

Te Tapuwae o Rongokako Marine Reserve

Operational plan

March 2022



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Te Tapuwae o Rongokako Marine Reserve

Operational plan

Department of Conservation, Te Tapuwae o Rongokako
Marine Reserve Committee

March 2022

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Preface

Te Tapuwae o Rongokako Marine Reserve (the reserve) was formally established in 1999, and Te Tapuwae o Rongokako Marine Reserve Committee was subsequently created on 11 April 2000 to provide advice to the Department of Conservation (the Department) on a range of matters, including identifying issues to be addressed in this operational plan.

The purpose of this operational plan is to provide guidance to departmental staff in the management of the reserve. It is a non-statutory document, but the Department will adhere to the provisions in good faith.

In particular, this operational plan:

- provides an effective mechanism for the advice provided by Te Tapuwae o Rongokako Marine Reserve Committee to influence the management of the reserve
- contains specific policy to guide the Department in the management of the reserve and provides more detailed guidance, clarity and certainty than is currently contained in the relevant Conservation Management Strategy
- represents an efficient use of the Department's resources due to its expedient and cost-effective development
- may be used as the basis for policy development for the Conservation Management Strategy or Conservation Management Plan in the future, and will provide interim guidance to the Department prior to statutory policy development
- reflects a diverse range of community views through the involvement of the Committee.

The Department would like to acknowledge all the hard work and time that Te Tapuwae o Rongokako Marine Reserve Committee has put into the preparation and formulation of this plan.

In order for the operational plan to be effective, the policies must remain relevant. Therefore, it shall be reviewed at least every 5 years. The plan may also be reviewed or amended to take into account increased knowledge or changing circumstances or at such time as Te Tapuwae o Rongokako Marine Reserve Committee or the Department advises that an amendment or review is required.



Chris Visser
Operations Manager
East Coast District



Jacqueline Blake
Chairperson
Te Tapuwae o Rongokako
Marine Reserve Committee

1. Vision for Te Tapuwae o Rongokako Marine Reserve

Me ngā taonga

And the treasures

Ngā Kaupapa

The purpose

Ngā tikanga o Te Tapuwae o Rongokako

The protocols of Te Tapuwae o Rongokako

Te Tapuwae o Rongokako Marine Reserve (the reserve) is to be managed to allow the marine life, ecosystem integrity and biodiversity to be restored and protected in recognition of:

- the spiritual and intrinsic values of the area
- the opportunities the reserve provides for scientific study
- the recreational and educational benefits and public enjoyment that may be derived from this community taonga (treasure)
- its ability to act as a kōhanga (nest, nursery) to nurture kaimoana (seafood).

2. Background and context

2.1 Reserve description

2.1.1 Legal description

Te Tapuwae o Rongokako Marine Reserve is described in the Marine Reserve (Te Tapuwae o Rongokako) Order 1999 as:

All that area comprising 2452 hectares, more or less, being Part bed of South Pacific Ocean approximately adjacent to an area of coast between the Pouawa River and the Waiomoko River, shown marked "A" on S.O. Plan 8918 lodged in the office of the Chief Surveyor for the Gisborne Land District, and including the foreshore and the waters that at any material time are upon or vertically above that area.

A map of the area is provided in Appendix 1.

2.1.2 Physical description

Te Tapuwae o Rongokako Marine Reserve protects at least eight different marine habitat types. These habitat types are based largely on the geology of the substrate which, in conjunction with other physical factors, such as current patterns, water depth and temperature, influences the community composition. The largest intertidal habitat type within the reserve is sandy beach. The beach between Pariokonohi Point and Waiomoko River is approximately 4 km long and an average of about 100 m wide at low tide. The width of the beach has changed over time due to the erosion and deposition processes acting along the East Coast of the North Island, as well as other geological processes acting over a longer time scale, such as tectonic shift.

Sandstone outcrops and boulders occur on the upper shore at Pariokonohi Point, and there is an extensive intertidal reef platform comprised of sandstone ledges and eroded siltstone around this headland. The landward margin of the reef is periodically covered by shifting sands and is heavily scoured, while the seaward edge comprises sandstone strata that form a barrier reef, resulting in the creation of a shallow moat at low tide, when the intertidal reef is covered by water up to 1 m deep. Subtidally, the reserve contains extensive rocky reefs and patch reefs, including pinnacles that rise over 5 m above the sea floor and are surrounded by sand and mud flats.

The reserve is located near the confluence of two major currents: the warm, south-flowing East Cape Current and the cold, north-flowing Southland Current. A clockwise eddy, known as the East Cape Eddy, is formed near East Cape and is thought to be one of the primary mechanisms assisting the transportation of marine organisms and their larvae inshore along the East Coast.

The waters of the reserve and the marine organisms that inhabit them are affected by turbidity as a result of the high sedimentation rates observed along the East Coast. The rivers at the northern and southern ends of the reserve contribute to this sediment input, resulting in sediment plumes commonly being seen. The inshore area to the north of Pariokonohi Point also has high turbidity, probably due to the effects of the headland on the current circulation patterns within the reserve.

2.1.3 Ecological description

The sandy beach between Pariokonohi Point and Waiomoko River supports a typical open sandy beach fauna. Sandhoppers (*Bellorchestia quoyana*) and isopods (*Scyphax ornatus*) are common on the upper shore in association with drift seaweed, while paddle crabs (*Ovalipes catharus*) are common in the swash zone and populations of the bivalve tuatua (*Paphies subtriangulata*) also occur on the lower shore.

The intertidal rocky reef platform supports diverse communities of marine flora and fauna. The upper reef, which is exposed at low tide, supports turfing coralline algae and associated invertebrate communities, as well as Neptune's necklace (*Hormosira banksii*). The moat area is particularly diverse with regard to its macroalgal community, with an abundance of *Cystophora* spp., *Ecklonia radiata*, *Sargassum sinclairii*, *Carpophyllum* spp., and a variety of smaller red and brown algae. The invertebrate community that the algae support is also diverse, with species of nudibranchs, gastropod molluscs and echinoids commonly being recorded from the area. Before the marine reserve came into effect, this moat and the adjacent subtidal area were harvested for gastropod species such as paua (*Haliotis iris*) and cat's eye (*Turbo smaragdus*), as well as kina / sea urchin (*Evechinus chloroticus*). Ongoing monitoring of the distributions and abundances of these culturally important species will establish how protection is affecting their populations.

The subtidal area of the reserve contains several distinct habitats. Down to approximately 10 m depth, the 'shallow weed zone' predominates, in which algae such as flapjack (*Carpophyllum maschalocarpum*), *Cystophora* spp. and the kelp *Ecklonia radiata* are common and the bull kelp *Durvillaea antarctica* occurs in more exposed locations. Kina are also present in low numbers, and reef fishes including spotty (*Notolabrus celidotus*), banded wrasse (*N. fucicola*), hiwihiwi (*Chironemus marmoratus*), red moki (*Cheilodactylus spectabilis*), butterfish (*Odax pullus*) and parore (*Girella tricuspidata*) are commonly recorded from this habitat.

Between 4 and 10 m depth, areas that are dominated by kina and characterised by a low abundance of large brown algae are found. Reef fishes are generally at a lower abundance in this habitat than in the other habitat types. These 'kina barrens' are often found in patches, and their distribution and size can vary over time as the kina migrate to feed.

On reefs that are between 10 and 20 m deep, the 'kelp forest' habitat predominates. Here, *Ecklonia radiata* forms a canopy beneath which patches of red and green algae, as well as sponges and hydroids, occur.

Vertical rock faces and overhangs are encrusted with a variety of invertebrates, such as hydroids, anemones, soft corals and ascidians. Common reef fishes within this habitat include spotty, banded wrasse, scarlet wrasse (*Pseudolabrus miles*), red moki, scorpionfish (*Scorpaena papillosa*) and leatherjacket (*Parika scaber*). Schools of planktivorous species, such as silver sweep (*Scorpis lineolatus*), blue maomao (*Scorpis violaceus*) and butterfly perch (*Caesioperca lepidoptera*) are also recorded periodically.

Finally, below 18 m depth, large brown seaweeds such as *Ecklonia radiata* generally decline in abundance and invertebrates such as sponges become the dominant benthic organisms. The vertical faces are covered in colourful encrusting species, such as sponges, hydroids, bryozoans and ascidians.

From low water to approximately 15 m depth, areas of the seabed that are not occupied by reef generally consist of fine sand, while below 30 m, the predominant

substrate is soft mud. Little is known about the ecology of either of these soft-sediment habitats.

The reserve is frequented by a variety of bird species. Several pairs of tūturiwhatu / New Zealand dotterel (*Charadrius obscurus*) inhabit the area surrounding the Pouawa River mouth and have also been seen near the Waiomoko River mouth in the past, and nesting activity of this threatened species has been recorded on several occasions. Pairs of tōrea pango / variable oystercatchers (*Haematopus unicolor*) frequent the intertidal reef and sand beaches, as do matuku moana / white-faced herons (*Egretta novaehollandiae*) and tōrea / pied stilts (*Himantopus himantopus*). A variety of shags, gulls and other seabirds are commonly observed feeding within the marine reserve.

Marine mammals (whales, dolphins and seals) also frequent the reserve, and individuals of at least one species, kekeno / New Zealand fur seal (*Arctocephalus forsteri*), are resident for short periods at certain times of the year.

2.1.4 Historic description

The wreck of the *Star of the Evening* is located in shallow water near the southern boundary of the reserve. This screw steamer, which had a net weight of 166 tons, sank on 13 February 1867, resulting in the loss of six human lives and 1300 sheep. Although it was commercially salvaged around 1969, some large steel plates and machinery remain, and this is an archaeological site protected under the Historic Places Act 1993.

The remains of the Old Coach Road or ‘causeway’ can also be seen just north of Pariokonohi Point near the high-water mark. The amount of road that is visible depends on the erosion and deposition of sand in the area. This road was used as the main route around the East Coast during the late 1800s and early 1900s. The meeting house from the village at Pouawa was transported along the Old Coach Road to Whangara in the early 1900s, when the people of Pouawa made their way north.

2.1.5 Access and use

There is public access to the reserve via a road off State Highway 35 at Pouawa. The reserve can also be accessed from the beach south of Pouawa.

The landward boundary of the reserve is the mean high water springs mark, which is indicated approximately by the strand line of seaweed. The public has access to the beach above this mark, but this land is privately owned. There is no public access onto the farmland adjacent to the reserve without the permission of the landowners, Proprietors of Tapuwae Whitiwhiti Incorporation.

Recreational activities that involve the extraction or disturbance of marine life or its habitat are prohibited within the reserve. However, activities involving the observation of marine life, such as exploring rock pools, snorkelling, SCUBA diving and underwater photography, are permitted and will likely be enhanced within the reserve.

The East Coast area to the north of Gisborne is utilised by both recreational and commercial fishers, many of whom pass through the reserve on their way to fishing grounds. Several commercial crayfishers fish the area adjacent to the reserve, and recreational fishers have also been noted to fish the boundaries of the reserve.

2.2 Process of application and establishment of the marine reserve

2.2.1 Origin of the proposal

The establishment of a marine reserve at Pouawa was initially proposed by the combined Gisborne underwater and fishing clubs (Gisborne Underwater Club, Lottin Point Mariners Association, Gisborne Tatapouri Sports Fishing Club and Gisborne Surfcaster's Association) in a formal submission made to the Department of Conservation (the Department) in March 1990.

2.2.2 Investigation process

Following receipt of the proposal from the combined Gisborne underwater and fishing clubs, the Department sought support for a formal investigation of the site from tangata whenua. In September 1990, a hui (meeting) was held at Whangara marae to discuss the proposal for a marine reserve at Pouawa. At the conclusion of this hui, a task force was established to liaise with the Department throughout its investigation.

In November 1990, the Department initiated a beach user survey at Pouawa and an underwater survey of the area between Pouawa River and Whangara. The underwater survey included eight options ranging from 'do nothing' to establish a marine reserve extending offshore to the '12-mile limit' between Pakarae River and Turihaua Point. The results of this survey were reported in a public discussion document released in April 1992 (Hogan et al. 1991).

A total of 350 copies of the discussion document were distributed and 67 submissions were received in response over the 8-week submission period. Most respondents (82%) lived in the Gisborne – East Coast region, and 70% were private individuals, with the remainder consisting of interest groups and government agencies.

In total, 89% of respondents said that they supported marine reserves, and 87% said that they supported the proposal to establish a marine reserve at Pouawa (called the Kaiora Marine Reserve at that time). Among those in support of the proposal, 33% did not prefer any particular boundary option, approximately 19% supported Option 8 (extending to the 12-mile limit), 30% supported Option 7 (Pouawa to Whangara, including Te Anaopaieka Point and Monowai Rocks), 25% supported Option 6, which is the option this application is based on, and 5% supported Option 2, which was the option originally proposed by the combined Gisborne underwater and fishing clubs.

The submission received from the Ngati Konohi Marine Reserve Task Force requested that the investigation be put on hold so that issues of concern to tangata whenua could be addressed. The first of these concerns was that the Marine Reserves Act 1971 did not recognise and provide for kaitiakitanga (guardianship) or partnership between tangata whenua and the Crown in the management of marine reserves. The Task Force also wanted an assurance that the Marine Reserves Act provided for a 'generational review' of marine reserves so that future generations could test their appropriateness and relevance.

In October 1992, the Department met with Ngāti Konohi to discuss their submission. Since the Department was attempting to address similar concerns raised by tangata

whenua elsewhere (eg, investigations into the Kapiti and Te Angiangi marine reserves), the Kaiora investigation was suspended until the outcome of this process was known. This included amendment of section 5 of the Marine Reserves Act 1971 to allow any Māori iwi or hapū with tangata whenua status to apply for a marine reserve, and the development of guidelines on the structure of marine reserve management committees. To provide the relationship with the Crown and statutory decision-making powers sought by tangata whenua, these guidelines recommended that marine reserve management committees should be appointed as Ministerial advisory committees under section 56 of the Conservation Act 1987 and adopted as a committee of the relevant conservation board.

The structure of the management committee proposed by the Department was the subject of several hui with Ngāti Konohi. In July 1995, Ngāti Konohi wrote to the Minister of Conservation seeking support for the establishment of a section 56 Conservation Act 1987 advisory committee with a membership that was weighted in favour of tangata whenua, as well as a 25-year review period for the reserve. In August 1995, the East Coast Conservation Board resolved to adopt the section 56 committee if appointed by the Minister and supported the Ngāti Konohi request for a 25-year review period. The Minister of Conservation's reply to Ngāti Konohi in September 1995 accepted the appropriateness of a section 56 committee in this instance and advised that the Crown could be requested to formally review the marine reserve status at any time.

In May 1996, Ngāti Konohi held a hui with iwi to discuss the Minister's reply and review the marine reserve proposal. This hui passed a unanimous resolution of support in principle for a marine reserve application for Kaiora and appointed an iwi marine reserve working group to assist the Department with the preparation of a draft application. As a consequence of this resolution, the Department reactivated the proposal and, between May 1996 and March 1998, revisited its earlier consultation with key interest groups, the results of which indicated that the attitudes of these groups to the proposed reserve had changed little since release of the discussion document (Hogan et al. 1991).

2.2.3 The application

In June 1998, a joint application was made by Ngāti Konohi and the Director-General of the Department of Conservation (the Director-General) for the establishment of Te Tapuwae o Rongokako Marine Reserve. In accordance with the statutory process detailed in the Marine Reserves Act 1971, a 2-month objection period followed the public notification of the application. A 1-month period was then allowed for the applicants to answer any objections received, following which the application, objections and responses to them were forwarded to the Minister of Conservation.

An independent review of the procedure relating to the application for the marine reserve, Independent Review of Procedure for Te Tapuwae o Rongokako Marine Reserve, was produced by Montgomery Watson in February 1999.

Following several meetings with and requests for additional information from various parties, the Minister of Conservation announced his decision not to uphold any of the objections regarding the marine reserve application on 4 July 1999 and sought the concurrence of the Ministers of Fisheries and Transport. The Minister of Transport announced his concurrence on 18 August 1999 and the Associate Minister for Food, Fibre, Biosecurity and Border Control announced his concurrence on 6

September 1999.

The Marine Reserve (Te Tapuwae o Rongokako) Order 1999 was notified in the New Zealand Gazette on 14 October 1999, and Te Tapuwae o Rongokako Marine Reserve came into effect 28 days later, on 11 November 1999.

2.3 Roles and relationships

2.3.1 Department of Conservation

The Department is responsible for the administration, management and control of Te Tapuwae o Rongokako Marine Reserve (under section 9 of the Marine Reserves Act 1971). These responsibilities must be undertaken in accordance with the Conservation Management Strategy and in such a way as to give effect to the principles of the Treaty of Waitangi (under section 4 of the Conservation Act 1987). The Department also provides administrative and secretarial support to the Te Tapuwae o Rongokako Marine Reserve Committee.

2.3.2 Te Tapuwae o Rongokako Marine Reserve Committee

Te Tapuwae o Rongokako Marine Reserve Committee is an advisory committee established by the Minister of Conservation (under section 56 of the Conservation Act 1987) to provide advice to the Department on a range of matters. This may include providing the Director-General with local information to aid the management of the reserve and identifying issues to be addressed in the event of the preparation and implementation of a non-statutory plan.

The Committee has also been delegated functions that are normally exercised by the East Coast Hawke's Bay Conservation Board in matters relating to the reserve. Thus, the Committee has the ability to assume delegated Board responsibilities in relation to the development of statutory conservation management plans and to provide more general advice on any conservation matter relating to the reserve (including a change in status or classification of the reserve). (See Appendix 2 for the terms of reference of the committee.)

2.3.3 East Coast Hawke's Bay Conservation Board

The East Coast Hawke's Bay Conservation Board is not directly involved in the management of the reserve, having delegated this mandate and responsibility to Te Tapuwae o Rongokako Marine Reserve Committee.

However, the Board maintains an active interest in how the Committee exercises these delegated functions, and a representative of the Board is appointed as a member of the Committee. In addition, the Board receives copies of correspondence by the Committee, including any correspondence with the Minister of Conservation, Director-General or New Zealand Conservation Authority.

The Board retains its role in the development of conservation management strategies, which includes the development of provisions relating to the management of marine reserves within its region.

2.3.4 Ngāti Konohi

Ngāti Konohi are the tangata whenua of the area covered by Te Tapuwae o

Rongokako Marine Reserve and were joint applicants for establishment of the reserve.

Ngāti Konohi have a majority representation on Te Tapuwae o Rongokako Marine Reserve Committee and, as kaitiaki (guardians), have and continue to play an integral role in the establishment and management of the reserve.

2.3.5 Tapuwae Whitiwhiti Incorporation

The lands of Tapuwae Whitiwhiti Incorporation adjoin Te Tapuwae o Rongokako Marine Reserve. The landward boundary of the reserve does not extend beyond the level of mean high water springs and does not encroach onto the lands of Tapuwae Whitiwhiti Incorporation, which are owned by the shareholders of Tapuwae Whitiwhiti incorporation. Tapuwae Whitiwhiti Incorporation has supported the reserve since its establishment and consented to the current southern access road at Pouawa being resurveyed and the road reserve being realigned to the actual location of the current road to assist in the development of the reserve entrance and the road into the reserve. In 2015, Tapuwae Whitiwhiti Incorporation joined the Whangara Farms Partnership ('Whangara Farms'), which included the proprietors of the Whangara B5 and Pakarae incorporations.

2.3.6 Gisborne District Council

Gisborne District Council is a unitary authority and exercises regional council and territorial authority responsibilities under the Resource Management Act 1991 for Te Tapuwae o Rongokako Marine Reserve and the adjacent land. Gisborne District Council also has local government responsibilities under relevant legislation, including the Local Government Act 1974.

2.4 Legislative context

2.4.1 Conservation Act 1987

The Conservation Act sets out the functions of the Department and provides for the development of conservation management strategies and conservation management plans. Under the Conservation Act, there is a requirement to give effect to the principles of the Treaty of Waitangi (section 4).

The East Coast Hawke's Bay Conservation Management Strategy (as outlined below) gives some policy direction to the management of Te Tapuwae o Rongokako Marine Reserve. This operational plan will be able to provide more specific direction and guidance than the conservation management strategy but must not be inconsistent with it.

2.4.2 East Coast Hawke's Bay Conservation Management Strategy (under review)

The East Coast Hawke's Bay Conservation Management Strategy is a 10-year strategy that applies to all public conservation land within the East Coast Hawke's Bay Conservation Board's boundaries. It is currently in review.

The purpose of a conservation management strategy is:

... to implement general policies and to establish objectives for the integrated management of natural and historic resources, including any

species, managed by the Department under the Wildlife Act 1953, the Marine Reserves Act 1971, the Reserves Act 1977, the Wild Animal Control Act 1977, the Marine Mammals Protection Act 1978, the National Parks Act 1980, the New Zealand Walkways Act 1990, the Hauraki Gulf Marine Park Act 2000, or this Act, or any of them, and for recreation, tourism, and other conservation purposes. (Conservation Act 1987, section 17)

The East Coast Hawke's Bay Conservation Management Strategy sets out the management issues, objectives and implementation actions for the Department's management role within Te Tapuwae o Rongokako Marine Reserve. The sections of the Conservation Management Strategy that are relevant to management of the reserve (sections 3.3.11, 3.2.2 and 3.2.4) are reproduced in full in Appendix 3.

2.4.3 Marine Reserves Act 1971

Te Tapuwae o Rongokako Marine Reserve was established under the provisions of the Marine Reserves Act. The purpose of this Act is:

... to provide for the setting up and management of areas of the sea and foreshore as marine reserves for the purpose of preserving them in their natural state as the habitat of marine life for scientific study. (Marine Reserves Act 1971)

Marine reserves are to be managed in a way that, as far as possible, preserves them in their natural state, protects and preserves the marine life within them, and maintains the value of the reserve as the natural habitat of marine life. Subject to these requirements, marine reserves are also to be managed to ensure that the public has freedom of access and entry to them.

Te Tapuwae o Rongokako Marine Reserve is administered by the Director-General, as required under section 9 of the Marine Reserves Act. Sections 10 and 11 further define the powers of the Director-General, while section 18 sets out restrictions on the activities of persons within marine reserves.

2.4.4 Marine Reserves Regulations 1993

The Marine Reserves Regulations manage the conduct of persons within marine reserves and include regulations addressing diving, anchoring and the use of vessels within these areas. The regulations also provide for scientific study in marine reserves and the management of that research.

2.4.5 Resource Management Act 1991

The purpose of the Resource Management Act is 'to promote the sustainable management of natural and physical resources' by:

... managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while—

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- (c) avoiding, remedying, or mitigating, any adverse effects of activities on the environment. (Resource Management Act 1991, section 5)

In relation to Te Tapuwae o Rongokako Marine Reserve, the Resource Management Act is administered by Gisborne District Council and is implemented through district and regional plans. Section 74(2)(b) of that Act states that 'A territorial authority shall have regard to any management plans and strategies prepared under any other Act'. The Council will therefore need to have regard to the East Coast Conservation Management Strategy 1998 – 2008 while preparing or changing a district plan.

Te Papa Tipu Taunaki o Te Tairāwhiti – The Tairāwhiti Resource Management Plan has been prepared by Gisborne District Council to guide the management of the coastal marine area in accordance with the New Zealand Coastal Policy Statement 2010 (DOC 2010) and the Resource Management Act. Therefore, any activities undertaken in the reserve must comply with the provisions of that plan.

Also of relevance are the Resource Management (Marine Pollution) Regulations 1998, which control dumping, incineration and discharge in the marine environment.

2.4.6 Maritime Transport Act 1994

The Minister of Transport and Maritime New Zealand are responsible for administering the Maritime Transport Act 1994.

Maritime New Zealand has the overall responsibility for coordinating the planning and response to marine oil spills and investigating any accidents, incidents or mishaps that result in serious harm to people, property or the environment. The responsibility for the prevention, containment and clean-up of oil spills and spills of other toxic substances is shared between site/vessel owners, regional councils and Maritime New Zealand.

In the event of an oil spill threatening a marine reserve, or a shipwreck occurring at islands within a reserve, management of the incident is, in the first instance, the responsibility of the ship owner or manager, who must notify Maritime New Zealand (first-tier response). Regional councils are then required to prepare a second-tier response consisting of a regional marine oil spill contingency plan that is approved by Maritime New Zealand.

The Department has a functional role in:

- advising on national and regional priorities for the protection and care of important and sensitive areas and species (ie, coastal and marine areas with significant conservation values that are at risk from oil spills)
- advising and implementing measures for the care and rehabilitation of wildlife
- caring for wildlife and advising on the care of foreshore biota in the event of an oil spill.

2.4.7 Fisheries regulations

Fishing is prohibited within Te Tapuwae o Rongokako Marine Reserve, as is the removal of any marine life without a permit. To date, no fishing regulations have been established around the reserve. For further information, go to the Ministry for Primary Industries / Fisheries New Zealand website at www.mpi.govt.nz.

2.4.8 Treaty of Waitangi

The Department is required to manage Te Tapuwae o Rongokako Marine Reserve in such a way as to give effect to the principles of the Treaty of Waitangi (Conservation Act 1987, section 4).

2.4.9 Other legislation

The Fisheries Act 1996 and regulations under that Act, including the Fisheries (Kaimoana Customary Fishing) Regulations 1998, provide for the establishment of a range of fisheries management measures and tools that protect customary fishing rights. As rangatira and kaitiaki, tangata whenua: iwi, hapū and whānau have important cultural, social and commercial connections to the marine environment.

There are many existing statutory and non-statutory commitments and mechanisms that protect, recognise and give effect to the diverse iwi/Māori rights and interests within the marine environment. Statutory provisions that contain commitments and obligations to iwi/Māori include: the Māori Fisheries Act 2004, the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992, the Māori Fisheries Act 2004, the Māori Commercial Aquaculture Claims Settlement Act 2004, the Marine and Coastal Area (Takutai Moana) Act 2011, the Fisheries Act 1996 and individual Treaty settlements.

The Department has no direct input into the creation of these types of traditional fisheries reserves, and it is important to note that these reserves are quite distinct from the concept of marine reserves in that fisheries reserves focus on fisheries management, whereas marine reserves provide for the preservation of the marine ecosystem, including both living and non-living things (eg, fishes, seabed, water).

A mātaimai reserve named Te Tapui Mataitai O Hakihea Reserve was opened in 2011, setting aside 4 km of coastline from the end of the reserve at Waiomoko River, including the island and bay, for traditional fishing and non-commercial customary fishing that is managed by Ngāti Konohi.¹

¹ www.fisheries.govt.nz/dmsdocument/13426-Hakihea-Gisborne-Mataitai-Reserve.

3. Purpose of this operational plan

The purpose of this operational plan is to provide guidance to the Department in the management of Te Tapuwae o Rongokako Marine Reserve.

This operational plan is a non-statutory document and must not be inconsistent with any legislation or statutory management strategies or plans that are in place. It has been developed in consultation with Te Tapuwae o Rongokako Marine Reserve Committee and acts as an extension to the policies in the conservation management strategy, providing more specific guidance for the management of Te Tapuwae o Rongokako Marine Reserve.

As a non-statutory document, this plan does not legally bind the Department. However, the Department will adhere to its provisions in good faith. In the event that Te Tapuwae o Rongokako Marine Reserve Committee is dissatisfied with the Department's management of the reserve, there is opportunity to raise the matter directly with the Minister of Conservation or the Director-General.

This plan has been developed instead of a conservation management plan because an operational plan:

- provides an effective mechanism for the advice provided by Te Tapuwae o Rongokako Marine Reserve Committee to influence the management of the reserve
- contains specific policy to guide the Department in the management of the reserve and provides more detailed guidance, clarity and certainty than is currently contained in the conservation management strategy
- can be developed expediently and cost-effectively, representing an efficient use of the Department's resources
- may be used as the basis for policy development for a future conservation management strategy or plan and can provide interim guidance to the Department prior to statutory policy development
- reflects a diverse range of community views through the involvement of the Committee.

4. Scientific research

Te Tapuwae o Rongokako Marine Reserve has been established to preserve an area of New Zealand's coastal environment for the scientific study of marine life. In addition to this general purpose, the reserve is to be administered and maintained so that, as far as possible, it is preserved in its natural state, marine life is protected and preserved, its value as the natural habitat of marine life is maintained and, subject to necessary conditions and restrictions, the public have access and entry to it.

The Director-General may authorise the taking of any specimens of marine life or material from any reserve for scientific purposes and may prescribe the conditions of such taking and the retention or disposal of those specimens for their return to any reserve.

The Department is strongly supportive of appropriate scientific research. Prior authorisation for scientific research within the reserve will be required before any research is undertaken, which includes activities that would otherwise be an offence.

This section details how applications for scientific research will be considered by the Director-General and the role that Te Tapuwae o Rongokako Marine Reserve Committee has in considering scientific permit applications. Any monitoring or scientific research undertaken by the Department does not require a scientific permit, as this is considered to be part of the overall control and management of the reserve for which the Director-General is responsible.

In addition to the need for scientific permits, any research undertaken may require coastal permits to be obtained from Gisborne District Council in accordance with the Tairāwhiti Resource Management Plan. Generally, the Marine Reserve Regulations 1993 regulate the conduct of persons and provide for scientific studies in marine reserves. Approval may also be needed from the Maritime New Zealand, which has responsibility for regulating surface water activities, preventing and dealing with pollution of the sea, and managing navigation and safety within the coastal marine area. Similarly, a fisheries permit will be required under the Fisheries Act to 'take' fish life, including activities such as measuring and returning marine life to the sea.

4.1 Objectives

Objective 4.1(a)

Scientific research is undertaken in a manner that is compatible with marine reserve protection and preservation.

4.2 Policies

4.2.1 Assessment of applications

Policy 4.2(a)

Consider applications for scientific study within the marine reserve provided that the conditions and information requirements for applications have been fulfilled.

Explanation: In order to assess applications, the Department will require applicants to submit specific information for appraisal. Any applications will be processed by the Permissions team as and when required.

Policy 4.2(b)

Refer all applications for scientific permits and the Department's recommendations to Te Tapuwae o Rongokako Marine Reserve Committee.

Policy 4.2(c)

Take into account, when assessing applications for scientific permits:

1. advice from Te Tapuwae o Rongokako Marine Reserve Committee
2. the purpose of the research and the need for it to be undertaken within the reserve
3. the impacts of the research on the species and habitats within the reserve and on the natural and historic features of the reserve, which will include an assessment of:
 - a) the effects of damage, injury, disturbance, taking or removal of marine life and/or material from within the reserve
 - b) the effects on the natural and historic features and waahi tapu (sacred) sites within the reserve
 - c) the effects of the discharge or disposal of any substance associated with or incidental to the research
 - d) the location and impacts of any structure associated with the research
 - e) any other effects of activities described as offences in section 18I of the Marine Reserves Act 1971 that may be undertaken as part of the research
4. any restriction of public access to, or enjoyment of, the reserve as a result of the research
5. the creditability, integrity and expertise of the applicant and their ability to successfully undertake research.

Explanation: The primary purpose of establishing a marine reserve is to preserve an area of marine life for scientific study.

Setting aside an area in which marine life is left undisturbed offers a unique research opportunity, and research in marine reserves is encouraged. However, permits will still be required, and effects will need to be assessed accordingly before any research can be undertaken.

Policy 4.2(d)

Ensure that methodologies, research structures and research techniques have been designed and any necessary conditions have been imposed to:

- avoid or minimise any adverse effects on the marine reserve
- take into account the public's perception of, and ability to appreciate, the marine reserve.

Policy 4.2(e)

Provide for the restriction of public access to and within the marine reserve to protect scientific studies only where it is shown that there is a risk of damage or disruption to the experiment through either intentional or unintentional human disturbance.

Explanation: When research is being undertaken within the marine reserve, it may be appropriate to advise the public of the nature and purpose of the research and of any restrictions of access to the reserve that may arise as a consequence. This will clarify with the public the legality of the research activities and enhance compliance if limitation on public access is imposed.

4.2.2 Promote scientific research

Policy 4.2(f)

Proactively encourage and facilitate scientific research in the marine reserve, where appropriate, by:

- providing advice to applicants during the proposal development phase
- contributing departmental expertise to the scientific project
- assisting the applicant's efforts to secure funding
- facilitating the involvement and assistance of relevant agencies and individuals where appropriate
- providing information to relevant agencies regarding the scientific research opportunities that exist within the marine reserve.

Explanation: The Department will promote scientific research within the reserve where possible.

4.3 Legislation and other guidance

- Marine Reserves Act 1971, section 3.
- East Coast Conservation Management Strategy, section 3.3.11, implementation statement 4: 'Scientific study, monitoring and recreation opportunities which are compatible with the purpose of the reserve will be considered'.

5. Visitor management

5.1 Commercial activities

Marine reserves present attractive sites for recreation, particularly once the recovery of marine species has occurred. The Marine Reserves Act 1971 provides the public with freedom of entry and access to marine reserves subject to any necessary conditions and restrictions for the preservation of marine life or the general welfare of the reserve (section 3(2)(d)).

Marine reserves also present an opportunity for commercial operators who may offer goods and services to members of the public visiting them. The Marine Reserves Act does not contain provisions to restrict or regulate the operation of commercial activities in a marine reserve – freedom of access to the public as provided for by the Act may be utilised by private individuals and commercial operators alike.

It is recognised that commercial operators have an important role to play in providing information to the public on Te Tapuwae o Rongokako Marine Reserve. Operators may also fulfil an advocacy role in dealing with clients and other members of the public and may monitor the compliance of those using the reserve with the Act and regulations. Therefore, a close working relationship between commercial operators and the Department is in the best interests of all parties, as well as the integrity of the reserve.

However, commercial operator activities may also impact on the reserve, in which case conditions or restrictions may need to be imposed. Although the Marine Reserves Act does not provide for the issuing of concessions to control commercial activities, commercial operators are subject to:

- the East Coast Hawke's Bay Conservation Management Strategy (section 3.3.11 – Marine reserves)
- offence provisions of the Marine Reserves Act 1971
- the particular powers of the Director-General under the Marine Reserves Act that allow the taking of such steps as may be necessary to ensure the continued welfare of any marine reserve in the interests of scientific study of marine life and for the enjoyment of the reserve by the public (section 11)
- any regulations developed under section 24 of the Marine Reserves Act by the Governor-General, which may be made generally or with respect to a specified marine reserve for the administration of the reserve and to give effect to the provisions of the Act (examples of regulations previously promulgated are the Marine Reserve Regulations 1993, which apply to all marine reserves)
- other statutes, whether undertaking activities inside or outside the reserve, such as the Marine Mammals Protection Act 1978, Wildlife Act 1953, Resource Management Act 1991 and Maritime Transport Act 1994; operators must also comply with plans developed in accordance with these statutes, such as Tairāwhiti Resource Management Plan developed under the Resource Management Act.

Many of the possible adverse effects that commercial operators may cause are managed under legislation other than the Marine Reserves Act. Whether commercial operators should be able to do business in an area in which tangata whenua have specifically relinquished customary harvest opportunities is not currently addressed by statute. The scenario of commercial operations in marine reserves may be addressed as part of any review of the Marine Reserves Act 1971.

5.1.1 Objectives

Objective 5.1.1(a)

Commercial operators' activities are undertaken in a manner that is compatible with the preservation of the marine reserve and the public's enjoyment of the reserve.

5.1.2 Policies

Policy 5.1.2(a)

Promote good working relationships with commercial enterprises operating in the marine reserve and:

- a) provide advice on best practice to avoid adverse effects of activities on the reserve
- b) provide information to operators to ensure the accuracy of information they are passing on to clients and members of the public
- c) encourage operators to monitor public compliance with marine reserve legislation when operating in the vicinity of the reserve.

Explanation: Cooperation between the Department and commercial operators will minimise the impact of commercial activities on the marine reserve. A working relationship between the Department and operators may include the provision of advice on the legal obligations that operators have when working in the marine reserve and the establishment of voluntary agreements between the operators and the Department relating to commercial activities.

Policy 5.1.2(b)

Ensure that Te Tapuwae o Rongokako Marine Reserve Committee is advised of applications for commercial operations in the reserve or of any commercial operators that the Department is aware of operating in the marine reserve.

Explanation: The Committee functions include, where necessary, raising with the Minister of Conservation matters relating to Te Tapuwae o Rongokako Marine Reserve. To achieve this, the Committee should request a report to the Director-General in terms of section 10(a) of the Marine Reserves Act 1971, as well as the provision of local information to aid the management of Te Tapuwae o Rongokako Marine Reserve. To assist the Committee in this function, the Department will advise on use of the reserve by commercial operators.

Policy 5.1.2(c)

Monitor the effects of activities of commercial operators in the marine reserve to determine if these actions are causing significant adverse effects.

Explanation: It may be necessary for the Director-General to take appropriate steps in accordance with section 11 of the Marine Reserves Act should commercial operator activities compromise the reserve. Monitoring will ensure that timely action is taken if required.

5.2 Recreational use and visitor impact management

Freedom of access and entry to the reserve by the public is specifically provided for by section 3(2)(d) of the Marine Reserves Act 1971. However, public use of the reserve must, as far as possible, be consistent with preservation of the reserve in its natural state, with marine life within the reserve being protected and preserved, and with the value of the reserve as natural habitat for marine life being maintained (section 3(2)).

In some circumstances, the Director-General may establish conditions and restrictions on public access to ensure that visitors do not damage the natural features of the reserve. The Marine Reserves Act provides for this control of human activity within the reserve through the general management provisions of the Director-General (section 11) or through seeking the gazettal of regulations (section 24), and the Marine Reserve Regulations 1993 have already been established for this purpose. Section 18I of the Marine Reserves Act and provisions in the Marine Reserve Regulations prohibit specific activities, regulate conduct and provide for the punishment of offences within the reserve. These provisions encompass most of the foreseeable activities that could adversely affect the reserve.

The Department's approach to visitor impact management will vary depending on the type of activities being undertaken and the extent to which and how they impact on the reserve. The legislation that may be used to control the effects of activities, and the range of agencies with jurisdiction within the reserve, will also influence the management approach to each visitor impact.

It is acknowledged that some of the visitor issues addressed in the policies outlined below (vehicles, horses, dogs and litter) are not confined to the reserve. The adverse effects of some of these visitor activities extend well landward of the artificial mean high water springs boundary of the reserve to which this operational plan must be restricted. The beach above mean high water springs is in private ownership (Whitiwhiti Station) and is therefore beyond the provisions of this plan.

5.2.1 Anchoring and boating in the reserve

Anchoring may have an impact on the reserve. The anchor chain may sweep and scour an area as the vessel rotates around the anchor point with changes in wind direction and water current, and the act of anchoring and uplifting the anchor may also damage marine life on the sea floor and reef systems. Anchor damage is likely to be less substantial and more transient on a sandy sea floor compared with rocky areas.

The Marine Reserve Regulations 1993 provide for anchoring and the use of vessels in the reserve (sections 5 and 6, respectively). However, anchoring is only permitted on the condition that no damage occurs or that any damage is kept to a minimum practical level. In addition, section 23 of the Marine Reserves Act 1971 provides for anchoring anywhere within the reserve in times of stress or emergency.

Policy 5.2.1(a)

Minimise damage caused by anchoring by:

- providing advice and information
- advocating the practice of responsible anchoring.

Explanation: Correct anchor techniques can minimise damage to reefs and will be encouraged.

Policy 5.2.1(b)

Monitor the reserve for any impacts of anchoring and consider the establishment of designated anchoring sites and/or mooring buoys should unacceptable levels of anchor damage occur.

Explanation: Establishing specific anchoring areas or mooring facilities will not prevent the occurrence of all damage as a result of anchoring but will minimise the area in which this occurs.

5.2.2 Diving

Diver disturbance includes touching animals, detaching plants, and disturbing rocks and corals. Damage may result from the deliberate actions of divers or accidental effects due to inexperienced divers or rough sea conditions. The cumulative effects of diver damage may be significant, particularly since recovery of the reserve will result in a more attractive dive site to visitors.

The Marine Reserve Regulations 1993 specifically provide for diving within the reserve.

Policy 5.2.2(a)

Reduce the potential impact of divers in the reserve by preparing a diver care code and by promoting environmentally aware diving practices.

Explanation: The Department will encourage good diving practices amongst those recreating in the reserve, including by promoting correct buoyancy control, creating an awareness of fins, minimising touching and advocating the removal of rubbish.

5.2.3 Human trampling of marine life

If a marine reserve is heavily visited, the cumulative effect of people walking on rocky areas as they explore the area may also impact on it. However, significant damage is only likely to result from human trampling if large numbers of visitors visit the reserve, so this is not anticipated to be an issue for Te Tapuwae o

Rongokako Marine Reserve because of its relative isolation.

5.2.4 Litter

Litter not only impacts on the aesthetics of the reserve, diminishing the enjoyment visitors derive from it, but may also adversely affect marine life within the reserve.

The offence provisions in section 18I of the Marine Reserves Act 1971 outline restrictions relating to deposition or discharge into marine reserves. Provisions of the Litter Act 1979, the Resource Management Act 1991 and the Resource Management (Marine Pollution) Regulations 1998 will also apply within the reserve.

Policy 5.2.4(a)

Ensure that the reserve remains free from litter by:

- advocating that visitors to the reserve take responsibility for their litter and remove it from the reserve on their departure for appropriate disposal
- enforcing litter provisions as appropriate.

Explanation: The Department promotes an environmental care code and ‘pack in, pack out’ policy. This will be included on signage associated with the reserve and promoted through the liaison of departmental staff with users of the reserve.

5.2.5 Boat launching, vehicles on rocky platforms and vehicles on the beach

The impact that vehicles have on the beach and the reserve will depend on the location and the manner in which they are driven. Vehicles may impact on wildlife and marine mammals that are protected by the Wildlife Act 1953 and the Marine Mammals Protection Act 1978, although they generally only pose a risk to these species above mean high water springs – for example, nesting birds and basking seals.

Vehicles may also impact on those species within the reserve that are protected by the Marine Reserves Act 1971. For example, the weight of vehicles driven on the foreshore may damage shellfish burrowed beneath the surface; and any vehicles that are taken onto rocky platforms may crush and damage the marine life there (crustaceans, algae and plant life, and other intertidal species) and may break and crush the rocks.

Vehicles that are driven erratically on the beach may also reduce the enjoyment that members of the public derive from the area or could even endanger members of the public in some instances. Te Tapuwae o Rongokako Marine Reserve and the adjoining beach area are in a natural and rural setting, so the presence of vehicles in the area may be seen as an intrusion. Vehicles are generally driven on the beach (above mean high water springs and outside the reserve) but may be driven below mean high water springs and onto rocky platforms during low-tide periods.

Options to address impacts

MARINE RESERVES ACT 1971

Any right of access, or navigation, to or on any foreshore or part of the foreshore within a marine reserve remains unaffected by section 23 of the Marine Reserves

Act 1971.

Under this Act, any person who ‘wilfully damages or wilfully injures any marine life, or wilfully damages the foreshore or seabed, or any of the natural features in a marine reserve’ or ‘takes or removes from a marine reserve any marine life, mineral, sand, shingle, or other natural material or thing of any kind’ has committed an offence.²

Use of vehicles on rocky platforms could therefore be considered an offence under section 18I(3)(b) of the Marine Reserves Act 1971 so, in the event that this became necessary, offence provisions could be used to control the use of vehicles in the reserve.

In addition, the Act enables the Director-General to ‘take such steps as may be necessary’ (section 11) and for the Governor-General to establish regulations (section 24) to control activities in the reserve.

MARINE MAMMALS PROTECTION ACT 1978 AND WILDLIFE ACT 1953

Provisions in both the Marine Mammals Protection Act 1978 and the Wildlife Act 1953 provide for the protection of species and outline offences and penalties under the respective Acts. The Department enforces these provisions both within the reserve and above mean high water springs.

RESOURCE MANAGEMENT ACT 1991

Gisborne District Council has an option to establish provisions to control vehicles on beaches, rocky platforms or within the reserve under the Resource Management Act 1991 through coastal plans. However, the current plan does not contain rules addressing this activity.

As it is generally the attitudes of the vehicle’s driver that will determine the extent to which vehicle use causes damage, an advocacy approach is favoured.

Policy 5.2.5(a)

Raise awareness with members of the public of the damage that may result from vehicles being operated in the coastal environment and of their potential impact within the reserve.

Explanation: Many people may be unaware of the damage they are causing through the use of vehicles, so education may assist in reducing vehicle use on beaches.

² As defined under this Act, “**taking**, in relation to any marine life, includes taking, catching, fishing, killing, or pursuing by any means or device; and, in relation to any plant, includes uprooting and transplanting; and also includes any attempt at taking; and **to take** has a corresponding meaning”.

Policy 5.2.5(b)

Advocate that vehicles are not driven within the reserve by:

- providing advice and information to members of the public
- erecting signage for the reserve
- encouraging Gisborne District Council to restrict vehicle access on rocky platforms and along the beach.

Explanation: Information may be provided on alternative boat launching facilities in the area. Advocacy may also include making members of the public aware of the Marine Mammals Protection Act 1978 and Wildlife Act 1953. Gisborne District Council may include provisions in the Tairāwhiti Resource Management Plan to address this issue.

In the event that problems emerge in spite of the advocacy approach taken, consideration will be given to exploring the use of other regulatory options. However, the numbers and impacts of vehicles are not expected to be such as to require the triggering of any regulatory initiatives.

5.2.6 Horses

The impact of horses on the beach and the reserve will depend on the location in which they are ridden and the manner in which riders control their mounts. Horses may impact on wildlife and marine mammals protected by the Wildlife Act 1953 and the Marine Mammals Protection Act 1978, although horse use would generally only affect these species above mean high water springs – for example, nesting birds and basking seals. It is also possible, although unlikely, that horse use would harm species protected by the Marine Reserves Act 1971.

Horses that are ridden in an erratic or inconsiderate manner within the reserve may also reduce the enjoyment of the area by visitors and could endanger members of the public in some cases. Horses are generally exercised on the beach (above and below mean high water springs) but often enjoy swimming or playing in the waves. Fouling of the area may also occur.

Any impacts of horses on the reserve are generally due to the actions of the riders of the horses as opposed to the horses per se. The attitudes of the riders and their ability and/or willingness to adequately control their mounts will be highly influential in determining the extent to which horses cause adverse effects.

Horses do not pose a significant risk to marine species that are sought to be protected in the reserve (eg, fish, shellfish, crustaceans, plant life). Horses are more likely to cause risk to species outside the reserve that are protected by the Wildlife Act and the Marine Mammals Protection Act.

Options to address this issue

MARINE RESERVES ACT 1971

The offence provision of the Marine Reserves Act 1971 may be applied to control the adverse effects of horse use in the unlikely event that they occur. Options to use sections 11 and 24 of this Act for controlling this activity also exist, although it is unlikely that the effects of horses would be such that these provisions would be promulgated.

RESOURCE MANAGEMENT ACT 1991

Where horse use is to be considered on a larger scale (eg, organised beach races), the Tairāwhiti Resource Management Plan stipulates that the use of the coastal marine area for the temporary exclusive occupation of space for cultural or recreational events is an activity requiring resource consent. This means that the effects of the activity will be assessed prior to authorisation being given.

Policy 5.2.6(a)

Encourage riders to act responsibly with their use of horses within the reserve by raising awareness with members of the public of the impacts of horses ridden inappropriately within the coastal environment and reserve.

Explanation: It is recognised that horses do not generally pose a risk to species protected by the Marine Reserves Act 1971. Instead, problems with horses are associated with wildlife and marine mammals and the public's perception, safety and enjoyment of the area. Where horses pose a risk to indigenous species, the provisions of the Marine Mammals Protection Act 1978 and the Wildlife Act 1953 will apply.

5.2.7 Dogs

The impact of dogs on species on the beach and in the reserve will depend on the level of control the owner exercises over their pet. Dogs may harm or disturb wildlife and marine mammals protected by the Wildlife Act 1983 and the Marine Mammals Protection Act 1978 but are less likely to pose a threat to species protected by the Marine Reserves Act 1971.

Dogs in the reserve may also reduce the enjoyment of the area by visitors, particularly if dogs are not well controlled or are fouling the area. Dogs are generally exercised on the beach, although they also often enjoy swimming.

The Department may establish controlled dog areas over land administered under the Marine and Coastal Area (Takutai Moana) Act 2011 and restrict access of dogs to the reserve. However, this would not be appropriate because species that are most at risk from the impacts of dogs are generally exposed to that risk above mean high water springs and outside the reserve, and the Department does not have the ability to establish restrictions for dogs above mean high water springs.

Responsibility for the control of dogs rests with individual dog owners under the Dog Control Act 1990.

Policy 5.2.7(a)

Raise awareness with members of the public of the damage that dogs may cause within the coastal environment and the reserve if they are not adequately controlled.

Policy 5.2.7(b)

Encourage those exercising dogs within the reserve to ensure their dogs are responsibly controlled through advocacy and the provision of information.

Explanation: Dog owners may not be aware of the damage dogs may cause when not adequately controlled. By making owners aware of these potential impacts, and of their legal responsibility under the Dog Control Act 1990, Wildlife Act 1983 and Marine Mammals Protection Act 1978, owner compliance with these statutes will be improved.

5.3 Visitor safety and services

There is an element of risk associated with almost all recreational pursuits, but this is particularly the case when recreational activities are undertaken in a dynamic environment over which an individual does not have full control. The weather and coastal processes are continually changing in coastal environments, increasing the potential risk to visitors. However, this diversity of conditions is an integral part of the attraction of the coastal environment and Te Tapuwae o Rongokako Marine Reserve.

The general health and safety of visitors to the reserve is not the Department's responsibility and is outside the jurisdiction of this plan, with users primarily being responsible for their own health and safety, as in other parts of the coast. However, the Department will provide information and advice to visitors and commercial operators on safety in the reserve where opportunity allows.

Legislation has been established to provide for people's safety, which applies throughout New Zealand and within the reserve. Examples of this include maritime safety legislation, the Health and Safety at Work Act 2015, and the Building Act 1991.

Use of the reserve by the public is facilitated by the provision of services associated with it, such as access roading, parking, toilet facilities and information signs. These services are, by necessity, located outside the boundaries of the reserve but are in the near vicinity of it and are pivotal to its management. In addition, the Department has the mandate under the Conservation Act 1987 to prepare, provide, disseminate, promote and publicise educational and promotional material relating to conservation (section 6(d)) and, to the extent that the use of any natural or historic resource for recreation or tourism is inconsistent with its conservation, to foster the use of natural and historic resources for recreation and to allow their use for tourism (section 6(e)).

Consequently, while this operational plan focuses on management of the reserve itself, it also addresses this issue. Refer to section 6.2 'Strategy for public awareness' for policy on interpretation, signposting and publications.

5.3.1 Objectives

Objective 5.3.1(a)

Visitor access and enjoyment of the reserve is encouraged and enhanced through the provision of facilities and safety information.

5.3.2 Policies

Policy 5.3.2(a)

Promote safe practices by commercial operators and scientific practitioners working within the reserve through:

- a) advocacy
- b) the provision of advice and information
- c) conditions on permits as appropriate.

Explanation: The Department generally encourages safe practices within the reserve by using a non-regulatory approach. In the case of scientific permits, conditions may be established to provide for the safety of the public and integrity of the research through selection of an appropriate methodology and the control of access to the research site.

Policy 5.3.2(b)

Incorporate advisory information on marine safety into information leaflets and interpretation panels developed for the reserve.

Explanation: The Department will inform visitors of safety considerations that are applicable to recreating in the reserve when providing or distributing information on it. In some instances, specific signage may be appropriate, such as warning signs to advise visitors about falling debris from land adjoining the reserve and escape routes in the event of tsunami

Policy 5.3.2(c)

Seek the enhancement of road access to the reserve by facilitating an upgrade of the current southern access road in its current location.

Explanation: The Department is not responsible for roading. Gisborne District Council is responsible for the southern access road to the reserve, which is the major access point and does not lie on public conservation land. Access opportunities along the length of the reserve are limited, as most areas landward of the reserve are in private ownership and consist of unstable bluffs, preventing access to the reserve over this terrain. This necessitates access to the reserve using roads at the reserve boundaries, making the road access at the more accessible southern entrance particularly important. The southern entrance is also closer to Gisborne city, which is the direction from which most visitors will approach the reserve.

Policy 5.3.2(d)

Consult with Te Tapuwae o Rongokako Marine Reserve Committee and have regard to their views and advice when developing specific proposals for visitor facilities.

Explanation: As representatives of Ngāti Konohi and the wider community, the Committee will be closely involved in developing project details for visitor facilities associated with the reserve. Additional consultation may also be required where resource consents are necessary for any facilities proposed.

Policy 5.3.2(e)

Design facilities, and any associated landscaping, in a manner that is compatible with the rural and undeveloped character of the area in which they will be located.

Explanation: It is not appropriate to specify in this operational plan details of facilities to be developed. The exact specifications of facilities will be determined in consultation with Te Tapuwae o Rongokako Marine Reserve Committee as a specific project. The Department will also be guided by this policy when developing plans for visitor facilities.

6. Public access, awareness and relationships

6.1 Public access to the reserve

The Marine Reserves Act 1971 provides for public freedom of access and entry to marine reserves. Members of the public should be able to enjoy the features of marine reserves provided that their activities are consistent with the preservation of marine life and the welfare of the reserves.

Public support for Te Tapuwae o Rongokako Marine Reserve is important to its success, as this will strengthen public compliance with provisions of the Marine Reserves Act and regulations when recreating in the area. Securing and enhancing public support and providing information that will enable visitors to gain maximum benefit and enjoyment from their visit to the reserve is an important function of public awareness work.

6.2 Strategy for public awareness

Wider public awareness of the reserve, its features and attributes, and the regulations that must be observed when within it are essential components of public awareness policy.

Public awareness has previously focused on developing pamphlets and signage and releasing news items to raise public awareness of the gazettal of the new reserve and the types of restrictions the public must adhere to when recreating in it.

Following gazettal of the reserve, departmental staff were initially proactive in raising awareness of it by undertaking promotion and advocacy work with visitors. Staff roles have since been broadened to include compliance work. Other public awareness work undertaken by the Department, such as promoting the marine environment and conservation in general (eg, through Sea Week and Conservation Week) has also provided an opportunity to promote the reserve. This has involved work with schools, which provide a valuable avenue for the distribution of information into the wider community.

6.2.1 Objectives

Objective 6.2.1(a)

The public are aware of the reserve's values, developments, features and management requirements, as well as the national importance of New Zealand's network of marine reserves.

Objective 6.2.1(b)

The information is of a high quality and directed through the appropriate channels for the target audiences.

6.2.2 Policies

Policy 6.2.2(a)

Ensure that information on the reserve is accurate, up to date, and highlights its values, developments, features and management requirements.

Explanation: The public should be informed of the restrictions, regulations and attractions of the reserve to gain maximum benefit from their visit. The public should also be made aware of the national importance of New Zealand's marine reserve network. Such information will help to enhance positive attitudes towards the protection of marine areas. Increasing public knowledge and understanding of responsible use of the marine environment will reduce the likelihood of inadvertent abuse and increase the likelihood of reducing the frequency of offending in the reserve.

Basic information signage is located at the southern and northern ends of the reserve. It is important that the information provided here is relevant and accurate. To ensure that information on the reserve is up to date, the results of the regular monitoring performed by the Department should be distributed in formats appropriate to each target audience - for example, an electronic e-mail of raw data would suffice for the scientific community, whereas a media release for a local newspaper (eg, the *Gisborne Herald*) would be better suited to the local community.

Policy 6.2.2(b)

Acknowledge the commitment of Ngāti Konohi in the establishment of the reserve and input into its management in any public awareness resources produced, where appropriate.

Explanation: The reserve was established by a joint application between Ngāti Konohi and the Department. Where appropriate, the commitment of Ngāti Konohi should be acknowledged in any public awareness resource produced. However, such information should only be included after consultation with Te Tapuwae o Rongokako Marine Reserve Committee.

Policy 6.2.2(c)

Undertake careful planning during the development stage of producing any information for public awareness to ensure that the information is channelled through the most effective avenues for the target audiences.

Explanation: In the early stages of developing a public awareness resource, it is important to determine who the target audience is and the most effective way of getting information across to them. The target audiences that have been identified for the reserve are the community and local schools. The level of language, how it is presented, the most appropriate media and key people to contact are all matters that need to be considered.

Policy 6.2.2(d)

Consider the capacity of the reserve (and its facilities) to cope with an increase in visitors when undertaking any public awareness projects.

Explanation: It is important that the current carrying capacity of the area and the facilities that are available are considered when planning for any public awareness project that will attract extra visitors to the area. The development of such facilities, such as toilets, should keep pace with demand, and public awareness should be adjusted if visitor numbers reach levels that have an adverse impact on the reserve (eg, increase the emphasis on care code messages, take care with the timing of public awareness activities).

Policy 6.2.2(e)

Ensure that all resources relating to the reserve follow any relevant national standard and are of the highest quality possible.

Explanation: A high level of professionalism is required to gain credibility and attract people to the concept of marine reserves. All resources that are created for public awareness should be of a high standard. Professional services may be required in some areas, where there is a lack of expertise.

Policy 6.2.2 (f)

Consult with Te Tapuwae o Rongokako Marine Reserve Committee during the formulation of public awareness material produced by the Department, where appropriate.

Explanation: Communication with Te Tapuwae o Rongokako Marine Reserve Committee should be ongoing to ensure that the Committee's views are taken into account in any relevant public awareness material produced by the Department.

6.3 Public involvement in management of the reserve

The local community will have an interest in and be able to contribute ideas and knowledge to the management of the reserve. Public involvement may include an interest in the operational and day-to-day management of the reserve, management of the reserve at a policy level (eg, the development of operational or conservation management plans) or a desire to participate in national-level issues, such as the review of the Marine Reserves Act 1971.

The Department welcomes offers of assistance with operational management of the reserve. Public involvement in management may include assistance with monitoring the reserve and offers of assistance with and the use of vessels (eg, when deploying boundary markers). Public support and involvement in management may also include assistance in compliance work when individuals notify the Department of activities of concern within the reserve or make themselves available for honorary ranger positions.

The contribution the community needs to make to the management of the reserve at a policy level has been recognised and provided for through the establishment of Te Tapuwae o Rongokako Marine Reserve Committee. The importance of community contribution to management of the reserve has been reflected in the composition of the Committee, which includes representatives from:

- Ngāti Konohi (tangata whenua and joint applicants for the reserve)
- Royal New Zealand Forest and Bird Society
- Commercial Fishers Association
- Gisborne Tatapouri Sports Fishing Club
- East Coast Hawke's Bay Conservation Board
- Friends of Te Tapuwae o Rongokako Marine Reserve Charitable Trust
- Nga Mahi Te Taiao (Experiencing Marine Reserves programme).

Policy throughout this operational plan provides for the input and advice of Te Tapuwae o Rongokako Marine Reserve Committee in all aspects of management relating to the reserve. Generally, this forum will be adequate in providing for community input into management of the reserve, as members of this Committee are representatives of wider groups and generally liaise with the public as part of their role. Involvement of the community in other policy matters, such as the development of conservation management strategies and conservation management plans and any resource consents associated with the reserve is provided for through legislation.

There should also be an opportunity for the public to be involved in specific issues of their own initiative (rather than through committee members) where implications are significant. For example, public input has been sought for the review of the Marine Reserves Act 1971. These types of issues will usually be managed at a national level. However, it is recognised that where national issues arise that are related to the reserve, public input beyond that provided for through the Committee should be provided for.

6.3.1 Policies

Policy 6.3.1(a)

Utilise offers of assistance from interested members of the public for involvement in management of the reserve wherever possible.

Explanation: The Department has some legal obligations (eg, in relation to safety) which may mean that some offers of assistance may be declined. However, in general, public input into the management of the reserve at an operational level is welcomed and encouraged.

Policy 6.3.1(b)

Promote opportunities for the general public to contribute to management issues relating to the reserve where these issues are of regional or national significance.

Explanation: These processes will generally be driven at a national level. The Department will use its discretion when seeking opportunities for public involvement in issues that affect the reserve but also have wider application.

6.3.2 Cross references

Policies that provide for the involvement of Te Tapuwae o Rongokako Marine Reserve Committee in management of the reserve are provided for throughout this operational plan – for example, Policies 4.2(b), 5.1.2(b), 5.3.2(d), 6.2.2(f), 8.2(d), 9.1.1(b), 9.3.1(a) and 9.3.3(a).

7. Cross-boundary issues

The Director-General may mark the boundaries of a marine reserve. However, in demarcating an area to be administered as a marine reserve, it must be recognised that the effects of activities and processes will not necessarily cease at the boundary. For example, ocean currents will carry discharges into and through the reserve, regardless of the marked boundaries. Statutory-determined boundaries often do not reflect the dynamic environment in which they are established.

7.1 Description of surrounding area

Te Tapuwae o Rongokako Marine Reserve is relatively isolated compared with some other marine reserves that are located in close proximity to significant urban development or infrastructure, such as ports, and consequently is not exposed to the effects of development pressure. The land adjacent to the reserve is owned and administered by Tapuwae Whitiwhiti Incorporation and managed as a farm.

No significant point-source discharges occur in the immediate area, although non-point-source discharges are carried in the waters of the Pouawa and Waiomoko rivers, which meet the sea adjacent to the boundaries of the reserve and consequently affect the water quality of the area. Evidence of the impacts of sediment may also be seen in the reserve.

A small community at Whangara, which is situated at the northern end of the reserve, are the closest residents to the reserve. During summer, freedom campers temporarily reside on the Pouawa foreshore.

A number of recreational and commercial vessels travel through the water of the reserve. However, provided no marine life is removed from the reserve, there are no adverse effects arising from this activity. Rights of access and navigation through marine reserves are provided for by the Marine Reserves Act 1971, and additional provisions are also made for vessels in stress or emergencies (section 23).

7.2 Jurisdiction

The land beyond the reserve boundaries is beyond the jurisdiction of this operational plan. In general, any impacts that occur on a marine reserve as a result of land management activities or community use of an adjoining area may not be constrained under the Marine Reserves Act 1971. However, section 18I of the Marine Reserves Act does stipulate offences relating to activities within and beyond marine reserve boundaries. In addition, other agencies, such as Gisborne District Council, administer environmental management legislation, such as the Resource Management Act 1991, the purpose of which is to promote the sustainable management of natural and physical resources. Additionally, the New Zealand Coastal Policy Statement requires particular recognition of marine protected areas in coastal management.

There is provision for public input into the development of regional and district plans, and this opportunity may be used by the Department to advocate for the conservation of natural and physical resources, including areas gazetted as marine reserves.

Legislation also defines the role and responsibilities of individuals or agencies with the authority to manage land in terms of how they must conduct themselves in their interactions with neighbours (eg, fencing requirements and trespass restrictions).

7.2.1 Policies

Policy 7.2.1(a)

Be proactive in advocating and utilising opportunities afforded by statute to seek that the reserve is not adversely affected by activities and processes occurring beyond its boundary.

Explanation: The Department interacts with a range of individuals and organisations both formally and informally. Cooperation, maintaining effective working relationships, sharing information and exercising opportunities afforded by statute should all be undertaken to ensure the protection of marine life in the reserve from activities taking place beyond its boundary. The Department will continue to advocate for sound environmental practices to ensure that the reserve is not adversely affected by activities or processes outside its boundary.

Note that this operational plan serves to guide the Department in its actions and does not constrain Te Tapuwae o Rongokako Marine Reserve Committee's ability to advocate in a similar way.

Policy 7.2.1(b)

Develop and maintain good neighbourly relations with adjoining landowners, and exercise responsibilities in accordance with statutory provisions.

Policy 7.2.1(c)

Maintain markers along the boundary of the reserve, except where it is more practical that the seaward boundary of the reserve remains unmarked:

- in the interests of the safety of mariners; or
- due to the prohibitive costs of installing and maintaining markers.

Explanation: While the establishment of markers identifies boundaries and contributes substantially when seeking compliance with, and enforcing provisions of, the Marine Reserves Act 1971, it is not a requirement. Generally, landward boundaries are more easily defined than seaward boundaries, and in some circumstances (eg, rough seas), markers may not be able to be maintained.

7.2.2 Legislation

- Marine Reserves Act 1971, sections 22 and 23.
- Conservation Act 1987.
- East Coast Conservation Management Strategy, section 3.5.3.

8. Compliance and law enforcement

Under the Marine Reserves Act 1971, it is an offence to:

- take any plant or animal (alive or dead) from a marine reserve
- wilfully damage or injure marine life in a marine reserve
- erect any structure in or over a marine reserve
- wilfully interfere with or disturb marine life, the foreshore or seabed, or natural features in a marine reserve
- discharge any firearm in or into a marine reserve
- litter a marine reserve
- discharge any substance or article injurious to marine life in or into a marine reserve
- introduce any living organism to a marine reserve that does not naturally occur there.

Members of the public are usually willing to comply with the marine reserve rules and conduct themselves in accordance with legislation when recreating in Te Tapuwae o Rongokako Marine Reserve. However, there have been instances when individuals have intentionally or ignorantly committed an offence in the reserve. Therefore, the Department has a role to ensure that the provisions of the Marine Reserves Act are complied with. In addition to warranted staff, those empowered to act as rangers in the reserve include:

- every member of the New Zealand Police
- persons appointed as Fisheries Officers under the Fisheries Act 1983
- persons appointed as warranted officers under the Conservation Act 1987 (section 17(7)).

Other members of the public may be appointed as honorary rangers for a period not exceeding 3 years. The general powers of rangers and powers of seizure are specified in sections 18 and 18A of the Marine Reserves Act.

Rangers have an important role in enforcing the Marine Reserves Act and raising public awareness of the reserve itself and may be required to appear in a court of law when seeking prosecutions for offences committed in the reserve. Such a role is often technical and legally complex and, in most cases, will require important community relations and communication skills. Honorary rangers will therefore only be appointed in specific circumstances.

There is also a surveillance camera in operation in the reserve.

8.1 Objectives

Objective 8.1(a)

Members of the public are aware of and comply with the legislation and regulations administered by the Department that apply to the reserve.

8.2 Policies

Policy 8.2.(a)

Undertake compliance and law enforcement activities.

Policy 8.2(b)

Be proactive in providing information and advice to the public regarding the statutory restrictions associated with the reserve and activities that may be lawfully undertaken within it.

Explanation: This information will encourage public compliance with marine reserve requirements.

Policy 8.2(c)

Encourage the cooperation of users of the reserve and those living in close proximity to it in monitoring compliance with the Marine Reserves Act provisions and reporting breaches of these provisions.

Explanation: Cultivating community awareness, support and commitment to the reserve is essential to its protection and preservation. Ngāti Konohi will be advised of any honorary rangers appointed.

Policy 8.2(d)

Appoint honorary rangers (in accordance with section 17(1) of the Marine Reserves Act 1971) only in specific circumstances, including where:

- there is a need for additional compliance and enforcement rangers
- there are sufficient resources to train and supervise honorary rangers
- advice on the appointment of honorary rangers from Te Tapuwae o Rongokako Marine Reserve Committee has been considered
- suitable members of the public with the ability and willingness to proactively undertake honorary ranger functions and an ability to successfully complete training requirements are available for appointment.

Explanation: Honorary rangers have an important role to play in the successful management of the reserve and are given significant responsibility, general powers and powers of seizure under the Marine Reserves Act. Exercising the functions of a ranger is an onerous, difficult and often confrontational task, and suitable volunteers will only be appointed where necessary and where the Department is in a position to

adequately train and support them. Assessing the suitability of a person may include undertaking a vetting check, as outlined in Standard Operating Procedure (SOP) QD C1060.

Policy 8.2(e)

Have regard to the expectations of Ngāti Kōnohi in relation to their role as tangata whenua in contributing to the compliance and law enforcement aspects of marine reserve management when considering appointing honorary rangers to the reserve.

Explanation: The views of Ngāti Kōnohi will be sought when appointing honorary rangers.

8.3 Legislation and other guidance

- Marine Reserves Act 1971, sections 17, 18 and 18A.
- East Coast Conservation Management Strategy.
- SOP Vetting (QD C1060).

9. Implementation, monitoring and review

9.1 Implementation

The Department is required to administer and manage Te Tapuwae o Rongokako Marine Reserve in a way that is consistent with relevant legislation, the East Coast Conservation Management Strategy and this operational plan.

This plan will be implemented by the Department during both the day-to-day management of the reserve and as part of the strategic decision-making (and management) associated with administering it. This plan will also be implemented through the annual business planning process.

Decisions on the day-to-day management and strategic management of the reserve will be guided by the policy in this plan. This plan will also guide decision-making by the Department on how the reserve should be managed on a daily basis and into the future. Some of these decisions may have resource implications that will be identified in the business plan.

The business plan, prepared under section 41(2)(d) of the Public Finance Act 1989, covers a 12-month period from 1 July to 30 June each year and implements work priorities established by the conservation management strategy and annual conservation directions. The purchase agreement, which is a contract between the Department and the New Zealand Government regarding what services will be provided, and the strategic business plan will also influence the business plan. This operational plan will assist in focusing the Department's effort and funds that have been allocated for the reserve.

9.1.1 Policies

Policy 9.1.1(a)

Undertake decisions and prepare annual business plans and attendant work programmes that are relevant to the reserve, taking into account the provisions of this plan.

Explanation: The Department's management of the reserve will be guided by this plan and the conservation management strategy. National priorities established through annual conservation directions and the purchase agreement may change during the term of this plan and will also be taken into account when making implementation decisions.

Te Tapuwae o Rongokako Marine Reserve Committee has a role in advising on the Department's management of the reserve. The Committee's terms of reference³ state that its functions include:

To provide the Director-General with local information to aid the management of Te Tapuwae o Rongokako Marine Reserve including:

- means of fostering community support for Te Tapuwae o Rongokako Marine Reserve;
- the provision of effective public information and education on Te Tapuwae o Rongokako Marine Reserve;
- advice on specific applications to carry out scientific study in Te Tapuwae o Rongokako Marine Reserve;
- advice on the appointment of honorary rangers for Te Tapuwae o Rongokako Marine Reserve;
- advice on the commercial opportunities provided by Te Tapuwae o Rongokako Marine Reserve, and possible licensing of commercial operations based on Te Tapuwae o Rongokako Marine Reserve should the Marine Reserves Act 1971 be amended to permit this.

In relation to functions delegated by the East Coast Hawke's Bay Conservation Board under section 6M(1)(d)(ii) of the Conservation Act 1987, the Committee may also advise on any conservation matter relating to the reserve (including a change in its status or classification).

The Committee has exercised these functions through its involvement in the development of this operational plan, and the Committee's advice will also be sought on how this plan is implemented.

Policy 9.1.1(b)

Seek the advice of Te Tapuwae o Rongokako Marine Reserve Committee regarding the implementation of this operational plan where additional guidance and clarification is required.

Explanation: Additional advice from the Committee will be sought as necessary.

Policy 9.1.1(c)

Consider seeking the establishment of regulations under section 24 of the Marine Reserves Act 1971 if this is considered essential for management of the reserve.

Explanation: Regulations may be developed to assist the Department in managing the reserve. However, this will only be considered when other avenues of management, such as education, advocacy and the enforcement of existing provisions of the Marine Reserves Act 1971 and other regulations, fail to address

³ For a copy of the full terms of reference, see Appendix 2.

issues of concern. It is noted that the establishment of regulations may only be undertaken by the Governor-General (Marine Reserves Act 1971, section 24(1)), so the Department may only advise on (not require) their development.

9.2 Monitoring

Monitoring involves the systematic collection of data over time and the analysis and interpretation of those data. The results of this analysis will allow decision-makers to be informed about the consequences of marine reserve management, visitor use and changes that may be occurring in the environment, assisting them in making informed decisions on future actions, including the review of this operational plan.

The types of monitoring that may be undertaken in relation to Te Tapuwae o Rongokako Marine Reserve include:

- State of the Environment monitoring
- visitor and recreational impact monitoring
- commercial activity monitoring
- monitoring the effectiveness of policy within this operational plan.

The Department is currently undertaking biodiversity monitoring within the reserve. This monitoring is being carried out in accordance with Te Tapuwae o Rongokako Marine Reserve Monitoring Plan, which focuses on data collection and the analysis of species and habitats within the reserve.

The impacts of visitors, recreational activities and commercial activities within the reserve are not currently being monitored. Given the low numbers of visitors (both recreational and commercial) who are currently using the reserve, monitoring the effects of these activities is not currently considered necessary. However, should biodiversity monitoring suggest that adverse effects are occurring that can be attributed to visitor impacts (eg, reduced density or altered size structure of a population, loss of habitat, changes in competition and predation, or behavioural changes exhibited by marine species; McCrone 2001), then monitoring may be extended.

The relevance of the policies within this operational plan to the management of the reserve will also need to be evaluated periodically to determine if a review of the operational plan is required (see section 9.3 'Review').

9.2.1 Policies

Policy 9.2.1(a)

Undertake biodiversity monitoring within the reserve in accordance with Te Tapuwae o Rongokako Marine Reserve Monitoring Plan.

Explanation: Standard procedures and methodologies are being used to monitor the reserve in a nationally consistent manner that also recognises the need to provide for regional and local circumstances.

Policy 9.2.1(b)

Utilise current research and monitoring work that is being undertaken within the reserve to contribute to national research and the management of the reserve by, for example:

- i. making information available to the scientific community and interested parties
- ii. utilising information wherever possible to assist in decision-making regarding the management of the reserve.

Explanation: Monitoring data are expensive to collect. The Department will encourage the use of the information collected from the reserve and will also report the results of monitoring to Te Tapuwae O Rongokako Marine Reserve Committee.

Policy 9.2.1(c)

Initiate monitoring of the impacts of recreational and/or commercial use on the reserve where:

- this has increased to a degree that impacts may be expected to be occurring
- biodiversity monitoring suggests that significant changes are occurring within the reserve that are attributable to recreational and commercial use.

Explanation: Te Tapuwae o Rongokako Marine Reserve is a relatively isolated reserve that is located a considerable distance from a large population source of visitors and does not contain species or communities that are particularly susceptible to visitor impacts. Therefore, it is not anticipated that visitor impacts will present the same problems as are seen in some other New Zealand reserves that attract large numbers of visitors, so monitoring will only be initiated where necessary.

9.3 Review

It is important that this operational plan remains relevant and effective in providing policy guidance on management of the reserve. It will therefore require regular review and possible amendment. The operational plan may be amended or reviewed (in part or in whole) in response to a range of factors, ensuring that it is consistent with legislation and statutory documents and applicable to the issues that arise in relation to the reserve.

9.3.1 Policies

Policy 9.3.1(a)

Amend or review the operational plan:

- at least every 5 years; or
- to take account of increased knowledge or changing circumstances; or
- when Te Tapuwae o Rongokako Marine Reserve Committee or the Department advises an amendment or review is required.

Explanation: A review of this operational plan may be required, for example, in response to the results of monitoring data, changing use patterns, a review of the conservation management strategy or an amendment to the Marine Reserves Act 1971. This operational plan must not be inconsistent with the relevant conservation management strategy or legislation. Therefore, changes to statutory documents and legislation may trigger a subsequent amendment or review of the operational plan. Te Tapuwae o Rongokako Marine Reserve Committee or the Department may also suggest amendment to the plan.

9.3.2 Review of the reserve

Prior to the application for Te Tapuwae o Rongokako Marine Reserve being lodged in June 1998, an investigation process was undertaken by the Department. This process included extensive consultation with Ngāti Konohi, a brief account of which is recounted in section 2.2.2 ‘Investigation process’.

During this investigation process, Ngāti Konohi raised concerns with the Minister of Conservation regarding the shortcomings of the marine reserve legislation, as ‘It is our view that the legislation does not contain a mechanism which recognises and provides for Kaitiakitanga nor for partnership between tangata whenua and the Crown in the management of marine reserves’. Ngāti Konohi also stated their wish to provide for a 25-year generational review to provide an opportunity for the community to test the continuing relevance and appropriateness of the marine reserve mechanism (see letter attached in Appendix 4).

In a letter dated 22 September 1995 (see Appendix 4), the Minister of Conservation confirmed support for the proposal to establish a marine reserve committee to address shortcomings of the marine reserve legislation. The Minister also noted that it is possible to request that the Crown undertakes a formal review of the marine reserve at any time and, if necessary, to revoke the Order in Council that established it.

Policy will therefore be included in this operational plan in response to the Ngāti Konohi request for a 25-year generational review. Any future operational management plan, conservation management plan or conservation management strategy that is subsequently developed for the reserve should also contain policy on this matter.

9.3.3 Policies

Policy 9.3.3(a)

Undertake or provide opportunity for a review of the reserve:

- a) 25 years from the date of gazettal of the reserve; or
- b) at other times as advised by Te Tapuwae o Rongokako Marine Reserve Committee.

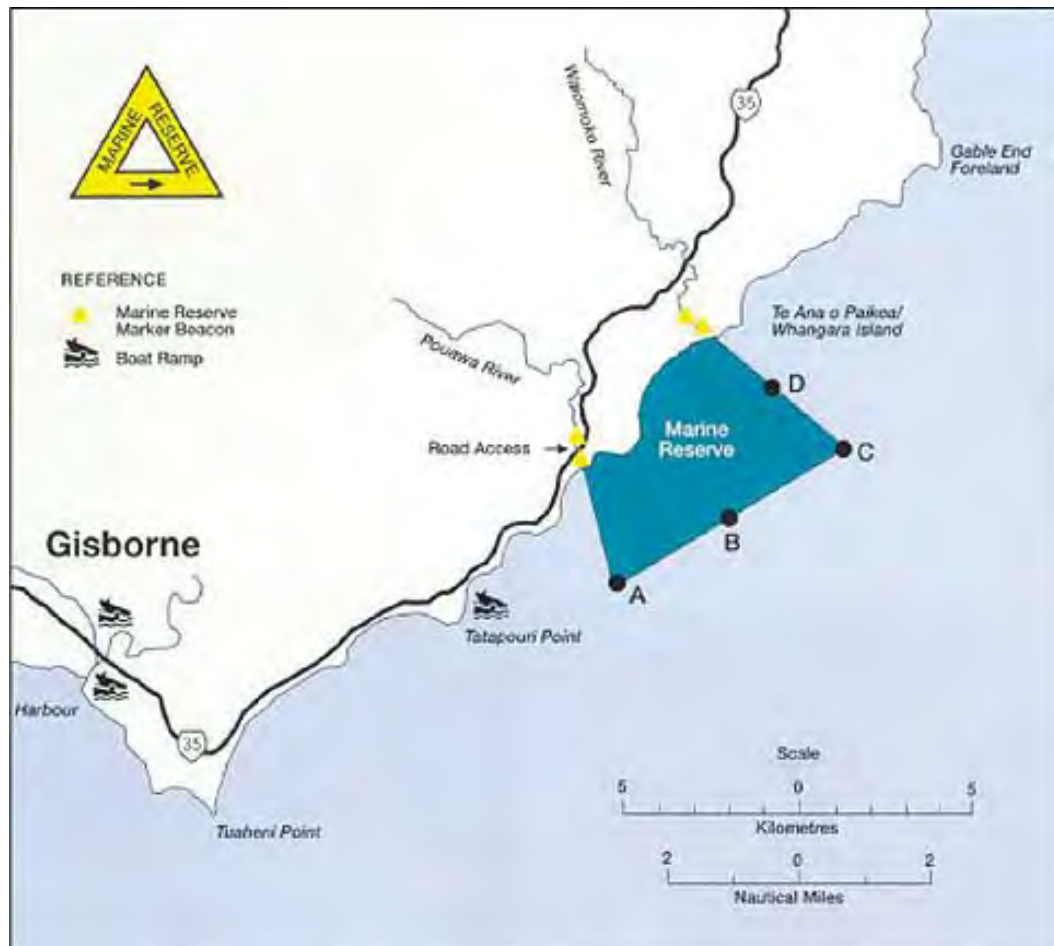
Explanation: A review of the reserve may be undertaken at any time. If, as a result of the review, the marine reserve mechanism is concluded to no longer be appropriate, any revocation of the reserve must be undertaken following the same process as was undertaken to establish it (ie, by Order in Council), in accordance with sections 4, 5 of the Marine Reserves Act 1971 and section 15 of the Interpretation Act 1999.

10. References

- Department of Conservation 1998: East Coast Conservation Management Strategy.
- Department of Conservation 2001: Te Tapuwae o Rongokako Marine Reserve Monitoring Plan.
- Department of Conservation 2010: New Zealand Coastal Policy Statement 2010. Department of Conservation, Wellington. 29 p.
- Gisborne District Council 2018: Te Papa Tipu Taunaki o Te Tairāwhiti - The Tairāwhiti Resource Management Plan - Part D. Gisborne.
- Hogan, K.; Seymour, T.; Gordon, P. 1991: Kaiora Marine Reserve proposal, a preliminary intertidal and subtidal site survey. East Coast Conservancy, Department of Conservation, Gisborne. 56 p.
- McCrone, A. 2001: Visitor impacts on marine protected areas in New Zealand. *Science for Conservation 173*. Department of Conservation, Wellington. 68 p.
- Montgomery Watson 1999: Independent Review of Procedure for Te Tapuwae o Rongokako Marine Reserve, Gisborne.

Appendix 1

Te Tapuwae o Rongokako Marine Reserve map



Appendix 2

Te Tapuwae o Rongokako Marine Reserve Committee

TERMS OF REFERENCE

This paper includes terms of reference for both the section 56 Conservation Act 1987 advisory committee and the East Coast Hawke's Bay Conservation Board committee. They are presented separately because the appointment of the section 56 committee is independent of, the appointment by the Conservation Board.

INTRODUCTION

In recognition that gazettal of Te Tapuwae o Rongokako Marine Reserve affects the interests of tangata whenua (and other groups in that area) and that Ngati Konohi are joint applicants with the Department of Conservation, this S.56 committee is established to provide a direct link between the affected community and the Crown on matters relating to the management of Te Tapuwae o Rongokako Marine Reserve.

CONTEXT

Section 9 Marine Reserves Act 1971 specifically places administration and management of marine reserves with the Director-General of Conservation. The functions of the S.56 committee cannot remove management responsibility from the Director-General. Therefore, the S.56 committee's role can only be advisory (notwithstanding any functions subsequently delegated to the committee by the East Coast Hawke's Bay Conservation Board).

OBJECTIVES AND FUNCTIONS

- (i) To, where necessary, raise with the Minister matters relating to Te Tapuwae o Rongokako Marine Reserve for which a report to the Director-General should be sought in terms of S10 (a) Marine Reserves Act 1971.
- (ii) To carry out such duties and functions as may be delegated to it by the East Coast Hawke's Bay Conservation Board.
- (iii) To provide the Director-General with local information to aid the management of Te Tapuwae o Rongokako Marine Reserve including:
 - issues to be addressed in the event of preparation and implementation of a Conservation Management Plan for Te Tapuwae o Rongokako Marine Reserve or any non-statutory plan;
 - means of fostering community support for Te Tapuwae o Rongokako Marine Reserve;
 - the provision of effective public information and education on Te Tapuwae o Rongokako Marine Reserve;
 - advice on specific applications to carry out scientific study in Te Tapuwae o

Rongokako Marine Reserve;

- advice on the appointment of honorary rangers for Te Tapuwae o Rongokako Marine Reserve;
- advice on the commercial opportunities provided by Te Tapuwae o Rongokako Marine Reserve, and possible licensing of commercial operations based on Te Tapuwae o Rongokako Marine Reserve should the Marine Reserves Act 1971 be amended to permit this.

MEMBERSHIP OF THE COMMITTEE

The Committee shall comprise up to 9 members representing groups with key interests in Te Tapuwae o Rongokako Marine Reserve and be weighted in favour of Iwi – i.e. the number of tangata whenua representatives on the committee must be greater than the total collective number of other representatives on the committee.

Consequently, there will be 5 seats available for members nominated by Ngati Konohi as agreed to by the Minister of Conservation as joint applicants for the marine reserve and in recognition of their support as tangata whenua. The remaining seats will provide for representation of other community interests.

CHAIRPERSON

The Chairperson shall be elected, by simple majority, by those members present at the first meeting of the Committee. The Chairperson shall be elected for a period of 12 months. The Chairperson shall preside over all meetings of the Committee at which he or she is present. If the Chairperson is absent from any meeting, the committee members present appoint one of their number to assume the position of Chairperson for that meeting.

MEETINGS OF THE COMMITTEE

Time and place of meetings: Meetings shall be held at such times and places as the committee or Chairperson appoints, but no more than six meetings may be held within any calendar year.

Quorum: A quorum of the committee shall comprise at least one more than 50% of the whole committee and no business shall be transacted at any meeting unless such a quorum is present. A quorum of the committee must reflect the approved structure of the committee, i.e., the number of tangata whenua representatives on the quorum must be greater than the total collective number of other representatives on the quorum.

Decisions: Every question before the committee shall be determined by a majority of members present and voting on the question.

Casting vote: At any meeting of the committee, the chairperson of that meeting shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote.

TERM OF APPOINTMENT

Appointments to the committee shall be for a term of up to three years and the specific term of each member shall be specified in the notice of appointment.

Members may from time to time be reappointed to the committee.

Any member of the committee may at any time be removed from the committee by the Minister for bankruptcy, disability, neglect of duty or misconduct.

Any member of the committee may at any time resign his or her office by writing addressed to the Minister.

Should any member of the committee die, resign or be removed from the committee, the vacancy shall be filled in the manner in which the appointment was originally made, for the residue of the term of the vacating member.

ANNUAL REPORT

An annual report of the committee shall be prepared and sent to the Minister by the end of July of each year. A copy of the report shall be sent to the Conservation Board (to allow the Board to report to the Conservation Authority).

Communications to be copied to the East Coast Hawke's Bay Conservation Board

Communications to the Minister, Director-General, or Conservation Authority shall be copied to the East Coast Hawke's Bay Conservation Board.

Terms of Reference – Committee of Conservation Board

DELEGATIONS

Section 6N of the Conservation Act 1987 provides that the Board may establish a committee and delegate functions to it at its discretion. Functions recommended for delegation are those presented below.

Delegation to approve a Conservation Management Plan for Te Tapuwae o Rongokako Marine Reserve will be subject to a requirement for liaison with the full Conservation Board before it is exercised.

Delegation to provide advice to the Minister, Conservation Authority, or Director-General will not prevent the full Conservation Board from separately providing advice, although this would only be exercised in exceptional circumstances.

SUBCOMMITTEE/WORKING GROUPS

The committee may, subject to the Director's approval for funding purposes, establish a sub-committee or working group to undertake a specific sub-project for Te Tapuwae o Rongokako Marine Reserve.

CO-OPTING

The committee may, subject to the Director's approval for funding purposes, request that the full Conservation Board co-opt to the committee expertise from outside for specific purposes in relation to Te Tapuwae o Rongokako Marine Reserve.

Conservation Board Functions Available for Delegation:

Conservation Act 1987

6M (1) (b) Approve Conservation Management Plan (subject to alternative approval routes prescribed by S17G (2) or (3))

(c) advise on implementation of Conservation Management Plan.

(d)(ii) advise on any conservation matter relating to Te Tapuwae o Rongokako Marine Reserve (including a change in status or classification of Te Tapuwae o Rongokako Marine Reserve 6M (d) (i)).

6N(2)(a) advocate Conservation Board interests in Te Tapuwae o Rongokako Marine Reserve except before a tribunal or court.

7F (a) Director-General to consult with Conservation Board in preparation of Conservation Management Plan for Te Tapuwae o Rongokako Marine Reserve.

(g) Representatives of Conservation Board and Director General may hear submissions on the draft plan.

(i) Receive draft Conservation Management Plan for consideration.

17G (2) (a) Approve the draft plan or (2)(b) Request the draft plan be revised or (2)(c) Send the draft plan to Conservation Authority for consideration (Note: the provisions of 17G (3) apply if this is done).

17H (1) consult with Director-General on review of Conservation Management Plan.

17 I (1) consult with Director-General on amendment of Conservation Management Plan.

FEES AND ALLOWANCES:

Fees and allowances payable to Committee members will be in accordance with the State Services Commission guidelines for departments administering fees and allowances for members of statutory, commercial and other bodies appointed by the Crown. Fees will be set at the same rate as those received by Conservation Board members.

Fees and allowances will only be paid for work, other than preparation for meetings, which has been approved and minuted by the Committee before it is undertaken.

Appendix 3

Sections of the East Coast Conservation Management Strategy that are relevant to management of the reserve

Monitoring

6. The Department will establish and maintain regular monitoring (eg wild animal exclosures) of critical areas/ecosystems/habitats/species where a general sensitivity or specific threats are perceived or other ecological change is anticipated, to provide an early warning system indicating needs for management response.
7. Other monitoring will be carried out in association with specific operations – wild animal control for example – to assess the performance and effectiveness of these operations.

General

8. New initiatives for survey of monitoring programmes will be implemented after consultation with the tangata whenua and affected landowners.
9. Participation by iwi Maori and the interested public in survey or monitoring programmes will be encouraged wherever possible.
10. A Conservancy survey and monitoring strategy will be developed to amplify the above provisions and identify more specific priorities.

Strategic Implications for Subregions

For the most part, the objectives and implementation provisions apply across the whole Conservancy, with obvious adaptations such as the Coastal Resources Inventory applying only to the coastal subregions. The following issues are priorities for particular subregions:

Te Urewera:

- ▲ This sub-region will receive the highest ecological monitoring activity in the Conservancy, in association with whole ecosystem management trials (s.3.3.9 *Ecosystems Management refers*).
- ▲ Publication of vegetation survey information relating to Te Urewera National Park.

Raukumara:

- ▲ The highest priority in the Conservancy for new survey information.

3.3.11 ECOSYSTEMS AND HABITATS – MARINE RESERVES

Marine reserves are areas of the foreshore, sea and seabed below the Mean High Water Spring Mark (MHWS), where all things living and non-living enjoy complete protection. With few exceptions, no fishing or any type of destructive or extractive use is allowed³⁰. People are encouraged to enjoy them through swimming, diving, boating, educational pursuits and scientific endeavours. Marine reserves are created under the Marine Reserves Act 1971, and are administered by the Department. No marine reserves have been established anywhere within the 560 kilometres of coastline within the East Coast Conservancy, although two sites, at Maraetai Bay near Te Kaha and at Kaiora near Gisborne have been under investigation. A need to

³⁰ The Marine Reserve Act provides for recreational fishing to be permitted in certain circumstances.

prioritise and nationalise scarce resources has led to the Te Kaha investigation being postponed. The Conservancy's efforts are currently concentrated on Kaioara.

Conservation Management Issues

Network of Protection: The East Coast Conservancy seeks to contribute to a network of marine reserves around the coast of New Zealand by locating marine reserves on the East Coast to include representative examples of all the significant habitat types as well as identified special marine features which give the East Coast its own recognisable character. The East Coast Conservancy coastal marine area is located between two biogeographic regions; a warm northeastern region north of East Cape and a more temperate region south of East Cape. The Conservancy has identified four biogeographic zones occurring wholly within the Conservancy as subsets of the two biogeographic regions, on the basis of their distinctive marine features, climate, geology and biology. These are:

- ^ Eastern Bay of Plenty rocky coast
- ^ Matakaoa volcanic coast
- ^ East Gisborne transition zone
- ^ Mahia Peninsula

The Conservancy will advocate for the establishment of at least one marine reserve in each of the four zones at sites which contain both representative and special features.

Marine Reserves preserve marine areas in their natural state, for the purpose of scientific study. Benefits include:

- ^ Protection of intrinsic values of specific areas,
- ^ Maintenance and enhancement of genetic diversity,
- ^ Provision of recreational opportunities,
- ^ Enhancement of amenity values for public enjoyment,
- ^ Protection of natural heritage values,
- ^ Enhancement of nearby fishing opportunities,
- ^ Possible protection to culturally important areas,
- ^ Enhancement of ecotourism opportunities,
- ^ Safeguarding options for future generations,
- ^ Provision of education opportunities.

The Conservancy will continue to work towards the achievement of protection of representative examples of all classes of marine ecosystems (both unique and typical), and associated species of indigenous marine flora and fauna which, together, give the East Coast its own recognisable character.

Information Needs: Site selection of marine reserves within East Coast will employ ecological, social and pragmatic criteria (including research on marine coastal characteristics, local knowledge of and the extent of hapu and wider community support) and will involve an extensive and early consultation programme.

Compliance and Law Enforcement: This will be a factor in the establishment and protection of Marine Reserves in the East Coast Conservancy, with its isolated and extensive coastline. The support and involvement of local communities is crucial in the establishment and ongoing management of Marine Reserves.

Different Reserve Types: Traditional fisheries reserves established under Fisheries legislation (taiapure) and mataitai reserves (established under the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992) have quite different purposes from marine reserves but are not necessarily incompatible. The Conservancy may support initiatives to establish appropriately managed Taiapure and Mataitai reserves in isolation, or in association with Marine Reserve initiatives.

Conservation Management Objectives

1. To establish a network of marine reserves incorporating unique and/or representative marine habitats for the purpose of preserving marine areas in their natural state.
2. To establish and administer marine reserves with local support and participation.
3. To have regard to the kaitiakitanga status of tangata whenua in the establishment and ongoing administration of marine reserve.
4. To provide for educational, recreational and scientific opportunities which are compatible with the purpose of marine reserves.
5. To recognise the possibility of applications for marine reserves by other agencies, and to support marine protection mechanisms in general.

Implementation

1. Sites with potential as marine reserves will be identified and investigated according to the criteria set out in the Marine Reserves Act.
2. Existing proposals for marine reserves at Kaiora and Maraetai Bay will be processed to logical conclusion.
3. The Conservancy will support initiatives to involve community and tangata whenua participation in marine reserve management, subject to the provisions of the Marine Reserves Act.
4. Scientific study, monitoring and recreation opportunities which are compatible with the purpose of the reserve will be encouraged.
5. Proposals for commercial activities compatible with the purpose and objectives of marine reserves will be considered.
6. The Conservancy may support initiatives to establish fishery reserves under fisheries legislation which have appropriate marine conservation objectives
7. Interpretative and educational information will be produced and distributed in association with the establishment of marine reserves.
8. Conservation management plans may be prepared, if required, for each marine reserve gazetted. The preparation of plans will involve consultation and opportunities for public participation.

9. Provision will be made for amenities associated with the ordered management of a marine reserve (eg toilet facilities, carparks, rubbish receptacles).
10. A Compliance and Law Enforcement Plan will be prepared and implemented at time of gazettal, which addresses adequate provision of resources and training for staff and honorary rangers.
11. Advice and support will be offered to outside agencies making applications for marine reserves.

Strategic Implications for Subregions

The objectives and implementation statements apply generally to marine reserve establishment throughout the coastal subregions. There are four zones within the Conservancy which reflect cohesive biogeography and communities of interest. It is a priority to establish at least one representative marine reserve within each of these zones.

Western Coast:

- ▲ Completion of negotiations regarding a proposed marine reserve at Maraetai Bay.

Eastern Coast:

- ▲ Completion of negotiations regarding a proposed marine reserve at Kaiora.

3.3.12 ECOSYSTEMS AND HABITATS – PROBLEM PLANTS

Introduction: In general, a problem plant is one which is growing where it is not wanted, and is having some undesirable effect. Many plants which are problems in terms of conservation have been introduced for ornamental or agricultural purposes (although some are also agricultural weeds brought in accidentally with seed), and have since naturalised beyond the areas originally intended and become invasive. The recognition of a plant as a pest depends on where the plant is, what effect it is having or likely to have and who is asking the question. For example, a pine tree in an established plantation is an economic resource. A pine tree in a scenic reserve or alpine shrubland is considered a pest.

The Conservancy's control of problem plant pests is primarily determined by the Conservation Act 1987, the Reserves Act 1977 and the National Parks Act 1980. These Acts require that natural and historic resources be protected, which includes protection from damage by plant pests.

The Department is also bound by the Biosecurity Act 1993. The Biosecurity Act is administered by MAF and MAFish and provides opportunities for the Conservancy to participate in the development of regional pest management programmes which could affect land managed by the Conservancy.

Conservation Management Issues

Problem plants can permanently alter the successional processes and organisms within native plant communities. They are generally the first to establish in indigenous ecosystems after disturbance of existing vegetation (from either natural causes or induced causes such as fire or

3.2 GIVING EFFECT TO THE PRINCIPLES OF THE TREATY OF WAITANGI

3.2.1 INTRODUCTION

Section 4 of the Conservation Act requires the Department of Conservation to give effect to the principles of the Treaty of Waitangi. The development of case law relating to the principles of the Treaty is helping to clarify these principles, and indicating appropriate means by which they can be given effect (*Appendix 5 Principles of the Treaty of Waitangi refer*).

The Department's statutory obligation is relevant to all aspects of conservation work carried out under the Conservation Act (and other Acts scheduled in the Conservation Act), and consequently Treaty issues are considered throughout this CMS. This section deals specifically with treaty issues.

Management Objective

Subject to the limits of legislation, to give effect to the principles of the Treaty of Waitangi in all activities carried out under the Conservation Act 1987 and other Acts in the first schedule of the Conservation Act (*Appendix 5 Principles of the Treaty of Waitangi refer*).

Implementation

1. The Conservancy will give effect to the principles of the Treaty of Waitangi on a general policy level through the management objectives and implementation statements throughout this CMS.
2. The Conservancy will give effect to the principles of the Treaty of Waitangi in particular by liaison and involvement with tangata whenua, including consultation.

Strategic Implications for Subregions

The implementation of these objectives will apply generally across the Conservancy. The management objectives and implementation statements throughout Section Three will elaborate and specify strategic implications as appropriate.

3.2.2 WORKING RELATIONSHIP WITH TANGATA WHENUA

A high proportion of the rural population, and 50% of the urban population in the Conservancy are Maori. A working relationship with tangata whenua in the protection and conservation of natural and historic values is therefore an important part of the Conservancy's work.

The objectives and implementation statements in this sub-section are intended to send a positive signal to tangata whenua of the Conservancy's commitment to building working relationships with them.

Management Objective

1. To develop effective working relationships between the Department and tangata whenua in the protection of natural and historic resources in order to give effect to the principles of the Treaty of Waitangi.

Implementation

1. "Maori Perspectives Training Hui" on various marae of the Conservancy will continue to be valued as a key opportunity for tangata whenua to discuss their perspectives with the Department.
2. To the extent that is lawfully permissible tangata whenua will be involved in the protection and interpretation of sites of significance to them on land managed by the Department.
3. The Department will fully inform tangata whenua and have regard to their views.
4. The Department will continue to value and maintain full, open communication with tangata whenua regarding conservation issues of mutual interest.
5. The Conservancy will pursue all appropriate avenues available in order to facilitate a practical relationship with tangata whenua on conservation matters.

Strategic Implications for Subregions

All aspects of implementation will apply generally across the Conservancy.

- △ Maori Perspectives Training Hui will be timed and located to ensure comprehensive coverage of the Conservancy over the period of this CMS.
- △ To the extent that is legally permissible, the involvement of tangata whenua in conservation management issues will be encouraged throughout the Conservancy.

Te Urewera Subregion

- △ The involvement of Tuhoe in conservation management issues relating to Te Urewera will be encouraged. Conservation issues within the Waikaremoana area of the subregion will also involve Tuhoe, Ruapani, Kahungunu and the hapu of Waikaremoana.

All Coastal Subregions

- △ The Conservancy will seek the involvement of tangata whenua with mana whenua and mana moana in coastal conservation management issues relating to the coast, such as protection of marine areas (*s.3.3.11 Marine Reserves refers*).

3.2.3 RESOLUTION OF TREATY CLAIMS

The 'Principle of Redress' addresses a commitment by the Crown to resolve grievances arising from the Treaty. The Waitangi Tribunal is a key institution in that it examines claims and makes recommendations for resolution to the Crown.

The role of the Department is to provide advice to the Minister of Conservation and the Crown in specific Treaty of Waitangi issues relating to conservation management. The Conservancy's participation in consultation, research, information sharing, negotiations, mediation, hui, Tribunal hearings, and inter-departmental meetings can contribute constructively to the process of considering claims. The Conservancy may also contribute to the implementation of government decisions on claim settlements.

The Waitangi Tribunal Register of claims identified fifty-five claims within the Conservancy in 1994. At least twenty-eight of these claims could affect the Conservancy's activities. Conservancy staff may work with other Crown agencies to assist in the process of resolving claims through the Waitangi Tribunal mediation process where appropriate.

Management Objectives

1. As required by Government, as directed by the Minister of Conservation and in liaison with other Crown agencies, to assist, where appropriate, with settlement of claims under the Treaty of Waitangi.

Implementation

1. The Department will provide timely and high quality advice to the Minister and the Crown, and, where appropriate and practical, will assist with research on issues related to Treaty Claims as directed by the Minister.
2. The Conservancy will continue to value open and honest exchange with iwi and hapu as a valuable means of contributing to Treaty Claim resolution.

Strategic Implications for Subregions

At least twenty eight Treaty of Waitangi claims which may impact on lands managed by the Conservancy have been lodged. The objectives and implementation statements will therefore apply generally as situations arise throughout the Conservancy.

3.2.4 CONSULTATION

The Conservancy is striving to develop positive working relationships with tangata whenua. It will maintain established consultation networks with tangata whenua of the Conservancy, for the purposes of information sharing and to encourage active participation in the work of the Department where appropriate.

Management Objective

1. To develop and maintain positive consultation networks with tangata whenua of the Conservancy and to have regard to their views on all aspects of the department's work.

Implementation

1. Venues for consultation with tangata whenua on Conservancy matters will, wherever possible be at the discretion of iwi and may include marae, kainga, Trust Board, Iwi Authority offices or offices of the Department.
2. The Department will seek the views of tangata whenua concerning policies and plans developed by it, or any reviews of this CMS.
3. Consultation with tangata whenua will be undertaken primarily by the staff person responsible for the area or issue of concern, with the support of Management staff where possible.

4. The Conservancy Kaupapa Atawhai Manager will attend consultation hui where Te Reo Maori is the principal medium of communication.
5. Maori Perspectives Training hui for staff and Wananga Tikanga Maori (classes in Maori protocols and language) will be ongoing.
6. The Kaupapa Atawhai Manager will endeavour to maintain current information on all iwi groups, office holders and addresses within the Conservancy. Lists of kaumatua and addresses will also be made available to staff for consultation purposes.
7. The Conservancy will consult with Maori members of East Coast Conservation Board and will involve them in issues of concern to tangata whenua.

Strategic Implications for Subregions

The objectives and implementation statements relating to consultation will apply generally throughout the Conservancy.

3.2.5 WAHI TAPU

Wahi Tapu are taonga (treasures) of tangata whenua which provide a unique category of historical and cultural heritage and there are many such taonga in the Conservancy.

There is a diverse range of elements which contribute to the recognition of any site, object or feature as a wahi tapu. Varying degrees of reverence and publicity are accorded to them depending on their nature and the events and uses relating to them. Knowledge of their location, status and stories are the domain of the tangata whenua. It is necessary therefore for the Department to work closely with iwi concerning the management of them.

Types of Wahi Tapu

- ▲ Burial grounds (urupa).
- ▲ Pathways of great spiritual or historical significance.
- ▲ Places where important people lived or significant events took place.
- ▲ The site where canoe building or any tapu activity is taking place.
- ▲ The home of a taniwha, or the realm of a kaitiaki (spiritual guardian of an area).
- ▲ Specific mountains and rivers.

Management Objectives

1. To work closely with tangata whenua to protect wahi tapu and other historic taonga on lands managed by the department.

Implementation

1. The Conservancy will seek the advice and guidance of the Kahui Kaumatua (elders) as well as Maori representatives on the East Coast Conservation Board in matters relating to wahi tapu and historic taonga.

Appendix 4

Minister's correspondence

Office of the

MINISTER OF CONSERVATION

PARLIAMENT BUILDINGS, WELLINGTON, NEW ZEALAND TELEPHONE (04) 471 9978 FACSIMILE (04) 473 3446

22 September 1995

Hone Taumaunu
Kaumatua
Ngati Konohi
RD 3
WHANGARA

Tena koe Mr Taumaunu

Thank you for your letter of 26 July 1995, concerning the marine reserve proposed at Kaiora, north of Gisborne, in which you and 20 others of Ngati Konohi seek my support for a proposed Komiti Kaitiaki O Kaiora and for a 25 year "generational review" should this marine reserve proceed.

I appreciate your desire for both Kaitiakitanga and for partnership with the Crown in the management of this proposed marine reserve. I hope that you can continue to work with my department and the East Coast Conservation Board to ensure that manawhenua are adequately and appropriately represented in this management.

You have sought my support for Komiti Kaitiaki O Kaiora, a committee established under s.56 of the Conservation Act, to advise me about the marine reserve, and have recommended that the committee's membership be weighted in favour of iwi. You also suggested that this committee would be adopted by the conservation board which would delegate it appropriate powers.

My department advises me that the conservation board has already decided to adopt the s.56 advisory committee, should I appoint it, and has also agreed to delegate its statutory powers in respect of the proposed marine reserve. I understand that you are also a member of the board.

I acknowledge the importance of Ngati Konohi's goodwill and support for the proposed marine reserve at Kaiora. Recognising both this, and the strong traditional attachment of tangata whenua to the coast of Tairāwhiti, which continues today, I believe that the types of committee and representation you propose are appropriate in this instance. I have asked my department to continue to work with Ngati Konohi in establishing a committee using the statutory mechanisms which you propose, should the reserve be created.

Members of these committees, regardless of whether they are s.56 advisory committees, a committee of the conservation board or a committee functioning as both, have statutory power to act in an advisory capacity to me and my department. There is, at present, no statutory basis for committee members to participate in the day-to-day management operation of a marine reserve.

Individuals, however, may be involved personally through volunteer programmes and as honorary conservation officers.

The Marine Reserves Act does not include provision for partnership between the Crown and tangata whenua, in managing marine reserves, as you have noted in your letter. Notwithstanding this, I believe that, given goodwill on both sides, there are opportunities for iwi to be involved in the management of the proposed reserve. A key factor in making this work is maintaining close communication with the East Coast Conservancy.

If the proposed marine reserve proceeds, you have requested that there be a 25-year review of it, to provide the opportunity for the community to test its continuing relevance and appropriateness. I am advised by my department that the conservation board also supports this concept. I appreciate that, in 25 years time, there may be different aspirations for the management of our coastal resources and that a particular marine reserve may no longer be appropriate. Marine reserves are, however, established with the expectation that they will continue indefinitely; no statutory limitation has been placed on the length of existence for any marine reserve.

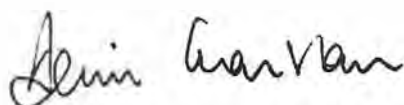
My legal advice is that it is possible to request the Crown to undertake a formal review of a marine reserve at any time, and if necessary to revoke the Order in Council establishing it. This does not depend on a particular time period for review having been specified in this Order in Council. In fact, stipulating a 25 year period may make it difficult to obtain a review at other times, for example, before 25 years have elapsed. You may consider that the opportunity to request a review at any time is sufficient to enable meaningful ongoing dialogue to take place between your descendants and the Crown, about the continued existence of the Kaiora Marine Reserve, should it be created. Alternatively, a marine reserve conservation management plan could make provision for a regular generational review of the appropriateness of the reserve.

Before any recommendation could be made to the Governor-General that a marine reserve be revoked it would be necessary to give the public the opportunity to make submissions on this proposal. A similar process of public notification and involvement to that involved in setting up a marine reserve would be necessary.

I appreciate your desire to explore mechanisms which allow your children and future generations to be able to have a say in the management of the coast of your rohe.

I would like to thank you for your efforts in seeking further protection for the coast within your rohe and for your willingness to search for a mutually satisfactory agreement to the issue of providing appropriate Kaitiakitanga and partnership with the Crown in the management of marine reserves.

Noho ora mai



Denis Marshall
Minister of Conservation

Whangara
RD3

26 July 1995

Minister of Conservation
Parliament Buildings
WELLINGTON

Tena Koe E Te Rangitira

Ngati Konohi of Whangara have been consulting with the East Coast Conservancy of the Department of Conservation for several years on the issue of creating a marine reserve at Kaiora, north of Gisborne.

Ngati Konohi has supported the East Coast Conservancy's marine reserve investigation process which has required a clear message of support from tangata whenua for the reserve implementation process to proceed to the application stage.

The issue which has impeded progress to date has been the shortcomings of the Marine Reserves Legislation. It is our view that the legislation does not contain a mechanism which recognises and provides for Kaitiakitanga nor for partnership between tangata whenua and the Crown in the management of marine reserves.

Ngati Konohi, the East Coast Conservation Board and the East Coast Conservancy all strongly support the concept of a marine reserve at Kaiora. They have worked together during the year to reach an agreement which best provides for Kaitiakitanga and partnership in the management of the reserve within the limitations of the legislation.

The proposal is:

Ngati Konohi supports the East Coast Conservation Board Proposal to establish a S56 Advisory committee with a membership weighted in favour of Iwi and with representation to reflect community interests.

The S56 committee would be adopted by the Conservation Board and appropriate powers be delegated to the committee.

The committees function is *to advise the Minister on all matters which may effect the marine reserve,*

- to advise the Minister on all matters which may effect the marine reserve,
- to input into and approve management strategies and plans for the reserve,

to advise the Regional Conservator on management issues or issues that may effect the reserve,

to advise the Minister on any review of the reserve and any review of the marine reserve legislation,

to assist the conservancy with the day to day operation of the reserve.

The suggested composition of the committee is:

- 4 Iwi members,
- 1 Department of Conservation member,
- 2 Community members (Conservation Board members or representatives of community interests i.e. commercial fishers, recreational users.

This committee would be acknowledged as the Komiti Kaitiaki O Kaiora.

Ngati Konohi also seeks to provide for a regular 25 year "generational review" of the reserve mechanism at Kaiora to provide an opportunity for the community to test the continuing relevance and appropriateness of the mechanism.

The purpose of this letter is to determine if the Minister will support this proposal. A clear message of support from the Minister would clear the way for the Conservancy to proceed towards making an application for a marine reserve at Kaiora in the coming year.

Naku noa
na

Hone Taumaunu

The following members of Ngati Konohi represent tangata whenua interests in Kaiora, and hereby support this proposal.

Jack Haapu, Kaumatua
David Kutia, Kaumatua
Jossie Ripia
Ingrid Serancke
Heni Kutia, Kaumatua
Nan Thompson, Kaumatua
Harry Grant
Hemi Taumaunu
Kohi Nikura, Kaumatua
Barbara Kerekere
Grant Amaru

Boy Temaari
Bibby Thompson, Kaumatua
Boydie Kirikiri
John McGhie
David McGhie
Toko Te Kani
Mei Thompson
Carol Reid
Mrs Paul Reid