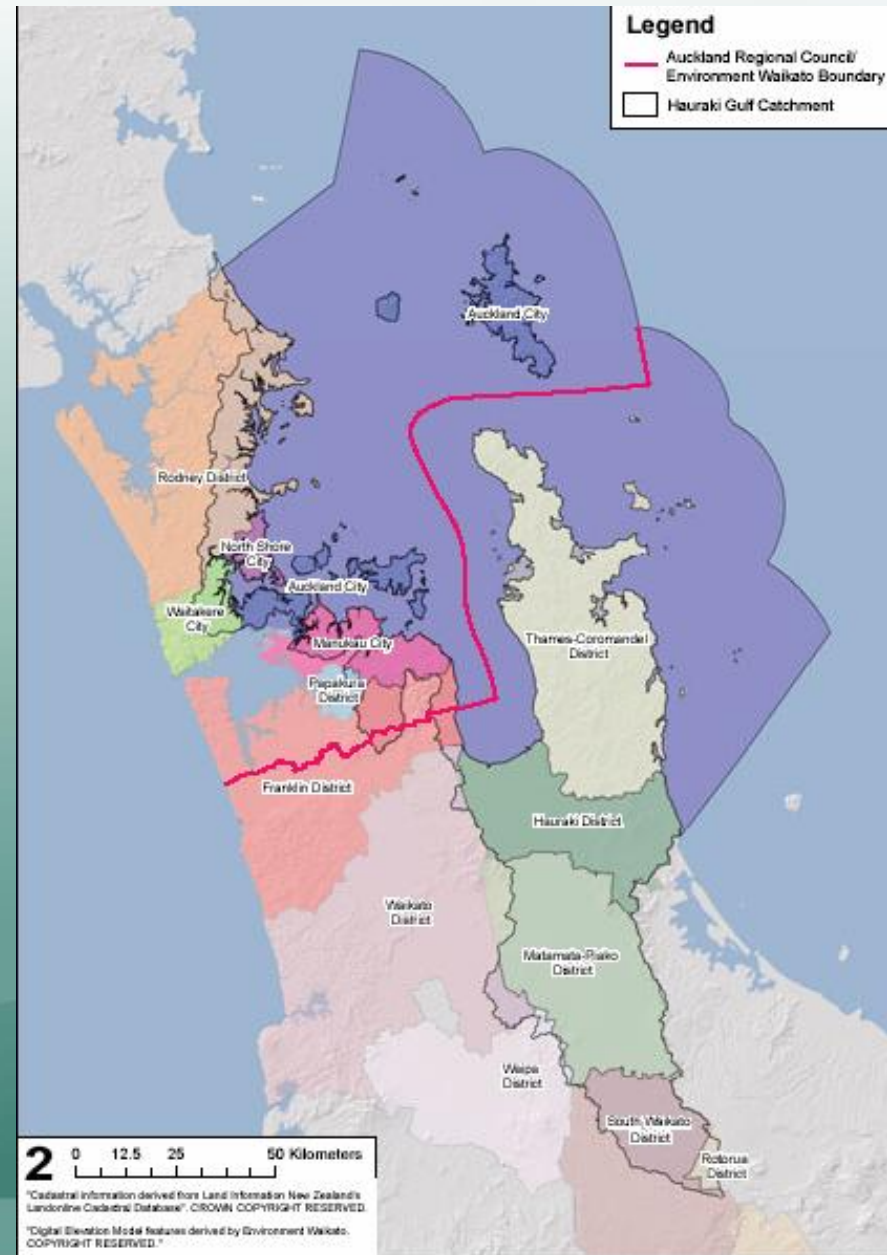


Seachange 05

**Hauraki Gulf Marine Park
Legislation Model –
David Hill**

Jurisdictional boundaries of constituent parties, Hauraki Gulf



Marine Planning Legislation

- **Hauraki Gulf management has a particular history:**
 - **Hauraki Gulf Maritime Park Act 1967 [Dept of Lands]**
 - **HGMP Board 1967 - 1990**
 - **Limited to “terrestrial” governance only**
 - **Disestablished with Conservation Law Reform Act 1990**
 - **Replaced by DoC administration of island reserves and general coastal marine area planning under RMA**
- **HG Marine Park Bill introduced 24 November 1988 and finally passed 24 February 2002.**

Champions for Difference

- **Some held that the Hauraki Gulf (including its waters and fisheries) would receive more care and attention under special purpose legislation**
- **Residual fondness for HGMPBoard days**
- **Driven by strong political association with the Gulf of Minister of Conservation [Sandra Lee] and local / regional councillor interest [Bill Burrill, Mike Lee, Faye Storer]**
- **Lukewarm interest of tangata whenua and local territorial authorities**

Elements of Hauraki Gulf Marine Park Act 2002

- **Recognition of the national significance of the Hauraki Gulf and establishment of a set of additional RMA matters of national importance.**
- **Establishment of local political forum – the Hauraki Gulf Forum**
- **Establishment of a legal entity to be known as the Hauraki Gulf Marine Park with incorporation of national reserves and others as approved.**
- **Creation of Deeds of Recognition.**

The Hauraki Gulf

- **The Gulf is defined to be:**
 - those coastal marine area parts within the regional east coast boundaries of the ARC and EW; and
 - Includes estuaries and tidal parts of the east coast.
- **Schedule 3 “generally indicates” these areas.**

Gulf Management provisions

- Objectives and purpose deemed to be a National Coastal Policy Statement – but 2nd class status to the NZCPS in event of conflict.
- Objectives of protection and enhancement “where appropriate” including the Gulf’s contribution to social and economic well-being, and recreation and enjoyment.
- To be given effect through RMA and as a *de facto* General Policy under various DoC administered conservation statutes.
- No existing rights affected.

Hauraki Gulf Forum

- **The HG Forum set up for the purpose of:**
 - Integrating sustainable management of Gulf
 - Facilitating communication and cooperation of and between administering agencies
 - Recognising tangata whenua
- **Representative parties (23 in total) are ministerial appointees, crown agencies, local authorities, and tangata whenua.**
- **Forum powers largely limited to consideration of issues and recommendation to parties.**
- **Forum explicitly has no power on its own motion to appear before a court or to take part in any decision-making process.**
- **Costs are as agreed by the parties in advance. Crown pays tangata whenua costs.**
- **Only formal requirement is to provide an Annual Report to the Minister of Conservation and a 3 yearly State of the Environment Report.**
- **Meeting Agendas and Minutes hard to come by – now accessible on secretariat ARC website but poorly accessible through other parties.**

Hauraki Gulf Marine Park

- **Primary purpose is to recognise and protect in perpetuity the land and natural and historic resources of the Park.**
- **Park established to include all Crown administered reserves, conservation estate, Crown owned foreshore and seabed, seawater, mataitai reserves and taiapure – local fisheries.**
- **Other Crown land, such as education or defence purpose land, not included unless requested.**
- **Local authority reserves not included unless requested and agreed.**
- **Private land not included unless agreed and covenanted or similar.**

Deed of Recognition

- **Provides for formal recognition of particular relationship of tangata whenua with a specified area of the Gulf.**
- **The purpose of the Deed is to identify opportunities for contribution by tangata whenua to the management of an area by the Crown or a local authority.**
- **By itself the Deed has little legal effect and is not exclusive to or of an area.**

What was the policy / planning problem to be addressed?

- **Never clearly articulated**
- **No nationally recognised reserve for the greater Auckland population.**
- **Hauraki Gulf, its islands and catchments potentially threatened by generated effects of expanding urban population.**
- **Lack of integrated management policy making between regions.**
- **Lack of integrated management policy between national ministries – especially Fisheries.**
- **Perceived inadequacy of RMA.**
- **Better marketing of Gulf.**

Does the legislation solve the policy problem?

- **The Statute**
 - Had no discernible influence on RMA decisions
 - Hard to gauge effect on national and regional administrative decisions
- **The Forum:**
 - has produced 2 significant works – the Shellfish depletion report 2003 and the State of the Environment Report 2005
 - Has been an active disseminator of invasive species and biosecurity material
 - Hard to gauge effectiveness of recommendations
- **The Park**
 - Has not been enlarged specifically
 - Not separately identifiable by public
 - No discernible new marketing approach / initiative

Is this a good legal and planning management model for future use?

- **A number of questions:**
 - Has it given rise to any significant planning law decisions?
 - Has it prevented any “bad” initiatives?
 - Has it achieved anything that would not otherwise have been achieved?
 - Has it laid the foundation for anything that might not otherwise have been lain down?
 - Has it diverted attention and resources from areas that were more environmentally deserving?
 - Has it brought more protected areas into being?
 - Has it made marine reserves any easier to obtain?
 - Has it raised the profile of the Gulf?
- **In conclusion = no obvious public benefit as a model at this stage.**