

To: Department of Conservation
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Submitter: Heritage Expeditions (2018) Limited

Submission on Proposed Plan Change 1 to the Regional Coastal Plan: Kermadec and Subantarctic Islands

- 1 This submission is made on behalf of Heritage Expeditions (2018) Limited (**Submitter/HEL**) on the Regional Coastal Plan: Kermadec and Subantarctic Islands Plan Change 1 (**RCP PC1**).
- 2 HEL could not gain an advantage in trade competition through this submission.
- 3 In preparing this submission HEL has had the benefit of reading the submission prepared by Rodney Russ. HEL supports and endorses all the points made by Mr Russ in his submission. HEL strongly recommends DOC place significant weight on the facts and reasons set out in Mr Russ's submission which are based on decades of experience running expeditions in the Subantarctic Islands. Mr Russ's submission provides a strong evidential basis for DOC to withdraw the PC1 changes relating to ancillary craft and vessels over 125m.

Submission Point 1 on Specific Provisions Introducing New Restrictions on Ancillary Craft:

- 4 This submission point relates to all proposed changes to provisions restricting ancillary craft, including but not limited to the following:
 - (a) Changes to Policy 13:

To provide for ~~unrestricted~~ public access to the surface waters of the coastal marine area of the islands by ancillary craft in a manner that addresses the need for navigation safety, thereby reducing the risk of an incident resulting in an oil spill. that:
 - (b) Changes to Permitted Activity rules 40 (Subantarctic Islands) and 56 (Kermadec Islands) adding the following requirement:

Ancillary craft must not be in a position:

 - (a) more than 0.54nm (1000m) from where the mother ship is authorised to access in accordance with the Plan without reliance on Rule 1; and/or
 - (b) more than 3000m from the mother ship, at any time.
 - (c) New definition of *mother ship*:

A larger ship from which smaller craft are launched or maintained

HEL's Submission is that:

- 5 The changes are opposed.
- 6 There is no evidence to justify the new restrictions. Existing regulations and professional oversight already function to ensure effective and safe ancillary craft operations.
- 7 In their current form, the restrictions will restrict current legitimate operations where there has never been an issue, and would inadvertently prevent access to key expedition sites that

existing concessionaires access. The new rules would introduce inefficiencies and an unnecessary consenting barrier or requirement.

- 8 The reason given for the change, in the new policy wording, does not make sense – restricting the distance that ancillary craft can travel does not reduce the risk of an incident resulting in an oil spill. If there were an incident with a tender craft, it would not be the *mother ship* that would come closer to the islands to effect a rescue. All vessels are required to have additional tender craft, or a Fast Rescue Boat – it would be the other tender craft or fast rescue boat that would effect the rescue, not the *mother ship*.
- 9 The proposed distance restrictions are arbitrary and are incompatible with operations in the remote Subantarctic Islands.
- 10 There are more effective ways of ensuring a *mother ship* does not have to breach the 600m limit. For example, the rule could include a requirement that there be two ancillary craft in operation at all times. Or the rule could apply to the area of most risk to large vessels, namely Perseverance Harbour.

I seek the following decisions from the Minister of Conservation:

- 11 Delete the proposed changes.
- 12 If the proposed changes remain in some form:
 - (a) Exempt existing operators from the application of the new restrictions
 - (b) Exempt operators that have two ancillary craft operational
 - (c) Exempt operators that have a Fast Rescue Boat
 - (d) Restrict the application of the rule to just Perseverance Harbour

Submission Point 2 on Specific Provisions relating to Access and Anchoring relevant to biofouling:

- 13 All changes to performance standards and associated provisions relating to biofouling including:
 - (a) Table 1 Performance Standards 1, 2, 3,
 - (b) New definitions *algal growth*, *BFMP/Biofouling Management Plan*, *BRB/Biofouling Record Book*, *goose barnacle*
 - (c) All changes to Appendix 4 Vessel hull and niche area inspection – requirements, method and forms
 - (d) All changes to Appendix 6: Form A. Vessel detail and inspection summary
 - (e) All changes to Appendix 6: Form B. Overview of sampling and biofouling distribution

My Submission is that:

- 14 The changes are opposed.

- 15 The biofouling inspection and standards in the RCP should be replaced with a requirement that vessels comply with MPI's requirements for long-stay vessels in the Craft Risk Management Standard for Vessels 2023. It is inefficient and unnecessary duplication for DOC to be running a separate system when MPI has an established and proven regime. MPI has the resources, expertise and systems already in place. DOC should not be wasting its resource trying to duplicate MPI's role.

I seek the following decisions from the Minister of Conservation:

- 16 The biofouling inspection and standards in the RCP should be replaced with a requirement that vessels comply with MPI's requirements for long-stay vessels.

Submission Point 3 on Specific Provisions Relating to Access for Vessels longer than 125m:

- 17 This submission point relates to all proposed changes to provisions for vessels longer than 125m including:

- (a) Amendment to Prohibited rule 47:

Access and anchoring within 0.32nm (600m) of MHWS of the Subantarctic Islands by vessels longer than 125 metres in length, other than as provided in Rule 47A.

- (b) New Discretionary rule 47A:

Access and anchoring, within Perseverance Harbour, Campbell Island/ Motu Ihupuku up to 0.16nm (300m) of MHWS, by vessels longer than 125m in length -

My Submission is that:

- 18 The changes are opposed.
- 19 Rule 47 was put in place after robust assessment leading up to the confirmation of the Coastal Plan in September 2017. Rule 47 prohibiting access to vessels longer than 125m closer than 0.32nm (600m) is an evidence-based rule, founded on the need to take a precautionary approach to environmental risks and maritime safety. The evidence in support of the rule at the time included the Statement of Evidence of Jim Dilley dated 14 October 2016, for the Minister of Conservation.
- 20 There is no evidence justifying a change to the rule.
- 21 The January 2017 incident, when the *Ponant* hit a submerged rock less than 300m from the Islands is an example as to why larger vessels should not be given the opportunity to be closer than 600m.
- 22 Luckily in the January 2017 incident there was no spill of contaminants. But the incident illustrates why an extremely risk averse approach should continue to apply. In the event there is an incident that either puts at risk the highly sensitive environment, or peoples' safety, it is potentially several days until rescue vessels with the appropriate equipment will arrive.
- 23 HEL's expedition Captains have significant experience on a range of vessels in a range of conditions internationally, and are strongly of the view it is too dangerous to allow vessels above 125m to within 0.16nm(300m) of the Islands.
- 24 The Perseverance Harbour anchorage identified in proposed rule 47A is not safe for vessels over 125m to anchor. Perseverance Harbour has a glaciated, polished sea floor, meaning vessels need to use longer chain length to hold anchor, leading to increased swing distances

and the increased risk associated with that. DOC has provided no evidence on anchoring feasibility, holding ground or weather systems sufficient to establish that the risk of having vessels larger than 125m anchoring in Perseverance Harbour is acceptable.

- 25 Dynamic position systems of vessels over 125m will not be sufficient in the high winds of the Subantarctic environment to effectively counter windage effects. There have been no material technological advancements since 2017 sufficient to justify a change to the current rule.

I seek the following decisions from the Minister of Conservation:

- 26 Delete the proposed changes.

Other matters

- 27 It is inefficient for this plan change to proceed in light of the impending replacement of the RMA. HEL seeks that the plan change be withdrawn.
- 28 The section 32 evaluation that accompanies the plan change is deficient
- 29 HEL will definitely want to appear at any hearing. It will materially prejudice HEL if the hearing is held prior to the end of the upcoming season in the Subantarctics, as HEL will be fully occupied with its expedition itinerary. HEL will not have the resources to prepare evidence for any hearing until after April 2026.



Heritage Expeditions (2018) Limited
Signed by their duly authorised agents
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21 October 2025

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