



The braided bed of the upper Rakaia River near its confluence with Lake Stream, inland Canterbury. These are the kind of landscapes the Ashburton District Council has sought to protect by designating a special 'high-country zone' in its District Plan.

more than 1600 cases the Court itself has promoted mediation and discussion. In several of the district plans referred (or appealed) to the Environment Court, Forest and Bird has managed to reach a negotiated settlement with councils and other parties, without the need to proceed to formal (and costly) court hearings.

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possibility of costs being awarded against the Society if an appeal is unsuccessful. All this means that the Society's legal sub-committee of the Executive scrutinizes every proposal for an appeal very closely.

Preparing submissions and evidence accounts for a significant amount of staff and branch members' time. Currently, Forest and Bird appeals are co-ordinated by Helen Fraser and Barry Weeber in the central office. South Island field officers, Eugenie Sage and Sue Maturin, also spend much of their time on issues related to the Resource Management Act.

Executive members Keith Chapple, Linda Conning, and Peter White, and a co-opted member Peter Horsley, are also heavily involved with the legal sub-committee of the national executive. Many local branch members contribute their time in nature conservation by using the processes provided by the Act. In several recent cases, Forest and Bird has benefited from lawyers, scientists and other expert witnesses contributing their time and skills, either free or for a significantly reduced fee. Without such assistance many important appeals simply could not be undertaken.

Unfortunately, some major cases (such as against the extensive open-cast gold mine proposed by Macraes Mining on conservation land near Reefton) could not be pursued because the cost would be too great.

The case studies on these pages show that work under the Resource Management Act is a key part of important conservation campaigns. They also highlight the increasing use of mediation and negotiation to try to avoid appeals to the Environment Court. With a backlog of

Threatened sand dunes at the mouth of the Waikanae River are the focus of an appeal under the Resource Management Act. These dunes would be removed to provide sites for 31 houses in a development approaching the estuary reserve.

Preventing inappropriate subdivision.

by Helen Fraser

From the summit of Kapiti Island, two features dominate the mainland landscape — the Tatarua Range, and the sunlight glinting off buildings spread along the Kapiti Coast. Also visible is a small area of undeveloped land at the mouth of the Waikanae River: the Waikanae Scientific Estuary Reserve and surrounding dune complex. The reserve forms a narrow strip along the foreshore and is a refuge for many native bird species, including New Zealand dotterels and variable oystercatchers. In all more than 60 different species of native birds have been recorded from the Waikanae Estuary.

The Kapiti Coast has one of the fastest-growing populations in the country, putting increased pressure on the natural resources, including areas protected as coastal reserves. Kapiti Forest and Bird has a long-standing interest in the conservation of the estuary, and for some time now has been concerned about the effects of encroaching housing development.

In 1998 the Kapiti District Council issued landuse and subdivision consents to Kotuku Parks Limited for stage four of a multi-stage housing development. Stage four comprised 31 house lots on the southern boundary of the reserve and included 're-contouring' of the dunes which would destroy the dune formations. Waikanae Estuary Guardians (WEG), Kapiti Environmental Action (KEA), and Te Runanga o Ati Awa ki Whakarongotai all lodged appeals in the Environment Court. Forest and Bird joined the case as party to the WEG and KEA appeals, concerned about both the destruction of the dune landscape (very little of which remains undeveloped in the southwest North Island) and the increased pressure on the reserve and its wildlife from people and pets associated with the new housing.

The hearing began with a one-week session in October. Forest and Bird and the other parties highlighted the importance of this reserve and its interconnections with the surrounding landscape, the need to respect Maori cultural and resource management concerns, and the need for greater caution in respect of potential effects of waves surging up the beach during storms. The case resumes this month. Forest and Bird is seeking a decision which will result in a smaller subdivision, designed to protect the dune landscape, with an effective fence and buffer zone to prevent predators from entering the reserve.



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