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## **Report 02.344**

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Report to Environment Committee  
from Nicola Shorten, Policy Advisor and Mike Pryce, Manager, Harbours

### **Taputeranga Marine Reserve**

#### **1. Purpose**

For the Committee to consider the issue of the Council giving consent for the proposed Taputeranga Marine Reserve.

#### **2. Introduction**

Councillors will be aware of the application by the Royal Forest and Bird Protection Society and South Coast Marine Reserve Coalition for a marine reserve on the Wellington South Coast. The proposed reserve covers approximately 969 hectares.

The application for the marine reserve was notified in October 2000. A total of 597 objections, 630 submissions in support, 30 submissions of conditional support, and 8 neutral submissions were received. In May of this year, the Minister of Conservation decided not to uphold any of the objections received on the application.

Following the Minister's decision, the concurrence of the Ministers of Transport and Fisheries was sought, as required by the Marine Reserves Act 1971. The Act also states that no area within the jurisdiction of any harbour board shall be declared a marine reserve without the consent of the harbour board. The Wellington Regional Council is the body now carrying out the jurisdiction of the previous Wellington Harbour Board. The Harbour Board had influence over the Wellington Harbour, which included the area running from the foreshore just north of Baring Head to the foreshore just southwest of Owhiro Bay. Because this area intersects the proposed marine reserve, the consent of the Council is required for the reserve to be established.

We have received a letter from the Department of Conservation seeking consent for the establishment of the reserve. A copy of this letter is attached, along with other background information from the Department.

### 3. **What Can Council Consider In Giving Consent?**

The Council's statutory power must be exercised reasonably and without taking into account any irrelevant matters. In this case, the Council's power to either consent or withhold consent for the Taputeranga Marine Reserve must be exercised for purposes related to the functions of the Harbour Board. This means that the Council's consideration is limited to its functions as a harbour board which generally relate to navigational safety. It does not extend to all of the functions of regional councils as listed in section 37S of the Local Government Act 1974.

The proposed marine reserve has been through a formal public consultation process which gave people the opportunity to have their say. The Minister of Conservation was required to take these submissions into consideration in deciding whether or not to uphold any objections. The Council made a submission on the marine reserve application supporting the proposal in principle. At that time, the Council raised resource management and other concerns regarding the proposed reserve (refer to the attached information). These concerns cannot be raised again now in deciding whether or not to consent the reserve as the Harbour Board.

The Harbours Department does not consider that there are any significant navigational safety issues associated with the proposed marine reserve. This view concurs with that of the Minister of Transport who, on the advice of the Maritime Safety Authority, has given his approval to proceed with the reserve.

### 3. **Communication**

The Department of Conservation is responsible for marine reserves. The proposed Taputeranga Marine Reserve has been through a public consultation process, and has been the subject of ongoing media interest. The Council's decision on this matter will be communicated to the Department of Conservation.

4. **Recommendation**

*It is recommended that the Committee:*

- (1) **recommend** to Council that consent is given for the proposed Taputeranga Marine Reserve.

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**Attachments**

1. Letter and background information from the Department of Conservation