

# Ārai rerenga rauropi a te takutai moana

## Protecting marine biodiversity

This information has been provided in response to the high level of community feedback received on the options for protecting marine biodiversity in the draft of the Waikato Regional Coastal Plan.

The following provides further clarity on:

- The definition of a marine protected area.
- The key regulatory agencies responsible for establishing and managing marine protected areas within New Zealand.
- The role and responsibilities of the Waikato Regional Council for marine protection within the Coastal Marine Area (CMA).
- The next steps for the consideration of marine biodiversity protections through the Waikato Regional Coastal Plan review.

### Mō ngā wāhi ārai

#### What are marine protected areas?

The identification of spatial marine areas for protection purposes is an approach to help preserve marine biodiversity as well as to maintain the overall health of the marine environment. Such areas commonly fall under the umbrella term 'marine protected areas'.

The term marine protected area is not currently defined in statute in New Zealand. However, the *Marine Protected Areas: Policy and implementation plan* prepared jointly by the Department of

Conservation (DOC) and the former Ministry of Fisheries in 2005, has defined a marine protected area as being:

“An area of the marine environment especially dedicated to, or achieving, through adequate protection, the maintenance and/or recovery of biological diversity at the habitat and ecosystem level in a healthy functioning state.”

## Mō ngā umanga

### Who is responsible for marine protection?

Responsibilities for marine protection are shared between three key regulatory agencies in New Zealand:

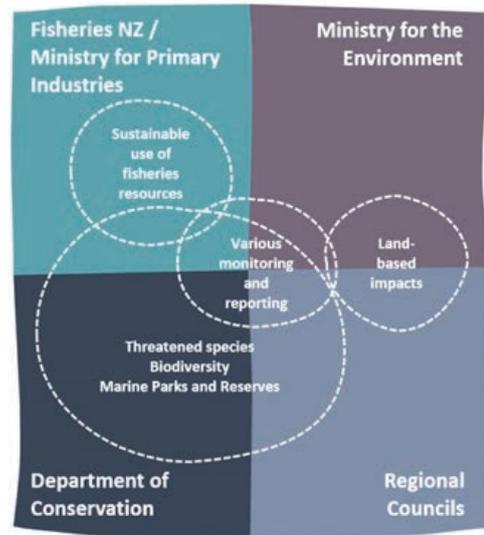
- **Fisheries New Zealand (FNZ) / Ministry for Primary Industries (MPI)** under the Fisheries Act 1996, has the dual objectives of ensuring sustainability, while providing for utilisation.

This must be done within the context of environmental principles regarding the impacts of fishing on the marine environment and information principles regarding best available information and uncertainty.

This is done through the quota management system for commercial and recreational fishing, and through restrictions of fishing, such as taiāpure and mātaītai reserves around local customary fishing areas. The current ban on bottom trawling and scallop harvesting in areas of the Coromandel are examples of where fishing methods and the taking of kaimoana is restricted under the Fisheries Act.

- The **Department of Conservation (DOC)** is the key regulator for species protection and biodiversity in the marine environment, which includes marine reserves and parks, mammal sanctuaries, protection of protected or threatened species, protection of biodiversity, and developing the New Zealand Coastal Policy Statement. This role is undertaken through a number of legislative instruments.
- **Regional councils**, through the Resource Management Act 1991 (RMA), can enact protections for the purposes of maintaining indigenous biodiversity.

The **Ministry for the Environment (MfE)** does not have regulatory responsibilities for establishment/management of marine protected areas, but instead is focused on developing and providing a national environmental management system, including laws, regulations, national policy statements and national environmental standards. MfE is the primary advisor to the Government on environmental policy, including strategic direction for marine protection within New Zealand.



**Figure 1:** Four of the key regulators in the marine fisheries space and some of their overlapping roles in the marine environment.



## Mō ngā āhuatanga ārai

### Types of protection

The various marine protection methods that are available to the agencies is summarised in Table 1.

Regulator	Protection	Regulatory tool	Type of protection
FNZ/MPI	Fisheries management	Fisheries Act 1996	<ul style="list-style-type: none"> <li>Catch limits, resource allocation, fish stock sustainability measures</li> <li>Habitats of Particular Significance for Fisheries Management (HPS-FM) – noting HPS-FM have not yet been defined by the regulator.</li> </ul>
DOC	Marine parks and reserves	Marine Reserves Act 1971	<ul style="list-style-type: none"> <li>Highly protected areas (generally no-take) with a purpose of preserving them in their natural state as the habitat of marine life for scientific study.</li> <li>A broad range of activities and their effects can be managed, controlled, or excluded.</li> </ul>
Regional councils	Protection areas	Resource Management Act 1991	<ul style="list-style-type: none"> <li>Regional councils may establish and implement protection areas for the purpose of maintaining indigenous biological diversity.</li> <li>This can include restricting any activity from taking place within these areas for the purpose of maintaining indigenous biodiversity or other resource management values.</li> <li>This can include the taking of fish (via no take zones), provided this is not for a Fisheries Act 1996 purpose.</li> </ul>

### Mō te kaunihera ā-rohe me te mahere takutai moana

#### What is the role of Waikato Regional Council and the Regional Coastal Plan?

Areas of significant biodiversity value can be spatially identified in regional coastal plans under the RMA and measures, such as protective rules to ensure that these areas are not adversely affected, can be specified. Rules can ensure activities such as aquaculture, marinas and moorings, reclamations and building structures are to be avoided in these areas.

Additionally, the Court of Appeal has confirmed that regional councils can control fishing for resource management purposes where the sole or dominant purpose relates to:

- Protection of biodiversity, significant habitat, natural character, or
- the relationship of Māori with waters and taonga species.

The regulatory jurisdiction, including any marine protections, of a regional coastal plan is limited to the CMA. This is the area extending from Mean High Water Springs (MHWS) out 12 nautical miles (approximately 20km).

### Mō te ara tutuki

#### What are the next steps for the Waikato Regional Coastal Plan?

Council is undertaking further work to explore and assess the options in relation to the inclusion of any further biodiversity protections in the draft coastal plan. This work will take into account all current and planned central government initiatives. Should any further protections be proposed, further engagement with relevant stakeholders will be undertaken.

The coastal plan will be notified for public submission in 2023. Coastal residents and users will have the opportunity to have their say on the Proposed Waikato Regional Coastal Plan via the submission process.

## Mō ngā umanga hāpai

### Other agencies also doing work

At present, the draft coastal plan does not identify specific marine protected areas, instead it contains policies to ensure that adverse effects on biodiversity are minimised.

The recent feedback received from across our regional communities indicates that there is a wide range of views on whether or not to identify protected areas in the coastal plan.

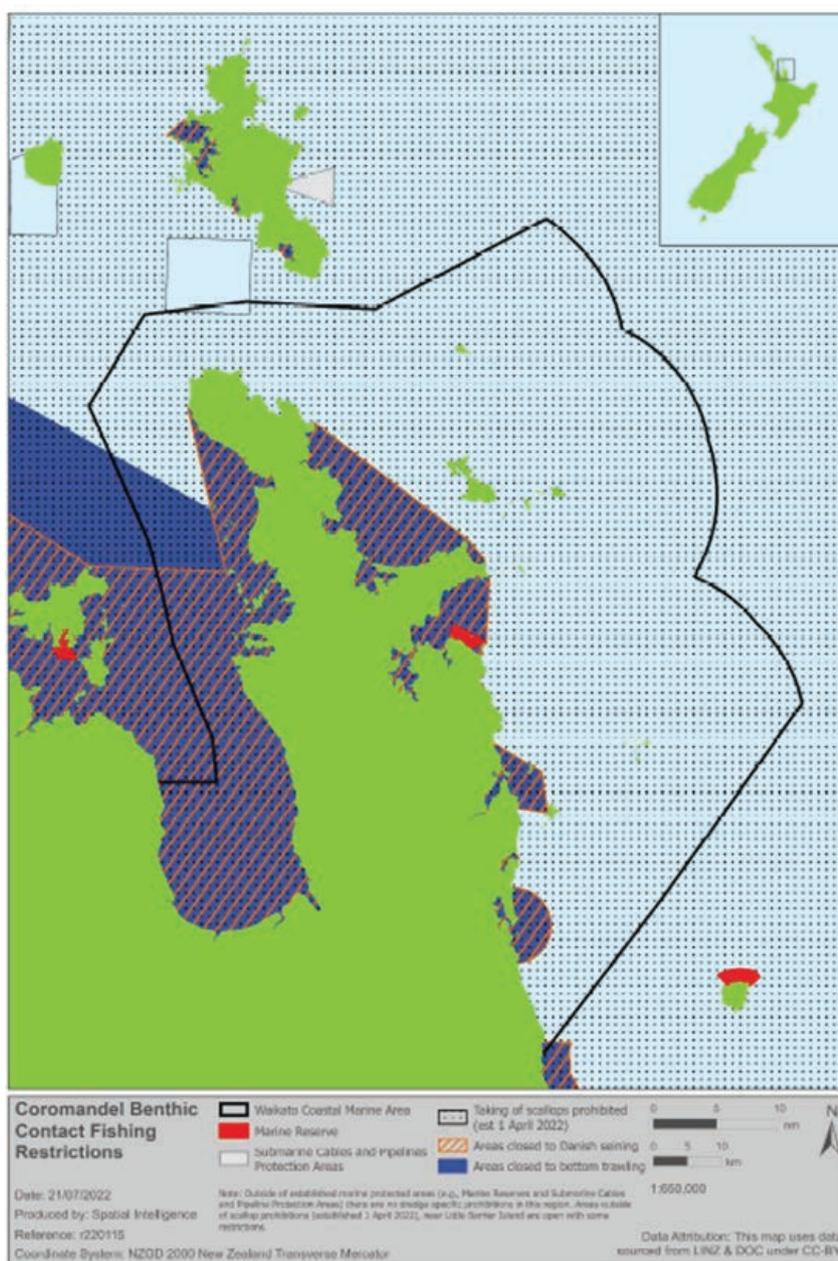
An important consideration in whether to include any further protections will depend on the progress of the Revitalising the Hauraki Gulf Programme being led by DOC/MPI which is proposing:

- protection of 13 new areas of CMA, via a mix of seafloor protection areas and high protection areas.

- an area specific fisheries plan to manage fishing activities within the Hauraki Gulf.

DOC-led public conservation areas can be found here. Areas protected under the Fisheries Act (led by MPI) are seen in figures 2 and 3 at the end of this document.

This programme covers the full extent of the East Coast CMA within the Waikato region, therefore, any potential protection areas under the coastal plan will need to integrate with the protection methods proposed under the Hauraki Gulf programme.



**Figure 2:** Existing Fisheries Act restrictions in the Waikato Coastal Marine Area (noting this is not an exhaustive coverage of all the fisheries regulations in the area)



**Figure 3:** Existing Fisheries Act restrictions in the Waikato Coastal Marine Area (noting this is not an exhaustive coverage of all the fisheries regulations in the area)

## He puna kōrero

### Where can I find out more information?

Check out [waikatoregion.govt.nz/rcp-review](https://www.waikatoregion.govt.nz/rcp-review) to find:

- a breakdown of key topics in the coastal plan
- a full report of proposed policy direction options
- a report on engagement feedback.

You can also email us at

[healthyenvironments@waikatoregion.govt.nz](mailto:healthyenvironments@waikatoregion.govt.nz)

or call 0800 800 401 to speak to a member of our coastal plan review team.