

4 Environmental Management in the Gulf

4.1 The Gulf and Integrated Management

Many improvements have been made in resource and environmental management in New Zealand over the past 20 years which have a bearing on the Gulf. These include the establishment of the Department of Conservation, a major reform of local government, the enactment of the RMA and the development of a quota management system for fisheries administered by the Ministry of Fisheries.

Although improvements were made, there are still enormous challenges in getting management integrated – to get different agencies to work together and the environment managed as a whole rather than in individual parts. These challenges are particularly important in areas like the Gulf that are affected by a variety of activities in a variety of locations – spanning many different jurisdictions.

The Forum was established in 2000 to help promote integration in the way the Gulf's resources are managed by the agencies (and tangata whenua), to facilitate communication, co-operation, and co-ordination, and to recognise the relationship of tangata whenua with the Gulf.

4.2 The Hauraki Gulf Forum

As indicated in Chapter 2, the Forum draws on representation from three government departments (the Department of Conservation, Ministry of Fisheries and Ministry of Maori Affairs), six representatives of the tangata whenua of the Gulf (appointed by the Minister of Conservation after consultation with the tangata whenua and the Minister of Maori Affairs), and twelve local authorities (see Box 4-1).

The Forum is tasked with preparing a list of strategic issues and priority actions, and with regularly reviewing both. It is required to work with its constituent parties to:

- facilitate and encourage co-ordinated financial planning
- obtain, share and monitor information on the state of the environment
- promote and advocate integrated management
- encourage, share, and co-ordinate and disseminate educational and promotional material.

4.3 Administrative Boundaries of Local Authority Members

The various constituent members of the Forum have different functions and different jurisdictional and administrative boundaries. These boundaries bear little relationship to the Gulf and its catchment as a whole. This is one of the main justifications for having a forum where all those whose actions affect the Gulf, can communicate and be encouraged to co-ordinate and co-operate.

Box 4-1

Local Authority Members of the Forum

The following local authorities are members of the Forum:

- Auckland Regional Council (“ARC”) and Waikato Regional Council (“Environment Waikato”)
 - Auckland, Manukau, North Shore and Waitakere City Councils
 - Franklin, Hauraki, Matamata-Piako, Rodney, Thames-Coromandel and Waikato District Councils
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Box 4-2

Main environmental management statutes implemented by constituent parties

- The Resource Management Act 1991 (the RMA) requires local authorities to plan for and address the environmental effects of land use, subdivision and development, and to monitor the state of the environment, and the effects of their management actions. It allocates a management role to the Minister of Conservation, in conjunction with regional councils, where the coastal marine area is concerned. The effects of aquaculture are addressed under the provisions of both the RMA and the Marine Farming Act 1971.
- The Fisheries Acts 1983 and 1996 allocate responsibility for the management of New Zealand's marine fisheries to the Minister (and hence Ministry) for Fisheries.
- The Conservation Act 1987 gives powers to the Minister (and hence Department) of Conservation to create and manage conservation estate, including forest parks, and advocate for conservation. The Department also administers the Marine Mammals Protection Act 1978 and the Wildlife Act 1953, among other conservation-oriented statutes.
- The Reserves Act 1977 gives local authorities and the Department of Conservation the power to create and manage publicly owned reserves for the benefit of their communities.
- The Marine Reserves Act 1971 gives public agencies the power to initiate and manage marine reserves in New Zealand's territorial waters.
- Both the Historic Places Trust and local authorities have responsibilities under the Historic Places Act 1993, relating to the protection of archaeological sites and heritage buildings.
- The Biosecurity Act 1993 devolves responsibility for the management of pests and weeds to the Department of Conservation, local authorities, and private landowners

The jurisdictional boundaries of constituent members are shown in Figure 4.1

All the public agencies who are members of the Forum have specific statutory responsibilities under other legislation. Tangata whenua exercise kaitiakitanga. The Forum itself has no specific authority to manage the Gulf through regulatory or other means.

The environmental management of the Gulf is undertaken by the individual Forum members under a raft of different statutes. The key environmental statutes (and commensurate responsibilities) are set out in Box 4-2.

However, the Hauraki Gulf Marine Park Act identifies, as a matter of national importance, both the interrelationship between the Gulf, its islands, and catchments, and the ability of that interrelationship to

sustain the life-supporting capacity of the environment of the Gulf and its islands. The Act recognises that the Gulf's ability to support life extends beyond soil, air, water and ecosystems to the needs and well-being of people and communities, including tangata whenua.

The Act provides for *integrated management* to occur in a number of ways. First, through its effect on the application of other statutes. Second on the creation of the Marine Park. Third in Deeds of Recognition.

4.3.1 Relationship to Other Statutes

The Hauraki Gulf Marine Park Act applies across 21 statutes. It requires local authorities to ensure that the policy statements and plans they prepare under the RMA do not conflict with its purpose and management principles. The Act's purpose and management principles must also be given regard to by consent authorities, i.e., the local authorities and the Minister of Conservation acting in consideration of applications for resource consent under the RMA.

The Act gives its purpose and management principles the status of a New Zealand coastal policy statement under the RMA. Finally, it requires that the conservation management strategies and plans prepared by the Department of Conservation do not derogate from its purpose and management principles.

4.3.2 Marine Park

The Marine Park protects important areas with a lived-in, worked-in environment. Among other things, the purpose of the Marine Park is to protect in perpetuity the Park's natural and historic resources, including scenery, ecological systems and natural systems, for their intrinsic worth and for the benefit, use, and enjoyment of the people and communities of the Gulf and New Zealand.

The Act provides for additional public and private land to be included in the Marine Park at any time (the latter with the consent of the owner, and where the land concerned is covenanted for protection). One area of private land on Waiheke Island

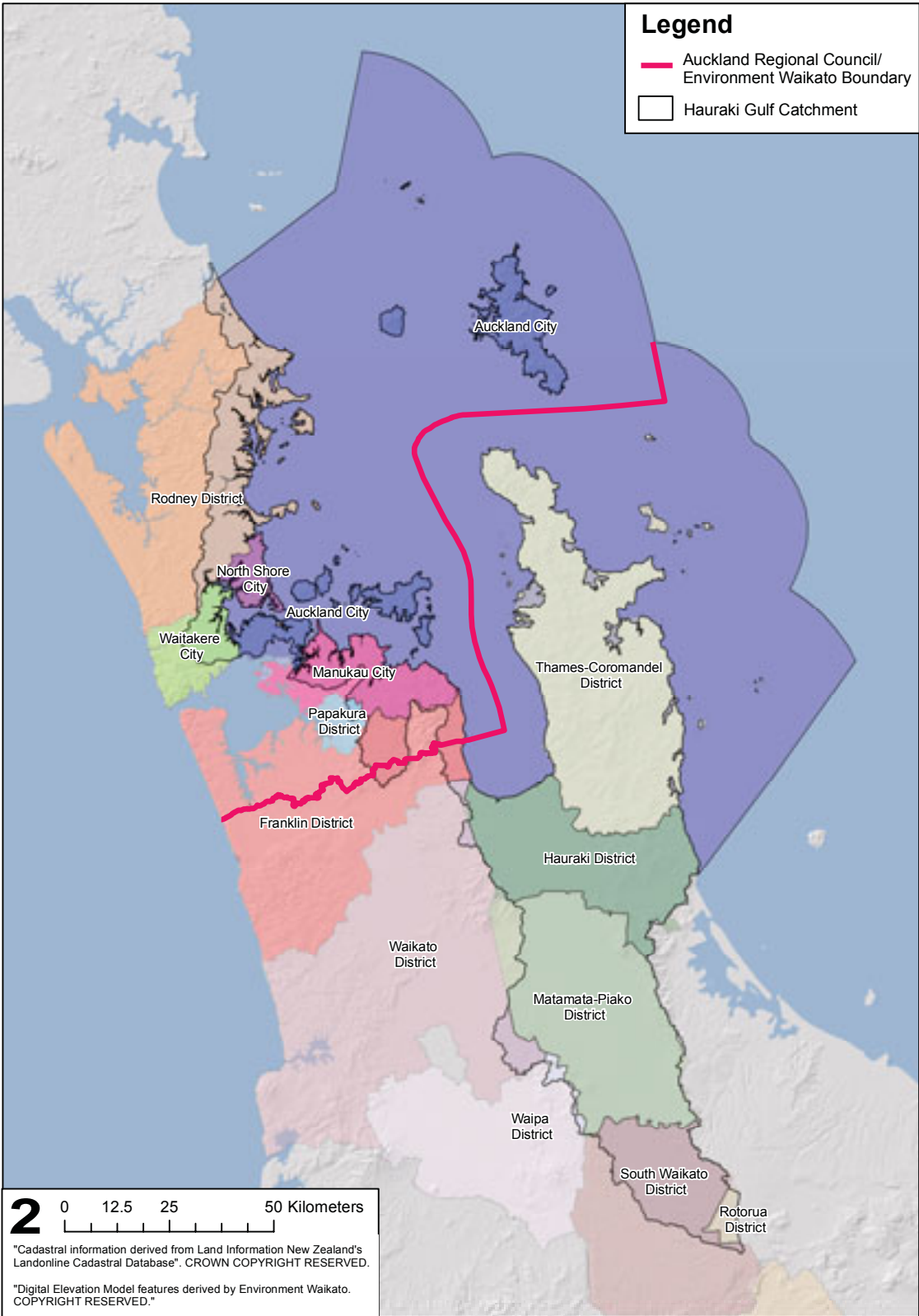


Figure 4.1 Jurisdictional boundaries of constituent parties

has been included within the Marine Park since enactment. The Act also provides for taiapure-local fisheries and mataitai reserves to be included in the Marine Park, with the consent of the tangata whenua.

4.3.3 Deeds of Recognition

The Act provides for the Crown or local authorities to enter into deeds of recognition with tangata whenua, for the purpose of acknowledging any aspect of a relationship that tangata whenua may have with any land, foreshore or seabed in the Marine Park. The purpose of such deeds is to identify opportunities for contributions by tangata whenua to the management of a particular area by the Crown or local authorities.