I TE KŌTI TAIAO Ō AOTEAROA
IN THE ENVIRONMENT COURT
OF NEW ZEALAND

ENV-2019-AKL-117
ENV-2019-AKL-127

UNDER	the Resource Management Act 1991 (the Act)
IN THE MATTER OF	appeals pursuant to Clause 14 of the First Schedule of the Act against decisions of the Northland Regional Council on the proposed Northland Regional Plan
BETWEEN	**Bay of Islands Maritime Park Incorporated** ENV-2019-AKL-117
	The Royal Forest & Bird Protection Society of New Zealand Incorporated ENV-2019-AKL-127
	Appellants
AND	**Northland Regional Council**
	Respondent

REBUTTAL STATEMENT OF MARK BELLINGHAM ON BEHALF OF TE URI O HIKIHIKI HAPŪ

DATED 22ND JUNE 2021

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1. INTRODUCTION

1.1. My name is Mark Bellingham. I hold a PhD in Planning from Auckland University and I am a full member of the New Zealand Planning Institute. I am a Fellow of the Environment Institute of Australia and New Zealand and I am an accredited Ecology Specialist. I am currently employed as a Principal Ecologist at Ecology New Zealand based in Albany, Auckland. Previously I was employed as a Principal Planner and Ecologist at Terra Nova Planning in Orewa, specializing in environmental planning and resource management services to public and private clients in the upper North Island.

1.2. I have been a planner and ecologist working in environmental planning and ecological management for more than 40 years. I have provided planning and ecological advice to Te Uri o Hikihiki since 2008. I have appeared as an expert witness in cases before the Planning Tribunal and Environment Court since 1986, including cases proposing marine protected areas on Bay of Islands County (Deep Water Cove), Tauranga Harbour (Tauranga City), Northern Kaipara Harbour (Kaipara District) and parts of the Auckland Region CMA in the Rural subdivision appeals on the Auckland Unitary Plan.

1.3. My evidence has been prepared in support of the Te Mana/ Te Ha o Tangaroa Management Areas (Te Ha o Tangaroa MA) which Te Uri o Hikihiki have introduced through the statement of 11 December 2020 provided to the parties before the Environment Court on the PNRP.

1.4. I have prepared this evidence in relation to Te Uri o Hikihiki Hapū's submission for the hearing and participation in the expert planning caucusing in preparation for the hearing. I have also attended meetings with staff representatives of the Northland Regional Council and other section 274 parties including Ngāti Kuta, Patukeha, Patuharakeke and Ngāti Manuhiri Settlement Trust.

1.5. I have read the following planning and related evidence. I have also generally reviewed the relevant evidence filed by all parties, but have focused on planning issues.

Mr Peter Reaburn	Planning	BOI & Ngāti Kuta
Mr James Griffin	Planning	NRC
Mr Murray Brass	Planning	MOC
Ms Julianne Chetham	Planning	Patuharakeke
Dr Phil Mitchell	Planning	Te Ohu Kaimoana.
Alicia McKinnon	Fisheries	MOF

Keir Volkerling	Planning/Fisheries	Ngātiwai Trust Board

1.6. I confirm that I have read the Code of Conduct for expert witnesses contained in the Court's Practice Note 2014 and that I agree to comply with the Code. I also confirm that I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my evidence.

1.7. My rebuttal statement focuses on the following matters:

1.7.1. In my EIC I posited that the PNRP had failed to address Matters of National Importance in the Act and particularly ss.6(a, b, e & g), and Objectives and Policies in the NZCPS and the NRPS, specifically relating to ss.6(e & g) of the Act and the need for the NPRP to have appropriate Objectives and Policies to address these matters.

1.7.2. The failure by NRC to properly consult with tangata whenua in relation to the matters before the Court.

1.7.3. I agree with Mr Griffin that:

- There is a significant resource management issue that the appeal proposals address, and this is supported by the evidence of Dr Phil Ross demonstrating that there is a real risk of adverse effects on the important values of Northland's environment from fishing activities;
- The objective(s) of the proposals is the most appropriate way to achieve the purpose of the Act;
- I support the identification of the proposed marine protected areas and their provisions to protect the identified values of the areas from damaging fishing activities;
- In my view the proposed outcome of the management areas recognised by Te Uri o Hikihiki, Ngāti Kuta and Patukeha are complementary and subject to appropriate common Objectives and Policies for these rohe moana management areas along the lines that I have proposed;
- I agree that the different rule approaches for the Te Ha o Tangaroa and Te Mana o Tangaroa Management Areas adds unnecessary complexity and a common approach of providing for controls on damaging fishing activities as either permitted or prohibited for fishing activities is most appropriate. I accept that it is not appropriate to include rules that enable changes to activity status through the use

of a collateral process (Hapū management plan). I maintain my planning recommendation that it is appropriate to include methods that enable Hapū co-management, and that the PRNP "architecture" is not a sufficient reason to fail to give effect to the higher order planning provisions that anticipate exercise of Hapū rangatiratanga and co-management within their respective rohe.[1]

- I acknowledge that additional planning provisions, generally identified by James Griffin in his primary evidence, are relevant to the Court's assessment of appropriateness.[2] While not referred to in my primary evidence, the additional provisions are factored into my overall planning assessment. This includes consideration of the benefits and burdens of introducing marine protected areas on wider community wellbeing; and consideration of the diverse viewpoints of Iwi and Hapū participants in these proceedings. In that regard, I rely on the cultural evidence for Te Uri o Hikihiki Hapū that the area identified by the proposed marine protection area is within their rohe, and subject to their exercise of tikanga and rangatiratanga. Such a position reflects a "strength of relationship" approach to the ancestral marine waters, and the habitat of taonga species. Mr Griffin generally agrees that there is a planning gap in the PNRP in relation to management of the effects of fishing on biodiversity, outstanding and high natural and cultural values. There is some disagreement on the detail, including spatial areas that should be subject to the controls.

2. Matters of National Importance in the Act and Objectives and Policies in the NZCPS and the NRPS

2.1. The PNRP is a combined regional air, land, water and coastal plan. The introductory chapter of the proposed plan states "Of relevance to the region and this Plan are the higher-level provisions within national policy statements and the Regional Policy Statement. Under the RMA, this Plan is required to give effect to these higher order documents." (pg.9 Appeals version).

2.2. The statement by Mr Griffin for Northland Regional Council, confirms the Council's position on matters that are central to Te Uri o Hikihiki's case and that. "adverse effects on significant indigenous biodiversity in particular must be avoided". The planning framework

[1] My primary evidence should be read in light of these acknowledgements, which are set out in the Planning JWS.

[2] Mr Griffin agrees with the summary provided by Peter Reaburn in primary evidence at [31]; he notes additional relevant provisions including Policies 4, 5 and 12 NZCPS; relevant issues, Objectives and Policies listed in his paragraphs [36]-[37]; relevant provisions in the PRNP at [38]-[40]; relevant Iwi and Hapū management plans.

also directs that cultural values, natural character, natural features and landscapes must be protected from the relevant adverse effects of fishing (to the extent dependent on the values of those areas).

2.3. Para. 47-51 of Mr Griffin's statement addresses Part 2 of the Act including a final acknowledgement that "The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga is also a matter of national importance."

2.4. I note that Section 6 of the Act requires Northland Regional Council to "recognise and provide for (6e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga; (6g) The protection of protected customary rights". The Act does not give any preference to significant indigenous biodiversity matters in section 6(c) over sections 6(e & g). The Act also refers to preservation of natural character of the coastal environment including CMA (s6(a)) and protection of ONFLs (s6(b)). These are matters traversed in Diane Lucas's evidence.

2.5. Mr Griffin has stated in evidence for NRC that in designing the Proposed Plan, the Council decided that the Plan should be streamlined and not include non-regulatory methods. In my view this "stream-lining" has been taken to a point where the NPRP has failed to address resource management issues in the NPRP and the NRPS and disregarded critical Matters of National Importance in the Act, and NZCPS Objectives and Policies and NRPS Objectives and Policies directly relevant to these matters. The plan's "architecture" is not a sufficient reason to reject recommended methods that implement higher order provisions.

2.6. The absence of Objectives and Policies was stated in the appeals of Bay of Islands Maritime Park Inc. (para.7) and Royal Forest & Bird Protection Soc. (para.20). The matters relating to RMA s.6(e & g) clearly were stated in Te Uri o Hikihiki's s.274 notice.

2.7. I continue to recommend the additional Objectives and Policies I proposed in my EIC, as modified by the JWS Planning.

3 Factual Errors

3.1 Dr Mitchell compares totally protected marine areas (Poor Knights, Whangarei Harbour (Motukaroro) and Whangarei Harbour (Waikaraka) with the proposed partially protected areas of Ipipiri-Rakaumangamanga and Te Au o Morunga (para.45). The totally protected

areas proposed by the appellants (Mimiwhangata 47km^2 & Maunganui – Oke Bay 1.6 km^2) and then notes that the totally protected area at Motiti is 30 km^2 (para.79(c)).

3.2 In para.79(c) he again mistakenly compares totally protected areas with partially protected areas "Mōtītī only being 30 km2, expansive areas proposed by the appellants and Te Uri o Hikihiki stretching hundreds of km^2".

3.3 I agree with Dr Mitchell's comments regarding the Council's consultation (para.46) although Mr Volkerling, Ngatiwai Trust Board's fisheries and planning consultant had referred to the requirement for NRC to consult with MACA claimants and tangata whenua with customary title to parts of the CMA (s.42A report prepared by Mr Volkerling for NRC). Te Uri o Hikihiki, Ngati Kuta and Ngati Rehia are all MACA claimants and I understand that this consultation did not occur.

3.4 Dr Mitchell (para.57) asserts that my evidence for Te Uri o Hikihiki has a focus on NZCPS pols 11,12, 13. This is incorrect as my evidence includes assessment of NZCPS Objective 2 and Policy 3 and the relevant parts of the Act. There are a range of planning provisions that must be considered by the Court when assessing the appropriateness of the plan provisions.

3.5 In para.83 I agree with Dr Mitchell that NZCPS Policy 2(f)(iii) is relevant. At Mimiwhāngata the Fisheries Act marine park has marine ecosystems of similar value to unprotected areas adjacent to the "park" for reasons explored in the evidence of Mr Kerr EIC paras. 56-59, 63, 71-72, through design and a general absence of enforcement. The biodiversity and health of the marine environment is the same as adjoining marine areas outside of the park[3][4]. This supports Dr Shears evidence for the larger Rahui Tapu proposed by Te Uri o Hikihiki and the appellants.

3.6 Dr Mitchell infers that all commercial fishing will be prohibited in the Ipipiri-Rakaumangamanga and Te Au o Morunga areas (Areas C). He has adopted commercial catch figures from Mr Hore and other MOF witnesses to support the magnitude of the loss to commercial fishers and the industry, but the MOF witnesses have failed to consider that long-lining will continue and the target species is mainly snapper, and rock lobster fishing. The main change from Fisheries Act control to RMA control will ensure that Wildlife Act

[3] Shears EIC paras. 34-38

[4] Kerr, V. & Grace, R.V. (2005). Intertidal and subtidal habitats of Mimiwhangata Marine Park and adjacent shelf. Department of Conservation

protection for seabirds, sharks and benthic species will extend to all fishers (commercial, recreational and customary).

4 Conclusion

a. For the reasons set out above and in the evidence produced by Te Uri o Hikihiki, I recommend the amendment of the PNRP to implement the Te Ha o Tangaroa MA Areas A, B and C, and amendments agreed at the planners caucusing.

b. Failure to address and give effect to the policy requirements of the NZCPS and Northland RPS in the PNRP, has precipitated the PNRP not appropriately addressing:
   - Consultation and information gathering from tangata whenua of the identified Te Mana o Tangaroa Areas, but has not affected their involvement in the appeal process as a s.274 party;
   - Recognition of the role of Te Uri o Hikihiki and other hapū as tangata whenua and kaitiaki for their rohe moana, rather than Iwi fishing companies;
   - Active involvement of tangata whenua managing Te Mana o Tangaroa Areas within Te Uri o Hikihiki rohe moana;
   - Appropriately protecting the relevant outstanding and high natural, natural character and cultural values from adverse effects of fishing.

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22 June 2021

APPENDIX 1

Te Mana o Tangaroa Protection Areas – Northland Regional Plan

These provisions will protect the:

1. **Mimiwhangata Rahui Tapu (Totally closed area as proclaimed by Hopeke Piripi in 2003)**
2. **Buffer areas around the Rahui Tapu to be managed by NRC & Te Uri o Hikihiki marae.**
3. **Te Au o Morunga (the offshore reefs) from bottom-trawling, purse-seine & Danish seine trawling and all vessels in this area must have seabird exclusion devices.**

F OBJECTIVES

F.1.1A Te Mana o Tangaroa Protection Areas
Protect from inappropriate use, disturbance and development, and characteristics, qualities and values that make up Te Mana o Tangaroa Protection Areas A, B and C.

F.1.1B Investigate Additional Te Mana o Tangaroa Protection Areas
Investigate areas that may qualify as further Te Mana o Tangaroa Protection Areas and implement measures for those areas that will protect them from inappropriate disturbance, use and development.

D POLICIES

D.2.1A Manage adverse effects In Te Mana o Tangaroa Protection Areas

1. Avoid adverse effects of activities on the identified characteristics, qualities and customary values of Te Hā o Tangaroa /Te Mana o Tangaroa Protection Areas – Sub Areas A;

2. Avoid, remedy or mitigate adverse effects of activities on the identified characteristics, qualities and customary values of Te Hā o Tangaroa /Te Mana o Tangaroa Protection Areas – Sub Areas other than Sub Areas A

3. Restore or enhance areas of cultural significance, including significant cultural landscape features and culturally sensitive landforms and the mauri of coastal waters, where customary activities are restricted or compromised.

D.2.2A. To provide for partnerships with the active involvement of tāngata whenua in management of the coastal environment when activities may affect their taonga, interests and values.

D.2.3A Enable Te Uri o Hikihiki, Ngati Kuta and Patukeha to actively co-manage Te Ha o Tangaroa and Te Mana o Tangaroa Management Areas within the CMA of their rohe moana.

D.2.4A Co-management will include agreement on monitoring methods to monitor the cultural, biotic and abiotic health, landscape and natural character values of the Te Ha o Tangaroa & Te Mana o Tangaroa Management Areas within the CMA.

C RULES

C.1 Coastal activities

C.1.9 Te Mana o Tangaroa Protection Areas

C.1.9.1 Temporary or permanent minor damage or destruction or removal of plants or animals in a Te Mana o Tangaroa Protection Area – permitted activities

The following activities in a Te Mana o Tangaroa Protection Areas involving the temporary or permanent damage or destruction or removal of fish, aquatic life or seaweed are permitted activities, where this is for the purpose of protecting or enhancing a Te Mana o Tangaroa Protection Areas and consistent with the characteristics, values and purposes of that area, subject to any other applicable rules:

1. Kina/sea urchin management.
2. Resource consent monitoring undertaken in accordance with resource consent conditions.
3. Marine biosecurity incursion investigation and/or response.
4. Wildlife rescue.
5. Monitoring and enforcement carried out by a regulatory agency.
6. Mooring, anchoring and hauling small vessels ashore.
7. Scientific research, conservation activities and monitoring undertaken by, under the supervision of, or on behalf of, the following entities:
    i. Crown research Institutes.
    ii. Recognised Māori research entities.
    iii. Tertiary education providers.
    iv. Regional Councils.
    v. Department of Conservation.
    vi. Ministry for Primary Industries.
    vii. An incorporated society or trust having as one of its objectives the scientific study of marine life or natural history, or the study of matauranga Māori.

C.1.9.2 Temporary or permanent damage or destruction or removal of plants or animals in a Te Mana o Tangaroa Protection Area – Sub Area A

1. Any activity involving the temporary or permanent damage of the seabed or destruction or removal of fish, aquatic life or seaweed that is not a permitted activity in Section C.1.9 of this Plan, is a prohibited activity.

C.1.9.3 Temporary or permanent damage or destruction or removal of plants or animals in a Te Mana o Tangaroa Protection Area –Sub-Area B

1. In Sub-Area B buffer area adjacent to Mimiwhangata Rahui Tapu will include kina management and mussel reseeding, as a Permitted Activity.

C.1.9.4 Temporary or permanent damage or destruction or removal of plants or animals in a Te Mana o Tangaroa Protection Area –Sub-Area C and Sub-Area B

1. Any activity involving the temporary or permanent damage of the seabed or destruction or removal of fish, aquatic life or seaweed by:

a. Bottom trawling.
b. Bottom pair trawling.
c. Danish seining.
d. Purse seining,
e. Longlining without approved seabird mitigation devices,
f. Drift netting,

that is not a permitted activity in Section C.1.9.1 and C.1.9.2 of this Plan, is a prohibited activity.

APPENDIX 2

Schedule of Characteristics, qualities and values - Te Mana o Tangaroa Protection Areas

Te Mana o Tangaroa Protection Areas:

A Mimiwhangata Rahui Tapu

B Rahui Tapu Buffer Areas

C Te Au o Morunga

Te Au o Morunga, extends northwards from the Mimiwhnagata Rahui Tapu to an overlap with the Ngati Kuta and Patukeha Hapu Area C

across to Motukokako (and all the islands in-between).

The hapu are fisher people by tradition. By tradition all Maori lived inside nature. They saw themselves as another part of nature and studied the natural world to understand its dynamics. Taonga species are symbols of the sea and their way of life and were not fished by the hapu. Our Taonga – Kaitiaki species are:

- Tūkaiaia (mollymawk) He au here Toroa whai mai ra ki au' "The current on the horizon links me to the Albatross, follow Me''
- Tuatara
- Whai Repo (electric ray)
- Tautahi (white pointer) *"He rei ngā niho, he paraoa ngā kauae*"

Fishing activities which catch our taonga species (as target or bycatch) or damage their habitat or reduce their food supply, are diminishing our wairua (spiritual world). Culturally it continues to be important not to fish our taonga species. We want them to be protected to restore the mauri of our moana. Therefore, indiscriminate bulk harvesting methods that catch our kaitiaki, other sebird species, papahu / dolphins and uruoa / hammerhead sharks must stop in our rohe moana.

Sub-Area A—Mimiwhangata Rahui Tapu	**Characteristics, Values and Qualities**	**Existing or Potential Adverse Effects**
	Cultural & Ecological	
	"Ka te tangi a Tūkaiaia, kei te moana, ko Ngātiwai kei te moana e haere ana, ka tangi a Tūkaiaia kei tuawhenua, ko Ngātiwai kei tuawhenua e haere ana" Ko tēnēi whakatauki, mo te iwi o Ngātiwai, he uri nō ngā tūpuna maha i noho ki te taha moana, i mōhio rātou, ki ngā tauranga, ngā tapu, me ngā mātaitai o tēnēi wāhi. Koiānei te take, te kōrero i runga ake nei, "ko Ngātiwai" he tamariki nō te moana. O rātou taniwha he ika, he mango, he whai, he kaahu, he tuatara. Ki ahau nei, kia kaha tātou ki te tiaki a tātou kai moana, ahakoa he aha, nā te mea kei te ngaro haere, hore kau e tino nui ana ngā kai mātatai inaiānei, kaua e tūkinotia. Kei memeha, kei ngaro. Ki tōku nei whakaaro, me	The controls on fishing and other activities below avoid damage to our Mauri, their habitats, and the marine environment in which they live.

whakatū he “Rāhui Tapu”, mo ngā tau rua tekau, rua tekau ma rima ranei, kia tupu ai he rimurimu hei whangai i ngā ika, ngā koura, ngā kina pāua me ērā atu kai mātaitai o te moana. Hei aha? Hei whāngai i o tātou uri kei te tupu ake. He moemoeā tēnēi, mo tātou e Ngātiwai. Nā reirā, e ngā uri, me haere atu tātou ki te tautoko i te kaupapa i raro i ngā manaakitanga maha ā to tātou nei Matua-i-te-Rangi.

“When the Mollymawk cries out at sea, Ngātiwai tribe is on the move at sea. When the Mollymawk cries over the land, Ngātiwai move inland.

A Taumata Kaumātua (congress of elders) called Te Au o Morunga of Te Uri o Hikihiki gathered customary knowledge of the rohe moana of Ngatiwai along the currents on the horizon (Te Au o Morunga) that links Te Uri o Hikihiki to the home of their tupuna in Hawaiki. They sought protection of Te Au o Morunga and Mimiwhangata.

Te Uri o Hikihiki use the word Mauri rather than kaitiaki. With a focus on four Mauri that are sensitive to changes in the marine ecosystem:

1 Tūkaiaia (mollymawk)

He au here Toroa whai mai ra ki au' “The current on the horizon links me to the Albatross, follow Me'' (Patere o Ngatiwai (Saying of Ngatiwai) Tūkaiaia is a small albatross and is seen along the Northland coast feeding with other seabirds, fish and dolphins. They still breed at Manawatāwhi, the Three Kings Islands north-west of Te Reinga.

2 Tuatara

Tuatara live on rat-free islands in the Hauraki Gulf and share burrows with nesting seabirds. They live up to 100 years old and have been in Aotearoa for 200 million years.

3 Whai Repo (electric ray)
Whai Repo lives on the sandy sea floor of the Hauraki Gulf. They feed on fish, which they stun with a 50-volt electric current.

4 Tautahi (white pointer)

	"He rei ngā niho, he paraoa ngā kauae" To wear the tooth of a great fish, you must have the jaw to hold it, and the knowledge that accompanies it. This top predator lives in the Hauraki Gulf, but they are moving between Aotearoa, New Caledonia and Australia regularly. They feed on fish and seals, and occasionally feed on dolphins and small whales. Female tautahi come into Pārengarenga and Kaipara Harbours, and shallow coastal waters to give birth. Our Mauri are a point of reference to tell the whakapapa and creation story that gives us our identity as Ngātiwai. The origin of these species denotes our role within Te moana nui and that gives us our rights of succession and responsibilities within Te moana nui. A Ngātiwai whakatauki that demonstrates our connection to both land and sea states "*Ngātiwai ka tu ki uta, Ngātiwai ka noho ki te moana*". The literal translation means, "Ngātiwai stands on the shore, but Ngātiwai lives on the sea". From a metaphorical perspective, "we are the guardians of the incoming and outgoing tides". Our Kaumātua have selected Mimiwhāngata as a protected marine area, as it has relatively healthy marine life that could recover quickly. Although it is somewhat limited by recreational fishing that is allowed. Mimiwhangata is an important focus for Ngātiwai, and it has been under customary management for hundreds of years. Under the Northland Regional Plan we look forward to working with NRC to exercise kaitiakitanga to restore the mauri, under the Resource Management Act. From sharing knowledge about the marine life at Mimiwhāngata and its customary management, the kaumātua and scientists have recognised that this special place needed special protection for its role in showing people what healthy marine ecosystems can be like and that with appropriate management it is possible to restore their mauri. Mimiwhāngata is a unique area of the Hauraki Gulf; due to the wide range of habitats and the relative low level of exploitation there. It was one of the last areas on the Tai Tokerau coast where coastal Hapū, Marae and Whānau actively	

managed the kaimoana according to tikanga.

A large number of species of fish have been found there. They are largely reef fish, with the pelagic species (kingfish, kahawai, koheru, trevally and snapper) moving up and down the coast and at times taking up residence on the reefs between Mimiwhāngata and Motukokako, and further south.

They also include a range of subtropical species, including foxfish, combfish and tropical surgeonfish, rare species – such as ivory coral, red-lined bubble shell, callianassid shrimp, spotted black grouper, sharp-nosed puffer and sabretooth blenny. This aspect of Mimiwhāngata is similar to other 'special' places in the outer coast such as Tawhitirahi (Poor Knights Islands), which are bathed in the warm offshore East Auckland (North-west Pacific) current. This current brings subtropical species to northern waters and provides suitable habitat for their establishment. A number of these subtropical species e.g. manta ray, whale shark and turtles are being seen further south in the outer Hauraki Gulf with climate change. Te Au o Morunga is named for this "Current on the Horizon".

The present management of Mimiwhangata allows for recreational fishing and has protected the reefs from trawling, but recreational fishing has still reduced the fish life to that of the surrounding unprotected area.

Ecology

Since the 1950s Mimiwhangata's marine environment has been extensively fished. Anecdotal evidence up until the 1970s tells a story of significant decline in both the abundance and size of fish and shellfish. Traditional knowledge held by Te Uri o Huikihiki covers a much longer time span and tells of a far greater degree of biodiversity decline.

The area investigated extends approximately four kilometres offshore and includes significant areas of reef and soft-bottom habitat beyond the current one kilometre Marine Park boundary. The proposed boundaries attempt to include all the major habitats at Mimiwhangata in protected area. This includes the sand areas to the north and south of the main deep reef. These soft-bottom habitats have a very different

	range of invertebrate communities, as compared to the reef habitats, and are also important feeding areas for large mobile predatory species. It is important to include these soft-bottom and sand areas around reef edges, as many marine organisms periodically move out from reef habitats to these sand areas. These boundary designs will allow for maximum protection of biodiversity, and for organisms to move freely between habitats at different stages of their life cycle, benefiting from full protection. Mimiwhangata has an extensive historical scientific record of its marine area, spanning the years 1972 to 1986. In 1971 the eastern shore of Rimariki Island had a fish community of unmatched richness in New Zealand, with many species of wrasse (Sandagers parrotfish, spotties, red pigfish, green, orange and banded parrotfish), black angelfish, leatherjackets, red moki, kelpfish, marblefish and a high density of grandfather hapuku. Recent studies (from 2001 to 2004) indicate no real recovery of species abundance since the surveys of the 1970s and 1980s and include some notable declines in abundance of certain species. The numbers of tuatua and oysters are greatly reduced in the Marine Park. Packhorse crayfish are now uncommon with no large individuals seen in recent years. Red crayfish numbers have stagnated with few large animals. Despite the Marine Park being introduced, fish abundance has not improved since the mid-1970s' surveys. Comparisons of fish abundance inside the Mimiwhangata Marine Park with reference sites outside the Park, and with Marine Reserves in similar habitats such as Pakiri (Leigh/Cape Rodney to Okakari Point), support the view that fish abundance in the Marine Park remains depressed by continued recreational fishing A major habitat change has occurred at Mimiwhangata where kelp forests have been dramatically reduced. This is a fundamental change, as the forests are so productive and important as nursery areas for many marine species. Kelp forest decline and the expansion of "kina barrens" are effects now known to be largely influenced by the removal of predators of kina from the reef systems. At Mimiwhangata, large snapper and crayfish are the significant predators of kina. In natural balance, the snapper keep kina numbers in check and their impact on the kelp. If the current rate of kelp forest decline were to continue, the shallow reef	

areas would become a sea-desert compared to its natural state.

The marine environment is a mosaic of different habitats; beach, sand flats, kelp forest, rocky shore or sponge garden, and each plays its own part in keeping the whole marine environment healthy. Each habitat is home to a different set of plants and animals. For example, cockles and tuatua thrive on sandy beaches while paua and mussels live in rocky places that are washed by ocean waves. These different habitats often work together. Estuaries and shallow rocky reefs serve as nursery habitats for many species of ocean fish. Most marine animals use more than one habitat during their lives, making each habitat important for survival.

Mimiwhangata has a special environment. In the 1970s, scientific studies revealed that Mimiwhangata contained examples of almost every shallow marine habitat on Northland 's eastern coast. Recent studies have examined the deeper areas offshore. These deep reefs off Rimariki Island extend 3.5 kilometres to the east and are up to 100 metres deep. The centre of this reef area is highly broken, with gulleys, crevices and protruding rock in excess of 5 metres high. At 33-37 metres in depth, the reef community makes a dramatic transition to a community dominated by filter feeding invertebrates. Beyond this depth, the kelp forests of the shallow reef areas no longer grow due to lack of light. Soft corals and sponges dominate this deep reef invertebrate community.

In biological terms, this deep reef habitat is very rich in both diversity and abundance. Known as "high-relief deep reefs", the contour of this habitat is especially complex, consisting of gulleys and pinnacles averaging three metres or more in height. The physical complexity of this reef system (and the passing currents) increases the diversity and abundance of the reef. Surrounding it are large areas of low-relief reef and patch reef areas, where reefs are broken by sand and cobble bottom. This reef system is representative of northeast coast near-shore reef systems, to a depth of 100 metres.

Natural Character

	Paparahi Point 16/42, 43, 44 Steep headland and coastal faces with mixed broadleaved forest with pohutukawa and totara; mixed broadleaved shrubland; introduced grasses & shrubland. Unfenced. Coastal headlands & faces with pohutukawa treeland; introduced grasses & native shrubs. Several steep rocky islets. Mixed broadleaved shrubland with low pohutukawa forest **Mimiwhangata 16/18, 29, 35, 36, 38** Coastal cliffs and adjoining native forest areas on hill slopes. Pohutukawa forest & treeland, mixed broadleaved shrubland with flax, kanuka dominant shrubland Headlands, hill faces and slopes with totara-mixed broadleaved forest (with puriri, taraire & pohutukawa); and kanuka dominant shrubland & forest. Campsite largely excluded. Small raupo-Baumea wetland. Unit includes beach & small area of rock platform and a small islet. **Rimariki Is 16/30, 31, 32, 33** Larger island with steep NE cliffs and some recent slips. Pohutukawa forest, mixed broadleaved shrubland, coastal tussocks, coastal astelia. Rocky island. Pohutukawa and mixed broadleaved low forest and shrubland. Lower faces with coastal tussocks and prostrate mixed broadleaved shrubland. Series islets to east & north **Tauranga Kawau Pt 16/01 -** Steep coastal faces and cliffs and hill slopes with mixed broadleaved forest (pohutukawa) and kanuka dominant shrubland and low forest with some totara. Several large slips. Main access ways and houses largely excluded. Some wilding pine poisoning. Unit excludes pine block	If fishing activities need to be controlled to address: • Protection of rare deepwater corals and deep reef communities. • a decrease in snapper and rock lobster • ecological communities becoming less natural • fish populations (e.g. snapper) have a more natural age structure and population density • growth of urchin barrens • decrease in water quality and clarity.
Sub Area B – Rahui Tapu Buffer Areas	**Characteristics, Values and Qualities**	**Existing or Potential Adverse Effects**
	Cultural	
	The primary purposes of these areas are to • Enable the marae to continue their customary management practices of accessible parts of their rohe moana; and • Minimise fishing effects along the outer edges of the Mimiwhangata Rahui Tapu. These areas will be managed for kina/sea urchin removal and kutai/mussel reseeding in consultation with the Northland Regional Council	

	and the local community. .	18
	Ecology	
	Similar to Te Au o Morunga	
	Natural Character	
		•
Sub-Area C – Te Au o Morunga	**Characteristics, Values and Qualities**	**Existing or Potential Adverse Effects**
	Cultural	
	The whole marine environment has always been part of the Maori way of life. It was a food cupboard for all Maori, and they would manage it and control it and look after it according to the seasons. There were many species which were important as food, and also as taonga, that had complex interactions and were managed holistically. In Te Ao Maori everything is interconnected. Pelagic ecosystems are a significant part of the marine environment for the hapu. The pelagic "work-ups" exemplify Te Ao Maori and are essential to support healthy mauri and wairua in the hapus' moana. When the fish are schooling, the birds are flocking as well. Bird colonies need the "work-ups" created by the large pelagic fish, as they bring the small fish species, krill and other invertebrates to the surface for the birds to feed on. The currents and upwellings bring the nutrients and plankton, and then within the work-up everything is feeding on everything else. The tourist economy in the Bay of Islands is built on its natural character. While part of the tourism and lifestyle is recreational fishing, most people go out there to look feel and touch rather fish. People expect to see the natural character in all its glory, including a living sea. Hapu strongly believe that biodiversity needs to be maintained at a level that it can sustain that sort of interaction with the public. The marine ecosystems are a very important part of what people come to see and enjoy. Note: Clarification regarding cultural values may be available in hapu management plans, which should be consulted for further information.	• The cycle of the pelagic species has been broken with over-fishing and fishing methods that damage the reef ecosystems and soft bttom ecosystems.
	Ecology	
	This is the inner part of the rohe moana of Te Uri o Hikihiki that extends out into the ocean beyond	

	the 12 nm limit of the regional plan. This inner area has significant areas of high relief and low relief reefs, that also occur in the Mimiwhangata Rahui Tapu. Between the reefs are sandy seabed areas which are habitat for the whai repo (electric ray) and one of the Ngatiwai Mauri. These reef areas and sandy seabed are sensitive to bottom trawling This area of high biodiversity covers a diversity of habitats, ecological communities and ecological values that extend from Motukokako (Cape Brett) to Tawhitirahi (Poor Knights Islands). Motukokako, Mimiwhangata and Tawhitirahi all intercept the tropical East Auckland current (which carries turtles, tropical fish and invertebrates from warmer waters). • Schooling fish attract large numbers of seabirds, gannets, albatross species, petrels, shearwaters, gulls and terns. Whales, dolphins and large pelagic fish bring the small fish species, krill and other invertebrates to the surface for the birds to feed on. The currents and upwellings bring the nutrients and plankton, and then within the "work-up" everything is feeding on everything else. • The nutrients from the feeding seabirds is then brought back to their breeding and roosting grounds along the coast. This guano enriches the soils, invertebrate communities, coastal vegetation. Top-order predators such as the tuatara share the seabird burrows and feed on weta, lizards and dead seabirds in these enriched soils. • There are a number of rare and unusual species including: whale shark, manta ray, green turtle, mado, Spanish lobster, blue knifefish, golden-ribbon grouper, snake eel, banded coral shrimp, yellow-banded perch (subtidal caves) There can be extensive schools of pelagic and demersal fish including combinations of blue maomao, pink maomao, sweep, blue mackerel, trevally, kahawai, kingfish, blue knifefish, parore, koheru. • This area covers a diversity of habitats, ecological communities and ecological values • The area of highest biodiversity value is the area around Cape Brett- Motukokako.	

	Cape Brett intercepts the East Auckland current (which carries turtles, tropical fish and invertebrates from warmer waters). • There are a number of rare and unusual species including: green turtle, mado, Spanish lobster, blue knifefish, golden-ribbon grouper, snake eel, banded coral shrimp, yellow-banded perch (subtidal caves) • One or more seals are usually present • There are a range of unusual habitats including a large deep cave, and a large arch which commercial powered catamarans regularly travel through ("the widely advertised trip to the "Hole in the Rock"). The arch and cave (in Motukokako) both have diverse and beautiful encrusting flora and fauna including diverse bryozoans, sponges, and anemones. The fish species in the cave include pink maomao, golden snapper and mado and yellow-banded perch. These species are not commonly seen elsewhere on the mainland. • There can be extensive schools of pelagic and demersal fish including combinations of blue maomao, pink maomao, sweep, blue mackerel, trevally, kahawai, kingfish, blue knifefish, parore, koheru. Such schools are unmatched anywhere between Cape Wiwiki and Taupirinui and beyond • Cape Wiwiki has a number of smaller caves (compared to Cape Brett), some of which have interesting encrusting fauna • The Ninepin is important roost for gannets and other seabirds • The entire area is an important feeding area for bottlenose dolphin	
	Natural Character	
	The natural character of the land adjoining the Te Au o Morunga Protection Area are ONC and HNC areas: (Note that none of the Outstanding or High	• There are few controls on bulk fishing methods. • Some sediment from the inner Bay of Islands travels around Cape Brett to at

	Natural Character Areas in the Northland RPS cover only a small part of the Coastal Marine Area aof this Te Mana o Tangaroa Protection Area.) **Cape Brett 00/02** Marine subtidal unit with little intertidal zone. Extreme level of exposure and natural disturbance regime. Only part of mainland New Zealand swept by the subtropical East Auckland current on a regular basis. Creates very high level of diversity of marine life, including rare tropical vagrants. Strong tidal currents generated by the Cape Brett peninsular concentrate marine plankton, planktivorous fish and predatory fish and birds in high abundance. Fishing pressure can be high for relatively short periods of calmer conditions, but the pelagic basis of the fishery facilitates relatively quick recovery. **Cape Brett 13/06** Steep cliffs along the shore with taller hills inland. Kanuka dominant shrubland & forest - tallest in upper gullies. Some mixed broadleaved species including northern rata. Very occasional pine. In more sheltered valleys the mixed broadleaved species include pohutukawa & puriri. Near the water margins there are grasses & flaxes. Unit runs to the Brett predator fence. **Whangamumu, Whangamumu Peninsula & Whangamumu South 13/12, 13, 14, 15, 16, 18, 19, 14/08 16, 19** • **Whangaruru 15/03, 09, 11, 61,** 69- Steep hill slopes with mixed broadleaved forest, kanuka dominant shrubland & forest. Includes a wetland on west (margin with farm). Excludes introduced trees on western margin The natural character values of the outer or most seaward areas were not mapped in the Regional Policy Statement because of the lack of site-specific information at the time of mapping (2012- early 2013). However information from Oceans 20/20 indicates that this outer area is largely of high natural character. There are few • Water clarity, hydrology and geomorphology are largely intact. • Ecological communities are composed of predominantly indigenous species. • There are no structures.	least Whangamumu Bay, but sediment movement may be related to bottom trawling and purse seining activities.