

Marine Reserve (Taputeranga) Order 2008

Anand Satyanand, Governor-General

Order in Council

At Wellington this 28th day of July 2008

Present:

His Excellency the Governor-General in Council

Pursuant to section 4(1) of the Marine Reserves Act 1971, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following order.

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Order

- 1 Title
 - This order is the Marine Reserve (Taputeranga) Order 2008.
- 2 Commencement
 - This order comes into force on the 28th day after the date of its notification in the *Gazette*.
- 3 Taputeranga Marine Reserve created
 - The area described in Schedule 1 is declared to be a marine reserve to be known as the Taputeranga Marine Reserve.
- 4 Condition relating to existing discharges
 - (1) Clause 3 is subject to the condition that where, at the commencement of this order, a contaminant is being discharged within or into the marine reserve, the discharge of the contaminant may continue subject to—
 - (a) the provisions of the Resource Management Act 1991; and

- (b) compliance with all other legal requirements relating to the discharge of the contaminant.

(2) In this clause, **contaminant** and **discharge** have the same meaning as in section 2(1) of the Resource Management Act 1991.

5 Condition relating to existing structures

- Clause 3 is subject to the condition that where, at the commencement of this order, a structure (or part of a structure) exists in the marine reserve, the structure may remain and be maintained subject to—
 - (a) the provisions of the Resource Management Act 1991; and
 - (b) compliance with all other legal requirements relating to the structure.

6 Condition relating to existing and future swing moorings

- (1) This clause applies to any swing mooring—
 - (a) in the marine reserve at the commencement of this order; or
 - (b) placed in the marine reserve after the commencement of this order.
- (2) Clause 3 is subject to the condition that a swing mooring may remain and be maintained subject to—
 - (a) the provisions of the Resource Management Act 1991; and
 - (b) compliance with all other legal requirements relating to the swing mooring.

7 Conditions relating to beach cast seaweed and debris

- (1) Clause 3 is subject to the conditions specified in subclauses (2) and (3).
- (2) Beach cast seaweed and debris in the marine reserve may be removed from, or disposed of in, the marine reserve by or on behalf of a local authority subject to—
 - (a) the removal or disposal being carried out—
 - (i) after a storm; and
 - (ii) for the purpose of enhancing public enjoyment of the marine reserve; and
 - (b) the local authority, or its agent, notifying the Department of Conservation of its intention to remove or dispose of the beach cast seaweed or debris not less than 24 hours before carrying out the removal or disposal; and
 - (c) compliance with all other legal requirements relating to the removal or disposal.
- (3) Beach cast seaweed and debris outside the marine reserve may be disposed of in accordance with subclause (2) if the beach cast seaweed and debris —
 - (a) has, or is likely to have, come from within the marine reserve; and
 - (b) has been moved outside the marine reserve by, or as a result of, a storm.
- (4) In this clause, **beach cast seaweed** means seaweed of any species that is unattached and cast ashore.

8 Condition relating to holding rock lobster

- (1) This clause applies only to the Island Bay rock lobster holding pots area described in Schedule 2.
- (2) Clause 3 is subject to the condition that rock lobster (*Jasus edwardsii* and *Sagmariasus verreauxi* (also known as *Jasus verreauxi*)) may be held in cages in the marine reserve subject to—
 - (a) the rock lobster having been caught in the wild outside the marine reserve; and
 - (b) the rock lobster being held only temporarily; and
 - (c) compliance with all other legal requirements relating to the holding of rock lobster in cages.
- (3) In this clause, **cage**—
 - (a) means a rock lobster holding pot that is used for holding or storing rock lobster; but
 - (b) does not include any pot that is capable of catching rock lobster.

Schedule 1
Taputeranga Marine Reserve

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That area (within the meaning of the Marine Reserves Act 1971) comprising 854.7915 hectares shown marked “Section 1” on SO Plan 392840.

Schedule 2
Island Bay rock lobster holding pots area

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The area between the mainland and Taputeranga Island enclosed by a line—

- (a) starting at the southernmost lead light at the western side of Island Bay (at 41°20.636'S 174°46.291'E); and
- (b) then proceeding along the mainland mean high water springs mark to the Bait House (at 41°20.665'S 174°46.475'E); and
- (c) then proceeding in a direct line to the northeast corner of Taputeranga Island (at 41°20.923'S 174°46.464'E); and
- (d) then proceeding along the mean high water springs mark of Taputeranga Island to the northernmost point of Taputeranga Island (at 41°20.874'S 174°46.309'E); and
- (e) then proceeding in a direct line to finish at the starting point described in paragraph (a).

The geographical co-ordinates are expressed in terms of WGS84 datum.

Michael Webster,
for Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 31 July 2008.

This order is administered by the Department of Conservation.