

**Reprint  
as at 11 August 2016**



## **Submarine Cables and Pipelines Protection Order 2009** (SR 2009/41)

Anand Satyanand, Governor-General

### **Order in Council**

At Wellington this 9th day of March 2009

Present:

His Excellency the Governor-General in Council

Pursuant to section 12(1) of the Submarine Cables and Pipelines Protection Act 1996, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council and on the recommendation of the Minister of Transport, makes the following order.

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#### **Note**

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
Note 4 at the end of this reprint provides a list of the amendments incorporated.

**This order is administered by the Ministry of Transport.**

## Order

### 1 Title

This order is the Submarine Cables and Pipelines Protection Order 2009.

### 2 Commencement

This order comes into force on the 28th day after the date of its notification in the *Gazette*.

### 3 Interpretation

- (1) In this order, unless the context otherwise requires,—  
**fishing vessel** means any vessel that is capable of being used for fishing  
**hours of daylight** means the period commencing 1 hour before sunrise and ending 1 hour after sunset.
- (2) The positions stated in this order are expressed in terms of the co-ordinates used in the World Geodetic System 1984.

### 4 Protected areas

- (1) The areas described in the Schedule are protected areas for the purposes of the Submarine Cables and Pipelines Protection Act 1996 in respect of all ships.
- (2) Subclause (1) does not apply to ships that are being used for research carried out by or for the Ministry of Fisheries, as long as the research is carried out without directly or indirectly attaching any of the ships involved to the seabed, whether by anchoring or by any other means.
- (3) In the area described in the Schedule under the heading “Area 7—Cook Strait”, subclause (1) does not apply to fishing vessels that are being used for setting or lifting nets, finfish pots, or rock lobster pots, or for paua, kina, or rock lobster fishing, as long as those activities are carried out—
  - (a) during the hours of daylight; and
  - (b) without directly or indirectly attaching any of the vessels involved to the seabed, whether by anchoring or by any other means; and
  - (c) either—
    - (i) within 200 metres of the low-water mark of the North Island, other than the line of low-water mark between the noticeboard placed at a position in latitude 41°17.7471’S, longitude 174°37.1280’E and the noticeboard placed at a position in latitude 41°18.2168’S, longitude 174°37.7936’E; or
    - (ii) within 200 metres of the low-water mark of the South Island, other than the line of low-water mark between the noticeboard placed at a position in latitude 41°19.5058’S, longitude

174°12.8337'E and the noticeboard placed at a position in latitude 41°19.8388'S, longitude 174°11.8496'E.

- (4) Subclause (1) does not apply to ships that are being used for laying, monitoring, maintaining, or repairing submarine cables, or for undertaking other operational activities in respect of submarine cables, if any of those activities are carried out—
- (a) by or for Transpower New Zealand Limited in the area described in the Schedule under the heading “Area 7—Cook Strait”; or
  - (b) by or for Telecom New Zealand Limited or Southern Cross Cables Limited in any of the areas described in the Schedule under the following headings:
    - (i) “Area 2—Hauraki Gulf”;
    - (ii) “Area 5—Muriwai Beach”.
- (5) In the area described in the Schedule under the heading “Area 8—Oaonui”, subclause (1) does not apply to any of the following:
- (a) ships that are being used for constructing, repairing, maintaining, or servicing Maui gas field off-shore platforms, submarine pipelines, and associated off-shore facilities;
  - (b) fishing vessels that are being used for setting or lifting nets or rock lobster pots, or for paua or kina fishing, as long as those activities are carried out—
    - (i) during the hours of daylight; and
    - (ii) without directly or indirectly attaching any of the vessels involved to the seabed, whether by anchoring or by any other means; and
    - (iii) within 2 nautical miles of the low-water mark of the North Island.
- (6) In the area described in the Schedule under the heading “Area 10—Maui A and Maui B pipelines”, subclause (1) does not apply to any ships engaged in the construction, repair, maintenance, or servicing of the Maui gas field off-shore platforms, submarine pipelines, and associated off-shore facilities.

Clause 4(3): replaced, on 11 August 2016, by clause 4 of the Submarine Cables and Pipelines Protection Order 2009 Amendment Order 2016 (LI 2016/163).

## **5 Revocation**

The Submarine Cables and Pipelines Protection Order 1992 (SR 1992/246) is revoked.

## Schedule

### Protected areas

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#### Area 1—Great Barrier Island

All that area bounded by straight lines commencing at the low-water mark in position 36°12.9410'S, 175°29.2118'E, then to position 36°11.8909'S, 175°33.3119'E, then to position 36°14.9910'S, 175°33.3119'E, then to the low-water mark in position 36°13.7510'S, 175°28.7218'E, and then by the line of low water to the position of commencement.

#### Area 2—Hauraki Gulf

All that area bounded by straight lines commencing at the low-water mark in position 36°46.7117'S, 174°46.6715'E, then to position 36°39.0916'S, 174°48.1115'E, then to position 36°36.3915'S, 174°56.7116'E, then to position 36°24.0913'S, 174°56.7115'E, then to position 36°19.7912'S, 174°56.4115'E, then to position 36°06.5910'S, 174°55.3114'E, then to position 35°52.3908'S, 174°55.8113'E, then to position 35°42.3107'S, 174°59.9113'E, then by the line of the outer limit of the territorial sea to position 35°42.0606'S, 175°07.2113'E, then by straight lines to position 35°53.2908'S, 175°02.0114'E, then to position 36°15.0911'S, 175°00.0115'E, then to position 36°37.5915'S, 175°00.0116'E, then to position 36°40.7916'S, 174°50.0115'E, then to position 36°46.8917'S, 174°48.0115'E, then to position 36°47.6217'S, 174°47.2715'E, then to the low-water mark in position 36°47.3417'S, 174°46.6915'E, and then by the line of low water to the position of commencement.

#### Area 3—Kawau Island

All that area bounded by straight lines commencing at the low-water mark in Goldsworthy Bay in position 36°26.2814'S, 174°45.8314'E, then to position 36°25.3014'S, 174°47.7415'E, then to the low-water mark off Mōmona Point on Kawau Island in position 36°25.6814'S, 174°48.9415'E, then by the line of low water to Lady's Bay in position 36°26.0414'S, 174°49.1315'E, then by straight lines to position 36°26.1514'S, 174°46.6914'E, then to the low-water mark in Scandretts Bay in position 36°26.4014'S, 174°46.3714'E, and then by the line of low water to the position of commencement.

#### Area 4—Whangaparaoa Peninsula

All that area bounded by straight lines commencing at the low-water mark in position 36°36.7515'S, 174°50.3915'E, then to position 36°37.0015'S, 174°51.3615'E, then to position 36°37.2315'S, 174°51.2615'E, then to the low-water mark in position 36°36.9615'S, 174°50.2915'E, then by the line of low water to the position of commencement.

**Area 5—Muriwai Beach**

All that area bounded by straight lines commencing at the low-water mark at Tirikohua Point in position 36°51.2919'S, 174°25.8112'E, then to position 36°52.4919'S, 174°10.3110'E, then by the line of the outer limit of the territorial sea to position 36°43.1417'S, 174°03.8409'E, then by a straight line to position 36°46.9418'S, 174°23.8111'E, then by the line of low water to the position of commencement.

**Area 6—Taharoa**

All that area bounded by straight lines commencing at the low-water mark in position 38°10.7034'S, 174°42.3317'E, then to position 38°11.0368'S, 174°39.774'E, then to position 38°10.1998'S, 174°39.4697'E, then to the low-water mark in position 38°10.1434'S, 174°42.1217'E, then by the line of low water to the position of commencement.

**Area 7—Cook Strait**

All that area bounded by straight lines commencing at the low-water mark at position 41°18.4072'S, 174°14.2894'E, then to position 41°16.7072'S, 174°32.9797'E, then to the low-water mark in position 41°17.6972'S, 174°37.0097'E, then by the line of low water to position 41°19.1273'S, 174°37.9397'E, then by straight lines to position 41°20.3973'S, 174°35.1097'E, then to position 41°22.0973'S, 174°14.6094'E, then to the low-water mark in position 41°20.1973'S, 174°10.6094'E, then by the line of low water to the position of commencement.

**Area 8—Oaonui**

All that area bounded by straight lines commencing at the low-water mark in position 39°22.3149'S, 173°46.4521'E, then to position 39°29.1447'S, 173°33.0120'E, then by the line of the outer limit of the territorial sea to position 39°31.6647'S, 173°34.7920'E, then by a straight line to position 39°25.6949'S, 173°49.0122'E, then by the line of low water to the position of commencement.

**Area 9—Hawke Bay**

All that area bounded by straight lines commencing at position 39°34.7544'S, 176°57.8329'E, then to position 39°34.6544'S, 176°57.7929'E, then to position 39°34.4744'S, 176°58.2429'E, then to position 39°34.5944'S, 176°58.2929'E, then to the position of commencement.

**Area 10—Maui A and Maui B pipelines**

All that area bounded by straight lines commencing at position 39°29.1447'S, 173°33.0120'E, then to position 39°32.6746'S, 173°26.0019'E, then to position 39°37.7945'S, 173°17.9418'E, then by the arc of the circle of 1.2 nautical miles radius centered in position 39°38.6945'S, 173°18.9118'E, then to position 39°39.5945'S, 173°19.8818'E, then by straight lines to position 39°34.6946'S, 173°27.5119'E, then to position 39°31.6647'S, 173°34.7920'E, then by the line of the outer limit of the territorial sea to the position of commencement.

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Schedule Area 6: amended, on 1 September 2013, by clause 4 of the Submarine Cables and Pipelines Protection Order 2009 Amendment Order 2013 (SR 2013/297).

Michael Webster,  
for Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.  
Date of notification in *Gazette*: 12 March 2009.

## **Reprints notes**

### **1    *General***

This is a reprint of the Submarine Cables and Pipelines Protection Order 2009 that incorporates all the amendments to that order as at the date of the last amendment to it.

### **2    *Legal status***

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

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

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### **4    *Amendments incorporated in this reprint***

Submarine Cables and Pipelines Protection Order 2009 Amendment Order 2016 (LI 2016/163)

Submarine Cables and Pipelines Protection Order 2009 Amendment Order 2013 (SR 2013/297)