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Submission Form (Form 5)

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

[Form 5](#) Submissions on a Publicly Notified Proposed Regional Coastal Plan under Clause 6 of Schedule 1 of the Resource Management Act 1991.

Return your signed submission by 5pm 22 October 2025 via:

Email: planchange1@doc.govt.nz with subject line: Proposed Plan Change 1: Regional Coastal Plan: Kermadec and Subantarctic Islands

Post: Department of Conservation, Private Bag 3072, Hamilton 3240
Attention: Jesse Gooding, RSP Resource Management Team

All sections of this form need to be completed for your submission to be accepted. Your submission will be checked for completeness, and you may be contacted to fill in any missing information.

Full name: Darryn Shaw

Phone: [REDACTED]

Organisation: Sanford Limited

Email: dshaw@sanford.co.nz

Postal address: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Postcode: [REDACTED]

Address for service: name, email and postal address *(if different from above):*

Trade Competition

Pursuant to Schedule 1 of the Resource Management Act 1991, a person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that:

- a) adversely affects the environment; and
- b) does not relate to trade competition or the effects of trade competition.

Please tick the sentence that applies to you:

☒ I could not gain an advantage in trade competition through this submission; or

☐ I **could** gain an advantage in trade competition through this submission.

If you have ticked this box please select one of the following:

☐ I am directly affected by an effect of the subject matter of the submission

☐ I **am not** directly affected by an effect of the subject matter of the submission

Hearing Submissions [select appropriate box]:

☒ I wish to be heard in support of my submission.

☐ I do not wish to be heard in support of my submission.

☒ If others make a similar submission, I will consider presenting a joint case with them at a hearing.

☐ If others make a similar submission, I will not consider presenting a joint case with them at a hearing.

- *In accordance with clause 7 of Schedule 1 of the RMA, the Council will make a summary of your submission publicly available. The contact details you provide will also be made publicly available, because under clause 8A of Schedule 1 of the RMA any further submission supporting or opposing your submission must be forwarded to you by the submitter (as well as being sent to Council).*
- *Section 352 of the RMA allows you to choose your email to be your address for service. If you select this option, you can also request your postal address be withheld from being publicly available. To choose this option please tick the relevant boxes below.*

☒ I would like my address for service to be my email.

☒ I have selected email as my address for service, and I would also like my postal address withheld from being publicly available.

Signature:

Date: 21 October 2025

(Signature of person making submission or person authorised to sign on behalf of person making the submission – unless you are providing your submission by email).

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- *it is frivolous or vexatious:*
- *it discloses no reasonable or relevant case:*
- *it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:*
- *it contains offensive language:*
- *it is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.*

(1) The specific provisions of the Proposed Plan Change that my submission relates to are:		(2) My submission is that: <i>(include whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)</i>		(3) I seek the following decisions from the Minister of Conservation. <i>(Please give precise details for each provision. The more specific you can be the easier it will be for the Council to understand your concerns.)</i>
Chapter/Appendix/ Schedule/Maps	objective/policy/rule/ standard/overlay	Oppose/support (in part or full)	Reasons	
Section Rules/ Access and Anchoring within the coastal marine area of the Subantarctic Islands, pg50 – 56.	<p>Specifically, the removal of Permitted Access to Port Ross during the 1 April – 31 October period.</p> <p>General notes, Note 7</p> <p>Rule 40, Condition B. Rule 41, Condition B. Rule 42, Condition B. Rule 43, Condition B. Rule 46, Condition B. Rule 38.</p> <p>Table 2, Standard 5(e). Table 2, Standard 6(c)</p>	I Oppose in part and wish to have specific provisions amended.	<p><u>Access to Port Ross</u></p> <p>The weather conditions in the Subantarctic islands are generally considered severe to extreme due to their consistently cold, very cloudy, extreme rainfall, and extremely windy climate.</p> <p>The region is known for its "rough weather" and challenging, unpredictable conditions year-round, which makes the islands largely inhospitable.</p> <p>A Department of Conservation (DOC) media release on 30th January 2025 predicts more extreme weather for the subantarctic islands in the future.</p> <p>The proposed plan change appears to have no distinction between International voyages to the Subantarctic Islands versus Domestic vessels seeking shelter. Additionally, there is no distinction between various categories of vessels.</p> <p>The Sanford Fleet does not plan or conduct voyages to visit the Subantarctic Islands, instead they plan and conduct voyages to the southern fishing grounds and utilize the Subantarctic Islands for shelter from the severe weather events which create unsafe sea conditions in the area.</p> <p>Concerns</p> <ol style="list-style-type: none"> Port Ross is a key sheltering location for the safety of fishing vessels and crew whilst transiting to and from the fishing grounds. By Removing the existing permitted access for 	<p>Permitted and accessible sheltering should be a primary consideration by DOC and the Regional Council so as to provide coverage across the full extent of the Auckland islands, not just in the lower areas.</p> <p>Permitted Access to Port Ross for safety of vessels and crew should sit higher on the importance scale than research and maintenance.</p> <p>This should be a permitted right of safety for all forms of Mammals (Cetacea and Human).</p> <p><u>Requested Changes</u></p> <ol style="list-style-type: none"> General notes, Note 7: be changed to read <i>"The Master of any vessel entering any of the waters of the Subantarctic Islands in the winter months (1 April to 31 October) needs to be aware of increasing numbers of whales around all of the Auckland Islands and Campbell Island (particularly Northwest Bay) as the southern right whale population continues to recover. Travel should be slow and there should be continuous bow watch for whales. Access to Port Ross is restricted to research and management vessels, and those vessels seeking shelter during that period."</i> Either change provision of Rules 40, 41, 42, 43, 46 to include a provision which reads <i>"Only research, management vessels and vessels seeking shelter may enter Port Ross in the zone shown on Map 2 during the period 1 April to 31 October."</i> Or

			<p>fishing vessels during the 1 April – 31 October winter period introduces risk to the health and safety of both vessel and crew by:</p> <ol style="list-style-type: none"> Reducing the available shelter to the southern area of Auckland Island, which will require extensive additional transit time in severe or extreme weather events. This will significantly increase the risk to vessels and crew. Creating congestion for anchored vessels within the remaining available anchorages at the Auckland Island. <ol style="list-style-type: none"> The Section 32 Report states “<i>DOC considers the existing restrictions are not enough to reduce risks to the tohorā, or to vessels and their crews.</i>” This rationale has not been backed up with evidence that the current measures are not effective. The lack of evidence supports a view that the current measures are effective for reducing and avoiding whale-vessel incidents. One near miss event was reported in 2018, involving a research vessel. A near miss implies - although close; a detrimental whale-vessel incident did not occur. This too implies the current measures are effective. The Auckland Islands were first discovered in 1806. Port Ross was identified as a safe natural harbour due to its depth and the shelter provided by the surrounding rugged hills. Port Ross is one of the few safe anchorages in the Subantarctic. The current operative RCP was created with a 	<p>Change the rules section titled “Research and management” to read “Research, management and sheltering vessels” and also add a provision to rule 38, to read “<i>Access and anchoring within the coastal marine area of any of the Subantarctic Islands by vessels involved in management activities and/or research for the Department of Conservation, including vessels of the New Zealand Navy, or sheltering vessels.</i>”</p> <ol style="list-style-type: none"> Clarification on Table 2, Standards 5(e) and 6(c) – If compliance with current Maritime Rules regarding the carriage of anchors and anchor equipment will satisfy the proposed requirement to carry additional anchoring gear.
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			<p>considerable risk assessment conducted and relevant mitigation measures put in place. Permitted access to Port Ross has been operating successfully for 8 years.</p> <ul style="list-style-type: none"> a. No domestic fishing vessel has had incident in Port Ross whilst sheltering from severe or extreme weather events. b. The only recorded near miss has been with a research vessel (<i>Section 32 Report, Pg37, Footnote 61</i>), yet under the proposed plan change, research vessels will still have permitted access, whilst vessels seeking shelter for safety purposes will not have permitted access. <p>5. Proposed RCP, Table 2, Standards 5(e) and 6(c), “.... <i>and additional anchoring gear is to be carried on the vessel</i>” does not distinguish between recreational vessels (Non-SOLAS) versus SOLAS, and Fishing vessels. The existing Maritime Rules Part 40D provides for fishing vessels to carry a specified quantity of anchor relevant to the size of the vessel and the operating area of the vessel. The current rules require two anchors to be carried within offshore limits.</p> <p>The second anchor provides backup if the primary anchor is lost for any reason. It is unclear if the wording in the proposed change is a requirement for additional anchoring gear on top of the already additional anchoring gear required under Maritime Rules, or if compliance with the</p>	
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			<p>Maritime Rules will satisfy standards 5(e) and 6(c) of Table 2.</p> <p>6. The DOC Section 32 report, Pg72, Table 7, Option 1 - has identified the risk of not including additional anchorages within Carnley Harbour. The risk has been identified by DOC as:</p> <p><i>The potential for navigation safety incidents that risk human life and damage to vessels, which could also involve oil spill and biosecurity breach.</i></p> <p>By removing permitted access to Port Ross for sheltering vessels directly introduces this very same significant risk to vessels and crew during the winter months.</p> <p>7. The DOC Section 32 report, Pg66, Table 6, Option 1 – has identified the risk of not restricting access to Port Ross during the 1 April to 31 October period as:</p> <p><i>The risk of not acting is that the Plan will not address the risk to vessels and people and risk of injury to tohorā /southern right whales when the whales are present in Port Ross in winter in large numbers for breeding and nursing.</i></p> <p>The proposed change is contradictory to this stated risk from not acting.</p> <p>By DOC only implementing the proposed change (<i>removing permitted access to Port Ross</i>) on some vessels and not all vessels removes credibility that the stated risk of not acting is in fact a real risk at all.</p>	
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			<p>By still allowing research and maintenance vessels permitted access, the stated risk has not been mitigated.</p> <p>By DOC removing permitted access to port Ross for non-research or non-maintenance vessels is discriminatory to those other vessels.</p> <p>DOC have identified and proposed alternate risk mitigation measures within Table 2 of the proposed RCP.</p> <ul style="list-style-type: none"> a. DOC considers the additional measures will mitigate the risk to and from research and maintenance vessels. Therefore, the removal of permitted access from Port Ross during the winter months for these vessels is not required. b. There is no logical reason why the same measures will not also mitigate the risk to and from fishing vessels seeking shelter. <p>8. DOC are requiring sheltering vessels to apply for a Discretionary Resource Consent. This is an unrealistic time and cost burden imposed on the fishing industry when sheltering is a preservation of life requirement, not a resource consent requirement.</p> <p>In simple terms, Resource Consents are required when the activity in question utilises natural resource for personal or commercial gain and/or where an activity may have a more than minor negative impact on the resource or environment.</p>	
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			<p>Seeking shelter is conducted to ensure safety of life and vessels at sea, and to mitigate the risk already identified by DOC - <i>The potential for navigation safety incidents that risk human life and damage to vessels, which could also involve oil spill and biosecurity breach.</i></p> <p>Safety of life at sea is not an activity that should require resource consent.</p> <p>9. Seeking shelter as a proactive trip planning event in a preventative mode does not meet the immediacy of a reactive activity or response to a defined emergency in play or soon to be (of which Rule 1 defines).</p> <p>To seek shelter in this way is already well established and remains in the regional plan as a permitted activity of which Port Ross should remain also.</p>	
Section Rules/ Access and Anchoring within the coastal marine area of the Subantarctic Islands, pg54	Rule 42	I Oppose in part and wish to have specific provisions reconsidered.	<p><u>Anchoring</u></p> <p>During previous correspondence between DOC and industry - see <i>Section 32 Report, Appendix 5: Summary of engagement with stakeholders</i> - Industry (<i>Southern Ocean Scampi Fishing Fleet email 12/04/2021</i>) requested additional anchorage locations to be allocated as permitted anchorages within the discretionary 0.16nm (300m) area of the Auckland Islands.</p> <p>The request for additional anchorages has been considered by DOC for this Plan Change 1. (<i>Section 32 Report, Pg42-43</i>).</p> <p>1. The new anchorages within the 300m limit at</p>	<p>Consultation on the proposed Plan Change 1 is still underway.</p> <p>I am seeking a decision from the minister if a perceived lack of rationale during previous communication is sufficient grounds to exclude any further review and consideration of any topic within this Plan Change review.</p> <p>I am seeking reconsideration of Lookout Point as a permitted anchorage location.</p>

			<p>Round Bay (Round Point) and Crab Bay are welcomed.</p> <p>2. Lookout Point (aka Tucker Point) on the southern side of Port Ross was declined by DOC for two reasons:</p> <ul style="list-style-type: none"> a) Winter months due to the proposed closure of Port Ross during the 1 April to 31 October winter period. b) Not considered as an anchorage during the summer months as DOC believes no rationale for the purpose of the anchorage was provided by the fishing industry. c) Industry is of the view the same rationale that was provided for additional anchorages within Carnley Harbour also applied to the request for Lookout Point in Port Ross. 	
Section Rules/ Controls on hull and niche area fouling, pg47-49 and Appendix 4.	Appendix 4	I Oppose in part and wish to have specific provisions amended.	<p><u>Biofouling Inspections</u></p> <p>The Section 32 Report, Pg19 - Part 4. Drivers and proposals for change states the proposed changes are required for <i>"giving better effect to New Zealand Coastal Policy Statement (NZCPS) 2010."</i></p> <p>DOC goes on to imply changes will occur in both the Domestic and International management of biofouling.</p> <p>The IMO 2023 guidelines (Resolution MEPC.378(80), Annex 17), are intended for minimizing the transfer of invasive aquatic species from international voyages.</p> <p>Page 8, Section 3 Application, para 3.4 states "the guidelines may not be relevant to ships which operate</p>	<p>I am seeking distinction between biofouling requirements for international vessels versus domestic vessels be included in the RCP.</p> <p>I am seeking the proposed increased inspection rigour not be applied to domestic fishing vessels.</p> <p>I am seeking the current inspection rigour be maintained for domestic fishing vessels.</p>

		<p>only in the same waters in which the biofouling was accumulated.”</p> <p>The Ministry for Primary Industry (MPI) have incorporated this IMO concept and created their Craft Risk Management Standard (CRMS) Vessels – The standard applies to international voyages only and not to domestic voyages. See Part 1.1 of the MPI, 2023 CRMS Vessels.</p> <p>The current operative plan and the proposed changes do not distinguish between the biofouling risk from international voyages versus domestic voyages. DOC are applying biofouling rules as a one size fits all across both international and domestic voyages.</p> <p>With the current biofouling inspection requirements in place, there has been no reported incidents that I am aware of where fishing vessels have introduced a biosecurity risk to the subantarctic islands. Therefore, giving effect to the NZCPS is already effective within the domestic space.</p> <p>The level of inspection rigour is proposed to increase in the proposed plan change.</p> <p>Concerns</p> <ol style="list-style-type: none"> 1. The time required to conduct both the inspection, and the report writing has increased with additional photo and video footage requirements. 2. The increased time will incur increased costs. 3. The increased inspection time and costs are re-occurring at every inspection. 4. For a single Sanford scampi vessel compliance with rule 29(B)(a) over a 3 year period entails a 	
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			<p>drydock period to apply the AFS, followed by 1 biofouling inspections in the first year and 3 biofouling inspections in year two, followed by another 3 inspections in year three.</p> <p>7 biofouling inspections conducted over a 3 year period. This process is conducted for six vessels within the scampi fishing fleet.</p> <p>5. The true financial burden imposed by the changes to the rigour of the inspections is yet to be recognised.</p> <p>6. International vessels do not conduct anywhere near this level of compliance requirement due to the frequency of planned voyages to the Subantarctic Islands.</p> <p>7. Seeking shelter for the safety of domestic vessels and the crew have an excessive burden of compliance and financial cost.</p> <p>8. The biosecurity risk from domestic vessels is considerably lower than international vessels, yet the compliance burden and financial cost is considerably higher for domestic vessels.</p> <p>9. The inspection regime and level of inspection rigour under the current operative RCP have been sufficient to ensure no biosecurity risk is introduced from domestic fishing vessels whilst at the subantarctic islands. DOC has not provided any evidence to suggest otherwise.</p> <p>10. There is no additional biosecurity benefit gained by introducing an increased level of rigour within the inspections for domestic vessels.</p>	
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Add further pages as required – please initial any additional pages