
TAPUTERANGA MARINE RESERVE APPLICATION: RECOMMITMENT TO SUBMISSION

1. Purpose of Report

The purpose of this report is to respond to the Ministry of Fisheries call for written submissions to the Wellington South Coast Marine Reserve application and to present to Council a proposed submission on Taputeranga Marine Reserve. This submission is essentially a recommitment to the submission Wellington City Council made to the Minister of Conservation in December 2000.

2. Executive Summary

The Taputeranga Marine Reserve application process has recommenced. Due to the lapse of time since submissions were first made (December 2000), the Ministry of Fisheries has invited Council to again make a written submission on the marine reserve application.

Since Council's original submission in 2000, a new management plan has been prepared for the South Coast. However, policy still supports the proposed marine reserve and Council's strategic position of strongly supporting the proposed marine reserve has no cause to change. As detailed in the submission made in 2000, this support remains conditional on knowing the detailed impacts of the final proposal, how these might effect the Council's operations, and acknowledgment of levels of community concern around Island Bay. It is therefore suggested that Council reaffirms the submission made five years ago, with only minor amendments to bring it up to date.

3. Recommendations

It is recommended that the Council:

1. *Receive the information.*
2. *Approve the submission as attached.*
3. *Agree that the Environment Portfolio leader be given authority to approve any changes to the submission as a result of Council resolutions.*

4. Background

This report is in response to a request from the Ministry of Fisheries for written submissions on the Taputeranga (Wellington South Coast) Marine Reserve application. Submissions are due on 20 December 2005.

4.1 History of the Marine Reserve proposal

The Department of Conservation initially proposed the possibility of a marine reserve along Wellington's South Coast in the late 1980s, but left the idea to concentrate on Kapiti Marine Reserve. The idea was picked up by Forest and Bird and the South Coast Marine Reserve Coalition, and in 1991 they began a process of consultation and investigation.

During this process the proposed boundaries went through a number of permutations. The initial proposal was for the boundary to stretch from Sinclair Head in the west, to Te Raekaihau Point in the east. The final and current boundary of the proposed marine reserve stretches from an unnamed bay immediately to the west of Owhiro Bay, to Te Raekaihau Point.

The Council has previously considered the concept of a marine reserve and supported the concept in principle. For example, in September 1998 the Cityscape Committee received an update on the marine reserve and resolved to continue its ongoing liaison with the South Coast Marine Reserve Coalition and to respond with a detailed submission in the event of a formal proposal. Council's support has always been conditional on knowing the detailed impacts of the final proposal and how these might effect the Council's operations.

4.2 History of the application

Submissions on the marine reserve application were initially called for by the Minister of Conservation in 2000 in response to a joint application from the South Coast Marine Reserve Coalition and the Royal Forest and Bird Protection Society. In 2002, the Minister of Conservation decided to recommend the proposed South Coast Marine Reserve be established by Order in Council.

Before an area can be declared a marine reserve the Minister of Conservation must receive concurrence from the Minister of Transport and the Minister of Fisheries. This was received from the Minister of Transport in 2002. However in August 2002 Te Runanga O Toa Rangatira Inc. (Ngati Toa) lodged an application for the judicial review of the Minister of Conservation's decision and the application process. This was resolved in April 2005 and the application is now with the Minister of Fisheries. Ministry of Fisheries are currently calling for submissions from targeted groups because of the length of time that has elapsed since the initial submissions were made.

4.3 Council's Original Submission, December 2000

The submission to the Minister of Conservation's application was first discussed by the Environment and Recreation Committee in November 2000. There was debate around taking a position in relation to the marine reserve and due to the importance of these matters it was referred to Council for a decision. In December 2000, Council resolved:

1. *THAT the information be received.*
2. *THAT the Council's submission explicitly support the proposed marine reserve (attached to these minutes as appendix a).*
3. *THAT the Council's submission notes the level of community concern about fishing in the embayment and refers this issue to the Minister for her consideration as a possible variance or condition on the marine reserve.*
4. *THAT the Council explicitly supports the inclusion of normal beachside initiatives down to the mean spring low watermark.*
5. *THAT the Chair of the Environment and Recreation Committee be given authority to approve any changes to the submission as a result of Council resolutions.*

To summarise the December 2000 submission, it was in strong support for the proposal of a marine reserve for the South Coast from a point between Te Raekaihau Point and Princess Bay to east of the closed Owhiro Bay Quarry.

General comments included a request for assurance that the marine reserve will not place restrictions on existing or future activities. Council also recognised an incomplete understanding of the community's view.

Specific comments included:

- Consultation – Ngati Toa Rangatira and Wellington Tenth's Trust should be consulted.
- Order in Council – requires specific mention of existing infrastructure and discharge consents and definition of permissible activities normally associated with recreational use of the foreshore.
- Department of Conservation and Ministry of Fisheries to provide adequate enforcement resources.
- Community opposition to the inclusion of the Island Bay embayment was recognised and Council suggested that consideration be given to shifting the western boundary to exclude Princess Bay as an option to balance competing objectives.
- Assurance that beach grooming, coastal restoration and on-shore activities are not affected.

There has been no change to the Taputeranga Marine Reserve application since it was presented in 2000; therefore this report seeks Council's reconfirmation of the original submission. Some minor amendments have been made to the original submission to position it in context of the present day environment and these changes will be discussed below. The amended submission for Council discussion and approval is included in *Appendix 1*.

This report does not repeat the information contained in the Officer's report of 14 December 2000 that accompanied the original submission. The original report and submission are included in *Appendices 2 and 3* for Councillor's reference.

5. Discussion

5.1 Current Policy and Plans

The Department of Conservation is responsible for managing the marine reserve, and the coast itself is a boundary between the jurisdictions of the Regional Council and the City Council. From Council's perspective, the marine reserve application must be considered with respect to the coastline and protection of its natural character and recreational values. In this context the proposed marine reserve falls within the policy outlined by Capital Spaces – the Open Space Strategy for Wellington, and sits within the South Coast Management Plan.

Marine scientists estimate that as much as 60% of New Zealand's indigenous biodiversity may be found in the sea, and biodiversity issues are identified as one of four strategic priorities in the Council's draft Environment Strategy (2005). In addition, Council's ten year outcomes for the environment that relate directly to the proposed marine reserve include:

- More liveable – protecting the natural environment while making it accessible for a wide range of social and recreational opportunities.
- Healthier – protecting and restoring Wellington's land and water-based ecosystems to sustain natural processes and provide habitats for a range of plants and animals.
- More competitive – high quality natural environment that will attract visitors, residents and businesses.

Capital Spaces (1998) was prepared prior to Council's original submission to the Minister of Conservation and the support and promotion of the marine reserve is listed as an opportunity for The Bays concept area. The proposed marine reserve is also mentioned in the context of protecting threatened species; one of the guiding principles of the Strategy. It is equated with Karori Wildlife Sanctuary in that it would effectively create a 'paper fence' that protects the marine life within the reserve boundaries but allows continued public access and enjoyment.

The South Coast Management Plan (2002) was prepared after the original submission and the marine reserve proposal is listed as a potential influence on the future management of the area. As Council was advised in the December 2000 report, the marine reserve will not remove any current jurisdiction from the Council. However it is likely that the infrastructure and open spaces of the South Coast will be more heavily utilised should the marine reserve increase visitor numbers to the area and management of the area will need to take account of this.

The South Coast Management Plan states that if implemented, the Taputeranga Marine Reserve will complement the objectives of the management plan for protecting and enhancing coastal ecosystems. It goes on to say that facilities that enhance the ability for

people to experience the marine reserve are supported, but cognisance must also be given to protecting the character of the coast and to the locality's other uses.

References to Capital Spaces and the South Coast Management Plan have been included within the *General Comments* of the submission (Section 1, paragraph 2).

5.2 Economic and tourism opportunities

A number of new initiatives around the South Coast mean that visitor numbers are likely to increase. Examples are the SinkF69, the proposed Marine Education Centre, and the ongoing Owhiro Quarry Restoration. In addition to these initiatives, the proposed marine reserve is likely to cause a significant increase in visitor numbers and impact positively on the local economy. This outcome has been observed elsewhere around the country and one such example is Goat Island Marine Reserve in Leigh (27kms out of Warkworth in the Rodney District). A report on the economic benefits of the Goat Island Marine Reserve estimates that in 2002 between 260,000 and 300,000 visitors travelled to Goat Island. The report states that the marine reserve has been a major contributor to the Rodney economy and that there is no reason to believe that won't continue for many years to come. Businesses benefiting from the Goat Island Marine Reserve include; tourism operators, hospitality industry, accommodation and retail. Although no figures exist on the visitor 'actual spend', estimates are that the tourist trail to Goat Island has potential to generate \$40 million by 2010.

In addition to boosting local businesses, the proposed marine reserve is likely to contribute to Positively Wellington Tourism's current action plan. Wellington Tourism seeks to position Wellington as a destination of choice domestically and internationally. A key marketing initiative is 'nature close to the city'.

Attractions such as the proposed Marine Reserve, proposed Marine Education Centre and Karori Wildlife Sanctuary contribute to securing Wellington's position as a world leader in innovative nature tourism and protection of indigenous ecosystems in an urban environment.

The marine reserve's potential to contribute to the local economy through increased tourism has been added to the submission under *General Comments* (see Section 1, paragraph 3).

5.3 Assistance in producing a satisfactory Order in Council

In the original submission in support of the Marine Reserve, the Council stated:

The Council will assist the Department of Conservation in any research or documentation that is required to produce a satisfactory Order in Council.

This has been upheld, and throughout 2002, correspondence passed between the Department and Council discussing conditions to be included in the Order in Council. Correspondence between the Council Chief Executive and the Department of Conservation Wellington Conservator confirmed a close working relationship between Council and the Department in developing a satisfactory Order in Council and in

working together as the reserve proceeds. As well as this, in July 2002 a background report for the Order in Council was prepared for Wellington City Council by Montgomery Watson Ltd. The purpose of the report was to identify and protect Council infrastructure assets, particularly drainage assets, with respect to the proposed marine reserve. The report was prepared based on the assumption that concurrence would be received from both the Minister of Fisheries and Minister of Transport, and included drafted conditions for the Director-General to consider for the inclusion in the Order in Council. Discussions around the Order in Council were put on hold along with the marine reserve application process, but are expected to recommence should the reserve proceed.

In light of the above, the original submission has been amended (amendments shown in bold) to read:

*The Council **has, and will** continue to assist the Department of Conservation in any research or documentation that is required to produce a satisfactory Order in Council (Section 2.2 paragraph 4).*

5.4 Other amendments to the submission

- The submission is introduced as a recommitment of support to the marine reserve as per the submission made to the Minister of Conservation in 2000 (Section 1, paragraph 1).
- With respect to activities for which the Council would like to be absolutely assured that the marine reserve will not restrict, the list provided in Section 1 (see paragraph 5) has been updated to comprise existing and future activities. The following specific activities have been added: further mooring sites (e.g. Island Bay swimming raft), debris clearing from boatramps and carparking areas, landfills, and piling, breakwater development, and wharf construction for boatramps. Please note that the list is not exhaustive.
- The submission has been updated to refer to the Minister of Fisheries, rather than the Minister of Conservation (Section 2.1 paragraph 2).
- The Minister of Fisheries is directly addressed as to the need to ensure that there is an effective enforcement strategy to address the likely increased harvesting pressure outside of the marine reserve (Section 2.3 paragraph 2).
- The reference to concerns over the loss of fishing to children in the Island Bay embayment has been generalised to the loss of fishing in the embayment (Section 2.5 paragraph 1).

6. Conclusion

In the context of current plans and policies, Council's position on the marine reserve is unchanged from that which was expressed in the submission made to the Minister of Conservation five years ago; that is, a position of strong support for the Taputeranga marine reserve proposal.

Information on the potential impact of the marine reserve on visitor numbers and the local economy have been added to the submission to reflect the current context of new initiatives around the South Coast, the development of Karori Wildlife Sanctuary, and research on the impacts of other marine reserves in New Zealand.

Contact Officer: *Amber Bill - Open Space and Recreation Planning Planner – Ecology and Biodiversity*

Supporting Information

1) Strategic Fit / Strategic Outcome

The Taputeranga Marine Reserve application fits primarily within the Environment Strategy, and crosses into the Economic Development Strategy.

Strategic Outcomes include:

- *Stronger Sense of Place: Wellington will protect significant features of its natural heritage. It will be a prime tourist destination with attractions that highlight Wellington's best features.*
- *More Actively Engaged: Wellington's natural environment will be accessible to all without compromising environmental values.*
- *Healthier: Wellington will protect and restore its land and water-based ecosystems to sustain natural processes and provide habitats for a range of plants and animals.*
- *More Entrepreneurial and Innovative: Wellington will have high levels of innovation underpinned by research and education.*

2) LTCCP/Annual Plan reference and long term financial impact

The presence of a Marine Reserve does not necessarily have any financial implications for the Council. Over time however, the Council may wish to invest in facilities that support the reserve or access to the reserve.

3) Treaty of Waitangi considerations

The application for the Taputeranga Marine Reserve indicates that the proponents of the marine reserve have consulted with Maori. However there is a concern that the extent of the consultation may not have been appropriate. Specifically at issue is whether all Council's Treaty partners were consulted. The submission requests that the Ministry of Fisheries assesses the consultation that was undertaken and that its decisions are based on this assessment.

4) Decision-Making

This is reconfirming the decision made in December 2000, with minor changes only. The report clearly outlines and explains these changes.

5) Consultation

a) General Consultation

Council has not carried out external consultation in relation to the subject matter of this Report. This is described more fully in the 2000 report (refer to Appendix 2).

b) Consultation with Maori

Refer to comments made under Treaty of Waitangi considerations.

6) Legal Implications

There are no legal implications for Council at this stage.

7) Consistency with existing policy

This report is consistent with key policy, specifically the draft Environment Strategy, Capital Spaces and South Coast Management Plan.

Appendix 1 – proposed submission

Taputeranga Marine Reserve Proposal
Ministry of Fisheries
PO Box 1020
Wellington

14 December 2006

Dear Randall Bess

SUBMISSION ON TAPUTERANGA MARINE RESERVE APPLICATION

1. General Comments

The Wellington City Council wishes to recommit its support for the Wellington south coast marine reserve application. As submitted to the Department of Conservation on 16 December 2000, Wellington City Council strongly supports the proposal for a marine reserve on the coast of Wellington as outlined in the October 2000 Marine Reserve Application. It is recognised that it is a challenge for a marine reserve to be established in an urban setting and the Council is willing to work with the Department of Conservation and the marine reserve management committee to ensure the success of the proposal.

The Council believes that the reserve proposal will help protect an important part of the Wellington coastline, will improve the fish stocks in the general area, and will be a useful contribution to meeting New Zealand's target for protection of 10% of the marine environment. As such it reflects the objectives of the South Coast Management Plan for protecting and enhancing the coastal ecosystems. It is also aligned with the Open Space Strategy document 'Capital Spaces'; specifically the guiding principle of protecting threatened species. The area is also very accessible to the public.

The Council also recognises the potential of the proposed marine reserve to contribute to the local economy through increased tourism, and as a way to bring nature close to the city in a marine equivalent to the innovative Karori Wildlife Sanctuary. Facilities that enhance the ability for people to experience the marine reserve are supported, but cognisance must also be given to protecting the character of the coast and to the locality's other users.

The Council carries out a large number of activities both on the coast (such as boatramps) and away from it (such as landfills) that have the potential to be limited by the creation of a marine reserve.

In this context the Council would like to be absolutely assured that the marine reserve will not place restrictions on existing activities or on future activities except where the future activities might significantly undermine the objectives of the marine reserve. The Council's current and planned activities that occur in or may impact on the coastal environment include, but are not limited to:

- Stormwater drainage;
- Sewerage;
- Boatramps (including piling, breakwater development and wharf construction);
- Seawalls;
- Further mooring sites (e.g. Island Bay swimming raft);
- Coastal restoration works;
- Beachgrooming;
- Debris clearing from boatramps and carparking areas, and
- Road and traffic management;
- Landfills.

In the future there may be coastal works proposed that abut or enter into the marine reserve. It is assumed that these would be subject to the usual consent and permit processes and that if they did not undermine the objectives of the marine reserve that they would be allowed to proceed.

If the presence of a marine reserve were to restrict the Council's operations (particularly infrastructure related) or impose extra conditions over and above those already established through the resource consent process then the Council would reconsider its support for the marine reserve proposal. It may be appropriate given the interests that it has in this area that the Council is represented on the reserve's management committee.

It is recognised by the Council that there are some parts of the community who will lose the ability to carry out activities on the coast (such as recreational fishing). As the Council does not have an absolute understanding of the community's view we therefore request that the Minister make a judgement on the issues of community concern (including the loss of recreational fishing and the inclusion or otherwise of the Island Bay embayment) after listening to the views of the local and wider communities. Any decisions should be considered within the context of the marine reserve's objectives and its long-term sustainability.

2. Specific Comments

2.1 Consultation with Council's Treaty Partners

A concern has been raised that the comments on pages 19 and 20 of the Proposal in relation to "Consultation with Tangata Whenua" are incorrect and that Ngati Toa Rangatira has been omitted from consultation with regard to customary use and ownership.

The Council suggests that the Minister of Fisheries, in deliberations on the Taputeranga Marine Reserve proposal, canvas opinions on the marine reserve from the Council's Treaty partners - Ngati Toa Rangatira and Wellington Tenth Trust.

2.2 Order In Council

The Council requests that the Order in Council make specific mention of the infrastructure that exists within the marine reserve and any discharge consents (mainly stormwater and sewerage) that apply to the marine area affected by the marine reserve proposal.

From the Council's point of view this is appropriate given the efforts being made to

improve the water quality of discharges and it will ensure that infrastructural operations that are essential to the city are not compromised.

Council also requests that the Order in Council defines as permissible activities that are normally associated with the recreational use of the foreshore (**excluding fishing and harvesting**) above and below MHWS. The Council would like an assurance that activities such as building sand castles, playing sport or “big dig” events will be allowed as of right. They will clearly not compromise the values of a marine reserve and in fact will enhance people’s enjoyment of it. Specific mention or definition will remove any technical doubts about the legality of activities that are normally associated with the use of a beach.

The Council has, and will continue to assist the Department of Conservation in any research or documentation that is required to produce a satisfactory Order in Council.

2.3 Enforcement Resources

To ensure that the marine reserve is protected it will be important that all necessary enforcement resources are forthcoming. There may be the ability for the Council to assist in this regard through the use of voluntary rangers or Council staff. However, any such assistance would be over and above that required to be provided by the Department of Conservation.

The Council would also like the Minister of Fisheries to ensure that there is an effective enforcement strategy to address the effects of increased harvesting pressures on the marine environment outside the proposed reserve boundaries. The south coast area is subject to a high degree of legal and illegal harvesting and it is believed that the lack of enforcement resources is a significant contributing factor.

2.4 Boundary Issues: Mean High Water Springs

The application does not make it clear that the boundary between the land and sea is the line of Mean High Water Springs. It is assumed that this is the case.

2.5 Concerns Over The Island Bay Embayment

The Council notes that there is some community opposition to the Island Bay embayment (the area between the beach and Taputeranga Island) being included within the reserve. In particular it is perceived that the loss of fishing is of significant importance. The Council recognises the importance that the urban coast has to the community for recreational harvesting but also notes the concerns over fishing and harvesting within a core area of the reserve. The Council has to rely on the Department of Conservation’s scientific and research expertise in regard to this concern but it is suggested that consideration be given to whether shifting the western boundary to exclude Princess Bay might be an appropriate option to balance to a degree the competing objectives outlined above (if the embayment is included within the reserve).

2.6 Beach Grooming

From time to time it is necessary for the Council to remove storm debris or sand build up from the beaches in this area. If it is not appropriate to include such an activity within the Order in Council it will be important that an assurance is provided to the Council that the presence of a marine reserve would not prevent this activity. The beaches are a highly valued asset for Wellington’s community and their recreational potential needs to be maintained. An option here might be for the Department of

Conservation to issue a permit (in perpetuity) to enable the Council to undertake beach grooming against certain set criteria or conditions.

2.7 Coastal Restoration

The Council is working towards a progressive restoration of the coastline around Wellington. In some cases this involves erosion prevention through the installation of structures, while in other cases it involves rehabilitating areas back to a more natural state (such as dune restoration). It is not anticipated that the presence of a marine reserve would limit such activities but an assurance that this is not the case is sought. It would be unfortunate if the governing legislation imposed extra costs on such projects.

2.8 On-Shore Activities

There is a degree of uncertainty as to the exact impact of how a marine reserve will operate in an urban context. It is assumed that there will be little impact on the Council's regulatory and other jurisdictions above the line of Mean High Water Springs but an assurance is sought on this.

3. In Summary

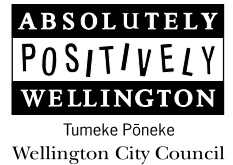
The fact that the proposed marine reserve is breaking new ground in that it extends along the coastline of an urban city means that there will be a number of areas of uncertainty. It is hoped that where this uncertainty exists there will be a willingness to negotiate between all effected parties to reach suitable outcomes.

In summary the Wellington City Council supports the proposal for the Taputeranga Marine Reserve. Please contact the Council's open space and recreation planning unit for clarification of any of the above points or to initiate further discussions.

Yours sincerely

Garry Poole
Chief Executive
Wellington City Council

Appendix 2 – report supporting original submission



COUNCIL

14 DECEMBER 2000

REPORT 1
(1215/11/IM)

TAPUTERANGA MARINE RESERVE SUBMISSION

1. PURPOSE OF REPORT

The purpose of this Report is to put before Councillors the issues surrounding the proposed marine reserve for the South Coast and to present a proposed submission on the Taputeranga Marine Reserve Proposal.

This submission has been re-drafted following the debate at the Environment and Recreation Committee meeting of 29 November 2000.

2. RECOMMENDATIONS

1. *THAT the information be received.*
2. *THAT the Council approve the submission as attached.*
3. *THAT the Chair of the Environment and Recreation Committee be given authority to approve any changes to the submission as a result of Council resolutions.*

3. STRATEGIC FIT

The presence of a marine reserve on the coast of Wellington supports a number of Council's objectives. These include:

- . 5.1 Biodiversity
- . 5.2 Ecosystems
- . 4.5 Destination of Choice

4. ANNUAL PLAN PROJECT REFERENCE

N/A

5. FINANCIAL IMPLICATIONS

The presence of a Marine Reserve does not necessarily have any financial implications for the Wellington City Council. This statement reflects that the Council already has financial impacts imposed upon it through the resource consent process and has works programmed to improve the water quality of discharges into the marine environment.

Over time however the Council may wish to invest in facilities that support the reserve or access to the reserve (for example, toilets, changing sheds and boatramps).

6. TREATY OF WAITANGI IMPLICATIONS

The application for the Taputeranga Marine Reserve indicates that the proponents of the marine reserve have consulted with Maori. However there is a concern that the extent of the consultation may not have been appropriate. Specifically at issue is whether all Council's Treaty partners were consulted. The submission requests that the Department of Conservation assesses the consultation that was undertaken and that its decisions are based on this assessment.

7. CONSULTATION

No external consultation has occurred in relation to the subject matter of this Report. See discussion on this point below.

8. MONITORING

N/A

9. BACKGROUND

The idea of a marine reserve on Wellington's southern coast has been around since 1993/94. There have been a number of permutations for the boundaries of the reserve and a formal application has now been made to the Department of Conservation (DOC). The Council has previously considered the issue of a marine reserve and supported the concept in principle. This support was always conditional on knowing the detailed impacts of the final proposal and how these might effect the Council's operations. The Council has a number of current and future interests in the area being promoted as a reserve. These include discharges, boatramps, seawalls, jetties and jurisdiction for regulatory activities.

As a formal application has now been made to the Department of Conservation to establish a marine reserve it is important that the Council provides its view in terms of a submission. The submission is attached as Appendix 1. Appendix 2 is a map of the proposed marine reserve.

9.1 Matters Raised at Environment and Recreation Committee

The current policy is that the Council supports a marine reserve on the south coast. At the Environment and Recreation Committee meeting of 29 November 2000 discussions highlighted a number of matters where the Committee had doubts about taking a position in relation to the marine reserve. These matters are highlighted below and the submission has been re-drafted to reflect these discussions (see appendix one shaded text). The Committee felt that the importance of these matters meant that it should be referred to Council for a decision.

The matters raised were:

- That the Committee did not know for certain what the exact the absolute views of the community as a whole were towards the marine reserve (discussed in section 10.4)
- That community consultation by the proponent of the reserve may not have been adequate (discussed in section 10.4)
- Use of the embayment and foreshore (discussed in section 10.4)
- That consultation with the Council's Treaty Partners by the proponent of the reserve may not have been adequate (discussed above in section 6)
- The issue of whether a marine park would be a preferable conservation mechanism (discussed in section 10.6).

It is important to note that the Minister of Conservation is the body responsible for making the final decisions on the marine reserve proposal. The Department of Conservation will assess the environmental values attributed to this area, the extent and quality of consultation and the validity of any claims made by the proponents or objectors.

10. ISSUES

The following areas have been identified in the course of preparing the submission as needing attention. The areas are:

- . Operations and infrastructure
- . New Infrastructure
- . Order in Council
- . Community concerns
- . Jurisdiction for regulatory and other powers
- . Alternatives to supporting a Marine reserve.

10.1 Operations and infrastructure

The Council undertakes a number of activities within the coastal environment (such as seawall construction and maintenance, roading and traffic management, operation of sewerage and stormwater infrastructure, coastal restoration and beach grooming). These activities are mostly essential to the effective and efficient functioning of the city. The question needs to be asked whether the presence of a marine reserve would compromise these activities either now or in the future.

The Council will have a further opportunity to discuss any issues at the point where the conservation management plan for the reserve is developed (under section 8(2)(a) of the Marine Reserves Act).

During discussions with the proponents of the reserve and the Department of Conservation no obvious limitations to Council's current operations were identified, provided that the Order in Council (see below) established existing rights for discharges and infrastructural requirements. The exception to this is beach grooming. Beach grooming (including clearance of storm debris) is likely to require a permit to allow its continuation. It is important to note that because the reserve is groundbreaking in its location on an urban coast there is a degree of uncertainty about how things will develop.

10.2 New Infrastructure

It is unlikely that applications for structures that have minimal effects on the marine ecosystems (such as jetties or diving platforms) would be rejected. Similarly where structures enhance access to the marine reserve there is unlikely to be any significant barrier to their establishment (providing their design, location and environmental impact do not undermine the objectives of the reserve).

In the unlikely event that the Council was proposing new discharges of significant volumes of contaminants then the presence of the reserve would prove to be an added barrier within the resource consent process. The Council does have the ability to reflect known future works in the Order in Council (see below). A resource consent would also be required.

10.3 Order in Council

A Marine Reserve is formed by an Order in Council. The Order in Council can allow certain activities and can recognise existing or future situations. This mechanism can be used to address Council's concerns about existing infrastructure and current discharge consents. The assumption here is that while the effects of these activities might decrease over time they would not be allowed to increase. For example, the quality of stormwater discharges might be increased through improvements to the system but any decrease in quality could be subject to enforcement action under the Marine Reserves Act and Resource Management Act.

The submission requests that the Order in Council make specific mention of the existing infrastructure and discharge consents that apply to the area affected by the marine reserve proposal. This is seen as being an appropriate approach given that the Council is working to improve the water quality of discharges.

10.4 Community concerns

The report to the meeting of the Environment and Recreation Committee (29th November 2000) used the phrase "the marine reserve is generally supported in principle". This was refuted by a number of public participants.

The Council does have a role in reflecting the community's wishes and concerns to other agencies (such as central government). It may do this where an **absolute** view is not known. In this case a complete picture is not available. The Council has not carried out a specific consultation exercise on this issue, mainly because it is not a Council project. The proposal itself acts as consultation which the Minister of Conservation will use to determine the appropriateness of the reserve.

Council's last consultation on this issue was in June 1997 as part of the Our City ~ Our Future residents survey. The statement posed in relation to the kind of city we could have was "There should be a range of protected marine areas, including a marine reserve on the south coast". The response was 55% strongly agree, 31% agree, 9% were neutral and 5% disagreed.

The proponents believe that they have consulted widely throughout the community and that the community as a whole supports the proposal. The quality of this consultation

will be tested by DOC and included as part of the assessment process.

It is true that a number of individuals and groups will lose access to recreational opportunities. The response to this would be that:

1. Other recreational and conservation opportunities will be enhanced; and
2. There are other citywide benefits.

Council, and the DOC, need to make an “on balance” judgement. Do the benefits outweigh the costs? This is not a new experience for Council.

The debate about “lost rights” is most intense in relation to the Island Bay embayment (the area between the beach and Taputeranga Island). In particular it is perceived that the loss of fishing for children is of significant importance.

Other issues have been raised in relation to loss of reasonable use of the beach at Island Bay (for example, as a marine reserve prevents the disturbance of the foreshore it would technically be illegal to build sand castles). While it is *technically* an offence to remove any material from a marine reserve or to disturb the foreshore the taking of a few shells or a piece of driftwood would not attract any enforcement action. The legislation includes the term “lawful authority or reasonable excuse” for where prosecution is not relevant¹ or where the activity is effectively beneath the law. All recreational fishing would however be actively discouraged. To clarify this issue the submission requests that the Order in Council references that recreational activities (excluding fishing) that normally occur on a beach are allowed.

The proposal presents the following arguments for and against the embayment’s inclusion:

For	Against
Parts of the embayment have high ecological values	The embayment is a popular fishing area and is reasonably sheltered from southerly weather conditions
The embayment is a sand/gravel ecosystem. Its exclusion would reduce the reserves diversity	The embayment is a focus for the Island Bay community
Exclusion of the embayment would create a fishing “hotspot” in the core of the reserve (undermining the reserves objectives)	A 1994 survey found that 41% of respondents favoured the exclusion of the embayment
The embayment would be a focus for education, tourism and interpretation for the reserve.	Recreational fishers will need to travel to the reserve boundaries for fishing opportunities.

From the information that has been presented to Council and discussions on this issue

1

A useful analogy here is that the District Plan *technically* prevents the erection of rugby goalposts in open space areas as they exceed the 10metre height limit.

both at an officer level and at Committee it would seem that on balance inclusion of the embayment within the marine reserve adds more to the city than does its removal. If the Council is to support the idea of a marine reserve then the loss of the recreational fishing opportunities is considered to be acceptable. Other fishing areas are available although not adjacent to the Island Bay suburb, the inability to harvest from the seashore will increase the educational and conservation potential of the area for schools and families, and there is the potential for Island Bay to benefit from the likely increase in diving and tourism.

An alternative option might be to re-align the Western boundary to exclude Princess Bay. This is a good swimming area that would provide for recreational take in a safe environment for children. It is not possible for the Council to assess the impact of this on the marine reserve proposal and therefore the submission suggests that it might be a consideration for the Department of Conservation in its deliberations.

10.5 Jurisdiction for regulatory and other powers

The coast is a boundary between the jurisdictions of the Wellington Regional Council (WRC) and the Council. The Minister of Conservation already has certain roles in the coastal area such as approving coastal plans and assessing restricted coastal activities. Into this mix will be added the management committee for the marine reserve. All will have interests in activities and resource consents that relate to the coastal marine area.

However, there will be little change to the current jurisdictions and regulatory management. Any activity that impinges on the marine reserve (such as the construction of a boat ramp) will still require a resource consent from the WRC but will also require a permit from the Department of Conservation. In practice the Wellington Regional Council is likely to align its coastal plan with the degree of protection given to the marine reserve (as articulated in the objectives for the marine reserve and its conservation management plan). There would be little point to the WRC issuing consents for activities that are rejected by DOC. Taputeranga Island is a site of significant conservation value in the Regional Coastal Plan. The marine reserve will not remove any current jurisdiction from the Council.

A management committee is formed to oversee the administration of the reserve and to formulate a conservation management plan for the reserve. This Committee is a subcommittee of the Conservation Board and would include iwi and community representatives.

10.6 Alternatives to supporting a marine reserve

It has been raised that another option would be to establish a marine park instead of a marine reserve. The main reason for this being raised is that it would allow fishing to continue.

Marine parks require a separate piece of legislation for their formation (an Act of Parliament). Such a park could have specific regulations governing harvesting but there would be no designated regulatory resource. Even with reduced harvesting there would be little protection given the size of the potential user group.

The proponents of the marine reserve determined that a marine park would not provide enough protection to the coast and therefore pursued the course of seeking a marine reserve. The same arguments apply for areas under iwi fisheries management.

11. OPTIONS

The Council has a number of general options in relation to making a submission. They are:

1. Support the proposal
2. Object to the proposal
3. Neither support or object but reference only infrastructure issues.

Option 1 has a number of further choices that can be made. They are:

- A. Agree with proposal
- B. Exclude the embayment to accommodate community concerns
- C. Move boundaries to accommodate community concerns
- D. Request Minister to allow certain activities within the marine reserve.

Choice D would mean that the Council would support the area being a marine reserve but would request that the Minister, through the Order in Council, allow certain types of activity. This could for example, be a rule that certain methods of fishing/harvesting are allowed within specified areas or for certain groups only (such as children). Such a rule could then be reviewed at some future time to assess its impacts. Such an approach was in place at the Poor Knights where game fishing was allowed until it was proved that this disrupted the fish populations.

This is not a preferred option as it begins to undermine the conservation values of, and objectives for, having a marine reserve. However if, for example, the only outstanding issue in terms of creating a marine reserve was the desire for the community to fish from the beach or within the embayment then this option may be a compromise that DOC may wish to consider.

12. CONCLUSION

The Council has previously indicated its support for a marine reserve on the coast of Wellington. While there are some objections from the community to the proposal or to parts of the proposal it is believed that the benefits outweigh the costs. It is not anticipated that the presence of a marine reserve will prejudice the current and future operation of Council's various types of infrastructure.

Accordingly it is recommended that the Council make a submission in support of the marine reserve.

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Taputeranga Marine Reserve
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December 16, 2000

To the Minister of Conservation,

SUBMISSION ON TAPUTERANGA MARINE RESERVE APPLICATION

1. GENERAL COMMENTS

The Wellington City Council strongly supports the proposal for a marine reserve on the coast of Wellington as outlined in the Marine Reserve Application October 2000. It is recognised that it is a challenge for a marine reserve to be established in an urban setting and the Council is willing to work with the Department of Conservation and the marine reserve management committee to ensure the success of the proposal.

The Council believes that the reserve proposal will help protect an important part of the Wellington coastline, will improve the fish stocks in the general area, and will be a useful contribution to meeting New Zealand's target for protection of 10% of the marine environment. The area is also very accessible to the public.

The Council does however carry out a large number of activities both on the coast (such as boatramps) and away from it (such as landfills) that have the potential to be limited by the creation of a marine reserve.

In this context the Council would like to be absolutely assured that the marine reserve will not place restrictions on existing activities or on future activities except where the future activities might significantly undermine the objectives of the marine reserve.

The Council's current activities that occur in the coastal environment include, but are not limited to:

- Stormwater drainage;
- Sewerage;
- Boatramps;
- Seawalls;
- Coastal restoration works;
- Beachgrooing; and
- Road and traffic management.

In the future there may be coastal works proposed that abut or enter into the marine reserve. It is assumed that these would be subject to the usual consent and permit processes and that if they did not undermine the objectives of the marine reserve that they would be allowed to proceed.

If the presence of a marine reserve were to restrict the Council's operations (particularly infrastructure related) or impose extra conditions over and above those already established through the resource consent process then the Council would reconsider its support for the marine reserve proposal. It may be appropriate given the interests that it has in this area that the Council is represented on the reserve's management committee.

It is recognised by the Council that there are some parts of the community who will lose the ability to carry out activities on the coast (such as recreational fishing). As the Council does not have an absolute understanding of the community's view we therefore request that the Minister make a judgement on the issues of community concern (including the loss of recreational fishing and the inclusion or otherwise of the Island Bay embayment) after listening to the views of the local and wider communities. Any decisions should be considered within the context of the marine reserve's objectives and its long-term sustainability.

2. SPECIFIC COMMENTS

2.1 Consultation with Council's Treaty Partners

A concern has been raised that the comments on pages 19 and 20 of the Proposal in relation to "Consultation with Tangata Whenua" are incorrect and that Ngati Toa Rangatira has been omitted from consultation with regard to customary use and ownership.

The Council suggests that the Minister of Conservation, in deliberations on the Taputeranga Marine Reserve proposal, canvas opinions on the marine reserve from the Council's Treaty partners - Ngati Toa Rangatira and Wellington Tenth's Trust.

2.2 Order In Council

The Council requests that the Order in Council make specific mention of the infrastructure that exists within the marine reserve and any discharge consents (mainly stormwater and sewerage) that apply to the marine area affected by the marine reserve proposal.

From the Council's point of view this is appropriate given the efforts being made to improve the water quality of discharges and it will ensure that infrastructural operations that are essential to the city are not compromised.

Council also requests that the Order in Council defines as permissible activities that are normally associated with the recreational use of the foreshore (**excluding fishing and harvesting**) above and below MHWS. The Council would like an assurance that activities such as building sand castles, playing sport or "big dig" events will be allowed as of right. They will clearly not compromise the values of a marine reserve and in fact will enhance people's enjoyment of it. Specific mention or definition will remove any technical doubts about the legality of activities that are normally associated with the use of a beach.

The Council will assist the Department of Conservation in any research or documentation that is required to produce a satisfactory Order in Council.

2.3 Enforcement Resources

To ensure that the marine reserve is protected it will be important that all necessary enforcement resources are forthcoming. There may be the ability for the Council to assist in this regard through the use of voluntary rangers or Council staff. However, any such assistance would be over and above that required to be provided by the Department of Conservation.

The Council would also like the Minister of Conservation to communicate to the Minister of Fisheries the desire for there to be an effective enforcement strategy to address the effects of increased harvesting pressures on the marine environment outside the proposed reserve boundaries. The south coast area is subject to a high degree of legal and illegal harvesting and it is believed that the lack of enforcement resources is a significant contributing factor.

2.4 Boundary Issues: Mean High Water Springs

The application does not make it clear that the boundary between the land and sea is the line of Mean High Water Springs. It is assumed that this is the case.

2.5 Concerns Over The Island Bay Embayment

The Council notes that there is some community opposition to the Island Bay embayment (the area between the beach and Taputeranga Island) being included within the reserve. In particular it is perceived that the loss of fishing for children is of significant importance. The Council recognises the importance that the urban coast has to the community for

recreational harvesting but also notes the concerns over fishing and harvesting within a core area of the reserve. The Council has to rely on the Department of Conservation's scientific and research expertise in regard to this concern but it is suggested that consideration be given to whether shifting the western boundary to exclude Princess Bay might be an appropriate option to balance to a degree the competing objectives outlined above (if the embayment is included within the reserve).

2.6 Beach Grooming

From time to time it is necessary for the Council to remove storm debris or sand build up from the beaches in this area. If it is not appropriate to include such an activity within the Order in Council it will be important that an assurance is provided to the Council that the presence of a marine reserve would not prevent this activity. The beaches are a highly valued asset for Wellington's community and their recreational potential needs to be maintained. An option here might be for the Department of Conservation to issue a permit (in perpetuity) to enable the Council to undertake beach grooming against certain set criteria or conditions.

2.7 Coastal Restoration

The Council is working towards a progressive restoration of the coastline around Wellington. In some cases this involves erosion prevention through the installation of structures, while in other cases it involves rehabilitating areas back to a more natural state (such as dune restoration). It is not anticipated that the presence of a marine reserve would limit such activities but an assurance that this is not the case is sought. It would be unfortunate if the governing legislation imposed extra costs on such projects.

2.8 On-Shore Activities

There is a degree of uncertainty as to the exact impact of how a marine reserve will operate in an urban context. It is assumed that there will be little impact on the Council's regulatory and other jurisdictions above the line of Mean High Water Springs but an assurance is sought on this.

3. In Summary

The fact that the proposed marine reserve is breaking new ground in that it extends along the coastline of an urban city means that there will be a number of areas of uncertainty. It is hoped that where this uncertainty exists there will be a willingness to negotiate between all effected parties to reach suitable outcomes.

In summary the Wellington City Council supports the proposal for the Taputeranga Marine Reserve. Please contact the Council's policy unit for clarification of any of the above points or to initiate further discussions.

Yours sincerely
Garry Poole
Chief Executive
Wellington City Council