

Appendix B of the Section 42A Report 15 May 2026

RECOMMENDED AMENDMENTS TO PROPOSED PLAN CHANGE 1

This report has excerpts from the Proposed Regional Coastal Plan: Kermadec and Subantarctic Islands (PC1) with the changes being recommended further to considering the submissions and further submissions received.

The changes are shown as:

- PC1 as notified red underline for proposed changes and red strike through for proposed deletions
- PC1 – Section 42A Report recommended changes further to submissions and further submissions as green underline for new text and ~~green strike~~ through for deletions

Officer's recommended changes to Rules 40 and 56

Provisions specific to vessel length

Note 1: In any locality where a vessel operator is permitted to access or anchor (or has a consent to do so), that vessel operator is also permitted to launch and collect ancillary craft and passengers in that locality, provided the ancillary craft comply with Rule 40.

ACTIVITY	RULE	CONDITIONS	CLASSIFICATION
<i>Ancillary craft</i>			
Access to the coastal marine area of the Subantarctic Islands by ancillary craft, subject to there being no scientific research being undertaken in a particular location which requires isolation at the time the vessel accesses that location and where vessel operators have been notified of these requirements by the relevant Department of Conservation Director	40	<p><u>A.</u> All vessels ancillary craft must comply with Performance Standards 2, 4, 5 and 6 (in Table 2).</p> <p><u>B.</u> Vessels Ancillary craft do not enter Port Ross in the zone shown on Map 2 during the period 1 April to 31 October.</p> <p><u>C.</u> Ancillary craft must not be in a position:</p> <p>(a) more than within 0.54nm (1000m) from where the mother ship is authorised to access in accordance with the Plan without reliance on Rule 1; and/or</p> <p>(b) more than within 3.24nm (36000m) from of the mother ship, at any time.</p> <p><u>D.</u> Ancillary craft launched from vessels longer than 125m are exempt from Condition C (a) for the purpose of accessing Lake Hinemoa, Auckland Island</p>	Permitted

E. Ancillary craft launched from vessels less than 125m long are exempt from Condition C (a) for the purpose of accessing the locations in E(a).

(a) Locations:

- i. Lake Hinemoa, Auckland Island
- ii. Erlangen Clearing, Carnley Harbour, Auckland Island
- iii. Southwest Cape, Carnley Harbour, Auckland Island
- iv. Beeman landing point, Perseverance Harbour, Campbell Island
- v. Camp Cove, Perseverance Harbour, Campbell Island
- vi. Garden Cove, Perseverance Harbour, Campbell Island
- vii. Venus Bay, Perseverance Harbour, Campbell Island

ACTIVITY	RULE	CONDITIONS	CLASSIFICATION
<i>Ancillary craft</i>			
Access to the coastal marine area of any of the Kermadec Islands by ancillary craft	56	<p><u>A.</u> All vessels <u>ancillary craft</u> must comply with Performance Standards 2, 4, 5 and <u>6</u> (in Table 2).</p> <p><u>B.</u> Ancillary craft must not be in a position:</p> <p>(a) more than within 0.54nm (1000m) from where the mother ship is authorised to access in accordance with the Plan without reliance on Rule 1; and/or</p> <p>(b) more than within 1.61 nm (3000m) from of the mother ship, at any time.</p>	Permitted

Officer's recommended changes to Policy 7

POLICIES

7. To provide for public access to the coastal marine area of the islands, by vessels, in a manner that addresses both the need for navigation safety, thereby reducing the risk of an incident resulting in an oil spill, and the associated risk of a biosecurity breach, by restricting vessel access close in to shore relative to vessel size.

X. Recognise that vessels longer than 125m have a greater risk profile than shorter vessels, such that applications made under Rule 47A for access and anchoring inside the zone 0.16nm (300m) of MHWS, in Perseverance Harbour, Campbell Island/ Motu Ihupuku must ensure access and anchoring will be undertaken in a manner that avoids a navigation safety incident and therefore risk of oil spill and potential biosecurity breach.

Other matters

Administrative charges

Administrative charges will be charged under the Resource Management Act 1991 and the Conservation Act 1987 as appropriate.

Coastal occupation charges

Section 64A of the RMA requires the Minister of Conservation to consider whether or not a coastal occupation charging regime applying to persons who occupy any part of the common marine and coastal area is to be included in a regional coastal plan. Having considered the criteria in section 64A(1), the Minister has decided not to include a coastal occupation charging regime in this plan.

Financial contributions

Where the Minister of Conservation grants a coastal permit, the Minister may impose a condition requiring that a financial contribution be made for the purposes specified in the coastal plan.

The term 'financial contribution' is defined in section 108(9) of the RMA to mean:

... a contribution of:

(a) money; or

(b) land, including an esplanade reserve or esplanade strip (other than in relation to a subdivision consent), but excluding Māori land within the meaning of Te Ture Whenua Māori Act 1993 unless that Act provides otherwise; or (c) a combination of money and land.

The coastal plan must specify the purposes of financial contributions, including the purpose of ensuring positive effects on the environment to offset any adverse effect, and must set out how the level of contribution would be determined. The Minister can only include a condition in a resource consent requiring a financial contribution if it is consistent with the purposes set out in the plan and determined in the manner described (s.108(10)).

All monies collected under the financial contributions regime of the plan are collected by the Minister of Conservation for use in such a manner as the Minister deems fit in order to avoid, remedy or mitigate the adverse effects of the activity on the coastal environment.

The provisions that follow reflect the requirements of the RMA and set out:

- The circumstances when such contributions may be imposed.
- The purposes for which such contributions may be required and used.
- The manner in which the amount of the contribution will be determined.

- Matters that the Minister will have regard to when deciding whether to impose a financial contribution, the type or types of contribution, and the amount of any contribution.

Provisions relating to financial contributions

(a) Protection, maintenance or restoration of sites of historic or cultural heritage

Circumstances: Where the activity for which consent is granted will adversely affect a site of historic or cultural significance.

Purposes: To mitigate or offset such effects by requiring a contribution to protect, maintain or restore an alternative historic or cultural site within the coastal environment.

Determination of amount: To be determined as noted in the method below.

(b) Protection, restoration or enhancement of seabed and foreshore

Circumstances: Where the activity for which consent is granted is likely to cause or contribute to adverse effects on the seabed or foreshore.

Purposes: To mitigate or offset the adverse effects of the activity by protecting, restoring or enhancing the seabed or foreshore, including maintenance and planting of vegetation.

Determination of amount: To be determined as noted in the method below.

(c) Environmental compensation

Circumstances: Where the activity for which consent is granted will have adverse effects that will not be adequately avoided, remedied or mitigated and those effects can be offset by practicably positive effects elsewhere in the coastal marine area.

Purposes: To provide positive effects by way of environmental compensation by protecting, restoring and/or enhancing natural and physical resources.

Determination of amount: To be determined as noted in the method below.

Method to determine amount of contribution

The amount of contribution must be an amount determined on a case-by-case basis by the Minister of Conservation to be fair and reasonable. The amount must not exceed the reasonable cost of funding positive environmental effects required to offset the net adverse effects caused directly by the activity. 'Net adverse effects' means a reasonable assessment of the level of adverse effects after taking into account:

- (a) The extent to which significant adverse effects will be avoided, remedied or mitigated by other consent conditions;

- (b) The extent to which there will be positive environmental effects of the activity that may offset any or all adverse effects; and
- (c) The extent to which other environmental compensation is offered as part of the activity that may offset any or all adverse effects.

Integrated management

Integrated management is required with the following management responsibilities:

- DOC's role under the Reserves Act and the relevant CMSs
- DOC's role under the Marine Reserves Act and the Subantarctic Islands Marine Reserves Act
- Te Tangi a Taurira—The Cry of the People: iwi management plan of Ngāi Tahu ki Murihiku and Ngāi Tahu Statutory Acknowledgements
- Biosecurity requirements
- The Environmental Protection Authority, in its role of managing the marine environment beyond 12 nautical miles

Conservation management strategies

All of the Kermadec and Subantarctic Islands are nature reserves under the Reserves Act, and the Subantarctic Islands are also national reserves under the Reserves Act. Both groups of islands are managed by CMSs. The Kermadec Islands are managed under the Auckland Conservation Management Strategy¹ (Auckland CMS) and the Subantarctic Islands are managed under the Southland Murihiku CMS². There is an overlap in the jurisdiction of this plan, for which the inland boundary is MHWS, and the CMSs, for which the seaward boundary is mean low water springs.

CMSs are reviewed every 10 years. The review process of the CMSs for both the Kermadec and Subantarctic Islands are one method of achieving the sustainable integrated management of the adjoining coastal marine area.

The Conservation Act and the RMA establish distinct decision making processes to achieve different purposes. The purpose 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 Kermadec and Subantarctic Islands, which is administered under the Reserves Act, then authority under both this plan and the conservation legislation (which would be guided by the CMS) will be required.

¹ <http://www.doc.govt.nz/about-us/our-policies-and-plans/statutory-plans/statutory-plan-publications/conservation-managementstrategies/auckland/>

² <http://www.doc.govt.nz/about-us/our-policies-and-plans/statutory-plans/statutory-plan-publications/conservation-managementstrategies/southland-murihiku/>

Integrating the management of this plan and the CMSs for the two groups of islands will allow a consistent approach to be taken across the land and sea. It will allow the close interdependence of ecosystems on the land and in the sea in the regions of both groups of islands to be managed in a way that takes account of this interdependence. It will also allow integrated management of sites of historic and cultural heritage that span the line of MHWS. Refer Method 6 of 'Other methods' under 'Issue 3: Historic and cultural heritage'.

Marine reserves

All the islands have marine reserves (covering all or part of their coastal marine areas) except the Snares Islands/Tini Heke.

The Subantarctic Islands Marine Reserves Act established marine reserves at Antipodes

Island, Moutere Mahue/Antipodes Island Marine Reserve, for the entire territorial sea; the Moutere Hauriri/Bounty Islands Marine Reserve and Moutere Ihupuku/Campbell Island Marine Reserve, covering 58% and 39% of those islands' territorial seas respectively. Regulations under the Fisheries Act 1993 also introduced prohibitions on Danish seining in the remaining territorial sea around the Campbell Island/Motu Ihupuku and Bounty Island groups.

The boundaries of the marine reserves allow for the continuation of long-lining for ling in some areas around the Bounty Islands, as this method is targeted and has a limited bycatch. The Subantarctic Islands Marine Reserves Act also set a 5-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. A review must be started three years and completed within five years from the date of commencement of the Subantarctic Islands Marine Reserves Act to decide whether a crab fishery can be established or whether the entire territorial sea should become a marine reserve. That review is due to be completed by 2 March 2019.

Te Tangi a Tauira—The Cry of the People: Ngāi Tahu ki Murihiku's iwi management plan

Te Tangi a Tauira—The Cry of the People was specifically taken into account when drafting this plan, and Kaitiaki Rōpū were consulted during its preparation.

Tangata whenua consultation

The policies of this plan, and particularly the policies of Issue 2, will ensure ongoing involvement of tangata whenua of the Kermadec and Subantarctic Islands in the planning, consenting and monitoring of the islands on an ongoing basis.

Biosecurity

The Ministry for Primary Industries (MPI) is charged with leadership of the New Zealand biosecurity system, under the Biosecurity Act. 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.

In April 2014 MPI introduced the *Craft Risk Management Standard (CRMS) for Biofouling on Vessels Arriving to New Zealand*, as a voluntary measure. The requirements of the CRMS will become mandatory on 1 May 2018.³ The requirements of this CRMS are aligned with guidelines on biofouling management developed by the International Maritime Organization (IMO) and adopted by the IMO's Marine Environment Protection Committee in July 2011⁴.

In June 2013 the Australian and New Zealand Governments released the *Anti-fouling and in-water cleaning guidelines*⁵. These guidelines provide 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. These guidelines are also intended to assist authorities to decide on the appropriateness of in-water cleaning operations in general and on a case-by-case basis. In achieving this purpose, it is the aim of the guidelines to minimise contamination and biosecurity risks associated with shore-based and in-water maintenance of vessels and movable structures.

The policies and rules of this plan are consistent with both these initiatives.

Environmental Protection Authority

The Environmental Protection Authority (EPA) is a statutory office housed within the Ministry for the Environment under the Secretary for the Environment. One of its key functions is to streamline the decision-making process for nationally significant proposals. Any proposals of national significance that overlap or are adjacent to the boundary of the coastal marine areas of the islands will present opportunities for integrated management.

The EPA is also responsible for administering the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012. Any applications for marine consents under that Act that overlap or are adjacent to the boundary of the

³ <http://www.mpi.govt.nz/importing/border-clearance/vessels/biofouling-management/>

⁴ IMO Guidelines 2011: Guidelines for the control and management of ships' biofouling to minimize the transfer of invasive aquatic species.
http://www.imo.org/blast/blastDataHelper.asp?data_id=30766

⁵ <http://agriculture.gov.au/SiteCollectionDocuments/animal-plant/pests-diseases/marine-pests/antifoulingconsultation/antifouling-guidelines.pdf>

coastal marine areas of the islands will present opportunities for integrated management.

Monitoring efficiency and effectiveness

Section 35 of the RMA requires the Minister of Conservation to monitor the efficiency and effectiveness of the policies, rules or other methods in this plan.

Ongoing monitoring will be required to assess the impacts of surface water activities on visitor experiences and the physical characteristics of the environment itself. The physical characteristics of the coastal marine areas of the Kermadec and Subantarctic Islands include **significant outstanding** natural character, landscape and amenity values, flora and fauna values, remoteness, and the intrinsic values of ecosystems.

The information collected during hull inspections will be used to monitor the efficiency and effectiveness of policies and rules of this plan, particularly the policies of Issue 1 and the rules controlling hull and niche area fouling.

Information to be submitted with a coastal permit application

Applicants are referred to section 88 and Schedule 4 of the RMA. Section 88 requires the application to be 'in the prescribed form and manner' and to include, in accordance with Schedule 4 of the RMA, an assessment of environmental effects in such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

An application form can be obtained from:

http://www.legislation.govt.nz/regulation/public/2003/0153/latest/DLM195878.html?search=ts_act%40bill%40regulation%40deemedreg_resource+management+regulations_resele_25_a&p=1

Completed applications should be sent to the relevant Department of Conservation Director.

The form is also available from the Department's website:

www.doc.govt.nz/offshoreislandsrcep

Access to the coastal marine area inside 0.54nm (1000 m) from MHWS for vessels with hull and niche area fouling

An application for a coastal permit under rule 31 to access the waters inside 0.54nm (1000 m) from MHWS must include a risk assessment, undertaken in accordance with Appendix 6. The risk assessment will provide the assessment of actual and potential effects on the environment for the purposes of Schedule 4 of the RMA.

For all applications for access to the coastal marine area inside 0.54nm (1000 m) from MHWS that is not a permitted activity

It is recommended that applicants contact the Harbourmaster's Office prior to any application. This will allow both parties to understand the proposed activities, requirements of the other party and any relevant navigation safety matters.

Contact details, and the applicable Harbour Safety Publication – Navigation Safety Operating Requirements – NZ Subantarctic/Kermadec Islands, are available on the DOC website.

For applications under Rule 47A, for vessels longer than 125m to access Perseverance Harbour, Campbell Island, it is recommended that the following is the minimum information requirements

1. Proposed activity

A detailed breakdown of the proposed activity including all aspects that may have a bearing on the assessment of navigation safety, including but not limited to:

- a. *Specific operation to be undertaken (e.g. access, anchor, dynamic position, drift, launch and recovery ancillary craft, transfer passengers/stores, undertake survey work etc)*
- b. *Size, type, capabilities, and specific pertinent details of vessel(s) including details of any specific configuration of the mothership that may make it less susceptible to damage, and pollution following any incident. This may include such information as fuel tank locations and whether they are adjacent to shell plating, fuel type used, whether the vessel carries any polar class rating etc)*
- c. *Geographical boundaries of the proposed area(s) of operation(s)*
- d. *Vessel passage plan conforming to:*
 - *Resolution 893(21): Guidelines on Voyage Planning issued by the International Maritime Organisation; and*
 - *additionally, for passenger ships, Resolution 999(25): Guidelines on Voyage Planning for Passenger Ships Operating in Remote Areas issued by the International Maritime Organisation.*
- e. *Any general limitations on the proposed activity (e.g. in accordance with an operating procedure or weather limits, daylight only, a certain month or time of year etc)*
- f. *Any other matters that are pertinent to an assessment of navigation safety.*

2. Risk and other assessments undertaken

Provide details of the assessments undertaken in determining whether the proposed activity is feasible and the navigational safety risks of the proposed activity. This would include:

- a. Copies of all computer ship simulation assessments undertaken with a model of Perseverance Harbour that accurately reflects the bathymetry, geography and topography of the area together with wind, tide, and other hydrological effects that may effect the ships manoeuvring and/or navigation, and a computer ship simulation model of the specific vessel, or class of vessels, for which the application is for, that accurately models the manoeuvring characteristics of the vessel.
- b. The Assessments of vessel manoeuvring described in a. above must use the passage plan proposed for navigation of the vessel within the proposed area, and include clear identification of the maximum operating limits before loss of effective control of the vessel, response to emergency scenarios (e.g. propulsion failure, steering failure) and provide a detailed set of safe operational limits based on the assessments undertaken and providing a precautionary safety factor.
- c. Reasoning and supporting information for any conclusions made.
- d. Details of where/how the risks highlighted within the Risk Assessment – NZ Subantarctic and Kermadec Islands (available from the Harbourmaster’s Office), and the assessments undertaken by the applicant, have been integrated and managed.
- e. Standards of training and experience of vessel master and navigation officers for the proposed operation(s) in the proposed area(s)
- f. The composition of the bridge team, including minimal levels of personnel

3. Standards and Guidelines referenced

Where conclusions are drawn as to the appropriateness of the proposed activity these should, where possible, be referenced to nationally and internationally accepted Rules, Standards, Codes or Guidelines for navigation safety. The applications should clearly detail which accepted Rules, Standards, Codes or Guidelines and how each is relevant to the proposed activity and has been met. This information would include:

- a. Details of the relevant part of any accepted Rules, Standards, Codes or Guidelines applicable to the application (e.g. an application for entry within any zone within 1000m from MHWS will require the applicant to demonstrate how the available navigational space is sufficient for the safe manoeuvring of the proposed vessel)
- b. Clear detailing of how each part of accepted Rules, Standards, Codes or Guidelines are met (e.g. a breakdown of the individual requirements annotated to demonstrate how/where each component is met/achieved)
- c. Where accepted Rules, Standards, Codes or Guidelines are not met, but an equivalent standard is achieved, the details of how the proposal is equivalent should be provided (e.g. an application for entry within any zone within 1000m from MHWS will require the applicant to demonstrate a standard of competency

and bridge manning equivalent to that of a vessel under pilotage in accordance with Maritime Rule 90)

- d. Where accepted Rules, Standards, Codes or Guidelines are not met the application should clearly detail why and include the assessment and reasoning for not complying with these Rules, Standards, Codes or Guidelines.

4. Operational guidance and management

Any application will need to demonstrate how the proposed activity will be conducted and monitored. This will include the proposed operational requirements, procedures, guidelines and limitations. This would include such matters as:

- a. Requirements that must be met prior to the commencement of the proposed activity
- b. Procedural documents detailing how the proposed activity is to be undertaken
- c. Training and ongoing competency programmes
- d. Response procedures
- e. Passage plans, including ECDIS screen shots, passage notes, and procedures. These should be referenced onto the passage planning appraisal checklist available from the Harbourmaster's Office.
- f. Ancillary craft operations procedures including preparation, launching, recovery and incident response. These should be referenced onto the ancillary craft operations appraisal checklist available from the Harbourmaster's Office.
- g. Response procedures for the overall operation including such matters as: unable to recover ancillary craft or passengers, mechanical failures of ships manoeuvring equipment, pollution response following an incident such as an overturned ancillary craft.
- h. Process and documentation demonstrating the building of local knowledge and a process for the improvement of procedural, response, training, passage plans and other documents over time

5. Local knowledge and ship handling

Where an applicant seeks a coastal permit to navigate a vessel of 500 gross tons and/or 40 m length overall or greater in an area it is considered, among other matters, that the level of local knowledge and ship handling experience of the master of the vessel be of a standard equivalent to that identified elsewhere in NZ. This would include the pertinent matters identified within Maritime Rule 90.109 and 90.110.

The local knowledge and ship handling experience of a vessel master should include:

Local Knowledge

- a. previous experience in a command or senior navigation role of a vessel at the Islands or other similar locations.
- b. limits of permissible navigation.
- c. names and characteristics of the channels, shoals, headlands and points in the area.
- d. depths of water throughout the area and adjacent waters, including tidal effects and similar factors.
- e. general set, rate, rise and duration of the tides.
- f. proper courses and distances in the area including (as applicable) alteration points and parallel index distances.
- g. anchorages in the area, including emergency anchoring areas.
- h. ship handling for anchoring, manoeuvring, and emergency situations within the navigable area.
- i. communications and availability of navigational information.
- j. vessel movement and management requirements for the area.
- k. weather and environmental conditions of the area which may affect safe navigation.
- l. pollution prevention.
- m. emergency and contingency plans for the area.
- n. any harbour safety management systems and risk assessments applicable to navigation in the area.
- o. knowledge of local rules or other regulations relevant to navigation in the area.
- p. any other relevant knowledge in respect of the area and/or particular vessel.

Ship Handling

- a. Proven experience manoeuvring the specific vessel (or similar vessels) at the Islands or similar geographic locations with similar environmental conditions. This may include such areas as South Georgia, Antarctica, Arctic and other areas where extreme conditions are frequent and navigation in confined waters is undertaken.

Glossary

Note: When preparing this Glossary, many of the definitions were drawn from the current IMO definitions at the time.

BFRB [this is a global change where the BFRB abbreviation occurs in the Plan]	<u>Biofouling Record Book.</u>
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Appendix 4: FORM 1

Form 1 is to determine and record if the inspection is a *passed inspection* or a *failed inspection*. [Form 2 is also required.](#)

[Rows are to be added to the Inspection Reporting Form as required, i.e. for each dry dock support strip and each sea chest, etc.](#)

[Both inspection forms and a PDF report containing representative of the photograph\(s\) of each area are to be sent to \[coastalplan@doc.govt.nz\]\(mailto:coastalplan@doc.govt.nz\).](#)

[Further Photographs and videos are to be provided on request.](#)

Appendix 4: FORM 2

Purpose

This Form is not to be used to determine whether the inspection is a *passed inspection* or a *failed inspection*, but it must be supplied at the same time as Form 1. A PDF report of the containing representative photograph(s) are to be sent to coastalplan@doc.govt.nz at the same time as Forms 1 and 2. Further Photographs and videos are to be provided on request.