



Auckland  
Regional Council  
TE RAUHITANGA TAIAO

4 September 2003

Chairperson and Members  
**HAURAKI GULF FORUM**

Vodafone House, 21 Pitt Street  
Private Bag 92 012, Auckland  
New Zealand  
DX CP 28 008 Pitt St  
Telephone +64 9 366 2000  
Facsimile +64 9 366 2155  
www.arc.govt.nz

## **NOTICE OF MEETING**

I hereby give notice that a meeting of the Hauraki Gulf Forum of the Auckland Regional Council is to be held in the Council Chamber, Ground Floor, 21 Pitt Street, Auckland, at:

**1.00 PM**

**ON**

**WEDNESDAY 17 SEPTEMBER 2003**

An agenda for the meeting is attached.

E G Hutchinson  
**DIRECTOR SECRETARIAT**

per:

Jo Daly  
**COMMITTEE SECRETARY**

*This material is not to be used for public information until post the meeting date*

## **A G E N D A**

### **HAURAKI GULF FORUM**

---

AGENDA FOR THE MEETING OF THE HAURAKI GULF FORUM OF THE AUCKLAND REGIONAL COUNCIL TO BE HELD IN THE COUNCIL CHAMBER, GROUND FLOOR, 21 PITT STREET, AUCKLAND ON WEDNESDAY 17 SEPTEMBER 2003 AT 1.00 PM.

---

### **I N D E X**

<b>A</b>	<b>PROCEDURAL ITEM</b>	<b>1</b>
	A.1 MINUTES	1
<b>B</b>	<b>ITEMS FOR DECISION</b>	<b>2</b>
	B.1 HAURAKI GULF FORUM ANNUAL REPORT	3
	B.2 STATE OF THE HAURAKI GULF REPORT	10
	B.3 THE FORESHORE AND SEABED ISSUE, A TĀNGATA WHENUA PERSPECTIVE	11
	B.4 TĀNGATA WHENUA OF TĪKAPA MOANA AND TE MOANANUI O TOI: ESTABLISHING A BASELINE OF GOVERNMENT AGENCY INFORMATION <sup>16</sup>	
	B.5 STRATEGY FOR THE PROTECTION OF MARINE BIODIVERSITY IN THE HAURAKI GULF	18
	B.6 A STRATEGIC APPROACH TO THE ESTABLISHMENT OF MARINE PROTECTED AREAS	20
	B.7 REVIEW OF AUCKLAND REGION SHELLFISH ISSUES	23
<b>C</b>	<b>ITEMS FOR INFORMATION</b>	<b>25</b>
	C.1 FINDINGS OF STAGE 1 'REVIEW OF CURRENT STATE OF KNOWLEDGE'; HAURAKI GULF LOCALISED SHELLFISH DEPLETION PROJECT	26
	C.2 CONSTITUENT PARTY REPORT	31
<b>D</b>	<b>ADMINISTRATIVE ITEMS</b>	<b>42</b>
	D.1 OPEN FORUM SESSION	43

## **A G E N D A**

### **HAURAKI GULF FORUM**

---

AGENDA FOR THE MEETING OF THE HAURAKI GULF FORUM OF THE AUCKLAND REGIONAL COUNCIL TO BE HELD IN THE COUNCIL CHAMBER, GROUND FLOOR, 21 PITT STREET, AUCKLAND ON WEDNESDAY 17 SEPTEMBER 2003 AT 1.00 PM.

---

*(All reports in this Agenda are not to be construed as Council policy until adopted.)*

<b>MEMBERS:</b>	Mr	Laly Haddon	Tangata Whenua	(Chair)
	Cr	Bill Burrill	Auckland Regional Council	(Deputy Chair)
	Cr	Fred Anderson	Manukau City Council	
	Cr	Ian Barton	Franklin District Council	
	Cr	Heather Brown	North Shore City Council	
	Cr	Neil Clarke	Environment Waikato	
	Cr	Judy Cole	Waikato District Council	
	Mrs	Hariata Gordon	Tangata Whenua	
	Mr	Grant Hawke	Minister of Maori Affairs	
	Mr	Arthur Hore	Minister of Fisheries	
	Mayor	Chris Lux	Thames Coromandel District Council	
	Mr	Rob McCallum	Minister of Conservation	
	Mr	Paul Majurey	Tangata Whenua	
	Mayor	Basil Morrison	Hauraki District Council	
	Cr	Graham Powell	Rodney District Council	
	Ms	Honey Renata	Tangata Whenua	
	Cr	Philip Sherry	Auckland Regional Council	(Observer)
	Cr	Brian Smith	Auckland Regional Council	(Observer)
	Cr	Faye Storer	Auckland City Council	
	Mr	Te Warena Taua	Tangata Whenua	
	Mayor	Hugh Vercoe	Matamata Piako District Council	
	Ms	Betty Williams	Tangata Whenua	
	Cr	Denise Yates	Waitakere City Council	

**AGENDA**  
**WEDNESDAY 17 SEPTEMBER 2003**  
**HAURAKI GULF FORUM**

---

<b>ALTERNATES:</b>	Ms	Josie	Anderson	Tangata Whenua
	Mr	Don	Chapman	Waitakere City Council
	Cr	Alison	Clark	North Shore City Council
	Mr	Bob	Drey	Minister of Fisheries
	Cr	Mike	Gribble	Matamata Piako District Council
	Cr	Gaye	Harding	Rodney District Council
	Cr	Margaret	Hawkeswood	Thames Coromandel District Council
	Ms	Lynette	Hoey	Tangata Whenua
	Cr	Michael	Hope	Waikato District Council
	Cr	Barry	Keon	Manukau City Council
	Mr	Harry	Mikaere	Tangata Whenua
	Mr	Greg	Martin	Minister of Conservation
	Cr	Jill	Morris	Franklin District Council
	Cr	Gary	Russell	Waitakere City Council
	Cr	John	Tregidga	Hauraki District Council
	Mr	Pita	Turei	Tangata Whenua
	Cr	Jenni	Vernon	Environment Waikato
	Cr	Neil	Wagstaff	Matamata Piako District Council

## **CLAUSE 18 - HAURAKI GULF MARINE PARK ACT 2000.**

### **18 POWERS OF FORUM**

- (1) The Forum has the powers that are reasonably necessary to carry out its functions.
- (2) The Forum's powers include the powers –
  - (a) to consider issues related to its purpose; and
  - (b) to receive reports from constituent parties; and
  - (c) to make recommendations to constituent parties; and
  - (d) to advise any person who requests the Forum's advice; and
  - (e) to commission or undertake those activities that are necessary to achieve its purpose.
- (3) The Forum must not –
  - (a) appear before a court or tribunal other than as a witness if called by a party to proceedings; or
  - (b) take part in a decision-making process under any enactment other than to advise when requested to do so.

## **A PROCEDURAL ITEM**

### **A.1 MINUTES**

*Committee Secretary: 4 September 2003*

That the minutes of the meeting held on 18 June 2003 be confirmed.

## **B ITEMS FOR DECISION**

B.1	HAURAKI GULF FORUM ANNUAL REPORT	3
B.2	STATE OF THE HAURAKI GULF REPORT	10
B.3	THE FORESHORE AND SEABED ISSUE, A TĀNGATA WHENUA PERSPECTIVE	11
B.4	TĀNGATA WHENUA OF TĪKAPA MOANA AND TE MOANANUI O TOI: ESTABLISHING A BASELINE OF GOVERNMENT AGENCY INFORMATION	16
B.5	STRATEGY FOR THE PROTECTION OF MARINE BIODIVERSITY IN THE HAURAKI GULF	18
B.6	A STRATEGIC APPROACH TO THE ESTABLISHMENT OF MARINE PROTECTED AREAS	20
B.7	REVIEW OF AUCKLAND REGION SHELLFISH ISSUES	23

**B.1 HAURAKI GULF FORUM ANNUAL REPORT**  
**C256-08**

*Alan Moore, ARC: 27 August 2003*

**B.1.1 INTRODUCTION**

Section 31 of the Hauraki Gulf Marine Park Act requires the Forum to produce and forward to the Minister of Conservation. Attached is the Annual report for the 1 July 2002 to 30 June 2003 reporting year.

**ATTACHMENT**

- Report on the Hauraki Gulf Forum for the period 1 July 2002 to 30 June 2003.

**RECOMMENDATIONS**

- a) That the report be received.
- b) That the document entitled "Report on the Hauraki Gulf Forum for the period 1 July 2002 to 30 June 2003" be approved.



---

Report of the

# HAURAKI GULF FORUM

For the period  
1 July 2002 to 30 June 2003

---

*Presented to the House of Representatives pursuant to  
Section 31 of the Hauraki Gulf Marine Park Act 2000*

**AGENDA  
WEDNESDAY 17 SEPTEMBER 2003  
HAURAKI GULF FORUM**

---

17 September 2003

Hon Chris Carter  
Minister of Conservation  
Parliament Buildings  
WELLINGTON

Dear Minister

Please find enclosed the third annual report of the Hauraki Gulf Forum. This report is drafted pursuant to Section 31 of the Hauraki Gulf Marine Park Act 2000, and covers the period 01 July 2002 to 30 June 2003.

Importantly during this year a number of operational issues have been resolved and the Forum is now progressing with a number of keystone projects for the Gulf.

Yours sincerely

Laly Haddon  
Chairman

## HAURAKI GULF FORUM ANNUAL REPORT

1. INTRODUCTION
2. MEMBERSHIP OF THE HAURAKI GULF FORUM
3. ACTIVITIES OF THE HAURAKI GULF FORUM
4. CONCLUSIONS

## 1.0 INTRODUCTION

The Hauraki Gulf Forum is established pursuant to Part 2 of the Hauraki Gulf Marine Park Act 2000. This Annual Report covers the period 1 July 2002 to 30 June 2003. During this period the Forum met on three occasions.

This is the third annual report of the Forum.

## 2.0 MEMBERSHIP OF THE HAURAKI GULF FORUM

<b>MEMBERS</b>	
Mr Laly Haddon (Chair)	Tāngata Whenua
Cr Bill Burrill (Deputy Chairman)	Auckland Regional Council
Cr Fred Anderson	Manukau City Council
Cr Ian Barton	Franklin District Council
Cr Heather Brown	North Shore City Council
Cr Neil Clarke	Environment Waikato
Cr Judy Cole	Waikato District Council
Mrs Hariata Gordon	Tāngata Whenua
Mr Grant Hawke	Minister of Maori Affairs
Mr Arthur Hore	Minister of Fisheries
Mayor Chris Lux	Thames Coromandel District Council
Mr Rob McCallum	Minister of Conservation
Mr Paul Majurey	Tāngata Whenua
Mayor Basil Morrison	Hauraki District Council
Cr Grahame Powell	Rodney District Council
Ms Honey Renata	Tāngata Whenua
Cr Philip Sherry	Auckland Regional Council
Cr Brian Smith	Auckland Regional Council
Cr Faye Storer	Auckland City Council
Mr Te Warena Taua	Tāngata Whenua
Mayor Hugh Vercoe	Matamata Piako District Council
Ms Betty Williams	Tāngata Whenua
Cr Denise Yates	Waitakere City Council

<p><b>ALTERNATES</b>                  Ms Josie Anderson                  Cr Don Chapman                  Cr Alison Clark                  Mr Bob Drey                  Cr Mike Gribble                  Cr Gaye Harding                  Cr Margaret Hawkeswood                  Ms Lynette Hoey                  Cr Michael Hope                  Cr Barry Keon                  Mr Harry Mikaere                  Mr Greg Martin                  Cr Jill Morris                  Cr Gary Russell                  Cr John Tregidga                  Mr Pita Turei                  Cr Jenni Vernon                  Cr Neil Wagstaff</p>	<p>Tāngata Whenua                  Waitakere City Council                  North Shore City Council                  Minister of Fisheries                  Matamata Piako District Council                  Rodney District Council                  Thames Coromandel District Council                  Tāngata Whenua                  Waikato District Council                  Manukau City Council                  Tāngata Whenua                  Minister of Conservation                  Franklin District Council                  Waitakere City Council                  Hauraki District Council                  Tāngata Whenua                  Environment Waikato                  Matamata Piako District Council</p>
---	---

### 3.0 ACTIVITIES OF THE FORUM

During the period 1 July 2002 to 30 June 2003 the Hauraki Gulf Forum met on three occasions; 8 August 2002, 28 November 2002, and 18 June 2003.

During this period the Forum initiated a number of key projects aimed at achieving its purpose of improving integrated management of the Hauraki Gulf, its islands and catchments.

As required by Section 17(1)(a) of the Hauraki Gulf Marine Park Act 2000 (the Act) the Forum has adopted a report entitled *Strategic Issues - A Guide for the Activities of the Hauraki Gulf Forum*. This document lists a series of strategic issues for the Hauraki Gulf, determines priorities for action, and establishes a review process. Of special note is that this document identifies public access to and along the coast of the Hauraki Gulf as being a significant issue. The Forum was pleased to see recent central government debate on this issue and looks forward to any guidance that may come from this process.

The Forum is progressing with the development of its Communications Strategy. This document is to be completed in the next reporting year.

Previously the Forum had initiated an investigation into the issue of the depletion of shellfish resources from the Hauraki Gulf, in particular beach areas. The issue of the Hauraki Gulf being able to provide sustenance for people is fundamental to the relationship people have with the Gulf. This issue is of particular significance to tāngata whenua. An initial scoping study is in the final stages of completion and is to be reported to the Forum in the early part of the next reporting year. Further work on this matter is also planned.

This year saw tāngata whenua representatives taking a more active role in the Forum. The Forum received two reports on Iwi management plans: *Whaia Te Mahere Taiao a Hauraki: A Hauraki Iwi Environment Plan*, and *Ngatiwai Trust Board Environmental Planning Stage One*, and a report entitled *Tāngata Whenua Rights and Responsibilities in Tikapa Moana and Te Maonanui o Toi*.

This last report does, in part, relate to the issues currently before the Government on ownership of the foreshore and seabed. The Forum is watching this issue with interest.

The Forum has retained a strong interest in the issue of aquaculture. The Forum was supportive of seeing the Auckland Regional Council and Environment Waikato work together in joint planning and scientific studies for the Hauraki Gulf. Whilst the Auckland Regional Council has notified its aquaculture variation to its Proposed Auckland Regional Plan: Coastal, it is awaiting the completion of these studies prior to completing its proposed variation for the Firth of Thames area. It is anticipated that this variation will be notified in late 2003.

Importantly for the Hauraki Gulf Marine Park, the Forum has endorsed, pursuant to Section 35(1) of the Act, the inclusion of 304ha of covenanted private land on Waiheke Island for inclusion within the Hauraki Gulf Marine Park. This is the first parcel of private land included within the Park since its inception.

#### 4.0 CONCLUSIONS

The Forum has had a good third year of operation. The Forum has progressed on a number of key reports. Importantly for the Forum, the partnership between its regulatory authority constituent parties and tāngata whenua constituent parties is progressing and a solid platform is being developed to enable the Forum to move forward.

## **B.2 STATE OF THE HAURAKI GULF REPORT**

**C256-08**

*Alan Moore, Auckland Regional Council: 22 August 2003*

### **B.2.1 INTRODUCTION**

At previous meetings, the Forum has been advised of the requirements of the Hauraki Gulf Marine Park Act with regards to the State of the Environment of the Hauraki Gulf report.

A contractor, Angelina Legg, has been taken on to project manage the production of this report.

The Forum will be presented with a timetable for the production of the report. It is aimed to complete the project this financial year.

The State of the Environment report will provide an excellent opportunity to assess the achievement of the various constituent parties and raise issues that require further consideration. There are strong links between the State of the Environment report and the Strategic issues document.

A key issue for the production of the report will be accessing information from the various constituent parties, including tāngata whenua. The State of the Environment report was identified as a key outcome for the Forum this financial year. In order to achieve this outcome, technical officers and others, will need to be available to provide the required information. Accordingly, the members are encouraged to advocate, if necessary, within their respective organisation to ensure the necessary resources are available for the completion of this project.

#### **RECOMMENDATIONS**

- a) That the report be received.
- b) That the members of the Forum are encouraged to assist, as necessary, in ensuring that staff resources from their organisation are available for the production of the State of the Hauraki Gulf Report.

## **B.3 THE FORESHORE AND SEABED ISSUE, A TĀNGATA WHENUA PERSPECTIVE**

**C256-08**

*Tāngata Whenua Technical Officers: 28 August 2003*

### **B.3.1 INTRODUCTION**

At the last Forum meeting of 18 June 2003, the following resolution was adopted:

“The Hauraki Gulf Forum urges the Forum’s Crown representatives to address the nature and extent of rights held by Iwi of Tikapa Moana and Te Moananui o Toi in the marine environment, including their interests in marine farming as part of the resolution of these matters nationally.”

Following from this, the report provides background information on issues around the nature and extent of tāngata whenua rights in the marine environment and includes a consideration of events precipitated since the June 2003 meeting arising from the Appeal Court decision in the Marlborough Sounds case.

### **B.3.2 BACKGROUND**

Customary rights comprise aboriginal rights enjoyed by indigenous peoples prior to colonisation and are not automatically extinguished by the action of colonisation. A customary right is capable of being legitimately extinguished to the extent that it is ceded by negotiation or compensated with the holder of that right.

The common law recognises that in order for customary rights to be extinguished by the sovereign, it must be done by Parliament using clear language to that effect. This is the crux of the debate. Successive governments and the general public have acted on the assumption that customary rights had been extinguished in NZ but the assumption was found wanting by the Court of Appeal.

Recognition of customary rights surviving colonisation and assumption of sovereignty is not a local or recent legal principle. As long ago as the sixteenth century Spanish law recognised customary rights in the Americas. Throughout the British Empire’s colonial expansion in India, Asia, North America, Africa and the Pacific, customary rights maintained status in law.

In New Zealand, the assertion that the Crown has failed to respect the status of customary rights is the basis of many claims before the Waitangi Tribunal. Customary rights are actually recognised though common law as opposed to the Treaty of Waitangi. That is why common law actions are generally addressed through the Courts as opposed to the Waitangi Tribunal. Having said this, the Treaty does compliment the common law. Internationally, a number of recent cases exist, which have led to customary rights being upheld, for instance:

- In Australia, the Mabo case (1992) confirmed the customary title of islands in the Torres Straits, and as a consequence throughout Australia.
- In Canada, the Delgamuukw case (1997) established customary title for two First Nations peoples establishing a series of principles for such determinations including survival of sovereignty, exclusivity, and development rights.



- The Western Sahara case (1975) established customary title of indigenous nomadic tribes despite Spanish annexation in 1884.

### **B.3.3 APPEAL COURT DECISION**

Since the signing of the Treaty in 1840, the question of marine property rights has been raised by Iwi. The historic Kauaeranga Mudflats and Ninety Mile Beach claims are two examples.

Concerns about the administration of the Resource Management Act 1991, particularly in relation to aquaculture development resulted in Te Tau Ihu Iwi of the Marlborough Sounds making application to the Maori Land Court for a determination of foreshore and seabed ownership. This was closely followed by a similar application made by Hauraki Iwi covering the coastal marine area administered by the Waikato Regional Council and the Auckland Regional Council.

The Appeal Court decision in the Marlborough Sounds case considered a number of jurisdictional issues, specifically:

- Can the foreshore and seabed be considered as land?
- Can these areas be considered to be customary land?
- Have customary rights survived through various statutes without being extinguished?
- Can the Maori Land Court consider the customary title to foreshore and seabed?

In short, the Appeal Court decision said yes to all these questions.

### **B.3.4 THE THREE CROWN REFORMS**

The proposed aquaculture reforms also gave rise to a Waitangi Tribunal claim that was found by the Tribunal to have substance. This was prior to the Court of Appeal finding. The overarching Oceans Policy process has further acknowledged the need to address the nature and extent issue, but has not reached a position on implementation. Tāngata whenua responses to the Marine Reserves Bill were driven by similar considerations as no recognition of rights held by tāngata whenua are provided in the draft legislation.

Tāngata whenua have argued, and continue to argue, that such legislative reforms are premature while the nature and extent issues remain unresolved. The Waitangi Tribunal, in the more limited case of the aquaculture reforms, has cautioned the Crown against a potential Treaty breach. Crown actions in pursuing legislation without a proper determination of the nature and extent issues will result in a major contemporary Treaty breach.

### **B.3.5 TĀNGATA WHENUA RESPONSES**

When the Crown made clear that acceptance of the consequences of the Court of Appeal ruling was to be legislated over, Iwi were quick to respond. On 12 July 2003, a hui in Hauraki attended by a thousand people reached resolution in the Paeroa Declaration which is attached.

The Tau Ihu Iwi, with support from other Iwi and Te Ohu Kai Moana, formed a group called *Te Ope Mana a Tai* which released a set of principles consistent with the Paeroa Declaration on 10 August. The following week the government discussion

document was released. On 23 August a hui of all northern iwi met to discuss the issues and the government proposals. A hui to be held at Omaka Marae in Blenheim on 30 August will further progress the matter. While these different responses do not represent a single tāngata whenua position, there is a strong commonality of reaction overall.

### **B.3.6 GOVERNMENT FORESHORE AND SEABED PROPOSAL**

The government in its proposal *Protecting Public Access and Customary Rights* has offered four principles:

- Access The foreshore and seabed should be public domain, with open access and use for all New Zealanders.
- Regulation The Crown is responsible for regulating the use of the foreshore and seabed, on behalf of all present and future generations of New Zealanders.
- Protection Processes should exist to enable the customary interests of whanau, hapu and iwi in the foreshore and seabed to be acknowledged, and specific rights to be identified and protected.
- Certainty There should be certainty for those who use and administer the foreshore and seabed about the range of rights that are relevant to their actions.

A widely held reaction to the four government principles among Iwi is:

- Access General access of the public to the beaches has never been an issue with Iwi, only with politicians. However, to deem the foreshore and seabed to be “public domain” is tantamount to a 21<sup>st</sup> century confiscation of unprecedented proportions.
- Regulation Regulation is necessary, but who regulates what and how is in question. For the Crown to excessively regulate Maori property is not appropriate nor is it consistent with Article Two of the Treaty.
- Protection Tāngata whenua have customary rights and those rights have international status. Further, that “specific” rights should be protected indicates that others, which the Crown presumably will choose, will be unprotected.
- Certainty Maori agree that certainty is needed, and have been asking for just that for some time. The only certainty apparent in the government proposal is a loss of existing rights for Maori.

It is therefore highly unlikely that the government proposals will find favour with Maori and what that will lead to is as yet unknown.

### **B.3.7 THE HAURAKI GULF FORUM**

At this stage, the view of the Appeal Court confirmed that the door was open for the Maori Land Court to investigate on the facts and on a case-by-case basis whether customary title still remain.

The current reality, and future possibility, is that tāngata whenua rights in the seabed and foreshore, as perceived by tāngata whenua, must be considered by statutory bodies such as the Hauraki Gulf Forum. It is not simply business as usual. This does not mean putting all work on hold in the interim, but it does mean that some areas of

decision are totally inappropriate. For instance the two papers proposing marine protection mechanisms from Auckland City Council and the Department of Conservation respectively in respect to Tikapa Moana and Te Moananui O Toi. In neither report is there:

- Recognition that the issue of customary rights within marine reserves is a critical importance to tāngata whenua
- A substantive consideration of any other mechanism for marine protection other than the marine reserve option
- Recognition of the submissions of tāngata whenua to the Marine Reserves Bill which provide thorough analysis of alternatives to the marine reserve mechanism
- Recognition of the concerns identified within the Oceans Policy process of the barriers to implementing alternatives that make provision for tāngata whenua, such as taiapure.

### **B.3.8 GOVERNMENT PROCESS**

Central Government has released a discussion document on the Foreshore and Seabed issue and is seeking submissions on this paper by 3 October 2003. A copy of this paper can be obtained from the Department of the Prime Minister and Parliament, Phone 0508 367 374 or [www.beehive.govt.nz/foreshore](http://www.beehive.govt.nz/foreshore).

A discussion document on this issue from a Maori perspective has also been released by Te Ohu Kai Moana. A copy of this document by a working group, Te Ope Mana a Tai, is available at [www.tokm.co.nz](http://www.tokm.co.nz).

There are also a number of hui being held around the country. One of these is to be held on 26 September at the Orakei Marae from 10.00 to 2.00pm.

### ***RECOMMENDATIONS***

- a) That the report be received.
- b) That the Forum resolve not to take actions that will exacerbate any current Treaty grievance, or that will create new grievances.

## **THE PAEROA DECLARATION**

**The Hapu and Iwi of Aotearoa assembled here today declare:**

1. The foreshore and seabed belong to hapu and iwi under our tino rangatiratanga
2. We reaffirm our tupuna rights in the foreshore and seabed as part of our whenua rangatira
3. We direct all Maori MPs to oppose any legislation which proposes to extinguish or redefine Maori Customary Title or Rights
4. We support all hapu and iwi who wish to reconfirm their rights in the courts
5. The government must disclose its proposals to whanau, hapu and iwi immediately whose decision to accept or reject shall be final
6. The final decision on the foreshore and seabed rests exclusively with whanau, hapu and iwi
7. We accept the invitation of Te Tau Ihu to host the next hui

Dated 12 July 2003 at Ngahutoitoi Marae at Paeroa

## **B.4 TĀNGATA WHENUA OF TĪKAPA MOANA AND TE MOANANUI O TOI: ESTABLISHING A BASELINE OF GOVERNMENT AGENCY INFORMATION**

**C256-08**

*Technical Officers Working Group: 8 August 2003*

### **B.4.1 INTRODUCTION**

Section 3 of the Hauraki Gulf Marine Park Act 2001 (“the Act”) states that the purpose of the Act is to (amongst other things):

- *Integrate the management of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments.*
- *Establish objectives for the management of the Hauraki Gulf, its islands, and catchments.*
- *Recognise the historic, traditional, cultural, and spiritual relationship of tāngata whenua with the Hauraki Gulf and its islands.*

#### **Purpose**

The purpose of this report is to establish a baseline of information on how the Forum’s governmental constituent parties currently provide for the Treaty of Waitangi and the status of tāngata whenua in the management of Tīkapa Moana and Te Moananui o Toi (the Hauraki Gulf, its islands and catchments). The baseline information will be achieved through a questionnaire survey.

The survey is applicable to central and local government authority representatives in terms of how those authorities achieve or seek to achieve their respective obligations to tāngata whenua under the Treaty of Waitangi and the Act. This sector of the Forum is focused on because this sector has complementary responsibilities under other pieces of legislation including the Resource Management Act 1991, Conservation Act 1987 and the Local Government Act 2002.

### **B.4.2 BACKGROUND**

#### **Timeframe**

It is anticipated that the information can be gathered and a full report completed for presentation to the Forum at its 10 December 2003 meeting.

The majority of the survey information requested is standard information that should be readily available within the respective organisations.

#### **Benefits**

Once the Technical Officers Working group has analysed the survey responses, successful practices can be highlighted and used in the production of a “Best Practice Guideline” for the benefit of the Forum and its constituent parties. The findings can be used by the Forum to identify strengths and weaknesses to providing for Treaty of Waitangi and tāngata whenua outcomes in terms of the Forum’s section 3 purpose. The findings can also assist in informing Forum priorities such as the development of section 44 Deeds of Recognition (in particular to identify opportunities for contribution

by tāngata whenua to the management of an area by the Crown or a local authority), State of the Environment reporting, strategic issues and communication strategy initiatives.

### **B.4.3 QUESTIONNAIRE SURVEY**

Provided below is the list of questions for the relevant organisations to respond to:

1. Has your organisation entered into or is it considering entering into a Deed of Recognition of Statement of Relationship to identify opportunities for tāngata whenua to contribute to the management of an area pursuant to sections 44 to 46 of the Act?
2. Does your organisation have in place, or is it developing any policies or mechanisms that will provide for tāngata whenua involvement in the management of the Hauraki Gulf, its islands and catchments? If so please identify the policies.
3. List and explain any mechanisms your organisation has in place, or is developing that will provide for tāngata whenua involvement in decision making (e.g. Working Groups, Standing Committees, Memoranda of Understanding) in terms of management of the Hauraki Gulf, its islands and catchments?
4. List and explain any policies or guidelines that assist in the identification of tāngata whenua and/or Māori groups that should be consulted in respect of activities taking place in and management of the Hauraki Gulf, its islands and catchments?
5. Does your organisation have any staff/roles (e.g. "iwi liaison officers") and or "Maori outcome units" who have responsibilities regarding interaction with tāngata whenua explicitly stated in their job roles/descriptions? If so, please explain the nature of these roles.
6. List any internal training programmes to improve the competencies and confidence of staff to work with tāngata whenua? (e.g. Treaty of Waitangi workshops, Māori language courses, etc...).
7. Does your organisation have any policies and/or guidelines aimed at assisting iwi/hapū to develop new, or to give practical effect to the implementation of existing, iwi planning documents/management plans? If so please identify the policies.
8. Does your organisation have in place or is it developing any policies and/or guidelines, that will increase the capacity of tāngata whenua to participate in the management of the Hauraki Gulf, its islands and catchments?

### **RECOMMENDATIONS**

- a) That the report be received.
- b) That the Forum be presented with a report of the results of the survey at its December 2003 meeting.

## **B.5 STRATEGY FOR THE PROTECTION OF MARINE BIODIVERSITY IN THE HAURAKI GULF**

**C256-08**

*Emma Rush, Department of Conservation: 22 August 2003*

### **B.5.1 INTRODUCTION**

The purpose of this report is to provide information about Auckland Conservancy's plans to develop a strategy for the protection of marine biodiversity in the Hauraki Gulf.

### **B.5.2 BACKGROUND**

#### **Community Concern**

Over the past few months, the department has heard that some members of the Auckland community are increasingly concerned about the way in which marine protected areas are established. The community's concerns appear to have arisen from the number of marine protected area proposals, including the Great Barrier Island, Tiritiri Matangi Island and Tawharanui marine reserve proposals and the marine park proposal for Auckland's West Coast that are being promoted concurrently.

Key marine stakeholders have been strongly critical of the current approach to protection of marine areas, believing it to be *ad hoc*. In particular, recreational fishers have expressed dissatisfaction that there is no overall plan for the establishment of marine protected areas. They are concerned that a continuation of the current trend of individual marine reserve proposals will increasingly impinge on their right to catch fish in the Auckland region and will contribute to a lack of security of this right.

#### **New Zealand Biodiversity Strategy 2000**

The New Zealand Biodiversity Strategy 2000 (NZBS) establishes a strategic framework for action, to conserve and sustainably use and manage New Zealand's biodiversity. One of the strategy's objectives is to "*Protect a full range of natural marine habitats and ecosystems to effectively conserve marine biodiversity, using a range of appropriate mechanisms, including legal protection.*"

#### ***Building Community Support for Marine Protection Strategy***

In June 2002 the Department of Conservation released a strategy entitled *Building Community Support for Marine Protection*. The strategy provides direction for the department's work in increasing awareness of marine conservation, and working with others to achieve protection for New Zealand's marine biodiversity.

The strategy describes a process to guide conservancies in their work with others to achieve enhanced marine protection. The process has three stages, the first two of which are technical and involve gathering the available information and then classifying and assessing that information according to established criteria. The third stage involves engagement with communities to identify sites for possible marine protection. Participants in this stage are welcome to contribute information, expertise and knowledge to the process.

The aim, over time, is to get community agreement on which options for protection and/or management will be advocated for particular parts of the coast and sea..

**Strategic approach for the Hauraki Gulf**

Auckland Conservancy is currently preparing a scoping report on how the *Building Community Support* strategy may be applied to the Hauraki Gulf region. Whilst this report is not yet complete, it is anticipated that the strategy will include the following aspects:

- Consultation with tāngata whenua. It is considered that discussions with decision-makers at hapu level are essential to the ultimate success of the project,
- A public awareness project aimed at informing the public of the process to be undertaken and its marine biodiversity protection objectives,
- Participation of other central government and local government agencies and other agencies such as NIWA, Universities etc, and
- Identification of key stakeholder groups and those who represent such groups and relationship-building with these groups and individuals.

The department considers it essential that the strategy has the support of the Hauraki Gulf Forum as well as support from each of the constituent parties. Upon completion of the scoping report the conservancy will be contacting each constituent party to discuss their involvement. The Forum will be kept informed of the conservancy's progress.

**RECOMMENDATIONS**

- a) That the report be received.
- b) That the Hauraki Gulf Forum support the Department of Conservation's plan to scope a strategy for protecting marine biodiversity in the Hauraki Gulf.



## **B.6 A STRATEGIC APPROACH TO THE ESTABLISHMENT OF MARINE PROTECTED AREAS**

**C256-08**

*Karen Bell, ACC: 26 August 2003*

### **B.6.1 INTRODUCTION**

The purpose of this report is to seek support from the Forum members for an overall plan for the provision of marine protected areas within the Hauraki Gulf Marine Park (HGMP).

### **B.6.2 MARINE PROTECTED AREAS**

New Zealand and its offshore islands have over 18,000km of coastline, consisting of a wide variety of marine habitats and a diversity of marine wildlife. Despite this, New Zealand has been slow to directly protect its marine biodiversity. About 30 per cent of New Zealand's land is under some form of protection, whereas, around the North and South Islands, marine reserves cover just 0.1 per cent of the coastal sea.

An objective of the New Zealand Biodiversity Strategy (NZBS) is to protect a full range of natural marine habitats and ecosystems to effectively conserve marine biodiversity, using a range of appropriate mechanisms, including legal protection. By 2010, the aim is to have protected 10 per cent of the marine environment in marine protected areas.

A wide range of protective mechanisms are available for achieving this target, including marine reserves, world heritage sites, fisheries management tools including mataitai and taiapure, and regional planning tools.

A national strategy for establishing a comprehensive network of marine protected areas is being developed by the Department of Conservation and the Ministry of Fisheries.

### **B.6.3 EXISTING MARINE PROTECTED AREAS WITHIN THE HAURAKI GULF**

Currently there are four marine reserves within the boundaries of the Hauraki Gulf Marine Park (Cape Rodney to Okakari Point Marine Reserve, Long Bay – Okura Marina Reserve, Motu Manawa (Pollen Island) Marine Reserve and Re Wanganui A Hei (Cathedral Cove) Marine Reserve). A fifth proposal, Te Matuku Marine Reserve, is approved but is awaiting an Order in Council and will be gazetted by the end of 2003. A further four marine reserves are currently being proposed:

- Great Barrier Island (Department of Conservation) – 53,000ha
- Tiritiri Matangi Island (New Zealand Underwater)
- Tawharanui (Auckland Regional Council) NB – the area is currently a no-take marine park

There is also a range of commercial fishing restrictions in place that prohibit certain types of commercial fishing practices in certain areas, and restrict commercial fishing of target species to specific areas at specific times of the year.

While these efforts are to be commended, there are still marine resources and habitats within the Hauraki Gulf that warrant some form of protection.

#### **B.6.4 OPPOSITION TO MARINE PROTECTED AREAS**

Applications for marine reserves and other marine protection initiatives have always drawn opposition. Common objections and concerns include:

- the sites selected are inappropriate;
- the establishment of marine reserves will prohibit fishing, thus reducing peoples enjoyment of the area (recreational fishers) or reducing the income they can earn from the area (commercial);
- misconceptions that marine reserves prohibit anchoring or that it is illegal to carry fish on board a boat when travelling through a reserve

In addition, there is a real concern that one-off or *ad hoc* applications do not result in the most satisfactory outcomes in terms of wider recreational, economic and environmental considerations.

The development of an overall plan for marine protected areas within the HGMP would ensure a more systematic approach is taken to site selection, based on scientific research, agreed criteria and a balance between social, economic and environmental considerations. As well as protecting significant marine habitats and maintaining biological diversity, such a comprehensive approach would also offer long-term benefits in terms of:

- Providing a clear direction for the future implementation and management of marine protected areas
- Applying protective mechanisms that achieve appropriate management and community outcomes
- Gaining much needed community ownership of marine protected areas
- Ensuring better integrated management of marine resources and the allocation of marine space
- Focusing community marine protection efforts to those sites selected through the identification process

#### **B.6.5 A STRATEGIC APPROACH**

The Department of Conservation has outlined in its *'Building Stronger Community Support for Marine Protection'* Strategy a collaborative process for the Department to work with others to achieve enhanced marine protection. The process is based on scientific information on the marine environment and engages communities in discussion to identify sites for possible marine protection. The Auckland Conservancy is currently scoping how the process will work for the Hauraki Gulf. Once the scoping report is finished (end of August 2003), the Auckland Conservancy is planning to discuss it with the Ministry of Fisheries and other key organisations.

The development of an overall plan for the provision of marine protected areas within the HGMP is consistent with the strategic objectives and actions agreed by the Hauraki Gulf Forum.

**AGENDA**  
**WEDNESDAY 17 SEPTEMBER 2003**  
**HAURAKI GULF FORUM**

---

The development of an overall plan for the Hauraki Gulf requires significant consultation with key stakeholder groups, iwi and the public. The Forum members represent the key stakeholder groups with administrative responsibility for the management of the HGMP. The support of the Forum members is required to:

- Facilitate the development of a systematic approach to the selection of marine protection sites and the mechanisms to be employed;
- Build public awareness of the benefits of marine protection; and
- Communicate the need for community participation in the development of an overall plan for the provision of marine protection areas within the HGMP.

***RECOMMENDATIONS***

- a) That the report be received.
- b) That the Forum members endorse the initiative for a strategic approach to the provision of marine protected areas within the Hauraki Gulf Marine Park.
- c) That the Forum members assist the Department of Conservation and the Ministry of Fisheries in the developing of an overall plan for the provision of marine protected areas within the Hauraki Gulf Marine Park.

## **B.7 REVIEW OF AUCKLAND REGION SHELLFISH ISSUES**

**C256-08**

*Richard Fanselow: Mfish: 28 August 2003*

### **B.7.1 INTRODUCTION**

The Minister of Fisheries has asked the Auckland Fisheries Management and Compliance groups to undertake a review of shellfish issues in the Auckland region. The Minister's request is in response to ongoing concerns about the state of shellfish populations within this region (including parts of the Hauraki Gulf). Such a review is complementary to the one to be reported on at this meeting, which has involved assessments of the environmental influences that are affecting shellfish populations in the Hauraki Gulf.

### **B.7.2 REVIEW**

The Ministry's review is at an early stage. Likely elements in terms of fisheries management will involve undertaking work, possibly including harvester interviews, to determine whether there are both particular species and areas that are being subjected to unsustainable pressure. Options for action in the event that there are sustainability/localised depletion problems include changes to daily catch limits and/or size limits, seasonal restrictions or harvesting bans such as currently apply at Cheltenham and Eastern beaches. MFish expects to do much of the assessment needed to provide the basis for making decisions on any such changes over the forthcoming spring/summer period.

#### **Resources**

The Compliance group are concentrating their efforts on two aspects of their work – increasing the resources that are applied to enforce existing controls and increasing levels of public awareness about these controls. The increased resources involves employing more permanent staff to coordinate the work of Honorary Fishery Officers. These are the officers who do much of the work required to achieve compliance with amateur fishing regulations, including those that apply to shellfish harvesting. The Ministry's experience has been that this is now demanding work, and the volunteers who do it need an improved level of support and backup and support from permanent staff.

Consequently, the Ministry's move to employ more permanent coordinators will in turn allow networks of honorary officers to be better supported. A recent review has seen a reduction in the number of HFOs in some areas and an increase in others. This has been driven by the need to have officers work in pairs to enhance their personal safety and recognition of the fact that some areas do not experience particularly high levels of offending.

#### **Signage**

The other aspect is one where Forum members may be able to work in partnership with the Ministry. Before summer, the Auckland Compliance group would like to put up signs at popular boat ramps and beaches, informing people about the various limits that apply to both fishing and shellfish gathering. This initiative is in part a response to our perception that a principal cause of non-compliance with existing shellfish harvesting regulations in the Auckland region may simply be that many people remain unaware of these limits.

To overcome this problem, the Compliance team have a range of signs that they would like to put up, some larger ones providing information on most of the amateur limits. Ideally, these would be erected at selected boat ramps. Then there are smaller signs that can simply show limits that apply to a particular species of shellfish which would be put up at the beaches where such species are most often harvested.

An opportunity exists for the Ministry and local/regional territorial authorities to work together co-operatively in determining the location, design and content of this sign posting, most of which will be located in areas such as esplanade reserves, parks and road berms. Each local authority will have its own requirements that reflect the need to convey information in an effective and efficient manner while reducing the visual impacts and proliferation of signposting.

Compliance staff have had preliminary discussions with officers from Rodney, Waitakere, North Shore and Auckland City Councils about the procedures needing to be followed to obtain consent to put up these signs. It would be fair to say that Council requirements so far have been somewhat variable – some outlining quite simple processes while others suggesting something more onerous involving both community board and RMA consent.

The Ministry will be approaching Councils in the (Hauraki Gulf) region shortly in order to discuss this issue. Forum (Council) members and the Ministry have a shared interest in ensuring that the public know about and comply with the controls that apply to the harvesting of fish and shellfish in the Hauraki Gulf. Consequently, the Ministry would like to work in partnership with Councils on this project to ensure that signs meet reasonable design and placement requirements, consistent with the Council's own programme for signage. Hopefully this will serve to expedite the placement of sign posting before the onset of the summer peak holiday season. In this regard, it would be helpful if Forum Council members could arrange for suitable contact people to work with the Ministry on this project.

#### ***RECOMMENDATIONS***

- a) That the report be received.
- b) That Forum support the review of shellfish issues in the Auckland region, including the Hauraki Gulf.
- c) That if revised controls on harvesting are necessary as an outcome of the review, that the Forum's constituent parties support the Ministry, as appropriate, on such changes;
- d) As part of an overall shellfish/public information strategy, that the Forum's constituent parties take a co-operative approach with MFish to put in place appropriate information signs on fish and shellfish harvesting controls.

## C ITEMS FOR INFORMATION

- |     |   |    |
|-----|---|----|
| C.1 | FINDINGS OF STAGE 1 'REVIEW OF CURRENT STATE OF KNOWLEDGE';<br>HAURAKI GULF LOCALISED SHELLFISH DEPLETION PROJECT | 26 |
| C.2 | CONSTITUENT PARTY REPORT  | 31 |

## **C.1 FINDINGS OF STAGE 1 'REVIEW OF CURRENT STATE OF KNOWLEDGE'; HAURAKI GULF LOCALISED SHELLFISH DEPLETION PROJECT**

**C256-08**

*Dominic McCarthy, Auckland Regional Council: 25 August 2003*

### **C.1.1 INTRODUCTION**

At the 18 June 2003 HGF meeting (agenda item C4) the Forum was provided with a progress report on work scoping out what we know about localised depletion of some edible shellfish resources at locations around the Hauraki Gulf Marine Park (HGMP). The matter was first brought to the attention of the Forum in June 2001 by Ministry of Fisheries (MFish), Environment Waikato (EW) and ARC representatives. The Forum's Technical Group developed a two staged 'scoping programme' and Forum members agreed to fund the work. Stage 1 involves review and synthesis of the current state of knowledge of the subject, and identification of key gaps in our understanding. Stage 2 involves preparation of a peer reviewed position document summarising key findings and providing a prioritised listing of recommended research and other actions for identification of causes of depletion and appropriate responses.

Stage 1 of the scoping process is now complete. This report summarises key findings from the work, which will now be taken through to the next stage.

### **C.1.2 STAGE 1 BRIEF AND OBJECTIVES**

Stage 1 contract brief had the following objectives relevant to factors potentially affecting selected edible shellfish populations in the HGMP:

- provide a bibliography
- provide a synthesis of current and expected near-future knowledge
- identify gaps in our understanding
- identify key research priorities where efforts are likely to be most cost-effective at identifying 'causes'.

Based on MFish survey information the brief identified the shellfish species of specific interest in this review as the following bivalves; cockles, pipis, tuatua, and wedge shells.

### **C.1.3 BIBLIOGRAPHY AND VERIFICATION OF THE DEPLETION ISSUE**

Stage I work involved a comprehensive literature search was carried out for relevant local and international references and the results have been compiled into an electronic bibliography.

As an initial check the available data on trends of abundance of the target shellfish was reviewed to confirm the scientific basis for the perception that populations in the Hauraki Gulf Marine Park are becoming depleted. Available data included on-going abundance and population structure surveys (e.g. MFish "Inter-tidal Shellfish Monitoring Programme"), along with a range of one-off studies (e.g. University thesis research).

The most extensive survey activities have been undertaken by the MFish “*Inter-tidal Shellfish Monitoring Programme*”, which was initiated in 1992 with the aim of assessing the depletion of inter-tidal shellfish populations through regular surveys. However, the stage 1 review identified a number of problems with the design and methodology of these surveys that affect their usefulness in determining depletion trends at the survey sites, especially for tuatua and wedge shell trend analysis in the HGMP. The most robust MFish information is for cockle populations and the longest comparable data sets in these surveys are for a period of 5 years from 1998 to 2002.

Two other long-term surveys were also assessed: The Cheltenham Beach Caretakers have used consistent methods to collect data on inter-tidal cockle and pipi abundance at their beach from 1995 to 2003. Infaunal (living in the sediment) inter-tidal bivalves, including cockles and wedge shell, have been monitored since July 1994 at five sites in the Mahurangi Estuary by the ARC as part of their ongoing ‘state of the environment’ marine ecology monitoring programme.

Overall, the majority of sites surveyed over the different studies show decreasing trends in inter-tidal infaunal bivalve abundance. However, the small quantity of robust data available makes generalisation to the HGMP as a whole inappropriate. It is noted that depletion of these shellfish stocks in the Hauraki Gulf Marine Park region appears to be supported by a substantial body of anecdotal evidence.

#### **C.1.4 POTENTIAL STRESSORS AND RISKS**

A number of potential stressors of shellfish in the HGMP were identified from the literature review, and assessed in detail using a standard risk assessment framework that incorporates hazard identification, dose-response assessment, exposure assessment and risk characterisation.

Potential stressors include:

- anthropogenic contaminants such as organotin compounds and organic booster biocides (such as those associated with marine antifoulants), heavy metals, organochlorines and polyaromatic hydrocarbons;
- human harvesting;
- changes in the marine environment associated with human activity, such as increased sediment loading, nutrient enrichment and climate change;
- natural phenomena of an extraordinary nature such as harmful algal blooms (HABs), diseases and parasite infestations.

In general, paucity of data, particularly about potential impacts on New Zealand species of infaunal bivalves, severely limits robust risk characterisation. However, in broad overview the potential risks to infaunal bivalves in the HGMP are characterised by:

- A general trend of increasing risk with increasing proximity to metropolitan areas, particularly the large metropolitan area of Auckland. This is matched by a higher level of information about the status of shellfish populations and potential anthropogenic contaminants in areas closer to Auckland.
- A general trend of increasing risk with increasing urbanisation of the coastline.



- Within these trends, there is a general trend of increased risk of anthropogenic contaminants in inter-tidal zones in enclosed estuarine areas (i.e. depositional areas) as opposed to open coastal environments.
- Risk may vary between species as a result of physiological and behavioural differences.
- Many potential stressors may impact on several life cycle stages of the shellfish. In instances where data are available, there is a general trend (with some exceptions) of higher sensitivity to potential stressors in larval and juvenile stages than in adults.
- Based on the limited information available, it appears that while many of the potential stressors considered are known to have lethal impacts at high levels, there are more potential sub-lethal impacts that occur at lower levels. These include impacts that could result in reduced shellfish production (e.g. reduction in reproductive success and recruitment, loss of habitat, etc). The level of information relating to these long-term lower dose effects is minimal.
- While acknowledging that there are significant knowledge gaps, in general it appears that the occurrence of potential stressors at high levels is relatively rare and localised. (An exception to this could be harmful algal blooms, which can have relatively widespread impacts). The occurrence of sub-lethal stressors is likely to be more common.
- Most potential stressors associated with human activity are predicted to have a temporal trend of increasing risk (exceptions to this are the risks associated with organotin compounds, lead, and most organochlorines).
- The immediacy of the risk varies between potential stressors – for example, increased sediment loading as a result of increasing urbanisation of the coastline is likely to present a current risk to infaunal shellfish in a range of areas across the HGMP, whereas the potential risks associated with climate change have implications in the longer term. Some come and go e.g. HABs.

### **C.1.5 BROAD NEW RESEARCH AREAS IDENTIFIED**

In addition to many knowledge gaps identified in relation to the impact of specific potential stressors on individual shellfish, several broad issues requiring research were highlighted by the Stage 1 review:

- There is a paucity of robust long-term data required to identify trends in infaunal bivalve populations in the HGMP. In particular, if meaningful data are to be collected on sub-tidal species such as tuatua (and in part, pipi), surveys should be conducted in appropriate locations. Also important is the geographic spread of data, and collection of data from a variety of sites that differ with respect to hypothesised risk levels associated with potential stressors.
- Little work has been undertaken on the interaction between different potential stressors, particularly stressors that may have sub-lethal impacts. The potential for synergistic/antagonistic effects between different potential stressors needs to be investigated further.
- The paucity of knowledge about factors driving population dynamics in each of the infaunal bivalve species of interest limits the interpretation of risk assessment data with respect to shellfish populations throughout the HGMP. In other words, even with information on the impacts of potential stressors on shellfish in an

individual sense, in most cases we are unable to predict the likely impact on the wider shellfish population. This relates particularly to the way in which shellfish stocks (or beds) are interconnected within a population (e.g. does a localised impact in one stock result in an impact in a distant stock as a result of reduced larval supply?)

- Even when information is available to allow evaluation of the level of a particular anthropogenic contaminant in the marine environment, the associated knowledge necessary to convert this environmental level into the amount that is actually biologically available to infaunal bivalves is often lacking.

### **C.1.6 SCALE OF WORK REQUIRED TO RESOLVE THE ISSUE AND PRELIMINARY SUGGESTED SOLUTIONS**

Clarification of the above issues would allow much of the existing environmental data to be more usefully interpreted. The volume of work necessary to definitively identify, and thus effectively manage, the causes of the depletion of infaunal shellfish stocks in the Hauraki Gulf Marine Park is large. However, the observed trends of declining shellfish abundance suggest that this issue needs to be resolved in the near future.

The size of the knowledge gaps, and the likely limited financial resources available to be directed toward researching these issues, suggest that the elucidation of issues related to shellfish depletion in the HGMP will be difficult without a cohesive strategy to involve wider groups in this process. The stage 1 review provides two suggested solutions.

#### *1. Facilitation of information exchange:*

It is suggested that this process could be facilitated by:

- Development of an internet-based newsgroup to facilitate exchange of information.
- Hosting regular (6-monthly) workshops to discuss the shellfish depletion issue. This will provide an opportunity to disseminate and discuss research results, develop linkages between researchers, and encourage research effort into this area by research providers. Informally published proceedings of the workshops will provide a collation of latest research results.

#### *2. Improved use of existing resources:*

The stage I review suggests that collection of long-term data on the status of intertidal infaunal bivalves could be cost-effectively addressed by improving the use of existing resources, allowing available funding to be directed toward high quality research. To achieve this, they suggest that the benefits of the "Adopt-a-Beach" programme be maximised. This could potentially broaden the geographic scope of data collected quite significantly. This initiative could be facilitated by the Hauraki Gulf Forum through:

- Encouraging skilled people to become involved, to ensure the acceptable quality of results.
- Funding the establishment of a database of results from the programme, along with a periodic review of the results.

These community-based monitoring programmes should be complemented by the data collected from agency directed monitoring programmes such as the MFish “Intertidal Shellfish Monitoring Programme”. It is recommended that the Hauraki Gulf Forum encourage the Ministry of Fisheries to re-focus this programme to ensure that appropriate long-term abundance data are collected.

Apart from initiatives to achieve sustainable populations of infaunal bivalves in the HGMP, complementary management initiatives aimed at maintaining or improving water quality to ensure that shellfish are safe to eat when harvested will also be required.

#### **C.1.7 NEXT STEPS (STAGE 2)**

A workshop of relevant technical experts is to be organised in September – October 2003 to discuss and peer review the findings of stage 1 and to confirm and prioritise research requirements and other suggested initiatives to help resolve the shellfish depletion issue. A position document summarising the output of this scoping phase is anticipated to be available for the Forum’s consideration by the end of the calendar year.

#### ***RECOMMENDATION***

That the report be received.

## C.2 CONSTITUENT PARTY REPORT C256-08

*Various: 27 August 2003*

### C.2.1 NORTH SHORE CITY COUNCIL

#### Plans

##### *District Plan Provisions for the Okura Area*

The Environment Court released its ruling on planning controls for the Okura area in June. The ruling largely supports North Shore City's proposed provisions which retain lower, rural-scale densities in this area.

The Court supported North Shore City's proposal that a subdivided lot in the western part of the Okura area be two hectares on average and no smaller than 5000 sq m. It did, however, rule that properties on the more visually sensitive eastern landscape could not be subdivided to a size smaller than four hectares - twice the limit proposed by the Council.

Strict planning controls have been applied and range from special requirements for building near the estuary to limitations on earthworks and impervious surfaces, and the protection of archaeological sites. Cluster housing is banned in the eastern area and limited in the west, while minor residential units are ruled out as the Court felt the potential adverse cumulative effect over time would erode the area's rural character.

The Environment Court's ruling means that further subdivision of properties along the Okura Estuary is unlikely. The council will now need to negotiate with landowners to secure the land for a walkway along the coast.

#### Infrastructure

##### *Devonport Sewer Upgrades*

North Shore City's five-year, \$14 million investment in repairing or replacing Devonport's leaky sewers has been found to be making a difference with tests showing the extensive work is halving the amount of rainwater leaking into the pipes and far fewer sewage overflows expected as a result.

Addressing the leakage of stormwater into the Devonport wastewater pipes was a Council priority because it overloaded the wastewater network (to the Rosedale wastewater treatment plant) and contributed to overflows on Takapuna and Milford beaches.

##### *Wastewater Storage Tanks*

Work has begun on the new Silverfield wastewater storage tank designed to reduce overflow events into the Wairau Stream and onto Takapuna and Milford beaches. The Silverfield tank is the second of three major storage facilities planned with Beach Haven completed last year and Browns Bay to follow in 2004. The 6,500 cu m storage tank will be built beneath our North Shore Events Centre car park in Wairau Valley, alongside the Takapuna Golf Course.

## **Parks**

The Council has spent \$165,000 and ten months restoring Castor Bay's Kennedy Park observation post, a 60 year old, two-storey building which is an important element of the historical heritage of the Hauraki Gulf. Around half the money for the heritage refurbishment project came from the Lotteries Commission. The restoration brings the defence establishment back to life as a community facility. Built during the Second World War and camouflaged to look like a house, it served as a lookout from where NZ defence personnel could keep a look out for invading fleets approaching the Rangitoto Channel.

## **C.2.2 WAITAKERE CITY COUNCIL**

### **Infrastructure**

Waitakere City Council has received support from Infrastructure Auckland in the form of two grants totalling \$9.4 million to restore the Oratia and Opanuku Streams – Twin Streams.

This long-term restoration project will be undertaken in partnership with the community and involves removing weeds and rubbish, restoring riparian margins, solving flooding issues and introducing environmentally friendly stormwater solutions. Work will start on the Lower Oratia and Pixie Streams.

The catchments of the Oratia and Opanuku Streams, which empty into the Taikata (Henderson) Creek, comprise approximately 20% of the Foothills and urban land area of Waitakere City.

### **Parks and Reserves**

The Maori name Orangihina has been selected for Harbourview reserve land on Te Atatu Peninsula. Orangihina was the wife of the great Te Kawerau A Maki warrior Te Au O Te Whenua.

## **C.2.3 AUCKLAND REGIONAL COUNCIL**

### **Plans**

#### *Proposed Auckland Regional Plan: Coastal*

The Proposed Auckland Regional Plan: Coastal ("the Plan") is a coastal environment plan that has been prepared to promote the integrated management of the coastal marine area and any related part of the coastal environment, under section 64(2) of the RMA. The plan contains provisions, other than rules, in the coastal environment landward of the coastal marine area, and provisions including rules in the coastal marine area.

All appeals to the Plan have been resolved, however the Plan is subject to 6 variations. Variation 1 pertains to discharges into the coastal marine area and variations 2 - 6 relate to aquaculture.

On 12 August 2003 the Council adopted the Plan, excluding those parts subject to variations 1-6 that relate to discharges and aquaculture. The Plan and accompanying information is now being prepared to be sent to the Minister of Conservation for final approval in part.

*TP 10 Stormwater Management Devices: Design Guidelines Manual, Revision to Technical Publication 10.*

The ARC has recently released the revised TP 10 Stormwater Management Devices: Design Guidelines Manual, Revision to Technical Publication 10. This is a non statutory document that provides guidelines for the management of stormwater. The revised TP 10 has been updated to include new technology, provide enhanced environmental protection, and is easier to use than its predecessor. In general it provides a better guidance and a more cost effective approach to improved environmental outcomes.

The Guideline is available from the ARC's website ([www.arc.govt.nz](http://www.arc.govt.nz)). It is also available on CD, enquiries to Enviroline.

### **Consents**

The ARC has recently received a series of applications for the extraction of sand from the near shore area of Pakiri Beach. These applications are to continue existing operations.

## **C.2.4 MANUKAU CITY COUNCIL**

### **PLANS**

#### *Flat Bush Variation 13*

Decisions on Variation No.13 – Flat Bush were released last year and thirty one references have been lodged with the Environment Court. These include references to the approach the Council has taken to stormwater management and treatment. Manukau City Council lodged a comprehensive stormwater discharge consent application with Auckland Regional Council last year. This consent has now been granted, however it also under appeal. Mediation between the parties to the appeal has been on-going and it is hoped that the appeal will be resolved.

#### *Whitford Study*

Progress is continuing on the Whitford Study with the final report on NIWA's sediment runoff and risk to estuarine biota modelling study due for completion at the end of July. Landscape Architects, Priest Mansergh Graham and Planners, Bloxam Burnett & Olliver Ltd, have been contracted to undertake a rural character assessment that will assist in determining what level and form of rural-residential development should be accommodated within the Whitford area and what controls are required to maintain and enhance the rural character and amenity values of the area. This project is due for completion in mid October. This work, together with consideration of other relevant issues, will be used to develop policy principles for a District Plan change for Rural 1 land in the Whitford area.

### **PARKS AND RESERVES**

#### ***Parks Strategy & Policy***

Manukau's parks strategy *Making Connections* adopted by Council in late 2002 provides a clear direction for the provision and development of the parks network over the period 2002-2010. Amongst other things the strategy reconfirms Council's current policy of taking all esplanade reserves made available by development. The long term vision of a continuous reserve around Manukau's Hauraki Gulf coastline is a feature of the strategy.

A review of Council's Maritime Recreation Fund Policy 1997 is underway. This policy distributes monies made available from the dissolution of the Auckland Harbour Board. The fund has a particular focus on improving coastal recreational opportunities through improving access and amenity value. Recreational facilities on Council's Hauraki Gulf coastline have been a major beneficiary of this funding.

Work will begin this year on the preparation of a new Coastal & Esplanades Reserves Management Plan for Council's entire coastline. The new plan will incorporate all existing coastal management plans into one document including Cockle Bay Reserve, Howick Beach Reserve, Maraetai & Omana Foreshore Reserves, Mellons Bay Reserve and Sunkist Bay & Motukaraka Reserves.

#### *Parks Operations*

Planning is underway for the next stage of the development of Te Puru Park. This will include maximising the esplanade area for recreational purposes and the addition of sports platforms. The construction of the sport fields will be done during the 2003/04 financial year

Eastern Beach is being considered for significant beach replenishment subject to resolving stormwater discharge erosion issues.

Maritime recreation funding will be available to the Howick and Clevedon Community Boards (\$200,000 each) for the purposes of enhancing recreation access to the coast. Howick ward will be continuing with the construction of the Mangemangeroa walkway and the Clevedon ward will be developing the Kawakawa Bay breakwater.

An investigation on access, availability and status of boat ramps in Manukau is being undertaken. The aim of the investigation is to identify problem areas and to identify possible options for the future. A draft report on this investigation has been received.

#### *St. Kentigerns Walkway*

On 8 March 2002 resource consent was granted by Manukau City Council to the St. Kentigern Trust Board for the development of a girl's college, an arts and technology centre and horticultural facilities at St. Kentigern College. This resource consent included a condition requiring the sale of the College foreshore to Council as esplanade reserve. The Trust Board lodged an appeal against this condition with the Environment Court. Subsequently the Auckland Regional Council joined this appeal as a section 274 party.

Negotiations between Council Officers, the Trust Board and the Auckland Regional Council centred around two options:

- The construction of a solid "mudcrete" sea wall-type platform that would extend from the existing rowing shed around the base of the cliff for a distance of approximately 450 metres to a small point close to the College's southern boundary. From here a land based concrete footpath would link through to the existing esplanade reserve to the south of the College.
- The purchase of a 20 metre wide esplanade reserve for the full length of the coast from the Trust Board and construction of a land based path with landscaping and fencing.

Negotiations with the Trust Board are now at a point that Council and the Trust Board have in principle agreed to investigate the mudcrete option and seek the various

consents required for its construction and use. The Auckland Regional Council has withdrawn from the appeal and this matter is about to be settled by consent order.

A concept design of the mudcrete walkway is currently under preparation. Once this concept design is further advanced Manukau Parks intend to consult with parties who may have an interest in the proposal. This consultation will assist in the preparation of the final design and help identify possible environmental effects and avoid, remedy or mitigate these effects.

There is a degree of uncertainty around the outcome of any applications for the consents required for the mudcrete walkway. Even if these consents are granted a walkway along this section of the coast is likely to be some time away yet due to the time required to obtain the consents and construction timeframes.

### **Investigations/ Infrastructure**

#### *Otara Lake Improvement Project*

Council has commenced 3km of riparian planting along the Flat Bush arm of the Otara Creek. On the 21<sup>st</sup> June 2003, a very successful planting day was held with 1400 trees being planted in 1.5 hours.

CDS units have been installed around the stormwater outflows.

ARC and MCC are continuing to work together to visit businesses in the industrial zones. Businesses are being approached to improve their practices and consequently reduce the level of contaminants being discharged into the stormwater system. Two rounds of visits have been carried out so far with industry being very supportive.

Investigations are still being carried on the possible options for dredging Otara Lake in order to improve water quality.

#### ***Manukau Water***

##### *Discharges:*

No wastewater surcharges from pump stations have been recorded to Manukau's coastal areas between April and June 2003. However three wet weather surcharge overflows from manholes resulting in watercourse pollution were recorded.

- 68 Hain Ave, Mangere (June)
- 107 Prestons Road, Otara (April)
- 16 Ingram Crescent, Otara (April)

##### *Wastewater Modelling Improvement Programme:*

Manukau Water (MW) lodged the Wastewater Network Resource Consent Application in March 2001. The consent is for the discharge of wastewater from the overall reticulation system, until superseded by new consents for the individual 35 catchments. All wastewater and stormwater network operators were required to apply for discharge consents as existing consents and general authorisations under the transitional provision of the Resource Management Act (RMA) expired on 1 October 2001.



The resource consent process involved extensive consultation with iwi, regulatory authorities, elected representatives, government organisations, environmental groups, LNOs and recreational groups.

The application was notified in May 2002 by the ARC and six submissions were received. Of these, none opposed the application, five gave conditional support and one supported the application.

A hearing was held on the 17th and 18th of March 2003. Subsequently the global consent for discharges to land and water was granted in April and the granting of the global consent for discharges to the Coastal Marine Area was recommended to the Minister of Conservation. None of the submitters appealed the decision.

These global discharge consents are the first of their type in New Zealand and have been followed with interest by other network operators and agencies

Wastewater Discharge Resource Consent Application for Catchment 2 (Cockle Bay/Mellons Bay/Howick Beach) has been notified on the 4<sup>th</sup> of July. The consent application is based on the network model that predicts more accurately the performance of the wastewater network under various flow scenarios. The identified upgrading works for Catchment 2 are well advanced including an inflow and infiltration reduction programme. The improvement works include the replacing of sewer pipes, storage tanks at Cockle Bay and Mellons Bay and other measures.

The consent applications for catchments 12 (Otara) and 1 (Bucklands Beach) will be lodged in 2003. The consultation process with affected parties for Catchment 1 is in progress.

#### *Unreticulated Rural Settlement Studies*

Council has a work programme for conducting sanitary and receiving environment surveys in unreticulated rural settlements including Kawakawa Bay, Orere Point, Clevedon and Whitford in relation to sewage contaminated stormwater. A repeat survey of septic tanks/drainage systems will be carried out in Orere Point in the winter of 2003. Receiving environment surveys for Clevedon and Whitford are planned to occur in 2003/04. These surveys have been identified as actions in the Environmental Monitoring Strategy – Keeping Track.

#### *Kawakawa Bay*

The issues & options study for Kawakawa Bay has now been completed by Pattle Delamore Partners Ltd and independently peer reviewed by URS consultants.

The study confirms the original findings that the area is not suitable for the continued use of conventional on site wastewater disposal. It outlines a range of options available to the Council for providing a sustainable wastewater service to the Kawakawa Bay community. This includes an assessment of risks and costs. The recommended option is a localised treatment plant with land disposal for KKB only (capital costs for reticulation and treatment/disposal system \$6.2 million) or KKB and Orere Point together.

The consultation process with the public, iwi, ARC and other interest groups is in progress.

## **C.2.5 FRANKLIN DISTRICT COUNCIL**

### **Plans**

The Franklin District Council is in the final stages of preparing a change to its operative District Plan for the rural and coastal parts of the District. The Draft Proposed Plan Change replaces the Rural Zone of the Operative District Plan with a Rural Zone and a Coastal Zone. This recognises that Franklin's coastal areas have different issues to the rural areas, by providing specific objectives, policies and rules for both zones.

The Draft Proposed Plan Change also introduces a Management Area approach to recognise the varied nature of the District and address the specific issues of these areas. These Management Areas provide specific objectives and policies pertinent to defined areas. One of the three identified Coastal Management Area is the Seabird Coast Management Area, which encompasses the land adjoining the Firth of Thames.

The Draft Proposed Plan Change will be presented to Council on 28 August, where it is expected that it will be adopted by Council as a Proposed Plan Change to be notified by the end of September 2003.

### **Consents**

Franklin District Council received an application for resource consent to create forty-three Conservations Lots via the protection of 264 hectares of native bush; boundary relocation between the three existing lots; the vesting of a lot as Council reserve and another lot vested as public road. The subject site is located at Matingarahi, 13 km north of Kaiaua on the western coast of the Firth of Thames. This consent application is currently on hold while landscaping, wastewater disposal and ARC concerns are resolved.

### **Infrastructure**

A major slip is affecting a section of East Coast Road at Matingarahi Point. The road has been closed to one lane and is being closely monitored pending the carrying out of remedial works in the coming summer.

## **C.2.6 ENVIRONMENT WAIKATO**

### **Plans**

Environment Waikato will hear in October submissions on a proposed variation to the proposed Waikato Regional Coastal Plan to provide planning guidance for the location of marinas in the coastal marine area of the Waikato Region.

Environment Waikato has released decisions on a proposed variation to the Proposed Waikato Regional Coastal Plan to and Proposed Waikato Regional Plan in relation to the management of moorings throughout the coastal marine area, and in the rivers and lakes (excluding Lake Taupo) of the Waikato Region. There has been one appeal received relating to use of moorings at Great Mercury Island.

Environment Waikato is undertaking consultation on whether or not to initiate a variation to the proposed Waikato Regional Coastal Plan on occupation charges. Staff are discussing integration and consistency issues with Auckland Regional Council and Northland Regional Council.

## **Investigations**

Preliminary model outputs from the initial aquaculture management area scenarios being considered as part of the project to assess the sustainability of shellfish aquaculture in the Firth of Thames have been produced by NIWA and have been discussed by managers, industry and scientists. As a result of these discussions several additional scenarios are being modelled. This is a joint project being funded by ARC, EW and the Western Firth of Thames Mussel Industry Consortium.

The results of workshops to identify trigger points for the Wilson's Bay Marine Farming Zone are being prepared. This includes identification of some key water column and benthic community/sediment trigger points and the levels where further investigations will be initiated. Environment Waikato will be preparing a document outlining recommendations for trigger points and levels for managing the Zone.

Staff at EW and Waikato Conservancy are continuing to progress their collaborative project to collate the coastal information available in the Waikato Region. Collation of metadata has been completed for the first year of work. A very successful technical workshop was held in May to identify further information/data sets available for the Waikato coastal environment. A number of staff from various sections of NIWA, DoC and the University of Waikato contributed a significant amount of knowledge to the project. Leads from the workshop have been followed up and associated metadata completed. Work on design and content for the presentation of the database information has commenced. It is planned that a working database will be available in some form this financial year.

EW have been working jointly with Auckland Regional Council and NIWA to further examine beach profile data and investigate correlations in beach behaviour on the eastern Auckland and Coromandel coast. Results of the work are to be presented at the Australasian Coasts and Ports conference in Auckland in September. ARC and EW are continuing to collaborate and align beach monitoring activities.

EW and Environment Bay of Plenty have initiated the second stage of a three year study of tsunami hazard on the eastern Coromandel and Bay of Plenty Coast. The two councils are working with a consortium of scientists from NIWA, GNS and GeoEnvironmental Consultants.

State of the environment monitoring of the intertidal benthic communities and sediment characteristics in the southern Firth of Thames is ongoing, with sampling undertaken in July 2003.

## **Consents**

Applications for two erosion protection structures in Mercury Bay will be considered by a TCDC and EW joint Hearings Committee in September/October. Due to the length of the wall this will be a restricted coastal activity with a DoC representative.

A TCDC and EW joint Hearings Committee started hearing the application for the construction of a 150 berth marina in Tairua Harbour on the 25<sup>th</sup> August 2003. These applications replace a previous design for a 250 berth marina. Due to the scale of a number activities, many consents will be considered under the restricted coastal activity status consequently a DoC representative is part of the Hearings Committee.

Application for a 1200 metre stop bank near Miranda will be considered by a Hearing Committee in the middle of October. The application from the Hauraki District Council has attracted one submission in opposition from the Department of Conservation.

The primary marine farming group at Wilsons Bay are undertaking monitoring to determine the level of effects of the first stage of their development. Should the effects prove to be no more than minor they will be requesting to move onto stage 2 of the development. Monitoring information is currently being assessed by Council.

### **Activities**

Environment Waikato has initiated The Peninsula Project will develop an improved approach to river and catchment management on the Coromandel Peninsula and put in place an associated funding system for the 2004/2005 financial year. The Project aims to:

- identify the type and level of catchment services (soil conservation, river management, flood protection) required
- develop a funding policy to pay for those services
- develop an integrated approach to river and catchment management in the Coromandel Zone.

In the past, river works have been undertaken on a very limited and as-needed basis by Thames-Coromandel District Council and Environment Waikato. Currently, neither organisation has the funding to undertake erosion protection or river works on the Coromandel Peninsula. Benefits from the Peninsula Project include:

- reduced erosion
- retention of land and topsoil
- reduced sediment in waterways
- reduced flooding and property damage
- improved water quality
- improved biodiversity.

## **C.2.7 HAURAKI DISTRICT COUNCIL**

### **Infrastructure**

Council is proceeding with its program of upgrading its sewage treatment plants, having obtained Regional Council consents and amendments to the designations for Waihi and for Turua (designation is subject to a reference to the Environment Court). It has also applied for Regional consents and issued a notice of Requirement for a new treatment plant for Waitakaruru, which are in the early stages of processing. The Turua and Waitakaruru plants discharge into the Waihou and Waitakaruru Rivers respectively close to the Firth. A better quality of treated effluent is to be discharged in each case.

## **C.2.8 DEPARTMENT OF CONSERVATION**

### **Auckland Conservancy**

#### **Heritage Protection**

##### *Kawau Island Wallabies*

The programme to capture 100 Tammar wallabies and repatriate them to Australia is well underway. The first consignment is due to be sent in the next month or two. The repatriation of Brush Tailed Rock wallabies is scheduled to commence in

November. The Kawau Island community is being consulted by ARC and the Pohutukawa Trust regarding an eradication plan for the remaining wallabies.

*Inaugural Pest Fish network Workshop*

A pest fish workshop held for the purpose of looking at freshwater issues was recently hosted by the Auckland Area Office. The workshop brought together the Conservancy's seven partner councils (ARC, four city and two district councils), five waicare co-ordinators, Minfish, NIWA, Unitec and the Auckland Conservation Board. The Auckland/Waikato Fish and Game Council could not attend, but expressed interest in future meetings, which the group decided would be held on a six-monthly basis. David Rowe from NIWA shared the results of two major reports for the ARC on native fish species distribution in the region.

*Successful Orca Rescue*

Last month Warkworth Area staff and volunteers were successful in their attempt to rescue an adolescent male orca stranded about 9 am on the high tide in Anchor Bay at Tawharanui Regional Park. It is thought the animal may have been chasing stingrays in the shallow water.

*Southern Right Whale and calf visit Great Barrier Island*

In early August Great Barrier Island Area Office staff, called out to a potential whale stranding were relieved to find instead a right whale and calf dawdling around the coast at Okupu. Both whales were sighted again at other locations on the west coast of the island (Tryphena and Broken Islands) during the week. Southern right whales were hunted to the verge of extinction last century, and sightings and behaviour are being recorded to measure the recovery of the species.

**Waikato Conservancy**

Thirty eight adult Pateke (brown teal) were released at Port Charles in June. As at 11 August, 36 birds are still being radio-telemetry monitored and two birds have been killed, one by a dog and the other by currently unknown cause. All the released birds stayed within 100-200 m of the release site initially, but have subsequently moved into the surrounding area up to 2 km away from the release site.

The stoat trapping programme at Moehau has been extended by 1500 ha to include east of Port Charles Road. This is key not only for kiwi but also for the recently released Pateke. Also on stoat control, traps have been set on every island on the western Coromandel to check for presence of stoats after sign was found on Goat Island. Goat Island remains the only island where stoat were found and ongoing trapping was required.

Newmont Goldmine at Waihi has increased its level of sponsorship for the NZ Dotterel project this coming season. This means that more nesting sites on the Coromandel will be receiving dotterel advocacy, monitoring and predator control.

Department staff visited Cuvier to plan weed work for the upcoming season. The focus on pampas (*Cortaderia selloana/jubata*) and moth plant (*Araujia sericifera*) will continue, with the goal of reducing both to zero density in the next few years. Also on Cuvier, plants grown from seed of the vine *Calystegia marginata* (threat category sparse) have been planted back to four sites on the island after the natural populations on the island became extinct over the last 10 years. Plants have survived and increased at one site.

**AGENDA**  
**WEDNESDAY 17 SEPTEMBER 2003**  
**HAURAKI GULF FORUM**

---

Department staff have been removing Agave plants at Hot Water Beach dunes.

The department undertook the removal of the pest fish koi carp from Rapaura Watergardens at Tapu, as part of its functions under the Biosecurity Act and in an effort to ensure that there are no escapes of fish to nearby waterways.

Annual fish monitoring of lobster and snapper has been completed at Te Whanganui - a-Hei Marine Reserve. Mean abundance of lobster was 15 times higher than in non-reserve areas and mean lobster size was 1.4 times larger than in non-reserve areas.

Sighted off Whangapoua in July was a southern right whale with calf.

The department has lodged submissions opposing some aspects of consents for a stop bank at Miranda and saw milling operations at Whangapoua and Tairua.

***RECOMMENDATION***

That the report be received.

## **D ADMINISTRATIVE ITEMS**

D.1 OPEN FORUM SESSION

43

## D.1 OPEN FORUM SESSION

***Committee Secretary: 4 September 2003***

At its meeting held on Tuesday 23 May 2000 the Hauraki Gulf Forum resolved:

*'That an open Forum session be held at the end of each meeting'.*

Section 46(a)(7A) of the Local Government Official Information and Meetings Act 1987 tends to limit the Forum's ability to deal with items of general business. The Act states:

"(7A) Where an item is not on the agenda for a meeting, -

- (a) That the item may be discussed at that meeting if –
  - (i) That item is a minor matter relating to the general business of the local authority; and
  - (ii) The presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but
- (b) No resolution, decision, or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion."

To enable the Forum to hold an open forum session and still remain within the constraints of the Local Government Official Information and Meetings Act the Forum may hear any speaker who wishes to address it, however any issues raised by the Forum or a formal resolution must be referred to a later meeting. It is also not appropriate to re-litigate resolutions already passed by the Forum during the course of the meeting.

In addition, to facilitate the efficient processing of the business it is recommended that any party who wishes to raise an issue in the open forum section advise the Forum Chair in advance of the meeting, where possible. Secondly a time limit of 5 minutes per speaker is recommended, which is in accordance with the NZ Standard Standing Orders.