

# INTRODUCTION COPY

*Mr Peters*

## TAURANGA HARBOUR PRESERVATION

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### ANALYSIS

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### A BILL INTITULED

**An Act to preserve the environment of the Tauranga Harbour, to maintain and improve its water quality, to reduce pollution, and to enhance its public amenities.**

5 BE IT ENACTED by the Parliament of New Zealand as follows:

**1. Short Title**—This Act may be cited as the Tauranga Harbour Preservation Act 1987.

**2. Interpretation**—In this Act, unless the context otherwise requires,—

10 “Harbour” means the Tauranga Harbour, being that portion of the sea enclosed generally between Matakana Island and the mainland, including the foreshore covered by water at mean high tides; and includes all estuaries and the upper and lower reaches  
15 from Athenree to Welcome Bay and the inlets known as Maketu and Little Waihi, but excluding the area which is used for port commercial purposes and which is zoned Harbour A in the Operative District Scheme of the Tauranga County Council.

20 “Natural State” means the state of the Harbour in relation to its environment and water quality prior to any man-made pollution.

**3. Act to bind the Crown**—This Act shall bind the Crown.

**4. Purposes of Act**—The purposes of this Act are—

- (a) To preserve, as far as possible, the Harbour in its natural state; and
- (b) To maintain and, as far as possible, to improve the quality of water in the Harbour; and
- (c) To protect the recreational use of the Harbour from competition by commercial fishing or marine farming.

**5. Guardians of Tauranga Harbour**—(1) The Minister for the Environment may, on such terms and conditions as he may from time to time specify, appoint such persons as he thinks fit to be the Guardians of Tauranga Harbour.

(2) The functions of the Guardians of Tauranga Harbour shall be—

- (a) Generally, to report and make recommendations to the Minister for the Environment on any matter affecting the purposes of this Act, on the use of the Harbour for recreational purposes and on any other matter concerning the Harbour which the Minister for the Environment may from time to time specify; and
- (b) In particular—
  - (i) To report to the Tauranga County Council and the Bay of Plenty Catchment Commission any state of affairs existing when the water in the Harbour becomes so polluted as to be offensive to sight or smell or dangerous to health and to transmit to the Minister for the Environment a further report on the remedial action taken; and
  - (ii) To consult with the Tauranga County Council and the Bay of Plenty Harbour Board from time to time on any matter which may affect the natural state of the Harbour and to advise the Minister for the Environment of any such consultation and its outcome.

**6. Existing rights to remain**—Where, at the commencement of this Act, there exists any right or power vested, authorised or conferred by or granted pursuant to any other Act which will allow the holder to take water from the Harbour or discharge water or any other substance (whether dissolved or suspended in water or not) into the Harbour or disturb or alter the shoreline of the Harbour, then that right or

power shall continue and may be exercised in the same manner and to the same extent as if this Act had not been passed, but the holder shall, in so exercising the right or power, have regard to the purposes of this Act.

5 **7. Recommendations to the Minister**—(1) When considering any recommendations made to him under section 5 (2) (a) of this Act and any applications for consent under section 8 of this Act the Minister for the Environment shall have regard to—

- 10 (a) The purposes of this Act; and  
(b) Any advice concerning the matter which may be given to him by the Guardians of Tauranga Harbour.

**8. Permits for Commercial Operations**—No commercial fishing or marine farming shall be permitted within the harbour  
15 without the consent in writing of the Minister for the Environment.

**9. No derogation from provisions of Act**—No provision of any Act shall derogate from the provisions of this Act unless that provision expressly so provides.