

Report 99.111

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

Marine Reserves

1. Purpose

To provide the Committee with information on marine reserves and to provide information on the marine reserves in the Wellington Region.

2. Background to Report

This report has been written in response to issues raised by councillors at the Environment Committee briefing in November last year. It is also a response to subsequent requests made by Councillor Allen for information on marine reserves.

3. Marine Reserves

Provision for marine reserves was established by the Marine Reserves Act 1971. This Act was largely a response to pressure from New Zealand's scientific community, in particular the Leigh Laboratory near Auckland, to provide some form of official protection to parts of New Zealand's marine environment. It was argued that without such protection many useful experiments could not be carried out.

As a consequence of this pressure, the Act has a strong "scientific" focus. Reserves are set up to preserve marine habitats for scientific study and, despite amendments in 1977 and 1980 which allow for some consideration of recreational and traditional use, this emphasis remains.

Generally the activities permitted within a marine reserve are limited to public access for the study and observation of marine life, navigation and anchoring. Unless expressly provided for by notice in the Gazette or by an Order in

Council, no fishing is allowed in a marine reserve. In addition, the exploration and extraction of minerals, harbour works and other public works cannot proceed without consent from the Minister of Conservation. Discharges of any sort into a marine reserve are not allowed and such discharges are considered an offence under the Act.

Currently there are 15 marine reserves in New Zealand, the most recent being announced by the Hon Nick Smith, Minister of Conservation, in December last year. Marine reserves total only 4% of New Zealand's marine environment, compared with terrestrial reserves that cover 30% of the New Zealand land area. In relation to representativeness and public access, this comparison is made worse when it is considered that one reserve, Kermadec Islands, accounts for three-quarters of the total area of marine reserves. It also ranks poorly when compared against the recently released Draft Biodiversity Strategy that estimates that 80% of New Zealand's indigenous biodiversity is in the sea.

In the period since 1971 there has been an ad hoc approach to the location of marine reserves around New Zealand's coast. There has been a tradition of community based groups proposing reserves in their own areas. More recently the Department of Conservation has made attempts to develop a strategic approach to reserve location. Their hope is that a network of reserves will be established that incorporate representative examples of a full range of habitats and ecosystems found within New Zealand's marine environment.

4. **Establishing A Marine Reserve**

In addition to the Director General of Conservation the following organisations can apply to have a marine reserve established:

- Universities.
- Any body appointed to administer land where it has frontage to the sea coast, under the Reserves Act 1977.
- Any incorporated body, body corporate or other organisation engaged in or having objectives of scientific study of marine life or natural history.
- Any iwi or hapu having tangata whenua status over an area.

The application process has two distinct stages (see figure attached). The first is a non-statutory stage and involves the development of the proposal. The second stage begins after an application is submitted to the Director-General of Conservation and the steps within it are prescribed by the Marine Reserves Act.

The first stage involves five major steps set out in the attached figure. On the whole these steps involve the collection of information on the proposed site, including the reaction of the main interest and user groups, and details of the physical and biological features of the site.

A 1994 Department of Conservation publication estimates that for an outside organisation the cost of this first stage can range between \$3,000 and \$6,000. The actual cost will depend largely on the amount of original research that needs to be completed as part of the site investigation. Perhaps a better indication of the effort required in this initial stage is illustrated by the current south coast proposal. In 1994 the South Coast Marine Reserve Coalition released a discussion document as part of their consultation. Five years later this consultation is still occurring and the Coalition have yet to submit their application to the Director General of Conservation.

The statutory stage of the application process requires the applicant, having submitted an application to the Director-General, to publicly notify the application. This must be done through the newspapers of New Zealand's four major centres and also by direct contact with specific interest groups. The submission period is open for two months at the end of which period the applicant has the opportunity to respond to any objections.

Once the submission period is completed, the Director-General and then the Minister of Conservation control the remaining steps in the application process. These steps involve the consideration of the proposal and, if approved, the legal establishment of the reserve. If the reserve lies within the jurisdiction of a local authority exercising the powers of a harbour board, then the Minister of Conservation is required to get the consent of that authority during this stage. To a large extent there are no statutory time limits on these steps in the process.

More detail on the application process can be found in the following documents that are held in the Council's library.

- Marine Reserves: A Guide for Prospective Applicants.
- Marine Reserve Guidelines.
- Marine Reserves: A Department of Conservation information paper.

Also information and advice is available from the Department of Conservation relating to appropriate procedures to follow both before and during the lodging of an application.

5. Marine Reserves in the Wellington Region

The Wellington Region currently has only one marine reserve. This is the Kapiti Island reserve established in 1992. This reserve includes two areas, one on the west of the island and the other stretching from Kapiti Island's east coast to the mouth of the Waikanae River.

As mentioned above the South Coast Marine Reserve Coalition has been in the process of preparing an application for a number of years. The Coalition is currently in negotiation with commercial and recreational fishers over the

boundaries of the reserve. It is the Coalition's intention to resolve this boundary issue before it moves into the formal stage of the application process.

6. Recommendation

That the report be received and the contents noted.

Report prepared by:

Approved by:

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Attachment