

**Reprint
as at 21 April 2005**



**Fiordland (Te Moana o Atawhenua)
Marine Management Act 2005**

Public Act 2005 No 36
Date of assent 20 April 2005
Commencement see section 2

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This Act is administered by the Ministry for the Environment.

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Preamble

- (1) Fiordland is a unique area that contains both exceptional marine biodiversity and valuable marine resources.

Many marine species are found only in Fiordland, and some species (such as black and red corals) that are usually found only in very deep water occur in relatively shallow water in Fiordland. The fiords have become national icons and annually attract large numbers of tourists. The fiords and outer coast also support important commercial and recreational fisheries, notably rock lobster and blue cod.

- (2) In 1995, a group of stakeholders in the Fiordland marine environment formed the Guardians of Fiordland's Fisheries Inc, usually known as the Guardians of Fiordland's Fisheries and Marine Environment (the **Guardians of Fiordland**). Its membership now includes commercial and recreational fishers, environmentalists, charter boat and tourism operators, scientists, and tangata whenua (Ngāi Tahu). The formation of the Guardians of Fiordland was a response to their concerns regarding the escalating pressures on the Fiordland area resulting from increasing human use, the need for improved and integrated management of the area, and a desire that the community be more involved in the management of Fiordland's marine environment.
- (3) At their first meeting, the Guardians of Fiordland adopted the following vision:
"That the quality of Fiordland's marine environment and fisheries, including the wider fishery experience, be maintained or improved for future generations to use and enjoy."
- (4) This vision guided the Guardians of Fiordland in developing its Fiordland Marine Conservation Strategy (the **Strategy**), which was published as a draft in October 2002. The production of the Strategy involved publishing information, prioritising issues, and consulting the public and stakeholders (including local and central government management agencies).
- (5) A major success for the Guardians of Fiordland was in their gaining stakeholders' agreement to proposals for the integrated management of the Fiordland

marine environment. Generally, this involved each stakeholder group relinquishing benefits in the interests of ensuring the quality and sustainable management of the Fiordland marine environment and fisheries. The Guardians of Fiordland referred to this process as the “gifts and gains”. One notable proposal by the Guardians of Fiordland was for the protection of small, discrete areas containing items of special significance. These areas have become known as “china shops”.

- (6) In September 2003, the Guardians of Fiordland presented their finalised Strategy to the Minister of Fisheries and the Minister for the Environment. On that occasion, the Ministers made a commitment to implement the Strategy by September 2005. Subsequently, the Government appointed an Investigative Group (comprising representatives of central and regional government and the Guardians of Fiordland) to report on how best to implement the Strategy. In September 2004, the Government accepted the recommendations in the Investigative Group’s report, and agreed to develop special legislation to give effect to many of those recommendations. The Government also agreed to amend fisheries regulations for non-commercial harvesting, to exclude commercial fishing from large areas of the internal waters of Fiordland, and to implement a range of other non-legislative measures.
- (7) The Strategy provided a framework for the future management of the Fiordland marine environment. The Government’s commitment to implementing the Strategy recognises this fact and also acknowledges the local community’s wealth of knowledge of the Fiordland area. The spirit of goodwill and co-operation that exists among stakeholders will underpin the collaborative approach proposed for the future management of the area. To ensure community input into that management, a new body (that is distinct from the Guardians of Fiordland) is established by this Act.

The new body is to be known as the Fiordland Marine Guardians (the **Guardians**).

1 Title

This Act is the Fiordland (Te Moana o Atawhenua) Marine Management Act 2005.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

Part 1
Preliminary provisions

3 Purpose

In recognition of the Fiordland (Te Moana o Atawhenua) Marine Area's local, national, and international importance, unique marine environment, distinctive biological diversity, and outstanding landscape and cultural heritage, this Act—

- (a) establishes the Fiordland (Te Moana o Atawhenua) Marine Area and 8 marine reserves in that area:
- (b) implements measures to assist in the preservation, protection, and sustainable management of the marine environment and biological diversity of the Fiordland (Te Moana o Atawhenua) Marine Area:
- (c) establishes the Fiordland Marine Guardians to provide advice on fisheries management, biosecurity, sustainable management, and marine preservation and protection:
- (d) facilitates and promotes co-operation between the Guardians and management agencies, to assist in achieving the integrated management of the Fiordland (Te Moana o Atawhenua) Marine Area:
- (e) acknowledges the importance of kaitiakitanga.

4 Interpretation

- (1) In this Act, unless the context otherwise requires,—
fees framework means the framework determined by the Government from time to time for the classification and re-

muneration of statutory and other bodies in which the Crown has an interest

Guardians means the Fiordland Marine Guardians established by section 12

management agency means—

- (a) the Department of Conservation:
- (b) the Ministry for the Environment:
- (c) the Ministry of Agriculture and Forestry:
- (d) the Ministry of Fisheries:
- (e) the Southland Regional Council

Minister means the Minister for the Environment

Ngāi Tahu Whānui has the meaning set out in section 2 of Te Runanga o Ngai Tahu Act 1996

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

Southland Regional Coastal Plan means the version of the proposed Southland Regional Coastal Plan as at 1 December 2004.

- (2) Unless the context otherwise requires, terms and expressions used and not defined in this Act, but defined in the Resource Management Act 1991, have the same meaning as in that Act.

5 Act binds the Crown

This Act binds the Crown.

Part 2

Marine Management Measures

6 Establishment of Fiordland (Te Moana o Atawhenua)

Marine Area

- (1) This section establishes the Fiordland (Te Moana o Atawhenua) Marine Area.
- (2) The Fiordland (Te Moana o Atawhenua) Marine Area and the marine reserves established by section 7 are indicated by the map in Schedule 1.
- (3) The Fiordland (Te Moana o Atawhenua) Marine Area is described in Schedule 2.

- (4) If there is any inconsistency between the areas indicated in Schedule 1 and the corresponding descriptions in Schedule 2 or Schedules 4 to 11, the descriptions in Schedule 2 or Schedules 4 to 11 prevail.
- (5) The co-ordinates shown in the schedules are in terms of WGS84 Datum.

7 Establishment of marine reserves

- (1) This section establishes the following areas of the Fiordland (Te Moana o Atawhenua) Marine Area as marine reserves:
 - (a) the area described in Schedule 4, to be known as Te Hapua (Sutherland Sound) Marine Reserve;
 - (b) the area described in Schedule 5, to be known as Hawea (Clio Rocks) Marine Reserve;
 - (c) the area described in Schedule 6, to be known as Kahukura (Gold Arm) Marine Reserve;
 - (d) the area described in Schedule 7, to be known as Kutu Parera (Gaer Arm) Marine Reserve;
 - (e) the area described in Schedule 8, to be known as Taipari Roa (Elizabeth Island) Marine Reserve;
 - (f) the area described in Schedule 9, to be known as Moana Uta (Wet Jacket Arm) Marine Reserve;
 - (g) the area described in Schedule 10, to be known as Taumoana (Five Finger Peninsula) Marine Reserve;
 - (h) the area described in Schedule 11, to be known as Te Tapuwae o Hua (Long Sound) Marine Reserve.
- (2) The marine reserves established by subsection (1) are subject to any conditions—
 - (a) specified in their corresponding schedules; and
 - (b) specified in Schedule 3.

8 Application of Marine Reserves Act 1971

- (1) The marine reserves established by section 7(1) are deemed to be marine reserves declared under section 4(1) of the Marine Reserves Act 1971.
- (2) The Marine Reserves Act 1971 (other than section 4(1) and section 5) applies, with any necessary modifications, to the marine reserves established by section 7(1) and the conditions referred to in section 7(2).

9 Amendments to schedules

- (1) The descriptions and conditions set out in Schedules 3 to 11 may be amended, varied, or revoked in the same way and to the same extent as amendments, variations, or revocations would be permitted under the Marine Reserves Act 1971.
- (2) Amendments, variations, or revocations to the conditions set out in Schedule 3 may be made in respect of all or any of the marine reserves established by section 7(1).
- (3) Subsections (1) and (2) are for the avoidance of doubt.

10 Moratorium on marine reserve applications

- (1) During the period referred to in subsection (2), no Order in Council may be made under section 4 of the Marine Reserves Act 1971 declaring any area in the Fiordland (Te Moana o Atawhenua) Marine Area to be a marine reserve.
- (2) The period referred to in subsection (1)—
 - (a) begins on the commencement of this Act; and
 - (b) expires on the earlier of the following:
 - (i) 7 years after the commencement of this Act; or
 - (ii) on completion of the Ministerial review conducted under section 25(1).
- (3) If, during the period referred to in subsection (2), the Director-General receives an application under section 5(1)(a) of the Marine Reserves Act 1971 in relation to an area in the Fiordland (Te Moana o Atawhenua) Marine Area, the Director-General—
 - (a) must not process the application; and
 - (b) must not determine the application; and
 - (c) must return the application to the applicant as soon as practicable.

11 Amendments to Southland Regional Coastal Plan

- (1) The Southland Regional Coastal Plan is amended in the manner indicated in Schedule 12.
- (2) The amendments referred to in subsection (1)—
 - (a) become operative on the date that the Southland Regional Coastal Plan, or the relevant part of that Plan, be-

- comes operative in accordance with clause 20 of Schedule 1 of the Resource Management Act 1991:
- (b) apply only to the Fiordland (Te Moana o Atawhenua) Marine Area (except for the amendments to section 7 of the Plan, some of which may apply to the wider Southland coastal marine area):
 - (c) may become operative at different times:
 - (d) do not require the Minister of Conservation's approval under clause 18 or clause 19 of Schedule 1 of the Resource Management Act 1991.
- (3) Nothing in this section prevents the Southland Regional Coastal Plan being varied or amended in accordance with Part 1 of Schedule 1 of the Resource Management Act 1991.
 - (4) Subsection (2)(d) does not apply to subsequent variations or amendments to the amendments referred to in subsection (1).
 - (5) Subsections (3) and (4) are for the avoidance of doubt.

Part 3

Fiordland Marine Guardians

12 Establishment of Guardians

This section establishes the Fiordland Marine Guardians.

13 Functions of Guardians

- (1) The functions of the Guardians are—
 - (a) to advise and make recommendations to management agencies and Ministers who exercise functions under the enactments listed in Schedule 13, to achieve the purpose of this Act, including, but not limited to,—
 - (i) advice and recommendations on the effectiveness of management measures in the Fiordland (Te Moana o Atawhenua) Marine Area:
 - (ii) advice and recommendations on activities occurring outside the Fiordland (Te Moana o Atawhenua) Marine Area if those activities impact, or are likely to impact, on the Fiordland (Te Moana o Atawhenua) Marine Area:

- (iii) advice and recommendations on likely threats to the Fiordland (Te Moana o Atawhenua) Marine Area:
 - (b) to facilitate and promote the integrated management of the Fiordland (Te Moana o Atawhenua) Marine Area:
 - (c) to obtain, share, and monitor information on the state of the Fiordland (Te Moana o Atawhenua) Marine Area:
 - (d) to assist management agencies to—
 - (i) prepare and disseminate information about the Fiordland (Te Moana o Atawhenua) Marine Area, including educational information:
 - (ii) monitor the state of the marine environment and biological diversity in the Fiordland (Te Moana o Atawhenua) Marine Area:
 - (iii) plan for the enforcement of, and compliance with, the management of the Fiordland (Te Moana o Atawhenua) Marine Area:
 - (e) to conduct any reviews instituted under section 25 that they—
 - (i) are invited by the Minister to conduct; and
 - (ii) agree to conduct:
 - (f) to perform any other functions given to them under this or any other Act.
- (2) Advice and recommendations under subsection (1)(a) may be given on the Guardians' own initiative or at the request of—
- (a) a management agency; or
 - (b) the Minister; or
 - (c) the Minister for Biosecurity; or
 - (d) the Minister of Fisheries; or
 - (e) the Minister of Conservation.

14 Guardians may be appointed as committee under Conservation Act 1987

- (1) This section applies to appointments in respect of any marine reserve established under section 7(1).
- (2) If the Minister of Conservation decides to appoint an advisory committee under section 56 of the Conservation Act 1987, the Guardians must be appointed as that committee.

- (3) If the Southland Conservation Board decides to appoint a committee under section 6N(2)(b) of the Conservation Act 1987, the Guardians must be appointed to that committee.

15 Membership of Guardians

- (1) The Guardians consist of not more than 8 members, and not less than 5 members, appointed by the Minister.
- (2) In appointing members to the Guardians, the Minister must—
- (a) consult the Minister for Biosecurity, the Minister of Conservation, the Minister of Fisheries, and the Southland Regional Council; and
 - (b) ensure that the membership reflects a balanced mix of knowledge and experience in relation to the Fiordland (Te Moana o Atawhenua) Marine Area; and
 - (c) ensure that 1 member is nominated by Te Rūnanga o Ngāi Tahu; and
 - (d) ensure that at least 5 members are ordinarily resident in the Otago or Southland regions.
- (3) In appointing members to the Guardians, the Minister may seek recommendations from persons whom the Minister considers appropriate.
- (4) A member may be appointed for a term not exceeding 4 years, and may be reappointed for further terms not exceeding 4 years each.
- (5) The Minister may, by notice in writing, remove a member from office at any time if the Minister is satisfied that the member—
- (a) is unable to perform the functions of office;
 - (b) is under a legal incapacity;
 - (c) is bankrupt;
 - (d) has neglected his or her duties as a member;
 - (e) has been guilty of misconduct.
- (6) A member may resign by notice in writing to the Minister.
- (7) The appointment of a person as a member of the Guardians is not invalid because of a defect in the appointment.

16 Vacation of membership

- (1) Despite section 15(4), a member of the Guardians whose term of appointment has expired continues to hold office until—

- (a) the member is reappointed; or
 - (b) a successor to the member is appointed; or
 - (c) the Minister notifies the member in writing that no successor will be appointed.
- (2) Subsection (1) does not apply if the member—
 - (a) has been removed from office under section 15(5); or
 - (b) has resigned under section 15(6).

17 Chairperson

- (1) The Guardians must appoint a member to act as chairperson.
- (2) The chairperson holds office for the period agreed by the Guardians at the time of the chairperson's appointment.
- (3) The chairperson may be reappointed.

18 Procedure

- (1) The Guardians are responsible for regulating their own procedures.
- (2) Subsection (1) is subject to any directions given to the Guardians by the Minister.

19 Employees of management agencies may attend meetings of Guardians

- (1) Subject to subsections (2) and (3), an employee of a management agency may attend and participate in any meeting of the Guardians.
- (2) The attendance and participation of an employee is subject to the consent of the Guardians.
- (3) An employee has no voting rights in respect of the meeting.

20 Reports

- (1) At the conclusion of each financial year, the Guardians must provide a report to the Minister setting out—
 - (a) the dates and times of meetings of the Guardians that occurred during that year; and
 - (b) details of any advice and recommendations made by the Guardians during that year; and
 - (c) any other activities undertaken by the Guardians during that year.

- (2) The Guardians must publish every report they make to the Minister.

21 Remuneration of Guardians

The members of the Guardians are entitled to receive—

- (a) remuneration determined by the Minister in accordance with the fees framework for members of statutory and other bodies; and
- (b) payment of reimbursing allowances or for actual and reasonable expenses incurred in undertaking the functions of the Guardians.

22 Members not liable for things done or omitted in good faith

A member of the Guardians is not liable for anything done or omitted in the performance of the Guardians' functions if done or omitted in good faith.

23 No entitlement to compensation

A member of the Guardians is not entitled to compensation or other payment or benefit if he or she ceases for any reason to hold office as a member of the Guardians.

24 Functions of Minister

The Minister has the following functions:

- (a) to appoint members to the Guardians in accordance with section 15;
- (b) to provide directions to the Guardians as permitted under section 18(2);
- (c) to initiate reviews to determine the effectiveness of the management of the Fiordland (Te Moana o Atawhenua) Marine Area in accordance with section 25;
- (d) to exercise any other powers or perform any other functions under this Act.

25 Ministerial reviews

- (1) The Minister must initiate a review to determine the effectiveness of the management of the Fiordland (Te Moana o

Atawhenua) Marine Area, at 5 years after the commencement of this Act.

- (2) The Minister may initiate subsequent reviews at times determined by the Minister in consultation with management agencies and the Guardians.
- (3) Before initiating a review under this section, the Minister must consult with persons who, in the opinion of the Minister, are able to provide advice on—
 - (a) when a review under subsection (1) should be initiated; or
 - (b) whether a review under subsection (2) should be initiated and, if so, when.
- (4) The Minister must—
 - (a) appoint a suitable person or organisation to conduct a review; and
 - (b) set the terms of reference for that review.
- (5) On completion of a review under subsection (1) or subsection (2), the Minister must prepare and publish a report.

26 Advice and recommendations of Guardians

- (1) All persons (including management agencies) exercising powers or carrying out functions in the Fiordland (Te Moana o Atawhenua) Marine Area must take into account any advice or recommendations provided by the Guardians.
- (2) The powers and functions referred to in subsection (1) are the powers and functions authorised or required by this Act or by any Act specified in Schedule 13.

27 Protocol between management agencies and Guardians

- (1) The chief executives of management agencies must enter into an agreement with the Guardians about the way in which the objective referred to in section 3(d) will be met.
- (2) The agreement referred to in subsection (1) must be contained in a single document signed by—
 - (a) all chief executives of management agencies; and
 - (b) the chairperson of the Guardians.
- (3) If the Guardians consider that an employee of a management agency has acted in a manner that is inconsistent with the terms

of the protocol, the Guardians may advise the Minister of the inconsistency.

28 Relationship with other Acts

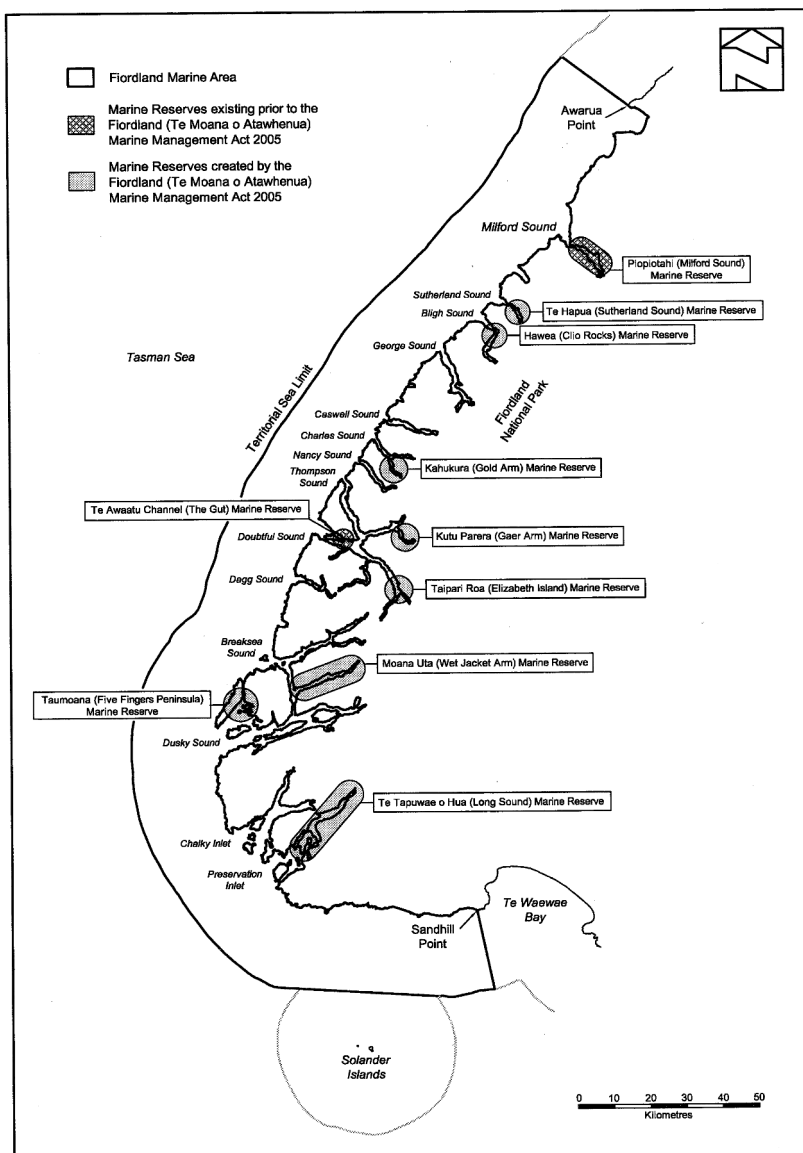
- (1) If there is any inconsistency between this Act and a provision of an Act specified in Schedule 13, the provision of the Act specified in Schedule 13 prevails.
- (2) Subsection (1) is subject to section 8(2), section 10, section 11, and clause 2(4) of Schedule 3.
- (3) Nothing in this Act affects the following Acts:
 - (a) Ngai Tahu (Pounamu Vesting) Act 1997:
 - (b) Ngai Tahu Claims Settlement Act 1998.
- (4) Subsection (3) is for the avoidance of doubt.

29 Amendment to Official Information Act 1982

Amendment(s) incorporated in the Act(s).

Schedule 1
Indicative map of Fiordland (Te Moana o Atawhenua) Marine Area and marine reserves

ss 6, 7



Schedule 2

s 6

**Description of Fiordland (Te Moana o
Atawhenua) Marine Area****1 Description of Fiordland (Te Moana o Atawhenua)
Marine Area**

The Fiordland (Te Moana o Atawhenua) Marine Area is all of that part of the coastal marine area shown on SO Plan 345612 enclosed by a line—

- (a) commencing at the mean high-water springs of the west coast of the South Island at the westernmost point of Awarua Point (at a point approximately 44°15'33"S and 168°03'13"E); and
- (b) proceeding—
 - (i) in a generally north-westerly direction to a point 44°07'45"S and 167°50'33"E; then
 - (ii) in a generally south-westerly direction, following the limit of the territorial sea around the west coast of Fiordland, to a point 46°24'52"S and 166°39'36"E; then
 - (iii) in a generally easterly direction to a point 46°27'39"S and 167°09'35"E; then
 - (iv) in a generally easterly direction, following the limit of the territorial sea around the south coast of Fiordland, to a point 46°27'13"S and 167°21'30"E; then
 - (v) in a generally north-westerly direction to the mean high-water springs of the south coast of the South Island at the southernmost point of Sandhill Point (a point approximately 46°15'20"S and 167°19'05"E); then
 - (vi) in a generally westerly direction, and then a generally northerly direction, along the line of mean high-water springs to the point of commencement.

2 Co-ordinates in terms of WGS84 Datum

The co-ordinates shown in this schedule are in terms of WGS84 Datum.

Schedule 3

s 7

General conditions applying to all marine reserves established by section 7**1 Authority to take pounamu**

- (1) Subject to subclause (3), access is granted for members of Ngāi Tahu Whānui to remove pounamu from the marine reserves established by section 7(1).
- (2) The access granted by subclause (1) must be treated as if it were granted under the Crown Minerals Act 1991.
- (3) Subclause (1) is subject to—
 - (a) any prohibition, or requirement for a resource consent, under the Resource Management Act 1991; and
 - (b) authorisation by the kaitiaki rūnaka; and
 - (c) the conditions specified in subclause (4).
- (4) The conditions referred to in subclause (3)(c) are that—
 - (a) no person may, in any one day, take a greater weight of pounamu than they can carry on their own in one trip; and
 - (b) the method of collection must not involve the use of machinery or cutting equipment; and
 - (c) collection must not disturb the foreshore, seabed, or marine life in more than a minor way.

2 Authority to take marine mammals

- (1) Subject to subclause (2), a member of Ngāi Tahu Whānui may take all or part of a marine mammal in a marine reserve established by section 7(1) if the mammal—
 - (a) washes up dead; or
 - (b) strands and dies.
- (2) Subclause (1) is subject to the person applying for and obtaining a permit, issued by the Minister of Conservation under the Marine Mammals Protection Act 1978, to take all or part of the mammal.
- (3) Subject to section 4(5) of the Marine Mammals Protection Act 1978, a member of Ngāi Tahu Whānui may collect bones, teeth, ivory, or ambergris that—
 - (a) have naturally separated from a marine mammal; and

- (b) have been found in a marine reserve established by section 7(1).
- (4) Subclause (1) and subclause (2) override the Marine Reserves Act 1971.

3 Authority to take off and land aircraft

A person may land or take off an aircraft in the marine reserves established by section 7(1).

4 Authorised activities subject to consent

- (1) The conditions specified in this schedule and in Schedules 4 to 11 are subject to any consent requirements in the Southland Regional Coastal Plan.
 - (2) Subclause (1) is for the avoidance of doubt.
-

Schedule 4
Description of Te Hapua (Sutherland
Sound) Marine Reserve

s 7(1)(a)

Description of Te Hapua (Sutherland Sound) Marine Reserve

Te Hapua (Sutherland Sound) Marine Reserve comprises the area (within the meaning of the Marine Reserves Act 1971) of 449 ha shown on section 1 of SO Plan 344884, being the entire inner Sutherland Sound.

Schedule 5

s 7(1)(b)

Description of, and specific conditions applying to, Hawea (Clio Rocks) Marine Reserve

1 Description of Hawea (Clio Rocks) Marine Reserve

The Hawea (Clio Rocks) Marine Reserve comprises the area (within the meaning of the Marine Reserves Act 1971) of 411 ha shown on section 2 of SO Plan 344884, being the area between Turn Point and Clio Rocks in the Bligh Sound.

2 Activities permitted in Hawea (Clio Rocks) Marine Reserve

- (1) The following activities are permitted in the area of the Hawea (Clio Rocks) Marine Reserve described in clause 3:
 - (a) the holding of live rock lobster (*Jasus edwardsii*) caught from the wild outside the reserve, in cages for up to 2 months;
 - (b) the storage of—
 - (i) cages used for holding rock lobster, with all doors open; and
 - (ii) pots used to catch rock lobster, with all doors open.
- (2) Despite subclause (1), the taking of marine life is not permitted.
- (3) Subclause (2) is for the avoidance of doubt.

3 Area of Hawea (Clio Rocks) Marine Reserve in which activities permitted

- (1) The area of the Hawea (Clio Rocks) Marine Reserve referred to in clause 2(1) is described in subclause (2).
- (2) All of that part of the Hawea (Clio Rocks) Marine Reserve enclosed by a line—
 - (a) commencing at the seacoast at a point 44°47'58.15"S and 167°32'36.82"E (being at the northern end of section 2 of map SO 344884); and
 - (b) proceeding—

- (i) in a generally southerly direction to the seacoast at a point 44°48'29.39"S and 167°32'37.22"E; then
 - (ii) along the line of the high-water mark at mean spring tides in a generally northerly direction to the point of commencement.
- (3) The area described in subclause (2) excludes all islands and stacks.

4 Activities prohibited in Hawea (Clio Rocks) Marine Reserve

Anchoring is prohibited in the area of the Hawea (Clio Rocks) Marine Reserve described in clause 5.

5 Area of Hawea (Clio Rocks) Marine Reserve in which activities prohibited

- (1) The area of the Hawea (Clio Rocks) Marine Reserve in which the activity referred to in clause 4 is prohibited is described in subclause (2).
- (2) All of that part of the Hawea (Clio Rocks) Marine Reserve enclosed by a line—
 - (a) commencing at the seacoast at a point 44°50'09.62"S and 167°31'07.66"E, marked "DB28" on sheet 3 of SO Plan 344884; then
 - (b) proceeding—
 - (i) in a generally north-westerly direction to a point 44°49'54.70"S and 167°30'48.68"E; then
 - (ii) in a generally north-easterly direction to a point 44°49'53.38"S and 167°31'07.82"E; then
 - (iii) in a generally south-easterly direction to the seacoast at a point 44°49'40.05"S and 167°31'37.19"E; then
 - (iv) along the line of the high-water mark at mean spring tides in a generally south-westerly direction to the point of commencement.
- (3) The area described in subclause (2) excludes all islands and stacks.

6 Co-ordinates in terms of WGS84 Datum

The co-ordinates shown in this schedule are in terms of WGS84 Datum.

s 7(1)(c)

Schedule 6
Description of, and specific conditions
applying to, Kahukura (Gold Arm)
Marine Reserve

1 Description of Kahukura (Gold Arm) Marine Reserve

The Kahukura (Gold Arm) Marine Reserve comprises the area (within the meaning of the Marine Reserves Act 1971) of 464 ha shown on section 3 of SO Plan 344884, being the Gold Arm of Charles Sound.

2 Activities permitted in Kahukura (Gold Arm) Marine Reserve

- (1) The following activities are permitted in the area of the Kahukura (Gold Arm) Marine Reserve described in clause 3:
 - (a) the holding of live rock lobster (*Jasus edwardsii*) caught from the wild outside the reserve, in cages for up to 2 months;
 - (b) the storage of—
 - (i) cages used for holding rock lobster, with all doors open; and
 - (ii) pots used to catch rock lobster, with all doors open.
- (2) Despite subclause (1), the taking of marine life is not permitted.
- (3) Subclause (2) is for the avoidance of doubt.

3 Area of Kahukura (Gold Arm) Marine Reserve in which activities permitted

- (1) The area of the Kahukura (Gold Arm) Marine Reserve referred to in clause 2(1) is described in subclause (2).
- (2) All of that part of the Kahukura (Gold Arm) Marine Reserve enclosed by a line—
 - (a) commencing at the seacoast at a point 45°06'06.35"S and 167°07'54.51"E (being the northwest corner of section 3 of SO 344884 and marked "DB24" on sheet 4 of that plan); and
 - (b) proceeding—

- (i) in a generally easterly direction to the seacoast at a point 45°06'10.65"S and 167°08'25.76"E (being the northeast corner of section 3 of SO 344884 and marked "DB25" on sheet 4 of that plan); then
 - (ii) along the line of the high-water mark at mean spring tides in a generally southerly direction to the seacoast at a point 45°07'28.70"S and 167°08'29.35"E; then
 - (iii) in a generally north-westerly direction to the seacoast at a point 45°07'18.38"S and 167°08'08.84"E; then
 - (iv) along the line of the high-water mark at mean spring tides in a generally northerly direction to the point of commencement.
- (3) The area described in subclause (2) excludes all islands and stacks.

4 Co-ordinates in terms of WGS84 Datum

The co-ordinates shown in this schedule are in terms of WGS84 Datum.

s 7(1)(d)

Schedule 7
Description of Kutu Parera (Gaer Arm)
Marine Reserve

Description of Kutu Parera (Gaer Arm) Marine Reserve

The Kutu Parera (Gaer Arm) Marine Reserve comprises the area (within the meaning of the Marine Reserves Act 1971) of 433 ha shown on section 4 of SO Plan 344884, being the entire Gaer Arm of the Bradshaw Sound.

Schedule 8

s 7(1)(e)

**Description of Taipari Roa (Elizabeth
Island) Marine Reserve**

Description of Taipari Roa (Elizabeth Island) Marine Reserve

The Taipari Roa (Elizabeth Island) Marine Reserve comprises the area (within the meaning of the Marine Reserves Act 1971) of 613 ha shown on section 5 of SO Plan 344884, being the area around Elizabeth Island and Deep Cove in the Doubtful Sound.

Schedule 9

s 7(1)(f)

**Description of Moana Uta (Wet Jacket
Arm) Marine Reserve**

Description of Moana Uta (Wet Jacket Arm) Marine Reserve

The Moana Uta (Wet Jacket Arm) Marine Reserve comprises the area (within the meaning of the Marine Reserves Act 1971) of 2 007 ha shown on section 6 of SO Plan 344884, being the area of Wet Jacket Arm off the Acheron Passage.

Schedule 10

s 7(1)(g)

Description of, and specific conditions applying to, Taumoana (Five Finger Peninsula) Marine Reserve

1 Description of Taumoana (Five Finger Peninsula) Marine Reserve

The Taumoana (Five Finger Peninsula) Marine Reserve comprises the area (within the meaning of the Marine Reserves Act 1971) of 1 466 ha shown on section 7 of SO Plan 344884, being Goose Cove, east of Five Finger Peninsula in Dusky Sound.

2 Activities permitted in Taumoana (Five Finger Peninsula) Marine Reserve

- (1) The following activities are permitted in the area of the Taumoana (Five Finger Peninsula) Marine Reserve described in clause 3:
 - (a) the holding of live rock lobster (*Jasus edwardsii*) caught from the wild outside the reserve, in cages for up to 2 months;
 - (b) the storage of—
 - (i) cages used for holding rock lobster, with all doors open; and
 - (ii) pots used to catch rock lobster, with all doors open.
- (2) Despite subclause (1), the taking of marine life is not permitted.
- (3) Subclause (2) is for the avoidance of doubt.

3 Area of Taumoana (Five Finger Peninsula) Marine Reserve in which activities permitted

- (1) The area of the Taumoana (Five Finger Peninsula) Marine Reserve referred to in clause 2(1) is described in subclause (2).
- (2) All of that part of the Taumoana (Five Finger Peninsula) Marine Reserve enclosed by a line—
 - (a) commencing at the seacoast at a point 45°42'26.68"S and 166°32'48.76"E (being the westernmost point of Pigeon Island); and
 - (b) proceeding—

- (i) in a generally north-easterly direction to the seacoast of Resolution Island at a point 45°42'01.16"S and 166°33'12.19"E; then
 - (ii) along the line of the high-water mark at mean spring tides in a generally easterly direction to the seacoast of Resolution Island at a point 45°42'06.87"S and 166°33'30.98"E; then
 - (iii) in a generally southerly direction to the seacoast of Pigeon Island at a point 45°42'21.06"S and 166°33'20.59"E; then
 - (iv) along the line of the high-water mark at mean spring tides in a generally south-westerly direction to the point of commencement.
- (3) The area described in subclause (2) excludes all islands and stacks.

4 Co-ordinates in terms of WGS84 Datum

The co-ordinates shown in this schedule are in terms of WGS84 Datum.

Schedule 11

s 7(1)(h)

Description of, and specific conditions applying to, Te Tapuwae o Hua (Long Sound) Marine Reserve

1 Description of Te Tapuwae o Hua (Long Sound) Marine Reserve

Te Tapuwae o Hua (Long Sound) Marine Reserve comprises the area (within the meaning of the Marine Reserves Act 1971) of 3 672 ha shown on section 8 of SO Plan 344884, being the entire area of Long Sound to Useless Bay and Revolver Bay.

2 Activities permitted in Te Tapuwae o Hua (Long Sound) Marine Reserve

- (1) The following activities are permitted in the area of Te Tapuwae o Hua (Long Sound) Marine Reserve described in clause 3:
 - (a) the holding of live rock lobster (*Jasus edwardsii*) caught from the wild outside the reserve, in cages for up to 2 months;
 - (b) the storage of—
 - (i) cages used for holding rock lobster, with all doors open; and
 - (ii) pots used to catch rock lobster, with all doors open.
- (2) Despite subclause (1), the taking of marine life is not permitted.
- (3) Subclause (2) is for the avoidance of doubt.

3 Area of Te Tapuwae o Hua (Long Sound) Marine Reserve in which activities permitted

- (1) The area of Te Tapuwae o Hua (Long Sound) Marine Reserve referred to in clause 2(1) is described in subclause (2) and subclause (3).
- (2) All of that part of Useless Bay in the Te Tapuwae o Hua (Long Sound) Marine Reserve enclosed by a line—
 - (a) commencing at the seacoast at a point 46°03'14.72"S and 166°43'50.59"E; and
 - (b) proceeding—

- (i) along the line of the high-water mark at mean spring tides in a generally northerly then generally southerly direction to the seacoast at a point 46°03'31.99"S and 166°44'17.91"E; then
 - (ii) in a generally north-westerly direction to the point of commencement.
- (3) All of that part of Revolver Bay in the Te Tapuwae o Hua (Long Sound) Marine Reserve enclosed by a line—
 - (a) commencing at the seacoast at a point 46°04'17.10"S and 166°43'30.26"E, marked "DB01" on sheet 9 of SO Plan 344884; and
 - (b) proceeding—
 - (i) in a generally north-easterly direction to the seacoast at a point 46°04'02.73"S and 166°44'00.89"E; then
 - (ii) along the line of the high-water mark at mean spring tides, around Revolver Bay in a generally south-easterly, then generally north-westerly direction, to the point of commencement.
- (4) The areas described in subclause (2) and subclause (3) exclude all islands and stacks.

4 Activities prohibited in Te Tapuwae o Hua (Long Sound) Marine Reserve

Anchoring is prohibited in the area of Te Tapuwae o Hua (Long Sound) Marine Reserve described in clause 5.

5 Area of Te Tapuwae o Hua (Long Sound) Marine Reserve in which activities prohibited

- (1) The area of Te Tapuwae o Hua (Long Sound) Marine Reserve in which the activity referred to in clause 4 is prohibited is described in subclause (2).
- (2) All of that part of Te Tapuwae o Hua (Long Sound) Marine Reserve (being an area in the vicinity of Narrow Bend in Long Sound) enclosed by a line—
 - (a) commencing on the seacoast at a point 46°03'50.20"S and 166°44'13.70"E; and
 - (b) proceeding—

- (i) in a generally northerly direction to the seacoast at a point 46°03'31.99"S and 166°44'17.91"E; then
 - (ii) along the line of the high-water mark at mean spring tides in a generally north-easterly direction to the seacoast at a point 46°02'54.34"S and 166°45'58.82"E; then
 - (iii) in a generally easterly direction to the seacoast at a point 46°02'55.21"S and 166°46'20.32"E; then
 - (iv) along the line of the high-water mark at mean spring tides in a generally southerly, and then generally south-westerly, direction to the point of commencement.
- (3) The area described in subclause (2) excludes all islands and stacks.

6 Co-ordinates in terms of WGS84 Datum

The co-ordinates shown in this schedule are in terms of WGS84 Datum.

Schedule 12
Amendments to Southland Regional
Coastal Plan
Section 3.2—Coastal values: Awarua Point
to Big River

s 11(1)

Section 3.2.3

Insert the following paragraph after the third paragraph in section 3.2.3:

“The Fiordland Marine Conservation Strategy document developed by the Guardians of Fiordland’s Fisheries and Marine Environment¹ recommended the creation of 8 additional marine reserves in Fiordland, in Sutherland, Bligh, Charles, Bradshaw, Doubtful, Breaksea, Dusky, and Long Sounds. The document describes these areas (and the 2 other marine reserves in Fiordland) as containing ‘a range of habitats, communities and diversity that represent Fiordland’s marine environment’. In 2005, central government made these new marine reserves a reality by legislating for them through the Fiordland (Te Moana o Atawhenua) Marine Management Act 2005.”

Section 3.2.3

Insert, at the foot of the page containing the footnote reference, as a footnote:

¹ The Guardians comprise Ngāi Tahu, commercial and recreational fishing representatives, charter and tourism operators, and environmental and community interests, all of whom have a direct involvement in the Fiordland marine environment. The Department of Conservation, Ministry of Fisheries, Southland Regional Council, and Ministry for the Environment have provided advice and support to the group in an ex officio capacity since 2000.”

Section 3.2.5

Omit the last sentence of paragraph 2 of section 3.2.5, and substitute:
“Prior to 2005, there were 2 marine reserves within the fiords, one in Milford Sound (Piopiotahi) and the other in the Te Awaatu Channel at the Gut in Doubtful Sound.”

Omit paragraph 3 of section 3.2.5 and substitute:

“Over a number of years there has been a lot of discussion concerning the creation of additional marine reserves within the internal waters of Fiordland. Among others, the New Zealand Marine Sciences Society has investigated possible options for further protection of the marine areas in Fiordland. The values of the internal waters of Fiordland are outstanding. In 2003 the Guardians of Fiordland’s Fisheries and Marine Environment completed a strategy document (‘the Fiordland Marine Conservation Strategy’) that proposed the protection of representative areas within Fiordland by creating 8 new marine reserves. This recommendation was implemented through the Fiordland (Te Moana o Atawhenua) Marine Management Act 2005.

“The Fiordland Marine Conservation Strategy also identified ‘China Shops’—these are described as ‘small discrete areas that are outstanding for the abundance and/or diversity of animal communities ... mixed animal and plant communities or ... particular animal species’. Of the 23 China Shops, 10 are now within the boundaries of marine reserves.”

Section 4.1—Protection of values

Policy 4.1.2

Omit the first 2 sentences of paragraph 2 of policy 4.1.2 and substitute:

“Currently within the Southland Region there are 10 marine reserves in the following areas of Fiordland:

Milford Sound (690 ha):
Sutherland Sound (454 ha):
Bligh Sound (411 ha):
Charles Sound (464 ha):
2 in the main arm of Doubtful Sound (93 ha and 613 ha):
Gaer Arm (433 ha):
Wet Jacket Arm (2 007 ha):
Goose Arm and Facile Harbour, Dusky Sound (1 466 ha):
Long Sound (3 672 ha).

“A further marine reserve has also been declared in Paterson Inlet, Rakiura/Stewart Island area, namely Ulva Island—Te Wharawhara (1 075 ha). This marine reserve was *Gazetted* on 18 November 2004. “Eight of the Fiordland Marine Reserves were established as a result of the work of the Guardians of Fiordland’s Fisheries and Marine Environment. This group comprises Ngāi Tahu, commercial and recreational fishing representatives, charter and tourism operators, and community interests, all of whom have a direct involvement in the Fiordland marine environment. The group has been supported by the Southland Regional Council, the Ministry for the Environment, the Department of Conservation, and the Ministry of Fisheries.”

Policy 4.1.4

Insert as policy 4.1.4:

**“Policy 4.1.4 Management of Resource Management
Act functions in marine reserves and in
China Shops within the Fiordland (Te
Moana o Atawhenua) Marine Area**

“Ensure that in considering applications, under the Resource Management Act 1991, for activities within marine reserves and within China Shops in the Fiordland (Te Moana o Atawhenua) Marine Area, the activities are compatible with the values and purposes of these areas.

“Explanation—The purposes and functions of Marine Reserves are established under the Marine Reserves Act 1971. The Resource Management Act 1991 controls activities in the coastal marine area including the erection and placement of structures, commercial

surface water activities, and aircraft landings and take-offs, and applies to areas that have marine reserve status, as well as the China Shops identified in the Fiordland Marine Conservation Strategy.

“The Fiordland Marine Conservation Strategy was produced by the Guardians of Fiordland’s Fisheries and Marine Environment in June 2003, and describes China Shops as follows:

China Shops are small discrete areas that are outstanding for the abundance and/or diversity of animal or mixed animal and plant communities or for the abundance of particular animal species. Communities associated with a wide variety of habitats in a confined area may also qualify. On the basis of local knowledge and the best available information, 23 areas were identified from Bligh Sound to Preservation Inlet. Collectively, these areas support a wide range of special features and values. Proposed management measures are based on particular values and whether these are under threat from existing or future activities.

“China Shops that are not within marine reserves are recognised in Appendix 3A, which identifies the general location of these China Shops, but not the specific location. Any person undertaking an activity within these areas can contact either the Southland Regional Council or the Fiordland Marine Guardians to determine whether or not their activity is likely to have an impact on the China Shop in the vicinity. Each China Shop has its own values and potential threats to these values will vary.

“The purpose of the Marine Reserves Act 1971, as well as the threats to marine reserves, will be taken into account when processing and considering whether or not to grant a coastal permit for an activity within a marine reserve. The values and potential threats to China Shops will be taken into account when processing and considering whether or not to grant a coastal permit for an activity within a China Shop.

“Communication with the Fiordland Marine Guardians and the Department of Conservation will be essential in achieving this part of the policy.”

Section 7.3—Discharges

Section 7.3.8.2

Omit paragraph 1 and substitute:

“The cleaning and repainting of structures and ships on land and within the coastal marine area can result in discharges to coastal water, antifoulants in particular, which lead to discolouration, deposition, and adverse effects on aquatic life. Structures, equipment, and ships that have been in coastal waters where invasive organisms are present pose a potential risk to the Southland coastal marine environment if these organisms, or viable parts of these organisms, have become attached to these structures, equipment, or the hulls of ships and then consequentially arrive in Southland without having been cleaned or disinfected before entering Southland’s waters. Invasive organisms attached to these structures, equipment, or the hulls of ships can be discharged into the marine environment either accidentally, through spawning or being knocked off, or deliberately, through cleaning. To the extent that it is practicable, both deliberate and accidental discharges, including discharges from the cleaning and repainting of structures and ships on land and within the coastal marine area, should be avoided.”

Issue 7.3.8.2.2

Insert, after issue 7.3.8.2.1:

“**Issue 7.3.8.2.2 The unique habitats of the internal waters of Fiordland are particularly susceptible to invasive species that may arrive as hull attachments or on equipment or structures brought into these waters from other areas.**”

Objective 7.3.8.2.2

Insert, after objective 7.3.8.2.1:

“**Objective 7.3.8.2.2 Minimise risk of bioinvasion**

“Minimise the risk from hull cleaning, structure cleaning, and the introduction of invasive organisms from ships, structures, and equipment from outside this region.

“**Explanation**—Ships, equipment, and structures that have been in coastal waters outside the Southland region have the potential to introduce invasive organisms into the Southland coastal marine area, if they are not appropriately cleaned before entering Southland waters. Of particular concern is the protection of sensitive and unique areas such as the internal waters of Fiordland. Where there is a known risk, for example, if a ship or structure is relocating to the Fiordland area from an area where there are known invasive organisms such as *Undaria*, measures should be taken to minimise that risk.”

Policy 7.3.8.2.3

Insert, after policy 7.3.8.2.2:

“Policy 7.3.8.2.3 Hull cleaning of ships in the coastal marine area

“Provide for hull cleaning of ships in circumstances where materials containing bioaccumulative, toxic, or noxious substances, or viable unwanted or pest organisms, do not enter or are not released into the coastal marine area.

“**Explanation**—Boats are periodically cleaned to remove marine growths from their hulls, or other maintenance work is undertaken that has similar effects to those that occur during hull cleaning. Where this is undertaken with appropriate controls the effect is insignificant. However, where there is the potential to discharge bioaccumulative, toxic, and noxious substances and growths of unwanted or pest marine organisms, this can have significant adverse effects, particularly where unwanted and pest organisms become established in Southland waters.

“If a ship has operated inside the territorial waters of a foreign country or has spent time in New Zealand ports where unwanted or pest organisms are established, and has not subsequently cleaned its hull, potential exists for these organisms to be attached to the hull of the ship. This is particularly true if the ship has spent time in shallow coastal waters such as in ports or bays and coves. The waters of

the Southland coastal marine area are relatively free of these types of organisms and it is important that this status is maintained, if the highly significant areas of Fiordland, Rakiura/Stewart Island and the sub-Antarctic islands are to be protected from infestation.

“Policy 7.3.8.2.4 Cleaning of ships, structures, and equipment destined for the internal waters of Fiordland

“Require that any ships to be used in commercial surface water activities, in Fiordland, and any structures or equipment that are to be erected or placed within the internal waters of Fiordland that have been in coastal waters in other parts of New Zealand or in foreign waters, be thoroughly cleaned and disinfected before entering, or being placed in, Fiordland’s internal waters.

“Explanation—Through hull cleaning or through the presence of organisms on ships, structures, or equipment that enter or are placed in coastal waters, a potentially invasive organism could be introduced to Fiordland’s internal waters.

“Fiordland is a globally unique environment. It has high value marine resources and biodiversity, including species found only in this part of the world. Many habitats are found at unusually shallow depths because of the influence of the freshwater layer in the fiords. The internal waters of Fiordland are particularly sensitive to the introduction of unwanted or pest organisms. It is appropriate to reduce the risk of the introduction of a potentially invasive organism being introduced to Fiordland, by thoroughly cleaning and disinfecting all ships that are to be used in commercial surface water activities and any structures and equipment that are to be erected or placed within the internal waters of Fiordland. This should be done before the ships, structures, or equipment that have been in coastal waters in other parts of New Zealand or in foreign waters enter, or are placed in, Fiordland’s internal waters.”

Section 11.2—Erection or placement of structures

Policy 11.2.19

Insert, after policy 11.2.18:

“Policy 11.2.19 Structures in the Fiordland (Te Moana o Atawhenua) Marine Area

“Recognise that the erection and/or placement of structures in the Fiordland (Te Moana o Atawhenua) Marine Area must be consistent with the very high natural values of that area.

“**Explanation**—Fiordland contains amenity and natural character values that are very high due to the pristine nature of the area. It would be inappropriate to allow the erection of structures that are incompatible with the character of this area. The sensitive communities and habitats of marine reserves and China Shops may be particularly affected.”

Section 11.7.7—Anchorages and moorings

Issue 11.7.7.4

Omit issue 11.7.7.4, and substitute:

“Issue 11.7.7.4 Anchoring can damage and destroy fragile organisms such as Black Coral and cause damage to sensitive habitats.”

Objective 11.7.7.5

Insert, after objective 11.7.7.4:

“Objective 11.7.7.5 Anchoring or mooring in China Shops in the Fiordland (Te Moana o Atawhenua) Marine Area

“To provide for anchoring and mooring in China Shops in the Fiordland (Te Moana o Atawhenua) Marine Area where these activities are not incompatible with the special values of these areas and the

cumulative adverse effects of these activities are not likely to be significant.

“Explanation—Anchoring and mooring are not necessarily incompatible with protecting China Shops. However, in China Shops the adverse effects of anchoring or mooring (such as the disturbance of the seabed and destruction of marine communities) have the potential to be significant. Where activities pose a threat to these values, the areas should be identified and specific controls put in place to prevent damage.”

Policy 11.7.7.22

Insert, after policy 11.7.7.21:

**“Policy 11.7.7.22 Anchoring or mooring in China Shops in
the Fiordland (Te Moana o Atawhenua)
Marine Area**

“Prohibit anchoring or the placement of moorings in those China Shops shown on Maps 2 to 6 of Appendix 3A. These China Shops have been identified as particularly sensitive to the adverse effects of anchoring and mooring.

“Explanation—The Guardians of Fiordland’s Fisheries and Marine Environment identified, in the Fiordland Marine Conservation Strategy document, areas of special significance where the natural values would be severely compromised because of the disturbance of the seabed by vessels anchoring or mooring. These areas are identified in Maps 2 to 6 of Appendix 3A of this Plan and are described as—

Clio Rock in Bligh Sound:

the area between Macdonell Island and Gardner Head in Bradshaw Sound:

the area at the intersection of Acheron Passage and Wet Jacket Arm between Breaksea and Dusky Sounds:

Nine Fathoms Passage, off Cooper Island, Dusky Sound:

Narrow Bend from Adam Head to Sandy Point in Long Sound.”

Rule 11.7.7.1

Omit rule 11.7.7.1 and substitute:

**“Rule 11.7.7.1 Mooring facilities in recognised anchor-
ages except for in specified mooring areas**

“The establishment of mooring facilities in recognised anchorages listed in Appendix 6, where such facilities are available for the use of all mariners, is a permitted activity provided that—

- “(a) information is shown on any buoy, pole, or device marking a mooring showing:
 - “(i) the owner of the mooring
 - “(ii) the maximum designed ship tonnage of the mooring
 - “(b) the Southland Regional Council is advised prior to the installation of the mooring of:
 - “(i) the owner of the mooring
 - “(ii) the maximum designed ship tonnage of the mooring
- “except that this rule does not apply to:
- “(c) anchorages referred to in rules 11.7.7.2, 11.7.7.4, 11.7.7.5, and 11.7.7.13
 - “(d) anchorages in any marine reserve, Deep Cove or Milford Sound.”

Rule 11.7.7.8

Insert, after the expression “11.7.7.5”, the expression “, and 11.7.7.13”.

Insert, after the words “greater scrutiny.”:

“Moorings in the 5 locations listed in rule 11.7.7.13 are prohibited.”

Rule 11.7.7.13

Insert, after rule 11.7.7.12:

**“Rule 11.7.7.13 Anchoring or mooring in China Shops in
the Fiordland (Te Moana o Atawhenua)
Marine Area**

“Any activity involving anchoring or placement of moorings in the following areas of the Fiordland (Te Moana o Atawhenua) Marine Area, defined in Maps 2 to 6 of Appendix 3A is a prohibited activity:

Clio Rock in Bligh Sound:
the area between Macdonell Island and Gardner Head in
Bradshaw Sound:
the area at the intersection of Acheron Passage and Wet
Jacket Arm between Breaksea and Dusky Sounds:
Nine Fathoms Passage, off Cooper Island, Dusky Sound:
Narrow Bend from Adam Head to Sandy Point in Long
Sound.

“Explanation—The natural values would be severely compromised if vessels anchor or moor in these locations.”

Section 14.3—Diving

Issue 14.3.3

Insert, after issue 14.3.2:

“Issue 14.3.3 Unique habitats in the Fiordland (Te Moana o Atawhenua) Marine Area, including fragile, slow-growing corals can be damaged by divers.

“Objective 14.3.1 Fiordland’s waters

Insert, after the words “the diving values of Fiordland’s waters”:

“while protecting those values in the Fiordland (Te Moana o Atawhenua) Marine Area from potential damage caused by diving.”

Insert, after the second sentence of the explanation to objective 14.3.1:

“Unfortunately, the relative rarity of many of these habitats at diveable depths and the fragility of some of the species within these habitats puts them at risk from the impacts of divers. Many of the colonies of corals, in particular, are very slow growing. This makes habitats containing these species particularly vulnerable to accidental breakage or partial damage, which coupled with slow growth has the potential to adversely affect their long-term viability.”

Policy 14.3.1

Insert, after the words “to maintain and enhance these values”:

“while protecting unique habitats, and fragile species in the Fiordland (Te Moana o Atawhenua) Marine Area from the adverse effects of diving.”

Insert, after the second sentence of the explanation to policy 14.3.1:

“However, research has shown that in frequently dived areas damage can be caused to fragile species, such as corals, from fins and inappropriate diver behaviour or accidental damage. In the long term, unchecked damage from divers can threaten the long-term viability of these unique habitats.”

Outcome 14.3.2

Insert, after outcome 14.3.1:

“14.3.2 Unique and fragile habitats in the Fiordland (Te Moana o Atawhenua) Marine Area are protected from the adverse effects of diving.”

Section 20.1—Introduction

Section 20.1

Omit the third sentence of paragraph 4 and substitute:

“Other types of organisations with a management role in the coastal marine area include Statutory Advisory Groups such as the Fiordland Marine Guardians, Fish and Game Councils, and the Historic Places Trust.”

Section 20.2—Procedures

Section 20.2

Insert, after paragraph 1:

- “1.a Have regard to the Guardians of Fiordland’s Fisheries and Marine Environment Fiordland Marine Conservation Strategy to the extent that the Strategy is consistent with the Fiordland (Te Moana o Atawhenua) Marine Management Act 2005.”

Appendix 1—Glossary of terms

Insert, in its appropriate alphabetical order, the following definition:

“**China Shop** means an area identified—

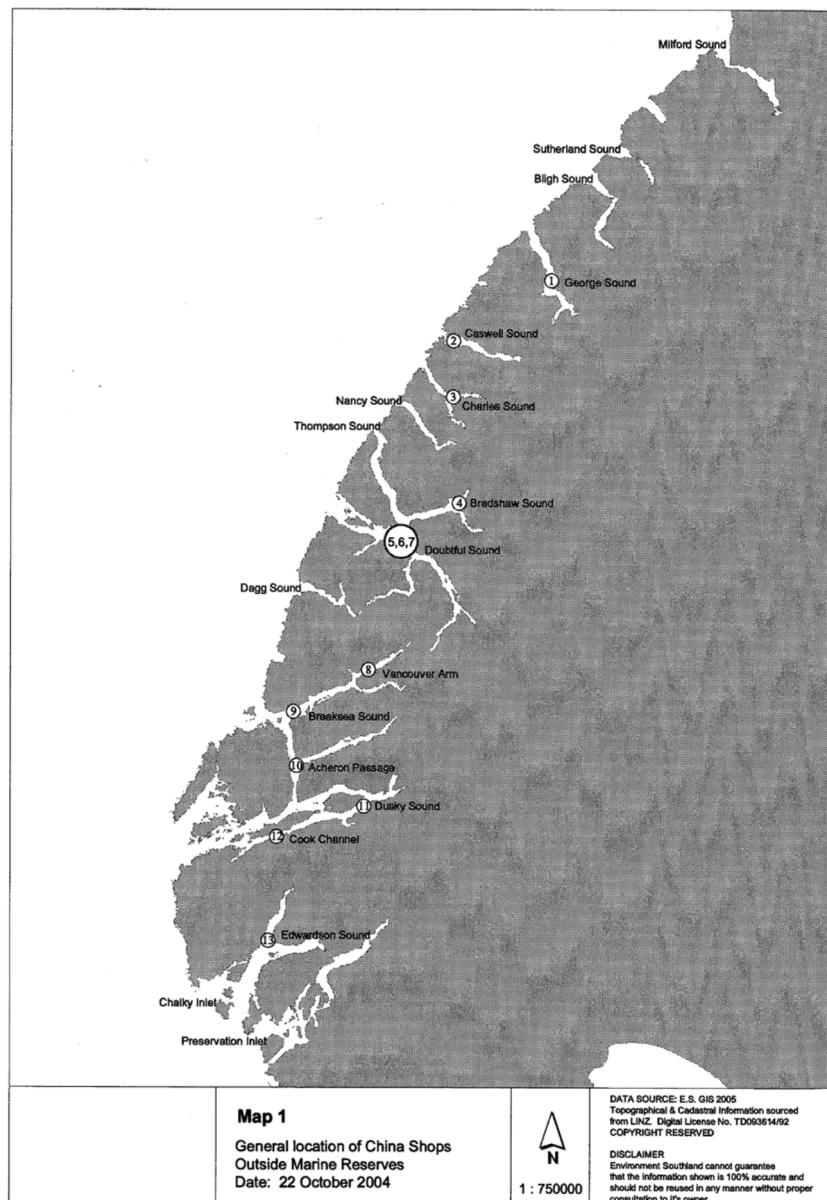
- “(a) by a number on Map 1 of Appendix 3A; and
“(b) as a prohibited anchoring area on Maps 2 to 6 of Appendix 3A.”

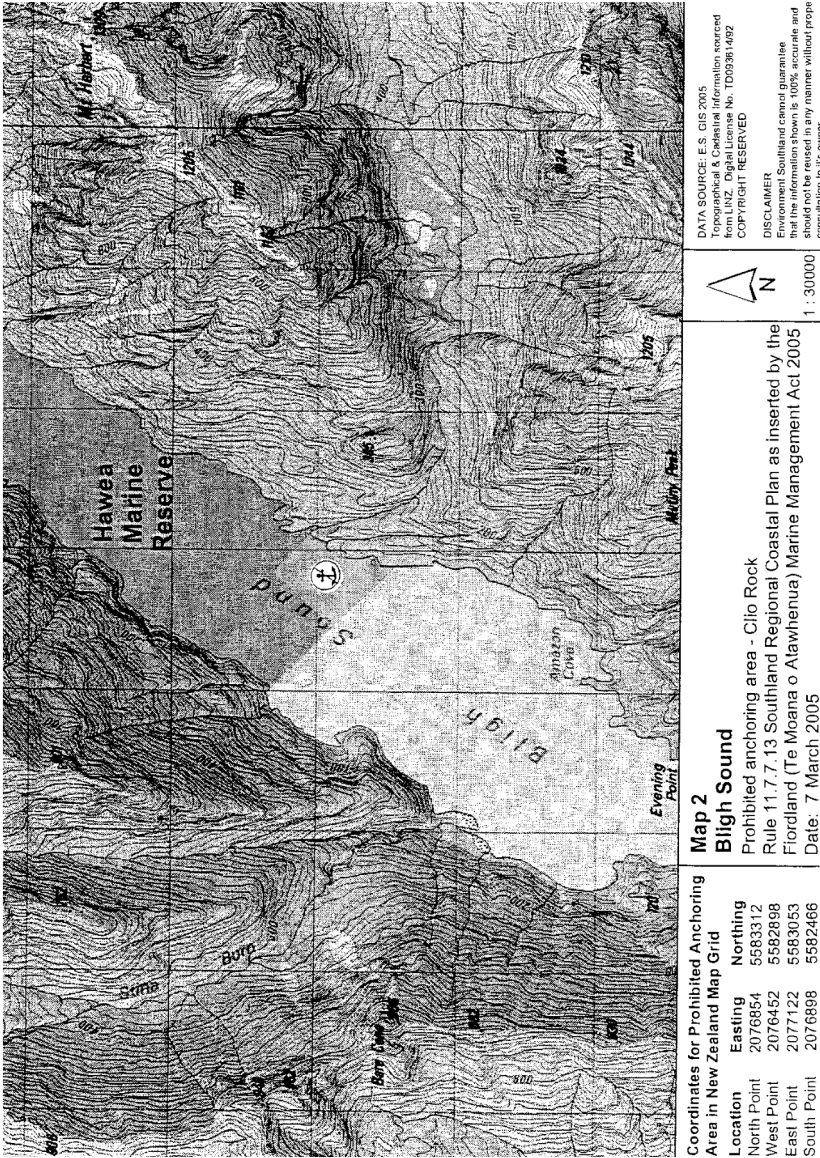
Omit the definition of “**Fiordland**” and substitute:

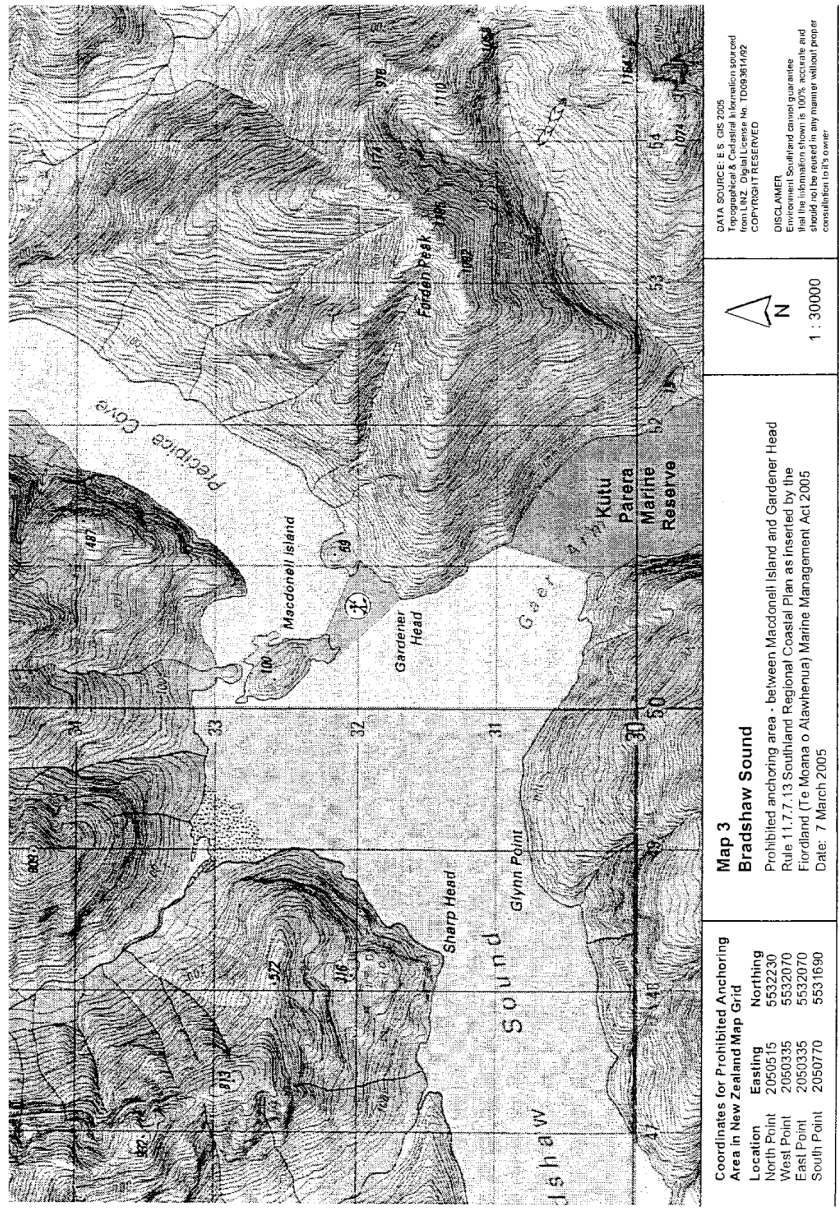
“**Fiordland** means that area of the coastal marine area adjoining the coastline from Awarua Point to Sand Hill Point, including that part of the coastal marine area around the Solander Islands and includes all of that area known as the Fiordland (Te Moana o Atawhenua) Marine Area.

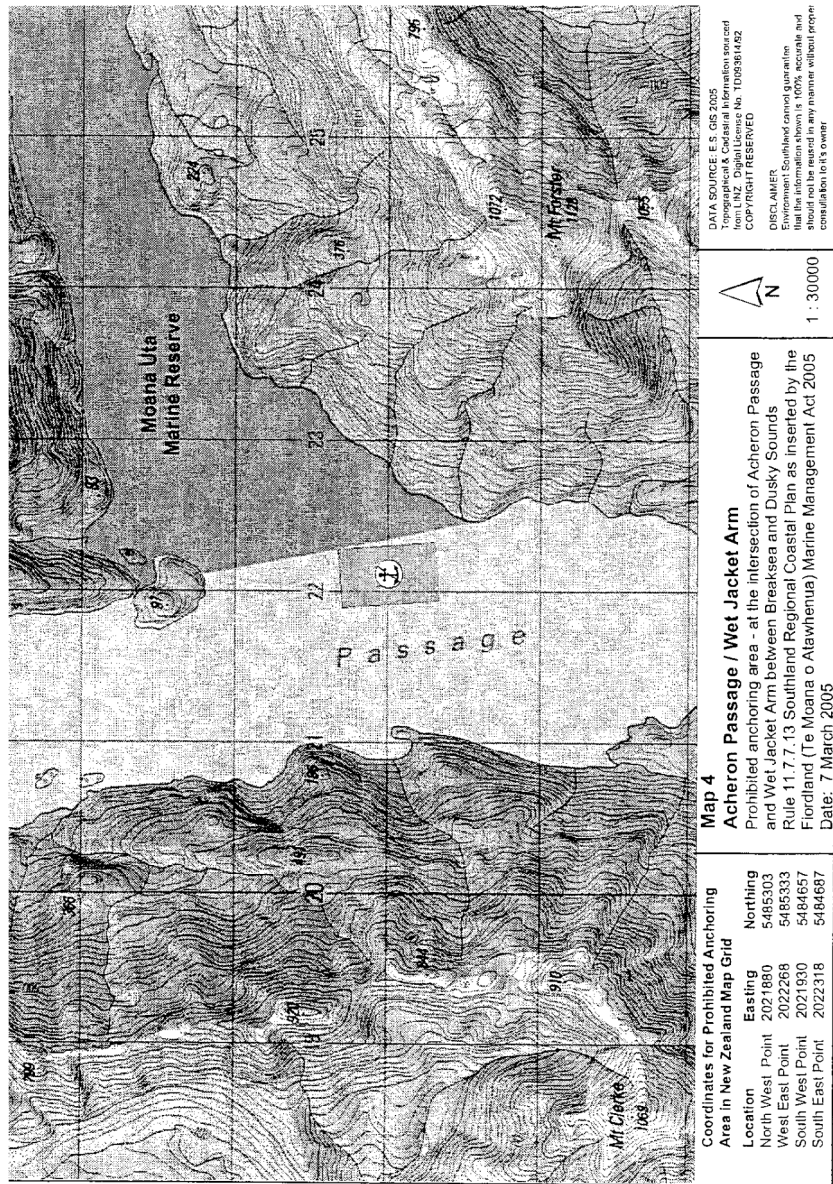
“**Fiordland (Te Moana o Atawhenua) Marine Area** means that part of the Southland coastal marine area adjoining the coastline from Awarua Point to Sand Hill Point, but not including the coastal marine area around the Solander Islands, and has the same meaning as set out in the Fiordland (Te Moana o Atawhenua) Marine Management Act 2005.”

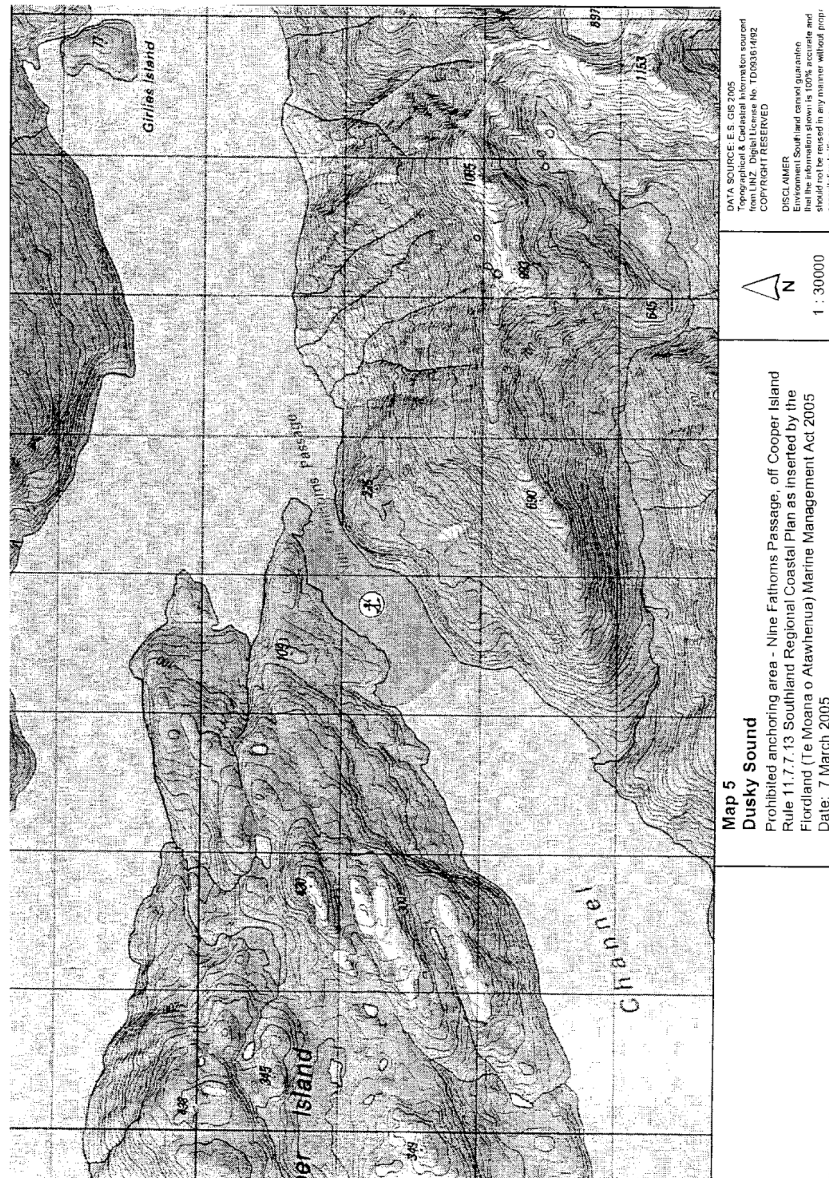
Appendix 3a—Maps

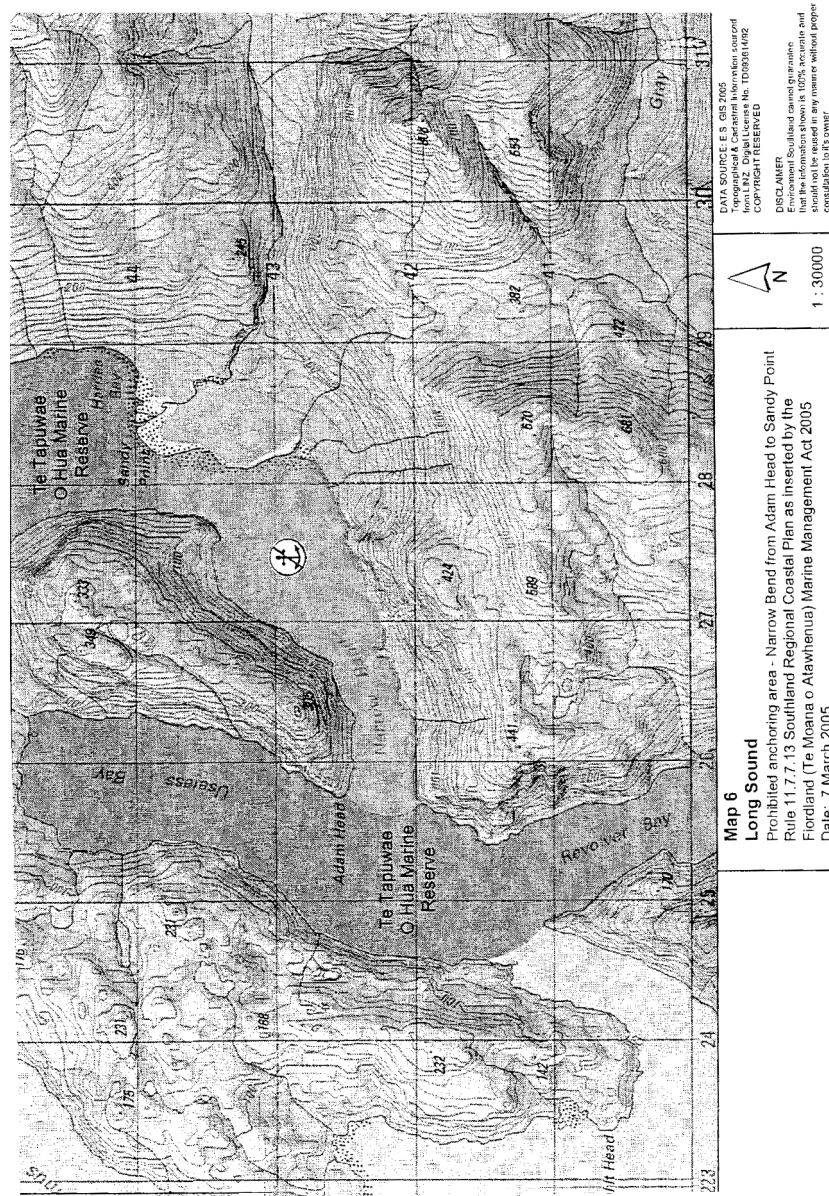












Appendix 6—Anchorages

Insert, in their appropriate numerical order, the following items:

Map	Anchor ID	Name	Usage	Type	Comments
3	038a	Cove north of Macdonell Island (Bradshaw Sound)	Moderate	Anchorage	
3	041a	Bauza Island (Doubtful Sound)	Unknown	Anchorage	
5/5a	089a	Shoal Point (Chalky Inlet)	Unknown	Anchorage	
5/5a	089b	Blind Entrance (Chalky Inlet)	Unknown	Anchorage	
5/5a	089c	Passage Islands (Chalky Inlet)	Unknown	Anchorage	
5/5a	092a	Cliff Cove (Cunaris Sound)	Unknown	Anchorage	
5/5a	097a	Anchorage Cove (Chalky Inlet)	Unknown	Anchorage	
5/5a	098a	Welcome Bay (Preservation Inlet)	Unknown	Anchorage	
5/5a	098b	Red Head (Chalky Inlet)	Unknown	Anchorage	
5/5a	099a	Brokenshore Bay (Preservation Inlet)	Unknown	Anchorage	
5/5a	104a	Fishing Bay (Preservation Inlet)	Unknown	Anchorage	
5/5a	104b	Cavern Head (Preservation Inlet)	Unknown	Anchorage	

Schedule 13
Acts to which Part 3 applies

s 26(2)

Biosecurity Act 1993
Environment Act 1986
Fisheries Act 1996
Marine Reserves Act 1971
Resource Management Act 1991

Contents

- 1 General
 - 2 Status of reprints
 - 3 How reprints are prepared
 - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
 - 5 List of amendments incorporated in this reprint (most recent first)
-

Notes

1 General

This is a reprint of the Fiordland (Te Moana o Atawhenua) Marine Management Act 2005. The reprint incorporates all the amendments to the Act as at 21 April 2005, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that have yet to come into force or that contain relevant transitional or savings provisions are also included, after the principal enactment, in chronological order.

2 Status of reprints

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 How reprints are prepared

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked are omitted.

For a detailed list of the editorial conventions, *see* <http://www.pco.parliament.govt.nz/legislation/reprints.shtml> or Part 8 of the *Tables of Acts and Ordinances and Statutory Regulations, and Deemed Regulations in Force*.

4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989*

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5 *List of amendments incorporated in this reprint
(most recent first)***
