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Te Rohe-o-Te-Whānau-Puha–Kaikōura Whale Sanctuary (Restrictions) Notice 2014

Pursuant to section 14 of the Kaikōura (Te Tai-o-Marokura) Marine Management Act 2014, the Minister of Conservation gives the following notice.

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Notice

- Title**
This notice is the Te Rohe-o-Te-Whānau-Puha–Kaikōura Whale Sanctuary (Restrictions) Notice 2014.
- Commencement**
This notice comes into force on [date].
- Interpretation**
In this notice,—

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**Te Rohe-o-Te-Whānau-Puha–Kaikōura
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accident, incident, and mishap have the meanings given in section 2(1) of the Maritime Transport Act 1992

inner sanctuary area means the area of the sanctuary described in the Schedule

Level 1 survey, Level 2 survey, and marine seismic survey have the meanings given in section 2 of the seismic survey code of conduct

sanctuary means Te Rohe-o-Te-Whānau-Puha–Kaikōura Whale Sanctuary

seismic survey code of conduct means the Department of Conservation’s *2013 Code of Conduct for Minimising Acoustic Disturbance to Marine Mammals from Seismic Survey Operations*

hazard assessment means an assessment—

- (a) of faultlines or the stability of the canyon slope following a major seismic event; or
- (b) of the likelihood of, or to mitigate the potential effects of, an anticipated natural hazard; or
- (c) of the likelihood of, or to mitigate the potential effects of, a maritime accident, incident, or mishap.

4 Marine seismic surveys must comply with code of conduct

- (1) Any person conducting a marine seismic survey within the sanctuary (including those parts of the sanctuary that are within the territorial sea) must comply with the seismic survey code of conduct unless the Director-General has provided an exemption under subclause (3).
- (2) For the purposes of this notice, every reference to a marine mammal sanctuary in the seismic survey code of conduct is also to be read as a reference to the sanctuary.
- (3) The Director-General may exempt a person from some or all of the requirements of the seismic survey code of conduct only if satisfied that non-compliance is necessary for an urgent hazard assessment.
- (4) If the Director-General exempts a person from some or all of the requirements of the seismic survey code of conduct, the person must still, to the extent reasonably practicable in the

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circumstances, comply with the seismic survey code of conduct.

- 5 Restrictions on Level 1 and Level 2 surveys in sanctuary**
- (1) No person may conduct a Level 1 survey within the sanctuary unless the survey is necessary for an urgent hazard assessment.
 - (2) No person may conduct a Level 2 survey within the inner sanctuary area unless the Director-General has approved the survey under subclause (3).
 - (3) The Director-General may approve an application to conduct a Level 2 survey within the inner sanctuary area only if satisfied that the survey is necessary—
 - (a) for an urgent hazard assessment; or
 - (b) for research that will enhance New Zealand’s hazard resilience and preparedness; or
 - (c) for research that will make a nationally significant contribution to the scientific understanding of New Zealand’s geology.
 - (4) The Director-General may approve an application to conduct a Level 2 survey within the inner sanctuary area for research for the purposes specified in subclause (3)(b) and (c) only if satisfied that the purpose of the research cannot be achieved if the research is conducted outside of the inner sanctuary area.

Schedule

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Description of inner sanctuary area

- 1 Description of inner sanctuary area**
- The inner sanctuary area comprises all of the area enclosed by a line—
- (a) commencing at a point on the mean high-water mark near the intersection of Seaward Valley and State Highway 1 (at 42°16.77’S and 173°46.17’E); then
 - (b) proceeding in a straight line in a south-easterly direction to a point at 42°27.21’S and 173°06.95’E; then
 - (c) proceeding in a straight line in a south-westerly direction to a point at 42°51.11’S and 173°43.99’E; then

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- (d) proceeding in a straight line in a north-westerly direction to a point at 42°42.02'S and 173°25.22'E; then
- (e) proceeding in a generally north-easterly direction along the mean high-water mark to the point of commencement.

2 Map of inner sanctuary area

The following map is indicative only, and if there is any inconsistency between the map and the description in clause 1 the description prevails.

Dated at Wellington this day of 20 .

Minister of Conservation.
