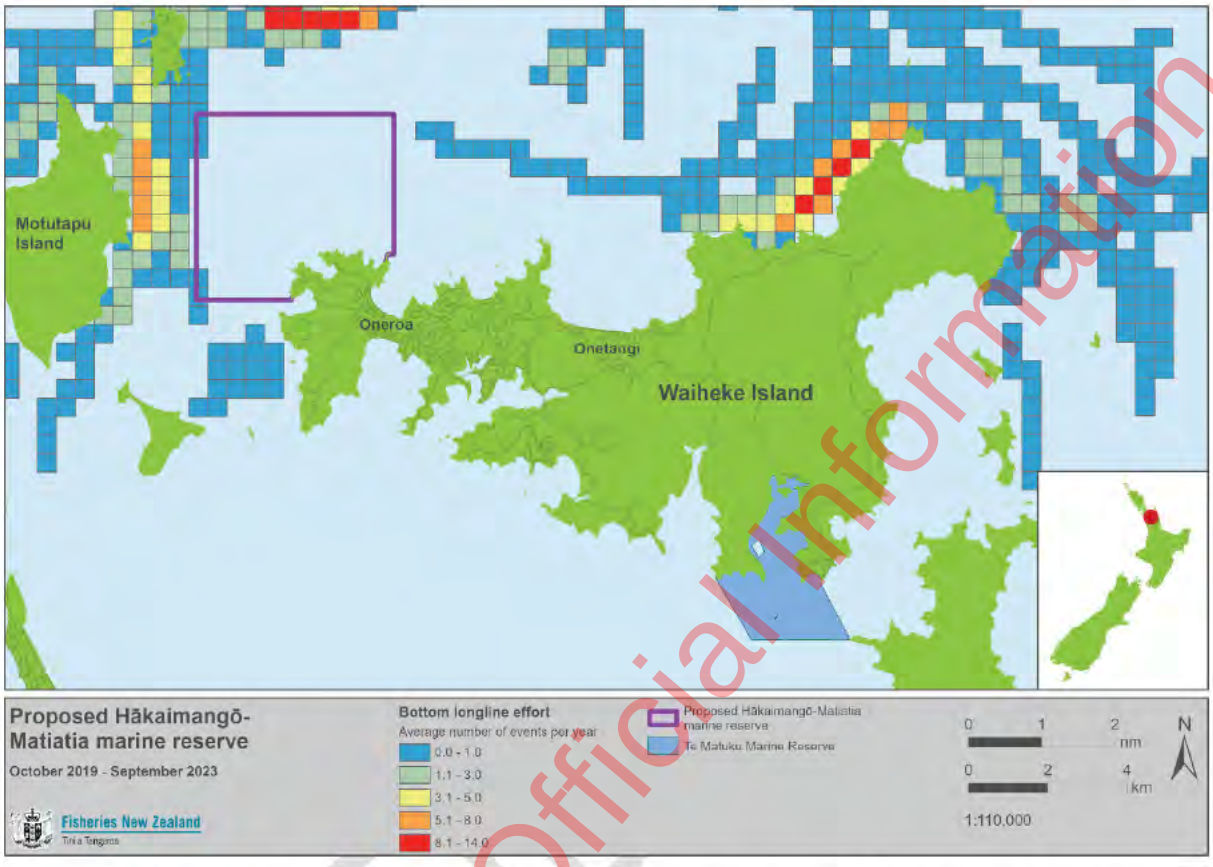

Commercial bottom longline effort measured as the average number of fishing events between October 2019 and September 2023

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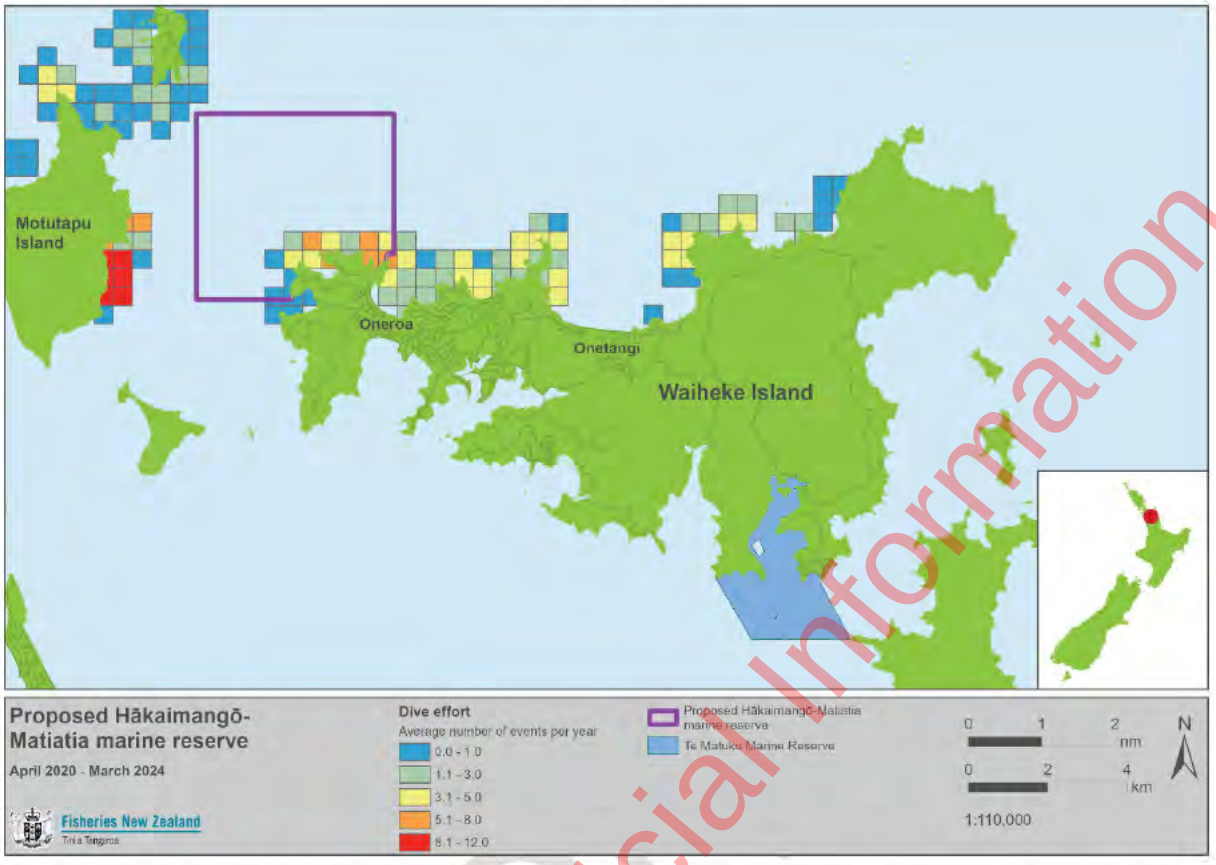

Commercial dive effort measured as the average number of fishing events between October 2019 and September 2023

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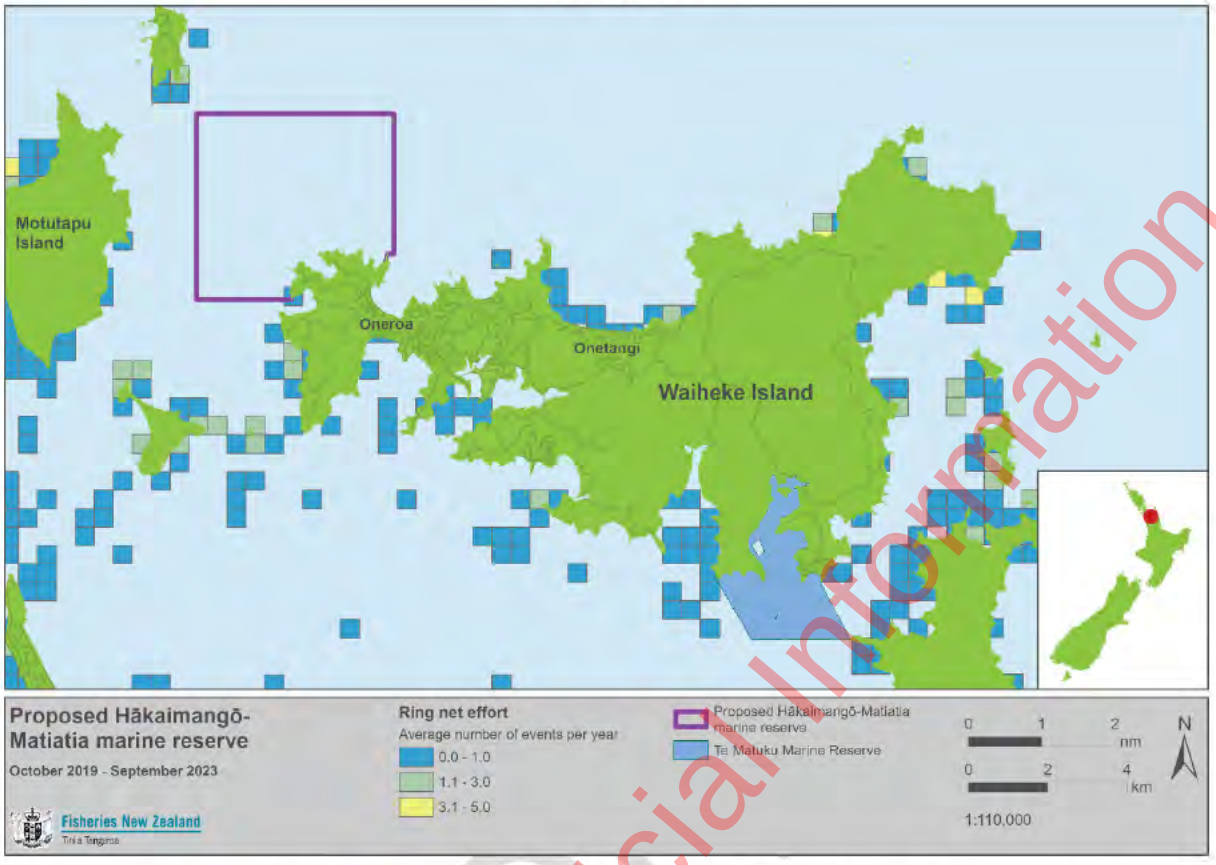

Commercial ring net effort measured as the average number of fishing events between October 2019 and September 2023

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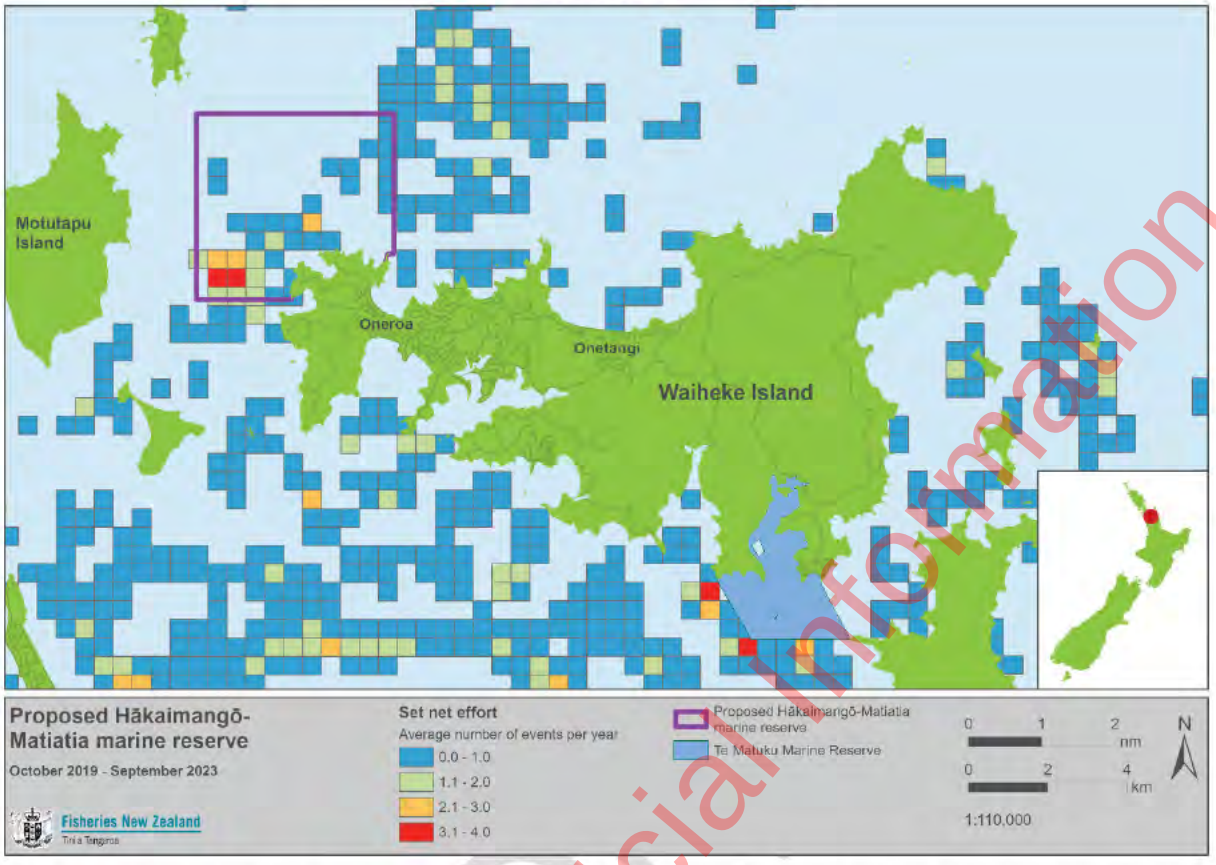

Commercial set net effort measured as the average number of fishing events between October 2019 and September 2023

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Appendix 24

Department of Conservation assessment of provisions in the Conservation General Policy 2005 and Auckland Conservation Management Strategy 2014 and their relevance to decision-making on the proposed marine reserve

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Assessment of provisions in the Conservation General Policy 2005 and Auckland Conservation Management Strategy 2014 and their relevance to decision-making on the proposed marine reserve

Table A24.1 and A24.2 below list the provisions from the Conservation General Policy 2005 and Auckland Conservation Management Strategy 2014 (Auckland CMS) the Department considers relevant to the assessment of the Application for the proposed marine reserve under section 5(9) of the Marine Reserves Act 1971.

In assessing the two statutory planning documents, the Department has considered whether a decision to declare the proposed marine reserve, with the recommendations made, would be consistent with their provisions.

Table A24.1: List of provisions from the Conservation General Policy 2005 the Department has assessed as relevant to decision-making on the proposed marine reserve, and whether a decision to declare the proposed marine reserve with the recommendations of the Department would be consistent with each policy provision.

Conservation General Policy 2005	Would a decision to declare each of the proposed marine reserve be consistent with this policy?	
	✓ or ✗	Reasoning
Policies 2 Treaty of Waitangi Responsibilities		
2 (a) Relationships will be sought and maintained with tangata whenua to enhance conservation. These relationships should be based on mutual good faith, cooperation and respect.	✓	Additional engagement has been offered to 12 customary interest groups including Ngāti Paoa, as mana whenua, prior to notification of the Application. Subsequently, engagement was particularly focused on understanding the concerns raised through submissions with the proposed marine reserve and the measures they proposed to mitigate the impacts they see may occur.

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Conservation General Policy 2005	Would a decision to declare each of the proposed marine reserve be consistent with this policy?	
	✓ or ✖	Reasoning
		The recommendations to agree in principle to an advisory rōpū and for generational reviews to be carried out, would enable the relationship between the Crown and tangata whenua to continue for the management the marine reserve approved under this process.
2 (b) Partnerships to enhance conservation and to recognise mana should be encouraged and may be sought and maintained with tangata whenua whose rohe covers any place or resource administered by the Department. Such partnerships will be appropriate to local circumstances.	✓	Additional engagement has been offered to 12 customary interest groups including Ngāti Paoa, as mana whenua, prior to notification of the Application. Subsequently, engagement was particularly focused on understanding the concerns raised through submissions with the proposed marine reserve and the measures they proposed to mitigate the impacts they see may occur. The recommendation to agree in principle to an advisory rōpū would support the recognition of mana.
2 (c) Protocols and agreements may be negotiated and implemented to support relationships and partnerships, by mutual consent between tangata whenua and the Department.	✓	The recommendation to agree in principle to an advisory rōpū is consistent with this Policy.
2 (e) Tangata whenua will be consulted on specific proposals that involve places or resources of spiritual or historical and cultural significance to them.	✓	Consultation with tangata whenua was carried out both via the statutory consultation process (see 4 of the Departmental advice) and via direct engagement with 12 customary interest groups prior to notification of the Application, during the statutory consultation period and subsequently during the development of Departmental advice to the Minister of Conservation.
2 (f) Tangata whenua involvement and participation in conservation on public conservation lands and waters will be encouraged and may be supported with information and technical advice	✓	Twelve customary interest groups including Ngāti Paoa, as mana whenua, were offered the opportunity to be involved in the development of the Department's recommendations. Tangata whenua involvement and participation is considered and encouraged via the recommendation for an advisory rōpū and for mechanisms for active protection, for example unwanted organism removal and kina control.

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Conservation General Policy 2005	Would a decision to declare each of the proposed marine reserve be consistent with this policy?	
	✓ or ✗	Reasoning
2 (g) Customary use of traditional materials and indigenous species may be authorised on a case by case basis where: i. it is consistent with all relevant Acts and regulations (including fisheries legislation), conservation management strategies and plans; ii. it is consistent with the purposes for which the land is held;. iii. there is an established tradition of such customary use at the place; and iv. the preservation of the indigenous species at the place is not affected. The views of tangata whenua should be sought and had regard to.	✓	The recommendations for continued enhancement of mātauranga Māori through the control of unwanted organisms and for the retrieval of dead marine mammals and marine mammal parts, would enable the continued customary use of some traditional materials and practices by tangata whenua. These recommendations are made on the basis that the activities would be consistent with the purpose of the Marine Reserves Act (see 10.1.1(b) and 10.1.1(f) of the Departmental report). The recommendations are made following additional engagement with Ngāti Pāoa to understand concerns in relation to potential impacts of the proposed marine reserve on their customary rights and interests.
2 (h) Public information and interpretation, where it refers to places or resources of significance to tangata whenua, should be developed with them, and should include Māori place and species names, make appropriate use of te reo Māori, and draw attention to tangata whenua values.	✓	The recommendation to use Te Reo Māori during the statutory consultation period and subsequent engagement material (See Volume 2, Appendix 5) with the 12 customary interest groups is consistent with this policy provision.
2 (i) The Department will seek to avoid actions which would be a breach of the Treaty of Waitangi.	✓	The Department considers a decision to declare the proposed marine reserve on the basis of the recommendations made would fulfil the Crown's obligations in relation to the Treaty of Waitangi. Specifically, that: ○ The Department has given effect to Treaty of Waitangi principles throughout its engagement process in progressing the Application, in terms of the statutory process, parallel Treaty partner engagement and development of advice – as set out in 4 of the Departmental report. ○ The recommendations made by the Department in respect of the measures proposed to address affected iwi, hapū or whānau concerns regarding the impact of the proposals on their rights and interests would fulfil the Crown's obligations in relation to the Treaty of Waitangi – as set out in 10 of the departmental report.

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Conservation General Policy 2005	Would a decision to declare each of the proposed marine reserve be consistent with this policy?	
	✓ or ✗	Reasoning
		○ A decision to declare the proposed marine reserve, including consideration of objections under section 5(6) and consideration of matters in section 5(9) of the Marine Reserves Act, would fulfil the Crown's Treaty of Waitangi obligations – as set out in 10 of the Departmental advice.
2 (j) The Department will participate in and implement relevant Treaty claims settlements consistent with its statutory functions.	✓	The Department's process of developing and notifying the Application is consistent with the requirements of the enacted Treaty settlements and considerations in relation to settlements that are in various stages of negotiation but have not yet been enacted, as set out in 6.13 of the Departmental advice. The advice and recommendations of the Department on the proposed measures to address concerns about impacts on rights and interests fulfils the requirements of the Treaty settlements, as per 6.13 and 10.2.1 of the Departmental advice.
Policies 3 Public Participation in Conservation Management		
3 (e) People and organisations interested in public conservation lands and waters should be consulted on specific proposals that have significance for them	✓	As required by the Marine Reserves Act, a 2-month statutory consultation was carried out to seek the views of the public on the proposed marine reserve. Also refer to response for Policy 2 (e) within this table for how 12 customary interest groups have been consulted throughout this process.
Policies 4.2 Biosecurity and management of threats to indigenous species, habitats and ecosystems		
4.2 (d) Biosecurity and pest management programmes may include control of indigenous species, sports fish and game birds, where necessary to protect or restore threatened populations of indigenous species or habitats and ecosystems with unique or distinctive values.	✓	The recommendation to provide for kina (10.1.2(g) of the Departmental advice) and unwanted organisms management (10.1.1(b) of the Departmental advice) is made on the basis that it would be beneficial for the public, for the ecological values of the area and for ensuring the proposed marine reserve is appropriately managed.

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Conservation General Policy 2005	Would a decision to declare each of the proposed marine reserve be consistent with this policy?	
	✓ or ✗	Reasoning
Policies 4.4 Marine species, habitats and ecosystems		
4.4 (b) Tangata whenua and other interested persons and organisations will be invited to participate in the planning, establishment and management of marine reserves.	✓	Additional engagement has been offered to 12 customary interest groups, with Ngāti Pāoa primarily taking up the opportunity, both prior to the statutory consultation process for the Application, and subsequently, particularly in relation to understanding the concerns Ngāti Pāoa Iwi Trust have with the proposed marine reserve. This engagement has also included discussions relevant to the implementation and management of the proposed marine reserve. Engagement was extended to the 12 customary interest groups but not taken up by any other than Ngāti Paoa. The recommendations for an advisory rōpū and for mechanisms for active protection, for example unwanted organism removal and kina control would support the involvement and participation of tangata whenua in the management of the marine reserve if approved. Also refer to response for Policies 3 (e) within this table for how 'other interested persons' have been involved in the statutory process for the proposed marine reserve.
4.4 (c) The establishment of marine reserves adjacent to public conservation lands and waters will be considered where it is beneficial for conservation management.	✓	The proposed marine reserve was a third-party application, meaning the location of the marine reserve was not chosen by the Department. The location, however, is adjacent to public walkways. The Department's assessment is that this contiguous protection would be valuable for scientific study purposes and for biodiversity.

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Conservation General Policy 2005	Would a decision to declare each of the proposed marine reserve be consistent with this policy?	
	✓ or ✗	Reasoning
4.4 (d) Marine reserves will be managed to be maintained or restored to a natural state as far as possible	✓	A decision to declare the proposed marine reserve with the recommendations made will support the area to be managed consistent with this policy and a 'natural state'. The recommendations relating to providing for activities to continue in the proposed marine reserve (e.g. those activities operating under existing resource consents) are made on the basis that the activities would not be contrary to this purpose.
4.4 (h) Tangata whenua, as kaitiaki, will be: i. invited to participate in the protection of marine species of cultural importance to them. ii. provided with access to the remains of dead marine protected species for customary use, including those incidentally caught in commercial fishing, consistent with relevant legislation and agreed protocols; iii. provided with immediate notification of strandings where possible; and iv. involved in the management of stranded marine mammals, in accordance with agreed protocols.	✓	12 customary interest groups have had the opportunity to be involved throughout the statutory consultation process and Ngāti Pāoa have continued to be involved. The recommendations for an advisory rōpū and for mechanisms for active protection, for example unwanted organism removal and kina control would support tangata whenua involvement and participation in the management and protection of marine species of cultural importance to them. The recommendation for an Order in Council condition to allow the retrieval of dead marine mammals and marine mammal parts, in accordance with the standard Marine Mammals Protection Act 1978 provisions, would mean the declaration of the proposed marine reserve would not affect the existing access of tangata whenua to these materials. All other existing arrangements for notification and involvement in marine mammal strandings would remain the same.
4.4 (l) The Department should work with other agencies and interests to protect marine species.	✓	The Department have sought advice from the Ministry of Transport, Auckland City Council and Fisheries New Zealand throughout the development of advice on the proposed marine reserve.
Policies 4.5 Geological features, landforms and landscapes		

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Conservation General Policy 2005	Would a decision to declare each of the proposed marine reserve be consistent with this policy?	
	✓ or ✗	Reasoning
4.5 (b) Activities which reduce the intrinsic values of landscape, landform and geological features on public conservation lands and waters should be located and managed so that their adverse effects are avoided or otherwise minimised.	✓	Activities currently undertaken in the proposed marine reserve under resource consents have the potential to adversely affect intrinsic values. These activities have been assessed and the recommendations made (either for their continuation or to restrict them) are such that any adverse effects on the values of the proposed marine reserve would be avoided or minimised (see 10 of the Departmental advice).
Policies 4.6 Ecosystem services		
4.6 (a) Activities on public conservation lands and waters should be planned and managed in ways which avoid or otherwise minimise adverse effects on the quality of ecosystem services.	✓	Refer to response for Policy 4.5 (b) within this table.
Policies 5 Historic and Cultural Heritage		
5 (c) Tangata whenua, as kaitiaki of their historical and cultural heritage, will be invited to participate in the identification, preservation and management of heritage of significance to them on public conservation lands and waters.	✓	The recommendation for an advisory rōpū would support the participation of tangata whenua in the preservation and management of heritage in the marine reserve
5 (g) Monuments, pou whenua, plaques or other memorials may be sited in places associated with people, traditions or events of exceptional importance in New Zealand or conservation history. They should be consistent with the character of the place and should not be attached to or engraved into natural features.	✓	The recommendations for an advisory rōpū, would recognise and respect the traditional relationship between tangata whenua and the area proposed as a marine reserve and acknowledge the mana and role of Ngāti Paoa, as mana whenua, and kaitiaki. The advisory rōpū will consider appropriate monuments, pou whenua, plaques or other memorials if the marine reserve is declared as part of implementation.
Policies 7 Conservation Beyond Public Conservation Lands and Waters		
7 (a) The Department should work cooperatively to develop effective working relationships with people and organisations to	✓	Refer to response for Policy 4.4 (h) and 4.4 (i) within this table.

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Conservation General Policy 2005	Would a decision to declare each of the proposed marine reserve be consistent with this policy?	
	✓ or ✖	Reasoning
protect natural resources, historical and cultural heritage, and public access		
Policies **12 Research and Information Needs**		
12 (c) Mātauranga Māori and tangata whenua interests in research and monitoring on public conservation lands and waters, species and resources should be recognised and may be supported by cooperative arrangements	✓	The recommendation to allow certain activities to provide for the continued exercise of kaitiakitanga and enhancement of mātauranga Māori provides this recognition, for example the recommendation about kina removal. The recommendation for an advisory rōpū also supports this policy as it is anticipated that the rōpū would have an advisory role in relation to these activities.
12 (h) Management actions should be monitored and evaluated at regular intervals to assess their effectiveness and inform future management decisions.	✓	The recommendations for generational reviews of marine reserve if approved would provide a mechanism for regular review of management actions and, if necessary, allow those management actions to be amended.
Policies **14 International Agreements and Cooperation**		
14 (a) The Department will implement international agreements relevant to conservation that have been ratified or have legal standing in New Zealand.	✓	A decision to declare each the proposed marine reserve would contribute to New Zealand's international agreements, including the Convention on Biological Diversity and the goal to establish representative protection of marine and coastal areas[1].

Table A24.2: List of provisions from the Auckland Conservation Management Strategy that the Department has assessed as relevant to decision-making on the proposed marine reserve, and the degree to which the recommendations of the Department are consistent with each provision.

[1] Aichi Target 11, Convention on Biological Diversity, https://www.cbd.int/aichi-targets/target/11.

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Auckland Conservation Management Strategy 2014 Objectives and Policies	Would a decision to declare each of the proposed marine reserve be consistent with this objective or policy?	
	✓ or ✗	Reasoning
5.1 Treaty of Waitangi objectives		
5.1.1 Objectives		
Objective 5.1.1.1 Maintain and strengthen relationships with tangata whenua to enhance conservation and recognise mana. These relationships should be based on mutual good faith, cooperation and respect.	✓	Additional engagement has been offered to 12 customary interest groups including with Ngāti Paoa, as mana whenua, prior to notification for the Application. And after... The recommendations to agree in principle to an advisory rōpū and for generational reviews to be carried out, are intended to maintain the relationship between the Crown and tangata whenua
Objective 5.1.1.2 Formalise relationships, where appropriate, through agreements with tangata whenua to enhance and support those relationships.	✓	The recommendation to agree in principle to agree in principle to an advisory rōpū is consistent with this Policy.
Objective 5.1.1.3 Actively consult and work with tangata whenua, ensuring consultation is early, ongoing, informed and effective.	✓	Consultation with tangata whenua was carried out both via the statutory consultation process (see 4 of the Departmental advice) and via direct engagement with 12 customary interest groups including with Ngāti Ngāti Pāoa, as mana whenua, during the statutory consultation period and subsequently during the development of Departmental advice to the Minister of Conservation.
Objective 5.1.1.4 Consider customary practices and the customary use of traditional materials and indigenous species by tangata whenua, consistent with kaitiakitanga, the relevant legislation, regulations, general policies and the purposes for which the land concerned is held.	✓	This would be supported through the recommendations to agree in principle to an advisory rōpū, for provision for removal of unwanted organisms, for activities to enable the continued enhancement of mātauranga Māori and for providing for access to cultural materials.
Objective 5.1.1.5 Encourage tangata whenua involvement and participation in conservation management on public conservation lands and waters	✓	Refer to response for Objective 5.1.1.3 and 5.1.1.4 within this table.
Objective 5.1.1.6 Promote integrated conservation management for areas adjoining public conservation lands or waters that have	✓	Refer to response for Objective 4.4c within this table.

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Auckland Conservation Management Strategy 2014 Objectives and Policies	Would a decision to declare each of the proposed marine reserve be consistent with this objective or policy?	
	✓ or ✗	Reasoning
been returned to tangata whenua through Treaty of Waitangi settlements		
Objective 5.1.1.7 Work with tangata whenua to advocate for the protection of mahinga kai, wāhi tapu and other cultural resources located outside public conservation lands, in accordance with Treaty settlement outcomes.	✓	Refer to response for Objective 2(e) within this table.
Objective 5.1.1.8 Work with tangata whenua to establish formal protocols to: a) enable the customary use of traditional materials and indigenous species consistent with Objective 5.1.1.4; and b) guide the management of marine mammal strandings and burials.		Refer to response for Conservation General Policy 2005 Policy 4.4 (h) within Table A24.1.
Objective 5.1.1.9 Implement relevant Treaty of Waitangi settlements consistent with the Department's statutory role.	✓	Refer to table10-1 for details on how Settlement requirements have been implemented. Additional engagement has been offered to 12 customary interest groups including with Ngāti Paoa, as mana whenua, prior to, during and following notification for the Application.
6.1 Natural Heritage - The diversity of our natural heritage is maintained and restored		
Objectives		
Objective 6.1.1.2 Contribute to efforts to ensure the persistence of nationally threatened species as listed in Appendix 6.	✓	A decision to declare the proposed marine reserve with the recommendations made will support the areas to be managed consistent with this policy. The recommendation for unwanted organisms management would protect indigenous, and in some cases nationally threatened, species.
Objective 6.1.1.3 Contribute to efforts to maintain or restore the nationally iconic species listed in Appendix 7 that occur locally.	✓	Refer to response for Objective 6.1.1.2 within this table.
Objective 6.1.1.4 Build partnerships with others, including Auckland Council and tangata whenua, to maintain or restore locally treasured natural heritage.	✓	Refer to response for Objective 2(b) and 2(c) within Table A24.1.

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Auckland Conservation Management Strategy 2014 Objectives and Policies	Would a decision to declare each of the proposed marine reserve be consistent with this objective or policy?	
	✓ or ✗	Reasoning
Objective 6.1.1.5 Promote the protection of marine and coastal habitats, particularly marine mammal and seabird habitats, and work with the community, including tangata whenua, regional agencies, landowners and business to minimise or remove threats to these habitats.	✓	Refer to response for Objective 2(b) and 2(c) within Table A24.1.
Objective 6.1.1.10 Foster and develop positive and cooperative working relationships with tangata whenua and the community to achieve greater natural heritage outcomes on islands.	✓	Refer to response for Objective 2(a), 2(b) and 4.4(b) within Table A24.1.
6.2 Natural Heritage - More people engage with conservation		
Objectives		
Objective 6.4.1.1 Focus relationship building on those areas where cooperative relationships are most needed to support priority conservation outcomes, particularly those that: a) enhance the special natural, historic and cultural values of Auckland and the Hauraki Gulf Marine Park; b) develop support for, and appreciation of, marine and wetland protection; c) develop support for, and appreciation of, the need for biosecurity; Auckland Conservation Management Strategy 2014–2024 37 Part One d) create ecological corridors to reduce the impact of fragmentation on biodiversity; e) enhance the well-being of tangata whenua and communities; f) contribute positively to the future of Auckland; and g) support work, programmes and partnerships that target sectors of the community that are not currently engaged in conservation.	✓	Refer to response for Objective 2(a), 2(b) and 4.4(b) within Table A24.1.
Objective 6.4.1.2 Formalise agreements and relationships with tangata whenua, local government, other organisations and the community, and endeavour to maintain, strengthen and support those relationships.	✓	Refer to response for Objective 2(a) and 2(b) within Table A24.1.
7 Hauraki Gulf Marine Park		
Objectives		

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Auckland Conservation Management Strategy 2014 Objectives and Policies	Would a decision to declare each of the proposed marine reserve be consistent with this objective or policy?	
	✓ or ✗	Reasoning
Objective 7.5.1.1 Implement sections 7 and 8 of the Hauraki Gulf Marine Park Act 2000 (which have the same effect as a statement of general policy by virtue of section 11 of the same Act), insofar as implementing the sections does not derogate from the provisions of the Conservation Act 1987	✓	Refer to response for Conservation General Policy 2005 Policy 4.4 (e) within Table A24.1 and Section 10.2.2 in departmental report
9 Marine Reserves Place		
Policies		
Objective 9.2.2.1 Work with tangata whenua to enhance opportunities for them to exercise their kaitiakitanga.	✓	Refer to response for Conservation General Policy 2005 Policy 4.4 (e) within Table A24.1.
Objective 9.2.2.2 Involve other organisations and the community in the protection and management of marine reserves.	✓	Additional engagement with 12 customary interest groups including with Ngāti Paoa, as mana whenua, occurred both prior to the statutory consultation process for the Application, and subsequently, particularly in relation to understanding the concerns with the proposed marine reserve. This engagement has also included discussions relevant to the implementation and management of the proposed marine reserve. The recommendations to establish an advisory rōpū, for generational reviews to be carried out, unwanted organism management and kina control would support the involvement and participation of tangata whenua in the management of the marine reserve Also refer to response for Policies 3 (e) within this table for how 'other interested persons' have been involved in the planning and statutory process for establishing the proposed marine reserve.
Objective 9.2.2.3 Provide high-quality interpretation to increase the public's protection, appreciation and awareness of the natural, historic and cultural values of marine reserves and adjacent public conservation land.	✓	High-quality interpretation that is culturally and historically appropriate will likely be a focus of the rōpū if the proposed marine reserve is established.

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Auckland Conservation Management Strategy 2014 Objectives and Policies	Would a decision to declare each of the proposed marine reserve be consistent with this objective or policy?	
	✓ or ✖	Reasoning
Objective 9.2.2.4 Undertake and encourage research and monitoring in marine reserves that supports and informs their management, and increases knowledge of the wider marine environment.	✓	Research, monitoring and management is discussed in 9.5 of the Departmental Advice.
Objective 9.2.2.5 Ensure human activities and visitor facilities do not negatively impact on opportunities for scientific research, the natural, historic and cultural values of marine reserves, or other visitors.	✓	A decision to declare the proposed marine reserve with the recommendations made will support the areas to be managed consistent with this policy and a provide opportunities for scientific research. The impact of visitors, boats and increased tourism is discussed in 9.5.6 and 9.5.7 of the Departmental Advice.
Objective 9.2.2.6 Ensure effective compliance and law enforcement within marine reserves, working with tangata whenua, other agencies and the local community where appropriate	✓	Refer to response to objections in 9.5.4 of the Departmental Advice

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