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Report to Environment Committee
from Richard Peterson, Policy Advisor (Statutory)

Regional Council submission on Taputeranga Marine Reserve

1. Purpose

The purpose of this report is to:

- outline the Regional Council's various areas of interest with regard to the Taputeranga Marine Reserve proposal; and
- make a recommendation about the content of a Regional Council submission on the proposal.

2. Background

A marine reserve is a specified area of the territorial sea, seabed and foreshore which is set up and managed for the purpose of preserving it in a natural state as a habitat of marine life for scientific study. In accordance with this purpose marine reserves place stringent restrictions on the type of activity which can take place within their boundaries. In this light, aside from public access and navigation, most activities need to be provided for when the reserve is established or given specific approval before they can occur.

An area is declared a marine reserve by an Order in Council made by the Governor General.

The Taputeranga Marine Reserve is proposed by the South Coast Marine Reserve Coalition and the Royal Forest and Bird Society. A copy of the application has been placed in the Councillors' lounge.

The applicants have undertaken consultation on the marine reserve proposal throughout the 1990s. During the consultation process, the applicants have amended the boundaries of the proposed reserve on several occasions. Attachment 1 illustrates the boundaries of the marine reserve as currently proposed, while Attachment 2 shows the previous boundary proposals.

The applicants made a presentation of the draft marine reserve application to the Environment Committee on 9 September 1999. Submissions on the current proposal close on Monday December 18.

3. **Regional Policy Statement (RPS)**

There are three chapters within the RPS which have particular relevance to the Taputeranga Marine Reserve Proposal. These are:

- Chapter 4 - The Iwi Environmental Management System
- Chapter 7 - The Coastal Environment
- Chapter 9 - Ecosystems.

Chapter 4 contains a range of objectives and policies, the overall aims of which are to develop satisfactory relationships with Iwi of the Region and ensure that decision making is undertaken so that resource management issues of significance to Iwi are addressed. Policy 4.4.6, for example, aims *to recognise and promote the role and importance of kaitiakitanga*.

The primary focus of these provisions is the processes under the Resource Management Act 1991. However, it is appropriate for the Regional Council to consider these provisions when it takes an active part in a resource management decision made under another Act, such as the Marine Reserves Act 1971.

Chapter 7 contains four objectives which address different aspects of the management of the coastal environment. These four aspects are the natural character of the coast, access to and along the coast, coastal water quality and the aspiration of tangata whenua. Each aspect is of relevance to the marine reserve proposal. To a large extent the objectives and their related policies can be used to support the marine reserve proposal.

However, issues relating to access and the aspirations of tangata whenua are likely to be raised as part of strong opposition to the marine reserve proposal. Groups such as the Wellington Recreational Marine Fishers Association (Inc) can be expected to make strong submissions opposing the application because of their concerns about the impact it will have on their members' use of the area.

The marine reserve proposal has gone to some length to address the issue of access for recreational fishers. This has been one of their main reasons for amending the boundaries of the reserve proposal. In particular, the current proposal excludes Lyall Bay and most of the area from the Owhiro Bay Quarry to Sinclair Head.

As noted below, in addition to the opposition of fishers, Ngati Toa are likely to oppose the application because they have not been consulted by the applicants.

Chapter 9 includes several objectives and policies which, among other things, promote the enhancement and protection of the Region's ecosystems. Generally, these provisions can be used to support the marine reserve proposal.

4. **The Regional Coastal Plan (RCP)**

Like the RPS, the RCP includes numerous objectives and policies which are of relevance to the marine reserve proposal. Again like the RPS, many of these provisions provide support for the proposal. Having said this, the RCP gives a clear direction that preservation should be balanced against the need or desire of the regional community to use and develop the coastal marine area. For example Policy 4.2.1 aims to

recognise that the intrinsic values of the coastal marine area and its components are the heritage of future generations and are worthy of protection in their own right, while acknowledging the need to allow for appropriate use and development.

If a marine reserve is declared on the south coast it is likely to have implications for the RCP. At present, aside from the foreshore of Taputeranga Island, the RCP does not afford the area of the reserve proposal any special protection. In comparison, the area of the Kapiti Marine Reserve is identified in RCP as an *Area of Significant Conservation Value*. When the RCP is reviewed, consideration will need to be given to affording the Taputeranga Marine Reserve the same level of protection.

The RCP also identifies part of Island Bay as a *mooring area*. In this area swing moorings are a controlled activity. This means that subject to the controlled activity standards, the Regional Council must approve an application for a mooring. In contrast, while moorings are not explicitly prohibited by the Marine Reserves Act 1971, they may have adverse effects on the natural habitat of a reserve. For this reason it is unlikely that moorings will be automatically permitted in Taputeranga Marine Reserve.

While the application suggests that the existing moorings will not be affected (pg. 46), the Regional Council needs to point out the potential conflict between the Regional Coastal Plan and the marine reserve in its submission. The Minister of Conservation, who will make the recommendation to the Governor General on the marine reserve, recently approved the Regional Coastal Plan.

5. **Taputeranga Island**

While Taputeranga Island will not be part of the marine reserve, it is identified in the application as a central feature of the area. This reflects the status that is afforded to the Island within both the RPS and RCP. In Chapter 7 - the Coastal Environment Taputeranga Island is identified as *a site of regional significance for indigenous vegetation or significant habitat for indigenous fauna*. Chapter 7 also identifies the Island as *a landscape and seascape of national significance and a geological feature and landform of regional significance*.

In addition, the RCP identifies the foreshore of the Taputeranga Island as an *Area of Important Conservation Value*.

Provision of a marine reserve in the area around Taputeranga Island can therefore be supported as a way to compliment the status given to the Island itself.

6. **Resource Consents**

The Regional Council has granted and monitors numerous resource consents in the area of the proposed reserve. These resource consents cover a range of activities including stormwater discharges, coastal structures and the Owhiro Bay boat ramp.

It will be important that these consented activities are recognised and provided for if a marine reserve is declared as proposed. The Regional Council's submission should make reference to this point.

7. **Regional Council Monitoring Programmes**

At present the Regional Council has 6 monitoring sites in the area of the proposed marine reserve, including 5 foreshore sites and 1 stream mouth site. Generally, the water quality in the area of the reserve meets the purpose which the RCP requires it to be managed for (see Annual Coastal Water Quality Report 1999/2000 for further information).

In addition to the existing monitoring programme, the Regional Council is preparing a study of the Region's rocky shore communities. These communities are to be monitored both for their value as an indicator of water quality and for their intrinsic values.

The south coast area is likely to be the main focus area of this study. If a marine reserve is declared along the south coast the Regional Council may need to get approval to undertake this study. Despite this possible hurdle, the marine reserve will be a benefit to the proposed study as it will allow the Regional Council to evaluate the impact of harvesting on the rocky shore communities.

8. **Marine Oil Spill Response**

Under the Maritime Transport Act 1994, the Regional Council has a statutory responsibility to conduct a response to marine spills that occur in our Region. In preparation for this necessity, and in accordance with the Act, the Council has produced the Wellington Region Marine Oil Spill Tier Two Response Plan.

The Plan identifies part of the area of the proposed marine reserve as an ecological site for special protection. Given this status, the Plan makes specific reference to the response options that may need to be used to protect the area from an oil spill. One option identified is the use of approved dispersants. Given the restrictions that the Marine Reserves Act 1971 places on discharges into a marine reserve, it is important that provision is made which recognises the Council's Oil Spill Response Plan and which permits the application of approved oil dispersants.

This issue should be addressed in the Regional Council's submission.

9. **Consultation with Iwi**

In the preparation of their application the applicants have consulted with both the Wellington Tenth and Te Runanganui o Taranaki Whanui Ki Te Upoko o Te Ika a Maui. However, the applicants have not consulted with Ngati Toa. Discussions with Ngati Toa indicate that they feel very aggrieved by this oversight and are likely to strongly oppose the application.

Potentially, Ngati Toa's concerns present a significant hurdle to the success of the application.

10. **Conclusion**

Generally, the Regional Council's stated policy gives support to the proposed marine reserve. However, there are several issues which deserve further consideration before the reserve is declared, and which should be provided for if the marine reserve is established.

The following issues should be addressed in the Regional Council's submission:

- The support which the Regional Council's stated policies give to the proposed reserve;
- The existence of the Island Bay Mooring Area;
- The existence of discharges, e.g. contaminated stormwater discharges; and
- The Council's Oil Spill Response Plan and the use of approved oil dispersants in the marine reserve.

11. **Communication**

In accordance with the requirements of the Marine Reserve Act 1971, a copy of the Regional Council's submission will be sent to the Director General of Conservation and the South Coast Marine Reserve Coalition.

A copy of the submission will also be sent to the Wellington City Council.

12. Recommendation

That the Regional Council make a submission generally supporting the Taputeranga Marine Reserve Proposal, but asking that the issues identified in section 10 above be given further consideration and provided for.

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Attachments: 2