



# Proposed Regional Coastal Plan: Kermadec and Subantarctic Islands

Summary of submissions

Department of  
Conservation  
*Te Papa Atawhai*

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## 1 New Zealand Defence Force

Section	Subsection	Concern	Request
Surface water activities in the Subantarctic Islands rules	Note 2	Support for the exemption provided in Note 2 for the RNZN when involved in activities for any of the purposes listed in section 5 of the Defence Act 1990.	No change
Surface water activities for the Kermadec Islands rules	Note 2	Support for the exemption provided in Note 2 for the RNZN when involved in activities for any of the purposes listed in section 5 of the Defence Act 1990.	No change.
Glossary	Ancillary craft definition	Amendment to the definition of ancillary craft in the glossary to ensure it includes all ship to shore craft that the RNZN consider essential to operations around the islands.	Amend the definition of ancillary craft to include: RHIBS (rigid hull inflatable boat) and LCM (landing craft medium).

## 2 Southland Conservation Board

Section	Subsection	Concern	Request
Current use values - Tourism in the Subantarctic Islands	Values of the Subantarctic Islands - Tourism	Acknowledgement of the position regarding yachts in the Subantarctic Islands is needed, similar to that provided on page 21 for the Kermadec Islands.	In the Values of the Subantarctic Islands - Tourism section, acknowledge the position regarding yachts in the Subantarctic Islands similar to that provided on page 21 for the Kermadec Islands.
Natural character policies		Oil spills, pollution and shipwrecks in the Southern Ocean have the potential to devastate the marine and land environments and dealing with the impacts of such events would be practically impossible due to the remote location of the islands.	A conservative approach be taken with shipping
Natural character policies	Policy 18	A stronger position should be taken on artificial light pollution and its effect on night flying sea birds.	Strengthen policy 18
Issue 3: Cultural and historic heritage	Other methods 6	Discussion on the need to increase public awareness of the Subantarctic Islands and their coastal environments through interpretation at a location away from the islands.	It is not clear what decision is requested, other than inclusion of the words "away from the islands", presumably in Other methods 6.
Integrated management		Strong support for the need for an integrated approach between the Sub Antarctic Islands Conservation Management Strategy (CMS) and the Proposed Regional Coastal Plan: Kermadec and Subantarctic Islands.	

## 2 Southland Conservation Board

Section	Subsection	Concern	Request
Integrated management		New information will be gathered in the process of reviewing the Conservation Management Strategy for the islands. Consider how such information could be incorporated into the proposed plan.	Consider how new information can be incorporated into the plan.
Environmental Protection Authority		Oppose the proposal for the Environment Protection Authority (EPA) to consider proposals of national significance that overlap or are adjacent to the boundary of the coastal marine areas of the Subantarctic Islands. Rightly notes that the EPA is set up under the Resource Management Act and that it has not been set up to consider matters of national significance in relation to conservation of the Conservation Act.	While it is not clear what decision is requested, it is implied that the paragraph that discusses integrated management with the Environmental Protection Authority (EPA) either to be removed or amended such that it does not refer to proposals of national significance that overlap or are adjacent to the boundary of the coastal marine areas of the Subantarctic Islands to be managed in an integrated manner with the EPA.

### 3 New Zealand Historic Places Trust

Section	Subsection	Concern	Request
	Natural character - Controls on structures, disturbance, deposition, and reclamation policies Policy 21 and rule 4	That a heritage assessment of the structures is undertaken first before any works to upgrade the Fishing Rock and Boat Cove landings on Raoul Island.	Policy 21 and rule 4 are amended to require a heritage assessment of the structures to be undertaken first, in accordance with the Department of Conservation's Historic SOP.
	Kaitiakitanga of coastal marine area of Kermadec Islands Policies 26 and 27	The NZHPT supports ongoing consultation with Ngati Kuri and Te Aupouri concerning the Kermadec Islands.	Include policies 26 and 27 in the plan as proposed.
	Issue 3: Cultural and historic heritage Policy 34	The NZHPT recommends adding Low Flat prehistoric site to the list of sites for active conservation on grounds of national historic significance.	Add the prehistoric site Low Flat to the list of sites for active conservation in policy 34.
	Issue 3: Cultural and historic heritage Policy 36	While supportive of policy 36, the policies of Issue 3 do not go far enough with respect to achieving section 6(e) RMA and a policy should be included to require appropriate consultation with tangata whenua where it is proposed to undertake activities on sites of special spiritual, historical and cultural significance to tangata whenua. Further, a scoping exercise should be undertaken with the view of identifying such sites for inclusion in the coastal plan.	Include a new policy as follows : "Where it is proposed to undertake activities on sites of special spiritual, historical and cultural significance to tangata whenua, appropriate consultation must be conducted with tangata whenua." And if not already undertaken, scoping exercise be undertaken with the view of identifying sites of special spiritual, historical and cultural significance to tangata whenua for inclusion in the coastal plan



### 3 New Zealand Historic Places Trust

Section	Subsection	Concern	Request
Issue 3: Cultural and historic heritage	Policy 37	Support the re-wording of policy 37 (from the wording in the draft plan).	Include policy 37 in the plan unchanged.
Issue 3: Cultural and historic heritage	Policies 41, 42, 43 and 44	The NZHPT considers there is some confusion as to the interpretation and intention of policies 41 and 42. Policy 42 should be amended to clarify who has to make the provision for recording of the details of the site. The NZHPT supports the re-wording of policies 43 and 44 (from the wording in the draft plan).	Amend policy 42 by including the words "the applicant shall " after the words "...potential to affect heritage sites, ...." in place of the word "to". Include policies 43 and 44 in the plan unchanged.
Issue 3: Cultural and historic heritage	Issue 3 Other methods and Appendix 2	The NZHPT is aware of recent field work of Archaeologist Dr Nigel Prickett, who has provided the NZHPT with an informal list of notable sites on Campbell Island which the NZHPT believes should be considered for inclusion in Appendix 2. Dr Prickett also notes some items that he believes are not present. NZHPT suggest consideration be given to removing these sites from Appendix 2. The NZHPT recommends the Department consults further with Dr Prickett before confirming the list in Appendix 2. The NZHPT considers a commitment to regular revision and updating of Appendix 2 should be included in the Other methods of Issue 3.	Include another method in Other methods of Issue 3 that requires regular revision and updating of Appendix 2. Delete the repeat listing of KO36/1 and delete any terrestrial sites that do not extend into the coastal marine area. The NZHPT recommends the inclusion of Low Flat site and some of the dune burials on the grounds that these sites are subject to coastal erosion and may potentially be damaged by activities occurring on the adjacent foreshore.
Issue 3: Cultural and historic heritage	Policy 34	Listing sites of historic importance in two places in the plan, Appendix 2 and policy 34, has the potential to create confusion and risk something being overlooked.	The listings in policy 34 of the plan are placed in a separate schedule and are removed from the policy section of Issue 3: Cultural and historic heritage

### 3 New Zealand Historic Places Trust

Section	Subsection	Concern	Request
Issue 3: Cultural and historic heritage	Note at the end of Issue 3	The NZHPT considers it prudent to introduce the role of the NZHPT in the archaeology authority process early on, to provide up front and clear information, rather than in a note at the end of Issue 3	The advise note situated at the end of Issue 3: Cultural and historic heritage section is removed and repositioned in the introduction.
Issue 3: Cultural and historic heritage	Policy 38	Supportive of the intent of policy 38 to protect, in situ all archaeological sites, known or unknown unless it can be demonstrated that an artefact is rare or has significant importance such that it should be removed for research or preservation.	No change.
Issue 3: Cultural and historic heritage	Policy 40	The NZHPT supports the inclusion of note 13 to policy 40, outlining the need for an archaeological authority being required if the site is pre-1900.	Include policy 40 and it's note 13 in the plan unchanged.
Issue 3: Cultural and historic heritage	Policy 39	Support the re-wording of policy 39 (from the wording in the draft plan).	Include policy 39 in the plan unchanged.
Discharges rules	Rules 10 to 13 and notes 1 and 2.	The NZHPT supports of the inclusion of note 1 in the section of rules controlling discharges.	Include note 1 in the section of rules controlling discharges as proposed.

### 3 New Zealand Historic Places Trust

Section	Subsection	Concern	Request
Shipwreck rules	Rule 14	The New Zealand Historic Places Trust (the NZHPT) recommends a further standard/term/condition to be included in Rule 14.	All salvage, removal or demolition of registered or listed ship wrecks is recorded in detail by any or all of the following means: photographic record; written record; identification at or near the site by use of an aluminium rod and archaeological investigation and recording to accepted professional standards.
Disturbance rules	Rules 17 to 20	The NZHPT supports the rules and the Standard/Terms/Condition included in the rules but considers a further advice note is needed that reminds people that they may also need a archaeological authority for disturbance, damage or destruction of the seabed.	Add the following note: "Archaeological sites associated with human activity that occurred before 1900 are protected by the Historic Places Act 1993. An archaeological authority will be required from the New Zealand Historic Places Trust to destroy, damage or modify these sites.
Glossary	Definition of "Archaeological site"	The NZHPT supports of the inclusion of the Historic Places Act 1993 definition of archaeology.	Include the definition of archaeological as proposed.

#### 4 Talleys Group Limited

Section	Subsection	Concern	Request
General Comments		The development of the plan has been concurrent with the development of recommendations for areas and tools for marine protected areas in the territorial sea of the Antipodes, Bounties and Campbell Islands. In January 2011 the Ministers of Fisheries and Conservation announced their decision to create marine reserves around these islands (or parts there of) by special legislation. As marine reserves there will be restrictions on discharges, structures and introduced organisms which may make a number of provisions of the plan redundant and may require a review of the proposed plan.	Defer completion of the proposed plan until the special legislation creating the new marine reserves is complete.
Natural character - Maintenance of biosecurity policies	Policies 3 to 6	Where vessel owners are meeting good hygiene standards the requirement for a diver inspection adds undue cost and operational inefficiencies. An alternative approach is proposed whereby a vessel is permitted to enter the coastal marine area based on information provided in advance on its anti-fouling system and history, similar to the model proposed by MAF Biosecurity New Zealand in their Import Health Standard for biofouling. DOC should have the discretion to require a hull inspection if it considers the vessel hygiene system inadequate. The vessel hull and niche area inspection protocol and forms in Appendix 4 of the proposed plan would provide a consistent approach for any such inspection. The fouling threshold is also considered too high, particularly in niche areas and it is unlikely that many vessels would meet the clean definition of slime layer only. The limit of 1000m from MHWS for the application of the hull fouling rules is questioned. It is acknowledged that the greatest risk to the environment is when vessels are stationary or slow moving such as at anchor and recommended that the requirement for a "clean" hull and niche areas be amended to vessels intending to land.	An alternative approach be considered whereby a vessel is permitted to enter the coastal marine area based on information provided in advance on its anti-fouling system and history, similar to the model proposed by MAF Biosecurity New Zealand in their Import Health Standard for biofouling. And the requirement for a "clean" hull and niche areas be amended to vessels intending to land.

#### 4 Talleys Group Limited

Section	Subsection	Concern	Request
Natural character - Maintenance of biosecurity policies	Policy 2	Vessels will carry stores including meat and plants (potatoes, peas etc) that are not indigenous to the islands but necessary for the functioning of the vessel. The rules and/or definition needs to be amended to allow for the carrying of provisions.	Amend the rules and/or definition to allow for the carrying of provisions.
Natural character - Control of surface water activities explanation		The proposed plan does not explicitly recognise commercial fishing interests as users of the surface waters of the islands (page 25).	Amend the paragraph to include commercial fishing interests as key users of the surface waters of the islands.
Natural character - Control of surface water activities policies	Policy 8	Oppose additional regulations in a regional coastal plan for marine mammal protection. The proposed plan places additional restrictions on use of Port Ross when southern right whales are breeding and nursing. Disturbance of marine mammals is already regulated through the Marine Mammals Protection Regulation 1992.	Remove policy 8 and associated Standards/Terms/Conditions in rules [32, 35, and 38]
Natural character - Control of surface water activities policies	Policy 9	In restricting the anchorages based on ecotourism, the proposed plan removes options for safe anchorage and concentrates vessels at single locations. The Buckens and Young report (page 17) states that the sailing directions and nautical charts published by LINZ identify 14 safe anchorages off the Subantarctic Islands and 7 off the Kermadec Islands - Talleys Group Ltd question why these are not retained with the proposed plan? They note that fishing vessels have no specific interest in landing or sightseeing.	Include the 14 safe anchorages off the Subantarctic Islands and 7 off the Kermadec Islands as identified in the LINZ charts and noted in the Buckens report.

#### 4 Talleys Group Limited

Section	Subsection	Concern	Request
Natural character - Control of surface water activities policies	Policy 12	Support the use of ancillary craft.	No change.
Natural character - Control of discharges of contaminants policies	Policies 17 and 18	Support the use of other methods for the reduction of artificial noise and light.	No change.
Natural character - Control of discharges of contaminants policies	Policy 13 [and rule 47]	Oppose the prohibition on the use and carriage of heavy fuel oil - refer submission on rule 48 for discussion and decision request. Also oppose the prohibition of ship to ship transfers of fuel on the basis that such activity is already regulated by MARPOL ANNEX 1 and enforced by the Maritime Transport Act 1994. The prohibition of ship to ship transfers of fuel is not supported by any analysis of risk and adverse effect - which should consider fuel type and volume and the transient nature of effect.	Amend policy 13 [and rule 47] so that ship to ship fuel transfers are permitted activities subject to prevailing legislation and best practice.
Natural character - Control of discharges of contaminants policies	Policy 16	The proposed plan to indicate that discharges of contaminants from ships will remain subject to the Resource Management (Marine Pollution) Regulations 1998. Policy 16 refers to discharges of contaminants to water and air - for the avoidance of doubt, policy 16 and the rules relating to discharges should be referenced as other than from ships.	Amend policy 16 to include: "other than from ships..." after the words "To avoid discharges of contaminants..."

**4 Talleys Group Limited**

<b>Section</b>	<b>Subsection</b>	<b>Concern</b>	<b>Request</b>
Natural character - Controls on structures, disturbance, deposition, and reclamation policies	Policy 25	Support the provision for continued temporary mooring for Mr Cave but note that to access the mooring and harvest crayfish Mr Cave would need a resource consent. If the controls around vessel length and zones of access were simplified as suggested in Talleys Group submission on rules 29 to 46 (and policy 7) this would be avoided.	Rules [29 to 46] relating to controls on access to zones close to shore be converted to guidelines for vessel operators. These guidelines should be developed by a joint working party.
Natural character - Controls on structures, disturbance, deposition, and reclamation policies	Policy 22	Section 12(1)(g) of the RMA enables lawful harvesting of any plant or animal to destroy damage or disturb any foreshore or seabed which includes the deployment of fishing gear in the coastal marine zone. However, would like it specified that anchoring is an accepted activity.	Would like specification that anchoring is an accepted activity.
Discharges rules	Rules 12 and 13	Discharges of contaminants from ships are regulated under the Resource Management (Marine Pollution) Regulations 1998. The rules should be clear on this point. [Refer submission on policy 16, which refers to discharges of contaminants to water and air - for the avoidance of doubt, policy 16 and the rules relating to discharges should be referenced as other than from ships].	Amend rules 12 and 13 to include: "other than from ships..."
Shipwreck rules	Rule 14	The proposed plan should make a clear distinction between historic ship wrecks of cultural and heritage significance and future ship wrecks.	Amend the shipwreck rules, namely rule 14, to allow normal procedures for salvage, and reduction of contamination risk, to apply without any need for resource consent.

#### 4 Talleys Group Limited

Section	Subsection	Concern	Request
Use of water rules	Rule 21	The condition included in rule 21 could restrict the ability to process seawater into drinking water for vessels. It is unlikely that specific commerce will develop around extraction of the constituents of water in the lifetime of the proposed plan.	Remove the condition of rule 21.
Harmful or invasive species rule	Rule 23	The rule is not necessary - the activity is already covered by policies and rules requiring above waterline checks and hull and niche area checks that other submissions recommend should be dealt with via guidelines. It is also noted that with the exception of the Snares Islands, the waters within most of the Territorial Seas are either existing or likely to be created marine reserves through special legislation. The Marine Reserves Act makes it an offence to introduce any living organism into a marine reserve and therefore this rule is likely to be redundant for most areas.	Remove rule 23.
Deposition rules	Rule 25	Rule 25 should be clarified. It is unclear whether rule 25 relates to planned shipwrecks e.g. for amenity purposes such as artificial reefs or the misfortune of ships affected by storms or collision who are unlikely to obtain a resource consent in advance.	Clarify the implication of rule 25 in relation to shipwrecks.



#### 4 Talleys Group Limited

Section	Subsection	Concern	Request
Deposition rules	Rule 24	Rule 24 should be removed. Rule 24 prohibits the deposit of a substance from the scraping and/or cleaning of a ship (whether above or below the water surface). Fishing vessels are regularly cleaned above the water surface including decks for hygiene and safety purposes. The Resource Management (Marine Pollution) Regulations 1998 allow for discharge of materials from the cleaning of ships except the exterior of the hull below the load line or parts of the ship used for carrying cargo.	Remove rule 24.
Controls on hull and niche area fouling rules	Rules A and B and 26 to 28.	Oppose the proposed approach to hull and niche area fouling based on diver inspection and therefore do not support the proposed rules. Refer discussion in submission on policies 3 to 6 regarding hull fouling.	Remove proposed rules A and B and 26 to 28.
Surface water activities in the Subantarctic Islands rules	Rules 29 to 46 [and 49 and 50 and 52 to 58 ]	Oppose the proposed controls around access within the coastal marine regions and therefore do not support the proposed rules. Refer discussion in submission on policy 7 regarding surface water access.	Replace rules 29 to 46 [and 49 and 50 and 52 to 58 ] with a simpler approach based on guidelines.
Surface water activities in the Subantarctic Islands rules	Rules 29 to 32 inclusive, 35, 36, 38, 40, 41, 44, 45, 46 (and Policy 2)	While recognising the value of checking vessels before voyages, an inspection cannot completely ensure that vessels are totally free of harmful plants and animals (including insects). Suggests DOC works with commercial interests to develop appropriate guidelines for such vessel checks.	Modify the Standards/Terms/Conditions of rules 29 to 32 inclusive, 35, 36, 38, 40, 41, 44, 45, 46, regarding inspection above the water line to read: "Vessel has been thoroughly checked for harmful organisms above the waterline".

#### 4 Talleys Group Limited

Section	Subsection	Concern	Request
Surface water activities in the Subantarctic Islands rules	Rules 29 to 46 (and policy 7)	Question the rationale for the vessel size classifications (based on vessel length) and zones (based on distance from MHWS), which together with the rule classifications create a relatively complex matrix. Support submissions from other industry stakeholders for a simpler approach based on fewer vessel sizes and zones.	Rules [29 to 46] relating to controls on access to zones close to shore be converted to guidelines for vessel operators. These guidelines should be developed by a joint working party.
Surface water activities in the Subantarctic Islands rules	Rule 48	Rule 48 prohibits access to the coastal marine area for fishing vessels fuelled by or carrying heavy fuel oil. In New Zealand many deepwater vessels and particularly trawlers are powered by light fuel oil. The main use these vessels have of the Territorial Sea is passage and sheltering in the lee of the islands (up to 2 nautical miles off the coast from MHWS) and at times they need to anchor closer to safely effect repairs.	Remove rule 48 and review the definition of heavy fuel oil in conjunction with the seafood industry, for the purpose of the plan, or recognise the limits for heavy fuel oil to allow for shelter and passage of fishing vessels using light fuel oil with in the Territorial Sea.
Surface water activities in the Subantarctic Islands rules	Rules 32, 33, 35, and 38	Oppose additional regulations in a regional coastal plan for marine mammal protection. The proposed plan places additional restrictions on use of Port Ross when southern right whales are breeding and nursing. Disturbance of marine mammals is already regulated through the Marine Mammals Protection Regulation 1992.	Remove Standards/Terms/Conditions in rules 32, 33, 35, and 38 as they relate to whale breeding and nursing [and policy 8].
Surface water activities in the Subantarctic Islands rules	Rule 47	Talleys Group oppose the prohibition of ship to ship transfers of fuel on the basis that such activity is already regulated by MARPOL ANNEX 1 and enforced by the Maritime Transport Act 1994. The prohibition of ship to ship transfers of fuel is not supported by any analysis of risk and adverse effect - which should consider fuel type and volume and the transient nature of effect.	Amend rule 47 [and policy 13] so that ship to ship fuel transfers are permitted activities subject to prevailing legislation and best practice.

**5 New Zealand Seafood Industry Council Limited**

<b>Section</b>	<b>Subsection</b>	<b>Concern</b>	<b>Request</b>
General Comments		The development of the plan has been concurrent with the development of recommendations for areas and tools for marine protected areas in the territorial sea of the Antipodes, Bounties and Campbell Islands. In January 2011 the Ministers of Fisheries and Conservation announced their decision to create marine reserves around these islands (or parts there of) by special legislation. As marine reserves there will be restrictions on discharges, structures and introduced organisms which may make a number of provisions of the plan redundant and may require a review of the proposed plan.	Defer completion of the proposed plan until the special legislation creating the new marine reserves is complete.
Natural character - Maintenance of biosecurity policies	Policy 2	Vessels will carry stores including meat and plants (potatoes, peas etc) that are not indigenous to the islands but necessary for the functioning of the vessel. The rules and/or definition needs to be amended to allow for the carrying of provisions.	Amend the rules and/or definition to allow for the carrying of provisions.

## 5 New Zealand Seafood Industry Council Limited

Section	Subsection	Concern	Request
Natural character - Maintenance of biosecurity policies	Policies 3 to 6	Where vessel owners are meeting good hygiene standards the requirement for a diver inspection adds undue cost and operational inefficiencies. An alternative approach is proposed whereby a vessel is permitted to enter the coastal marine area based on information provided in advance on its anti-fouling system and history, similar to the model proposed by MAF Biosecurity New Zealand in their Import Health Standard for biofouling. DOC should have the discretion to require a hull inspection if it considers the vessel hygiene system inadequate. The vessel hull and niche area inspection protocol and forms in Appendix 4 of the proposed plan would provide a consistent approach for any such inspection. The fouling threshold is also considered too high, particularly in niche areas and it is unlikely that many vessels would meet the clean definition of slime layer only. The limit of 1000m from MHWS for the application of the hull fouling rules is questioned. It is acknowledged that the greatest risk to the environment is when vessels are stationary or slow moving such as at anchor and recommended that the requirement for a "clean" hull and niche areas be amended to vessels intending to land.	An alternative approach be considered whereby a vessel is permitted to enter the coastal marine area based on information provided in advance on its anti-fouling system and history, similar to the model proposed by MAF Biosecurity New Zealand in their Import Health Standard for biofouling. And the requirement for a "clean" hull and niche areas be amended to vessels intending to anchor.
Natural character - Maintenance of biosecurity policies	Policy 2 and rules 29 to 32 inclusive, 35, 36, 38, 40, 41, 44, 45, 46.	While recognising the value of checking vessels before voyages, it is noted that an inspection cannot completely ensure that vessels are totally free of harmful plants and animals (including insects). SeaFIC suggests DOC works with commercial interests to develop appropriate guidelines for such vessel checks.	Modify the Standards/Terms/Conditions of rules 29 to 32 inclusive, 35, 36, 38, 40, 41, 44, 45, 46, regarding inspection above the water line to read: "Vessel has been thoroughly checked for harmful organisms above the waterline".

**5 New Zealand Seafood Industry Council Limited**

<b>Section</b>	<b>Subsection</b>	<b>Concern</b>	<b>Request</b>
Natural character - Control of surface water activities explanation		The proposed plan does not explicitly recognise commercial fishing interests as users of the surface waters of the islands (page 25).	Amend the paragraph to include commercial fishing interests as key users of the surface waters of the islands.
Natural character - Control of surface water activities policies	Policy 8	Oppose additional regulations in a regional coastal plan for marine mammal protection. The proposed plan places additional restrictions on use of Port Ross when southern right whales are breeding and nursing. Disturbance of marine mammals is already regulated through the Marine Mammals Protection Regulation 1992.	Remove policy 8 and associated Standards/Terms/Conditions in rules [32, 33, 35, and 38]
Natural character - Control of surface water activities policies	Policy 12	Support the use of ancillary craft.	No change.
Natural character - Control of surface water activities policies	Policy 9	In restricting the anchorages based on ecotourism, the proposed plan removes options for safe anchorage and concentrates vessels at single locations. The Buckens and Young report (page 17) states that the sailing directions and nautical charts published by LINZ identify 14 safe anchorages off the Subantarctic Islands and 7 off the Kermadec Islands - why these are not retained with the proposed plan?	Vessels with no interest in landing or sightseeing be permitted to anchor at the discretion of the ships master.

## 5 New Zealand Seafood Industry Council Limited

Section	Subsection	Concern	Request
	Natural character - Control of discharges of contaminants policies Policy 16	The proposed plan to indicate that discharges of contaminants from ships will remain subject to the Resource Management (Marine Pollution) Regulations 1998. Policy 16 refers to discharges of contaminants to water and air - for the avoidance of doubt, policy 16 and the rules relating to discharges should be referenced as other than from ships.	Amend policy 16 to include: "other than from ships..." after the words "To avoid discharges of contaminants..."
	Natural character - Control of discharges of contaminants policies Policy 13 [and rule 47]	Oppose the prohibition on the use and carriage of heavy fuel oil - refer submission on rule 48 for discussion and decision request. Also oppose the prohibition of ship to ship transfers of fuel on the basis that such activity is already regulated by MARPOL ANNEX 1 and enforced by the Maritime Transport Act 1994. The prohibition of ship to ship transfers of fuel is not supported by any analysis of risk and adverse effect - which should consider fuel type and volume and the transient nature of effect.	Amend policy 13 [and rule 47] so that ship to ship fuel transfers are permitted activities subject to prevailing legislation and best practice.
	Natural character - Control of discharges of contaminants policies Policies 17 and 18	Support the use of other methods for the reduction of artificial noise and light.	No change.
	Natural character - Controls on structures, disturbance, deposition, and reclamation policies Policy 25	Support the provision for continued temporary mooring for Mr Cave but note that to access the mooring and harvest crayfish Mr Cave would need a resource consent. This inconsistency would be avoided if SeaFIC's recommendation under rule 37 was adopted.	Adopt the request for amendment to rule 37.

**5 New Zealand Seafood Industry Council Limited**

<b>Section</b>	<b>Subsection</b>	<b>Concern</b>	<b>Request</b>
Natural character - Controls on structures, disturbance, deposition, and reclamation policies	Policy 22	Section 12(1)(g) of the RMA enables lawful harvesting of any plant or animal to destroy damage or disturb any foreshore or seabed which includes the deployment of fishing gear in the coastal marine zone. However, activities in support of harvesting such as anchoring are not excluded. For the avoidance of doubt, recommend that disturbance from anchoring is a permitted activity.	Provide for disturbance from anchoring as a permitted activity
Discharges rules	Rule 13.	Discharges of contaminants from ships are regulated under the Resource Management (Marine Pollution) Regulations 1998. The rules should be clear on this point.	Amend rule 13 to include: "other than from ships..."
Discharges rules	Rule 12	Presume this rule does not apply to discharge of untreated sewage into water from ships. The discharge of untreated sewage from ships is regulated under the Resource Management (Marine Pollution) Regulations 1998.	Amend rule 12 to include the words "...other than from ships, ..."
Shipwreck rules	Rule 14	The proposed plan should make a clear distinction between historic ship wrecks of cultural and heritage significance and future ship wrecks.	Amend the shipwreck rules, namely rule 14, to allow normal procedures for salvage, and reduction of contamination risk, to apply without any need for resource consent.

## 5 New Zealand Seafood Industry Council Limited

Section	Subsection	Concern	Request
Use of water rules	Rule 21	The condition included in rule 21 could restrict the ability to process seawater into drinking water for vessels. It is unlikely that specific commerce will develop around extraction of the constituents of water in the lifetime of the proposed plan.	Remove the condition from rule 21.
Harmful or invasive species rule	Rule 23	The rule is not necessary - the activity is already covered by policies and rules requiring above waterline checks and hull and niche area checks that other submissions recommend should be dealt with via guidelines. It is also noted that with the exception of the Snares Islands, the waters within most of the Territorial Seas are either existing or likely to be created marine reserves through special legislation. The Marine Reserves Act makes it an offence to introduce any living organism into a marine reserve and therefore this rule is likely to be redundant for most areas.	Remove rule 23
Deposition rules	Rule 24	Rule 24 should be removed. Rule 24 prohibits the deposit of a substance from the scraping and/or cleaning of a ship (whether above or below the water surface). Fishing vessels are regularly cleaned above the water surface including decks for hygiene and safety purposes. The Resource Management (Marine Pollution) Regulations 1998 allow for discharge of materials from the cleaning of ships except the exterior of the hull below the load line or parts of the ship used for carrying cargo.	Remove rule 24.



**5 New Zealand Seafood Industry Council Limited**

<b>Section</b>	<b>Subsection</b>	<b>Concern</b>	<b>Request</b>
Deposition rules	Rule 25	Rule 25 should be clarified. It is unclear whether rule 25 relates to planned shipwrecks e.g. for amenity purposes such as artificial reefs or the misfortune of ships affected by storms or collision who are unlikely to obtain a resource consent in advance.	Clarify the implication of rule 25 in relation to shipwrecks.
Controls on hull and niche area fouling rules	Rules A and B and 26 to 28	Oppose the proposed approach to hull and niche area fouling based on diver inspection and therefore do not support the proposed rules. Refer discussion in submission on policies 3 to 6 regarding hull fouling.	Removes rules A and B and 26 to 28
Surface water activities in the Subantarctic Islands rules	Rules 29 to 46	Question the rationale for the vessel size classifications (based on vessel length) and zones (based on distance from MHWS), which together with the rule classifications create a relatively complex matrix. Support submissions from other industry stakeholders for a simpler approach based on fewer vessel sizes and zones.	Rules [29 to 46] relating to controls on access to zones close to shore be converted to guidelines for vessel operators. These guidelines should be developed by a joint working party.
Surface water activities in the Subantarctic Islands rules	Rules 32, 35, and 38	Oppose additional regulations in a regional coastal plan for marine mammal protection. The proposed plan places additional restrictions on use of Port Ross when southern right whales are breeding and nursing. Disturbance of marine mammals is already regulated through the Marine Mammals Protection Regulation 1992.	Remove Standards/Terms/Conditions in rules 32, 35, and 38 as they relate to whale breeding and nursing [and policy 8].

**5 New Zealand Seafood Industry Council Limited**

<b>Section</b>	<b>Subsection</b>	<b>Concern</b>	<b>Request</b>
Surface water activities in the Subantarctic Islands rules	Rules 29 to 46 [and 49 and 50 and 52 to 58 ]	Oppose the proposed controls around access within the coastal marine regions and therefore do not support the proposed rules. Refer discussion in submission on policy 7 regarding surface water access.	Replace rules 29 to 46 [and 49 and 50 and 52 to 58 ] with a simpler approach based on guidelines.
Surface water activities in the Subantarctic Islands rules	Rule 48	Rule 48 prohibits access to the coastal marine area for fishing vessels fuelled by or carrying heavy fuel oil. In New Zealand many deepwater vessels and particularly trawlers are powered by light fuel oil. The main use these vessels have of the Territorial Sea is passage and sheltering in the lee of the islands up to 2 nautical miles off the coast from MHWS.	Remove rule 48 and review the definition of heavy fuel oil in conjunction with the seafood industry, for the purpose of the plan, or recognise the limits for heavy fuel oil to allow for shelter and passage of fishing vessels using light fuel oil with in the Territorial Sea.
Surface water activities in the Subantarctic Islands rules	Rule 37	Rule 37 makes access to coastal waters by vessels up to 25m in the zone MHWS out to 300m a discretionary activity that would require a coastal permit. Small inshore fishing vessels (typically <25m in length) use the coastal region of the Snares to access fishing grounds that are located close to shore, for example rock lobster vessels. Rock lobster vessels require continued and future access to fishing grounds.	Amend rule 37 to allow permitted access by commercial fishing vessels in the zone MHWS out to 300m.

## 6 Sanford Limited

Section	Subsection	Concern	Request
Current use values - Fishing in the Subantarctic Islands	Fishing	The text around fishing needs to be expanded to include both present fishing practices and future potential such as toothfish. The first bullet is incorrect - trawlers, not all vessels are prohibited from fishing in the territorial sea. The third paragraph should acknowledge that the deepwater crab fishery is under the quota management system.	Expand the text to include future fisheries' opportunities and the economic value of the fishery, amend the first bullet point from vessels to trawlers and amend the text to in the last sentence of the third paragraph so that it reads; 'A deep sea crab fishery is under development for which quota has been allocated'.
Current use values - Fishing in the Subantarctic Islands	Fishing	Bottom longlining around the Bounties can occur at any time, but from Sanford's perspective is most likely to happen between February and August each year (3rd paragraph, page13).	Amend paragraph so that it reads, 'Deep sea bottom longline fishing for ling can occur at any time of the year but is most likely to happen between the months of February to August', then end paragraph.
Current use values - Fishing in the Subantarctic Islands	Fishing	Paragraph 5, regarding vessel size: While fishing vessels tend to be 25m to 35m range, one of the Sanford vessels presently targeting scampi is 42m. In the past Sanford factory trawlers, which are 64m in length, have also targeted scampi.	Amend sentence so that it reads, 'Currently these vessels tend to be less than 45 meters in length – smaller than most commercial fishing vessels in the southern ocean'.
Current use values - Fishing in the Subantarctic Islands	Fishing	Page 13, paragraph 5, in relation seeking shelter: There is a history of larger fishing vessels taking shelter throughout the coastal regions of both the Sub Antarctic and Kermadec Islands in times of severe weather systems.	Amend sentence so that it reads, 'there is a history of fishing vessels of all sizes up to 105m seeking shelter near the coast of many of these islands in severe weather systems', then end paragraph.
Natural character - Maintenance of biosecurity policies	Policy 5	The policy and time frame for processing resource consent applications introduces uncertainty. If an operator undertakes a risk assessment by an approved certifier and passes, this should be a permitted activity.	Amend policy so that it explicitly states that where the risk assessment passes this is a permitted activity.

**6 Sanford Limited**

<b>Section</b>	<b>Subsection</b>	<b>Concern</b>	<b>Request</b>
Natural character - Maintenance of biosecurity policies	Policy 3	The s32 report is thin on why the 1000m trigger was chosen. If the hull of a vessel is free of invasive species, as evidenced by the pre-departure inspection, and does not intend to anchor then it is unnecessary to impose an additional 1000m trigger. DOC papers suggest that 300m provides adequate protection to the island from rats.	(i) Amend Policy 3 after the words hull fouling so that the policy is only triggered if a vessel intends to land; delete reference to 1000m. (ii) Include guidelines for vessels which are in the coastal marine area but which do not intend to come within 300m of the MHWS.
Natural character - Maintenance of biosecurity policies	New policy	Including a new policy to give effect to the New Zealand Coastal Policy Statement Policy 6 by recognising that fishing is located in the coastal marine area of some islands (eg not the Auckland Islands which is a marine reserve) and provide for this activity.	Include a new policy which reads, 'To maintain and provide for the needs of fishing vessels in the coastal marine area'.
Natural character - Maintenance of biosecurity policies	Policy 2	Sanford supports a policy that differentiates between vessels that intend to land on islands and those vessels that have no planned physical interaction (i.e. fishing boats). Clearly boats and people that land present a greater risk to the environment. Notwithstanding this, we would accept that all boats coming within the coastal marine area are checked for animal pests (in particular rodents) and plants. It is impractical to check vessels for insects. How would this be done - fumigation?	Amend Policy 2: 'To maintain and protect biodiversity and the intrinsic values of ecosystems by reducing the risk of introductions of harmful or invasive species with a two tiered compliance test (i) stringent controls for vessels and people that are intending to land on the islands and (ii) guidelines for checking all other vessels for animal and plant pests which come inside the coastal marine area. Amend first bullet point to read, 'Harmful pest and plant animals (particularly rodents). Delete second bullet point.
Natural character - Control of surface water activities policies	Policy 9	It is unclear why "appropriate size" has been used in this policy and what the correlation is between size and risk. Captain Bucken in his technical report does not define size but says those proposed by Doc are 'reasonable'. There appears to be no analysis.	Amend policy by deleting the words 'of an appropriate size'.

**6 Sanford Limited**

<b>Section</b>	<b>Subsection</b>	<b>Concern</b>	<b>Request</b>
Natural character - Control of surface water activities policies	Policy 7	It is unclear why it has been determined that the risk of an incident is relative to vessel size. The outcome of an incident may have some bearing to the size of a vessel (eg volume of oil spilled), but is not indicative of risk or potential threat to biosecurity. In our view the greatest risk (albeit of small probability) occurs when small vessels are in the process of coming ashore. We note that the Department has provided for its own landings as a permitted status. The s32 Report is silent on the additional cost this policy will impose on fishing vessels, which transit through but have no intention of landing.	Amend policy so that the provisions are triggered by vessels that intend to land, end the policy after the words biosecurity breach, and delete reference to vessel size.
Natural character - Control of discharges of contaminants explanation	Paragraphs 2, 3 and 4.	We support the distinction of fuel types and agree that diesel based fuel carries less environmental impact in the unlikely event of a spill. The likely adverse effect of different fuel types in relation to level of risk has not been sufficiently evaluated by the RMA s32 analysis. The reference to speed and navigation in correlation to risk also sends a confusing message; it implies that vessels should travel faster.	Retain distinction between fuel types and link it to risk. Remove reference to speed.
Natural character - Control of discharges of contaminants explanation	Paragraph 3	The plan should not foreclose the opportunity for ship-to-ship transfers of fuel. Already significant international legislation, controls and mitigation measures exist to manage this activity including the most recent changes to MARPOL dealing with 'Prevention of Pollution during Transfer of Oil at Sea'. These new rules came into force on 1 January 2011. Vessel operators intending to undertake ship-to-ship transfers have the necessary resources on board to respond to any pollution incident.	Amend last sentence to read; 'Ship-to-ship fuel transfers at sea impose additional risk and are controlled by international legislation.'

## 6 Sanford Limited

Section	Subsection	Concern	Request
Natural character - Control of discharges of contaminants policies	Policy 13	The application of policy around the Subantarctic Islands could unnecessarily restrict fishing vessels access to the coastal marine area. The s32 report has failed to consider current practices and maritime routes; the effect the prohibition has on the fishing industry; and the costs of the rule in relation to potential benefits. Fishing vessels have been using this water space for many years and have an excellent record of compliance to best practice standards. MARPOL already regulates this activity.	Delete Policy 13 as this activity is already regulated by international law.
Natural character - Control of discharges of contaminants policies	Other methods 2	Sanford supports the use of guidelines and signals its willingness to work with the Department of Conservation in establishing these.	Retain this method in the plan.
Natural character - Control of discharges of contaminants policies	Policies 17 and 18	Support non-regulatory method in Policy 17 and Policy 18. Fishing vessels work 24 hours a day.	Retain the policy as non-regulatory

**6 Sanford Limited**

<b>Section</b>	<b>Subsection</b>	<b>Concern</b>	<b>Request</b>
Discharges rules	Rules 12 and 13	The proposed plan and section 32 report are unclear as to how fish waste discharged into water is provided for. The lawful harvesting of fish is a permitted and legitimate activity in parts of this water space (with the exception of Auckland Islands out to 12nM), and is provided for by the New Zealand Coastal Policy Statement. The Fisheries Act defines fishing as the catching, taking and harvesting of fish and any activities in support of and preparation for. This includes the disposing of fish waste. The proposed plan prohibits the discharge of untreated sewage into the coastal marine area (out to 12nM). Currently the RMA (Marine Pollution) Regulations allow vessels to dispose of their untreated sewage in the coastal space seaward 0.27 nautical miles (500 meters) from MHWS to 12 nautical miles in depths greater than 5 meters and beyond 200m of marine reserves . The proposed rule in this Plan has not been justified in terms of s32(3)(a).	(i) Insert new rule which reads, ‘activities associated with fishing is permitted’. (ii)Delete Rule12
Shipwreck rules	Rules 14, 15 and 16	Refer to our submissions on Rules 24 and 25 and definition of ship wreck.	Amend the rule to require a Certificate of Completion.
Disturbance rules	Rules 17 and 18	Include a new rule [before or after rules Rule 17 and 18] or clarify that legal fishing activities including the activity of anchoring as part of the fishing activity is provided for as permitted activity.	Provide for fishing as part of the permitted activity status.

## 6 Sanford Limited

Section	Subsection	Concern	Request
Use of water rules	Rule 21	Fishing vessels take seawater to make fresh water; they also take sea water to cool, and clean their decks.	Ensure that these activities continue to be treated as permitted by deleting/amending the condition linked to this activity.
Harmful or invasive species rule	Rule 23	The prohibition on introducing new plants and insects to land is accepted however several of these islands have already been altered from their native state and contain pests i.e. rats. The plan should clearly list which islands (outside of marine protected areas) are in pristine condition (i.e. rat and insect free).	Amend to Plan to include an index listing those islands in pristine condition and apply this condition to those specified islands.
Deposition rules	Rule 24	The RMA (Marine Pollution) Regulations Schedule 4 provide for the normal operations of a ship.	Amend rule so that it does not apply to the normal operation of a fishing vessel or fishing activity.
Deposition rules	Rule 25	Refer also to our submission re Glossary of Terms on shipwreck. We suggest that there are two types of shipwrecks; those that are historic and have cultural and heritage significance and future wrecks, which have not yet occurred. Rule 25 should be constrained to historic wrecks. There are vessel owner, operator, salvager and insurance implications once a ship has come to grief and is inoperable. It is inappropriate that the Department of Conservation take on the role of determining a vessel's status.	Retain the rules for historical (pre-existing) wrecks; delete the rule for future wrecks, and replace the requirement to seek a retrospective discretionary consent with a requirement to seek a Certificate of Acceptance.



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Section	Subsection	Concern	Request
Temporary rules for hull and niche area fouling	Rule A	<p>The rule is difficult to read and confusing. Fishing vessels working in this area are often away from New Zealand for extended periods. It is noted that in the s32 report, page 41, Floerl et al 2010 says, that the age of antifouling paint on a vessel's hull is the best known predictor for biofouling and the presence of harmful species. The requirement to not leave New Zealand waters is also unnecessary and fails to take into account established High Sea transit routes such as around Macquarie Islands. While boats are steaming, there is minimal chance of hull fouling. It is unclear how a fishing company, which has multiple vessels operating in an area, is expected to comply with the permitted/discretionary rules ie can vessels be grouped together in the one consent process? The fishing industry is already extensively regulated; any new compliance requirements must add more benefit than cost. Not enough consideration in the s32 report has been given to the option of taking no action. Rule A is an unnecessarily laying of new regulation onto existing rules prescribed in other law. Sanford is opposed to listing at the back of the plan the accredited divers, which will change over time. We propose including criteria/process needed to become certified. Retain (with amendments) the intent of this rule for managing vessels that intend to land. Delete requirement for a dive inspection. Extend the rule for the operative life of the plan and remove Rule 26, which was intended to come into effect one year after the plan is operative. Retain the voluntary nature of this rule for vessels not intending to land, but which are anchoring, transiting through the coastal marine area or seeking shelter.</p>	<p>Delete the rule in its entirety, or retain for those vessels that intend to land.</p> <ul style="list-style-type: none"> <li>(i) Amend this rule so that it reads; 'Access to the coastal marine area of the Kermadec and/or Subantarctic Islands by vessels intending to land; and</li> <li>(ii) amend documentation requirement so that it reads, 'within two weeks of departure to the Southern Ocean area';</li> <li>(iii) delete requirement for a dive inspection; and,</li> <li>(iv) include at the back of the Coastal Plan criteria/process used to achieve diver accreditation.</li> <li>(v) delete 4 bullets which relate to exemptions for vessels which have been more than 48 hours outside New Zealand waters.</li> <li>(vi) delete the second requirement to provide documentation to the relevant Department of Conservation area.</li> <li>(vii) delete the requirement to ensure that the vessel is free of insects.</li> <li>(viii) introduce guidelines for vessels travelling in the coastal marine area but which do not intend to land.</li> </ul>

**6 Sanford Limited**

<b>Section</b>	<b>Subsection</b>	<b>Concern</b>	<b>Request</b>
Controls on hull and niche area fouling rules	Rule 26	The difference between this rule and Rule A is the opportunity of a second inspection if the initial dive inspection failed within the scope of the permitted activity. Notwithstanding our submission above, seeking the removal of the dive inspection, the section 32 does not explain why re-inspection is not a valid expectation of a permitted activity.	Delete this rule in its entirety.
Surface water activities in the Subantarctic Islands rules	Rule 48 and definition of heavy fuel oil	This rule would prohibit fishing vessels entering within 12nM of the Subantarctic Islands. The s32 has not sufficiently justified the rule in terms of benefit cost analysis; it is unclear why the Department wants to constrain vessels transiting.	Delete the rule as it relates to fishing vessels.

**6 Sanford Limited**

Section	Subsection	Concern	Request
Surface water activities in the Subantarctic Islands rules	Rules 32 to 46 and planning maps 1 to 8	<p>This submissions relates to vessel length, distance from MHWS, designated anchoring points and planning maps, and the activity of fishing. The use of vessel length and distance from the MHWS as a trigger for the rules affecting surface water activities is broad brush and unnecessarily restrictive. The section 32 report has not sufficiently considered alternative triggers - a more appropriate trigger is type of fuel used to power the vessel which would be risk based (not vessel length). Fishing vessels less than 45 meters in length only run on marine gas oil, which is a diesel produced by distillation, and poses the least threat to the marine environment if spilled. The Glossary in the proposed plan fails to make a distinction between the fuel types and potential environmental risk.</p> <p>If the decision is to stay with vessel length we recommend increasing the vessel length of 25m to 45m, and from 45m to 125m. This better reflects the fishing industry use. We note that cruise ships are generally greater than 125m in length.</p> <p>In terms of the triggers, 300m, 600m and 1000m from MHWS, the section 32 has understated the impact and cost of these triggers against environmental benefits gained. In Sanford's view one trigger is justified (i) vessels intending land.</p> <p>The controls on access that prohibit vessels between 25m and 75m to access waters between 300m and 600m could unnecessarily restrict transit routes for no apparent environmental gain. A good example of this is on Map A1 where vessels could chose to steam between Enderby Island and Dundas Island but are now no longer able to. If the vessel is certified as having correct anti-foul treatment hull, and is free of harmful plants and animals, what is the environmental</p>	<p>Provide an exemption for fishing vessels. (i) Delete vessel length trigger and replace with fuel type; or another risk based approach or.</p> <p>(ii) Amend vessel length thresholds from 25m to 45m, and 75m to 125m; (iii) Amend planning maps and tables accordingly, and (iv) Delete 300m</p> <p>(v) Delete zone 300 - 600m and 600 - 1000m.</p> <p>(vi) Permit lawful fishing activities</p>

**6 Sanford Limited**

<b>Section</b>	<b>Subsection</b>	<b>Concern</b>	<b>Request</b>
		<p>risk?</p> <p>When the anchor is paid out, from the anchor point, the boat may well swing within an arch of 100m. This would mean that a vessel which anchors at 400m is sitting on water somewhere between 300m and 500m from MHWS. This makes compliance of the rule difficult. This was pointed out by Captain Buckens but was not taken note of in the s32 Report.</p>	
Surface water activities in the Subantarctic Islands rules	Rules 32 to 46	<p>Oppose all references to insects and harmful organisms. It is unclear how vessels are to be insect free. The section 32 report fails to provide any advice on the methods to be used to eradicate and a cost benefit analysis. Sanford supports the use of guidelines. Regulation should only apply to vessels, which are intending to land on Islands. Vessels seeking shelter from adverse weather should have unconstrained anchoring.</p>	<p>Delete all reference to insects in Rules 32 – 46 inclusive and include a guideline for vessels entering the coastal marine area.</p>
Surface water activities in the Subantarctic Islands rules	Rule 47	<p>This rule prohibits ship-to-ship transfers of fuel. This rule does not allow for emergency transfers if fuel becomes contaminated or for new business developments. The rule should be deleted as the activity is already provided for by MARPOL.</p>	<p>Delete rule 47</p>
Administrative charges	Administrative charges and financial contributions	<p>Sanford invests significant money each year into sustainability. It is fair and reasonable to expect that any financial contribution or administrative charge be considered in light of the overall financial contribution the Company makes and is not considered on a consent basis.</p>	<p>Amend text to include a balance between RMA s36 and financial contribution already being made towards sustainability.</p>

## 6 Sanford Limited

Section	Subsection	Concern	Request
Monitoring efficiency and effectiveness		Sanford acknowledges the Department's commitment to ongoing monitoring of the effectiveness and efficiency of this Plan and believes there is considerable value to be gained from an annual meeting with fishers. Information can be gathered on how the rules are working and the cost of compliance.	Amend monitoring section to include a yearly meeting with fishers and fishing companies who regularly work in the Subantarctic coastal marine area.
Information to be submitted with a coastal permit application		In relation to assessments of environmental effects, remove uncertainty as to where the schedule is to be found.	Amend to refer to RMA Schedule 4.
Glossary		Define fishing vessel to remove uncertainty.	Include definition, 'Any vessel engaged in the legal activity of fishing'.
Glossary	Definition of heavy fuel oil	Opposed to the definition of heavy fuel oil. The definition, and by default the rule, captures fishing vessels unnecessarily. See also our submission to rules 32 - 46.	Delete definition of heavy fuel oil; include a definition of LMO and MGO fuels.
Glossary	Definition of Harmful organism	Opposed to the definition of harmful organism on the grounds that it is impractical.	Amend by specifying/listing animal or plant pests (ie rats) and a schedule of Islands in pristine condition.

**6 Sanford Limited**

<b>Section</b>	<b>Subsection</b>	<b>Concern</b>	<b>Request</b>
Glossary		Define territorial sea to remove uncertainty.	Include definition to read, '12 nautical miles'
Glossary		Amend plan to define "shipwreck" to remove uncertainty and confusion from interpretation of Rules 14 - 16.	Amend to read 'The utter destruction of a vessel by storm or collision'.
Glossary		Define New Zealand waters to improve certainty of rules.	Define "New Zealand waters" to read; 'Exclusive Economic Zone' ie 200 nM.
Glossary		Define Fishing. Refer to the RMA Act definition.	Fishing (a) means the catching, taking, or harvesting of fish, aquatic life, or seaweed; and (b) includes (i) any activity that may reasonably be expected to result in the catching, taking, or harvesting of fish, aquatic life, or seaweed; and (ii) any operation in support of or in preparation for any activities described in this definition.

## 6 Sanford Limited

Section	Subsection	Concern	Request
Appendix 1 Maps	Maps 1 and 4 - wind speed restriction in Western Arm, Carnley Harbour.	Opposed the wind speed restriction shown on Maps 1 and 4 . The wind speed is unclear in relation to vessel being a specified length.	Delete
Appendix 1 Maps	Distance from MHWS table	Opposed to the MHWS table on Maps 1 to 8. Fishing vessels have on board technical equipment which supports the skipper's decision making. In modern times it is rare for a boat to hit rocks or come aground, which is what these meter triggers are aiming to prevent. In severe weather conditions a boat will often steam up and down, sometimes with a very tight turning point. It is unsafe to insist that the skipper choose a path based on an arbitrary line. While we have no view on boats greater than 125m and boats intending to land, skippers of fishing vessels must have the discretion to make decisions based on weather conditions, experience, the capability of their vessel and existing maritime law.	Delete 300m line Delete 300m to 600m Delete 600m to 1000m
Appendix 1 Maps	Anchorage	Opposed Appendix 1 Maps 1 to 8, Anchorages index. Captain Bucken's identifies safe anchorage sites, in reality there are many others. The Master of the vessel must be able to decide where they can safely go to weather a storm.	Delete all anchorage points by allowing anchorage for shelter as a permitted activity.

**6 Sanford Limited**

<b>Section</b>	<b>Subsection</b>	<b>Concern</b>	<b>Request</b>
Appendix 3	Vessel hull and niche area inspection form for voluntary approach until 1 year after the plan becomes operative Note for applicant	Oppose note for the Applicant . The Department should not need to confirm that the Operator has met all the required standards for the permitted activity. If the hull and niche inspection is passed by an approved inspector that should be sufficient.	Delete reference to Department confirming compliance.
Appendix 3	Vessel hull and niche area inspection form for voluntary approach until 1 year after the plan becomes operative Note for the Inspector	Oppose - Note for the Inspector. If it is the responsibility of the Operator to ensure the certificate is passed on to the Department; then the inspector should be sending the form back to the Operator. Otherwise how can the Operator be confident that it has been sent on?	Amend accordingly.
Appendix 3	Vessel hull and niche area inspection form for voluntary approach until 1 year after the plan becomes operative Approved diver inspector	Support the website link; amend to include criteria and process for divers to gain accreditation. Unclear what criteria DOC will use to approve alternative inspectors.	Include criteria and process for passing accreditation and DOC criteria for approving non-accredited inspectors.



**6 Sanford Limited**

<b>Section</b>	<b>Subsection</b>	<b>Concern</b>	<b>Request</b>
Appendix 3	Vessel hull and niche area inspection form for voluntary approach until 1 year after the plan becomes operative	Support voluntary approach and retain for life of plan; hull inspections only to be required for vessels landing.	Retain
Appendix 4	Vessel hull and niche area inspection protocols and forms for rules 26 and 27	The s32 makes it clear (Floerl et al. 2010) that the age of the antifouling paint on a vessel's hull is the best known predictor for biofouling. The dive inspection is unnecessary and fails to meet the s7 and s32 RMA tests.	Delete Appendix 4

**7 DeepWater Group Limited**

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<b>Section</b>	<b>Subsection</b>	<b>Concern</b>	<b>Request</b>
General Comments		The Deepwater Group supports the submission by the Seafood Industry Council. Particularly regarding the constraints caused by the carriage of heavy fuel oil.	

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**8 Royal Forest and Bird Protection Society of New Zealand Incorporated**

<b>Section</b>	<b>Subsection</b>	<b>Concern</b>	<b>Request</b>
Current use values - Fishing in the Subantarctic Islands	Page 13, second paragraph	The second paragraph notes limitations on commercial fishing. It is noted that the list is not exhaustive and suggested that the Subantarctic marine reserve and fisheries restrictions announced by Ministers of Conservation and Fisheries should be included.	Include the Subantarctic marine reserve and fisheries restrictions announced by Ministers of Conservation and Fisheries.
Current use values - Fishing in the Subantarctic Islands	Page 13, paragraph 3	The ling fishery around Bounty Islands is discussed. This fishery is not extensive. On average each year only 20 lines are set. The proposed plan does not advise the reader of this.	Amend this discussion to accurately detail the extent of the ling fishery as discussed above.
Values of the Kermadec Islands	Page 14, paragraph 3	The Kermadecs marine reserve is not now the largest no-take marine reserve in the world. It has been overtaken by for example the NW Hawaiian Islands, Papahānaumokuākea Marine National Monument (140,000 square miles), the Marianus Trench Marine National Monument (246,000 square miles) and the Chagos Islands (544,000 square kilometres).	Delete the words 'is the largest no take marine reserve in the world.'
Cetaceans in the Kermadec region		The section in Cetaceans in the Kermadec region does not recognise the work that has been undertaken recently, such as humpback whales surveys by staff on Raoul Island over the last three years. Also refer to "The Kermadec Islands and the endangered humpback whales of Oceania" by Rochelle Constantine, Claire Garrigue and Karen Baird in "Deep talks and thoughts celebrating diversity in New Zealand's untouched Kermadecs" which refers to the surveys and puts the significance of the whales in context.	Add more detail about the population size of humpback whales found at the Kermadecs and their regional significance.

## 8 Royal Forest and Bird Protection Society of New Zealand Incorporated

Section	Subsection	Concern	Request
Issue 1: Natural character	Issue 1 statement	The way issue 1 is written is confusing. Section 6(a) RMA does not place a significance test on natural character. The plan must give effect to the New Zealand Coastal Policy Statement 2010 (NZCPS). The relevant sections of the NZCPS are Objective 2 and policy 13. The NZCPS does not have a significant trigger for natural character in either the relevant objective or policy . The language used in the plan is inconsistent with the NZCPS which uses language like outstanding or high when describing values that have more than average natural character. Section 6(a) requires natural character of the coastal marine area is preserved therefore it is not appropriate for activities with the potential for adverse effects to be restricted - these activities should be avoided.	Delete the word "significant" from the issue statement and substitute the word "restricting" with the word "avoiding". In the explanatory text that follows the statement of Issue 1 make the following substitutions: page 22 paragraph 1 substitute "significant" with "high"; page 22 paragraph 3 substitute "significant" with "high"; and page 22 paragraph 5 delete the word "significant" before the words "natural character values...".
Natural character objectives	Objective 1.3	It is unclear if it is intended that all the indigenous biodiversity on the Kermadec and Subantarctic Islands is nationally significant and therefore significant on a local, regional and national scale or if this plan is seeking to protect nationally significant indigenous biodiversity. If it is the former the language used is inappropriate and misleading in terms of the tests that are described in the RMA. If it is the latter the Minister of Conservation may also implement objectives, policies and methods for maintaining indigenous biological diversity that is not considered to be significant [s.30(1)(ga) and s.31A(1)(a) RMA]. The objective is considered inconsistent with the Maintenance of biodiversity and biosecurity policies on pages 24 and 25 of the proposed plan.	Delete the word "nationally" from Objective 1.3 and add a new objective to read: "Avoid , remedy or mitigate adverse effects of activities on the indigenous biological diversity of the Kermadec and Subantarctic Islands and their coastal marine areas".

## 8 Royal Forest and Bird Protection Society of New Zealand Incorporated

Section	Subsection	Concern	Request
Natural character - Maintenance of biosecurity policies	Policy 6	The policy states "To provide for and encourage appropriate research that builds knowledge and understanding of the intrinsic values of the ecosystems" whereas Objective 3.3 for cultural and historic heritage uses the words "To facilitate research..." "Facilitate" implies a much more active role. One of the major difficulties for researchers to remote areas is access. The Department has not been overly supportive of researchers attempting to gain access to the Kermadecs for research purposes. DOC could prepare a research plan and offer passage on ships where possible for researchers to undertake work. Researchers could be allowed to stay on Raoul for a longer period of time, such as 3 to 6 months like the volunteers.	Include another objective to be worded as follows: "To facilitate research into the understanding of the intrinsic values of the ecosystems, and promote awareness and appreciation of those values.
Natural character - Control of surface water activities policies	Other methods	One of the biggest biosecurity risks to the Kermadecs is from visiting yachties coming from the Pacific Islands who may stop at the Kermadec Islands even though they don't have a permit (i.e. illegally). Control of these people is not going to be via the normal system of rules.	An additional method requiring an active public awareness campaign to the yachting community of the Pacific (such as via yacht clubs) about the legal requirements for travelling through to New Zealand via the Kermadec Islands.
Natural character - Control of discharges of contaminants explanation		One of the biggest problems worldwide in the marine environment is plastics. Particularly Raoul Island. Large amounts of plastic pollution wash up at Raoul and become a hazard for both marine and terrestrial species. While marine discharges are controlled under the Marine Pollution Regulations a more active role in advocating greater prevention of plastics entering the coastal environment is required.	Include a discussion of the risk and impacts of plastic pollution particularly at the Kermadecs in the explanation before the policies on discharges. Include two new policies, the first to read: "To encourage anyone undertaking activities in the coastal marine area of the islands to ensure that all rubbish is collected and nothing is discarded overboard." The second new policy to read: "Any plastic or debris that is washed up onto Denham Bay or Onerake Beach is to be collected and removed from the island or incinerated on location on Raoul Island on a regular basis.

## 8 Royal Forest and Bird Protection Society of New Zealand Incorporated

Section	Subsection	Concern	Request
Natural character - Controls on structures, disturbance, deposition, and reclamation policies		As resources become more limited and technology improves there remains the possibility that fishing activities and the development of new extractive industries may occur near the Kermadec and Subantarctic Islands. If such development occurs, it is likely to be outside the coastal marine area, however the impacts of such activities could have adverse effects inside the coastal marine area (i.e. increased shipping traffic, potential for contamination from intentional and non-intentional discharges).	Include a new policy relating to changes in commercial activities adjacent to the coastal marine area, and that discharges are required to be avoided to preserve the natural character and to protect the biodiversity values of the Kermadec and Subantarctic Islands.
Structures rules	Rules 3, 5 and 6	It is assumed that the disturbance zone of 50m whereby visual water clarity can be reduced to more than 50% is for the period of reconstruction or alteration and not a permanent situation.	Clarify the time period for disturbance is for the construction period in rule 3, 5 and 6.
Discharges rules	Rule 13	Discharges into the Kermadec and Subantarctic Islands environment could potentially cause adverse environmental effects. The discretionary status of rule 13 does not provide adequate protection to the coastal marine area.	The activity status of rule 13 is changed from discretionary to non-complying.
Disturbance rules	Rules 17 and 18	Rules 17 and 18 are confusing. The only difference is that rule 17 refers to the foreshore and seabed and rule 18 refers only to the seabed. Both of the rules have two different sets of standards/terms/conditions.	Clarify the difference between rules 17 and 18.

**8 Royal Forest and Bird Protection Society of New Zealand Incorporated**

<b>Section</b>	<b>Subsection</b>	<b>Concern</b>	<b>Request</b>
Controls on hull and niche area fouling rules	Rules 26 to 28	While the application of rules 26 to 28 is supported, the biosecurity risk from vessels coming from the Pacific Islands where none of these measures have been implemented remains.	Include a new rule prohibiting vessels from transiting through the Kermadec Islands from the Pacific.
Surface water activities for the Kermadec Islands rules	Condition - biosecurity check above the waterline	There needs to be more information on how to assess and implement inspections of ships above the vessel waterline for harmful plants and animals. How is a ship to be checked and how will this be monitored for effectiveness. Sticky boards that can currently be used to trap rodents and insects are to be phased out. Effective best practice needs to be outlined in the plan. In particular, naval vessels sometimes return through Raoul from the Pacific. If appropriate rules cannot be applied to naval vessels returning from the Pacific then the alternative is to prohibit them from visiting Raoul on the return journey.	Develop and/or include best practice guidelines for maintaining rodent and insect free ships and for ship inspection.

**9 Andy Dodd**

<b>Section</b>	<b>Subsection</b>	<b>Concern</b>	<b>Request</b>
Natural character - Controls on structures, disturbance, deposition, and reclamation policies	Policy 21 (and rule 4)	The Fishing Rock and Boat Cove landings have historic values associated with the establishment of the Meteorological Station on Raoul Island so where possible the form and fabric of these should be retained. Recommend that a heritage assessment of these structures be carried out before any works are undertaken (in accordance with DOC Historic SOP).	No change to policy 21 - refer submission on rule 4.
Kaitiakitanga of coastal marine area of Kermadec Islands	Policies 26 and 27	Support ongoing consultation with Ngati Kuri and Te Aupouri over the Kermadecs until any relevant claims before the Waitangi Tribunal have been resolved. It is unlikely that the descendent community of the people responsible for the archaeological remains on Raoul Island will be conclusively identified in the near future, but in the interim Ngati Kuri and Te Aupouri have asserted their mana whenua and role as kaitiaki, so it is appropriate to continue to consult with them and maintain a positive working relationship.	No change
Issue 3: Cultural and historic heritage	Policy 34	Recommend adding Low Flat prehistoric site to the list of sites for active conservation on grounds of national historic significance. Little is known about the extent of the site but it is a site of exceptional national significance. It is the only site in NZ to contain direct evidence of two-way voyaging back into the Pacific and has unique potential to provide evidence relating to the earliest settlement of NZ.	Add the following to Policy 34: "The Low Flat prehistoric site K036/1, Raoul Island."
Issue 3: Cultural and historic heritage	Objectives 3.1 to 3.3 and policies 33 and 35 to 44	Support the objectives and policies for cultural and historic heritage generally. These give increased protection to historic heritage while still allowing for appropriate scientific investigation.	No change.



9 **Andy Dodd**

Section	Subsection	Concern	Request
Structures rules	Rule 4	The Fishing Rock and Boat Cove landings have historic values associated with the establishment of the Meteorological Station on Raoul Island so where possible the form and fabric of these should be retained. Recommend that a heritage assessment of these structures be carried out before any works are undertaken (in accordance with DOC Historic SOP).	Require a heritage assessment of the Fishing Rock and Boat Cove landings prior to works being undertaken.
Shipwreck rules	Rules 13 to 16	Support these rules as they give additional protection for historic shipwrecks while still providing for appropriate scientific research and allowing for salvage of modern wreck.	No change.
Appendix 2 Cultural and historic heritage		The list of protected heritage and the way the selected sites for the Kermadecs have been described needs to be revised. K036/1 has been listed twice and as the rules are directed at activities which are limited to those occurring within the coastal marine area terrestrial sites that do not extend into the coastal marine area should be excluded. The Low Flat site and some of the dune burials should be included on the grounds that they are prone to coastal erosion and may potentially be damaged by activities occurring on the adjacent foreshore. While they are not recorded, recommended adding the Wairuna shipwreck (off the north coast) and the Fleetwood Denham grave (on the Denham Bay foredune) on account of their historic significance.	Appendix 2 be amended so the list of site on Raoul Island reads as follows: Raoul Island/K036/1/ Low Flat prehistoric settlement Raoul Island; K036/5/Rosa Y Carmen burials Raoul Island; K036/23/Picton shipwreck Raoul Island; K036/24/Shiner shipwreck Raoul Island; K036/27/Kinei Maru No.10 shipwreck Raoul Island; K036/28/Salano Shipwreck Raoul Island; Wairuna shipwreck Raoul Island; Fleetwood Denham grave Raoul Island.

**10 Southern Lakes Helicopters Limited**

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<b>Section</b>	<b>Subsection</b>	<b>Concern</b>	<b>Request</b>
	Natural character - Control of discharges of contaminants policies Policies 17 and 18 and method 2	Southern Lakes Helicopters Ltd provide support for vessels and the Department of Conservation in the Southern Ocean. These policies could hinder future SAR/medivac operations. Policies 17 and 18 and method 2 need to allow for artificial noise and artificial light sources associated with SAR/medivac missions by helicopter. Night sun search lights and noise from aircraft are a necessity in emergency situations that could arise from shipping activities in and around the islands and this should be catered for.	Acknowledge that aircraft noise and artificial light sources for SA missions are a permitted activity.

## 11 Te Runanga Nui o Te Aupouri Trust

Section	Subsection	Concern	Request
General Comments	Timing of notification of the proposed plan	Te Aupouri are currently in negotiations with the Crown in relation to the settlement of their historical Treaty claims. Part of these negotiations include negotiations with the Department of Conservation in relation to the management of public conservation lands in the Te Aupouri area of interest. Te Aupouri consider that it was premature for the Department to notify it's Proposed Regional Coastal Plan prior to the conclusion of these negotiations.	
Cultural and historic heritage in the Kermadec Islands	Polynesian settlement	The proposed plan suggests that Raoul Island is not Rangitahua and that this is a misconception based on the writings of Lieutenant Colonel Gudgeon. This summary is inaccurate and fails to record the importance of Rangitahua to the Maori people, and Te Aupouri in particular, despite the fact that this connection has been recognised by the Department of Conservation in the course of Treaty Settlement negotiations. The second paragraph should be deleted and the Department should negotiate with Te Aupouri and other iwi with an association with Rangitahua to agree a summary of the Maori values of the Kermadec Islands similar to that regarding Maori values of the Subantarctic Islands.	Remove the second paragraph of the summary of polynesian settlement, in the Values section of the plan "Cultural and historic heritage in the Kermadec islands". Negotiate and include a new section outlining the Maori values of the Kermadec Islands.
Kaitiakitanga of coastal marine area of Kermadec Islands	Policies 26 and 27	The submitters consider that policies 26 and 27 completely fail to recognise and provide for the relationship and values of Te Aupouri with the coastal marine area of the Kermadecs in a manner reflecting their status as tangata whenua. The obligations are minimal and fall short of the mechanisms through which the Department of Conservation will engage with Ngai Tahu ki Murihiku. Te Aupouri should be given the same recognition and level of engagement as that provided for Ngai Tahu ki Murihiku in relation to the Subantarctic Islands	Amend policies 26 and 27 to include policies similar to policies 28 to 32 with necessary amendment as agreed between the Department of Conservation and Te Aupouri.

## 12 Heritage Expeditions Limited

Section	Subsection	Concern	Request
General Comments		There is no provision for review of the plan.	Add a review provision that this plan be reviewed in five years.
General Comments		Some parts of the plan and the section 32 report refer to terrestrial management focused activities i.e. cultural sites that are land based, eradication programmes for terrestrial species, but the connection to the management of the marine environment is not made. Are these examples used as proxies? If yes then the plan should be explicit. The focus of the plan is on the coastal marine area and if there is a lack of information to inform management this should be clearly stated.	
Current use values - Conservation management on the Subantarctic Islands		The conservation management of the subantarctic islands section (page 11) is focussed on terrestrial flora and fauna and pest eradication and no mention is made of the marine environment and how it is managed. Specific mention of the marine environment and how it is currently managed should be made, and should include that the remote and wild character helps to protect the marine environment and the surveillance provided is designed to ensure that the coastal marine area is well protected from illegal use.	Make specific mention of the marine environment and how it is currently managed, including that the remote and wild character helps to protect the marine environment and the surveillance provided is designed to ensure that the coastal marine area is well protected from illegal use.
Current use values - Scientific research in the Subantarctic Islands		No mention is made of any system for the monitoring of ecosystem health and human impacts - bench marking or state of environment monitoring (as distinct from research). Without, monitoring, the effectiveness of management cannot be ascertained.	Include specific statement about monitoring of the plan areas, and if no monitoring is undertaken an explicit statement to this effect is required.

## 12 Heritage Expeditions Limited

Section	Subsection	Concern	Request
Current use values - Tourism in the Subantarctic Islands		Both Heritage Expeditions Limited and Tourism Resource Consultants oppose the statement that there is "major growth in tourism demand over the last 5 years". They consider this to be an over statement. They note that the Subantarctic Islands is a highly niched market that sees some operators enter the market for short periods, then withdraw as the economics and operation of this niche market is very demanding.	Revise the tourism text on page 12. Re-write paragraph 2 as follows: "There has always been sustained tourism by 1 highly niched operator over the last 25 years. The remoteness of these rugged windswept islands , set amongst some of the wildest oceans in the world , combined with superb wildlife opportunities make these islands key attractions for ecotourists or tourists seeking remote destinations with a focus on nature tourism. However, the wild oceans, remoteness and associated operational requirements have made it too challenging for new entrants to establish. There has been some market testing through occasional nature based cruises but this has not been sustained over time. It remains difficult to predict sustained growth in the current economic climate and for the next 5 years and is most likely to be minimal.
Current use values - Fishing in the Subantarctic Islands		The analysis provides general context but does not include the dynamics of the fishing fleets that may seek shelter within the territorial sea. It does not provide enough detail on the sheltering practices of the fishing fleets - particularly the scampi vessels.	Expand paragraph 5 to include the extent that scampi boats shelter by adding for the duration of rough weather, which in winter can be up to 3 to 4 weeks at a time.
Current use values of the Kermadec Islands	Research	The section on research includes a paragraph on archaeological research and notes the vulnerability of the sites within the active coastal zone. No mention is made of whether they are within the jurisdiction of the proposed plan. Those sites that have been surveyed, and in particular those that occur in the coastal zone should be marked on the maps in this plan to ensure they are readily identified, assuming there is no cultural impediment to doing so.	Those sites that have been surveyed, and in particular those that occur in the coastal zone should be marked on the maps in this plan to ensure they are readily identified, assuming there is no cultural impediment to doing so.

## 12 Heritage Expeditions Limited

Section	Subsection	Concern	Request
Current use values of the Kermadec Islands	Shipwrecks	Wreck exploration and salvage on page 13 of the proposed plan focuses on the General Grant yet there are many other wrecks.	All known sites of wrecks are shown on the maps.
Current use values of the Kermadec Islands	Tourism	The section correctly recognises the challenges and the "fairly limited niche market" for the Kermadec Islands.	Provide similar recognition of the fact that tourism at the Kermadec Islands is a niche market and the limited likelihood for growth as made in relation to tourism in the Subantarctic Islands.
Current use values of the Kermadec Islands	Conservation and restoration	Conservation and restoration (page 20) is focussed on terrestrial flora and fauna and pest eradication and no mention is made of the marine environment and how it is managed. Specific mention of the marine environment and how it is currently managed should be made, and should include that the remote and wild character helps to protect the marine environment and the surveillance provided is designed to ensure that the coastal marine area is well protected from illegal use.	Make specific mention of the marine environment and how it is currently managed, including that the remote and wild character helps to protect the marine environment and the surveillance provided is designed to ensure that the coastal marine area is well protected from illegal use.
Issue 1: Natural character		It is noted that the greatest risks to the Subantarctic and Kermadec Islands are biosecurity breaches and oil spills.	No change.

## 12 Heritage Expeditions Limited

Section	Subsection	Concern	Request
Issue 1: Natural character		<p>While Heritage Expeditions agree that oil spills and biosecurity breaches are two key risks they note that the threat of a biosecurity breach from their operation is small as they anti-foul annually and have in place strict and practical procedures to reduce and ideally eliminate such threats. A greater risk is posed by the scampi fishing boats that shelter during rough weather 7 to 8 at a time for up to 3 to 4 weeks in the Auckland Islands. These boats are not currently subjected to controls when seeking shelter or likely to undertake the same precautions as expeditionary cruising nor are their visits documented. Specific risk of landing would help reduce this risk. The risk of oil spills remains small from expeditionary vessels as they are typically double skinned and ice strengthened making oil spill unlikely unless are deeply penetrated below the waterline. Heritage Expeditions note that there have been no wrecks of motor vessel on any of the islands.</p>	<p>Specific risk mitigation of biosecurity breaches should be put in place for fishing vessels and others seeking shelter, including an additional policy and rule. Note in the rationale for the rules on page 44 of the Section 32 Report that the likelihood of oil spill from motor vessels remains low for vessels under 125m.</p>

## 12 Heritage Expeditions Limited

Section	Subsection	Concern	Request
Issue 1: Natural character	All the rules, Appendix 1 and statement of issues text	Business continuance for existing users requires reasonable certainty of the management requirements and rules operating in these environments. To secure borrowing for capital investment a business needs to be able to demonstrate it has security in its operating environment and potential for growth. Requiring a coastal perm it to be obtained for access to zones close into shore is opposed because it does not demonstrate certainty in the operating environment. The rationale for using vessel length in the rules and maps as an indication of the risk of oil spill is questioned. There are a large number variables that will impact on the risk. Heritage Expeditions Ltd include comments from Captain Joanne Laing Lyttelton who notes numerous vessel specifications and factor that will impact on risk. Further, she notes that vessels up to 150 metres in length do not pose a risk to navigational safety nor threat of oil spill based on length alone. Heritage Expeditions Ltd make the comparison between a floating platform of 75m in length and a powered vessel of superior manoeuvring capability. The floating platform would be permitted in the zone 300 to 600m from MHWS but the 90m powered vessel would be required to obtain a coastal permit.	1) All those rules and maps with vessel length restrictions be rewritten to have a vessel length of 25 to 125 metres as a permitted use with a distance of 300 to 600 metres to MHWS. (2) Re-write the narrative in the proposed plan "Control of surface water activities" (page 25) paragraph 3 and "Control of discharges"(page 27) paragraph 2, to reflect accurately the nature of risk from increased boat length and the rationale for applying boat length as the criteria for assessing risk. If boat length is a proxy for other factors then this should be stated clearly. (3) For reasonable business certainty the permitted activities of vessels between 25 and 125 metres be for a minimum of 15 years. (4) Consider whether a tighter definition of vessel is advantageous to exclude large inshore platforms that have limited manoeuvrability compared to ships.
Natural character objectives	Objective 1.3	Greater clarity could be given to objective 1.3 (page 23) through "community types" being replaced by "flora and fauna communities".	Substitute the words "community types" with "flora and fauna communities" in objective 1.3.



## 12 Heritage Expeditions Limited

Section	Subsection	Concern	Request
Natural character - Maintenance of biosecurity policies	Policy 3	Policy 3 refers to maintaining and protecting biodiversity via hull fouling by restricting access inside 1000m from MHWS. The rationale for this distance is not stated. If a pragmatic management approach is being applied this should be stated as such and if there is scientific evidence to support why this is useful and it should be referenced.	Include the rationale for the distance restrictions.
Natural character - Maintenance of biosecurity policies	Policy 6	Policy 6 encourages "appropriate" research - greater clarity of what is considered appropriate would be helpful. The research strategy could be referenced here.	Clarify the definition of "appropriate" research.
Natural character - Maintenance of biosecurity policies	Policy 2	Policy 2 includes a reference to "checking prior to departure , particularly for rodents and insects. Further clarity is required on what insect control is necessary. Further, the "point of departure" is unclear, how these checks will be undertaken, and by whom?	Clarify meaning of the "point of departure" and the process for checking. An addition to policy 2 stating that a "good practice guideline" will be developed to cover checks on departure for rodents and insects, and this be carried through into the rules.
Natural character - Control of discharges of contaminants explanation		The threat of an oil spill is noted (page 27, 2nd and 4th paragraphs) It would be helpful to have "large vessels" defined. The paragraph includes a reference to "the number and/or size of vessels interested in visiting the islands increases" and continues and states the risk of oil spill increases. Interest does not increase risk - nor does interest equate with use. Further, increased size does not necessarily increase risk of oil spill. It is noted that poor management and/or maintenance are referenced as possible causes also.	Define larger vessels as over 150 metres. Delete the remainder of the sentence 4 in paragraph 2 and replace with "The threat of an oil spill from any one of the vessel that visit the islands is ever present."

## 12 Heritage Expeditions Limited

Section	Subsection	Concern	Request
Issue 2:	Kaitiakitanga of coastal marine area	The objective and policies are supported.	No change.
Issue 3:	Cultural and historic heritage	The objectives and policies are supported. However, in the interest of reducing the potential for damage to these site all should be shown on the maps thereby informing managers especially , and visitors.	The location of sites of cultural and historic heritage should be shown on the maps. A reference to this could be included in the notes.
Rules	Checking for harmful plants and animals (including insects)	The plan defines what is considered acceptable below the water line in detail, but does not include detail for management of harmful plants or animals (including insects) above the water line. The challenge of creating such standards/terms/conditions is recognised. It is suggested that a pragmatic guideline approach be taken to this that is based on good practices. (Refer submission on policy 2)	The reference to "insects" be removed (or qualified with the intention to prepare and provide guidelines on insects) from the rules and guidelines be prepared based on good practice.
Discharges rules	Other Methods 2	Other Methods 2 suggests that guidelines could be used as a means to manage artificial light and noise. An explanation of when guidelines are appropriate would be useful. By implication, guidelines could be developed for management of issues that are adequately managed through voluntary compliance or where this is a pragmatic management approach.	

## 12 Heritage Expeditions Limited

Section	Subsection	Concern	Request
Temporary rules for hull and niche area fouling	Rules A and B (and 26 to 28)	The rule description is complex and a flow chart illustrating and describing the process and decision pathways would be helpful. It is noted that the onus is placed on the user to ensure the hull is clean and this is transitional.	Express this rule as a flow chart as well for ease of understanding of rule A and also for rule 26 to 28.
Controls on hull and niche area fouling rules	Rules 26 to 28	The understood best practice to minimise hull and niche area fouling is through regular cleaning, inspection, removal of any incursion , safe disposal (after identification) and re-application of anti-fouling paint, ideally on an annual basis. The plan makes no mention of good practice or of the extensive standard development work being undertaken by MAF Biosecurity New Zealand. MAF Biosecurity New Zealand are the expert lead agency in this matter. The plan is getting ahead of MAF Biosecurity New Zealand. There is a shortage of marine taxonomic advice that is readily available in New Zealand to identify marine organisms. Any situation of hull fouling requires a rapid response, baseline information is limited and identification can be time consuming. The relevant government agencies could develop a reference database of biofouling that would enable faster identification of the more common species to ensure that in the event of a relatively routine fouling a rapid, pragmatic and biosecure response is feasible.	Defer to the MAF Biosecurity New Zealand standard for controls on hull and niche fouling. The policies should note an appropriate reference to the taxonomic reality and the rules to be practical reflect this reality.
Surface water activities in the Subantarctic Islands rules	Rule 36	The activity description of rule 36 is "Access to the coastal marine area of the Subantarctic Islands" yet in the standards/terms/conditions it includes 'Northeast of Macauley Island" that is in the Kermadec Islands. This rule should make provision for vessels up to 125 metres - this is imperative for safety of zodiac (passenger) operations.	The reference to Macauley Island be removed from rule 36, and provision be made for vessels up to 125 metres - to ensure passenger safety embarking and disembarking from zodiacs.

## 12 Heritage Expeditions Limited

Section	Subsection	Concern	Request
Surface water activities in the Subantarctic Islands rules		Rules 29 to 31 allow access close inshore for vessels involved in management operations, re-supply of fuel stores and management activities and research with no access restrictions on vessel length. No rationale is provided for the exemption of vessels involved in these activities. This is inconsistent with the focus of the plan on reducing the risk of maritime incident and oil spill, and the risk mitigation proposed through the rules based on ship length. As noted in another submission, there are many variables that determine the criteria for vessel safety. Vessel safety is also connected to and relatively to the length of stay at any given anchorage. Expedition vessels generally spend limited time at anchorage, and mainly during day light hour, thereby significantly reducing the risk.	That vessel length as the sole criteria for vessel safety is to be re-thought in the light of technological and associated safety trends and other relevant maritime trends. If ship length is used as a pragmatic way of categorising vessels this should be explicitly stated and also state the risk factors taken into account in determining the categories.
Surface water activities in the Subantarctic Islands rules	Rule 37	It is unclear what this means and it is discretionary. There is no explanation in the section 32 report and it is suggested that this is an error.	That this rule if in error be deleted and if not be better described.
Surface water activities in the Subantarctic Islands rules	Rules 36, 38, 40, 41, 45 and 46	Rules 36, 38, 40, 41, 45 and 46 all stipulate "No more than one cruise ship in a bay at any one time" . This raises two questions, First, "a bay" is not defined - what is it intended to mean - i.e. you can have more than one bay in a harbour or port. It is suggested that "harbour " would be a better term to ensure the preservation of the remoteness and wilderness values. Second, it is noted that this requirement is only for a cruise ship. This would allow a cruise ship and an undetermined number of research and other vessels at one time - this does not enable the remoteness and wilderness experiences of those people on the cruise ship or the other people.	In rules 36, 38, 40, 41, 45 and 46 "bay" be replaced with the word "harbour" to ensure the preservation of the remoteness and wilderness values. The words "cruise ship in a bay" be changed to " vessel in a harbour at any one time". The last sentence (page 25) be clarified to include any type of vessel to read "such as only one vessel visiting a harbour in any one day".

## 12 Heritage Expeditions Limited

Section	Subsection	Concern	Request
Integrated management	Conservation Management Strategies	Tourism Research Consultants note the connection of the proposed plan to the Conservation Management Strategies (CMS) is not very clearly articulated. It is suggested that a more explicit statement about the relationship between the two is required, especially when the interconnectedness of the land and sea, and the need for integrated management is mentioned several times. Greater clarity over the area of overlap between the CMS and the proposed plan and what jurisdiction applies is required.	A more explicit statement about the relationship between the Conservation Management Strategies and the proposed plan, and provide greater clarity over the area of overlap between the CMS and the proposed plan and what jurisdiction applies.
Integrated management		The proposed plan does not note the connection and relationship with the following: Marine Protected Areas Policy in the Territorial Seas of the Subantarctic Biogeographic Region of New Zealand; the Vessel Biofouling Import Health Standard development by MAF Biosecurity New Zealand that details hull fouling policies for New Zealand; and the review of the ANZECC (Australian and New Zealand Environment and Conservation Council) Code of Practice for in-water cleaning of vessels. MAF Biosecurity New Zealand note that facilities to decontaminate large vessels are limited or unavailable in NZ. The preventative approach of encouraging continual good hull maintenance practice is a critical part of the solution to this issue.	(1) Closely connected government processes should be explicitly stated in the proposed plan and their relationship to this plan and the implications of these relationships on the management of the coastal marine area should be spelt out. (2) On hull cleaning the proposed plan should apply the approach taken by the lead agency of Biosecurity New Zealand and this should be stated as the rule, and acknowledgement of the practical limitations of decontamination in NZ especially for large vessels. This should be specifically referenced in the proposed plan (pages 42, 43 and in the narrative).

## 12 Heritage Expeditions Limited

Section	Subsection	Concern	Request
Appendix 1 Maps	Maps and surface water access rules	Further to consultation, there are a number of errors or omissions in the maps in relation to anchoring, existing anchorages and the related rules: (i) Enderby Island anchorage not shown on the maps or included in rule 46; (ii) Ranui Cove is shown for vessels up to 25 metres - it needs to allow larger vessels and be included in rule 46; (iii) Musgrave Inlet is shown on the map but not included in rule 46; (iv) Raynal Point (Carnley Harbour) is shown on the map but not included in rule 46; (v) Coleridge Bay is shown on the map but not included in rule 46, also the description of this anchorage should be amended to read "North Mask Island" ; (vi) Western Arm is included on the map but not shown in rule 46, also wrongly recorded in the key. Further, the maps should allow for anchoring for vessels up to 125 metres as per earlier submission.	Make all the corrections noted above on the maps and in rule 46, and all references to vessel length on the maps be altered to show the recommended class 25 to 125 metres as permitted.

### 13 New Zealand Marine Sciences Society

Section	Subsection	Concern	Request
Values of the Subantarctic Islands		There is no mention of the recent announcement by the Ministers of Fisheries and Conservation that marine reserves are to be established around the Bounty, Antipodes and Campbell Islands.	Include a statement that recognises there will be marine reserves at the Bounty, Antipodes and Campbell Islands in the future.
Values of the Kermadec Islands		Oppose the statement that the Kermadec Islands Marine Reserve is the largest no-take marine reserve in the world. There are now larger no-take marine reserves in other parts of the world as detailed in the submission. And oppose the section on cetaceans. The material on whales and dolphins in the Kermadec region is out of date. Results from several recent surveys should have been included.	Correct the statement to reflect that while the Kermadec Islands Marine Reserve is the largest no-take marine reserve in New Zealand waters, it is not the largest in the world.
Issue 1: Natural character		Damage caused by boat anchoring can cause significant adverse effects on the natural character of both the Kermadec and Subantarctic Islands. This should be highlighted under Issue 1. Rather than restricting activities with the potential for adverse effects on natural character, these activities should be avoided.	Damage caused by boat anchoring should be highlighted under Issue 1. Rather than restricting activities with the potential for adverse effects on natural character, these activities should be avoided.
Natural character - Controls on structures, disturbance, deposition, and reclamation policies	Policy 25	Oppose policy 25, which allows for preferential treatment of an individual (Mr Stuart Cave). Individual rights to moorings should not be provided for.	Any moorings provided for under the plan should be able to be used by any vessel owner on a first come first served basis.

### 13 New Zealand Marine Sciences Society

Section	Subsection	Concern	Request
Surface water activities for the Kermadec Islands	rules	Effective best practice for checking vessels should be included.	Effective best practice for checking vessels should be included.
Financial contributions		Damage from vessel groundings can result in significant damage to the sea bed, particularly to vulnerable marine ecosystems such as the sub-tropical coral habitat of the Kermadec Islands.	An additional circumstance where a coastal permit has not been granted and an adverse effect from an activity, such as vessel grounding and resultant damage to the sea bed, should be included and a compensatory amount determined accordingly.
Integrated management		The proposed plan does not mention the Marine Reserves Act 1971 and the Marine Reserves Regulations. A statement should be included that identifies the relationship of the regional coastal plan with the Marine Reserves Act 1971 and the Marine Reserves Regulations.	Include a statement that identifies the relationship of the regional coastal plan with the Marine Reserves Act 1971 and the Marine Reserves Regulations.
Appendix 1 Maps	Maps 1 and 4	Oppose the symbols used in the keys to maps 1 and 4. The red anchor with the number 75 on the map is described in the key as being for vessels up to 25m.	Replace the red anchor on maps 1 and 4 with a red anchor allowing vessels up to 25 m to anchor there.



## 14 Te Ohu Kai Moana

Section	Subsection	Concern	Request
General Comments		Have reservations about the potential negative impact that a number of the proposed rules and activity definitions may have on fisheries Treaty settlement assets and interests. Support the detailed submissions of the Seafood Industry Council and Deepwater Group. Note concern in relation to proposed rules affecting fuel types and associated activities and hull fouling and how these rules might affect the free passage of fishing vessels through the Territorial Sea of these islands.	

## 15 Minister of Conservation

Section	Subsection	Concern	Request
General Comments			
Natural character - Control of surface water activities explanation		In the last paragraph, page 25, the sentence: "Surface Water activities around the islands need to be managed to maintain a high quality environment that preserves natural character including landscape and amenity and the preservation of remoteness and wildness values" is inconsistent with Policy 13(2) of the New Zealand Coastal Policy Statement 2010.	Reword the sentence to read: "Surface Water activities around the islands need to be managed to maintain a high quality environment that preserves natural character, landscape and amenity and the preservation of remoteness and wildness."
Natural character - Control of discharges of contaminants policies Policy 13		Policy 13, page 27. As written the part of the policy that restricts use and transport of heavy fuel oil would prohibit carrying and using heavy fuel oil in small quantities for the purpose of equipment lubrication (i.e. winches and cranes etc). The policy should be amended to reflect the MARPOL restriction on heavy fuel oil due to come into force in August 2011.	Amend policy 13 so that it reads as follows: "To prohibit carrying heavy fuel oil as a cargo, carrying and using heavy fuel oil as a fuel, and ship-to-ship transfers of any fuel type in the coastal marine areas of the Kermadec and Subantarctic Islands."
Natural character - Controls on structures, disturbance, deposition, and reclamation policies Policy 19		Policy 19 page 28. The Policy excludes other scientific monitoring such as acoustic monitoring for whales that is beneficial i.e. not by whalers.	Reword Policy 19 to read: To avoid the placement of new structures on the foreshore or seabed, unless they are necessary for the maintenance of existing infrastructure and/or for monitoring of seismic or volcanic activity or for other scientific monitoring

## 15 Minister of Conservation

Section	Subsection	Concern	Request
Issue 3: Cultural and historic heritage	Policy 41e)	The Policy wording is unclear - what sort of operating facility is the policy referring to?	Reword Policy 41 (e) to read: 'or enhance the efficient operation of any existing operational facility'
Occupation rules	Rule 1	The fourth condition of rule 1 "The mooring will not be located within any heritage site as listed in Appendix 2". This is an issue because not all the locations of the heritage sites noted in appendix 2 are known. Further, the proposed plan does not contain maps showing the locations or approximate locations of any of the heritage sites listed in Appendix 2. The known Heritage Sites should be mapped. Dots or areas shaded could be placed on maps in Appendix 1 or prepare new maps. Secondly some sites have not been accurately mapped so a larger area than for example the actual ship wreck site should be shown.	The fourth condition of Rule 1 should be amended as follows: "The mooring will not be located in the vicinity of any of known (mapped) heritage sites listed in Appendix 2 and shown on maps XX"
Structures rules	Rule 8	This rule provides for the safe mooring for Mr Stuart Cave for the purpose of obtaining crayfish at Snares Island as a permitted activity but no provisions has been made to allow Mr Cave permitted access inside 300 metres from MHWS.	A new rule should be included in the surface water access rules that provides permitted access for Mr Cave inside the 300 metre zone from MHWS, subject to similar conditions as rule 29.
Discharges rules	Rule 10	The activity description is incomplete and unclear. It should be amended to accurately reflect section 70 RMA.	Reword the activity description of Rule 10 to read: "Discharge of uncontaminated water or stormwater into water or onto land the coastal marine area"

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Section	Subsection	Concern	Request
Discharges rules	Rule 12	This rule prohibits the discharge of untreated sewage and refers to policies 14 and 15. Policy 15 however, acknowledges a discharge of untreated sewage from Campbell Island, and seeks to allow this discharge to continue for a period of 5 years from the plan becoming operative while solutions to deal with it are investigated and implemented. An interim rule needs to be included to allow the intermittent discharge to continue for 5 years from the date the plan becomes operative.	Include a new rule after rule 11 to allow the current intermittent discharge of untreated sewage from the toilet on Campbell Island for a period of 5 years from the date the plan becomes operative as a permitted activity.
Use of water rules	Rule 21	The condition of this rule says: Not for the extraction of constituent of water. It needs to be made clear that this does not include the taking of sea water for conversion to freshwater for use on a vessel.	Reword the condition in rule 21 to read: Not for the extraction of constituent of water, other than for conversion to freshwater for use on a vessel.
Deposition rules	Rule 24	The activity described in the rule cannot be classified as a prohibited activity. In the case <i>Nelson City Council v. Diamond Netherlands BV 2009 (CRN08042500436)</i> Judge Dwyer found that hull cleaning activities are deemed to be discretionary activities in regional coastal plans by regulation 4 of the Resource Management Marine Pollution Regulations 1998.	Change the classification from prohibited to discretionary and add a footnote to the activity description that refers to regulation 4(2)(f) of the Resource Management Marine Pollution Regulations 1998.

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Section	Subsection	Concern	Request
Temporary rules for hull and niche area fouling	Temporary Rule A	This rule is unclear and could result in vessels travelling from Hobart to Macquarie then to Auckland or Campbell Islands without providing the certification required that the hull has been inspected for hull and niche area fouling. The condition that says: "or vessel has been to Antarctica since its last inspection and does not stay more than 48 hours in any location before returning to the islands" also needs to be clarified. What does "any location" mean?	<p>Re-word the conditions of Rule A after the words "And either:" to read as follows: "And either: Vessel has certified clean hull and niche areas by diver inspection completed by a dive service provider approved by the Minister of Conservation, using the form included in Appendix 3, valid for 3 months from the date of the inspection, provided:</p> <ul style="list-style-type: none"> <li>o The vessel has not departed New Zealand waters since its last certified diver inspection; OR</li> <li>o The vessel has returned directly from Antarctica and complies with the other conditions of this rule; OR</li> <li>o If the vessel has visited Macquarie Island since inspection it has anchored or steamed off the coast of Macquarie for no more than 48 hours; remained 100 metres or more from permanent structures; and complies with the other conditions of this rule; OR</li> <li>o If the vessel has been to Antarctica since its last inspection and has not stayed more than 48 hours in any mainland New Zealand location before returning to the islands"</li> </ul>
Controls on hull and niche area fouling rules	Rule A and permitted activity rules between 26 to 58	In relation to the biosecurity condition that reads: "Vessel has been thoroughly checked for harmful organisms above the waterline and is free of harmful plants and animals (including insects)" it is noted that rats can live above the waterline and also below the waterline such as within the hull of a vessel. The rule should ensure the inside of the vessel, including below the waterline, is also checked.	Rerword the condition concerning biosecurity of the dry parts of the vessel in Rule A and all permitted activity rules between 26 to 58, pages 42-51 to read: "The vessel has been checked for harmful organisms above the waterline, inside and outside and within the hull and is free of harmful plants and animals (including insects)."

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Section	Subsection	Concern	Request
Surface water activities in the Subantarctic Islands rules	Rule 31	Other authorisations may be required under the Reserves Act 1977	Reword rule 31 standard and terms to read: Research is consistent with the New Zealand Subantarctic Islands Research Strategy 2003 and any other permits that may be required under the Reserves Act 1977.
Surface water activities in the Subantarctic Islands rules	Rule 30	Rule 30 is superfluous. The delivering of fuel is covered by rule 29, as it is a management activity and for research.	Remove rule 30 or include part of rule 30 into rule 29.
Surface water activities in the Subantarctic Islands rules	Rule 36	The rule needs to provide that the unloading and re-loading of passengers occurs off the land locations listed. In relation to the Snares Island the locations listed the plan are too prescriptive.	Reword the conditions of rule 36 to read: "Unloading and reloading of passengers off the following locations only:" In relation to the two Snares Island locations, remove reference to Ho Ho Bay and the Enclosed Bay and list the one location: "North East Island, Snares Island".
Surface water activities in the Subantarctic Islands rules	Rule 45	The condition that lists the anchoring locations for vessels under 25 metres in length incorrectly refers to: "Musgrave Inlet (east coast) Auckland Island". It should refer to: "Musgrave Harbour (in Carnley Harbour) Auckland Island".	Correct the reference in rule 45 to refer to: "Musgrave Harbour (in Carnley Harbour) Auckland Island".

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Section	Subsection	Concern	Request
Surface water activities in the Subantarctic Islands rules	Rule 46	The condition "No more than one cruise ship in a bay at any one time" is unclear. The condition listing the anchoring locations is missing four locations as shown on the maps in Appendix 1. Missing from the Auckland Islands locations are: <ul style="list-style-type: none"> <li>o Ranui Cove (east coast) Auckland Island</li> <li>o Musgrave Inlet (east coast) Auckland Island</li> <li>o Raynal Point (in Carnley Harbour) Auckland Island</li> <li>o Coleridge Bay (in Carnley Harbour) Auckland Island</li> </ul>	Add the following missing anchorage sites to rule 46: <ul style="list-style-type: none"> <li>o Ranui Cove (east coast) Auckland Island</li> <li>o Musgrave Inlet (east coast) Auckland Island</li> <li>o Raynal Point (in Carnley Harbour) Auckland Island</li> <li>o Coleridge Bay (in Carnley Harbour) Auckland Island</li> </ul> And reword the last condition of rule 46 to read: "No more than one cruise ship in a bay or any harbour, or off the Snares Islands at any one time".
Surface water activities in the Subantarctic Islands rules	Rule 29	The rule is unclear should allow for management activities including research for the Department of Conservation.	Reword Rule 29 to read: Access to and anchoring in the coastal marine area of the Subantarctic Islands by vessels involved in management activities and research for the Department of Conservation including vessels of the New Zealand Navy.
Administrative charges		The proposed plan says it will establish administrative charges via regulations under section 360 RMA. However, it would be a simpler option to charge administrative charges under the Conservation Act 1987.	Reword the text under the heading Administrative charges to read: "Administrative charges will be charged under the Conservation Act 1987".
Glossary	Definition of "harmful organism"	The definition should exclude species that have self-introduced.	Add the words "excluding self introduced species" to the definition of "Harmful organisms"

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Section	Subsection	Concern	Request
Appendix 1 Maps	Maps 1, 2 and 3	The vessel length for anchoring at Ranui Cove should be 75 metres.	On Maps 1, 2 and 3, pages 62 to 64, the vessel length for anchoring at Ranui Cove should be changed to 75 metres.
Appendix 1 Maps	Map 3	The legend box for the "Port Ross southern right whale exclusion zone" should cross reference to rule 32. The text in the box should also clarify that the area is restricted to vessels under 75 metres i.e. vessels over 75 metres do not have access in the period 1 April to 31 October, as noted in rule 32.	Amend the legend box for the "Port Ross southern right whale exclusion zone" to cross reference to rule 32 and change the text in the box to say: "Access to the area is restricted to vessels under 75 metres".
Appendix 1 Maps	Map 7	The legend box for the Snares Island exemption zone should cross reference to rule 34.	Amend the legend box for the "Snares Island exemption zone" to cross reference to rule 34 and change the text in the box to say: "Access for cruise ships using any fuel type subject to the conditions of rule 34".
Appendix 2 Cultural and historic heritage		Many rules in the plan refer to this Appendix. The approximate sites need to be mapped so the permitted activity rules can be given effect to.	Maps be included or amended to show approximate locations of cultural and historic heritage.



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<b>Section</b>	<b>Subsection</b>	<b>Concern</b>	<b>Request</b>
General Comments		Ensure the ability to undertake appropriate scientific means to undertake the science - appropriate sampling (including acoustic and bottom sampling) with the opportunity for informed discussion around potential impacts rather than decision based on historical hear-say rather than clear understanding of modern methods, techniques and approaches.	
General Comments		University of Otago Marine Sciences Department would like to see science become integrated better into the basis for management of the subantarctic islands (and by association the Kermadec Islands). Fundamental understanding of oceanographic, climatic and ecological systems is a basic requirement for effective management. Furthermore, monitoring the effectiveness of management systems requires clear baseline data and surety that the data is appropriate to and broader than the requirements of management.	
General Comments		We also seek relief on payment for access. Our research is conducted using public good funds and already conducted in an economical manner. Paying for access to the environment would limit the scope of our programme and may well end up with the government paying twice for the conservation and management programme.	
General Comments		Ensure it is possible to undertake research year-round as the natural systems and ecosystems do not necessarily lend themselves to study during the summer only, and ensure that research can be conducted from a range of vessels appropriate to the tasks (why the 25 m vessel limit? Why not the limit based on the task and impact?).	





