



## Marine Reserve (Punakaiki) Order 2014

Jerry Mateparae, Governor-General

### Order in Council

At Wellington this 11th day of August 2014

Present:

The Right Hon John Key presiding in Council

Pursuant to section 4(1) of the Marine Reserves Act 1971, His Excellency the Governor-General makes the following order, acting—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Conservation given—
  - (i) with the concurrence of the Minister of Transport and the Minister for Primary Industries; and
  - (ii) after meeting the requirements of section 5 of the Marine Reserves Act 1971.

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	<b>Punakaiki Marine Reserve</b>	

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## Order

### 1 Title

This order is the Marine Reserve (Punakaiki) Order 2014.

### 2 Commencement

This order comes into force on 7 September 2014.

### 3 Interpretation

In this order, unless the context otherwise requires,—

**pounamu** has the meaning given in section 2 of the Ngai Tahu (Pounamu Vesting) Act 1997

**Te Rūnanga o Ngāi Tahu** means the body corporate established by section 6 of the Te Runanga o Ngai Tahu Act 1996.

### 4 Punakaiki Marine Reserve created

The area described in the Schedule is declared to be a marine reserve known as the Punakaiki Marine Reserve.

### 5 Condition relating to quad bikes and horses

(1) Clause 4 is subject to the condition that a person may ride a quad bike, or ride or lead a horse, within the marine reserve.

(2) A person riding a quad bike, or riding or leading a horse,—

- (a) must do so in a manner that does not disturb, in a more than minor way,—
  - (i) the foreshore or seabed; or
  - (ii) natural features within the marine reserve; or

- (iii) marine life; and
- (b) must comply with all relevant legal requirements.

**6 Condition relating to removal of beach stones, pounamu, non-living shell, and driftwood**

- (1) Clause 4 is subject to the condition that a person may remove beach stones, pounamu, non-living shell, and driftwood from the marine reserve for a non-commercial purpose.
- (2) A person who removes beach stones, pounamu, non-living shell, or driftwood—
  - (a) must not use a method of collection that involves the use of machinery or cutting equipment; and
  - (b) must not, in any 1 day, remove a greater weight than they can carry on their own in 1 trip; and
  - (c) in the case of pounamu, must do so—
    - (i) in accordance with any plan made by Te Rūnanga o Ngāi Tahu for the management of pounamu; or
    - (ii) otherwise with the permission of Te Rūnanga o Ngāi Tahu; and
  - (d) must comply with all relevant legal requirements.
- (3) In this clause, **beach stones**—
  - (a) means stones that are no more than 256 mm in intermediate diameter; and
  - (b) includes gravel and sand.

**7 Condition relating to removal of pounamu by Ngāi Tahu**

- (1) Clause 4 is subject to the condition that Te Rūnanga o Ngāi Tahu, or members of Ngāi Tahu Whanui acting with the permission of Te Rūnanga o Ngāi Tahu, may remove pounamu from the marine reserve for any purpose.
- (2) The removal of pounamu by Te Rūnanga o Ngāi Tahu, or members of Ngāi Tahu Whanui acting with the permission of Te Rūnanga o Ngāi Tahu, must comply with all relevant legal requirements.
- (3) In this clause, **Ngāi Tahu Whanui** has the meaning given in section 2 of the Te Runanga o Ngai Tahu Act 1996.

**8 Condition relating to gold mining**

- (1) Clause 4 is subject to the condition that a gold mining operation in existence on 7 September 2014 may continue to operate.
- (2) A gold mining operation that continues to operate—
  - (a) must be of no greater scale and extent than it was on 7 September 2014; and
  - (b) must comply with all relevant legal requirements.

**9 Condition relating to farming activity**

- (1) This clause applies only to the part of the marine reserve that is south of a line extending west from the southern boundary of the coastal portion of the Punakaiki Scenic Reserve and through a point at 42°14.74'S and 171°32.35'E.
- (2) Clause 4 is subject to the condition that an owner or occupier of land adjoining the marine reserve (or a person acting on his or her behalf) may, on the foreshore of the marine reserve,—
  - (a) drive sheep or cattle; and
  - (b) use dogs for farming purposes; and
  - (c) drive motor vehicles for farming purposes.
- (3) A person carrying out the activities described in sub-clause (2)—
  - (a) must do so in a manner that does not disturb, in a more than minor way,—
    - (i) the foreshore; or
    - (ii) natural features within the marine reserve; or
    - (iii) marine life; and
  - (b) must comply with all relevant legal requirements.
- (4) In this clause, **motor vehicle** has the meaning given in section 2(1) of the Land Transport Act 1998.

**10 Condition relating to opening of Hibernia Creek**

- (1) Clause 4 is subject to the condition that, for the purpose of opening the outlet of Hibernia Creek, the owner or occupier of land adjoining the marine reserve may, within the marine reserve, use—
  - (a) non-motorised hand-held tools; and
  - (b) front end loaders, excavators, and similar machinery.

- (2) The use of tools and machinery must comply with all relevant legal requirements.

**11 Creation of reserve does not limit or affect powers under Maritime Transport Act 1994**

- (1) The creation of the Punakaiki Marine Reserve does not limit or affect the powers of any person under the Maritime Transport Act 1994 to take action in the reserve in response to—
- (a) a marine oil spill or a pollution incident; or
  - (b) the risk of a marine oil spill or a pollution incident.
- (2) This clause is to avoid doubt.

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**Schedule**

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**Punakaiki Marine Reserve**

The area comprising 3 520.2900 hectares shown marked “A”, “B”, “C”, “D”, and “E” on SO Plan 474979.

Michael Webster,  
Clerk of the Executive Council.

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**Explanatory note**

*This note is not part of the order, but is intended to indicate its general effect.*

This order, which comes into force on 7 September 2014, creates the Punakaiki Marine Reserve.

The Punakaiki Marine Reserve extends along approximately 11 km of the coastline near Paparoa National Park, between Perpendicular Point and Maher Swamp, and approximately 2 nautical miles (3.7 km) out from the shoreline. The reserve excludes 2 inshore areas in the vicinity of Pororari River and Punakaiki River/Razor-back Point.

*Clauses 5 to 10* contain conditions relating to—

- the riding of quad bikes and horses:

- the removal of beach stones, pounamu, non-living shell, and driftwood by the general public:
- the removal of pounamu by Te Rūnanga o Ngāi Tahu and members of Ngāi Tahu Whanui:
- the continued operation of existing gold mining activity:
- the use of the foreshore that is south of the coastal portion of the Punakaiki Scenic Reserve for certain farming activities:
- the use of certain tools and machinery for the purpose of opening the outlet of Hibernia Creek.

*Clause 11* provides that the creation of the Punakaiki Marine Reserve does not limit or affect the powers of any person under the Maritime Transport Act 1994 to take action in the reserve in response to a marine oil spill or a pollution incident or the risk of a marine oil spill or a pollution incident. This clause is to avoid doubt.

### **Regulatory impact statement**

The Department of Conservation produced a regulatory impact statement on 4 August 2014 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- <http://www.doc.govt.nz/west-coast-marine-ris>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

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Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 14 August 2014.

This order is administered by the Department of Conservation.

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