Submission by section of the proposed plan

Submissions/response by Section

Subsection	Submission	Relief Sought	Recommendation and Reason
Plan Section	*General Comments Subsection: None*		
Submitter No. 4	**Talleys Group Limited**		
	Oppose 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.	*Reject* The creation of new marine reserves is considered to be complementary to the proposed regional coastal plan rather than duplication. The provisions of the regional coastal plan will apply in addition to any protection mechanisms either already in place (i.e. the marine reserve and marine mammal sanctuary already in place around the Auckland Islands) or as developed as a result of the Marine Protected Area Policy. Separate consents to undertake various activities would be required under the MRA. So while the proposed plan has some permitted activity rules for structures, a separate consent for such structures is required under the MRA. The decision under the MRA needs to reflect the purpose of that Act, not the RMA. The purpose of the proposed regional coastal plan is to assist the Minister of Conservation to achieve the purpose of the RMA in relation to the coastal marine area of the islands, which is to promote sustainable management of natural and physical resources, as articulated in section 5(2) RMA. Whereas the purpose of the Marine Reserves Act 1971 is to preserve the reserves in their natural state as the habitat of marine life for scientific study. Until the new marine reserves have actually been established we cannot second guess what the final outcome will be - not withstanding that it is clear from the Ministers' press release that the new marine reserves will not cover all of the territorial sea of all of the islands. The intention is to establish a full reserve around Antipodes Island only. Bounty and Campbell islands reserves will comprise 58% and 39% of their territorial seas, and the Snares Islands are not a part of the biogeographic region and will have no marine reserve around them.
Submitter No. 5	**New Zealand Seafood Industry Council Limited**		
	Oppose 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.	*Reject* The creation of new marine reserves is considered to be complementary to the proposed regional coastal plan rather than duplication. The provisions of the regional coastal plan will apply in addition to any protection mechanisms either already in place (i.e. the marine reserve and marine mammal sanctuary already in place around the Auckland Islands) or as developed as a result of the Marine Protected Area Policy. Separate consents to undertake various activities would be required under the MRA. So while the proposed plan has some permitted activity rules for structures, a separate consent for such structures is required under the MRA. The decision under the MRA needs to reflect the purpose of that Act, not the RMA. The purpose of the proposed regional coastal plan is to assist the Minister of Conservation to achieve the purpose of the RMA in relation to the coastal marine area of the islands, which is to promote sustainable management of natural and physical resources, as articulated in section 5(2) RMA. Whereas the purpose of the Marine Reserves Act 1971 is to preserve the reserves in their natural state as the habitat of marine life for scientific study. Until the new marine reserves have actually been established we cannot second guess what the final outcome will be - not withstanding that it is clear from the Ministers' press release that the new marine reserves will not cover all of the territorial sea of all of the islands. The intention is to establish a full reserve around Antipodes Island only. Bounty and Campbell islands reserves will comprise 58% and 39% of their territorial seas, and the Snares Islands are not a part of the biogeographic region and will have no marine reserve around them.

Further subs

35 New Zealand Marine Sciences Society

Subsection	View Submission	Relief sought	Recommendation and Reason
	Oppose There is an urgent need to provide better protection for the ecosystems surrounding the Subantarctic Islands, beyond that currently provided. Because of this NZMSS do not support a recommendation for deferral of the plan. If amendments are later required these		*Accept* The creation of new marine reserves is considered to be complementary to the proposed regional coastal plan rather than duplication. The provisions of the regional coastal plan will apply in addition to any protection mechanisms either already in place (i.e. the marine reserve and marine mammal sanctuary already in place around the Auckland Islands) or as developed as a result of the Marine Protected Area Policy.

Subsection	Submission	Relief Sought	Recommendation and Reason
	can be by way of plan change or variation (depending on the status of the proposed plan at the time).		

Submitter No. 7 **DeepWater Group Limited**

	The Deepwater Group supports the submission by the Seafood Industry Council. Particularly regarding the constraints caused by the carriage of heavy fuel oil.	

Submitter No. 12 **Heritage Expeditions Limited**

	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.	As noted throughout the proposed plan and section 32 report there is a close interconnectedness between the land and sea of both island groups, a number of species use both the land and the marine environments. A number of sites of cultural and historic heritage will either be close to or straddle the MHWS boundary of the coastal marine area. Eradication programmes on the land can impact both environments, both in terms of positive effects on species and potential for adverse effects such accidental discharges. The section 32 report notes that eradication programmes on land, although expensive, are possible, they are even more expensive and have had limited success in the marine environment. Hence the focus of the proposed plan is on prevention of marine biosecurity breaches rather than eradication.

Submitter No. 12 **Heritage Expeditions Limited**

There is no provision for review of the plan.	Add a review provision that this plan be reviewed in five years.	*Reject* Section 79 RMA sets out the requirements for review of a regional coastal plan. It is not a requirement to include such provisions in the plan. Not including them does not preclude either the Minister undertaking a review at any time, or any individual seeking a private plan change.

Submitter No. 14 **Te Ohu Kai Moana**

	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.	Refer the submissions of the New Zealand Seafood Industry Council and Deepwater Group, and also Talley Limited and Sanford Limited

Submitter No. 16 **University of Otago**

	Neutral Ensure the ability to undertake appropriate scientific means to undertake the science - appropriate sampling (including acoustic and	The provisions of the proposed plan seek to recognise the value of research and facilitate it to the extent practical within limits of acceptable risk of potential adverse effects.

Subsection	Submission	Relief Sought	Recommendation and Reason
	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.		
Submitter No. 16	**University of Otago**		
	Neutral		
	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?).		It is possible to undertake activities all year round. There is a restriction on access to Port Ross during the winter months to allow a case by case consideration of proposed activities while the southern right whale are in Port Ross in large numbers breeding and nursing. The risk of oil spill and/or biosecurity breach are key issues for the proposed plan. The rules and maps creating zones of access based on vessel length seek to reduce the risk of oil spill and/or biosecurity breach by restricting access close in to shore using vessel length as a proxy. The zone inside 300m of MHWS, as the closest to shore, is the zone of highest risk. The 300m was selected on the basis that is the generally accepted limit the Norwegian rat can swim. The rationale for the zones is that they attempt to provide an accepted level of risk for existing use as a permitted activity where possible, based on vessel length as a proxy for the numerous variables that would contribute to a vessels risk assessment. The explanatory text preceding the policies on the control of surface water activities should explain the rationale for the vessel length and zones established in the rules and maps, and acknowledge that vessel length is used as a proxy for the numerous variables that influence risk. The following paragraph should be included as the sixth paragraph under the title "Control of surface water activities" : "The control of surface water activities is based on zones of access relative to vessel length. Vessel length is used as a proxy for numerous factors that can influence risk of oil spill and/or biosecurity breach, such as: vessel length; propulsion system; number, type and location of propellers; number, type and position of rudders; presence and power of bow and/or stern thrusters; windage of the vessel relative to its power; age of vessel; fuel type, duration of access etc. The zone inside 300m from MHWS, as the closest to shore, is the zone of highest risk. The 300m is selected on the basis that is the generally accepted limit the Norwegian rat can swim. The rationale for the zones is that they attempt to provide an accepted level of risk for existing use as a permitted activity where possible, based on vessel length as a proxy for the numerous variables noted above that would contribute to a vessels risk assessment. The degree of risk is further exacerbated by the remoteness of the islands and the environmental conditions that would hamper any response efforts." The alternative to the current vessel length and zones of access matrix, to make it simpler, is to remove the vessel lengths and multiple zones, and require all access inside 600m from MHWS other than ancillary craft to obtain a discretionary coastal permit. This will allow case by case assessment of all the variables that could influence risk, as noted above.
Submitter No. 16	**University of Otago**		
	Neutral		
	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.		The proposed plan currently says it will rely on developing regulations under the RMA in order to charge administrative charges such as cost recovery for consent processing. This is an involved process. The Minister of Conservation has submitted that the Conservation Act be used for administrative charges, on the basis that it is simpler, and allows better alignment with RMA charges as imposed by local authorities using section 36 of the RMA and the provisions of the Local Government Act 2002. Similar to the RMA there are options for waivers on charges.
Submitter No. 16	**University of Otago**		
	Neutral		
	University of Otago Marine Sciences		The proposed plan seeks to acknowledge and facilitate research. In particular, refer policy 6 which is to

Subsection	Submission	Relief Sought	Recommendation and Reason
	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.		provide for and encourage research that builds knowledge and understanding of the intrinsic values of ecosystems.
Submitter No. 11	**Te Runanga Nui o Te Aupouri Trust**		
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.		*Reject* The Treaty settlement process and the development of the proposed regional coastal plan are separate processes. There would be significant cost to the Department in delaying notification of the Kermadec Islands section of the proposed plan. Delaying notification of the plan would also delay the effect of objectives, policies and other provisions which will better manage this unique environment.

Subsection	Submission	Relief Sought	Recommendation and Reason
Plan Section	*Values of the Subantartic Islands Subsection: None*		
Submitter No. 13	**New Zealand Marine Sciences Society**		
	Oppose in Part 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.	*Accept in part* Include a footnote in the text of the second paragraph on page 13 as follows: "Note the Marine Protected Area Forum for the Southern Ocean has resulted in a decision by Ministers to create more marine reserves around Bounty, Campbell and Antipodes Islands and further fisheries restrictions. Refer the Integrated management section of the plan for further details" Include a further section in the Integrated management section of the proposed plan: in the bullet point list in the first paragraph include a further bullet point "DOC's role under the Marine Reserves Act 1971and the Marine Protected Area Policy"; and include a new section titled "Marine reserves and the Marine Protected Area Forum for the Southern Ocean" with the following text: "The Marine Protected Areas Policy Statement and Implementation Plan commit the New Zealand government to protecting representative samples of the full range of marine habitats and ecosystems as part of a wider strategy to conserve New Zealand's biodiversity. The MPA Policy Statement sets out a series of high-level principles that will guide planning and prioritising the MPA network at the national level and the selection of possible MPA sites and management tools. There is a range of management tools that could potentially contribute to the MPA network, including marine reserves, Fisheries Act tools, Resource Management Act measures and other tools. On 29 January 2011 Minister of Conservation Kate Wilkinson and Fisheries Minister Phil Heatley announced three huge marine reserves totalling 435,163ha are to be established in the Subantarctic Islands. The Ministers' decisions will see a marine reserve cover the entire territorial sea - out to 12 nautical miles - surrounding Antipodes Island, with two further marine reserves around the Bounty Islands and Campbell Island, covering 58 percent and 39 percent of those islands' territorial seas respectively. New prohibitions on Danish seining will be introduced in the remaining territorial sea around the island groups, ensuring the entire area – 688,548ha - achieves Marine Protected Area status. The new marine reserves are to be established by special legislation. The intended boundaries of the reserves allows for the continuation of long-lining for ling in some areas around the Bounty Islands, as this method is targeted and has a limited by-catch. And there will also be a five-year window to allow for a potential deep-water crab fishery to be explored in the territorial sea beyond the marine reserve around Campbell Island. At the end of that period, it will be decided whether a crab fishery can be established or whether the entire territorial sea should become a marine reserve." All of the Kermadec Islands and the Auckland Islands are already full marine reserves to the outer limits of their territorial seas.

Subsection	Submission	Relief Sought	Recommendation and Reason
Plan Section	*Current use values - Conservation management on the Subantartic Islands Subsection: None*		
Submitter No. 12	**Heritage Expeditions Limited**		
	Oppose in Part 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.	*Accept in part* This section of the plan is not intended to address how the islands (land and sea) are managed. It seeks to capture the current use values of the islands. It is, however, an oversight not to the marine reserves and the marine mammal sanctuary around Auckland Islands. Insert as a second paragraph of "Conservation management on the Subantarctic Islands" on page 11 of the proposed plan to read: "The marine environment of Auckland Islands are both a marine reserve and a marine mammal sanctuary under the Marine Reserves Act 1971 and the Marine Mammals Protection Act 1978, to the outer limits of the territorial sea". Add a footnote to the second sentence explaining the imminent new marine reserves, to read: "Note the Marine Protected Area Forum for the Southern Ocean has resulted in a decision by Ministers to create more marine reserves around Bounty, Campbell and Antipodes Islands and further fisheries restrictions. For further information, refer the Integrated management section of the plan."

Subsection	Submission	Relief Sought	Recommendation and Reason
Plan Section	*Current use values - Scientific research in the Subantarctic Islands Subsection: None*		
Submitter No. 12	**Heritage Expeditions Limited**		
	Oppose in Part 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.	*Reject* Refer "Monitoring efficiency and effectiveness" on page 55 of the proposed plan. The plan notes that monitoring the efficiency and effectiveness of it is a requirement of section 35 of the RMA. Other than assuring users of the coastal marine area that the information collected during hull inspections will be used to monitor efficiency and effectiveness, the detail of how the Minister will give effect to the requirement to monitor efficiency and effectiveness will be determined outside the plan. This gives flexibility to amend a monitoring programme, if needed, without having to undertake a plan change.

Further subs

37 New Zealand Marine Sciences Society

Subsection	View Submission	Relief sought	Recommendation and Reason
	Support The NZMSS supports research in the Subantarctic region that assists with better understanding the marine environment and marine ecosystems there. It is important that ecosystem health and human use is monitored to inform adaptive management of the region.		*Accept in part* Refer "Monitoring efficiency and effectiveness" on page 55 of the proposed plan. The plan notes that monitoring the efficiency and effectiveness of it is a requirement of section 35 of the RMA. Other than assuring users of the coastal marine area that the information collected during hull inspections will be used to monitor efficiency and effectiveness, the detail of how the Minister will give effect to the requirement to monitor efficiency and effectiveness will be determined outside the plan. This gives flexibility to amend a monitoring programme, if needed, without having to undertake a plan change.

Subsection	Submission	Relief Sought	Recommendation and Reason
Plan Section	*Current use values - Tourism in the Subantarctic Islands Subsection: None*		
Submitter No. 12	**Heritage Expeditions Limited**		
	Oppose 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 statment. 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.	*Accept in part* The suggested relief sought is considered a little too subjectively focused on the operations of their own company and does not mention the large cruise ships. It is recommended to replace the current second paragraph of the "Tourism" section on page 12 of the proposed plan with the following two paragraphs "The Department believes there has been a growth in tourism interest in the Subantarctic Islands over the last five years, compared to the previous twenty years. This is from both small scale ecotourist operators (mostly small to medium sized vessels carrying up to 150 passengers) and the large cruise ships carrying 2000 plus passengers. Cruise New Zealand (representative of 95% of cruise ships visiting NZ) generally deters the large cruise ships from attempting to go too close or visit the southern Islands, and instead suggest they steam offshore of the Snares Islands on dawn or dusk to watch the titi (sooty shear water) leaving or returning from food foraging in their millions, and then to carry on to other mainland destinations. The remoteness of these rugged windswept islands, set amongst some of the wildest oceans in the world, combined with superb wildlife viewing opportunities make these islands key attractions for eco-tourists or tourists seeking remote destinations with a focus on nature tourism. However, the wild oceans, remoteness and associated operational requirements make it the islands a challenging environment to visit. As noted above, subantarctic tourism, offering an ecotourism experience, has mostly been limited to small to medium sized vessels carrying up to 150 passengers to date. The current trend for visits from the smaller ecotourist operators seems to be in decline. This could be for a variety of reasons, such as world economic conditions or changes to the requirements to be met by ships as required by international maritime regulations. There has however, been sustained tourism by one ecotourist operator over the last 25 years."
Submitter No. 2	**Southland Conservation Board**		
Values of the Subantarctic Islands - Tourism	*Neutral* 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.	*Accept* It is appropriate to acknowledge that yachts visiting the islands cannot land unless they have an entry permit.

Subsection	Submission	Relief Sought	Recommendation and Reason
Plan Section	*Current use values - Fishing in the Subantarctic Islands Subsection: Fishing*		
Submitter No. 6	**Sanford Limited**		
Fishing	*Oppose* 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.	*Accept in part* Amend the last sentence of the fifth paragraph (page 13) to read "there is a history of scampi vessels regularly coming close into shore in the territorial sea of the Auckland Island and fishing vessels of all sizes up to 105m seeking shelter near the coast of many of these islands in severe weather systems."
Submitter No. 6	**Sanford Limited**		
Fishing	*Oppose* 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'.	*Accept* Page 13, fifth paragraph, 3rd sentence to read: "These vessels tend to be less than 45 metres in length - smaller than most other commercial vessels in the southern ocean."
Submitter No. 6	**Sanford Limited**		
Fishing	*Oppose* 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.	*Accept in part* Amend 3rd sentence of 3rd paragraph, page13, 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, around the Snares Islands/Tini Heke and Bounty Islands."
Submitter No. 6	**Sanford Limited**		
Fishing	*Oppose* 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'.	*Accept in part* It is not appropriate from an RMA coastal plan to second guess or promote the potential of future fisheries. The proposed plan does not prevent the development of future fisheries, but manages potential adverse effects of all activities in the coastal marine area of the islands in accordance with section 5 RMA. The first bullet (page 13) should be corrected to refer to trawlers as opposed to all vessels. The third paragraph (page 13) should acknowledge that the deepwater crab fishery is under the quota management system.
Submitter No. 12	**Heritage Expeditions Limited**		
	Oppose in Part 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.	*Accept* Amend paragraph 5 by adding after the words "for shelter" the following words "usually for the duration of rough weather, which in winter can be up to 3 to 4 weeks at a time."

Further subs

Subsection	Submission	Relief Sought	Recommendation and Reason

28 New Zealand Seafood Industry Council Limited

Subsection	View Submission	Relief sought	Recommendation and Reason
	Support The Heritage Expeditions submission comments that there is a need to include the dynamics of the fishing fleets that may seek shelter in the territorial sea and focuses on the behaviour of the scampi fishery off the Auckland Islands. It makes a recommendation to expand paragraph 5 on page 13. SeaFIC agree that the plan has failed to recognise the extent to which fishing vessels use the coastal region for sheltering from adverse weather conditions. The Deepwater Group submission refers to the regular consistent and without incident use of the Subantarctic territorial seas by large trawlers for as long as fishing has occurred in the region. These vessels are in addition to the scampi vessels. We believe the plan should include explicit recognition of the use for shelter by all vessels.		*Accept* In response to the submission by Heritage Expeditions, it is recommended to amend paragraph 5 by adding after the words "for shelter" the following words "usually for the duration of rough weather, which in winter can be up to 3 to 4 weeks at a time." It is recommended to further amend paragraph 5 by adding a further sentence as follows: "Large vessels also use the territorial sea of the islands for shelter, and from time to time, for transiting through to shift to other fishing grounds."

Submitter No. 8 Royal Forest and Bird Protection Society of New Zealand Incorporated

Page 13, paragraph 3	*Support in Part* 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.	Include the following two sentences after the frist sentence of paragraph 3 under title "Fishing" (page 13): "This fishery is not extensive. On average each year only 20 lines are set."	*Reject* The ling fishery around the Bounty Islands is part of New Zealand's quota management system, LIN6. The extent of this fishery and how the fishing industry chooses to fish this quota are not issues for an RMA coastal plan. The coastal plan can only manage the effects of fishing on the environment, not the activity itself.

Further subs

24 Deep Water Group

Subsection	View Submission	Relief sought	Recommendation and Reason
Page 13, paragraph 3	*Oppose* Oppose the suggested changes by Forest and Bird that the "ling fishery is not extensive" and that "on average each year only 20 lines are set". The characterisation of the scope and extent of a fishery is irrelevant. The ling fishery is based on a property right (LIN6 quota) and in relation to the coastal plan the extent to which a property right holder uses or does not use their property , has no bearing on values of the coastal marine areas.		*Accept* The ling fishery around the Bounty Islands is part of New Zealand's quota management system, LIN6. The extent of this fishery and how the fishing industry chooses to fish this quota are not issues for an RMA coastal plan. The coastal plan can only manage the effects of fishing on the environment, not the activity itself.

Submitter No. 8 Royal Forest and Bird Protection Society of New Zealand Incorporated

Page 13, second paragraph	*Support in Part* 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.	*Accept* Include a footnote in the text of the second paragraph on page 13 as follows: "Note the Marine Protected Area Forum for the Southern Ocean has resulted in a decision by Ministers to create more marine reserves around Bounty, Campbell and Antipodes Islands and further fisheries restrictions. Refer the Integrated management section of the plan for further details" Include a further section in the Integrated management section of the proposed plan: in the bullet point list in the first paragraph include a further bullet point "DOC's role under the Marine Reserves Act 1971and the Marine Protected Area Policy";

Subsection	Submission	Relief Sought	Recommendation and Reason
			and include a new section titled "Marine reserves and the Marine Protected Area Forum for the Southern Ocean" with the following text: "The Marine Protected Areas Policy Statement and Implementation Plan commit the New Zealand government to protecting representative samples of the full range of marine habitats and ecosystems as part of a wider strategy to conserve New Zealand's biodiversity. The MPA Policy Statement sets out a series of high-level principles that will guide planning and prioritising the MPA network at the national level and the selection of possible MPA sites and management tools. There is a range of management tools that could potentially contribute to the MPA network, including marine reserves, Fisheries Act tools, Resource Management Act measures and other tools. On 29 January 2011 Minister of Conservation Kate Wilkinson and Fisheries Minister Phil Heatley announced three huge marine reserves totalling 435,163ha are to be established in the Subantarctic Islands. The Ministers' decisions will see a marine reserve cover the entire territorial sea - out to 12 nautical miles - surrounding Antipodes Island, with two further marine reserves around the Bounty Islands and Campbell Island, covering 58 percent and 39 percent of those islands' territorial seas respectively. New prohibitions on Danish seining will be introduced in the remaining territorial sea around the island groups, ensuring the entire area – 688,548ha - achieves Marine Protected Area status. The new marine reserves are to be established by special legislation. The intended boundaries of the reserves allows for the continuation of long-lining for ling in some areas around the Bounty Islands, as this method is targeted and has a limited by-catch. And there will also be a five-year window to allow for a potential deep-water crab fishery to be explored in the territorial sea beyond the marine reserve around Campbell Island. At the end of that period, it will be decided whether a crab fishery can be established or whether the entire territorial sea should become a marine reserve." All of the Kermadec Islands and the Auckland Islands are already full marine reserves to the outer limits of their territorial seas."

Subsection	Submission	Relief Sought	Recommendation and Reason
Plan Section	*Values of the Kermadec Islands Subsection: None*		
Submitter No. 13	**New Zealand Marine Sciences Society**		
	Oppose 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 opose 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.	*Accept* In the section of the proposed plan called "Values of the Kermadec Islands" on page 14, amend the first sentence of the third paragraph to read "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."
Submitter No. 8	**Royal Forest and Bird Protection Society of New Zealand Incorporated**		
Page 14, paragraph 3	*Support in Part* 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, Papahanaumokuakea 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.'	*Accept* In the section of the proposed plan called "Values of the Kermadec Islands" on page 14, amend the first sentence of the third paragraph to read "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."

Subsection	Submission	Relief Sought	Recommendation and Reason
Plan Section	*Cetaceans in the Kermadec region Subsection: None*		
Submitter No. 8	**Royal Forest and Bird Protection Society of New Zealand Incorporated**		
	Support in Part The section on 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 Zealands 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.	*Accept* Updated references noted in the submission will be obtained and the section on cetaceans in the Kermadec region will be updated accordingly.

Subsection	Submission	Relief Sought	Recommendation and Reason
Plan Section	*Cultural and historic heritage in the Kermadec Islands Subsection: Polynesian settlement*		
Submitter No. 11	**Te Runanga Nui o Te Aupouri Trust**		
Polynesian settlement	*Oppose* 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.	*Accept in part* The Kurahaupo canoe tradition as described by oral tradition should be included in the proposed plan in addition to the second paragraph of the summary of polynesian settlement.

Subsection	Submission	Relief Sought	Recommendation and Reason
Plan Section	*Current use values of the Kermadec Islands Subsection: Conservation and restoration*		
Submitter No. 12	**Heritage Expeditions Limited**		
Conservation and restoration	*Oppose in Part* 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.	*Reject* This section of the plan is not intended to address how the islands (land and sea) are managed. It seeks to capture the current use values of the islands.
Submitter No. 12	**Heritage Expeditions Limited**		
Research	*Oppose in Part* 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.	*Accept* Given that a number of the rules in the proposed plan contain a condition requiring the avoidance of adverse effects on sites of cultural or historic heritage the sites should be shown on the maps. In instances where the actual location is not known, the general location should be shown. Where a site straddles MHWS, the inland boundary of the coastal marine area, this should be noted to assist integrated management with the Conservation Management Strategy.
Submitter No. 12	**Heritage Expeditions Limited**		
Shipwrecks	*Oppose in Part* 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.	*Accept* The General Grant is a famous wreck that has received much more attention that other wrecks because of the rumoured cargo of gold she is said to have had on board. There is also special mention made of the General Grant on page 13 because the Marine Reserve (Auckland Islands - Motu Maha) Order 2003 explicitly provides for continued exploration for the General Grant. It is agreed however, that all historic shipwrecks are important for their cultural and historic value. Given that a number of the rules in the proposed plan contain a condition requiring the avoidance of adverse effects on sites of cultural or historic heritage the sites should be shown on the maps. In instances where the actual location is not known, the general location should be shown.
Submitter No. 12	**Heritage Expeditions Limited**		
Tourism	*Oppose in Part* 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.	*Reject* The proposed plan does not seek to predict future growth in relation to tourism, but to manage the potential adverse effects of it as a current use, and be future proof to the extent practical - as in be able to manage the potential adverse effects of tourism if such activity does increase.

Subsection	Submission	Relief Sought	Recommendation and Reason
Plan Section	*Issue 1: Natural character Subsection: All the rules, Appendix 1 and statement of issues text*		
Submitter No. 12	**Heritage Expeditions Limited**		
All the rules, Appendix 1 and statement of issues text	*Oppose* 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 manoeuvering 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.	*Accept in part* Coastal permits can be granted for up to 35 years. A coastal permit can be applied for a duration that provides for investment certainty. The converse is that a coastal permit could be considered to provide investment certainty for the term that it is granted whereas a permitted activity in a plan could be subject to a plan change at any time. The risk of oil spill and/or biosecurity breach are key issues for the proposed plan. The rules seek to reduce the risk of oil spill and/or biosecurity breach by restricting access close in to shore using vessel length as a proxy. The zone inside 300m of MHWS, as the closest to shore, is the zone of highest risk. The 300m was selected on the basis that is the generally accepted limit the Norwegian rat can swim. The rationale for the zones is that they attempt to provide an accepted level of risk for existing use as a permitted activity where possible, based on vessel length as a proxy for the numerous variables that would contribute to a vessels risk assessment. The explanatory text preceding the policies on the control of surface water activities should explain the rationale for the vessel length and zones established in the rules and maps, and acknowledge that vessel length is used as a proxy for the numerous variables that influence risk. The following paragraph should be included as the sixth paragraph under the title "Control of surface water activities" "The control of surface water activities is based on zones of access relative to vessel length. Vessel length is used as a proxy for numerous factors that can influence risk of oil spill and/or biosecurity breach, such as: vessel length; propulsion system; number, type and location of propellers; number, type and position of rudders; presence and power of bow and/or stern thrusters; windage of the vessel relative to its power; age of vessel; fuel type, duration of access etc. The zone inside 300m from MHWS, as the closest to shore, is the zone of highest risk. The 300m is selected on the basis that is the generally accepted limit the Norwegian rat can swim. The rationale for the zones is that they attempt to provide an accepted level of risk for existing use as a permitted activity where possible, based on vessel length as a proxy for the numerous variables noted above that would contribute to a vessels risk assessment. The degree of risk is further exacerbated by the remoteness of the islands and the environmental conditions that would hamper any response efforts." The alternative to the current vessel length and zones of access matrix, to make it simpler, is to remove the vessel lengths and multiple zones, and require all access inside 600m from MHWS other than ancillary craft to obtain a discretionary coastal permit. This will allow case by case assessment of all the variables that could influence risk, as noted above.

Further subs

28 New Zealand Seafood Industry Council Limited

Subsection	View Submission	Relief sought	Recommendation and Reason
All the rules, Appendix 1 and statement of issues text	*Support* Heritage Expeditions submit that for business certainty the minimum period for coastal permits should be 15 years. SeaFIC agrees that longer term permits provide greater certainty and lower transaction costs than annual or short term periods.		*Reject* Coastal permits can be granted for up to 35 years. A coastal permit can be applied for a duration that provides for investment certainty. The converse is that a coastal permit could be considered to provide investment certainty for the term that it is granted whereas a permitted activity in a plan could be subject to a plan change at any time. Coastal permit applications need to be considered on a case by case basis and the individual circumstances will influence the duration of a coastal permit.
All the rules, Appendix 1 and statement of issues text	*Support* Heritage Expeditions submit that they do not agree with the vessel size triggering discretionary access based on a perception that increasing length increases the risk of oil spills. They are concerned at the absence of rationale for distance restrictions which create business		*Accept in part* As already noted, the risk of oil spill and/or biosecurity breach are key issues for the proposed plan. The rules seek to reduce the risk of oil spill and/or biosecurity breach by restricting access close in to shore using vessel length as a proxy. The zone inside 300m of MHWS, as the closest to shore, is the zone of highest risk. The 300m was selected on the basis that is the generally accepted limit the Norwegian rat can swim. The rationale for the zones is that they attempt to provide an accepted level of risk for existing use as a permitted activity where possible, based on vessel length as a proxy for the

Subsection	Submission	Relief Sought	Recommendation and Reason
	complexity and uncertainty. They propose that the narrative in the proposed plan and supporting section 32 Report be re-written to reflect accurately the nature of risk from increased boat length and the rationale for applying boat length as the criteria for assessing risk. SeaFIC agree that the unqualified use of distance and length restrictions in the absence of good technical assessment serve no good management purpose and can unnecessarily add costs and uncertainty to the business environment. SeaFIC support the need for revision and review of matters relating to the control of surface water activities.		numerous variables that would contribute to a vessels risk assessment. The explanatory text preceding the policies on the control of surface water activities should explain the rationale for the vessel length and zones established in the rules and maps, and acknowledge that vessel length is used as a proxy for the numerous variables that influence risk. The following paragraph should be included as the sixth paragraph under the title "Control of surface water activities": "The control of surface water activities is based on zones of access relative to vessel length. Vessel length is used as a proxy for numerous factors that can influence risk of oil spill and/or biosecurity breach, such as: vessel length; propulsion system; number, type and location of propellers; number, type and position of rudders; presence and power of bow and/or stern thrusters; windage of the vessel relative to its power; age of vessel; fuel type, duration of access etc. The zone inside 300m from MHWS, as the closest to shore, is the zone of highest risk. The 300m is selected on the basis that is the generally accepted limit the Norwegian rat can swim. The rationale for the zones is that they attempt to provide an accepted level of risk for existing use as a permitted activity where possible, based on vessel length as a proxy for the numerous variables noted above that would contribute to a vessels risk assessment. The degree of risk is further exacerbated by the remoteness of the islands and the environmental conditions that would hamper any response efforts." The alternative to the current vessel length and zones of access matrix, to make it simpler, is to remove the vessel lengths and multiple zones, and require all access inside 600m from MHWS other than ancillary craft to obtain a discretionary coastal permit. This will allow case by case assessment of all the variables that could influence risk, as noted above.

Submitter No. 8 Royal Forest and Bird Protection Society of New Zealand Incorporated

Issue 1 statement	*Oppose* 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...".	*Reject* It is agreed that Objective 2 and Policy 13 of the NZCPS are the relevant provisions of the NZCPS that Issue 1 of the proposed plan needs to give effect to. And so is Policy 11. A key point of difference for the islands from the rest of mainland New Zealand is that all of the coastal marine areas of the islands have significant natural character, and as such all of the coastal marine areas of the islands need to have their natural character preserved. Activities will be restricted so as to avoid potential adverse effects on the environment, hence the wording of the three objectives for the plan - preserve natural character, enable use consistent with preserving natural character, and avoiding adverse effects of activities....It is recommended to clarify the explanatory text following Issue 1 statement by amending the first sentence to read: "All of the Subantarctic and Kermadec Islands and their marine environments have significant natural character values" and amend objective 1.3 to include the words "all of these" before the words "nationally significant indigenous".

Further subs

26 New Zealand Seafood Industry Council Limited

Subsection	View Submission	Relief sought	Recommendation and Reason
Issue 1 statement	*Oppose* SeaFIC opposes the replacement of the word restricting with the word avoiding in the wording of Issue 1. The RMA is about managing effects and not activities. If the effects are appropriately managed then there is no need to avoid the activity. The NZCPS is explicit of the need to avoid adverse effects of		*Accept in part* As noted in response to the submission from Forest and Bird, it is agreed that Objective 2 and Policy 13 of the NZCPS are the relevant provisions of the NZCPS that Issue 1 of the proposed plan needs to give effect to. And so is Policy 11. A key point of difference for the islands from the rest of mainland New Zealand is that all of the coastal marine areas of the islands have significant natural character, and as such all of the coastal marine areas of the islands need to have their natural character preserved. Activities will be restricted so as to avoid potential adverse effects on the environment, hence the wording of the three objectives for the plan - preserve natural character, enable use consistent with

Subsection	Submission	Relief Sought	Recommendation and Reason
	activities on natural character rather than the need to avoid activities.		preserving natural character, and avoiding adverse effects of activities....It is recommended to clarify the explanatory text following Issue 1 statement by amending the first sentence to read: "All of the Subantarctic and Kermadec Islands and their marine environments have significant natural character values" and amend objective 1.3 to include the words "all of these" before the words "nationally significant indigenous".

Submitter No. 12 Heritage Expeditions Limited

	Support It is noted that the greatest risks to the Subantarctic and Kermadec Islands are biosecurity breaches and oil spills.	No change.	

Submitter No. 13 New Zealand Marine Sciences Society

	Neutral 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.	*Reject* Boat access is the primary access to both groups of islands. While anchoring will cause disturbance to foreshore and seabed, this is unavoidable. An alternative is to provide for permanent moorings, however, permanent moorings have been avoided in the provisions of the plan because they are considered to present a higher risk to biosecurity than allowing anchoring. The preferred anchorages (shown on the maps and in the relevant surface water access rules) will concentrate damage from anchoring at those locations.

Further subs

31 New Zealand Seafood Industry Council Limited

Subsection	View Submission	Relief sought	Recommendation and Reason
	Oppose The New Zealand Marine Sciences Society (NZMSS) submit that the wording of issue 1 Natural character be amended to replace restricting activities with avoiding activities and uses the damage caused by anchoring as an example. SeaFIC note the RMA is about managing the effects and not activities. If the effects are appropriately managed then there is no need to avoid the activity. The NZCPS (policy 13 a and b) is explicit of the need to avoid adverse effects of activities on natural character rather than the need to avoid activities.		*Accept in part* Boat access is the primary access to both groups of islands. While anchoring will cause disturbance to foreshore and seabed, this is unavoidable. An alternative is to provide for permanent moorings, however, permanent moorings have been avoided in the provisions of the plan because they are considered to present a higher risk to biosecurity than allowing anchoring. The preferred anchorages (shown on the maps and in the relevant surface water access rules) will concentrate damage from anchoring at those locations.

Submitter No. 12 Heritage Expeditions Limited

Sheltering vessels	*Oppose* 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	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.	*Reject* It is acknowledged that to date the fishing industry vessels have not had controls on hull and niche area fouling. In fact, the only vessels that have been targeted in the past have been the ecotourist vessels travelling to the Subantarctic Islands, with a requirement for an in-water hull inspection every 28 days. However, all vessels that intend to go close into shore carry a risk of oil spill and/or biosecurity breach. The rules controlling hull and niche area fouling should apply equally to all vessels.

Subsection	Submission	Relief Sought	Recommendation and Reason
	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 vessels on any of the islands.		

Further subs

28 New Zealand Seafood Industry Council Limited

Subsection	View Submission	Relief sought	Recommendation and Reason
Sheltering vessels	*Oppose* Heritage Expeditions (paras 31 and 32) raise concerns over the risk posed by scampi boats sheltering during rough weather at the Auckland Islands to the introduction of rats and other pests. They state that these vessels are not currently subject to controls when taking shelter or likely to undertake the same precaution as expeditionary cruising. For these reasons specific risk mitigation is required such as de-ratting certificates and guidelines in the event of landing through an additional policy and rule. SeaFIC note that scampi boats are floating food processing factories. They operate at high levels of hygiene. Under the Animal Products Act 1999 they are required by Animal Products (Regulated Control Scheme - Limited Processing Fishing Vessels) Regulation 2001 to have effective procedures to control pest (including rats) and to meet the specifications of that Act. These stringent requirements remove the need for de-ratting certification or other guidelines.		*Accept* All vessels that intend to go close into shore carry a risk of oil spill and/or biosecurity breach. The rules controlling hull and niche area fouling should apply equally to all vessels.

Subsection	Submission	Relief Sought	Recommendation and Reason
Plan Section	*Natural character objectives Subsection: Objective 1.3*		
Submitter No. 8	**Royal Forest and Bird Protection Society of New Zealand Incorporated**		
Objective 1.3	*Oppose in Part* 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 an 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".	*Reject* It is intended that all the indigenous biodiversity on the Kermadec and Subantarctic Islands is nationally significant As noted, a key point of difference for the islands from the rest of mainland New Zealand is that all of the coastal marine areas of the islands have significant natural character, and as such all of the coastal marine areas of the islands need to have their natural character preserved. Activities will be restricted so as to avoid potential adverse effects on the environment, hence the wording of the three objectives for the plan - preserve natural character, enable use consistent with preserving natural character, and avoiding adverse effects of activities.... The policies on pages 24 and 25 give effect to the objectives. Section 31A only gives the Minister powers, functions and duties of a regional council as provided in section 30(1)(d) RMA in respect of the coastal marine area. It is recommended to clarify the explanatory text following Issue 1 statement by amending the first sentence to read: "All of the Subantarctic and Kermadec Islands and their marine environments have significant natural character values" and amend objective 1.3 to include the words "all of these" before the words "nationally significant indigenous".

Further subs

26 New Zealand Seafood Industry Council Limited

Subsection	View Submission	Relief sought	Recommendation and Reason
Objective 1.3	*Oppose* SeaFIC oppose the introduction of a fourth objective as suggested by Forest and Bird. It is repetitious of objective 1.3. It introduces a requirement to remedy and mitigate adverse effects that is not required under the NZCPS.		*Accept in part* As noted in response to the Forest and Bird submission, it is intended by objective 1.3 that all the indigenous biodiversity on the Kermadec and Subantarctic Islands is nationally significant. Activities will be restricted so as to avoid potential adverse effects on the environment, hence the wording of the three objectives for the plan - preserve natural character, enable use consistent with preserving natural character, and avoiding adverse effects of activities.... It is agreed that the suggested 4th objective would be repetitious and is unnecessary, and recommended to clarify the explanatory text following Issue 1 statement by amending the first sentence to read: "All of the Subantarctic and Kermadec Islands and their marine environments have significant natural character values" and amend objective 1.3 to include the words "all of these" before the words "nationally significant indigenous".

Submitter No. 12	**Heritage Expeditions Limited**		
Objective 1.3	*Oppose in Part* 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.	*Accept* The words "flora and fauna communities" do provide more clarity and are consistent with the language of Part 2 of the RMA. Substitute the words "community types" with "flora and fauna communities" in objective 1.3.

Subsection	Submission	Relief Sought	Recommendation and Reason
Plan Section	*Natural character policies Subsection: None*		
Submitter No. 2	**Southland Conservation Board**		
	Neutral 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.	*Accept* The proposed plan already takes a precautionary approach to shipping. It recognises that the risks of maritime incident potentially resulting in oil spill (and the potential for associated biosecurity breach) and biosecurity breach through access are key issues that need to be managed carefully. The majority of the policies of issue 1 and the rules that give effect to those policies (particularly the surface water access rules and requirements for vessels to have a clean hull and niche areas and be free of unwanted organisms) seek to manage and reduce the risks.
Submitter No. 2	**Southland Conservation Board**		
Policy 18	*Neutral* A stronger position should be taken on artificial light pollution and its effect on night flying sea birds.	Strengthen policy 18	*Reject* Setting absolute standards for artificial light is not practical and would be difficult to enforce given the remoteness of the islands. Building awareness and encouraging willing compliance is considered a more effective method of reducing artificial light pollution. The words "as far as practicable" in policy 18 recognise the need for navigational safety lights.

Subsection	Submission	Relief Sought	Recommendation and Reason
Plan Section	*Natural character - Maintenance of biosecurity policies Subsection: New policy*		
Submitter No. 6	**Sanford Limited**		
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'.	*Reject* The plan already recognises fishing activity as an existing use (along with other uses of the coastal marine area of the islands) and does not (and cannot) prevent the activity of fishing.

Further subs

38 New Zealand Marine Sciences Society

Subsection	View Submission	Relief sought	Recommendation and Reason
New policy	*Oppose* The Sanford submission states that the inclusion of a new policy to maintain and provide for the needs of fishing vessels in the coastal marine area would implement policy 6 in the New Zealand Coastal Policy Statement (NZCPS). This is incorrect as policy 6 of the NZCPS 2010 does not address fishing (and the former NZCPS does not contain a policy 6). The implementation of policy 13 in the 2010 NZCPS would, however, require areas of at least high natural character be identified and that adverse activities in areas of outstanding natural character be avoided. Most, if not all of the coastal marine area addressed by this plan would be of high and possibly outstanding natural character. The policy being sought is, therefore, inappropriate.		*Accept* The plan already recognises fishing activity as an existing use (along with other uses of the coastal marine area of the islands) and does not (and cannot) prevent the activity of fishing. Refer discussion and recommendations on the submission from Forest and Bird on the Issue 1 statement.

Submitter No. 4	**Talleys Group Limited**		
Policies 3 to 6 and rules A, B, 26, 27 and 28	*Oppose* 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	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.	*Accept in part* The suggestion of restricting the hull and niche area biosecurity rules to vessels intending to land is not supported. All vessels that go close into shore are a biosecurity risk. The scampi fishing vessels that use the inshore waters around Auckland Island for shelter but do not land generally go closer into shore, and remain in the one location for longer periods of time (can be up to 3 or 4 weeks) than any other users of the inshore waters around the islands and represent a significant biosecurity risk. The suggestion of an alternative approach could be considered (as an alternative option rather than a replacement). It is agreed that good vessel hygiene is key to minimising marine biosecurity risk. It is recommended that an alternative option be included that allows a vessel exemption from the in-water inspections if the vessels anti-fouling is less than 6 months old for the duration of the time that the vessel is in the coastal marine area of the islands. The alternative option could be included as a part of rule 26, under the Standards/Terms/Conditions below the bold words "And either:" to be worded as follows: "The vessels anti-fouling is less than 6 months old for the duration of the time that the vessel is in the coastal marine area of the islands" Its noted that the first requirement of existing rules A and 26 requires evidence that the vessel has an anti-fouling system applied in accordance with the manufacturers instructions and will be within the manufacturers timeframe for effectiveness to be provided in advance, similar to the MAF Biosecurity NZ Import Health Standard. Regarding the threshold of slime layer only, the Department's experience of requiring in-water inspections of eco-tourist operators over the last 4 years with that threshold is that it is achievable. It is also the threshold recommended by NIWA in the report "Development of a template for

Subsection	Submission	Relief Sought	Recommendation and Reason
	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.		vessel hull inspections and assessments ob biosecurity risks to the Kermadec and Subantarctic Islands regions" Floerl et al 2010. The International Maritime Organisation (IMO) has a Ballast Water and Biofouling Working Group developing guidelines. At the meeting of 11 February 2010 (BLG 14/WP.4) the Group agreed (paragraph 8) that the concept of a clean ship, being a ship that has no more than a micro bio-fouling or slime layer, was useful and should be the ultimate aim of bio-fouling management to minimize the risk of transfer of invasive aquatic species. Paragraph 4.4 of the draft guidelines states "A ship following this guidance and maintaining a micro bio-fouling layer only would be considered a clean ship and would have a very low potential for transfer of invasive aquatic species." The consultation document released by MAF Biosecurity New Zealand during the development of the draft Import Health Standard for Biofouling acknowledges that New Zealand's high values areas such as the Subantarctic Islands warrant special inspection and treatment processes (MAF BNZ Consultation paper 10/04 May 2010, paragraph 58).
Submitter No. 5	**New Zealand Seafood Industry Council Limited**		
Policies 3 to 6 and rules A, B, 26, 27 and 28	*Oppose* 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.	*Accept in part* The suggestion of restricting the hull and niche area biosecurity rules to vessels intending to land is not supported. All vessels that go close into shore are a biosecurity risk. The scampi fishing vessels that use the inshore waters around Auckland Island for shelter but do not land generally go closer into shore, and remain in the one location for longer periods of time (can be up to 3 or 4 weeks) than any other users of the inshore waters around the islands and represent a significant biosecurity risk. The suggestion of an alternative approach could be considered (as an alternative option rather than a replacement). It is agreed that good vessel hygiene is key to minimising marine biosecurity risk. It is recommended that an alternative option be included that allows a vessel exemption from the in-water inspections if the vessels anti-fouling is less than 6 months old for the duration of the time that the vessel is in the coastal marine area of the islands. The alternative option could be included as a part of rule 26, under the Standards/Terms/Conditions below the bold words "And either:" to be worded as follows: "The vessels anti-fouling is less than 6 months old for the duration of the time that the vessel is in the coastal marine area of the islands". Its noted that the first requirement of existing rules A and 26 requires evidence that the vessel has an anti-fouling system applied in accordance with the manufacturers instructions and will be within the manufacturers timeframe for effectiveness to be provided in advance, similar to the MAF Biosecurity NZ Import Health Standard. Regarding the threshold of slime layer only, the Department's experience of requiring in-water inspections of eco-tourist operators over the last 4 years with that threshold is that it is achievable. It is also the threshold recommended by NIWA in the report "Development of a template for vessel hull inspections and assessments of biosecurity risks to the Kermadec and Subantarctic Islands regions" Floerl et al 2010. The International Maritime Organisation (IMO) has a Ballast Water and Biofouling Working Group developing guidelines. At the meeting of 11 February 2010 (BLG 14/WP.4) the Group agreed (paragraph 8) that the concept of a clean ship, being a ship that has no more than a micro bio-fouling or slime layer, was useful and should be the ultimate aim of bio-fouling management to minimize the risk of transfer of invasive aquatic species. Paragraph 4.4 of the draft guidelines states "A ship following this guidance and maintaining a micro bio-fouling layer only would be considered a clean ship and would have a very low potential for transfer of invasive aquatic species." The consultation document released by MAF Biosecurity New Zealand during the development of the draft Import Health Standard for Biofouling acknowledges that New Zealand's high values areas such as the Subantarctic Islands warrant special inspection and treatment processes (MAF BNZ Consultation paper 10/04 May 2010, paragraph 58).
Submitter No. 4	**Talleys Group Limited**		
Policy 2	*Oppose in Part* 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.	*Accept* The policies and rules are not intended to prevent a vessel from carrying provisions. It is recommended that the definition of "harmful organism" be amended to include a footnote to read "The definition of "Harmful organism" is not intended to include meat and plants carried as normal ships provisions. However, ship operators need to be aware that some items carried as normal ships provisions can be high risk to the marine environment - for example chicken or smoked chicken could carry listeria".

Subsection	Submission	Relief Sought	Recommendation and Reason
Submitter No. 5	**New Zealand Seafood Industry Council Limited**		
Policy 2	*Oppose in Part* 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.	*Accept* The policies and rules are not intended to prevent a vessel from carrying provisions. It is recommended that the definition of "harmful organism" be amended to include a footnote to read "The definition of "Harmful organism" is not intended to include meat and plants carried as normal ships provisions. However, ship operators need to be aware that some items carried as normal ships provisions can be high risk to the marine environment - for example chicken or smoked chicken could carry listeria".
Submitter No. 6	**Sanford Limited**		
Policy 2	*Oppose* 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.	*Accept in part* The suggestion of restricting the hull and niche area biosecurity rules to vessels intending to land is not supported. All vessels that go close into shore are a biosecurity risk. The scampi fishing vessels that use the inshore waters around Auckland Island for shelter but do not land generally go closer into shore, and remain in the one location for longer periods of time (can be up to 3 or 4 weeks) than any other users of the inshore waters around the islands and represent a significant biosecurity risk . In response to other submissions on this policy (and associated conditions in rules) the following amendments are recommended: the condition in the rules be re-worded to read: "Within 24 hours of departure for the Islands, the vessel has been thoroughly checked for harmful organisms above the waterline, inside and outside, and within the hull, and to the vessel operators knowledge is free of harmful plants and animals (including insects)", that Policy 2 be similarly amended; and insert a section for "Other methods" after policy 6 and include a method that states the Department, in consultation with industry, will develop guidelines for undertaking biosecurity checks of the dry areas of vessels.
Submitter No. 12	**Heritage Expeditions Limited**		
Policy 2	*Oppose in Part* 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.	*Accept in part* It is recommended that the condition in the rules be re-worded to read: "Within 24 hours of departure for the Islands, the vessel has been thoroughly checked for harmful organisms above the waterline, inside and outside, and within the hull, and to the vessel operators knowledge is free of harmful plants and animals (including insects)", that Policy 2 be similarly amended for consistency; and insert a section for "Other methods" after policy 6 and include a method that states "The Department, in consultation with industry, will develop guidelines for undertaking biosecurity checks of the dry areas of vessels."

Further subs

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Subsection	View Submission	Relief sought	Recommendation and Reason
Policy 2	*Support* Heritage Expeditions (via the Tourism Research Consultants document) state that policy 2 includes a reference to checking prior to departure particularly for rodents and insects. They seek clarity on insect controls, point of departure and how the checks will be undertaken and by whom. They recommend clarification on the point of departure and the process of checking and that good practice guidelines be developed to cover checks on departures for rodents and insects and this be carried forward into the rules. SeaFIC agree that the lack of clarity on these issues and in		*Accept in part* It is recommended that the condition in the rules be re-worded to read: "Within 24 hours of departure for the Islands, the vessel has been thoroughly checked for harmful organisms above the waterline, inside and outside, and within the hull, and to the vessel operators knowledge is free of harmful plants and animals (including insects)", that Policy 2 be similarly amended for consistency; and insert a section for "Other methods" after policy 6 and include a method that states "The Department, in consultation with industry, will develop guidelines for undertaking biosecurity checks of the dry areas of vessels."

Subsection	Submission	Relief Sought	Recommendation and Reason
	particular with regard to insects is unhelpful. SeaFIC support the development of best practice guidelines but consider that these should not be included in the rules as they are guidelines to meet rule23 and the standards terms and conditions required for surface water activities.		
Submitter No. 5	**New Zealand Seafood Industry Council Limited**		
Policy 2 and rules 29 to 32 inclusive, 35, 36, 38, 40, 41, 44, 45, 46.	*Support in Part* 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".	*Accept in part* It is recommended that the condition in the rules be re-worded to read: "Within 24 hours of departure for the Islands, the vessel has been thoroughly checked for harmful organisms above the waterline, inside and outside, and within the hull, and to the vessel operators knowledge is free of harmful plants and animals (including insects)", that Policy 2 be similarly amended for consistency; and insert a section for "Other methods" after policy 6 and include a method that states the Department, in consultation with industry, will develop guidelines for undertaking biosecurity checks of the dry areas of vessels.
Submitter No. 6	**Sanford Limited**		
Policy 3	*Oppose* 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.	*Reject* The 1000 metre limit relates to the risk of marine biosecurity breach as opposed to terrestrial. The 1000 metres is an arbitrary measure. It was selected on the basis that it was not practical to apply the marine biosecurity controls to the full coastal marine area, and rather than introducing another distance measure into the plan it was logical to use the existing limit for surface water access. It is not possible to select a distance based on scientific evidence given the number of uncertainties such as trying to predict potential invasive species and what their characteristics for colonisation might be. In choosing the 1000 metre limit the plan is accepting an arbitrary level of risk. If the hull of a vessel is free of invasive species, as evidenced by the pre-departure in-water inspection, then the 1000m limit is irrelevant. What it means is that vessels intending to visit the inshore areas of the islands but not go closer than 1000 metres are exempt from the marine biosecurity rules. Other submitters (Talleys and SeaFIC) suggested an alternative approach could be considered (as an alternative option rather than a replacement). On the basis that good vessel hygiene is key to minimising marine biosecurity risk it is recommended that an alternative option be included that allows a vessel exemption from the in-water inspections if the vessels anti-fouling is less than 6 months old for the duration of the time that the vessel is in the coastal marine area of the islands.
Submitter No. 12	**Heritage Expeditions Limited**		
Policy 3	*Oppose in Part* 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.	*Accept* The risk of oil spill and/or biosecurity breach are key issues for the proposed plan. The rules seek to reduce the risk of oil spill and/or biosecurity breach by restricting access close in to shore using vessel length as a proxy. The zone inside 300m of MHWS, as the closest to shore, is the zone of highest risk. The 300m was selected on the basis that is the generally accepted limit the Norwegian rat can swim. The rationale for the zones is that they attempt to provide an accepted level of risk for existing use as a permitted activity where possible, based on vessel length as a proxy for the numerous variables that would contribute to a vessels risk assessment. The explanatory text preceding the policies on the control of surface water activities should explain the rationale for the vessel length and zones established in the rules and maps, and acknowledge that vessel length is used as a proxy for the numerous variables that influence risk. The following paragraph should be included as the sixth paragraph under the title "Control of surface water activities" "The control of surface water activities is based on zones of access relative to vessel length. Vessel length is used as a proxy for numerous factors that can influence risk of oil spill and/or biosecurity breach, such as: vessel length; propulsion system; number, type and location of propellers; number, type and position of rudders; presence and power of bow and/or stern thrusters; windage of the vessel relative to its power; age of

Subsection	Submission	Relief Sought	Recommendation and Reason
			vessel; fuel type, duration of access etc. The zone inside 300m from MHWS, as the closest to shore, is the zone of highest risk. The 300m is selected on the basis that is the generally accepted limit the Norwegian rat can swim. The rationale for the zones is that they attempt to provide an accepted level of risk for existing use as a permitted activity where possible, based on vessel length as a proxy for the numerous variables noted above that would contribute to a vessels risk assessment. The degree of risk is further exacerbated by the remoteness of the islands and the environmental conditions that would hamper any response efforts."
Submitter No. 6	**Sanford Limited**		
Policy 5	*Oppose* 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.	*Reject* The independent risk assessment is not a pass/fail assessment. The discretionary status requiring a coastal permit allows consideration of the independently assessed risk along with other factors, such as intended duration of visit to the inshore waters of the islands, on a case by case basis. If the risk is considered too great the discretionary status gives the Minister the ability to decline access inside 1000 metres from MHWS. Discretionary status also allows the ability to impose conditions to further mitigate risk if possible.
Submitter No. 8	**Royal Forest and Bird Protection Society of New Zealand Incorporated**		
Policy 6	*Oppose in Part* 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.	*Reject* The propose plan in its entirety, the objectives, policies, and particularly the rules, combine to recognise the value of and facilitate research. Offering passage on ships and duration of stay are beyond the scope of the plan.
Submitter No. 12	**Heritage Expeditions Limited**		
Policy 6	*Oppose in Part* 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.	*Accept in part* It is recommended to delete the word "appropriate" from policy 6. The requirement that research in the islands builds knowledge and understanding of the intrinsic values of ecosystems is considered adequate to target the policy. It is recommended to include a footnote to the policy that states "For the Subantarctic Islands, there is a research strategy in place called "The New Zealand Subantarctic Islands Research Strategy 2003" which identifies research priorities for those islands.

Further subs

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Subsection	View Submission	Relief sought	Recommendation and Reason
Policy 6	*Support* The NZMSS supports inclusion of a reference to a research strategy that identifies appropriate marine research.		*Accept in part* The requirement that research in the islands builds knowledge and understanding of the intrinsic values of ecosystems is considered adequate to target the policy. However, it is recommended to include a footnote to the policy that states "For the Subantarctic Islands, there is a research strategy in place

Subsection	Submission	Relief Sought	Recommendation and Reason
			called "The New Zealand Subantarctic Islands Research Strategy 2003" which identifies research priorities for those islands." It is recommended to delete the word "appropriate" from policy 6 - refer recommendation on the submission from Heritage Expeditions.

Subsection	Submission	Relief Sought	Recommendation and Reason
Plan Section	*Natural character - Control of surface water activities explanation Subsection: None*		
Submitter No. 4	**Talleys Group Limited**		
	Oppose in Part The proposed plan does not explicitly recognise commercial fishing interests as users of the surface waters of the islands (page 25). The surface waters of the islands (namely Snares, Campbell and Bounty islands) are used by commercial fishing interests - for passage, shelter, and fishing.	Amend the paragraph to include commercial fishing interests as key users of the surface waters of the islands.	*Accept* The proposed plan does recognise commercial fishing as a current use (discussed in the Current use values of the Subantarctic Islands on page 13) but omitting to include commercial fishing in the description of users of surface waters is an error. The paragraph should be amended to include the words "commercial fishing interests - for passage, shelter, and fishing".
Submitter No. 5	**New Zealand Seafood Industry Council Limited**		
	Oppose in Part The proposed plan does not explicitly recognise commercial fishing interests as users of the surface waters of the islands (page 25). The surface waters of the islands (namely Snares, Campbell and Bounty islands) are used by commercial fishing interests - for passage, shelter, and fishing.	Amend the paragraph to include commercial fishing interests as key users of the surface waters of the islands.	*Accept* The proposed plan does recognise commercial fishing as a current use (discusssed in the Current use values of the Subantarctic Islands on page 13) but omitting to include commercial fishing in the description of users of surface waters is an error. The paragraph should be amended to include the words "commercial fishing interests - for passage, shelter, and fishing".
Submitter No. 15	**Minister of Conservation**		
	Support 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."	*Accept* The plan must give effect to 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."

Subsection	Submission	Relief Sought	Recommendation and Reason
Plan Section	*Natural character - Control of surface water activities policies Subsection: Other methods*		
Submitter No. 8	**Royal Forest and Bird Protection Society of New Zealand Incorporated**		
Other methods	*Support* 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.	*Reject* This is beyond the scope and jurisdiction of an RMA regional coastal plan. DOC staff work closely with Customs New Zealand to help prevent his happening.
Submitter No. 4	**Talleys Group Limited**		
Policy 12	*Support* Support the use of ancillary craft.	No change.	Fishing vessels at shelter use ancillary craft for transport of parts, crew and supplies between ships.
Submitter No. 5	**New Zealand Seafood Industry Council Limited**		
Policy 12	*Support* Support the use of ancillary craft. Fishing vessels at shelter use ancillary craft for transport of parts, crew and supplies between ships.	No change.	
Submitter No. 6	**Sanford Limited**		
Policy 7	*Oppose* 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.	*Reject* The risk of oil spill and/or biosecurity breach are key issues for the proposed plan. The rules seek to reduce the risk of oil spill and/or biosecurity breach by restricting access close in to shore using vessel length as a proxy. The zone inside 300m of MHWS, as the closest to shore, is the zone of highest risk. The 300m was selected on the basis that is the generally accepted limit the Norwegian rat can swim. The rationale for the zones is that they attempt to provide an accepted level of risk for existing use as a permitted activity where possible, based on vessel length as a proxy for the numerous variables that would contribute to a vessels risk assessment. The explanatory text preceding the policies on the control of surface water activities should explain the rationale for the vessel length and zones established in the rules and maps, and acknowledge that vessel length is used as a proxy for the numerous variables that influence risk. The following paragraph should be included as the sixth paragraph under the title "Control of surface water activities" "The control of surface water activities is based on zones of access relative to vessel length. Vessel length is used as a proxy for numerous factors that can influence risk of oil spill and/or biosecurity breach, such as: vessel length; propulsion system; number, type and location of propellers; number, type and position of rudders; presence and power of bow and/or stern thrusters; windage of the vessel relative to its power; age of vessel; fuel type, duration of access etc. The zone inside 300m from MHWS, as the closest to shore, is the zone of highest risk. The 300m is selected on the basis that is the generally accepted limit the Norwegian rat can swim. The rationale for the zones is that they attempt to provide an accepted level of risk for existing use as a permitted activity where possible, based on vessel length as a proxy for the numerous variables noted above that would contribute to a vessels risk assessment. The degree of risk is further exacerbated by the remoteness of the islands and the environmental conditions that would hamper any response efforts." The alternative to the current vessel length and zones of access matrix, to make it simpler, is to remove the vessel lengths and multiple zones, and require all access inside 600m from MHWS other than ancillary craft to obtain a discretionary coastal permit. This will allow case by case assessment of all the variables that could influence risk, as noted above.

Subsection	Submission	Relief Sought	Recommendation and Reason
Submitter No. 4	**Talleys Group Limited**		
Policy 8	*Oppose* 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]	*Reject* Policy 8 and associated Standards/Terms/Conditions in rules [32, 33, 35, and 38] are not "inconsistent" as per s.68(2) RMA with Marine Mammals Protection Regulations 1992 (MMPR), rather they add another layer. The MMPR will still apply to the permitted activities and those with a resource consent. The proposed plan recognises the importance of Port Ross to breeding and nursing southern right whales during winter months. This is the main breeding ground for southern right whales (formerly endangered) in the Southwest Pacific. Including additional protection from surface water activity is consistent with section 5 of the RMA. The rules consider "smaller" boats to be an acceptable level of risk provided there is always a bow watch, however there is a higher risk with a bigger boat and/or no observer which warrants a resource consent, allowing case by case assessment; the imposition of appropriate conditions to minimise adverse effects on the breeding and nursing whales; or allow the activity to be declined.
Submitter No. 5	**New Zealand Seafood Industry Council Limited**		
Policy 8	*Oppose* 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 Regulations 1992.	Remove policy 8 and associated Standards/Terms/Conditions in rules [32, 33, 35, and 38]	*Reject* Policy 8 and associated Standards/Terms/Conditions in rules [32, 33, 35, and 38] are not "inconsistent" as per s.68(2) RMA with Marine Mammals Protection Regulations 1992 (MMPR), rather they add another layer. The MMPR will still apply to the permitted activities and those with a resource consent. The proposed plan recognises the importance of Port Ross to breeding and nursing southern right whales during winter months. This is the main breeding ground for southern right whales (formerly endangered) in the Southwest Pacific. Including additional protection from surface water activity is consistent with section 5 of the RMA. The rules consider "smaller" boats to be an acceptable level of risk provided there is always a bow watch, however there is a higher risk with a bigger boat and/or no observer which warrants a resource consent, allowing case by case assessment; the imposition of appropriate conditions to minimise adverse effects on the breeding and nursing whales; or allow the activity to be declined.

Further subs

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Subsection	View Submission	Relief sought	Recommendation and Reason
Policy 8	*Oppose* Port Ross is the main breeding ground for the formerly endangered southern right whale and so it is appropriate to restrict access during breeding and nursing times. Policy 8 and the associated terms and conditions in rules 32, 33, 35 and 38 should remain.		*Accept* Policy 8 and associated Standards/Terms/Conditions in rules [32, 33, 35, and 38] are not "inconsistent" as per s.68(2) RMA with Marine Mammals Protection Regulations 1992 (MMPR), rather they add another layer.

Submitter No. 4	**Talleys Group Limited**		
Policy 9	*Oppose* 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. Safe	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.	*Reject* The anchorages were not selected based on ecotourism only. The 'preferred' anchorages shown on the maps and listed in the rules were selected to provide for existing use and consulted on with those existing users, including the scampi fishing industry. The Department consulted with the scampi fishing industry, given that they regularly shelter close into shore at locations around Auckland Island, to ensure we included their preferred locations, taking into account the variety of possible weather conditions. The technical marine advice the Department obtained from Captain Kees Buckens of the New Zealand Maritime School notes that the charts for both the Kermadec and Subantarctic Islands were mostly carried out before the introduction of IHO1998 standards which require a design scale of about 1.5mm, and are at variable standards from 50m to 500m to unknown. The Advice recommends that the Department approach LINZ and request those14 anchorages off the Subantarctic Islands and 7 off the Kermadec Islands currently shown on the LINZ charts be removed and replaced with the DOC approved anchorages.

Subsection	Submission	Relief Sought	Recommendation and Reason
	anchorage must remain at the discretion of the master of the vessel.		

Submitter No. 5 **New Zealand Seafood Industry Council Limited**

Policy 9	*Support in Part* 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? Safe anchorage must remain at the discretion of the master of the vessel.	Vessels with no interest in landing or sightseeing be permitted to anchor at the discretion of the ships master.	*Reject* The anchorages were not selected based on ecotourism only. The 'preferred' anchorages shown on the maps and listed in the rules were selected to provide for existing use and consulted on with those existing users, including the scampi fishing industry. The Department consulted with the scampi fishing industry, given that they regularly shelter close into shore at locations around Auckland Island, to ensure we included their preferred locations, taking into account the variety of possible weather conditions. The technical marine advice the Department obtained from Captain Kees Buckens of the New Zealand Maritime School notes that the charts for both the Kermadec and Subantarctic Islands were mostly carried out before the introduction of IHO1998 standards which require a design scale of about 1.5mm, and are at variable standards from 50m to 500m to unknown. The Advice recommends that the Department approach LINZ and request those14 anchorages off the Subantarctic Islands and 7 off the Kermadec Islands currently shown on the LINZ charts be removed and replaced with the DOC approved anchorages.

Further subs

18 Heritage Expeditions Limited

Subsection	View Submission	Relief sought	Recommendation and Reason
Policy 9	*Oppose* Whether landing or not all vessels should be treated the same. It is likely that fishing crews will land informally if holed up for long periods. Risk from oil spills and biosecurity breaches are threats from all vessels whether they are cruise, naval, sailing, research or fishing etc.		*Accept* All vessels that go close into shore carry risk of oil spill and/or a biosecurity risk. The 'preferred' anchorages shown on the maps and listed in the rules were selected to provide for existing use and consulted on with those existing users, including the scampi fishing industry. The scampi fishing vessels that use the inshore waters around Auckland Island for shelter but do not land generally go closer into shore, and remain in the one location for longer periods of time (can be up to 3 or 4 weeks) than any other users of the inshore waters around the islands and represent a significant biosecurity risk. Sanford submitted on this policy also, suggesting that it be amended by deleting the words 'of an appropriate size'. It is recommended that policy 9 be amended to read: "To indentify preferred anchorages as exceptions to the access restrictions to allow for safe anchorage for those vessels that need to be close in to shore for safe anchorage because of their size."

Submitter No. 6 **Sanford Limited**

Policy 9	*Oppose* It is unclear why "appropriate size" has been used in this policy and what the correlation is between size and risk. Captain Buckens 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'.	*Accept in part* Amend policy 9 to read: "To indentify preferred anchorages as exceptions to the access restrictions to allow for safe anchorage for those vessels that need to be close in to shore for safe anchorage because of their size."

Subsection	Submission	Relief Sought	Recommendation and Reason
Plan Section	*Natural character - Control of discharges of contaminants explanation Subsection: None*		
Submitter No. 8	**Royal Forest and Bird Protection Society of New Zealand Incorporated**		
	Neutral 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.	*Reject* As noted the collection and disposal of rubbish from vessels is controlled by the Resource Management (Marine Pollution) Regulations 1998, any discharges not regulated will be captured by policy 16. Further, in the case of the Kermadec Islands, they are a marine reserve to the outer limits of the territorial sea and as such any discharges are also restricted by the Marine Reserves Act 1971. The rubbish problem that the submission is concerned about appears to originate from outside the coastal marine area, which is beyond the jurisdiction of an RMA coastal plan to control. It is beyond the scope and jurisdiction of an RMA coastal plan to direct that 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.
Submitter No. 12	**Heritage Expeditions Limited**		
	Oppose in Part 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."	*Accept in part* The proposed plan defines large vessels in the legend matrix of the maps as vessels greater than 125 metres in length. Insert at the end of the third sentence paragraph 2, page 27 "(vessels greater than 125 metres in length)". End the 4th sentence in the same paragraph after the words "ever present." as requested. Include a new sentence as follows: "As the number and/or the size of vessels interested in visiting the islands increases, so does the need to have a framework in place to manage the potential adverse effects of visiting vessels, particularly to reduce the risk of oil spill."
Submitter No. 6	**Sanford Limited**		
Paragraph 3	*Oppose in Part* 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.	*Reject* MARPOL Annex 1 provisions for ship-to-ship transfers are restricted to tankers transferring cargo and specifically exclude bunkering. "Resolution MEPC.186(59) was adopted at MEPC 59 and contains a new Chapter 8 of MARPOL Annex I on the prevention of pollution during the transfer of oil cargo between oil tankers at sea. The new regulation does not apply to any bunker operation and oil transfer operation associated with fixed or floating platforms". National jurisdictions are entirely within their rights to impose more stringent measures within Territorial waters. Given the high value, sensitivity and remoteness of the islands and their marine environment, and the difficulties associated with any response in the event of an incident it is considered appropriate to prohibit ship to ship transfers of fuel for bunkering. For clarity, however, the activity description of rule 47 should be to read: "Ship to ship fuel transfers in the coastal marine area of the Subantarctic Islands." For consistency the same amendment should be made to rule 51 for the Kermadec Islands.
Submitter No. 6	**Sanford Limited**		
Paragraphs 2, 3 and 4 of page 27.	*Support in Part* 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.	Retain distinction between fuel types and link it to risk. Remove reference to speed.	*Accept in part* It is not practical to state the likely adverse effects of different fuel types in relation to level of risk to the environment. There are many variables that will influence the risk, such as fuel type, weather and wind conditions at the time, amount of fuel spilled, the location in terms of the currents, the location in terms of proximity to different species. For example, a diesel spill in the vicinity of the habitat of Campbell Island teal (the world's rarest duck, indigenous to Campbell Island) would be catastrophic for that species with the potential to result in extinction - diesel opens the plumage of birds affecting the water proofing and ability to

Subsection	Submission	Relief Sought	Recommendation and Reason
	The reference to speed and navigation in correlation to risk also sends a confusing message; it implies that vessels should travel faster.		stay warm and allowing any oil or sludge components to stick. Amend the second paragraph on page 27 to read: "The challenging conditions of strong winds and currents present navigation safety risks, particularly when vessels are close to shore."

Subsection	Submission	Relief Sought	Recommendation and Reason
Plan Section	*Natural character - Control of discharges of contaminants policies Subsection: Other methods 2*		
Submitter No. 6	**Sanford Limited**		
Other methods 2	*Support* Sanford supports the use of guidelines and signals its willingness to work with the Department of Conservation in establishing these. Retain.	No change.	
Submitter No. 4	**Talleys Group Limited**		
Policies 17 and 18	*Support* Support the use of other methods for the reduction of artificial noise and light. Fishing vessels are operational 24 hours a day, similar to factories and therefore make noise and use light.	No change.	
Submitter No. 5	**New Zealand Seafood Industry Council Limited**		
Policies 17 and 18	*Support* Support the use of other methods for the reduction of artificial noise and light.	No change.	
Submitter No. 6	**Sanford Limited**		
Policies 17 and 18	*Support* Support non-regulatory method in Policy 17 and Policy 18. Fishing vessels work 24 hours a day. Retain the policy as non-regulatory.	No change.	
Submitter No. 10	**Southern Lakes Helicopters Limited**		
Policies 17 and 18 and method 2	*Oppose in Part* 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.	*Accept* There is not intention that the provisions of the proposed plan restrict activities necessary in emergency situations. Add a third note to the notes under the title "Discharges" in the rules tables to read: "These rules do not restrict noise and light discharges associated with SAR/medivac missions by helicopter."
Submitter No. 6	**Sanford Limited**		
Policy 13	*Oppose* The application of policy around the Subantarctic Islands could unnecessarily restrict fishing vessels access to the coastal	Delete Policy 13 as this activity is already regulated by international law.	Refer separate report regarding rule 48 and heavy fuel oil for discussion during the Hearing.

Subsection	Submission	Relief Sought	Recommendation and Reason
	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.		

Submitter No. 15 Minister of Conservation

Policy 13	*Support* 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."	*Accept* This is unnecessarily restrictive. The policy should be amended to reflect the MARPOL restriction on heavy fuel oil due to come into force in August 2011, 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."

Further subs

29 New Zealand Seafood Industry Council Limited

Subsection	View Submission	Relief sought	Recommendation and Reason
Policy 13	*Oppose* The Minister of Conservation submits that vessels should be allowed to carry and use heavy fuel oil in small quantities for the purposes of equipment lubrication and that the policy should be amended to reflect the MARPOL restrictions on heavy fuel oil due to come into force in August 2011. SeaFIC presumes the Minister is referring to MARPOL Annex 1 Chapter 9 - Special requirements for the use or carriage of oils in the Antarctic area. The Subantarctic Islands are excluded from the definition of Antarctic Area (south of latitude 60 degrees). SeaFIC can see no rationale for the need to follow such special requirements for the purpose of the proposed plan and revert to their earlier submission on the need to review rule 48 and policy 13.		*Reject* Refer reasons and recommendations to the submission of SeaFIC on Policy 13 and rule 48.

Submitter No. 4 Talleys Group Limited

Policy 13 [and rule 47]	*Oppose* 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	Amend policy 13 [and rule 47] so that ship to ship fuel transfers are permitted activities subject to prevailing legislation and best practice.	*Reject* MARPOL Annex 1 provisions for ship-to-ship transfers are restricted to tankers transferring cargo and specifically exclude bunkering. "Resolution MEPC.186(59) was adopted at MEPC 59 and contains a new Chapter 8 of MARPOL Annex I on the prevention of pollution during the transfer of oil cargo between oil tankers at sea. The new regulation does not apply to any bunker operation and oil transfer operation associated with fixed or floating platforms". National jurisdictions are entirely within their rights to impose more stringent measures within Territorial waters. Given the high value, sensitivity and remoteness of the islands and their marine environment, and the difficulties associated with any response in the event of an incident it is considered appropriate to prohibit ship to ship transfers of fuel for bunkering. The rules of the plan do not apply to emergency situations - refer the note at the beginning of the rules tables on page 34.

Subsection	Submission	Relief Sought	Recommendation and Reason
	adverse effect - which should consider fuel type and volume and the transient nature of effect. As a prohibited activity policy 13 and rule 47 would affect the use of ancillary craft and small vessels with small fuel reservoirs that may need to be refuelled between sightseeing trips. There could also be emergency requirements where fuel needs to be transferred between vessels (e.g. fuel contamination).		
Submitter No. 5	**New Zealand Seafood Industry Council Limited**		
Policy 13 [and rule 47]	*Oppose* Oppose the prohibition on the use and carriage of heavy fuel oil - refer submission on rule 48 for discussion and relief sought. 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.	*Reject* MARPOL Annex 1 provisions for ship-to-ship transfers are restricted to tankers transferring cargo and specifically exclude bunkering. "Resolution MEPC.186(59) was adopted at MEPC 59 and contains a new Chapter 8 of MARPOL Annex I on the prevention of pollution during the transfer of oil cargo between oil tankers at sea. The new regulation does not apply to any bunker operation and oil transfer operation associated with fixed or floating platforms". National jurisdictions are entirely within their rights to impose more stringent measures within Territorial waters. Given the high value, sensitivity and remoteness of the islands and their marine environment, and the difficulties associated with any response in the event of an incident it is considered appropriate to prohibit ship to ship transfers of fuel for bunkering. For clarity, however, the activity description of rule 47 should be to read: "Ship to ship fuel transfers in the coastal marine area of the Subantarctic Islands." For consistency the same amendment should be made to rule 51 for the Kermadec Islands.
Submitter No. 4	**Talleys Group Limited**		
Policy 16	*Oppose in Part* 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..."	*Accept in part* While most discharges from ships and offshore installations are regulated by the Resource Management (Marine Pollution) Regulations 1998, the regulations do not over all discharges from ships and offshore installations, and some are deemed by the regulations to be discretionary activities in regional coastal plans. For example, hull cleaning comes under regulation 4(2)(e) and as such is deemed a discretionary activity, so is any discharge of sewage sludge. Any application for a coastal permit to undertake such activities would be assessed against policy 16. The explanatory text preceding the policies controlling discharges refers to the Resource Management (Marine Pollution) Regulations 1998 and outlines the type of discharges and deposits covered. A regulation has the force and effect of a regional rule, hence in the rules tables there are further advice notes referring to the Resource Management (Marine Pollution) Regulations 1998. However, for the purposes of clarity it recommended to add a footnote to policy 16 noting that most discharges from ships and offshore installations are regulated by the Resource Management (Marine Pollution) Regulations 1998 and refer plan users to regulation 4.
Submitter No. 5	**New Zealand Seafood Industry Council Limited**		
Policy 16	*Oppose in Part* 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..."	*Accept in part* While most discharges from ships and offshore installations are regulated by the Resource Management (Marine Pollution) Regulations 1998, the regulations do not over all discharges from ships and offshore installations, and some are deemed by the regulations to be discretionary activities in regional coastal plans. For example, hull cleaning comes under regulation 4(2)(e) and as such is deemed a discretionary activity, so is any discharge of sewage sludge. Any application for a coastal permit to undertake such activities would be assessed against policy 16. The explanatory text preceding the policies controlling discharges refers to the Resource Management (Marine Pollution) Regulations 1998 and outlines the type of discharges and deposits covered. A regulation has the force and effect of a regional rule, hence in the rules tables there are further advice notes referring to the Resource Management (Marine Pollution) Regulations 1998. However, for the purposes of clarity it recommended to add a footnote to policy 16 noting that most discharges from ships and offshore installations are regulated by the Resource Management (Marine Pollution) Regulations 1998 and refer plan users to regulation 4.

Subsection	Submission	Relief Sought	Recommendation and Reason

Subsection	Submission	Relief Sought	Recommendation and Reason
Plan Section	*Natural character - Controls on structures, disturbance, deposition, and reclamation policies Subsection: None*		
Submitter No. 8	**Royal Forest and Bird Protection Society of New Zealand Incorporated**		
	Support 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.	*Reject* The jurisdiction of an RMA regional coastal plan is only for the coastal marine area, that is, to the outer limits of the territorial sea. Control of commercial activities beyond the territorial sea will be regulated under the recently announced EEZ Bill if and when that Bill is enacted.

Further subs

26 New Zealand Seafood Industry Council Limited

Subsection	View Submission	Relief sought	Recommendation and Reason
	Oppose Forest and Bird would like to see an additional 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. The RMA cannot be used to control activities in the EEZ.		*Accept* The jurisdiction of an RMA regional coastal plan is only for the coastal marine area, that is, to the outer limits of the territorial sea. Control of commercial activities beyond the territorial sea will be regulated under the recently announced EEZ Bill if and when that Bill is enacted.

Submitter No. 15	**Minister of Conservation**		
Policy 19	*Support* 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	*Accept* The suggested amendment would make this policy consistent with Rule 3 and would provide for other types of research. 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."
Submitter No. 3	**New Zealand Historic Places Trust**		
Policy 21 and rule 4	*Support in Part* 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. NZHPT recommend 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.	*Accept* It is recommended that Policy 21 and rule 4 be amended by substituting the words "historic work plan" with the words "heritage assessment".
Submitter No. 9	**Andy Dodd**		

Subsection	Submission	Relief Sought	Recommendation and Reason
Policy 21(and rule 4)	*Support* 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.	
Submitter No. 4	**Talleys Group Limited**		
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.	*Reject* No amendment necessary. The adverse effects of disturbance to seabed are considered to be of such small scale as to be de minimis.
Submitter No. 5	**New Zealand Seafood Industry Council Limited**		
Policy 22	*Support in Part* 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	*Reject* No amendment necessary. The adverse effects of disturbance to seabed are considered to be of such small scale as to be de minimis.
Submitter No. 4	**Talleys Group Limited**		
Policy 25	*Support in Part* 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.	*Accept in part* A fundamental principle of the proposed plan is to reduce the risk of oil spill and/or biosecurity breach by restricting access close in to shore using vessel length as a proxy, the zone inside 300m of MHWS being the zone of highest risk. Our assessment of current use showed that only one fisherman currently uses the coastal marine area of any of the Subantarctic Islands to obtain CRA8 quota, Mr Stuart Cave, a rock lobster fisherman who uses the area around Snares Island to catch his quota. Policy 25 and rule 8 provide for Mr Cave to place a temporary mooring as a permitted activity. This is a one-off exception to the general principle in the proposed plan that structures and permanent moorings should be avoided because of the increased risk of biosecurity breaches. This exception for Mr Cave recognises his existing use and seeks to provide for his health and safety by recognising that because of the nature of the seabed and environmental conditions inshore around Snares Island conventional anchoring is not practical. In preparing the proposed plan, the Department consulted with Mr Cave and Mr Malcolm Lawson, CEO of the CRA8 Management Committee. Mr Lawson confirmed that there are no vessels fishing in CRA8 fishery that are in excess of 25 metres in length, and he considered that the ability for vessels up to 25 metres to apply for a discretionary permit to access inside 300 metres is sufficient, provided Mr Cave's access is provided for. Access inside 300m for Mr Cave also needs to be provided for. It is recommended that a new rule is included in the Surface water access rules for the Subantarctic Islands that provides for permitted access for Mr Stuart Cave both to access his mooring and obtain his CRA8 quota. The rule will be subject to conditions such as biosecurity checks of the dry parts of the vessel, and the same sunset clause as in rule 8 - the rule will only allow access provided Mr Cave continues to hold quota in CRA8 and continues to fish for it around the

Subsection	Submission	Relief Sought	Recommendation and Reason
			Snares Island with a gap of no more than 36 months.

Submitter No. 5 **New Zealand Seafood Industry Council Limited**

Policy 25	*Support in Part* 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.	*Accept in part* It was an oversight that the proposed plan did not provide for access for Mr Stuart Cave to the temporary mooring provided for his use in rule 8. The activity description for rule 8 will be amended to include access inside 300 metres from MHWS. Refer Talley's submission on policy 25 for further discussion.

Further subs

35 New Zealand Marine Sciences Society

Subsection	View Submission	Relief sought	Recommendation and Reason
Policy 25	*Oppose* The personal ownership of moorings (temporary or otherwise) is not supported for sensitive marine environments with high ecological values.		*Reject* Policy 25 and rule 8 provide for Mr Cave to place a temporary mooring as a permitted activity. This is a one-off exception to the general principle in the proposed plan that structures and permanent moorings should be avoided because of the increased risk of biosecurity breaches. This exception for Mr Cave recognises his existing use and seeks to provide for his health and safety by recognising that because of the nature of the seabed and environmental conditions inshore around Snares Island conventional anchoring is not practical.

Submitter No. 13 **New Zealand Marine Sciences Society**

Policy 25	*Oppose* 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.	*Reject* The provisions of the proposed plan seek to provide for existing use while avoiding adverse effects on natural character. Allowing preferential access for Mr Cave allows his continued use of the area to provide for his economic and social wellbeing. It also provides for Mr Caves health and safety and in doing so, reduces the risk of oil spill and/or biosecurity breach from Mr Cave's activities. It is well known that anchor holding in due to the nature of the seabed and environmental conditions at Snares Island is difficult and conventional anchoring is not practical.

Further subs

31 New Zealand Seafood Industry Council Limited

Subsection	View Submission	Relief sought	Recommendation and Reason
Policy 25	*Oppose* The New Zealand Marine Sciences Society (NZMSS) submit that individual rights to moorings should not be provided (Policy 25, page 29) and that any moorings provided for under the coastal plan should be able to be used by any vessel owner on a first come first served basis. Policy 25 enables Mr Stuart Cave to continue to provide for temporary safe mooring to support his legitimate right to harvest crayfish at the Snares. The plan places specific terms and conditions on Mr Cave regarding the placement and use of the structure (rule 8). If NZMSS consider there is a good need for additional moorings at the Snares for use by the general public then they should make that recommendation.		*Accept* Allowing preferential access for Mr Cave allows his continued use of the area to provide for his economic and social wellbeing, and his health and safety, and in doing so, reduces the risk of oil spill and/or biosecurity breach from Mr Cave's activities. It is well known that anchor holding in due to the nature of the seabed and environmental conditions at Snares Island is difficult and conventional anchoring is not practical. The General public do not have access to the Snares Islands, which are national nature reserves and landing on the islands is by permit only.

Subsection	Submission	Relief Sought	Recommendation and Reason

Subsection	Submission	Relief Sought	Recommendation and Reason
Plan Section	*Issue 2: Kaitiakitanga of coastal marine area Subsection: None*		
Submitter No. 12	**Heritage Expeditions Limited**		
	Support The objective and policies are supported.	No change.	

Subsection	Submission	Relief Sought	Recommendation and Reason
Plan Section	*Kaitiakitanga of coastal marine area of Kermadec Islands Subsection: Policies 26 and 27*		
Submitter No. 3	**New Zealand Historic Places Trust**		
Policies 26 and 27	*Support* The NZHPT supports ongoing consultation with Ngati Kuri and Te Aupouri concerning the Kermadec Islands. The NZHPT consider that it is unlikely that the descendant 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.	
Submitter No. 9	**Andy Dodd**		
Policies 26 and 27	*Support* 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	
Submitter No. 11	**Te Runanga Nui o Te Aupouri Trust**		
Policies 26 and 27	*Oppose* 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.	*Reject* The recognition and level of engagement provided for Ngai Tahu ki Murihiku in relation to the Subantarctic Islands are a result of statutory ackowledgements in the Ngai Tahu Claims Settlement Act 1998, including Schedule 97 Taonga species. In the development of policies 28 to 32, the Department took into account Te Tangi a Tauira - The Cry of the People, an iwi management plan developed by Ngai Tahu ki Murihiku.

Subsection	Submission	Relief Sought	Recommendation and Reason
Plan Section	*Issue 3: Cultural and historic heritage Subsection: Issue 3 Other methods and Appendix 2*		
Submitter No. 3	**New Zealand Historic Places Trust**		
Issue 3 Other methods and Appendix 2	*Support in Part* 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 that he believes some of the items listed in Appendix 2 are not present. NZHPT suggest consideration be given to removing these sites from Appendix 2, along with one of the references to K036/1 which is listed twice. The NZHPT recommends the Department consults further with Dr Prickett before confirming the list in Appendix 2. The NZHPT considers that a commitment to regular revision and updating of Appendix 2 should be included in the Other methods of Issue 3. The NZHPT recommends the inclusion of Low Flat site and some of the dune burials on the grounds in Appendix 2 on the grounds that these sites are subject to coastal erosion and may potentially be damaged by activities occurring on the adjacent foreshore.	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. Include Low Flat and some of the dune burials on the grounds in appendix 2.	*Accept in part* It is useful to clearly signal the intention to review and update Appendix 2 on a regular basis. Listing KO36/1 twice is an error that should be corrected. Only sites that are located in the coastal marine area of the islands should be included in Appendix 2 since this is the area of jurisdiction of the proposed plan. The department will work further with Dr Prickett to determine which sites are still physically there and which are in the coastal marine area.
Submitter No. 12	**Heritage Expeditions Limited**		
	Support in Part The objectives and policies are supported. However, in the interest of reducing the potential for damage to these sites 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.	*Accept* Given that a number of the rules in the proposed plan contain a condition requiring the avoidance of adverse effects on sites of cultural or historic heritage the sites should be shown on the maps. In instances where the actual location is not known, the general location should be shown. Where a site straddles MHWS, the inland boundary of the coastal marine area, this should be noted to assist integrated management with the Conservation Management Strategy.

Further subs

33 New Zealand Historic Places Trust

Subsection	View Submission	Relief sought	Recommendation and Reason
	Support in Part NZHTP is supportive of the proposal to include sites listed in Appendix 2 on the maps in Appendix 1. However, it is difficult to see the benefit of including all known sites where these would not be regulated or protected by the rules of the coastal plan. It is considered that to add all of the known items would cause confusion for users of the coastal plan in terms of consent requirements for sites displayed on the maps but not necessarily listed in Appendix 2.		*Accept* Appendix 2 includes all known sites of cultural and historic heritage located in the coastal marine areas of the Kermadec and Subantarctic Islands. Only those sites listed in Appendix 2 should be shown on maps in the plan, and the relevant rules should cross reference with the relevant maps.

Submitter No. 3 **New Zealand Historic Places Trust**

Subsection	Submission	Relief Sought	Recommendation and Reason
Note at the end of Issue 3	*Support* 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.	*Reject* The introductory text outlines the issues associated with the management of cultural and historic heritage, followed by the policies that set out how the issues will be managed - it is logical that other relevant considerations or authorisations under other legislation follow the policies and other methods as advice notes. The importance of the note could be lost if it was incorporated into introductory text of Issue 3 rather than being clearly noted following the cultural and historic heritage policies. It would also be contrary to the way all important advice notes have been incorporated into the proposed plan.
Submitter No. 9 Andy Dodd			
Objectives 3.1 to 3.3 and policies 33 and 35 to 44	*Support* 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.	
Submitter No. 2 Southland Conservation Board			
Other methods 6	*Neutral* The Board would like to see more 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.	Include more 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.	*Accept in part* Other methods 6 already provides for encouragement of greater public awareness, however it could be expanded so that it is explicit that this includes interpretation at locations away from the islands.
Submitter No. 3 New Zealand Historic Places Trust			
Policies 41, 42, 43 and 44	*Support in Part* 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 " in place of the word "to" after the words "....potential to affect heritage sites, ..." . No change to policies 43 and 44.	*Accept* Policy 42 should to be clarified in terms of who is responsible for recording the details of the site.
Submitter No. 3 New Zealand Historic Places Trust			
Policy 34	*Support* The NZHPT recommends adding Low Flat prehistoric site to the list of sites for active conservation on grounds of national historic significance. Despite the fact that little is known about the extent of the site, it is a site of exceptional national significance. It is the only site in New Zealand 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 New Zealand.	Add the prehistoric site Low Flat to the list of sites for active conservation in policy 34.	*Reject* The Low Flat prehistoric site is above MHWS and therefore outside the jurisdiction of this plan.
Submitter No. 3 New Zealand Historic Places Trust			

Subsection	Submission	Relief Sought	Recommendation and Reason
Policy 34	*Support in Part* 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 should be placed in a separate schedule and be removed from the policy section of Issue 3: Cultural and historic heritage.	*Reject* The proposed plan currently has only two sites for active conservation listed in policy 34. It is not considered necessary to include a separate schedule at this stage for just two sites. Further, the inclusion of those two sites in the policy as well as in Appendix 2 highlights the significance of those two sites. It is unlikely that users of the plan would miss or overlook sites since the two sites for active consultation are listed in both Appendix 2 and policy 34, and there are cross-references in both policy 34 and Appendix 2.
Submitter No. 9	**Andy Dodd**		
Policy 34	*Support* 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."	*Reject* The Low Flat prehistoric site is above MHWS and therefore outside the jurisdiction of this plan.
Submitter No. 3	**New Zealand Historic Places Trust**		
Policy 36	*Support* 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	*Reject* The new policy is not necessary - policy 41b) already requires regard to be had to Maori spiritual, historic and cultural values and the outcome of tangata whenua consultation when assessing an application for an activity with the potential to affect cultural or historic sites. Policy 36 leaves the option open for tangata whenua to identify sites of special spiritual, historical and cultural significance, if they wish to do so.
Submitter No. 3	**New Zealand Historic Places Trust**		
Policy 37	*Support* Support the re-wording of policy 37 (from the wording in the draft plan).	No change.	
Submitter No. 3	**New Zealand Historic Places Trust**		
Policy 38	*Support* 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.	
Submitter No. 3	**New Zealand Historic Places Trust**		

Subsection	Submission	Relief Sought	Recommendation and Reason
Policy 39	*Support* Support the re-wording of policy 39 (from the wording in the draft plan).	No change.	

Submitter No. 3 **New Zealand Historic Places Trust**

Policy 40	*Support* The NZHPT supports the inclusion of footnote 13 to policy 40, making it clear that an archaeological authority will be required if the site is pre-1900.	No change.	

Submitter No. 15 **Minister of Conservation**

Policy 41e)	*Support* 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'	*Accept* For clarity, policy 41(e) should be amended to read: 'or enhance the efficient operation of any existing operational facility'

Further subs

34 New Zealand Historic Places Trust

Subsection	View Submission	Relief sought	Recommendation and Reason
Policy 41e)	*Support* The NZHPT is supportive of the proposed amendment to the wording of policy 41 e) from "an operating facility" to "any existing operational facility" which is considered to be a more specific description of the type of facility to which the policy relates.		

Subsection	Submission	Relief Sought	Recommendation and Reason
Plan Section *Rules Subsection: Checking for harmful plants and animals (including insects)*			
Submitter No. 12 **Heritage Expeditions Limited**			
Checking for harmful plants and animals (including insects)	*Oppose in Part* 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.	*Accept in part* It is recommended that the condition in the rules be re-worded to read: "Within 24 hours of departure for the Islands, the vessel has been thoroughly checked for harmful organisms above the waterline, inside and outside, and within the hull, and to the vessel operators knowledge is free of harmful plants and animals (including insects)", that Policy 2 be similarly amended for consistency; and insert a section for "Other methods" after policy 6 and include a method that states the Department, in consultation with industry, will develop guidelines for undertaking biosecurity checks of the dry areas of vessels.

Subsection	Submission	Relief Sought	Recommendation and Reason
Plan Section	*Occupation rules Subsection: Rule 1*		
Submitter No. 15	**Minister of Conservation**		
Rule 1	*Support* 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"	*Accept* The rule needs to be amended to allow for fact that the exact location of the heritage sites is not always known, in order for the rule to be able to be implemented. Given that a number of the rules in the proposed plan contain a condition requiring the avoidance of adverse effects on sites of cultural or historic heritage the sites should be shown on the maps. In instances where the actual location is not known, the general location 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"

Subsection	Submission	Relief Sought	Recommendation and Reason
Plan Section	*Structures rules Subsection: Rule 4*		
Submitter No. 9	**Andy Dodd**		
Rule 4	*Support* 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.	*Accept* Amend rule 4 by substituting the words "historic work plan" with the words "heritage assessment"
Submitter No. 15	**Minister of Conservation**		
Rule 8	*Support* 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 provision 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.	*Accept* It is recommended to include a new rule in the Surface water access rules for the Subantarctic Islands in between rules 36 and 37 as follows: The activity description to read: "Access to the coastal marine area of Snares Island for the purpose of mooring and fishing for crayfish" The Standards/Terms/Conditions to read: "Access if for Mr Stuart Cave to use the mooring provided for in rule 8 for the purpose of obtaining crayfish as per Mr Stuart Cave's quota allocation in CRA8. This rule will only continue to apply if Mr Stuart Cave continues to hold quota on CRA8 and continues to fish for crayfish in the area around Snares Islands with a gap of no more than 36 months. Within 24 hours of departure for the Islands, the vessel has been thoroughly checked for harmful organisms above the waterline, inside and outside, and within the hull, and to the vessel operators' knowledge is free of harmful plants and animals (including insects)." Classification to read: "Permitted".

Further subs

29 New Zealand Seafood Industry Council Limited

Subsection	View Submission	Relief sought	Recommendation and Reason
Rule 8	*Support* The Minister of Conservation submits that given the temporary mooring is provided for as a permitted activity, access by Mr Cave to use it should also be provided as a permitted activity. SeaFIC note that it should not be necessary for Mr Cave to obtain a resource consent in order to reach his mooring.		

Submitter No. 8	**Royal Forest and Bird Protection Society of New Zealand Incorporated**		
Rules 3, 5 and 6	*Neutral* 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.	*Accept* Amend rules 3, 5 and 6 by adding the following words: " at the time of construction" at the end of the bullet point starting "Sediment disturbance" in the Standards/Terms/Conditions.

Subsection	Submission	Relief Sought	Recommendation and Reason
Plan Section	*Discharges rules Subsection: Other Methods 2*		
Submitter No. 12	**Heritage Expeditions Limited**		
Other Methods 2	*Neutral* 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.		The proposed plan suggests use of guidelines to encourage avoidance of adverse effects of noise and light because absolute limits are neither practical nor would they be easily enforceable. If guidelines are developed it is anticipated that they would apply at all times and their development would build on current best practice. Any guidelines for noise and light would have to be pragmatic, and would need to take account of noise associated with the normal running of a vessel and light necessary for both health and safety and navigational purposes.
Submitter No. 5	**New Zealand Seafood Industry Council Limited**		
Rule 13.	*Oppose in Part* 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..."	*Accept in part* As with the submission on rule 12, Note 1, under the title "Discharges", explains that discharges from ships and offshore installations are regulated by the Resource Management (Marine Pollution) Regulations 1998. It is proposed to clarify in Note 1 that such activities authorised by the marine pollution regulations are exempt from the rules of the coastal plan, unless the regulations specifically deem them to be discretionary activities in a regional coastal plan.
Submitter No. 15	**Minister of Conservation**		
Rule 10	*Support* 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 storm water into water or onto land the coastal marine area"	*Accept* The rule is unclear while the activity description is incomplete. Amend the activity description of Rule 10 to read: "Discharge of uncontaminated water or storm water into water or onto land the coastal marine area"
Submitter No. 5	**New Zealand Seafood Industry Council Limited**		
Rule 12	*Oppose in Part* Discharge of untreated sewage. SeaFIC presumes 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, ..."	*Accept in part* Note 1, under the title "Discharges", explains that discharges from ships and offshore installations are regulated by the Resource Management (Marine Pollution) Regulations 1998. It is proposed to clarify in Note 1 that such activities authorised by the marine pollution regulations are exempt from the rules of the coastal plan, unless the regulations specifically deem them to be discretionary activities in a regional coastal plan.
Submitter No. 15	**Minister of Conservation**		
Rule 12	*Support* 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.	*Accept* Rule 12 does not provide for the continuation of this intermittent discharge. An interim rule needs to be included between rules 11 and 12 as follows: to allow for the discharge continue for 5 years from the date the plan becomes operative. Activity description to read: "Discharge of untreated sewage into water or onto land in the coastal marine area of Campbell Island." The Standards/Terms/Conditions to read: "The discharge of untreated sewage until 5 years after the date this plan becomes operative." Classification to read: "Permitted".

Subsection	Submission	Relief Sought	Recommendation and Reason
Submitter No. 8	**Royal Forest and Bird Protection Society of New Zealand Incorporated**		
Rule 13	*Support in Part* 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.	*Reject* Discretionary status is adequate to allow each proposal to be considered on a case by case basis, and declined if the potential adverse effects are found to be unacceptable.
Submitter No. 3	**New Zealand Historic Places Trust**		
Rules 10 to 13 and notes 1 and 2.	*Support* The NZHPT supports of the inclusion of note 1 in the section of rules controlling discharges.	No change	
Submitter No. 4	**Talleys Group Limited**		
Rules 12 and 13	*Oppose in Part* 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..."	*Accept in part* Note 1, under the title "Discharges", explains that discharges from ships and offshore installations are regulated by the Resource Management (Marine Pollution) Regulations 1998. It is proposed to clarify in Note 1 that such activities authorised by the marine pollution regulations are exempt from the rules of the coastal plan, unless the regulations specifically deem them to be discretionary activities in a regional coastal plan.

Further subs

32 New Zealand Historic Places Trust

Subsection	View Submission	Relief sought	Recommendation and Reason
Rules 12 and 13	*Support in Part* The NZHPT does not object to the intent of the proposed changes sought to these rules, which is to make clear that discharges of contaminants from ships are regulated under the Resource Management (Marine Pollution) Regulations 1998. However, if the requested change to rules 12 and 13 is made, it is considered that it is important to retain Note 1 which more fully and accurately describes the range of discharges controlled under these regulations.		*Accept*

Submitter No. 6	**Sanford Limited**		
Rules 12 and 13	*Oppose* 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	(i) Insert new rule which reads, 'activities associated with fishing is permitted'. (ii)Delete Rule12	*Reject* Note 1, under the title "Discharges", explains that discharges from ships and offshore installations are regulated by the Resource Management (Marine Pollution) Regulations 1998. It is proposed to clarify in Note 1 that such activities authorised by the marine pollution regulations are exempt from the rules of the coastal plan, unless the regulations specifically deem them to be discretionary activities in a regional coastal plan. Rule 12 gives effect to the New Zealand Coastal Policy Statement policy 23(2). The plan has jurisdiction to manage potential adverse effects of fishing activities under RMA section 30(1)(d), but not to control the harvesting or enhancement of aquatic organisms for the purpose of conserving, using, enhancing,

Subsection	Submission	Relief Sought	Recommendation and Reason
	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).		or developing any fisheries resources controlled under the Fisheries Act 1996 (RMA section 30(3)).

Subsection	Submission	Relief Sought	Recommendation and Reason
Plan Section	*Shipwreck rules Subsection: Rule 14*		
Submitter No. 3	**New Zealand Historic Places Trust**		
Rule 14	*Support* The NZHPT recommends a further standard/term/condition to be included in Rule 14, in addition to the standard/term/condition "The primary purpose of recovery of material is for research and scientific investigation of archaeological shipwreck deposits" requiring that: "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."	Include the following as a further standard/term/condition 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.	*Accept in part* The additional standard/term/condition requested to be included in rule 14 is not necessary. Rule 14 is a discretionary activity and the policies of Issue 3 will apply when considering coastal permit applications for such activities. Policy 42 already contains the requirements for recording the details of the site as requested in NZHPT's submission. This could be clarified, however, by including the words "including shipwreck salvage" after the words "details of any site" in policy 42.
Submitter No. 4	**Talleys Group Limited**		
Rule 14	*Oppose* In the exceedingly low probability of a future ship wreck normal procedures for salvage and reduction of contamination risk should apply without any need for resource consent. 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.	*Reject* The shipwreck rule 14 provides for salvage, removal or demolition of a ship wreck where necessary to avoid navigation safety risk, to avoid the risk of discharge of a contaminant (such as fuel) and provided the wreck is no more than 50 years old. The latter distinguishes contemporary wrecks from wrecks of cultural of historic heritage. Where rule 14 applies in the event the vessel owners of a wreck wish to salvage it, rule 25 would apply in circumstances where a vessel owner is not proactive about dealing with a wreck. The rule would apply retrospectively and allow the imposition of conditions to remedy adverse effects of a wreck. This Minister's interest in contemporary wrecks is of potential adverse effects on the environment, not vessel owner, operator, salvager and insurance implications.

Further subs

32 New Zealand Historic Places Trust

Subsection	View Submission	Relief sought	Recommendation and Reason
Rule 14	If the proposed amendment to rule 14 is accepted, it should apply only to contemporary shipwrecked vessels and not to historic shipwrecks. Advice note 2 should be retained.		*Accept in part* It is not recommended to accept the amendment to rule 14 - refer to the reasons in response to the submission from Talleys. Advice Note 2 should be retained.

Submitter No. 5	**New Zealand Seafood Industry Council Limited**		
Rule 14	*Oppose* In the exceedingly low probability of a future ship wreck normal procedures for salvage and reduction of contamination risk should apply without any need for resource consent. 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 to allow normal procedures for salvage, and reduction of contamination risk, to apply without any need for resource consent.	*Reject* The shipwreck rule 14 provides for salvage, removal or demolition of a ship wreck where necessary to avoid navigation safety risk, to avoid the risk of discharge of a contaminant (such as fuel) and provided the wreck is no more than 50 years old. The latter distinguishes contemporary wrecks from wrecks of cultural of historic heritage. Where rule 14 applies in the event the vessel owners of a wreck wish to salvage it, rule 25 would apply in circumstances where a vessel owner is not proactive about dealing with a wreck. The rule would apply retrospectively and allow the imposition of conditions to remedy adverse effects of a wreck. This Minister's interest in contemporary wrecks is of potential adverse effects on the environment, not vessel owner, operator, salvager and insurance implications.
Submitter No. 9	**Andy Dodd**		

Subsection	Submission	Relief Sought	Recommendation and Reason
Rules 13 to 16	*Support* 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.	

Submitter No. 6 Sanford Limited

Rules 14, 15 and 16	*Oppose* Refer to our submissions on Rules 24 and 25 and definition of ship wreck.	Amend the rule to require a Certificate of Completion.	*Reject* As noted in the response to Sanford's submission on rule 25, the shipwreck rule 14 provides for salvage, removal or demolition of a ship wreck where necessary to avoid navigation safety risk, to avoid the risk of discharge of a contaminant (such as fuel) and provided the wreck is no more than 50 years old. The latter distinguishes contemporary wrecks from wrecks of cultural of historic heritage. Where rule 14 applies in the event the vessel owners of a wreck wish to salvage it, rule 25 would apply in circumstances where a vessel owner is not proactive about dealing with a wreck. The rule would apply retrospectively and allow the imposition of conditions to remedy adverse effects of a wreck. This Minister's interest in contemporary wrecks is of potential adverse effects on the environment, not vessel owner, operator, salvager and insurance implications. In the case of future shipwrecks the rule won't apply where there is a defence in terms of sections 341 or 341B of the RMA.

Subsection	Submission	Relief Sought	Recommendation and Reason
Plan Section	*Disturbance rules Subsection: Rules 17 and 18*		
Submitter No. 6	**Sanford Limited**		
Rules 17 and 18	*Oppose* 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.	*Reject* Section 30(3) of the RMA indicates that regional coastal plans cannot control the harvesting of aquatic organisms controlled under the Fisheries Act therefore it is not appropriate for "fishing" to be addressed as an activity in the proposed plan - only the effects of fishing can be addressed. With respect to anchoring, no amendment necessary. The adverse effects of disturbance to seabed are considered to be of such small scale as to be de minimis.

Further subs

38 New Zealand Marine Sciences Society

Subsection	View Submission	Relief sought	Recommendation and Reason
Rules 17 and 18	*Oppose* Section 30(3) of the RMA indicates that regional coastal plans cannot control the harvesting of aquatic organisms controlled under the Fisheries Act and so it is not appropriate for "fishing" to be specified as a permitted activity. Also given the natural character provisions in the New Zealand Coastal Policy Statement (as well as the current and upcoming marine protection provisions applying to much of the marine environment covered by this plan) it is not appropriate for fishing to have general permitted activity status.		*Accept* In addition to the point raised by NZMSS, it is noted that with respect to anchoring, no amendment necessary. The adverse effects of disturbance to seabed are considered to be of such small scale as to be de minimis.

Submitter No. 8	**Royal Forest and Bird Protection Society of New Zealand Incorporated**		
Rules 17 and 18	*Oppose in Part* 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.	*Reject* Rule 18 also has distance limits of "...more than 300m from MHWS and 100m deep" - hence why the word "foreshore" is omitted. Both rules 17 and 18 are to allow minor disturbance associated with research. Within the foreshore area (i.e. out to 300m) the area of disturbance allowed is smaller than offshore (beyond 300m from MHWS).
Submitter No. 3	**New Zealand Historic Places Trust**		
Rules 17 to 20	*Support* The NZHPT supports the rules and the Standards/Terms/Conditions included in the rules but considers a further advice note is needed that reminds people that they may also need an 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.	*Accept* To assist users of the plan.

Subsection	Submission	Relief Sought	Recommendation and Reason
Plan Section	*Use of water rules Subsection: Rule 21*		
Submitter No. 4	**Talleys Group Limited**		
Rule 21	*Oppose in Part* 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.	*Accept* The rule needs to be amended to ensure it does not the activity of taking sea water for conversion to freshwater for use on a vessel. I recommend adding the following words to the condition: "other than for conversion to freshwater for use on a vessel"
Submitter No. 5	**New Zealand Seafood Industry Council Limited**		
Rule 21	*Oppose in Part* 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.	*Accept* The rule needs to be amended to ensure it does not prevent the activity of taking sea water for conversion to freshwater for use on a vessel. It is recommended adding the following words to the condition: "other than for conversion to freshwater for use on a vessel"
Submitter No. 6	**Sanford Limited**		
Rule 21	*Support in Part* 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.	*Accept* The rule needs to be amended to ensure it does not prevent the activity of taking sea water for conversion to freshwater for use on a vessel. It is recommended adding the following words to the condition: "other than for conversion to freshwater for use on a vessel"
Submitter No. 15	**Minister of Conservation**		
Rule 21	*Support* 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.	*Accept* Refer to similar submissions from Talleys Limited, the New Zealand Seafood Industry Council and Sanford Limited. The rule needs to be amended to ensure it does not prevent the activity of taking sea water for conversion to freshwater for use on a vessel. It is recommended adding the following words to the condition: "other than for conversion to freshwater for use on a vessel"

Further subs

29 New Zealand Seafood Industry Council Limited

Subsection	View Submission	Relief sought	Recommendation and Reason
Rule 21	*Support* The Minister of Conservation submits that it needs to be made clear that the condition on Rule 21 does not include the taking of sea water for conversion to freshwater for use on a vessel. SeaFIC note that fishing and other vessels routinely convert sea water into freshwater for the making of ice, drinking water and for general ships purposes. They need to be able to continue to do so.		*Accept*

Subsection	Submission	Relief Sought	Recommendation and Reason
Plan Section	*Harmful or invasive species rule Subsection: Rule 23*		
Submitter No. 4	**Talleys Group Limited**		
Rule 23	*Oppose* 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 b redundant for most areas.	Remove rule 23.	*Reject* Not all of the coastal marine area of the islands are intended to have marine reserves established. Regardless, the provisions of the proposed regional coastal plan will apply in addition to the restrictions imposed under the Marine Reserves Act 1971 for those areas that are marine reserves - refer discussion under general comment regarding delaying the progression of the proposed plan until the new marine reserves are established. The Department has undertaken extensive and costly eradication programmes in the islands in the past, and has an ongoing work programme to maintain those where eradications have taken place, and under further eradications on remaining pests as funding permits. None of the islands (Subantarctic and Kermadecs) have rats, they have been successfully eradicated. While it is important to protect the past investment in eradications it is about protecting these valuable but not pristine islands from further damage. In fact the islands that have not had eradications done, like Snares and Adams, are often even more vulnerable/valuable than the ones we have successfully eradicated. All the Islands are nature reserves and the Subantarctic Islands are also national reserves and have World Heritage status to the outer limits of the territorial sea. All of the Kermadecs and the Auckland Islands are full marine to the outer limits of the territorial sea. The NZ government has sent a clear signal how it values the Subantarctic Islands recently with the announcement of its intention to create further extensive marine reserves around the Campbell, Bountys and Antipodes Islands by special legislation, before the end of the year. It would be contrary to achieving the purpose of the RMA, inconsistent with policy 12 of the New Zealand Coastal Policy Statement 2010 and contrary to the Minister's International obligations given their World Heritage status if the Minister did not strive to reduce the risk of introducing harmful organisms to all the islands and their marine environments. It is also cost effective to avoid introductions in the first instance than to attempt costly eradications.
Submitter No. 5	**New Zealand Seafood Industry Council Limited**		
Rule 23	*Oppose* 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	*Reject* Not all of the coastal marine area of the islands are intended to have marine reserves established. Regardless, the provisions of the proposed regional coastal plan will apply in addition to the restrictions imposed under the Marine Reserves Act 1971 for those areas that are marine reserves - refer discussion under general comment regarding delaying the progression of the proposed plan until the new marine reserves are established.
Submitter No. 6	**Sanford Limited**		
Rule 23	*Support in Part* 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.	*Reject* The Department has undertaken extensive and costly eradication programmes in the islands in the past, and has an ongoing work programme to maintain those where eradications have taken place, and under further eradications on remaining pests as funding permits. None of the islands (Subantarctic and Kermadecs) have rats, they have been successfully eradicated. While it is important to protect the past investment in eradications it is about protecting these valuable but not pristine islands from further damage. In fact the islands that have not had eradications done, like Snares and Adams, are often even more vulnerable/valuable than the ones we have successfully eradicated. All the Islands are nature reserves and the Subantarctic Islands are also national reserves and have World Heritage status to the outer limits of the territorial sea. All of the Kermadecs and the Auckland Islands are full marine to the outer limits of the territorial sea. The NZ government has sent a clear signal how it values the Subantarctic Islands recently with the announcement of

Subsection	Submission	Relief Sought	Recommendation and Reason
			its intention to create further extensive marine reserves around the Campbell, Bountys and Antipodes Islands by special legislation, before the end of the year. It would be contrary to achieving the purpose of the RMA, inconsistent with policy 12 of the New Zealand Coastal Policy Statement 2010 and contrary to the Minister's International obligations given their World Heritage status if the Minister did not strive to reduce the risk of introducing harmful organisms to all the islands and their marine environments. It is also cost effective to avoid introductions in the first instance than to attempt costly eradications.

Subsection	Submission	Relief Sought	Recommendation and Reason
Plan Section	*Deposition rules Subsection: Rule 24*		
Submitter No. 4	**Talleys Group Limited**		
Rule 24	*Oppose* 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.	*Accept in part* It is agreed that cleaning of ships and offshore installations are regulated by the Resource Management (Marine Pollution) Regulations 1998. Regulation 15 "Discharges made as part of normal operations of ship or offshore installation" states that "Any person may discharge, in the coastal marine area, a contaminant that is incidental to, or derived from, or generated during, the operations listed in Schedule 4 as the normal operations of a ship ...." Schedule 4 No. 5 states "The cleaning of the ship or offshore installation, except for the exterior of the hull below the load line or parts of the ship used for carrying cargo." Clearly the cleaning activity that this submission refers to above the water line is a permitted activity under the Marine Pollution Regulations, however hull cleaning is explicitly excluded and would come under the description of regulation 4(2)(f) "Deposit of organic materials of natural origin". Refer the submission from the Minister of Conservation on rule 24 (submission point no.10, page 6). That submission requests amending rule 24 to change the status from prohibited to discretionary and to add a footnote referring plan users to regulation 4(2)(f) of the Resource Management (Marine Pollution) Regulations 1998. In addition, it is proposed to amend the note under the title "Deposition" to clearly articulate the exemption of discharges as a result of normal operations of ship or offshore installation.
Submitter No. 5	**New Zealand Seafood Industry Council Limited**		
Rule 24	*Oppose* 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.	*Accept in part* It is agreed that cleaning of ships and offshore installations are regulated by the Resource Management (Marine Pollution) Regulations 1998. Regulation 15 "Discharges made as part of normal operations of ship or offshore installation" states that "Any person may discharge, in the coastal marine area, a contaminant that is incidental to, or derived from, or generated during, the operations listed in Schedule 4 as the normal operations of a ship ...." Schedule 4 No. 5 states "The cleaning of the ship or offshore installation, except for the exterior of the hull below the load line or parts of the ship used for carrying cargo." Clearly the cleaning activity that SeaFICs submission refers to above the water line is a permitted activity under the Marine Pollution Regulations, however hull cleaning is explicitly excluded and would come under the description of regulation 4(2)(f) "Deposit of organic materials of natural origin". Refer the submission from the Minister of Conservation on rule 24 (submission point no.10, page 6). That submission requests amending rule 24 to change the status from prohibited to discretionary and to add a footnote to the activity description as follows "Regulation 4(2)(f) of the Resource Management (Marine Pollution) Regulations 1998". In addition, it is proposed to amend the note under the title "Deposition" by adding the following sentence: "Discharges as a result of normal operations of ship or offshore installation are permitted activities - refer regulation 15, Part 3 of the Resource Management (Marine Pollution) Regulations 1998."
Submitter No. 6	**Sanford Limited**		
Rule 24	*Oppose* 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.	*Accept* It is agreed that cleaning of ships and offshore installations are regulated by the Resource Management (Marine Pollution) Regulations 1998. Regulation 15 "Discharges made as part of normal operations of ship or offshore installation" states that "Any person may discharge, in the coastal marine area, a contaminant that is incidental to, or derived from, or generated during, the operations listed in Schedule 4 as the normal operations of a ship ...." Schedule 4 No. 5 states "The cleaning of the ship or offshore installation, except for the exterior of the hull below the load line or parts of the ship used for carrying cargo." Clearly cleaning activity above the water line is a permitted activity under the Marine Pollution Regulations, however hull cleaning is explicitly excluded and would come under the description of regulation 4(2)(f) "Deposit of organic materials of natural origin". Refer the submission from the Minister of Conservation on rule 24 (submission point no.10, page 6). That submission requests amending rule 24 to change the status from prohibited to discretionary and to add a footnote referring plan users to regulation 4(2)(f) of the Resource Management (Marine Pollution) Regulations 1998. In addition, it is proposed to amend the note under the title "Deposition" to clearly articulate the exemption of discharges as a result of normal operations of ship or offshore installation.

Subsection	Submission	Relief Sought	Recommendation and Reason
Submitter No. 15	**Minister of Conservation**		
Rule 24	*Support* The activity described in the rule cannot be classified as a prohibited activity. In the case Nelson City Council v. Diamond Netherlands BV 2009 (CRN08042500436) 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 ad a footnote to the activity description that refers to regulation 4(2)(f) of the Resource Management Marine Pollution Regulations 1998.	*Accept* The activity of hull cleaning is regulated by the Resource Management (Marine Pollution) Regulations 1998. The activity of hull cleaning comes under the description of regulation 4(2)(f) "Deposit of organic materials of natural origin". Rule 24 should be amended to change the status from prohibited to discretionary and to add a footnote to the activity description as follows "Regulation 4(2)(f) of the Resource Management (Marine Pollution) Regulations ". Refer to the submission from the New Zealand Seafood Industry Council on rule 24.

Further subs

25 Sanford Limited

Subsection	View Submission	Relief sought	Recommendation and Reason
Rule 24	*Oppose* Sanford limited oppose rule 24 as a discretionary activity on the grounds that it is an unnecessary impediment on a fishing vessels , which has been unjustified by section 32 analysis.	Amend rule 24 to be a permitted activity.	*Reject* The activity of hull cleaning is regulated by the Resource Management (Marine Pollution) Regulations 1998. The activity of hull cleaning comes under the description of regulation 4(2)(f) "Deposit of organic materials of natural origin". In the case Nelson City Council v. Diamond Netherlands BV 2009 (CRN08042500436) 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. If the Resource Management (Marine Pollution) Regulations 1998 deem an activity to be a discretionary activity in a regional coastal plan, the activity status cannot bechanged to permitted.

Submitter No. 4	**Talleys Group Limited**		
Rule 25	*Oppose in Part* 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.	*Reject* Rule 25 is to capture any activities involving any deposition in the coastal marine area of the islands other than vessel cleaning (covered by rule 24) or activities permitted by the Resource Management (Marine Pollution) Regulations 1998. The rule would capture both planned and unplanned shipwrecks. While not expecting a vessel owner/operator to obtain a coastal permit in advance of being shipwrecked, the requirement to obtain a permit retrospectively allows the imposition of conditions to manage any adverse effects of the wreck such as the discharge of contaminants, biosecurity risks, the risk of the vessel being broken up and presenting further risks. In the case of future shipwrecks the rule won't apply where there is a defence in terms of sections 341 or 341B of the RMA.
Submitter No. 5	**New Zealand Seafood Industry Council Limited**		
Rule 25	*Oppose in Part* 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.	*Reject* Rule 25 is to capture any activities involving any deposition in the coastal marine area of the islands other than vessel cleaning (covered by rule 24) or activities permitted by the Resource Management (Marine Pollution) Regulations 1998. The rule would capture both planned and unplanned shipwrecks. While not expecting a vessel owner/operator to obtain a coastal permit in advance of being shipwrecked, the requirement to obtain a permit retrospectively allows the imposition of conditions to manage any adverse effects of the wreck such as the discharge of contaminants, biosecurity risks, the risk of the vessel being broken up and presenting further risks. In the case of future shipwrecks the rule won't apply where there is a defence in terms of sections 341 or 341B of the RMA.
Submitter No. 6	**Sanford Limited**		
Rule 25	*Oppose* Refer also to our submission re Glossary of	Retain the rules for historical (pre-existing) wrecks; delete the rule for future wrecks, and replace the requirement to seek a retrospective discretionary	*Reject* The shipwreck rule 14 provides for salvage, removal or demolition of a ship wreck where necessary to avoid

Subsection	Submission	Relief Sought	Recommendation and Reason
	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.	consent with a requirement to seek a Certificate of Acceptance.	navigation safety risk, to avoid the risk of discharge of a contaminant (such as fuel) and provided the wreck is no more than 50 years old. The latter distinguishes contemporary wrecks from wrecks of cultural of historic heritage. Where rule 14 applies in the event the vessel owners of a wreck wish to salvage it, rule 25 would apply in circumstances where a vessel owner is not proactive about dealing with a wreck. The rule would apply retrospectively and allow the imposition of conditions to remedy adverse effects of a wreck. This Minister's interest in contemporary wrecks is of potential adverse effects on the environment, not vessel owner, operator, salvager and insurance implications. In the case of future shipwrecks the rule won't apply where there is a defence in terms of sections 341 or 341B of the RMA.

Subsection	Submission	Relief Sought	Recommendation and Reason
Plan Section	*Temporary rules for hull and niche area fouling Subsection: Rule A*		
Submitter No. 6	**Sanford Limited**		
Rule A	*Oppose* 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.	Delete the rule in its entirety, or retain for those vessels that intend to land. (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 (ii) amend documentation requirement so that it reads, 'within two weeks of departure to the Southern Ocean area'; (iii) delete requirement for a dive inspection; and, (iv) include at the back of the Coastal Plan criteria/process used to achieve diver accreditation. (v) delete 4 bullets which relate to exemptions for vessels which have been more than 48 hours outside New Zealand waters. (vi) delete the second requirement to provide documentation to the relevant Department of Conservation area. (vii) delete the requirement to ensure that the vessel is free of insects. (viii) introduce guidelines for vessels travelling in the coastal marine area but which do not intend to land.	*Reject* Rule A and rule 26 are difficult to follow. It is recommended to include a flow chart in the plan that explains the sequence of steps and tests contained in the rules. The first requirement of rules A and 26 requires evidence that the vessel has an anti-fouling system applied in accordance with the manufacturers instructions and will be within the manufacturer's timeframe for effectiveness to be provided in advance, not within a 2 week time frame (which implies it could be provided after a vessel has departed). There is no reason why a company such as Sanford with multiple vessels could not apply for a single consent for more than one vessel at a time. However, depending on what the consent was for, they are likely to need to be assessed on a vessel by vessel basis. The suggestion of restricting the hull and niche area biosecurity rules to vessels intending to land is not supported. All vessels that go close into shore are a biosecurity risk. The scampi fishing vessels that use the inshore waters around Auckland Island for shelter but do not land generally go closer into shore, and remain in the one location for longer periods of time (can be up to 3 or 4 weeks) than any other users of the inshore waters around the islands and represent a significant biosecurity risk. The option of do nothing is not considered a viable option to address such a key issue for the plan. Neither is guidelines considered adequate to provide enough assurance of protection of such high value areas. There is a risk to the Minister of not fulfilling her obligation to achieve the purpose of the RMA - sustainable management of the natural and physical resources of the islands - if she were to do nothing or use guidelines to address the key issues. She also has an international obligation given the World Heritage status for the Subantarctic Islands. The NZ government has sent a clear signal how it values the Subantarctic Islands recently with the announcement of its intention to create further extensive marine reserves around the Campbell, Bountys and Antipodes Islands by special legislation, before the end of the year. It is consistent with RMA coastal planning practice around New Zealand to impose stricter rules for high value areas. Other submitters (Talleys and SeaFIC) suggested an alternative approach could be considered (as an alternative option rather than a replacement). It is agreed that good vessel hygiene is key to minimising marine biosecurity risk. It is recommended that an alternative option be included that allows a vessel exemption from the in-water inspections if the vessels anti-fouling is less than 6 months old for the duration of the time that the vessel is in the coastal marine area of the islands. The alternative option could be included as a part of rule 26, under the Standards/Terms/Conditions below the bold words "And either:" to be worded as follows: "The vessels anti-fouling is less than 6 months old for the duration of the time that the vessel is in the coastal marine area of the islands". There is no intention to list "Approved diver service providers" in the back of the plan. They will be listed on DOCs website to enable easy updating. The website will also include the approval criteria as follows: Divers must fulfil the requirements laid down in the H&S in Employment Regulations 1995. In particular they must hold a current certificate of competence for the category of diving required (Part III, 27) and meet the 'requirements of diver' (Part III, 32). All inspection work and cleaning are defined in the Regulations as "Construction Work". As noted in response to other submissions, it is recommended that the condition in the rules be re-worded to read: "Within 24 hours of departure for the Islands, the vessel has been thoroughly checked for harmful organisms above the waterline, inside and outside, and within the hull, and to the vessel operators knowledge is free of harmful plants and animals (including insects)", that Policy 2 be similarly amended (for consistency); and insert a section for "Other methods" after policy 6 and include a method that states the Department, in consultation with industry, will develop guidelines for undertaking biosecurity checks of the dry areas of vessels. To take into account established High Sea transit routes such as around Macquarie island, a further bullet point should be added to the bullet point list of conditions that need to be met for the in-water inspection to be valid for 3 months that allows a vessel to leave NZ waters on route to the islands, provided it does not visit any land.

Subsection	Submission	Relief Sought	Recommendation and Reason
Further subs			
19 Heritage Expeditions Limited			
Subsection	**View Submission**	**Relief sought**	**Recommendation and Reason**
Rule A	*Oppose* Whether landing or not "planning to land" all vessels should be treated the same. It is likely that fishing crews will land informally if holed up for long periods. Risk from oil spills and biosecurity breaches are threats from all vessels whether they are cruise, naval, sailing, research or fishing etc. Landing is not an appropriate trigger and specific mitigation for biosecurity breaches should be put in place for fishing vessels and others seeking shelter.	All vessels should be bound by the same rules relating to biosecurity, including fishing vessels.	*Accept* A suggestion of restricting the hull and niche area biosecurity rules to vessels intending to land is not supported. All vessels that go close into shore are a biosecurity risk. The scampi fishing vessels that use the inshore waters around Auckland Island for shelter but do not land generally go closer into shore, and remain in the one location for longer periods of time (can be up to 3 or 4 weeks) than any other users of the inshore waters around the islands and represent a significant biosecurity risk. All vessels are subject to the same biosecurity controls of the proposed plan.
Submitter No. 12 Heritage Expeditions Limited			
Rules A and B (and 26 to 28)	*Oppose in Part* 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 transitionary.	Express this rule as a flow chart as well for ease of understanding of rule A and also for rule 26 to 28.	*Accept* Rules A and 26 and 27 are complex rules to follows, a flow chart would assist.
Submitter No. 15 Minister of Conservation			
Temporary Rule A	*Support* 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?	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: o The vessel has not departed New Zealand waters since its last certified diver inspection; OR o The vessel has returned directly from Antarctica and complies with the other conditions of this rule; OR 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 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"	*Accept* It is important that the rule applies to all vessels visiting the islands. Hobart is potentially a high risk port as it has Pacific sea star and other invasive species. It is desirable to remove ambiguities in the rule. 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: o The vessel has not departed New Zealand waters since its last certified diver inspection; OR o The vessel has returned directly from Antarctica and complies with the other conditions of this rule; OR 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 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"

Subsection	Submission	Relief Sought	Recommendation and Reason
Plan Section	*Controls on hull and niche area fouling rules Subsection: Rule 26*		
Submitter No. 6	**Sanford Limited**		
Rule 26	*Oppose* 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.	*Reject* Rule A is a voluntary approach was included in the proposed plan to allow a lead in time for vessels. If a vessel fails an in-water inspection under rule A and undertakes an independent risk assessment as per the recommendations of the NIWA report 2010 and that assessment identifies a there is a risk, the Minister has no ability to prevent the vessel from travelling to the islands irrespective of the risk identified. The voluntary approach in Rule A relies on the vessel operator "doing the right thing". If the in-water inspection in Rule 26 (or 27 for yachts) is failed, rule 28 requires a discretionary coastal permit to be applied for, which allows the Minister to decline access inside 1000 metres of MHWS based on the level of risk the independent risk assessment identifies. As noted, the risk of biosecurity breach is a key issue for the proposed plan. A voluntary approach is not considered to provide enough assurance of protection of such high value areas. The consultation document released by MAF Biosecurity New Zealand during the development of the draft Import Health Standard for Biofouling acknowledges that New Zealand's high values areas such as the Subantarctic Islands warrant special inspection and treatment processes (MAF BNZ Consultation paper 10/04 May 2010, paragraph 58). It is consistent with RMA coastal planning practice around New Zealand to impose stricter rules for high value areas.
Submitter No. 15	**Minister of Conservation**		
Rule A and permitted activity rules between 26 to 58	*Support* 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.	Reword 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)."	*Accept* It is recommended that the condition in the rules be re-worded to read: "Within 24 hours of departure for the Islands, the vessel has been thoroughly checked for harmful organisms above the waterline, inside and outside, and within the hull, and to the vessel operators knowledge is free of harmful plants and animals (including insects)", that Policy 2 be similarly amended for consistency; and insert a section for "Other methods" after policy 6 and include a method that states the Department, in consultation with industry, will develop guidelines for undertaking biosecurity checks of the dry areas of vessels.
Submitter No. 8	**Royal Forest and Bird Protection Society of New Zealand Incorporated**		
Rules 26 to 28	*Support* 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.	*Reject* The plan cannot prohibit vessels from transiting through the Kermadec Islands from the Pacific beyond the rules restricting access close into shore. Such vessels do have to comply with the rules of the plan, which means unless they comply with rules A and B and 26 to 28 they cannot go closer than 1000 metres from MHWS. Further, the department has been liaising closely with Customs New Zealand, who would also prefer vessels not to call into the Kermadec Islands in transit.

Further subs

26 New Zealand Seafood Industry Council Limited

Subsection	View Submission	Relief sought	Recommendation and Reason
Rules 26 to 28	*Oppose* Forest and Bird would like to see a rule created prohibiting vessels from transiting through the Kermadec Islands from the Pacific. This is because they perceive one of the biggest biosecurity threats to the Kermadecs to be visiting yachties coming from the Pacific Islands and which may visit the terrestrial land mass illegally without a permit. This proposed rule relates to avoiding the activity not avoiding		*Accept* The plan cannot prohibit vessels from transiting through the Kermadec Islands from the Pacific beyond the rules restricting access close into shore. Such vessels do have to comply with the rules of the plan, which means unless they comply with rules A and B and 26 to 28 they cannot go closer than 1000 metres from MHWS. Further, the department has been liaising closely with Customs New Zealand, who would also prefer vessels not to call into the Kermadec Islands in transit.

Subsection	Submission	Relief Sought	Recommendation and Reason
	the adverse effects and non enforcement of existing DOC requirements. The plan already includes comprehensive policies and rules that relate to biosecurity matters. Furthermore prohibition on transit creates safety at sea issues for vessels needing to hove-to in the lee of land in bad weather conditions.		

Submitter No. 12 Heritage Expeditions Limited

Rules 26 to 28	*Oppose* 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.	*Reject* The consultation document released by MAF Biosecurity New Zealand during the development of the draft Import Health Standard for Biofouling acknowledges that New Zealand's high values areas such as the Subantarctic Islands warrant special inspection and treatment processes (MAF BNZ Consultation paper 10/04 May 2010, paragraph 58). Further, in informal communications MAF Biosecurity NZ staff has questioned why the proposed rules do not require 4 weekly inspections as the NIWA report recommends. Its is also noted that the first requirement of existing rules A and 26 requires evidence that the vessel has an anti-fouling system applied in accordance with the manufacturers instructions and will be within the MAF Biosecurity NZ Import Health Standard. The biosecurity rules in the proposed plan are not inconsistent with the MAF Biosecurity NZ Import Health Standard. However, it is agreed that good vessel hygiene is key to minimising marine biosecurity risk. It is recommended that an alternative option be included that allows a vessel exemption from the in-water inspections if the vessels anti-fouling is less than 6 months old for the duration of the time that the vessel is in the coastal marine area of the islands. The alternative option could be included as a part of rule 26, under the Standards/Terms/Conditions below the bold words "And either:" to be worded as follows: "The vessels anti-fouling is less than 6 months old for the duration of the time that the vessel is in the coastal marine area of the islands"

Further subs

28 New Zealand Seafood Industry Council Limited

Subsection	View Submission	Relief sought	Recommendation and Reason
Rules 26 to 28	*Support* Heritage Expeditions comment (via the Tourism Research Consultants document) that the plan fails to recognise the extensive work taken by MAF Biosecurity to develop a pragmatic standard for hull bio-fouling which should be the appropriate standard for the coastal plan. They recommend that rules on controls of hull and niche fouling defer to the MAF Biosecurity standard. SeaFIC agrees that the MAF standard should be adopted in the plan. It provides a more simple, pragmatic approach and cost effective approach to risk mitigation. In SeaFIC's view the hull fouling requirements in the plan creates unnecessary duplication by Government agencies.		*Accept in part* The consultation document released by MAF Biosecurity New Zealand during the development of the draft Import Health Standard for Biofouling acknowledges that New Zealand's high values areas such as the Subantarctic Islands warrant special inspection and treatment processes (MAF BNZ Consultation paper 10/04 May 2010, paragraph 58). Further, in informal communications MAF Biosecurity NZ staff has questioned why the proposed rules do not require 4 weekly inspections as the NIWA report recommends. Its is also noted that the first requirement of existing rules A and 26 requires evidence that the vessel has an anti-fouling system applied in accordance with the manufacturers instructions and will be within the manufacturers timeframe for effectiveness to be provided in advance, similar to the MAF Biosecurity NZ Import Health Standard. The biosecurity rules in the proposed plan are not inconsistent with the MAF Biosecurity NZ Import Health Standard. However, it is agreed that good vessel hygiene is key to minimising marine biosecurity risk. It is recommended that an alternative option be included that allows a vessel exemption from the in-water inspections if the vessels anti-fouling is less than 6 months old for the duration of the time that the vessel is in the coastal marine area of the islands.

Submitter No. 5 New Zealand Seafood Industry Council Limited

Subsection	Submission	Relief Sought	Recommendation and Reason
Rules A and B and 26 to 28	*Oppose* 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 rules A and B and 26 to 28.	*Reject* Refer submission on policies 3 to 6.

Submitter No. 4 Talleys Group Limited

Rules A and B and 26 to 28.	*Oppose* 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.	*Reject* Refer submission on policies 3 to 6.

Subsection	Submission	Relief Sought	Recommendation and Reason
Plan Section	*Surface water activities in the Subantartic Islands rules Subsection: None*		
Submitter No. 12	**Heritage Expeditions Limited**		
	Oppose 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.	*Accept in part* Refer to the recommendation on Heritage Expeditions Limited submission on Issue 1: Natural Character "All the rules, Appendix 1 and statement of issues text ".
Submitter No. 1	**New Zealand Defence Force**		
Note 2	*Support* 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	
Submitter No. 15	**Minister of Conservation**		
Rule 29	*Support* 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.	*Accept* It is desirable to remove any ambiguities from the rule. 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."

Further subs

25 Sanford Limited

Subsection	View Submission	Relief sought	Recommendation and Reason
Rule 29	*Oppose* It is inappropriate that the Department provide itself and the New Zealand Navy permitted activity status while simultaneously expecting others to go through a consenting process. The implication is that DOC and navy vessels carry less risk, this is unlikely. The proposed plan carries a bias towards vessels involved in research and conservation works.	Reject the submission	*Reject* The Department is charged with the management of the islands and their marine environment, that includes operational work and research. It requires flexibility to carry out that function. Research contributes to building knowledge and understanding of the islands and their ecosystems and is essential to management and monitoring. Aside from enabling the Department to carry out its statutory function, the rules provide for continued access for operational work and research as current uses of the coastal marine areas of the islands as they do fishing and tourism. It is an accepted level of risk balanced with the need to undertake the work. There is no exemption from the hull and niche area fouling rules.

Submitter No. 15 **Minister of Conservation**

Subsection	Submission	Relief Sought	Recommendation and Reason
Rule 30	*Oppose* 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.	*Accept* The rule is superfluous since the activity is covered by Rule 29. It is recommended to delete rule 30.
Submitter No. 15	**Minister of Conservation**		
Rule 31	*Support* 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.	*Accept* it should be made clear that for research activities that take place above MLWS authorisation under the Reserves Act 1977 will be necessary. Reword rule 31 Standards/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."
Submitter No. 12	**Heritage Expeditions Limited**		
Rule 36	*Oppose in Part* 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.	*Accept in part* It is not logical to refer to Macauley Island of the Kermadec Islands in the surface water access rules for the Subantarctic Islands. Insert a new rule in the Surface water access rules for the Kermadec Islands that reads exactly the same as rule 36 except for the activity description which should substitute the word "Kermadec" for Subantarctic" and the 3rd bullet point in the Standards/Terms/Conditions which should read "The unloading location is Northeast of Macauley Island". Regarding the suggested change of vessel length, refer to the recommendation on Heritage Expeditions Limited submission on Issue 1: Natural Character "All the rules, Appendix 1 and statement of issues text ".
Submitter No. 15	**Minister of Conservation**		
Rule 36	*Support* The rule needs to provide that the unloading and re-loading of passengers occurs offshore of the land locations listed. In relation to the Snares Island the locations listed in 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".	*Accept* The rule needs to be clear and free of ambiguity. Reword the conditions of rule 36 to read: "Unloading and reloading of passengers offshore of 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".
Submitter No. 5	**New Zealand Seafood Industry Council Limited**		
Rule 37	*Oppose* 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.	*Accept in part* A fundamental principle of the proposed plan is to reduce the risk of oil spill and/or biosecurity breach by restricting access close in to shore using vessel length as a proxy, the zone inside 300m of MHWS being the zone of highest risk. Our assessment of current use showed that only one fisherman currently uses the coastal marine area of any of the Subantarctic Islands to obtain CRA8 quota, Mr Stuart Cave, a rock lobster fisherman who uses the area around Snares Island to catch his quota. Policy 25 and rule 8 provide for Mr Cave to place a temporary mooring as a permitted activity. This is a one-off exception to the general principle in the proposed plan that structures and permanent moorings should be avoided because of the increased risk of biosecurity breaches. This exception for Mr Cave recognises his existing use and seeks to provide for his health and safety by recognising that because of the nature of the seabed and environmental conditions inshore around Snares Island conventional anchoring is not practical. In preparing the proposed plan, the Department consulted with both Mr Cave and Mr Malcolm Lawson, CEO of the CRA8 Management Committee. Mr Lawson confirmed that there are no vessels fishing in CRA8 fishery that are in excess of 25 metres in length, and he considered that the ability for vessels up to 25 metres to apply for a discretionary permit to access inside 300 metres is sufficient, provided Mr Cave's access is provided for. Access inside 300m for Mr Cave also needs to be provided for. It is recommended that a new rule is included in the Surface water access rules for the Subantarctic Islands that provides for permitted access for Mr Stuart Cave both to access his mooring and obtain his CRA8 quota. The rule will be subject to conditions

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			such as biosecurity checks of the dry parts of the vessel, and the same sunset clause as in rule 8 - the rule will only allow access provided Mr Cave continues to hold quota in CRA8 and continues to fish for it around the Snares Island with a gap of no more than 36 months. It is recommended to include a new rule in the Surface water access rules for the Subantarctic Islands in between rules 36 and 37 as follows: The activity description to read: "Access to the coastal marine area of Snares Island for the purpose of mooring and fishing for crayfish" The Standards/Terms/Conditions to read: "Access if for Mr Stuart Cave to use the mooring provided for in rule 8 for the purpose of obtaining crayfish as per Mr Stuart Cave's quota allocation in CRA8. This rule will only continue to apply if Mr Stuart Cave continues to hold quota on CRA8 and continues to fish for crayfish in the area around Snares Islands with a gap of no more than 36 months. Within 24 hours of departure for the Islands, the vessel has been thoroughly checked for harmful organisms above the waterline, inside and outside, and within the hull, and to the vessel operators' knowledge is free of harmful plants and animals (including insects)." Classification to read: "Permitted".
Submitter No. 12	**Heritage Expeditions Limited**		
Rule 37	*Oppose* 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.	*Reject* This rule allows vessels up to 25 metres in length that do not meet the definition of ancillary craft the ability to apply for a coastal permit as a discretionary activity for access inside the zone MHWS to 300 metres from MHWS.
Submitter No. 15	**Minister of Conservation**		
Rule 45	*Support* 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".	*Accept* The locations listed in the rule needs to be corrected to accurately describe the location as shown on Maps 1 and 4 in Appendix 1. Amend the reference in rule 45 to refer to: "Musgrave Harbour (in Carnley Harbour) Auckland Island".
Submitter No. 15	**Minister of Conservation**		
Rule 46	*Support* 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: o Ranui Cove (east coast) Auckland Island o Musgrave Inlet (east coast) Auckland Island o Raynal Point (in Carnley Harbour) Auckland Island o Coleridge Bay (in Carnley Harbour) Auckland Island	Add the following missing anchorage sites to rule 46: o Ranui Cove (east coast) Auckland Island o Musgrave Inlet (east coast) Auckland Island o Raynal Point (in Carnley Harbour) Auckland Island o Coleridge Bay (in Carnley Harbour) Auckland Island 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".	*Accept* The locations listed in the rule needs to be corrected to accurately describe the location as shown on Maps 1 to 4 in Appendix 1. Refer to the submission from Heritage Expeditions Limited on Appendix 1 for corrections to the locations listed in rule 46. 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".
Submitter No. 4	**Talleys Group Limited**		
Rule 47	*Oppose* Talleys Group oppose the prohibition of ship to ship transfers of fuel on the basis that such activity is already regulated by MARPOL	Amend rule 47 [and policy 13] so that ship to ship fuel transfers are permitted activities subject to prevailing legislation and best practice.	*Reject* MARPOL Annex 1 provisions for ship-to-ship transfers are restricted to tankers transferring cargo and specifically exclude bunkering. "Resolution MEPC.186(59) was adopted at MEPC 59 and contains a new Chapter 8 of MARPOL Annex I on the prevention of pollution during the transfer of oil cargo between oil

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	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. The activity is already regulated by international convention and domestic legislation. As a prohibited activity policy 13 and rule 47 would affect the use of ancillary craft and small vessels with small fuel reservoirs that may need to be refuelled between sightseeing trips. There could also be emergency requirements where fuel needs to be transferred between vessels (e.g. fuel contamination).		tankers at sea. The new regulation does not apply to any bunker operation and oil transfer operation associated with fixed or floating platforms". National jurisdictions are entirely within their rights to impose more stringent measures within Territorial waters. Given the high value, sensitivity and remoteness of the islands and their marine environment, and the difficulties associated with any response in the event of an incident it is considered appropriate to prohibit ship to ship transfers of fuel for bunkering. For clarity, however, the activity description of rule 47 should be to read: "Ship to ship fuel transfers in the coastal marine area of the Subantarctic Islands." For consistency the same amendment should be made to rule 51 for the Kermadec Islands.
Submitter No. 6 **Sanford Limited**			
Rule 47	*Oppose* 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.	Delete rule 47	*Reject* MARPOL Annex 1 provisions for ship-to-ship transfers are restricted to tankers transferring cargo and specifically exclude bunkering. "Resolution MEPC.186(59) was adopted at MEPC 59 and contains a new Chapter 8 of MARPOL Annex I on the prevention of pollution during the transfer of oil cargo between oil tankers at sea. The new regulation does not apply to any bunker operation and oil transfer operation associated with fixed or floating platforms". National jurisdictions are entirely within their rights to impose more stringent measures within Territorial waters. Given the high value, sensitivity and remoteness of the islands and their marine environment, and the difficulties associated with any response in the event of an incident it is considered appropriate to prohibit ship to ship transfers of fuel for bunkering. The rules of the plan do not apply to emergency situations - refer the note at the beginning of the rules tables on page 34.
Submitter No. 4 **Talleys Group Limited**			
Rule 48	*Oppose* 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. Commercial fishing interests have explored whether a blend of light fuel oil could be made with a density of less than 0.900. They have been advised that the costs of any such blend would be uneconomic.	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.	Refer separate report regarding rule 48 for discussion during the Hearing.
Submitter No. 5 **New Zealand Seafood Industry Council Limited**			
Rule 48	*Oppose* 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	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 within the Territorial Sea.	Refer separate report regarding rule 48 for discussion during the Hearing.

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	sheltering in the lee of the islands up to 2 nautical miles off the coast from MHWS. Commercial fishing interests have explored whether a blend of light fuel oil could be made with a density of less than 0.900. They have been advised that the costs of any such blend would be uneconomic as it would require far greater gasoil proportion.		
Submitter No. 6 Sanford Limited			
Rule 48 and definition of heavy fuel oil	*Oppose* 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.	Refer separate report regarding rule 48 and heavy fuel oil for discussion during the Hearing.
Submitter No. 4 Talleys Group Limited			
Rules 29 to 32 inclusive, 35, 36, 38, 40, 41, 44, 45, 46 (and Policy 2)	*Support in Part* 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".	*Accept in part* It is recommended that the condition in the rules be re-worded to read: "Within 24 hours of departure for the Islands, the vessel has been thoroughly checked for harmful organisms above the waterline, inside and outside, and within the hull, and to the vessel operators knowledge is free of harmful plants and animals (including insects)", that Policy 2 be similarly amended; and insert a section for "Other methods" after policy 6 and include a method that states the Department, in consultation with industry, will develop guidelines for undertaking biosecurity checks of the dry areas of vessels.
Submitter No. 4 Talleys Group Limited			
Rules 29 to 46 [and 49 and 50 and 52 to 58]	*Oppose* Oppose the proposed controls around access within the coastal marine regions and therefore do not support the proposed rules. Challenge the rationale for the zone thresholds and consider the vessel size classifications and zones to create a complex matrix. Support submission from industry stakeholders for a simpler approach based on fewer vessel sizes and zones.	Replace rules 29 to 46 [and 49 and 50 and 52 to 58] with a simpler approach based on guidelines.	*Reject* The risk of oil spill and/or biosecurity breach are key issues for the proposed plan. The objectives of the proposed plan (in brief) are to preserve natural character, enable use that is consistent with the preservation of natural character, and protect indigenous biological diversity. To give effect to these objectives the policies and rules seek to reduce the risk of oil spill and/or biosecurity breach by restricting access close in to shore using vessel length as a proxy. The zone inside 300m of MHWS, as the closest to shore, is the zone of highest risk. The 300m was selected on the basis that is the generally accepted limit the Norwegian rat can swim. The rationale for the zones is that they attempt to provide an accepted level of risk for existing use as a permitted activity where possible. Guidelines are not considered to provide enough assurance of protection of such high value areas. There is a risk to the Minister of not fulfilling her obligation to achieve the purpose of the RMA – sustainable management of the natural and physical resources of the islands - if she were to use guidelines to address the key issues. She also has an international obligation given the World Heritage status for the Subantarctic Islands. The NZ government has sent a clear signal how it values the Subantarctic Islands recently with the announcement of its intention to create further extensive marine reserves around the Campbell, Bountys and Antipodes Islands by special legislation, before the end of the year. It is consistent with RMA coastal planning practice around New Zealand to impose stricter rules for high value areas. The alternative to the current vessel length and zones of access matrix, to make it simpler, is to remove the vessel lengths and multiple zones, and require all access inside 600m from MHWS other than ancillary craft to obtain a discretionary coastal permit. This will allow case by case assessment of all the variables that could influence risk, such as vessel length, propulsion system, age of vessel, fuel type, duration of access etc.

Subsection	Submission	Relief Sought	Recommendation and Reason
Submitter No. 5 New Zealand Seafood Industry Council Limited			
Rules 29 to 46 [and 49 and 50 and 52 to 58]	*Oppose* Oppose the proposed controls around access within the coastal marine regions and therefore do not support the proposed rules. Challenge the rationale for the zone thresholds and consider the vessel size classifications and zones to create a complex matrix. Support submission from industry stakeholders for a simpler approach based on fewer vessel sizes and zones.	Replace rules 29 to 46 [and 49 and 50 and 52 to 58] with a simpler approach based on guidelines.	*Reject* The risk of oil spill and/or biosecurity breach are key issues for the proposed plan. The objectives of the proposed plan (in brief) are to preserve natural character, enable use that is consistent with the preservation of natural character, and protect indigenous biological diversity. To give effect to these objectives the policies and rules seek to reduce the risk of oil spill and/or biosecurity breach by restricting access close in to shore using vessel length as a proxy. The zone inside 300m of MHWS, as the closest to shore, is the zone of highest risk. The 300m was selected on the basis that is the generally accepted limit the Norwegian rat can swim. The rationale for the zones is that they attempt to provide an accepted level of risk for existing use as a permitted activity where possible. Guidelines are not considered to provide enough assurance of protection of such high value areas. There is a risk to the Minister of not fulfilling her obligation to achieve the purpose of the RMA - sustainable management of the natural and physical resources of the islands - if she were to use guidelines to address the key issues. She also has an international obligation given the World Heritage status for the Subantarctic Islands. The NZ government has sent a clear signal how it values the Subantarctic Islands recently with the announcement of its intention to create further extensive marine reserves around the Campbell, Bountys and Antipodes Islands by special legislation, before the end of the year. It is consistent with RMA coastal planning practice around New Zealand to impose stricter rules for high value areas. The alternative to the current vessel length and zones of access matrix, to make it simpler, is to remove the vessel lengths and multiple zones, and require all access inside 600m from MHWS other than ancillary craft to obtain a discretionary coastal permit. This will allow case by case assessment of all the variables that could influence risk, such as vessel length, propulsion system, age of vessel, fuel type, duration of access etc.

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Subsection	View Submission	Relief sought	Recommendation and Reason
Rules 29 to 46 [and 49 and 50 and 52 to 58]	*Support in Part* Vessel length as the sole criteria for vessel safety be re-thought in 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.	Include rationale for distance restrictions and vessel size. Change the vessel length classes and zones so that a class of 25-125 metres is a permitted activity within the zone 300 to 600 metres from MHWS. Amend the narrative of the proposed plan (control of surface water activities para 3 pg 25; and discharges para 2, page 27) to be re-written to accurately reflect 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.	*Accept in part* The risk of oil spill and/or biosecurity breach are key issues for the proposed plan. The rules seek to reduce the risk of oil spill and/or biosecurity breach by restricting access close in to shore using vessel length as a proxy. The zone inside 300m of MHWS, as the closest to shore, is the zone of highest risk. The 300m was selected on the basis that is the generally accepted limit the Norwegian rat can swim. The rationale for the zones is that they attempt to provide an accepted level of risk for existing use as a permitted activity where possible, based on vessel length as a proxy for the numerous variables that would contribute to a vessels risk assessment. The explanatory text preceding the policies on the control of surface water activities should explain the rationale for the vessel length and zones established in the rules and maps, and acknowledge that vessel length is used as a proxy for the numerous variables that influence risk. The following paragraph should be included as the sixth paragraph under the title "Control of surface water activities": "The control of surface water activities is based on zones of access relative to vessel length. Vessel length is used as a proxy for numerous factors that can influence risk of oil spill and/or biosecurity breach, such as: vessel length; propulsion system; number, type and location of propellers; number, type and position of rudders; presence and power of bow and/or stern thrusters; windage of the vessel relative to its power; age of vessel; fuel type, duration of access etc. The zone inside 300m from MHWS, as the closest to shore, is the zone of highest risk. The 300m is selected on the basis that is the generally accepted limit the Norwegian rat can swim. The rationale for the zones is that they attempt to provide an accepted level of risk for existing use as a permitted activity where possible, based on vessel length as a proxy for the numerous variables noted above that would contribute to a vessels risk assessment. The degree of risk is further exacerbated by the remoteness of the islands and the environmental conditions that would hamper any response efforts."

Subsection	Submission	Relief Sought	Recommendation and Reason
			The alternative to the current vessel length and zones of access matrix, to make it simpler, is to remove the vessel lengths and multiple zones, and require all access inside 600m from MHWS other than ancillary craft to obtain a discretionary coastal permit. This will allow case by case assessment of all the variables that could influence risk, such as vessel length, propulsion system, age of vessel, fuel type, duration of access etc.

Submitter No. 6 Sanford Limited

Rules 32 to 46	*Oppose* 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.	Delete all reference to insects in Rules 32 - 46 inclusive and include a guideline for vessels entering the coastal marine area.	*Accept in part* It is recommended that the condition in the rules be re-worded to read: "Within 24 hours of departure for the Islands, the vessel has been thoroughly checked for harmful organisms above the waterline, inside and outside, and within the hull, and to the vessel operators knowledge is free of harmful plants and animals (including insects)", that Policy 2 be similarly amended (for consistency); and insert a section for "Other methods" after policy 6 and include a method that states the Department, in consultation with industry, will develop guidelines for undertaking biosecurity checks of the dry areas of vessels. The suggestion of restricting the hull and niche area biosecurity rules to vessels intending to land is not supported. All vessels that go close into shore are a biosecurity risk. The scampi fishing vessels that use the inshore waters around Auckland Island for shelter but do not land generally go closer into shore, and remain in the one location for longer periods of time (can be up to 3 or 4 weeks) than any other users of the inshore waters around the islands and represent a significant biosecurity risk.

Further subs

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Subsection	View Submission	Relief sought	Recommendation and Reason
Rules 32 to 46	*Oppose* Whether landing or not "planning to land" all vessels should be treated the same. It is likely that fishing crews will land informally if holed up for long periods. Risk from oil spills and biosecurity breaches are threats from all vessels whether they are cruise, naval, sailing, research or fishing etc. Landing is not an appropriate trigger and specific mitigation for biosecurity breaches should be put in place for fishing vessels and others seeking shelter.	All vessels should be bound by the same rules relating to biosecurity, including fishing vessels.	*Accept* A suggestion of restricting the hull and niche area biosecurity rules to vessels intending to land is not supported. All vessels that go close into shore are a biosecurity risk. The scampi fishing vessels that use the inshore waters around Auckland Island for shelter but do not land generally go closer into shore, and remain in the one location for longer periods of time (can be up to 3 or 4 weeks) than any other users of the inshore waters around the islands and represent a significant biosecurity risk. All vessels are subject to the same biosecurity controls of the proposed plan.
Rules 32 to 46	*Oppose* Support for guidelines on insects	That 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 practices.	*Accept* It is recommended that the condition in the rules be re-worded to read: "Within 24 hours of departure for the Islands, the vessel has been thoroughly checked for harmful organisms above the waterline, inside and outside, and within the hull, and to the vessel operators knowledge is free of harmful plants and animals (including insects)", that Policy 2 be similarly amended (for consistency); and insert a section for "Other methods" after policy 6 and include a method that states the Department, in consultation with industry, will develop guidelines for undertaking biosecurity checks of the dry areas of vessels.

Submitter No. 6 Sanford Limited

Rules 32 to 46 and planning maps 1 to 8	*Oppose* This submission 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	Provide an exemption for fishing vessels. (i) Delete vessel length trigger and replace with fuel type; or another risk based approach or (ii) Amend vessel length thresholds from 25m to 45m, and 75m to 125m; (iii) Amend planning maps and tables accordingly, and (iv) Delete 300m (v) Delete zone 300 - 600m and 600 - 1000m. (vi) Permit lawful fishing activities	*Reject* The risk of oil spill and/or biosecurity breach are key issues for the proposed plan. The objectives of the proposed plan (in brief) are to preserve natural character, enable use that is consistent with the preservation of natural character, and protect indigenous biological diversity. To give effect to these objectives the policies and rules seek to reduce the risk of oil spill and/or biosecurity breach by restricting access close in to shore using vessel length as a proxy. The zone inside 300m of MHWS, as the closest to shore, is the zone of highest risk. The 300m was selected on the basis that is the generally accepted limit the Norwegian rat can swim. The rationale for the zones is that they attempt to provide an accepted level of risk for existing use as a permitted activity where possible.

Subsection	Submission	Relief Sought	Recommendation and Reason
	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. 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. 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. 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 risk? 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.		Sanford has misread the maps and rules controlling surface water access for vessels 25 to 75 metres in length between 300 and 600 metres from MHWS - access is permitted not prohibited. In fact access for vessels 25 to 75 metres in length is only prohibited inside 300 metres from MHWS, other than to access the identified anchorages for vessels up to 75 metres in length inside that zone, otherwise access beyond 300 metres is a permitted activity. Accordingly, the examples given in the submission is a permitted activity not prohibited. The suggestion of restricting the hull and niche area biosecurity rules to vessels intending to land is not supported. All vessels that go close into shore are a biosecurity risk. The scampi fishing vessels that use the inshore waters around Auckland Island for shelter but do not land generally go closer into shore, and remain in the one location for longer periods of time (can be up to 3 or 4 weeks) than any other users of the inshore waters around the islands and represent a significant biosecurity risk. The 'preferred' anchorages shown on the maps and listed in the rules were selected to provide for existing use and consulted on with those existing users, including the scampi fishing industry. The Department consulted with the scampi fishing industry, given that they regularly shelter close into shore at locations around Auckland Island, to ensure we included their preferred locations, taking into account the variety of possible weather conditions. With respect to vessels swinging within an arch of the anchor point, Buckens et al 2009 note that the anchorages identified are in general well chosen with ample swinging room for the vessel of the approved length (Buckens et al 2009, page 15). For vessels longer than the approved length, the distance of the swinging arc will need to be taken into account when anchoring outside the zone. The alternative to the current vessel length and zones of access matrix, to make it simpler, is to remove the vessel lengths and multiple zones, and require all access inside 600m from MHWS other than ancillary craft to obtain a discretionary coastal permit. This will allow case by case assessment of all the variables that could influence risk, such as vessel length, propulsion system, age of vessel, fuel type, duration of access etc.
Submitter No. 4	**Talleys Group Limited**		
Rules 32, 33, 35, and 38	*Oppose in Part* 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].	*Reject* The Standards/Terms/Conditions in rules 32, 33, 35, and 38 are not "inconsistent" with Marine Mammals Protection Regulations 1992, rather they add another layer. The MMPR will still apply to the permitted activities and those with a resource consent. The proposed plan recognises the importance of Port Ross to breeding and nursing southern right whales during winter months. This is the main breeding ground for southern right whales (formerly endangered) in the Southwest Pacific. Including additional protection from surface water activity is consistent with section 5 of the RMA. The rules consider "smaller" boats to be an acceptable level of risk provided there is always a bow watch, however there is a higher risk with a bigger boat and/or no observer which warrants a resource consent, allowing case by case assessment; the imposition of appropriate conditions to minimise adverse effects on the breeding and nursing whales; or allow the activity to be declined. (Refer submission on policy 8 and officers recommendation).

Subsection	Submission	Relief Sought	Recommendation and Reason
Submitter No. 5 New Zealand Seafood Industry Council Limited			
Rules 32, 35, and 38	*Oppose in Part* 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].	*Reject* The Standards/Terms/Conditions in rules 32, 33, 35, and 38 are not "inconsistent" with Marine Mammals Protection Regulations 1992, rather they add another layer. The MMPR will still apply to the permitted activities and those with a resource consent. The proposed plan recognises the importance of Port Ross to breeding and nursing southern right whales during winter months. This is the main breeding ground for southern right whales (formerly endangered) in the Southwest Pacific. Including additional protection from surface water activity is consistent with section 5 of the RMA. The rules consider "smaller" boats to be an acceptable level of risk provided there is always a bow watch, however there is a higher risk with a bigger boat and/or no observer which warrants a resource consent, allowing case by case assessment; the imposition of appropriate conditions to minimise adverse effects on the breeding and nursing whales; or allow the activity to be declined. (Refer submission on policy 8 and officers recommendation).
Submitter No. 12 Heritage Expeditions Limited			
Rules 36, 38, 40, 41, 45 and 46	*Oppose in Part* 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".	*Accept in part* In rules 36, 38, 40, 41, 45 and 46 after the word "bay" add the words "or harbour" to ensure the preservation of the remoteness and wilderness values. The restriction to "cruise ships" should remain. Other vessels that may be in a bay or harbour at the same time include: fishing vessels which will be there for shelter for health and safety; occasional yachts which will be small by comparison and infrequent; vessels involved in research or operational work that need to be able to continue their work.

Subsection	Submission	Relief Sought	Recommendation and Reason
Plan Section	*Surface water activities for the Kermadec Islands rules Subsection: Condition - biosecurity check above the waterline*		
Submitter No. 8	**Royal Forest and Bird Protection Society of New Zealand Incorporated**		
Condition - biosecurity check above the waterline	*Support* 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.	*Accept* It is recommended that the condition in the rules be re-worded to read: "Within 24 hours of departure for the Islands, the vessel has been thoroughly checked for harmful organisms above the waterline, inside and outside, and within the hull, and to the vessel operators knowledge is free of harmful plants and animals (including insects)", that Policy 2 be similarly amended for consistency; and insert a section for "Other methods" after policy 6 and include a method that states the Department, in consultation with industry, will develop guidelines for undertaking biosecurity checks of the dry areas of vessels.

Further subs

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Subsection	View Submission	Relief sought	Recommendation and Reason
Condition - biosecurity check above the waterline	*Support in Part* It is suggested that a pragmatic approach guideline approach be taken to this that is based on good practices. This could also be used to help educate all users e.g. yachts and sheltering fishing boats.	That 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 practices.	*Accept in part* It is recommended that the condition in the rules be re-worded to read: "Within 24 hours of departure for the Islands, the vessel has been thoroughly checked for harmful organisms above the waterline, inside and outside, and within the hull, and to the vessel operators knowledge is free of harmful plants and animals (including insects)", that Policy 2 be similarly amended for consistency; and insert a section for "Other methods" after policy 6 and include a method that states the Department, in consultation with industry, will develop guidelines for undertaking biosecurity checks of the dry areas of vessels.

Submitter No. 13	**New Zealand Marine Sciences Society**		
Condition - biosecurity check above the waterline	*Neutral* Effective best practice for checking vessels should be included.	Effective best practice for checking vessels should be included.	*Accept in part* It is recommended that the condition in the rules be re-worded to read: "Within 24 hours of departure for the Islands, the vessel has been thoroughly checked for harmful organisms above the waterline, inside and outside, and within the hull, and to the vessel operators knowledge is free of harmful plants and animals (including insects)", that Policy 2 be similarly amended for consistency; and insert a section for "Other methods" after policy 6 and include a method that states the Department, in consultation with industry, will develop guidelines for undertaking biosecurity checks of the dry areas of vessels.
Submitter No. 1	**New Zealand Defence Force**		
Note 2	*Support* 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.	

Subsection	Submission	Relief Sought	Recommendation and Reason
Plan Section	*Administrative charges Subsection: Administrative charges and financial contributions*		
Submitter No. 6	**Sanford Limited**		
Administrative charges and financial contributions	*Oppose* 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.	Amend text to include a balance between RMA s36 and financial contribution already being made towards sustainability.	*Reject* The section 36 RMA "process" is not available to the Minister of Conservation to impose administrative charges because those charges are fixed using the Local Govt Act 2002. The Minister has no ability to set charges under the Local Govt Act 2002. Where a person or organisation is required to apply to the Minister for a consent, including a renewal of a consent, then the direct and/or indirect costs incurred by the Department (on behalf of the Minister) in responding to that application may be recovered under the Conservation Act. Any elements of public good that might exist in certain circumstances will be dealt with by the reduction/waiver provisions of S60 of the Conservation Act. Cost structures are based on a combination of known cost data (relating to hourly costing of staff) and benchmarking comparisons with producers of similar or nearly identical outputs (e.g. territorial authority consent processes under the RMA).
Submitter No. 15	**Minister of Conservation**		
	Support in Part 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".	*Accept* Developing regulations is an involved process. The Conservation Act option is simpler, and allows better alignment with RMA charges as imposed by local authorities using section 36 of the RMA and the provisions of the Local Government Act 2002.

Further subs

25 Sanford Limited

Subsection	View Submission	Relief sought	Recommendation and Reason
	Oppose The department must make clear delineation between the two Acts which have different purposes and objectives.		*Reject* Developing regulations is an involved process. The Conservation Act option is simpler, and allows better alignment with RMA charges as imposed by local authorities using section 36 of the RMA and the provisions of the Local Government Act 2002.

29 New Zealand Seafood Industry Council Limited

Subsection	View Submission	Relief sought	Recommendation and Reason
	Oppose The Minister of Conservation proposes that as developing regulations is an involved process it would be a simpler option to charge administrative charges under alternative legislation. SeaFIC notes the coastal plan is a Resource Management Act instrument. The Minister has a legal requirement to prepare this plan under the Resource Management Act. Establishment of administrative charges therefore is required to be by regulations under section 360 so that the administrative charges are consistent with the purpose and principles of the RMA. Setting charges under the Conservation Act may be "a simpler option" for the government, but is less transparent and less equitable for resource users as it seeks to avoid		*Reject* It is not usual for administrative charges for plans developed under the Resource Management Act to be established by regulation. The reason the proposed plan referred to the need to set them by regulation under the RMA is because section 31A only gives the Minister the functions, powers and duties under the RMA - the Minister cannot use the Local Govt Act provisions to set charges. The Minister can, however, use the Conservation Act to set charges, and has done so in the past to recover costs for services provided under the RMA. Using the Conservation Act to set charges can be equally transparent, but more importantly it allows better alignment with RMA charges as imposed by local authorities using section 36 of the RMA and the provisions of the Local Government Act 2002.

Subsection	Submission	Relief Sought	Recommendation and Reason
	both the discipline imposed by RMA section 32 and the standard checks and balances of the regulatory process. We cannot support the ad hoc use of alternative legislation which lacks the regulatory rigour of the RMA.		

Subsection	Submission	Relief Sought	Recommendation and Reason
Plan Section	*Financial contributions Subsection: None*		
Submitter No. 13	**New Zealand Marine Sciences Society**		
	Neutral 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.	*Reject* Financial contributions can only be required as a conditions of a coastal permit.

Further subs

31 New Zealand Seafood Industry Council Limited

Subsection	View Submission	Relief sought	Recommendation and Reason
	Oppose The New Zealand Marine Sciences Society (NZMSS) submit that the plan should include financial contributions for activities that do not require resource consent. SeaFIC note that there is no legal authority to collect financial contributions for activities that do not require resource consent.		*Accept*

Subsection	Submission	Relief Sought	Recommendation and Reason
Plan Section	*Integrated management Subsection: CMS*		
Submitter No. 2	**Southland Conservation Board**		
CMS	*Support* Strong support for an integrated approach between the Sub Antarctic Islands Conservation Management Strategy (CMS) and the Proposed Regional Coastal Plan: Kermadec and Subantarctic Islands. The islands themselves have the highest level of protection as Nature Reserves and the Board is of the view that the coastal environment is deserving of a similarly high level of protection.	No change.	The proposed plan recognises the islands themselves (both the Subantarctics and the Kermadecs) have one of the highest levels of protection in New Zealand statute as nature reserves under the Reserves Act 1977. Further, the Subantarctic Islands are also national reserves under the Reserves Act 1977 and have international status as world heritage areas. This world heritage status includes the coastal marine area and applies out to 12 nautical miles. The full coastal marine area of the Auckland Islands (i.e. to 12 nautical miles) is also a marine reserve (under the Marine Reserves Act 1971) and a marine mammal sanctuary (under the Marine Mammals Protection Act 1978). In addition to these protections, the proposed plan also recognises the remoteness and uniqueness of the two island groups and the high degree of endemism. Accordingly the approach taken is to manage activities in the coastal marine area of the islands in a precautionary manner that does not provide for development but does provide for protection and existing use provided it can be undertaken in sustainable manner that minimises the risk of adverse effects on the environment.

Further subs

17 Heritage Expeditions Limited

Subsection	View Submission	Relief sought	Recommendation and Reason
CMS	*Support in Part* The connection between the plan and the Conservation Management Strategy (CMS) is not clearly articulated in the proposed plan. Suggest a more explicit statement about the relationship between the two. Greater clarity on the jurisdiction in the overlap and which document applies. There is no mention of the Marine Reserves Act. There are a number of other government processes underway that have a bearing on the islands.	Clarify related government jurisdictions and processes.	*Accept* The relationship between the Conservation Management Strategy (CMS) and the plan needs to be clear. The following will be included as a third paragraph under the title "Conservation management strategies" in the Integrated management section of the proposed plan: "The Conservation Act and the RMA establish distinct decision making processes to achieve different purposes. The purposes of the legislation are different - the Conservation Act is about the preservation, conservation and protection of natural and historic resources; while the RMA is about the sustainable management of natural and physical resources. To undertake activities in the zone of overlap, i.e. that strip between MHWS and MLWS, a decision under both the regional coastal plan and the CMS will be required." Include a further section in the Integrated management section of the proposed plan to explain DOC's role under the Marine Reserves Act 1971and explain the Marine Protected Area Policy; the Marine Protected Area Forum for the Southern Ocean and the decision of Ministers to create the new marine reserves. Include a further section in the Integrated management section of the proposed plan to explain MAF Biosecurity New Zealand's role and explain the work underway developing the Biofouling Import health Standard and the review of the Australian and New Zealand Code of Practice for Anti-fouling and In-Water Cleaning, and the relationship of those initiatives with the biofouling rules of the plan.

Submitter No. 12 Heritage Expeditions Limited

Conservation Management Strategies	*Oppose in Part* 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.	*Accept* The relationship between the Conservation Management Strategy (CMS) and the plan needs to be clear. The following will be included as a third paragraph under the title "Conservation management strategies" in the Integrated management section of the proposed plan: "The Conservation Act and the RMA establish distinct decision making processes to achieve different purposes. The purposes of the Conservation Act is about the preservation, conservation and protection of natural and historic resources; while the RMA is about the sustainable management of natural and physical resources. Where there is an overlap e.g. in relation to the foreshore associated with the Subantarctic Islands, which is administered under the Reserves Act then authority under both the regional coastal plan and the conservation legislation (which would be guided by the CMS) will be required."

Submitter No. 2 Southland Conservation Board

Subsection	Submission	Relief Sought	Recommendation and Reason
	Neutral 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.	*Reject* Once the plan has been notified and the submission period closed, the only way to change the plan (other than minor technical amendments) is to undertake a plan variation (before the plan is made operative) or a plan change or review (after the plan is made operative) - all of which must be undertaken in accordance with the provisions of the First Schedule of the RMA.

Further subs

36 New Zealand Marine Sciences Society

Subsection	View Submission	Relief sought	Recommendation and Reason
	Support The NZMSS supports an integrated approach between both the yet to be prepared CMS for the Subantarctic Islands and the Kermadec Islands CMS with the Proposed Regional Coastal Plan: Kermadec and Subantarctic Islands. The NZMSS considers that planning under the Resource Management Act for the coastal marine area for the Kermadec and Subantarctic Islands should be integrated with planning under other key legislation affecting these important island groups and their surrounding waters, especially the Conservation Act, Marine Mammals Protection Act and Marine Reserves Act (and any special legislation used for establishing the Subantarctic Island marine reserves).		*Accept* *Accept in part* Include a further section in the Integrated management section of the proposed plan to explain DOC's role under the Marine Reserves Act 1971and explain the Marine Protected Area Policy; the Marine Protected Area Forum for the Southern Ocean and the decision of Ministers to create the new marine reserves (refer Forest and Bird's submission for the wording). Include a further section in the Integrated management section of the proposed plan to explain MAF Biosecurity New Zealand's role and explain the work underway developing the Biofouling Import health Standard and the review of the Australian and New Zealand Code of Practice for Anti-fouling and In-Water Cleaning, and the relationship of those initiatives with the biofouling rules of the plan. It is recommended to include the following in the integrated management section of the proposed plan: "MAF Biosecurity New Zealand is a division of MAF charged with leadership of the New Zealand biosecurity system, under the Biosecurity Act 1993. It encompasses facilitating international trade, protecting the health of New Zealanders and ensuring the welfare of our environment, flora and fauna, marine life and Māori resources. At the time of writing this plan, MAF Biosecurity New Zealand was involved in the following two biosecurity initiatives: •The development of the Import Health Standard (IHS) for Vessel Biofouling •The ANZECC Code of Practice for anti-fouling and in-water cleaning. The Import Health Standard (IHS) for Vessel Biofouling is a new border requirement that vessels arrive in New Zealand with minimal biofouling. It is intended to be released by the last quarter of 2011, with enforcement measures to be introduced from mid to late 2012, giving a year long implementation period for vessels to become familiar with the requirements and take any actions required. The requirements of the IHS are aligned with work being undertaken at the International Maritime Organisation (IMO) on guidelines on biofouling management. These voluntary guidelines are expected to go to the IMO's Marine Environment Protection Committee (MEPC) in July 2011.

Submitter No. 12 Heritage Expeditions Limited

	Oppose 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).	

Subsection	Submission	Relief Sought	Recommendation and Reason
			The ANZECC Code of Practice for anti-fouling and in-water cleaning provides guidance on the best-practice approaches for the application, maintenance, removal and disposal of anti-fouling coatings and the management of biofouling and invasive aquatic species on vessels and movable structures in Australian and New Zealand waters. This Code notes that it may be used as the basis of regulation by authorities with responsibility for biosecurity and/or contaminant management. It should be used in accordance with other relevant local or national environmental regulations. In the event of conflict with regulations, plans, or policy established or administered by local authorities, those regulations, plans or policies prevail. The policies and rules of this plan are consistent with both these initiatives." The consultation document released by MAF Biosecurity New Zealand during the development of the draft Import Health Standard for Biofouling acknowledges that New Zealand's high values areas such as the Subantarctic Islands warrant special inspection and treatment processes (MAF BNZ Consultation paper 10/04 May 2010, paragraph 58). It is also consistent with RMA coastal planning practice around New Zealand to impose stricter rules for high value areas. The NZ government has sent a clear signal how it values the Subantarctic Islands recently with the announcement of its intention to create further extensive marine reserves around the Campbell, Bountys and Antipodes Islands by special legislation, before the end of the year. Other submitters (Talleys and SeaFIC) have suggested that an alternative approach could be considered based on evidence of good vessel hygiene as a key to minimising marine biosecurity risk. It is recommended that an alternative option be included that allows a vessel exemption from the in-water inspections if the vessels anti-fouling is less than 6 months old for the duration of the time that the vessel is in the coastal marine area of the islands.

Further subs

37 New Zealand Marine Sciences Society

Subsection	View Submission	Relief sought	Recommendation and Reason
	Support In its submission, the NZMSS raised similar issues concerning the need to integrate Marine Reserves legislation and regulations. NZMSS supports the Ministers of Conservation and Fisheries announcement that new MPAs are to be established around the Subantarctic Islands.		*Accept* Refer the recommendation on the submission from Forest and Bird on the section of the proposed plan called "Current use values - for the Subantarctic Islands, the section on fishing, page 13 of the proposed plan.

Submitter No. 13 New Zealand Marine Sciences Society

	Neutral 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.	*Accept* Include a footnote in the text of the second paragraph on page 13 as follows: "Note the Marine Protected Area Forum for the Southern Ocean has resulted in a decision by Ministers to create more marine reserves around Bounty, Campbell and Antipodes Islands and further fisheries restrictions. Refer the Integrated management section of the plan for further details" Include a further section in the Integrated management section of the proposed plan: in the bullet point list in the first paragraph include a further bullet point "DOC's role under the Marine Reserves Act 1971and the Marine Protected Area Policy"; and include a new section titled "Marine reserves and the Marine Protected Area Forum for the Southern Ocean" with the following text: "The Marine Protected Areas Policy Statement and Implementation Plan commit the New Zealand government to protecting representative samples of the full range of marine habitats and ecosystems as part of a wider strategy to conserve New Zealand's biodiversity. The MPA Policy Statement sets out a series of high-level principles that will guide planning and prioritising the MPA network at the national level and the selection of possible MPA sites and management tools. There is a range of management tools that could potentially contribute to the MPA network, including marine reserves, Fisheries Act tools, Resource Management Act measures and other tools. On 29 January 2011 Minister of Conservation Kate Wilkinson and Fisheries Minister Phil Heatley announced three huge marine reserves totalling 435,163ha are to be established in the Subantarctic Islands. The Ministers' decisions will see a marine reserve cover the entire territorial sea - out to 12 nautical miles - surrounding Antipodes Island, with two further marine reserves

Subsection	Submission	Relief Sought	Recommendation and Reason
			around the Bounty Islands and Campbell Island, covering 58 percent and 39 percent of those islands' territorial seas respectively. New prohibitions on Danish seining will be introduced in the remaining territorial sea around the island groups, ensuring the entire area – 688,548ha - achieves Marine Protected Area status. The new marine reserves are to be established by special legislation. The intended boundaries of the reserves allows for the continuation of long-lining for ling in some areas around the Bounty Islands, as this method is targeted and has a limited by-catch. And there will also be a five-year window to allow for a potential deep-water crab fishery to be explored in the territorial sea beyond the marine reserve around Campbell Island. At the end of that period, it will be decided whether a crab fishery can be established or whether the entire territorial sea should become a marine reserve." All of the Kermadec Islands and the Auckland Islands are already full marine reserves to the outer limits of their territorial seas.

Further subs

21 Heritage Expeditions Limited

Subsection	View Submission	Relief sought	Recommendation and Reason
	Support in Part The connection between the plan and the Conservation Management Strategy (CMS) is not clearly articulated in the proposed plan. Suggest a more explicit statement about the relationship between the two. Greater clarity on the jurisdiction in the overlap and which document applies. There is no mention of the Marine Reserves Act. There are a number of other government processes underway that have a bearing on the islands.	Clarify related government jurisdictions and processes.	*Accept* The relationship between the Conservation Management Strategy (CMS) and the plan needs to be clear. The following will be included as a third paragraph under the title "Conservation management strategies" in the Integrated management section of the proposed plan: "The Conservation Act and the RMA establish distinct decision making processes to achieve different purposes. The purposes of the legislation are different - the Conservation Act is about the preservation, conservation and protection of natural and historic resources; while the RMA is about the sustainable management of natural and physical resources. To undertake activities in the zone of overlap, i.e. that strip between MHWS and MLWS, a decision under both the regional coastal plan and the CMS will be required." Include a further section in the Integrated management section of the proposed plan to explain DOC's role under the Marine Reserves Act 1971and explain the Marine Protected Area Policy; the Marine Protected Area Forum for the Southern Ocean and the decision of Ministers to create the new marine reserves. Include a further section in the Integrated management section of the proposed plan to explain MAF Biosecurity New Zealand's role and explain the work underway developing the Biofouling Import health Standard and the review of the Australian and New Zealand Code of Practice for Anti-fouling and In-Water Cleaning, and the relationship of those initiatives with the biofouling rules of the plan.

Subsection	Submission	Relief Sought	Recommendation and Reason
Plan Section	*Environmental Protection Authority Subsection: None*		
Submitter No. 2	**Southland Conservation Board**		
	Oppose 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 or 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.	*Reject* The proposed plan is a regional coastal plan prepared under the Resource Management Act 1991, not the Conservation Act. The Minister of Conservation has no statutory coastal mangement role outside of 12 the territorioal Sea. The EPAs role with respect to proposals of national significance is a statutory role.

Subsection	Submission	Relief Sought	Recommendation and Reason
Plan Section	*Monitoring efficiency and effectiveness Subsection: None*		
Submitter No. 6	**Sanford Limited**		
	Support in Part 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.	*Accept in part* The plan notes that monitoring the efficiency and effectiveness of it is a requirement of section 35 of the RMA. Other than assuring users of the coastal marine area that the information collected during hull inspections will be used to monitor efficiency and effectiveness, the detail of how the Minister will give effect to the requirement to monitor efficiency and effectiveness will be determined outside the plan. This gives flexibility to amend a monitoring programme, if needed, without having to undertake a plan change. An annual meeting of all stakeholders would be useful, and could be written into any monitoring programme developed.

Further subs

38 New Zealand Marine Sciences Society

Subsection	View Submission	Relief sought	Recommendation and Reason
	Oppose Sanford limited suggest an annual meeting of fishers and commercial fishing companies who work regularly in the Subantarctic Islands Coastal marine area. Such a meeting should be expanded to include a wide range of organisations representing the public interest. This should include representatives of the New Zealand Marine Sciences Society.		*Accept in part* The plan notes that monitoring the efficiency and effectiveness of it is a requirement of section 35 of the RMA. Other than assuring users of the coastal marine area that the information collected during hull inspections will be used to monitor efficiency and effectiveness, the detail of how the Minister will give effect to the requirement to monitor efficiency and effectiveness will be determined outside the plan. This gives flexibility to amend a monitoring programme, if needed, without having to undertake a plan change. An annual meeting of all stakeholders would be useful, and could be written into any monitoring programme developed.

Subsection	Submission	Relief Sought	Recommendation and Reason
Plan Section	*Information to be submitted with a coastal permit application Subsection: None*		
Submitter No. 6	**Sanford Limited**		
	Oppose in Part 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.	*Accept* In the first paragraph of "Information to be submitted with a coastal permit application" (page 55) substitute references to the "Act" with "Resource Management Act". For consistency, the same change will need to be made to the section above (also page 55) "Monitoring efficiency and effectiveness"

Subsection	Submission	Relief Sought	Recommendation and Reason
Plan Section	*Glossary Subsection: Ancillary craft definition*		
Submitter No. 1	**New Zealand Defence Force**		
Ancillary craft definition	*Support* 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).	*Accept* The suggested amendment is supported. All ship to shore craft that the RNZN consider essential to operations around the islands should be include in the definition of ancillary craft. It is recommended the definition of ancillary craft be amended to include: "RHIBS (rigid hull inflatable boat) and LCM (landing craft medium)".

Further subs

30 New Zealand Seafood Industry Council Limited

Subsection	View Submission	Relief sought	Recommendation and Reason
Ancillary craft definition	*Support* The NZ Defence Force seeks amendment of the definition of ancillary craft by including additional craft. SeaFIC notes that it allows for continuation of existing use of particular vessel types.		

Submitter No. 3	**New Zealand Historic Places Trust**		
Definition of "Archaeological site"	*Support* The NZHPT supports the inclusion of the Historic Places Act 1993 definition of archaeology.	No change.	
Submitter No. 15	**Minister of Conservation**		
Definition of "harmful organism"	*Support* The definition should exclude species that have self-introduced.	Add the words "excluding self introduced species" to the definition of "Harmful organisms"	*Accept* The definition should be comprehensive. Add the words "excluding self introduced species" to the definition of "Harmful organisms"
Submitter No. 6	**Sanford Limited**		
Definition of Harmful organism	*Oppose* 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.	*Reject* The suggested amendment is impractical and to narrow. It is not possible to anticipate and list all potential harmful organisms.
Submitter No. 6	**Sanford Limited**		
Definition of heavy fuel oil	*Oppose* 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.	Refer separate report regarding rule 48 and heavy fuel oil for discussion during the Hearing.
Submitter No. 6	**Sanford Limited**		
	Neutral Define territorial sea to remove uncertainty.	Include definition to read, '12 nautical miles'.	*Accept in part* Include in the glossary the following definition: "Territorial sea means the territorial sea of New Zealand as defined by section 3 of the Territorial Sea and Exclusive Economic Zone Act 1977". This is the definition

Subsection	Submission	Relief Sought	Recommendation and Reason
			of territorial sea as it is included in the RMA and the Maritime Transport Act 1994. It is not technically correct to simply refer to 12 nautical miles.
Submitter No. 6	**Sanford Limited**		
	Neutral 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.	*Accept in part* Include a definition of fishing in the glossary. Fishing has the same meaning as in section 2(1) of the Fisheries Act 1996.
Submitter No. 6	**Sanford Limited**		
	Neutral 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'.	*Reject* The suggested definition is too narrow. A shipwreck is what remains of a ship that has wrecked, either sunk or beached. Whatever the cause, a sunken ship or a wrecked ship is a physical example of the event. It is preferred to leave the term "shipwreck" undefined and rely on common dictionary meaning.
Submitter No. 6	**Sanford Limited**		
	Neutral Define fishing vessel to remove uncertainty.	Include definition, 'Any vessel engaged in the legal activity of fishing'.	*Accept* Include a definition of "fishing vessel" in the Glossary as "Any vessel engaged in the legal activity of fishing".
Submitter No. 6	**Sanford Limited**		
	Neutral Define New Zealand waters to improve certainty of rules.	Define "New Zealand waters" to read; 'Exclusive Economic Zone' ie 200 nM.	*Accept in part* Include the following definition of New Zealand waters" in the glossary of "New Zealand waters means: (a)The territorial sea of New Zealand; and (b)The internal waters of New Zealand; and (c)All rivers and other inland waters of New Zealand:

Subsection	Submission	Relief Sought	Recommendation and Reason
Plan Section	*Appendix 1 Maps Subsection: Anchorages*		
Submitter No. 6	**Sanford Limited**		
Anchorages	*Oppose* 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.	*Reject* The 'preferred' anchorages shown on the maps and listed in the rules were selected to provide for existing use and concentrate anchoring at those preferred sites. The locations were consulted on with those existing users, including the scampi fishing industry. The Department consulted with the scampi fishing industry, given that they regularly shelter close into shore at locations around Auckland Island, to ensure we included their preferred locations, taking into account the variety of possible weather conditions. We accept that shelter during storm conditions is a matter of health and safety and note that at the beginning of the rules tables it is noted that "No rules can prevent vessels from accessing the territorial or internal waters for refuge in the event of an emergency or any other force majeure or when in distress or for the purpose of assisting others in distress or danger (refer UNCLOS article 18(2))".
Submitter No. 6	**Sanford Limited**		
Distance from MHWS table	*Oppose* 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	*Reject* The risk of oil spill and/or biosecurity breach are key issues for the proposed plan. The rules seek to reduce the risk of oil spill and/or biosecurity breach by restricting access close in to shore using vessel length as a proxy. The zone inside 300m of MHWS, as the closest to shore, is the zone of highest risk. The 300m was selected on the basis that is the generally accepted limit the Norwegian rat can swim. The rationale for the zones is that they attempt to provide an accepted level of risk for existing use as a permitted activity where possible. The controls established by the zones and rules are not inconsistent with maritime law. The approach has been reviewed by Captain Kees Buckens of the New Zealand Maritime School and his report was reviewed by Maritime New Zealand. We accept that shelter during storm conditions is a matter of health and safety and note that at the beginning of the rules tables it is noted that "No rules can prevent vessels from accessing the territorial or internal waters for refuge in the event of an emergency or any other force majeure or when in distress or for the purpose of assisting others in distress or danger (refer UNCLOS article 18(2))". It is consistent with RMA coastal planning practice around New Zealand to impose stricter rules for high value areas. The alternative to the current vessel length and zones of access matrix, to make it simpler, is to remove the vessel lengths and multiple zones and require all access inside 600m from MHWS other than ancillary craft to obtain a discretionary coastal permit. This will allow case by case assessment of all the variables that could influence risk, such as vessel length, propulsion system, age of vessel, fuel type, duration of access etc.
Submitter No. 15	**Minister of Conservation**		
Map 3	*Support* 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".	*Accept* The legend box is ambiguous as written and should be clarified. Amend the legend box for the "Port Ross southern right whale exclusion zone" to cross reference to rule 32 and clarify the vessel length. The text in the box to say: "Access to the area is restricted to vessels under 75 (refer rule 32)".
Submitter No. 15	**Minister of Conservation**		
Map 7	*Support* 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".	*Accept* It is useful for plan users and assists with implementation of the rules to provide relevant cross references.

Subsection	Submission	Relief Sought	Recommendation and Reason
Submitter No. 13 New Zealand Marine Sciences Society			
Maps 1 and 4	*Oppose* 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.	*Reject* There is a typographical error in the Anchorage legend box on Maps 1 and 4 in Appendix 1.The red anchor should remain as 75 and the text next to it should be amended to note that it is for vessels up to 75 metres (if wind speed is <35 knots), not 25 metres.
Submitter No. 6 Sanford Limited			
Maps 1 and 4 - wind speed restriction in Western Arm, Carnley Harbour.	*Oppose* 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 the wind speed restriction shown on Maps 1 and 4 .	There is a typo in the legend box of maps 1 and 4 explaining the red anchor in the Western Arm. The vessel length in the text should 75m, not 25m. This will be corrected. The wind speed restriction is considered necessary for health and safety and to reduce the risk of incident. The Western Arm and Victoria Passage are challenging to navigate under any wind conditions, it is considered that the risk of incident for vessels greater than 75m is too great and accordingly they should not be allowed access and vessels less than 75m should have restricted access, i.e. in wind speeds less than 35 knots.
Submitter No. 15 Minister of Conservation			
Maps 1, 2 and 3	*Support* 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.	*Accept* This is a typographical error, it was always intended to be 75 metres.
Submitter No. 12 Heritage Expeditions Limited			
Maps and surface water access rules	*Oppose in Part* Further to consultation, there are a number of errors or omissions in the maps in relation to anchoring, existing anchorages and the related rules: (a) Enderby Island anchorage not shown on the map or included in rule 46; (b) Erebus Cove is not shown on map as SW of Shoe Island or included in rule 46; (c) Ranui Cove is shown for vessels up to 25 metres - it needs to allow larger vessels and be included in rule 46; (d) Musgrave Inlet is shown on the map but not included in rule 46; (e) Tagua Bay - shown on the map - very historic anchorage (f) Raynal Point (Carnley Harbour) is shown on the map but not included in rule 46; (g) 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" based on experience of trying to anchor to access Camp Cove in the 2010/11 season; (h) Western Arm is included on the map but not shown in rule 46, also wrongly recorded in the key;(i) Perseverance Harbour shown on the map but not included in rule 46. 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.	*Accept in part* (a) There is no need to show the Enderby anchorage, as confirmed by email (17 November 2009) from Heritage Expeditions Limited following consultation, the Sandy Bay anchorage is 360m, outside 300m zone; (b) the only anchorage agreed in the base of Port Ross is the 75m anchorage SW of Shoe Islands as shown on the maps; (c) the anchor shown as 25m at Ranui Cove is a typo, it was always intended to be 75m, Maps 1, 2 and 3 on pages 62 to 64 of the proposed plan should be changed to 75m; and listed in rule 46 as "Ranui Cove (east coast) Auckland Island"; (d) typo - the 75m anchorage shown at Musgrave Inlet should be included in rule 46 as a sub-bulletin the first bullet point list as "Musgrave Inlet (east coast) Auckland Island"; (e) Tagua Bay is shown on the maps and listed in rule 46 - no change needed; (f) typo - the 75m anchorage shown at Raynal Point (Carnley Harbour) should be included in rule 46 as a sub-bullet in the first bullet point list as "Raynal Point (Carnley Harbour) Auckland Island"; (g) typo - the 75m anchorage shown at Coleridge Bay should be included in rule 46 as a sub-bullet in the first bullet point list as "North of Mask Island (Carnley Harbour) Auckland Island"; (h) typo - the 75m anchorage shown in Western Arm should be included in rule 46 as a sub-bullet in the first bullet point list as "Western Arm (Carnley Harbour) Auckland Island provided wind speed is < 35 knots"; and the text in the legend box for Anchorages next to the red anchor needs to be amended to say "For vessels up to 75 metres (if wind speed is <35 knots)"; (i) typo - the 75m anchorage shown at Perseverance Harbour should be included in rule 46 as a sub-bullet in the first bullet point list as "Perseverance Harbour Campbell Island". The risk of oil spill and/or biosecurity breach are key issues for the proposed plan. The rules seek to reduce the risk of oil spill and/or biosecurity breach by restricting access close in to shore using vessel length as a proxy. The zone inside 300m of MHWS, as the closest to shore, is the zone of highest risk. The 300m was selected on the basis that is the generally accepted limit the Norwegian rat can swim. The rationale for the zones is that they attempt to provide an accepted level of risk for existing use as a permitted activity where possible, based on vessel length as a proxy for the numerous variables that would contribute to a vessels risk assessment. The alternative to the current vessel length and zones of access matrix, to make it simpler, is to remove the vessel lengths and multiple zones, and require all access inside 600m from MHWS other than ancillary craft to obtain a discretionary coastal permit. This will allow case by case assessment of all the variables that could influence risk, such as vessel length, propulsion system, age of vessel, fuel type, duration of access etc.

Subsection	Submission	Relief Sought	Recommendation and Reason

Subsection	Submission	Relief Sought	Recommendation and Reason
Plan Section	*Appendix 2 Cultural and historic heritage Subsection: None*		
Submitter No. 9	**Andy Dodd**		
	Support 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 be 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/SalanoShipwreck Raoul Island; Wairuna shipwreck Raoul Island; Fleetwood Denham grave Raoul Island.	*Accept in part* It is recommended to accept all the sites except the Fleetwood Denham grave at Raoul Island and Low Flat prehistoric settlement at Raoul Island because these sites is above MHWS, and therefore outside the jurisdiction of this plan.
Submitter No. 15	**Minister of Conservation**		
	Support 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.	*Accept* Given that a number of the rules in the proposed plan contain a condition requiring the avoidance of adverse effects on sites of cultural or historic heritage the sites should be shown on the maps. In instances where the actual location is not known, the general location should be shown.

Further subs			
34	**New Zealand Historic Places Trust**		
Subsection	**View Submission**	**Relief sought**	**Recommendation and Reason**
	Support in Part NZHTP is supportive of the proposal to include sites listed in Appendix 2 on the maps in Appendix 1. However, it is difficult to see the benefit of including all known sites where these would not be regulated or protected by the rules of the coastal plan. It is considered that to add all of the known items would cause confusion for users of the coastal plan in terms of consent requirements for sites displayed on the maps but not necessarily listed in Appendix 2.		*Accept* Appendix 2 includes all known sites of cultural and historic heritage located in the coastal marine areas of the Kermadec and Subantarctic Islands. Only those sites listed in Appendix 2 should be shown on maps in the plan, and the relevant rules should cross reference with the relevant maps.

Subsection	Submission	Relief Sought	Recommendation and Reason
Plan Section	*Appendix 3 Vessel hull and niche area inspection form for voluntary approach until 1 year after the plan becomes operative Subsection: Approved diver inspector*		
Submitter No. 6	**Sanford Limited**		
Approved diver inspector	*Support in Part* 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.	*Accept* Information detailing what is required of diver service providers to be "an approved dive service provider" to undertake in-water inspections should be provided on the DOC website as follows: "Divers must fulfil the requirements laid down in the H&S in Employment Regulations 1995. In particular they must hold a current certificate of competence for the category of diving required (Part III, 27) and meet the 'requirements of diver' (Part III, 32). All inspection work and cleaning are defined in the Regulations as "Construction Work"."
Submitter No. 6	**Sanford Limited**		
	Support Support voluntary approach and retain for life of plan; hull inspections only to be required for vessels landing.	Retain	*Reject* The voluntary approach was included in the proposed plan to allow a lead in time for vessels. The risk of biosecurity breach is a key issue for the proposed plan. A voluntary approach is not considered to provide enough assurance of protection of such high value areas. The consultation document released by MAF Biosecurity New Zealand during the development of the draft Import Health Standard for Biofouling acknowledges that New Zealand's high values areas such as the Subantarctic Islands warrant special inspection and treatment processes (MAF BNZ Consultation paper 10/04 May 2010, paragraph 58). It is consistent with RMA coastal planning practice around New Zealand to impose stricter rules for high value areas. There is a risk to the Minister of not fulfilling her obligation to achieve the purpose of the RMA - sustainable management of the natural and physical resources of the islands - if she were to use a voluntary approach to address a key issue such as the risk of biosecurity breach. She also has an international obligation given the World Heritage status for the Subantarctic Islands. The NZ government has sent a clear signal how it values the Subantarctic Islands recently with the announcement of its intention to create further extensive marine reserves around the Campbell, Bountys and Antipodes Islands by special legislation, before the end of the year. Other submitters (Talleys and SeaFIC) have suggested that an alternative approach could be considered based on evidence of good vessel hygiene as a key to minimising marine biosecurity risk. It is recommended that an alternative option be included that allows a vessel exemption from the in-water inspections if the vessels anti-fouling is less than 6 months old for the duration of the time that the vessel is in the coastal marine area of the islands. The suggestion of restricting the hull and niche area biosecurity rules to vessels intending to land is not supported. All vessels that go close into shore are a biosecurity risk. The scampi fishing vessels that use the inshore waters around Auckland island for shelter but do not land generally go closer into shore, and remain in the one location for longer periods of time (can be up to 3 or 4 weeks) than any other users of the inshore waters around the islands and represent a significant biosecurity risk.
Submitter No. 6	**Sanford Limited**		
Note for applicant	*Oppose* 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.	*Reject* It is the responsibility of the operator to ensure a copy of the inspection form has been sent to the Department to ensure compliance with the rule (Rules A, 26 or 27) to meet the conditions of the permitted activity. The advice note re-inforces and clarifies the responsibility as required on the first section of the report form, to be completed by the applicant/vessel operator.
Submitter No. 6	**Sanford Limited**		
Note for the Inspector	*Oppose* Oppose - Note for the Inspector. If it is the responsibility of the Operator to ensure the certificate is passed on to the Department; then	Amend accordingly.	*Reject* In the first instance it is inspector responsibility to send the completed inspection form to the Department and the applicant/vessel operator. It is the responsibility of the applicant/vessel operator to ensure that the inspector has sent it, as a safe guard and in their best interest.

Subsection	Submission	Relief Sought	Recommendation and Reason
	the inspector should be sending the form back to the Operator. Otherwise how can the Operator be confident that it has been sent on?		

Subsection	Submission	Relief Sought	Recommendation and Reason
Plan Section	*Appendix 4 Vessel hull and niche area inspection protocols and forms for rules 26 and 27 Subsection: None*		
Submitter No. 6	**Sanford Limited**		
	Oppose 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 predicator for biofouling. The dive inspection is unnecessary and fails to meet the s7 and s32 RMA tests.	Delete Appendix 4	*Reject* Floerl et al. 2010 also recommend that all vessels, including privately owned craft such as yachts, are subject to a biofouling inspection unless they can demonstrate that their last anti-fouling paint renewal occurred 4 weeks or less prior to the time they intend to visit New Zealand's offshore islands. However, other submitters (Talleys and SeaFIC) have suggested that an alternative approach could be considered based on evidence of good vessel hygiene as a key to minimising marine biosecurity risk. It is recommended that an alternative option be included that allows a vessel exemption from the in-water inspections if the vessels anti-fouling is less than 6 months old for the duration of the time that the vessel is in the coastal marine area of the islands. The alternative option could be included as a part of rule 26, under the Standards/Terms/Conditions below the bold words "And either:" to be worded as follows: "The vessels anti-fouling is less than 6 months old for the duration of the time that the vessel is in the coastal marine area of the islands"