

**Reprint  
as at 5 November 2020**



**Marine Mammals Protection (Clifford and Cloudy Bay  
Sanctuary) Notice 2008**

(SR 2008/329)

Pursuant to section 22 of the Marine Mammals Protection Act 1978, the Minister of Conservation gives the following notice, and the Minister of Energy, the Minister of Fisheries, and the Minister of Transport consent to the declaration in clause 4(2).

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**Notice**

**1 Title**

This notice is the Marine Mammals Protection (Clifford and Cloudy Bay Sanctuary) Notice 2008.

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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 notice is administered by the Department of Conservation.**

## 2 Commencement

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

## 3 Interpretation

(1) In this notice, unless the context otherwise requires,—

**existing permit**—

- (a) means a mining permit, an exploration permit, or a prospecting permit that has been granted and has not expired or been surrendered or revoked on the date on which the Marine Mammals Protection (Clifford and Cloudy Bay Sanctuary) Amendment Notice 2020 comes into force; and
- (b) includes—
  - (i) an extension of land granted to the area of an existing permit, an existing privilege, or a subsequent permit under the applicable mining legislation after the date on which the Marine Mammals Protection (Clifford and Cloudy Bay Sanctuary) Amendment Notice 2020 comes into force; and
  - (ii) an authorisation granted under applicable mining legislation that allows seismic surveying outside the area of an existing permit, an existing privilege, or a subsequent permit after the date on which the Marine Mammals Protection (Clifford and Cloudy Bay Sanctuary) Amendment Notice 2020 comes into force

**existing privilege** has the meaning given by section 2(1) of the Crown Minerals Act 1991

**exploration permit** has the meaning given by section 2(1) of the Crown Minerals Act 1991

**hazard assessment** means—

- (a) an assessment of faults following a major seismic event; or
- (b) an assessment of the likelihood of, or for the purpose of mitigating the potential effects of, an anticipated natural hazard or a maritime accident, incident, or mishap

**mining** has the meaning given by section 2(1) of the Crown Minerals Act 1991

**mining permit** has the meaning given by section 2(1) of the Crown Minerals Act 1991

**petroleum** has the meaning given by section 2(1) of the Crown Minerals Act 1991

**prospecting permit** has the meaning given by section 2(1) of the Crown Minerals Act 1991

**seabed mining**—

- (a) means mining in the seabed; but

(b) excludes mining for petroleum

**seismic survey** means a survey of the geology of the seabed, the structures beneath it, or both, carried out by projecting pressure waves into the layers beneath the seabed, and detecting and measuring the reflected signals

**subsequent permit**—

(a) has the meaning given by section 2(1) of the Crown Minerals Act 1991; and

(b) includes subsequent permits granted after the date on which the Marine Mammals Protection (Clifford and Cloudy Bay Sanctuary) Amendment Notice 2020 comes into force.

(2) All co-ordinates stated in this notice are expressed in accordance with the World Geodetic System (WGS 84).

Clause 3(1) **acoustic seismic survey**: revoked, on 5 November 2020, by clause 4(1) of the Marine Mammals Protection (Clifford and Cloudy Bay Sanctuary) Amendment Notice 2020 (LI 2020/269).

Clause 3(1) **acoustic source**: revoked, on 5 November 2020, by clause 4(1) of the Marine Mammals Protection (Clifford and Cloudy Bay Sanctuary) Amendment Notice 2020 (LI 2020/269).

Clause 3(1) **activate**: revoked, on 5 November 2020, by clause 4(1) of the Marine Mammals Protection (Clifford and Cloudy Bay Sanctuary) Amendment Notice 2020 (LI 2020/269).

Clause 3(1) **cetacean**: revoked, on 5 November 2020, by clause 4(1) of the Marine Mammals Protection (Clifford and Cloudy Bay Sanctuary) Amendment Notice 2020 (LI 2020/269).

Clause 3(1) **during poor visibility**: revoked, on 5 November 2020, by clause 4(1) of the Marine Mammals Protection (Clifford and Cloudy Bay Sanctuary) Amendment Notice 2020 (LI 2020/269).

Clause 3(1) **existing permit**: inserted, on 5 November 2020, by clause 4(2) of the Marine Mammals Protection (Clifford and Cloudy Bay Sanctuary) Amendment Notice 2020 (LI 2020/269).

Clause 3(1) **existing privilege**: inserted, on 5 November 2020, by clause 4(2) of the Marine Mammals Protection (Clifford and Cloudy Bay Sanctuary) Amendment Notice 2020 (LI 2020/269).

Clause 3(1) **exploration permit**: inserted, on 5 November 2020, by clause 4(2) of the Marine Mammals Protection (Clifford and Cloudy Bay Sanctuary) Amendment Notice 2020 (LI 2020/269).

Clause 3(1) **explosion**: revoked, on 5 November 2020, by clause 4(1) of the Marine Mammals Protection (Clifford and Cloudy Bay Sanctuary) Amendment Notice 2020 (LI 2020/269).

Clause 3(1) **hazard assessment**: inserted, on 5 November 2020, by clause 4(2) of the Marine Mammals Protection (Clifford and Cloudy Bay Sanctuary) Amendment Notice 2020 (LI 2020/269).

Clause 3(1) **internal waters**: revoked, on 5 November 2020, by clause 4(1) of the Marine Mammals Protection (Clifford and Cloudy Bay Sanctuary) Amendment Notice 2020 (LI 2020/269).

Clause 3(1) **low-water line**: revoked, on 5 November 2020, by clause 4(1) of the Marine Mammals Protection (Clifford and Cloudy Bay Sanctuary) Amendment Notice 2020 (LI 2020/269).

Clause 3(1) **mining**: inserted, on 5 November 2020, by clause 4(2) of the Marine Mammals Protection (Clifford and Cloudy Bay Sanctuary) Amendment Notice 2020 (LI 2020/269).

Clause 3(1) **mining permit**: inserted, on 5 November 2020, by clause 4(2) of the Marine Mammals Protection (Clifford and Cloudy Bay Sanctuary) Amendment Notice 2020 (LI 2020/269).

Clause 3(1) **mitigating acoustic device**: revoked, on 5 November 2020, by clause 4(1) of the Marine Mammals Protection (Clifford and Cloudy Bay Sanctuary) Amendment Notice 2020 (LI 2020/269).

Clause 3(1) **passive acoustic monitoring**: revoked, on 5 November 2020, by clause 4(1) of the Marine Mammals Protection (Clifford and Cloudy Bay Sanctuary) Amendment Notice 2020 (LI 2020/269).

Clause 3(1) **petroleum**: inserted, on 5 November 2020, by clause 4(2) of the Marine Mammals Protection (Clifford and Cloudy Bay Sanctuary) Amendment Notice 2020 (LI 2020/269).

Clause 3(1) **prospecting permit**: inserted, on 5 November 2020, by clause 4(2) of the Marine Mammals Protection (Clifford and Cloudy Bay Sanctuary) Amendment Notice 2020 (LI 2020/269).

Clause 3(1) **qualified observer**: revoked, on 5 November 2020, by clause 4(1) of the Marine Mammals Protection (Clifford and Cloudy Bay Sanctuary) Amendment Notice 2020 (LI 2020/269).

Clause 3(1) **seabed mining**: inserted, on 5 November 2020, by clause 4(2) of the Marine Mammals Protection (Clifford and Cloudy Bay Sanctuary) Amendment Notice 2020 (LI 2020/269).

Clause 3(1) **soft start**: revoked, on 5 November 2020, by clause 4(1) of the Marine Mammals Protection (Clifford and Cloudy Bay Sanctuary) Amendment Notice 2020 (LI 2020/269).

Clause 3(1) **source of acoustic pressure waves**: revoked, on 5 November 2020, by clause 4(1) of the Marine Mammals Protection (Clifford and Cloudy Bay Sanctuary) Amendment Notice 2020 (LI 2020/269).

Clause 3(1) **source vessel**: revoked, on 5 November 2020, by clause 4(1) of the Marine Mammals Protection (Clifford and Cloudy Bay Sanctuary) Amendment Notice 2020 (LI 2020/269).

Clause 3(1) **source vessel observer**: revoked, on 5 November 2020, by clause 4(1) of the Marine Mammals Protection (Clifford and Cloudy Bay Sanctuary) Amendment Notice 2020 (LI 2020/269).

Clause 3(1) **subsequent permit**: inserted, on 5 November 2020, by clause 4(2) of the Marine Mammals Protection (Clifford and Cloudy Bay Sanctuary) Amendment Notice 2020 (LI 2020/269).

Clause 3(1) **territorial sea**: revoked, on 5 November 2020, by clause 4(1) of the Marine Mammals Protection (Clifford and Cloudy Bay Sanctuary) Amendment Notice 2020 (LI 2020/269).

#### **4 Place defined and declared to be marine mammal sanctuary**

- (1) All the place described in Schedule 1 is defined for the purposes of subclause (2).
- (2) The place defined by subclause (1) is a marine mammal sanctuary, to be called the Clifford and Cloudy Bay Marine Mammal Sanctuary.
- (3) A map of the sanctuary is set out in Schedule 2.
- (4) The map set out in Schedule 2 is indicative only, and if there is a conflict between it (or the map of the sanctuary available for inspection on the Internet site of the Department of Conservation) and the verbal description in Schedule 1, the verbal description prevails.

#### **5 Restrictions on seismic surveying**

- (1) A person must not carry out a seismic survey from a vessel in the sanctuary created by clause 4(1) unless the seismic survey is undertaken in accordance with one of the following exemptions:
  - (a) under an existing permit, an existing privilege, or a subsequent permit:
  - (b) for decommissioning of mining infrastructure even where there is no existing permit, existing privilege, or subsequent permit in force:
  - (c) for an urgent hazard assessment:
  - (d) for Level 3 surveys as defined in the *2013 Code of Conduct for Minimising Acoustic Disturbance to Marine Mammals from Seismic Survey Operations*:

- (e) pursuant to an approval by the Minister of Conservation and the Minister of Energy and Resources for an activity—
  - (i) that is nationally significant; and
  - (ii) that has a purpose that cannot be achieved if the activity is conducted outside the sanctuary area.
- (2) A seismic survey authorised by a permit under the Crown Minerals Act 1991 that does not qualify for an exemption under subclause (1)(a) is not eligible for an approval by the Ministers under subclause (1)(e).
- (3) A seismic survey that is exempt from the prohibition must comply with the *2013 Code of Conduct for Minimising Acoustic Disturbance to Marine Mammals from Seismic Survey Operations* when undertaking seismic surveying within the sanctuary.
- (4) Surveyors undertaking a Level 3 survey under subclause (1)(d) must provide the Director-General of Conservation with the following information within 30 days of completing the survey:
  - (a) the date and time of the survey commencement and of its completion;
  - (b) the type of sound source used;
  - (c) the geographic area surveyed.

Clause 5: replaced, on 5 November 2020, by clause 5 of the Marine Mammals Protection (Clifford and Cloudy Bay Sanctuary) Amendment Notice 2020 (LI 2020/269).

## **6 Restriction on seabed mining**

A person must not carry out seabed mining in the sanctuary created by clause 4(1) unless the seabed mining is undertaken under an existing permit, an existing privilege, or a subsequent permit.

Clause 6: inserted, on 5 November 2020, by clause 5 of the Marine Mammals Protection (Clifford and Cloudy Bay Sanctuary) Amendment Notice 2020 (LI 2020/269).

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**Schedule 1**  
**Clifford and Cloudy Bay Marine Mammal Sanctuary**

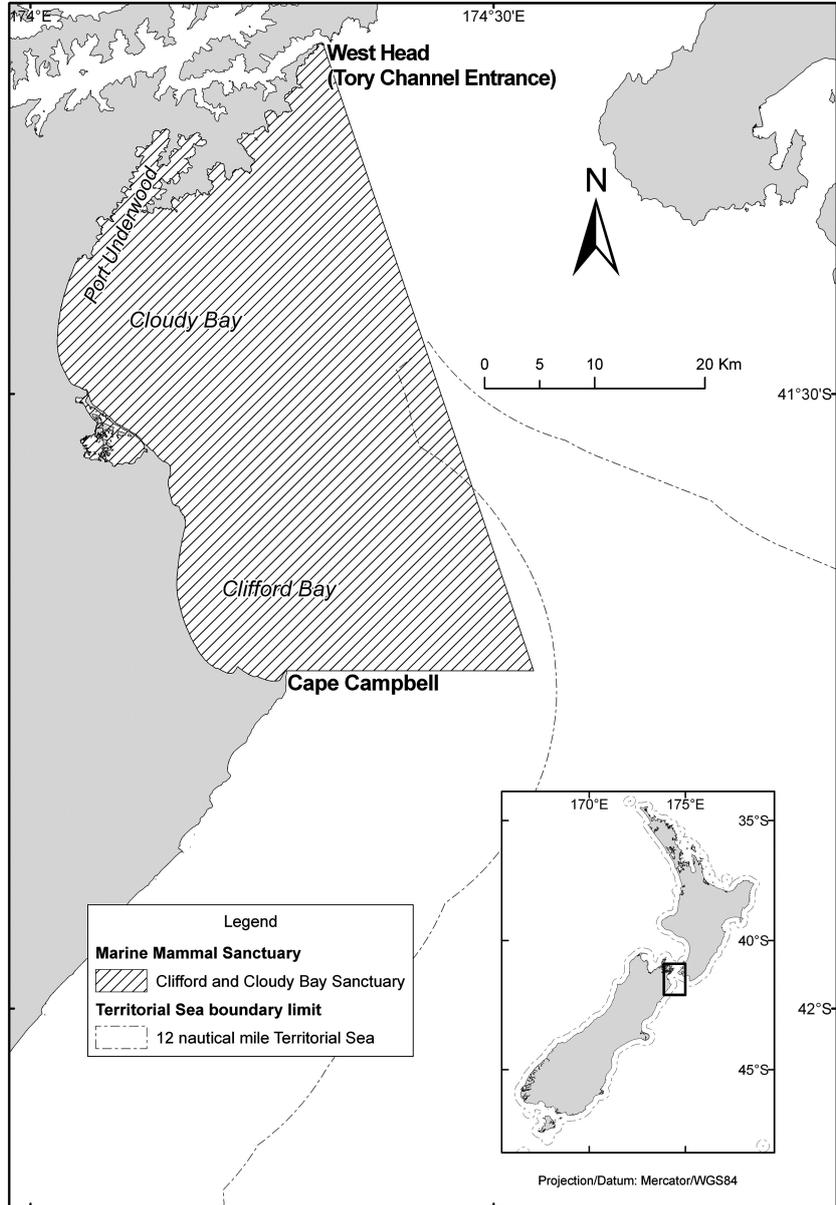
cl 4(1)

All the areas of the sea enclosed—

- (a) by the line of mean high-water springs from a point on Cape Campbell (at approximately 41°43.54'S and 174°16.57'E) thence by a line running in an easterly direction to a point at sea (at approximately 41°43.54'S and 174°32.59'E), thence by a line running in a north-westerly direction to a point on West Head on the Tory Channel (at approximately 41°12.79'S and 174°18.93'E); and
- (b) by the line of mean high-water springs alongshore in a north-south direction between the point on West Head on the Tory Channel (at approximately 41°12.79'S and 174°18.93'E) to the point on Cape Campbell (at approximately 41°43.54'S and 174°16.57'E).

## Schedule 2 Map of sanctuary

cl 4(3)



Dated at Wellington this 23rd day of September 2008.

Steve Chadwick,  
Minister of Conservation.

Harry Duynhoven,  
for Minister of Energy.

Jim Anderton,  
Minister of Fisheries.

Annette King,  
Minister of Transport.

Issued under the authority of the Legislation Act 2012.  
Date of notification in *Gazette*: 25 September 2008.

## **Reprints notes**

### **1    *General***

This is a reprint of the Marine Mammals Protection (Clifford and Cloudy Bay Sanctuary) Notice 2008 that incorporates all the amendments to that notice 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***

Marine Mammals Protection (Clifford and Cloudy Bay Sanctuary) Amendment Notice 2020 (LI 2020/269)