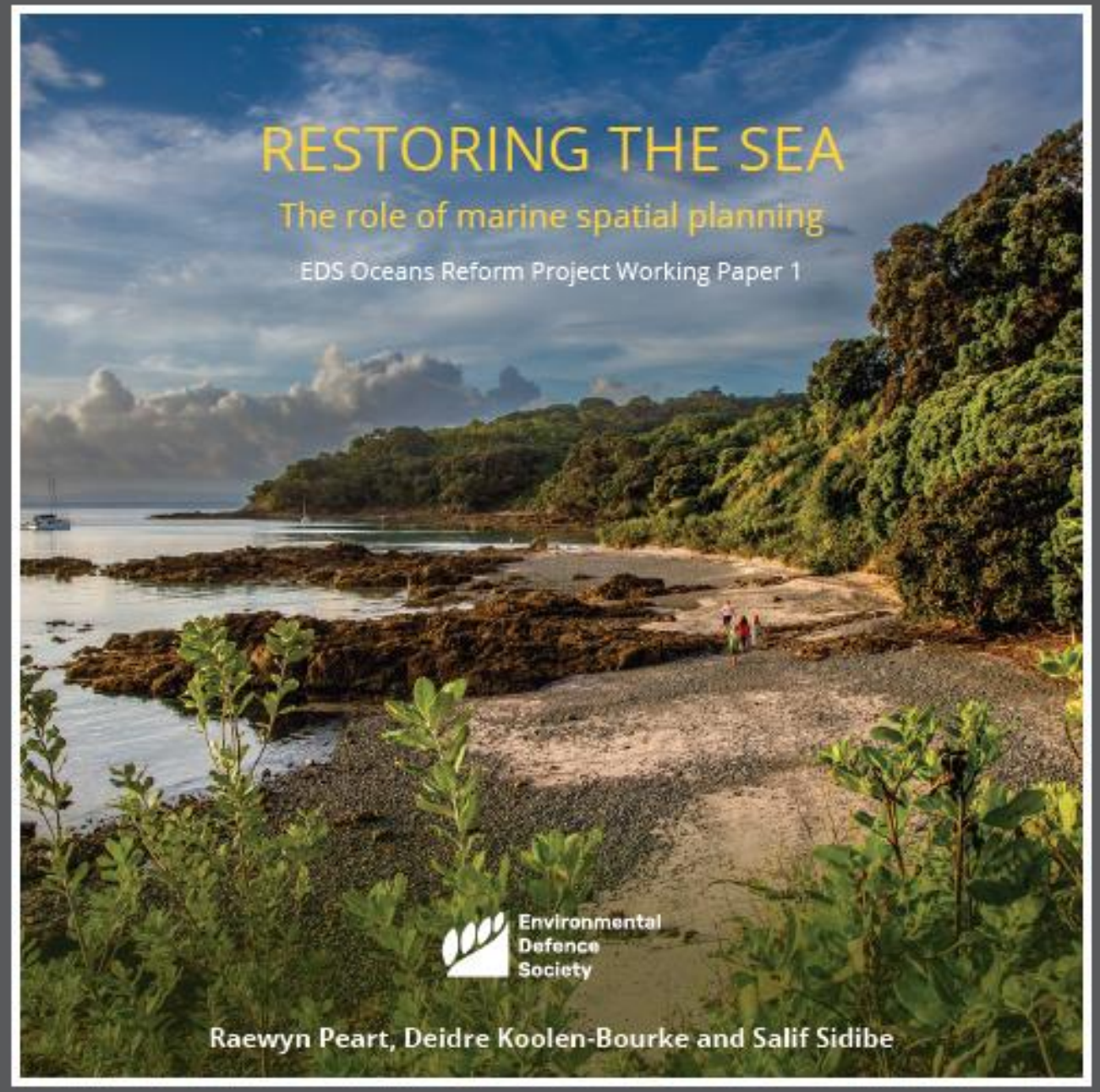
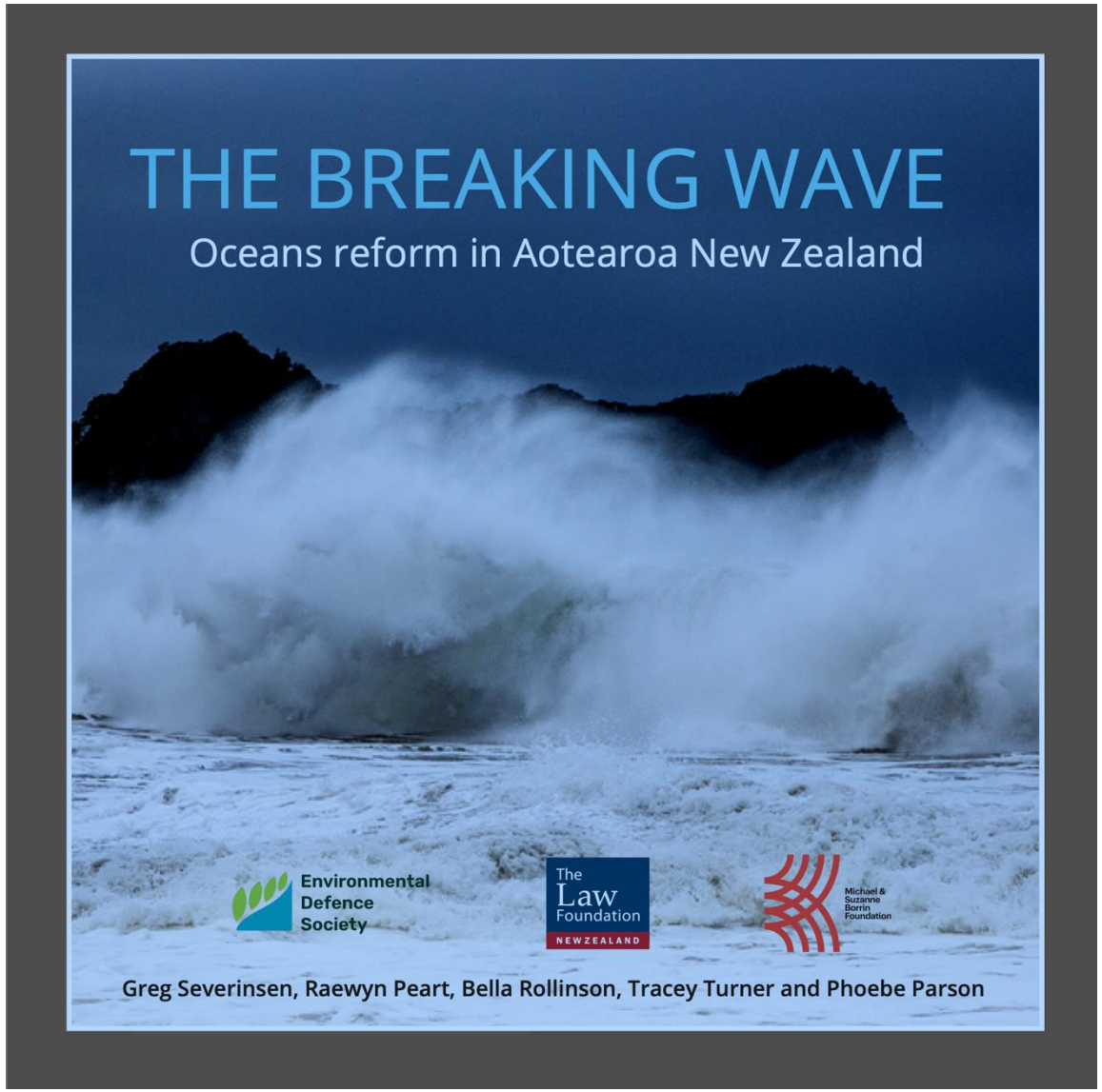

RESTORING THE SEA
The role of marine spatial planning
EDS Oceans Reform Project Working Paper 1
Environmental
Defence
Society
Raewyn Peart, Deidre Koolen-Bourke and Salif Sidibe

EDS Oceans Reform Project Phase 1

- Review of current system
- Improving the tool-kit
- Design of oceans-related law and institutions
- Starting points for reform



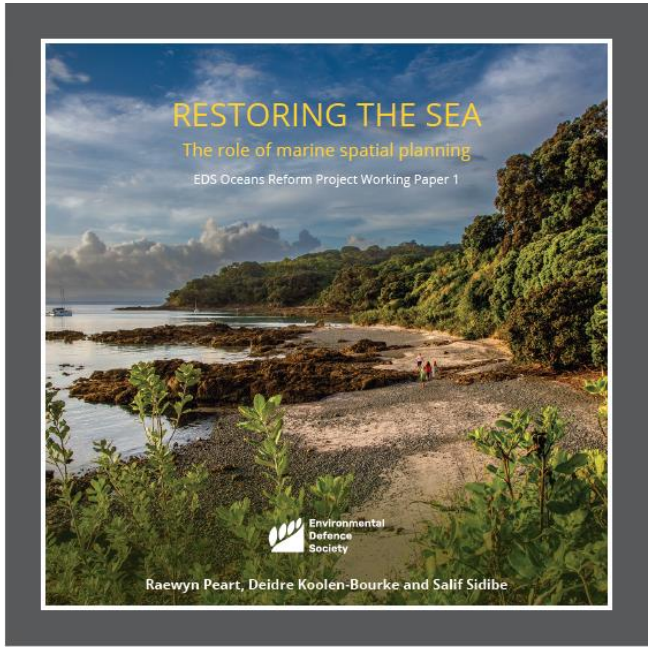
EDS Oceans Reform Project Phase 2

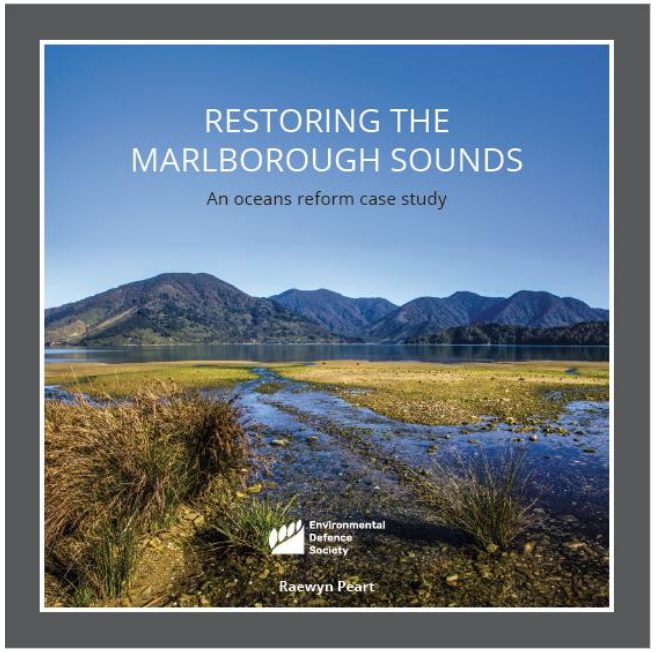
Developing concrete propositions for reform:

- Working Paper 1: Marine Spatial Planning
- Working Paper 2: Marine Protected Areas (early 2025)
- Final report: (May 2025)

Case studies:

- Marlborough Sounds
- Otago Coast
- Bay of Islands





Oceans Symposium Auckland, 12 May 2025

Day dedicated to oceans to help build momentum for change

- Review the oceans challenge
- Ways to rebuild ocean health
- Strengthening the oceans management framework
- The case for a national oceans champion (Oceans Commission)

What is marine spatial planning?

"MSP is a strategic, practical, and internationally recognised process to ensure society benefits from the oceans while protecting the marine environment."

"Spatial planning means that society's various goals have to be integrated into a sustainable whole, where the spatial context is made visible and determined in a planning document."

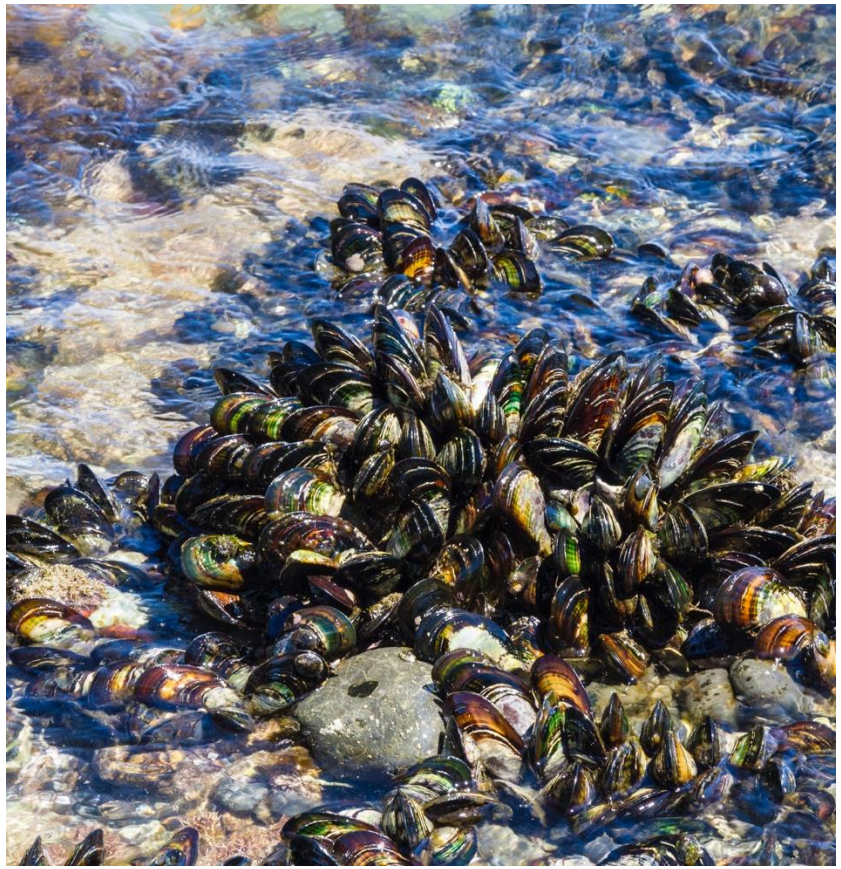
Key characteristics of MSP

- Ecosystem-based
- Integrated
- Place-based
- Strategic and anticipatory
- Adaptive (eg to address emerging issues)
- Participatory (eg collaboration and partnership)
- Evidence-based
- Addresses multiple and cumulative stressors
- Informs allocation

MSP and marine restoration

"…ecological restoration is broadly being recognized as a main pillar of oceans management…"

- Identify inter-connected habitats suitable for passive and active restoration
- Focus on restoring ecosystems (rather than single species
- Strategic focus (eg on marine foundation species, habitat bottlenecks, linking supply populations with sinks)
- Identify sites where restoration will have the biggest impacts
- Create linkages between different restoration efforts (join up the blue dots)



Oceans and Climate change

Oceans impacted more than land:

- Absorbing 90% excess heat and 25% CO_2
- Rapid sea-surface warming and frequent marine heat waves
- Ocean acidification
- More intense storm events accelerating sedimentation

Profound impacts:

- Reduced marine productivity (eg kelp forest die off)
- Shifts in species distributions
- Increased invasive species (Centros, Caulerpa)
- Loss of aquaculture productivity

‘Climate-smart’ MSP

“Adapting to a changing ocean requires and entirely new way of thinking…”

- More adaptive planning (eg dynamic boundaries, anticipatory zoning)
- Enhancing carbon sinks (eg protecting and restoring blue carbon systems)
- Prioritising space for renewable energy
- Supporting ecological resilience (protect climate refugia, restore marine habitat)

MSP in the Hauraki Gulf

- Sea Change Tai Timu Tai Pari (2013-2016) was ground-breaking
- Review of process a decade later
- Demonstrated enduring benefit of project
- Implementation has been patchy
- Highlights the need for statutory MSP

Place-based marine management

East Otago Taiāpure, Fiordland Marine Guardians, Kaikōura Marine Guardians

- Place-based initiatives can be highly effective
- Particularly if collaborative and resourced
- Mobilises knowledge and energy of mana whenua and community members
- Connections with universities and research organisations important
- Fills gaps in agency responses to marine issues
- Integrates agency efforts at place and connects agencies with local communities

Marine protection initiatives

Motiti Protection Areas, Marlborough ESMS, Te Hā o Tangaroa Protection Areas (Northland), South-East Marine Protection Forum

- RMA marine protection sought due to lack of response to marine degradation under other regimes
- Protection mainly a result of hapū and environmental group efforts
- Where councils fail to take the lead, has been ad hoc and unintegrated
- Collaborative processes focusing on MPAs can be polarising

Active marine restoration

Revive Our Gulf, Awhi Mai Awhi Atu (Ōhiwa Harbour), Hauraki Gulf kelp restoration, Te Whanga Hauoro o Tūtūkākā (green gravel), Pou Rāhui (Hauraki Gulf)

- Increasing enthusiasm for marine restoration among iwi and communities
- Can be complex, expensive, have uncertain results and be difficult to scale up
- Benefits from a combination of mātauranga Māori and science
- Requires historical understanding and clarity on restoration goals
- Requires addressing stressors alongside active restoration efforts

What MSP could deliver for Aotearoa

Integrate oceans at place

- Marine governance highly fragmented
- Multiple pieces of legislation and numerous institutions
- No effective mechanism to co-ordinate and align work
- Overlaps and gaps and little impetus to deploy current tools
- MSP is place-based and holistic so can integrate various marine management jurisdictions at place

What MSP could deliver for Aotearoa

Support healthy biodiversity and ecosystems

- Currently 0.4% mainland territorial sea in HPAs
- Type 2 (benthic) protection for only a further 2.6%
- Last marine reserve created 2014
- Loss of marine ecosystems ongoing

Spotlight on targets under the Kunming-Montreal Global Biodiversity Framework

This Framework sets a number of global targets for signatory nations in order to ensure marine biodiversity loss is addressed:

- Target 1: "Ensure that all areas are under participatory, integrated and biodiversity inclusive *spatial planning* and/or effective management processes addressing land- and sea-use change, to bring the *loss of areas of high biodiversity importance*, including ecosystems of high ecological integrity, *close to zero by 2030*, while respecting the rights of indigenous peoples and local communities."
- Target 2: "Ensure that by 2030 at least 30 per cent of degraded … *marine and coastal ecosystems* are under effective restoration, in order to enhance biodiversity and ecosystem functions and services, ecological integrity and connectivity."
- Target 3: "Ensure and enable that by 2030 at least 30 per cent … of marine and coastal areas, especially areas of particular importance for biodiversity and ecosystem functions and services, are effectively conserved and managed through ecologically representative, well-connected and equitably governed systems of protected areas and other effective area-based conservation measures …."

What MSP could deliver for Aotearoa

Build a sustainable blue economy

Capable of generating economic value while also positively contributing to social, cultural and ecological well-being

MSP can identify and support blue economy opportunities at place and provide greater investment certainty for them

"Two-thirds of marine ecotourism businesses surveyed utilized marine reserves … Strengthening marine protection is vital to the sustainable development of the sector."

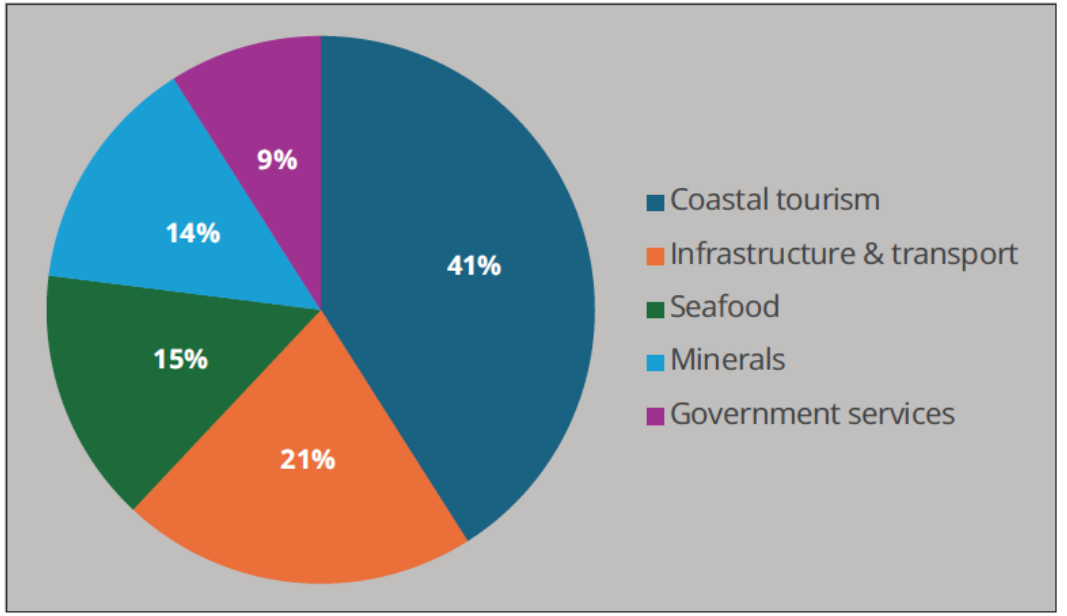


Figure 7.1: Sectoral contributions to Aotearoa New Zealand's blue economy (2017)[21]

What MSP could deliver for Aotearoa

Empower Māori

Moana of enormous significance to Māori and ecological degradation has profound impacts

Significant gaps in provision for Māori under existing environmental frameworks

MSP provides opportunities to:

- Implement Te Tiriti
- Operationalise partnership approaches
- Support application and transmission of mātauranga Māori
- Enable co-design of policy and plans in the marine space

What MSP could deliver for Aotearoa

Empower local communities

Oceans provide many social benefits which are being lost through degradation. MSP can:

- Strengthen public participation in oceans decision-making
- Empower local communities
- Drive responses that reflect and deliver community needs, aspirations and values
- Harness the energy, capacity and knowledge at place

Spotlight on public attitudes to the marine environment

A 2023 Horizon survey of New Zealanders found that: [64]

- 77 per cent are concerned about the loss of ocean biodiversity
- 77 per cent say marine protection should be expanded, including 67 per cent of recreational fishers
- 66 per cent say policy to protect the ocean space should be a bigger priority.

In relation to fisheries management, a 2023 poll revealed that 59 per cent of New Zealanders think the commercial fishing sector has too much sway over government policy, and 79 per cent want to see practices like bottom trawling and dredging phased out of inshore fisheries. The vast majority (some 78 per cent) would like to see a fundamental shift in priorities; including fisheries management being more regionally based, using smaller boats and more selective fishing techniques, and focusing on feeding the domestic market.[65]

Designing a MSP framework

Scope and scale

- Flexible scale depending on area of interest
- Scope wide enough to encompass key marine issues and management challenges
- Includes active and passive marine restoration, blue economy opportunities (and complimentary activities) and climate change
- Coastal areas need to include land-based impacts as well as harvesting and seabed impacting activities
- Limiting scope to MPAs, or single species, has proved problematic

Designing a MSP framework

Initiation and governance

- Initiation by council, iwi/hapū, community group or coalition of stakeholders
- Central government provide support
- Co-development of planning process with iwi and/or hapū
- Steering group established to oversee planning process (and implementation) with membership tailored to place

Designing a MSP Framework

Plan-making process

Collaborative processes generate the greatest co-benefits

Collaboration takes time (but action can happen during planning process – ‘low hanging fruit’)

Process has 3 components:

- Establish an historical ecological baseline
- Document the current state of the marine system
- Identify a future vision and pathway to get there (Incorporating a marine restoration strategy)

Designing a MSP Framework

Implementation

- A statutory governance entity likely required (eg Fiordland Marine Guardians)
- Customary and non-customary tools can jointly support implementation
- New tools might be required (MSP can help drive tool innovation)
- A dedicated and secure funding source to support plan-making and implementation
- Strong links with science/research organisations
- Give MSP teeth so it is the ‘shark’ in the marine management pool

Designing a MSP Framework

Enablers for restoration

- Existing laws developed without marine restoration in mind
- They fail to provide impetus for restoration or facilitate voluntary action
- Multiple consents can be required (RMA, Biosecurity Act, Fisheries Act) which are particularly onerous for communities
- Need a fast-track for restoration – a NES for Marine Restoration

Options for MSP Framework Design

Option	Pros	Cons
National MSP Guidance	Flexible and can be applied in different ways to different situations. Plans could be implemented through bespoke legislation	May provide little impetus for stakeholders to engage in developing plans. Multiple bespoke statutes could lead to a complex legislative environment. If bespoke legislation is not applied, plans would have no statutory status leading to poor implementation. Guidance can be ignored leading to varying quality around the country
Broad statutory MSP Framework	Still allows flexibility while ensuring minimum statutory requirements are met (eg for process and content). Plans could be given some statutory status (eg "take into account")	May provide little impetus for stakeholders to engage in developing plans. Plans could still be overridden by other considerations potentially leading to poor implementation
Detailed statutory MSP Framework	Ensures consistency and quality. Could help drive faster and more effective outcomes. Enables the plans to have strong statutory clout (eg "give effect to")	Could make the planning process more complex and costly. Would need careful design to still enable some flexibility at the local level as one size will not likely fit all

Marine Restoration Fund

Marine users	Potential Funding source
Occupiers of marine space (eg marine farmers, recreational boat owners, ports etc)	Coastal occupation charges under the RMA
Recreational boat users	Public boat ramp charges Boat licensing (similar to car licensing)
Commercial fishers	Charge for fishing permits under the Fisheries Act
Fisheries quota owners	Cost recovery levies under the Fisheries Act
Commercial shipping	Port tariffs
Marine tourism	Charges on DOC concessions under the Conservation Act 1987 and marine mammal permits under the Marine Mammals Protection Regulations 1992
Catchment users and coastal communities	Targeted rates under the Local Government (Rating) Act 2002

Legislative home for MSP

Spotlight on potential legislative homes for MSP

There are several possible legislative homes for statutory provisions providing for MSP. They could be:

1. Added to the *Local Government Act* as an additional form of planning led by regional councils alongside long term planning and development of financial and infrastructure strategies.

2. Added to *the Environment Act 1986* which currently provides for the establishment of MFE and the Parliamentary Commissioner for the Environment.

3. Included in the proposed *replacement legislation for the RMA* which is slated to incorporate spatial planning (although this may be in separate legislation to that providing environmental protection).[45]

4. Included in prospective *new marine protected areas legislation* (if it were given a wider scope, although this might imply that MSP is focused on marine protection)

5. Included in a *new Oceans Act*.

Seeking Feedback

- A National MSP Framework could start as guidance, then progress to broad statutory framework, and then detailed legal provisions.
- Alternatively, a more detailed MSP statutory framework could be provided for in the first instance
- A Marine Restoration Fund could be established to support MSP initiatives
- We are seeking feedback on the options in the Working Paper and will develop up firmer recommendations for the final Oceans Synthesis Report

Questions and comments