

Version  
as at 23 December 2023



## Marine Reserve (Taputeranga) Order 2008 (SR 2008/226)

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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#### Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

**This order is administered by the Department of Conservation.**

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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.

Clause 4(1)(a): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Clause 4(2): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

### 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.

Clause 5(a): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

## 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.

Clause 6(2)(a): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

## 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**

cl 3

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

cl 8

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 Legislation Act 2019.  
Date of notification in *Gazette*: 31 July 2008.

## Notes

### **1** *General*

This is a consolidation of the Marine Reserve (Taputeranga) Order 2008 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

### **2** *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

### **3** *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

### **4** *Amendments incorporated in this consolidation*

Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68): section 6