Before the Hearing Panel

Under:	Resource Management Act 1991
In the matter of:	Proposed Plan Change 1 – Regional Coastal Plan Kermadec and Subantarctic Islands

Statement of advice

James (Jim) Veere Dilley

Maritime Navigation Safety

Regional Harbour Master, Environment Canterbury

08 May 2026

Department of Conservation
Te Papa Atawhai

Te Kāwanatanga o Aotearoa
New Zealand Government

Introduction

1. My full name is James (Jim) Veere Dilley.

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2. I have been asked to provide expert advice on behalf of the Department of Conservation (DOC) on Proposed Plan Change 1– Regional Coastal Plan Kermadec and Subantarctic Islands (PC1).

Qualifications and Experience

3. I am a maritime specialist, employed by Environment Canterbury, and contracted to the Department of Conservation to provide maritime advice and navigation safety services for the Kermadec and Subantarctic islands. As part of this work, I provide advice on the navigation safety matters relevant to the Regional Coastal Plan. My primary qualification is a certificate of competence as a Master Mariner.

4. Prior to undertaking the role for the Department of Conservation, I was the Regional Harbourmaster for Environment Canterbury. I have approximately 23 years of experience as a harbourmaster and deputy harbourmaster. Prior to becoming a deputy harbourmaster, I worked at sea as a navigation officer and ships master. I worked at sea for approximately 21 years, serving 8 years as master. I worked mainly for Cunard and P&O on a variety of vessel types and trades whilst at sea, including many voyages in the Southern Ocean.

5. As Deputy Harbourmaster in Auckland and as Regional Harbourmaster in Canterbury, I have implemented the New Zealand Port and Harbour Marine Safety Code. This Code sets out requirements for the best practice management of maritime activities, including the assessment and highlighting of risk, and provides a robust system of safety management. In both regions, the systems have gained approval and confirmation of compliance from Maritime New Zealand and both systems have been certified under ISO 9001:2015.

6. While working as Regional Harbourmaster, I have undertaken roles supporting the safe navigation of vessels within New Zealand waters including:

    I. Appointed by the Director of Maritime New Zealand as a National on Scene Commander for maritime incident response

    II. Appointed by the Director of Maritime New Zealand as an examiner of candidates to become a ship pilot

    III. Appointed by the Minister of Transport as a member of the Oil Pollution Advisory Committee to provide advice to the Minister on matters relating to the response to marine oil pollution

    IV. Provision of advice for the redevelopment of the Waitangi Wharf, Chatham Islands, for the Department of Internal Affairs

    V. Provision of navigation safety and support services for the Chatham Islands Council

VI. Provision of maritime and management systems advice, and harbourmaster services to Otago Regional Council, Bay of Plenty Regional Council, and Tasman District Council

7. I operate a small maritime consultancy service providing advice and support in the assessment and management of navigation safety. I have provided advice and support to both private individuals, companies, and government bodies including:

   I. Advice and expert witness for matters relating to the wreck of the Rena off the Tauranga coast for the Bay of Plenty Regional Council

   II. Advice and expert witness for the redevelopment of the Auckland Ferry Terminal and Princes Wharf Basin for Auckland Transport

   III. Advice and expert witness for matters relating to the development and use of Queens Wharf for the berthing of large cruise ships for Auckland Transport

   IV. Advice on matters relating to the manoeuvring of large cruise ships within Auckland Harbour for Auckland Transport

   V. Advice and expert witness for matters relating to the development or re-development of marine facilities including: Whanganui Port; Westhaven Marina, Auckland; Waiheke Island marina; Whakatane marine precinct; Tauranga marine precinct; and the use of Auckland Harbour for commercial seaplane operations.

8. My recreational activities include extensive short-handed ocean and coastal sailing voyages totalling over 200,000 nautical miles. These voyages have included the Southern Ocean and Subantarctic Islands, and the North and South Pacific and North Atlantic Oceans during both winter and summer. I have visited all the Subantarctic Islands as a recreational sailor or as master on commercial vessels.

9. In providing my evidence, I draw on my knowledge and experience as a ship's master; as harbourmaster in the management of navigation safety and provision of systems for the management of safe navigation in ports, harbours, and approaches; together with knowledge and experience of the maritime environment at the Kermadec and Subantarctic Islands, and similar rugged and remote environments.

Code of conduct

10. Whilst it is acknowledged this is not an Environment Court proceeding, I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2023. I have complied with the Code of Conduct in the preparation of this advice. Unless I state otherwise, this assessment is within my area of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

Material Considered

11. In preparing this advice I have reviewed:

   i. Submissions on PC1 related to the proposed changes on Access and Anchoring

   ii. The Section 32 Report, specifically the drivers for change related to the management of Access and Anchoring

iii. The proposed changes to Access and Anchoring provisions

12. I have undertaken several site visits to both the Subantarctic and Kermadec islands on commercial and recreational vessels, including voyages to all the New Zealand Subantarctic islands, and in summer and winter.

Scope of advice and expert opinion

13. My expert advice addresses navigation safety as it relates to the "access and anchoring" provisions that are subject to change in PC1, including changes to:

    i. Rule 40 – Ancillary Craft,

    ii. Rule 42 – Anchorages for vessels less than 42 m length overall,

    iii. Rules 34, 37, 40–44, and 46 for vessels less than 42 m long, Performance Standards 5 and 6 in Table 2, and the addition of a new Note 7 (at the beginning of the Access and Anchoring rules for the Subantarctic Islands), all of which relate to access and anchoring in Port Ross, Auckland Island.

    iv. Proposed new Rule 47A and consequent changes to Rule 47 that changes the activity status of vessels longer than 125 m accessing Perseverance Harbour from 'prohibited' to 'discretionary'.

14. Having reviewed submissions and further submissions on PC1, my advice will address concerns raised by submitters that relate to maritime navigation safety and matters that are otherwise within my area of expertise.

Rule 42 – Anchorages for vessels less than 42 m long

<u>Sanford, Seaeagle Fishing, Barine Development, SFNZ – Request to include Tucker Point (Submission Points 5.6, 8.10, 8.11, 10.11, 10.12, 11.11, and 11.12)</u>

15. The area described within the submissions as "Lookout Point (aka Tucker Point)" at the northern end of Auckland Island, is the area lying to the west of Tucker Point. This location lies within Port Ross and would provide shelter for vessels during south-easterly wind conditions. Referring to the nautical chart, NZ2862 Plans in the Auckland Islands, issued by Land Information New Zealand, I note that to the west of Tucker Point there are water depths of between 4.9 and 14.9 m identified, and the 20 m depth contour extends up to 515 m from mean high water springs (MHWS). The majority of the area outside of the 20 m contour does not exceed 30 m in depth.

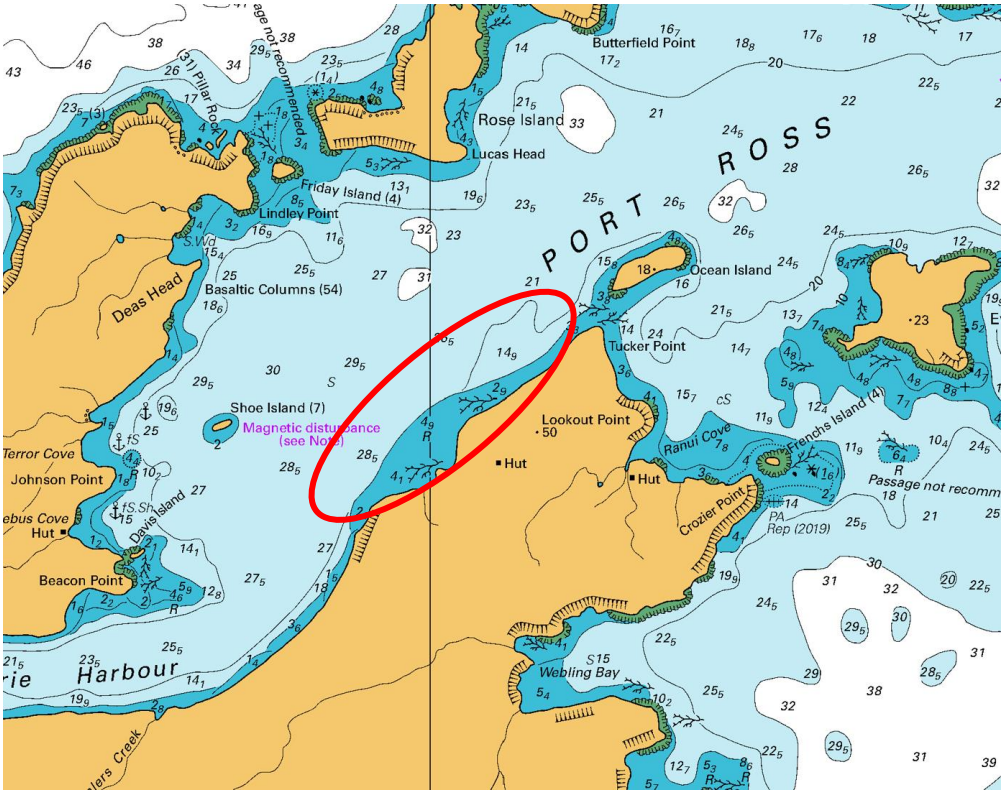

Figure 1. Area of Tucker Point, Carnley Harbour (extract chart NZ2862)

16. Anchoring in a depth of 20 to 30 m should be well within the capabilities of any vessel likely to voyage to the Subantarctic Islands, including scampi fleet vessels used by the relevant submitters. Any commercial vessel working in the vicinity of the Auckland Islands year-round should be suitably equipped to operate safely, including appropriate anchoring capability. I note suitable anchoring equipment is a requirement under Maritime Rule 40D and this is noted within Sanfords' submission.

17. The location to the west of Tucker Point does not provide shelter from north-easterly conditions but does provide some shelter from south-easterly conditions and could, in my opinion, be safely used without a vessel needing to access closer than 300 m from MHWS in appropriate conditions. However, if conditions deteriorate to a point that a vessel master has concerns for the safety of the vessel or crew, Rule 1 of the Regional Coastal Plan allows a vessel to enter within 300 m of MHWS to gain better shelter. Broadly Rule 1 provides exemption from any rule within the Regional Coastal Plan to enable access and anchoring for refuge in the case of emergency, distress, force majeure, or where, in the reasonable judgement of the master, action is required to avoid serious risk to life or health, or to repair or prevent serious damage to the vessel.

18. While the area to the west of Tucker Point does provide some shelter from south-easterly conditions, I do not believe the level of shelter would be suitable for strong or extreme conditions. If a vessel closed[1] within 100 m of MHWS to anchor and then laid 100 m or more of anchor chain, the vessel would be approximately 200 m or more from MHWS. With the low-lying land in the vicinity of Tucker Point providing only limited shelter in

[1] 'Closed' – to become close to or approach.

extreme conditions, the vessel could experience considerable winds, and the vessel master may well consider utilising Rule 1 to move to a safer location, most likely Laurie Harbour.

19. I understand the need to have safe anchorages available and also to have clear rules to guide vessel masters and operators. Providing an anchorage at Tucker Point, within 300 m of MHWS, may appear to meet these criteria (a pre-defined safe anchorage); however, I do not believe that the requested Tucker Point anchorage meets these criteria because there already exist suitable anchoring options for calm to moderate conditions both within and outside of 300 m from MHWS and, if conditions deteriorate to become extreme, I do not believe the level of shelter provided at Tucker Point would be suitable for extreme conditions.

20. Under the operative provisions of the Regional Coastal Plan, a vessel may safely anchor in many locations and, if the conditions deteriorate more than forecast, and a master is concerned for the safety of the vessel or crew, the master may rely on Rule 1 to seek shelter within 300 m of MHWS. Where conditions are forecast to be extreme in the first place, there are more suitable anchoring sites located elsewhere in the Auckland Islands that a vessel master should consider when initially seeking shelter.

21. I do acknowledge that a dedicated and identified anchorage within 300 m of MHWS does provide a level of certainty to a vessel master that anchoring in that location is allowed, without recourse to a judgement call on the safety of the vessel or crew. This theme is also evident in the submissions relating to access and anchoring in Port Ross, Auckland Island, during the winter months, and covered in paras. 55 to 63 of my evidence. However, in my opinion the framework of anchoring locations both within and outside of 300 m from MHWS, together with Rule 1, deliver a suitable framework to provide a vessel master with safe anchoring locations without the need to create an additional anchorage for vessels up to 42m long within 300 m from MWHS at Tucker Point.

<u>Seaeagle Fishing, Barine Development, SFNZ – Request for additional anchorages in Carnley Harbour (Submission points 8.10, 10.11, 10.12, and 11.11)</u>

22. In consultation with the scampi fleet in 2020 and 2023, the scampi fleet requested additional anchorage in Carnley Harbour in general (noting the size of the fleet has increased), and specifically requested provision of additional anchoring space within Carnley Harbour at Round Point, Crab Bay and Fleming Bay[2].

23. The scampi fleet will sometimes anchor at the Subantarctic Islands because conditions on the fishing grounds are poor while conditions at the Subantarctic Islands may be reasonable. This means that vessels may anchor with longer lengths of anchor chain and greater spacing between vessels to remain safe within the existing anchorages during poor conditions, as opposed to anchoring with shorter scopes of anchor chain,

[2] I understand that the Flemming Bay anchorage is not being progressed through the Plan Change (Section 32 Report, page 42).

and less spacing between vessels, when conditions are calm or moderate, but poor conditions at the fishing grounds sees the scampi vessels seeking shelter.

24. Unlike Port Ross, which in general has depths less than 30 m and is gently shelving[3]. Carnley Harbour shelves steeply from the shore and has depths exceeding 40 m close to shore. The existing anchorages within Carnley Harbour, identified within the Regional Coastal Plan, lie within the enclosed heads of bays and inlets which, while providing shelter, are restricted by the enclosed nature that limits the number of vessels that may safely anchor at any one time. Sensible use of the anchorages by vessel masters' would see smaller vessels utilising the more enclosed shallower areas where two or three smaller vessels may anchor in place of one larger vessel. This pattern of use would also mean smaller vessels are afforded the greater shelter closer to shore. I believe, in general, this principle is followed and there is cooperation between vessel masters.

25. As previously mentioned, Rule 1 is always available where a vessel master believes there are safety concerns for the vessel and/or crew, and under such conditions, a vessel master may anchor in any location they feel will afford the required shelter.

26. Carnley Harbour is the most heavily used area for scampi vessels anchoring for shelter, and the closest to the fishing grounds to the south-east outside of the coastal marine area. While I have not witnessed the anchorages becoming overcrowded, I am aware of concerns from vessel operators that there is insufficient anchoring space available, especially in extreme conditions when many vessels are sheltering, greater lengths of anchor chain are used, and more space is required around each vessel to help avoid incidents in the case of dragging anchor, vessels swinging, or in the event of moving anchorage because of wind shifts.

1. The submitters noted appreciation for the two additional anchorages in Carnley Harbour at Round Point and Crab Bay, however, they seek additional anchorage options in 'North Arm', in the northern part of Carnley Harbour in their submissions. Attachment 1 – Map of North Arm Carnley Harbour identifies the existing and proposed anchorages which cover a significant quantity of the area within 300m of MHWS. With the exception of an area immediately north of Figure of Eight Island, which has a depth of 14 m, the area in the upper parts of North Arm generally has depths from approximately 20 to 37 m at a distance greater than 300 m from MHWS. These water depths should be within the anchoring capabilities of the vessels operated by the submitters. This area may provide the best shelter from winds from the southwest through north to northeast. This area, in the upper part of North Arm, is permitted access for vessels less than 125m length overall provided they remain more than 300m from MHWS. The area to the south of Figure of Eight Island provides suitable anchoring depths and shelter for scampi vessels.

27. I am aware that the area of Figure of Eight Island is already occasionally utilised by some vessels. The vessels remain greater than 300 m from MHWS (including 300m from the Figure of Eight Island MHWS) and generally anchor south of Figure of Eight Island, or in the bay to the southwest of Figure of Eight Island. In these positions, the

[3] 'Shelving' describes the slope of the seafloor

vessels are anchoring in 25 to over 30 m depth of water and remote vessel tracking via Automatic Identification Systems (AIS) does not indicate vessels dragging anchor or having to re-anchor regularly during adverse weather conditions. I note that the vessels anchoring in this area do so in water depths similar to, and deeper than, the depths described for vessels anchoring off Tucker Point earlier in my evidence in paras 15 and 16.

28. There has been some confusion with vessels seeking shelter as to the use of the area of North Arm, Carnley Harbour, near Figure of Eight Island for anchoring. The Regional Coastal Plan Map 3, Vessel access restrictions, Carnley Harbour, Auckland Island, shows the area of Carnley Harbour in the vicinity of Figure of Eight Island shaded light blue as an area with permitted access for ancillary craft, and as a discretionary activity for vessels up to 125 m length overall. The rules for access only identify the area within 300 m of MHWS, not the additional areas incorrectly shaded light blue outside of the 300m contour. While the map is incorrect, there is permitted access to within 300 m of MHWS in this area, which, as I described earlier, provides suitable water depth for anchoring, and should provide shelter from winds from the southwest through west to northeast.

<u>New Zealand Sealion Trust (Submission point 6.11) – support providing new anchorages but only when there is “bad weather” and “excluding the area surrounding Figure of Eight Island</u>”

29. The submitter raises a matter regarding whether anchorages may be made available only during periods of “bad weather”. While this type of approach to the management of access to safe anchoring space may be possible, it would require a number of navigation safety matters to be taken into account.

30. Such a space management option would need careful consideration and engagement with vessels operators to identify:

    I. Current capacity of the existing anchorages for vessels during periods of ‘good’ to ‘moderate’ weather conditions; and

    II. An easily identified and verifiable limit at which access is permissible; and

    III. A monitoring and assessment regime to ensure ongoing suitability, compliance, and effectiveness of the anchorages and any limits set.

31. Purely from a navigation safety perspective, the area south of Figure of Eight Island, outside 300m from MHWS, does provides easy navigational access and good shelter and suitable anchoring depths for vessels of up to 42 m length overall. Further noting, from a safety perspective, Rule 1 allows for the use of any area where a master has concerns for the safety of the vessel or crew. I note that the interpretation of safety, and the point at which an individual master will utilise the provisions of Rule 1, will vary.

Access and Anchoring in Port Ross, Auckland Island

<u>Sanford, Seaeagle Fishing Limited, Barine Developments Limited, and Seafood New Zealand/Deepwater Council – Changes to Note 7, the addition of ‘vessels seeking shelter’ or</u>

‘sheltering vessels’ to Rules 40, 41, 42, 43, and 46 and to the rules section titled “Research and management” (Submission points 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9, and 5.10).

32. The submitters seek the inclusion of the terms ‘vessels seeking shelter’ or ‘sheltering vessels’ in the provisions allowing access for vessels to Port Ross from 1 April to 31 October. The submitters provide a number of factors that they believe demonstrate a need for access, and factors that they believe mitigate the possible issues of providing vessels access to shelter during this period.

33. Within the submissions, the matters relating to a need for access to shelter include shelter from severe weather events. The matters relating to factors that mitigate possible risk from collision with a whale when accessing Port Ross include:

    I. Vessels are planning and undertaking voyages to and from fishing grounds (outside the coastal marine area), with the Subantarctic Islands only being used for shelter in severe weather events that create unsafe sea conditions in the fishing area; and

    II. No recorded incidents involving any fishing vessels and only one near miss; and

    III. The submitters vessels already carry secondary anchoring equipment; and

    IV. Access is to be provided for “research and maintenance vessels” [sic] and the submitter believes there is no logical reason why the same measures will not also mitigate the risk to and from fishing vessels seeking shelter.

34. As identified by the submitters, their vessels undertake voyages to the fishing grounds, only seeking shelter at the Subantarctic Islands when required by “bad weather”. To this end, a vessel proceeding from the fishing grounds to shelter at the Subantarctic Islands should have adequate time to assess available anchorage locations and make a timely transit. Whilst weather forecasts are not always 100% correct, modern forecasts do generally provide a suitable two to three–day warning of approaching poor weather and provide an indication as to the intensity of that weather.

35. I understand the scampi fishing grounds tend to be located closer to the southern part of Auckland Island, and Port Ross is used as an anchorage for vessels transiting to or from the mainland to the fishing grounds. The proposed changes will mean that voyages between the mainland and the islands are slightly longer between the departure port and anchorage, as a vessel will need to voyage to or from an anchorage further south at Auckland Island from 1 April to 31 October if the vessel is not voyaging directly to or from the fishing grounds.

36. There are anchorage locations available both within and outside of 300 m from MHWS adjacent to Port Ross and further south (see below) and, should wind conditions deteriorate on passage to the point at which the master has a serious safety concern, the master may utilise Rule 1 and access Port Ross. However, there are alternative options available to any master prior to utilising Rule 1, including alternative anchorages, delaying the passage until more favourable conditions, and sheltering in any location greater than 300 m from MHWS, whether at anchor or slow steaming.

37. Overall, I can understand the desire for a shorter passage between the mainland and the Auckland Islands, and the desire to have access to Port Ross for anchoring in the

northern part of the Auckland Islands. However, I believe there are already suitable alternative options for anchoring, which together with good planning, provide an equivalent level of safety, just may not be as convenient. There is suitable provision within Rule 1(b) to address any safety concerns.

38. I agree with Sanford that the requirements of Maritime Rule 40D should provide for adequate anchoring equipment for the area a vessel is operating in and that any additional anchoring equipment carried as part of compliance with the Maritime Rules would be acceptable as the secondary anchoring equipment required by proposed clause 5(e) within Table 2.

39. The submitter raises a point in their submission where they question the differences between vessels involved in “research and maintenance vessels” and a “vessel seeking shelter”. I understand the submitter is actually referring to research and management work. I agree there may be no material difference between the various categories of vessels provided access to Port Ross and a fishing vessel, and it may even be the same commercial vessel undertaking several different roles on various voyages for differing clients, and on each voyage, there are differing requirements. However, I understand that in terms of addressing the risks identified in the Proposed Plan, the difference is that those “research and management work” vessels would be in Port Ross for that specific purpose only, i.e. to do research on the whales while they are there in winter.

40. The distinguishing factors here are the additional requirements placed on any vessel that is undertaking research or management work. Such work will require approval of the Department of Conservation, and any vessel chartered by, or approved by, the Department of Conservation also undergoes assessment of the suitability of both the vessel and the onboard procedures as part of the approval and/or chartering process. Additionally, any vessel undertaking research or management work has Department of Conservation staff and/or marine researchers on board who are familiar with the area and the behaviour of whales and other marine mammals. These personnel bring a level of understanding of marine mammal behaviour and the mitigation strategies to avoid conflict directly into the bridge team of that vessel.

41. Within any risk mitigation process, the hierarchy of controls has elimination of the hazard as the primary control method with engineered controls and administrative controls following where elimination (or isolation) is not possible. In the case of Port Ross, the hazards are whales and vessels, each being capable of damaging the other. The exclusion of vessels is possible as alternative locations for shelter are available. For access to vessels undertaking research and management work, where the hazard cannot be eliminated as the vessel needs to be in Port Ross to undertake the work, there is mitigation of the risk of collision or entanglement in place with:

    I. Engineered controls of equipment required to anchor safely while preventing or minimising entanglement and carriage of secondary equipment (in the event of the need to abandon the primary equipment in an entanglement); and

    II. Administrative controls on vessel speed, lookout provision, navigation during darkness or restricted visibility, and requirements for plans for entanglement prevention and response.

While scampi vessels might utilise similar mitigation methods, elimination of the hazard remains the most appropriate solution, especially as suitable alternative anchoring locations available elsewhere at the Auckland Islands.

42. As noted, there are suitable alternative anchoring locations available both adjacent to, and further south of, Port Ross, both inside and outside 300 m from MHWS. These include:

    I. Ranui Cove: anchorage within 300 m for vessels up to 75 m length overall, and anchorage outside 300 m. Water depths between 8 and 24 m. Sheltered from winds from southwest to west, with some limited shelter from south and northwest. This anchorage lies 1 nautical mile south of Port Ross.

    II. Haskell Bay: anchorage outside of 300 m. Water depths between 20 and 40 m. Sheltered from winds from southwest to west, with some limited shelter from south and northwest. This anchorage lies 5 nautical miles south of Port Ross.

    III. Musgrave Inlet: anchorage within 300 m for vessels up to 75 m length overall. Water depths between 5 and 30 m. Sheltered from winds from southwest to north, with some limited shelter from the northeast. This anchorage lies 9 nautical miles south of Port Ross.

    IV. Norman Inlet: anchorage within 300 m for vessels up to 75 m length overall. Water depths between 20 and 47 m. Sheltered from winds from southwest through north to northeast, with some limited shelter from south. This anchorage lies 13 nautical miles south of Port Ross.

    V. Hanfield Inlet: anchorage within 300 m for vessels up to 75 m length overall. Water depths between 20 and 35 m. Sheltered from winds from south through west to north. This anchorage lies 13 nautical miles south of Port Ross.

    VI. Waterfall Bay: anchorage within 300 m for vessels up to 30 m length overall. Water depths between 5 and 15 m. Sheltered from all winds except easterly. This anchorage lies 18 nautical miles south of Port Ross.

43. There are also areas suitable for anchoring in most bays and inlets south of Port Ross in certain conditions, although they are all in areas within 300 m of MHWS and therefore only accessible with a coastal permit. However, these areas could be used by any vessel master relying on Rule 1 to seek shelter. The advantage of these areas is they do not have hazards created by a large population of whales and the associated issues of avoiding collisions while entering in poor conditions or other scenarios that may see the master relying on Rule 1. These inlets notably include Smiths Harbour, which provides excellent shelter in winds from the southeast through south to north, and is quite tenable in most other wind directions.

44. The alternative designated anchoring areas together with other bays and inlets are located along the length of the east coast of Auckland Island and, collectively, provide shelter from all wind directions. Port Ross provides little shelter in winds from the northeast to east.

45. While I understand the matters raised in the submissions, I am not of the opinion that there would be any adverse effects on safety caused by the proposed restrictions on

access to Port Ross in the winter months when the whales are present. The existing anchorages and use of Rule 1 provide suitable safe anchorages with the ability of a master to access within 300 m of MHWS, including within Port Ross, if there is a serious safety concern. I do accept that there will be a small number of additional nautical miles on any voyage between the Auckland Islands and the mainland, and vice versa, but this will only occur if a fishing vessel is unable to transit directly to and from the fishing grounds as planned, as described by the submitters, but I reject that this is a safety matter for the reasons stated above.

Proposed new Rule 47A – access to Perseverance Harbour as a discretionary activity, with consequential change to Rule 47 activity description

Rodney Russ – Submission point 1.2

46. The submitter raises a number of points relating to the proposed Rule 47A allowing access to Perseverance Harbour as a discretionary activity for vessels greater than 125 m length overall, and questions matters relating to amending the existing rule restricting vessel length to 125 m, which was made nine years ago guided by a "clear precautionary approach".

47. The current use of vessel length as a proxy for navigation safety is a coarse tool and has always been acknowledged as such. The manoeuvrability of any vessel is dependent on many factors, including size (displacement); propulsion system/s; number, type and location of propellers and rudders; presence and power of bow and/or stern thrusters; and windage of the vessel relative to its power, length, and draft, and underwater profile of the vessel. The use of vessel length alone does provide a reasonable measure provided it is acknowledged that this measure is coarse, and that the variable factors affecting manoeuvrability mean exceptions will exist.

48. At the time the Regional Coastal Plan was first drafted, there was no management of navigation safety undertaken for the Subantarctic Islands. Following the grounding of a cruise ship at the Snares Islands in early 2017, the Transport Accident Investigation Commission undertook an investigation. The enquiry identified a regulatory anomaly where no authority undertook the role of managing navigation safety at the Subantarctic Islands. The investigation report made several recommendations, including

> *"given the potentially harsh and sensitive environment in the sub-Antarctic islands and the likelihood that shipping activity will increase in future, the Director-General of the Department of Conservation appoint a suitably qualified person to manage the safety of navigation in the sub-Antarctic islands*".

49. The Director General of the Department of Conservation acted upon this recommendation taking the following actions:

    I. Contracted the services of an existing Harbourmaster's Office, with extensive maritime and navigation safety management experience, and local knowledge of the islands, to provide the Department of Conservation with maritime advice and services to manage navigation safety at the Subantarctic and Kermadec islands (Islands); and

II. Committed to implementing the requirements of the New Zealand Port and Harbour Marine Safety Code (Code), a guideline to best practice management of navigation safety and maritime activities in ports, harbours, and waters of New Zealand; and

III. Sought legislative change to the Maritime Transport Act 1994 to provide the Minister of Conservation with the responsibilities and powers that are provided to regional councils to effectively manage maritime safety in a region's waters.

50. Since making the commitments above, there is now a Safety Management System (SMS) in place to manage the safety of navigation at the Subantarctic and Kermadec islands. The SMS has been audited by independent experts and found to be consistent with the requirements of the Code and with those of ISO9001:2015. Additionally, legislative changes to the Maritime Transport Act 1994 to provide the Minister of Conservation with responsibility and powers to manage navigation safety at the Subantarctic and Kermadec Islands (Islands) have passed their second reading in Parliament and are scheduled to be enacted later this year.

51. Until there are legislative powers available to the Minister of Conservation, the Department of Conservation manages navigation safety by encouraging operators to meet best practice standards, by collaboration and building knowledge and understanding of the matters that may hinder safe navigation at the Islands, and working to ensure clarity for vessel operators.

52. Part of the work undertaken within the SMS includes assessment and advice for processing coastal permit applications that seek access within an area as a discretionary activity. These assessments have helped define the conditions on navigation safety matters to be included such a coastal permit, if it was to be granted, including (but not limited to) requirements for:

I. Vessel masters to hold local knowledge and relevant experience of the Islands and areas of access, and hold specific ship handling and manoeuvring competence for the specific vessel(s); and

II. Use of specific computer ship simulation models for the areas to be visited that allow vessels masters to be trained and exercised in ship manoeuvring in those areas; and

III. Passage plans to be submitted for review with access subject to the passage plans being satisfactory; and

IV. Strict limitations on activities undertaken within any zone; and

V. Minimum levels of bridge team composition; and

VI. Boundaries to the areas of allowable access.

53. The controls noted above, and other conditions of a coastal permit, are additional to any requirements that may apply to any vessel entering the area as a permitted activity, and help to build a level of safety above the minimum standards set within other more general legislative requirements.

54. All work undertaken within the SMS is driven by assessment of risk. This assessment of risk includes incidents that have occurred at the Islands, those that have occurred in

locations elsewhere in the world with similar environments or vessel activities, and those that have affected vessel operators with vessels that visit the Islands. Overall, the majority of incidents have involved cruise ships and ancillary craft operations.

55. There appears a strong interest from passengers to visit remote and rugged locations similar to the Subantarctic Islands. This has led to both newly built vessels visiting the Subantarctic Islands, and operators with existing older ships either visiting or enquiring about visiting.

56. I note the submitter states that he believes the current trend is for smaller expedition vessels of approximately 110 m in length. During the 2025–2026 season, one new build vessel of this size visited the Subantarctic Islands. This vessel was the Douglas Mawson, a (Polar Class 6) expedition ship, launched in 2025, of 104 m length overall and carrying up to 154 passengers (134 on polar expeditions). The vessel Scenic Eclipse II, a (Polar Class 6) expedition ship built in 2023, of 168 m length overall and carrying 228 passengers (200 in polar regions) also visited the Subantarctic Islands. Previously, Le Commandant Charcot has visited the Subantarctic Islands, a vessel built in 2021 and categorised as an (Polar Class 2) icebreaker with a length overall of 150 m and carrying up to 245 passengers.

57. These new build vessels are generally fitted with technology that, while available, has not been fitted or retro-fitted, to older vessels. This is not to say older vessels are unsafe, simply that advances in technology that can reduce risk are available, but these take time to trickle down from development, through early adopters, to become standard equipment on vessels. Improved technologies include propulsion and manoeuvring systems, such as Azipods, where the propellors are rotated about a vertical axis to provide maximum thrust in any direction, and powerful bow thrusters. Douglas Mawson, Scenic Eclipse II, and Le Commandant Charcot are all fitted with Azipod style propulsion and bow thruster capability.

58. Another technology seen on some new build ships is dynamic position systems. These are computer-controlled systems that automatically maintain a vessel's position and heading using the vessel's thrusters and propellers. There are varying degrees of dynamic positioning systems with differing degrees of redundancy for differing components. At its most extreme use, dynamic positioning systems may keep offshore vessels positioned meters from an oil rig, or immediately above a worksite in underwater exploration to an accuracy of +/– 3 m. Dynamic positioning was utilised in Auckland to hold the 348-m Ovation of the Seas positioned off downtown Auckland as no berths of a suitable size for the ship were available.

59. Older vessels with more traditional fixed propellor(s) and rudder(s), even when combined with a bow thruster, cannot manoeuvre or hold station to the accuracy possible with the modern systems described above.

60. I do not agree or disagree with the submitter's belief that cruise ships are trending to smaller vessels. I simply provide the data on new build ships that are visiting the Subantarctic Islands and the more capable propulsion and manoeuvring equipment on these vessels. I do note that having the equipment on a vessel is a single component

and that the relevant training, experience, and competence is required to safely use that equipment.

61. The submitter raises concerns regarding an apparent absence of specific, technical data on anchoring feasibility, holding ground, weather systems, and consideration of historical incidents. I will address each of these matters separately.

62. Historical incidents, whether anecdotal or documented are utilised in the risk assessment undertaken annually for the Islands. As detailed earlier in my evidence at para 55, this assessment utilises incidents that have occurred at the Islands, incidents that have occurred in locations elsewhere in the world with similar environments or vessel activities, and incidents that have affected vessel operators with vessels that visit the Islands.

63. The risk assessment drives actions within the SMS to mitigate risk. As an example, whilst the submitter states he has visited Perseverance Harbour on over 100 occasions and dragged anchor on at least 6 occasions, this information had never previously been supplied to Land Information New Zealand, or other recognised authority, to allow them to ensure this hazard is clearly identified within NP51, The New Zealand Pilot, and therefore be available for all mariners compiling a passage plan to visit Perseverance Harbour. The SMS has driven several actions to help ensure mariners have all pertinent information available to them through the recognised marine authorities. This information also covers technical advice that was included in the submitter's comments on the surrounding terrain (e.g., in the vicinity of Mt. Lyall and Mt. Honey) that funnels and amplifies wind and swell, creating unpredictable and dangerous conditions. Approximately 2 years ago, these phenomena were observed onboard a RNZN vessel anchored within Perseverance Harbour and provided to the Harbourmaster's Office This information was then passed to Land Information New Zealand and onwards to the UK Hydrographic Office as part of an update of NP51 for all of New Zealand.

64. I note that Chapter V of the International Convention for the Safety of Life at Sea 1974 mandates the reporting of direct dangers to navigation, to ships in the vicinity of the hazard, and to the nearest coastal authorities. This would, in my opinion, include known hazards or limitations on the holding ground within an anchorage. Knowledge of such information is pertinent to all mariners and is a matter covered within the Code to ensure suitable reporting and promulgation of pertinent information to mariners to help prevent incidents.

65. The submitter raises the question of whether anchoring feasibility is adequately addressed. Currently, vessels of less than 125 m in length may access Perseverance Harbour and anchor outside of 300 m from MHWS as a permitted activity with no additional legislative navigation safety requirements specific to the operational environment at the Islands. Any person seeking a coastal permit for vessel access under proposed Rule 47A would need to provide relevant assessments and information as part of their application. This information would include, among other matters:

    I. Manoeuvring characteristics and capabilities of the vessel; and

II. Reports on the computer ship simulation of the handling and manoeuvring of the specific vessel in a model of Perseverance Harbour that accurately reflects wind and hydrodynamic effects on the vessel; and

III. Local knowledge and experience of the individual masters; and

IV. A passage plan for the proposed voyage and

V. Reports on the computer ship simulation of any anchoring operation and/or dynamic positioning operation; and

VI. Operational limits based on the modelling undertaken and a margin of safety; and

VII. Procedures demonstrating how the standards required are to be monitored and maintained.

66. The assessments undertaken will need to cover, in detail, all aspects of the proposed navigation and manoeuvring of the vessel. In permits processed to date for vessels to access as close as 600 m from MHWS at other locations in the Islands, this assessment has been specific to the vessel(s) and the proposed master(s) and has been a detailed and rigorous exercise. As another example, a similar navigation safety assessment process to allow a vessel, approximately 10 m longer than the currently operating vessels at Timaru, to enter Timaru Harbour took approximately 2 years from initial concept to first scheduled voyage. The process further involved an operation with a staged approach to implementation, allowing vessels to enter in calm conditions to provide ground truthing of the assessment and computer ship simulation work, before the operational limits could be expanded to the maximum assessed as safe. If such assessments of navigational matters are not undertaken there can be no level of satisfaction a vessel greater than 125m length overall could safely navigate within Perseverance Harbour.

67. The use of computer ship simulators is a rapidly advancing practice that is utilised throughout the world for the training of ship masters and pilots in vessel manoeuvring, emergency response scenarios, and for modelling of new or amended shipping channels, port infrastructure, or increased sizes of vessel using an area.

68. The assessment process described is already in use as part of the SMS when evaluating applications for vessels greater than 125 m length overall to access into the zone between 1000 and 600 m from MHWS. A guidance note is provided to applicants to assist them in compiling the information necessary for an application. This guidance note will be updated to include the additional matters required for an application under proposed Rule 47A. I understand the Reporting Officer has recommended changes to include elements of this guidance note in the Plan Change 1 provisions with the aim of encouraging Rule 47A applicants to include the appropriate navigation safety information in their consent applications (see Attachment 2 – Guidance on information to be submitted with a coastal permit application). I support these changes.

69. Part of the assessment work for any application would include the anchoring and manoeuvring ability of the vessel to hold position. Whilst vessels have traditionally anchored either off Beeman Base, or the east of Terror Reef, a vessel may choose to

hold position with a dynamic positioning system. Whichever method is to be utilised, an assessment will need to be provided to demonstrate how this will be undertaken safely, with suitable operating limits and margins. While the submitter mentions scopes of anchor chain of four and seven times the water depth, the scope required, if anchoring, will depend on the actual and forecast conditions in which the vessel is visiting. If an operator is seeking authorisation to visit in calm wind conditions, perhaps winds gusting to 15 knots, the scope would be less than if the operator was seeking to visit in moderate wind conditions, perhaps gusting to 20 or 25 knots.

70. I understand the implied matters the submitter is trying to highlight. These matters are that there is limited room available to anchor, in an area where the holding is known to be poor and winds are known to be strong because of funnelling. The scopes of anchor chain provided by the submitter are reasonable for a vessel anchoring in calm to moderate conditions, and likely to be woefully inadequate in extreme conditions. These situations and outcomes are true for the vessels that have historically visited the area in a variety of conditions from calm to poor or extreme. However, for modern vessels, with modern manoeuvring equipment, redundancy in systems, and a level of local knowledge and ship handling equivalent to that of a pilot exempt master, visiting the area in calm conditions may be undertaken safely.

71. The submitter identifies that, unlike similar locations elsewhere in New Zealand, Perseverance Harbour is not subject to a compulsory pilotage requirement under Maritime Rule 90. Because of the remote nature of the area, the requirement for, and provision of, pilotage services could not be easily managed and has to date, not been a factor in any incident investigations. If pilotage were to be compulsory, pilotage would likely be required for all vessels of 500 gross tonnage or greater and/or greater than 40 m length overall, in line with all other locations in New Zealand, which would include all cruise ships currently visiting the Subantarctic Islands. However, while it is unlikely pilotage services will become compulsory, there is the ability to ensure that the level of local knowledge and ship manoeuvring competency is equivalent to that required by Maritime Rule 90 for the master of a vessel granted a pilotage exemption certificate, as part of any application under proposed Rule 47A.

72. Overall, the proposed Rule 47A acknowledges the coarse nature and precautionary approach of the existing rules providing access only to vessel less than 125 m length overall. A new build vessel of 126 m length overall, fitted with modern propulsion and manoeuvring equipment, commanded by a master with local knowledge and ship handling competence equivalent to that of a pilot exempt master may well be navigated safely within Perseverance Harbour. Suitable assessment can be used to identify if a vessel can be safely navigated in this area and help set appropriate operational limits.

73. The submitter makes reference to Campbell Island's extreme remoteness and limited emergency support. I agree that this area is both rugged and remote, and suggest that this nature requires a vessel to have reliable systems for propulsion and navigation, and where possible, redundancy in those systems. The submitter further notes the scarcity of support vessels for assistance in any response either for the vessel or passengers. This is correct and is pertinent for all vessels that currently visit the Subantarctic Islands.

74. The submitter states there are no suitable offshore salvage tugs available within New Zealand. This is not correct. The vessel MMA Vision has been based within New Zealand for some time, notably under contract by the New Zealand Government to provide emergency towing capability following the failure of the propulsion system of the MV Kaitaki off the Wellington coast. The MMA Vision was involved in the towage of the tanker MV Golden Mind of 124 m length overall, when it lost steering in a position southwest of Stewart Island. The MV Golden Mind was towed to Timaru when attempts to restore steering failed. The MMA Vision is no longer under contract to the New Zealand Government but remains within New Zealand. Other notable towage operations include the towage of the container ship MV Schiling of 294 m length overall, which lost propulsion off the coast of Farewell Spit in the Tasman Sea. The vessel was towed by the offshore towage vessel Skandi Emerald, which was based in New Plymouth.

75. It is correct that those towage vessels that are available in New Zealand waters, and have provided services in previous incidents, may or may not be available if an incident occurs in the future.

Heritage Expeditions (2018) Limited – Submission point 3.6

76. The submitter raises a number of concerns regarding a perceived lack of assessment of: feasibility of safely anchoring a vessel of greater than 125 m length overall; flawed assumptions around vessel design and operation; a lack of consideration of historical incidents; and a lack of pilotage service. Additionally, the submitter discusses Campbell Island's remoteness and limited emergency support. Some of these matters have been adequately addressed elsewhere in my evidence at paras 55 to 63, and 67 to 76.

77. I have previously described the changes in the management of navigation safety at the Subantarctic Islands and the work undertaken to improve the operations, the oversight of day-to-day navigation, and the quality of information available to help vessel masters navigate safely. The existing rules regarding vessel access are acknowledged as coarse and the proposed Rule 47A aims to provide a mechanism for those operators who feel they are able to demonstrate that their vessel, while over 125 m length overall, can be safely navigated under set conditions, and who are willing to accept a tight operating window for the vessel operations, to apply for a coastal permit. A mechanism for the approval of operations that may sit outside of the permitted operational limits of any port or harbour, is a standard process that acknowledges exceptions may exist.

78. The submitter provides comment on the nature of the poor holding at the anchorage off Beeman Base. This has been discussed previously within my evidence in paras 70 and 71; however, I will add that on previous occasions when a vessel anchored off Beeman Base has experienced difficulties maintaining a safe anchorage because of poor conditions, the vessel has either proceeded to sea or, the vessel has relocated a short distance to the east to a position east of Terror Reef. The anchorage here affords better holding and is less subject to the strong wind gusts and wind sheers experienced off Beeman Base. This anchorage location is further from Beeman Base and makes passenger transfer operations more challenging if undertaken in moderate or poor

conditions. The anchorage and location of passenger transfer would be a matter for assessment under any application under proposed Rule 47A.

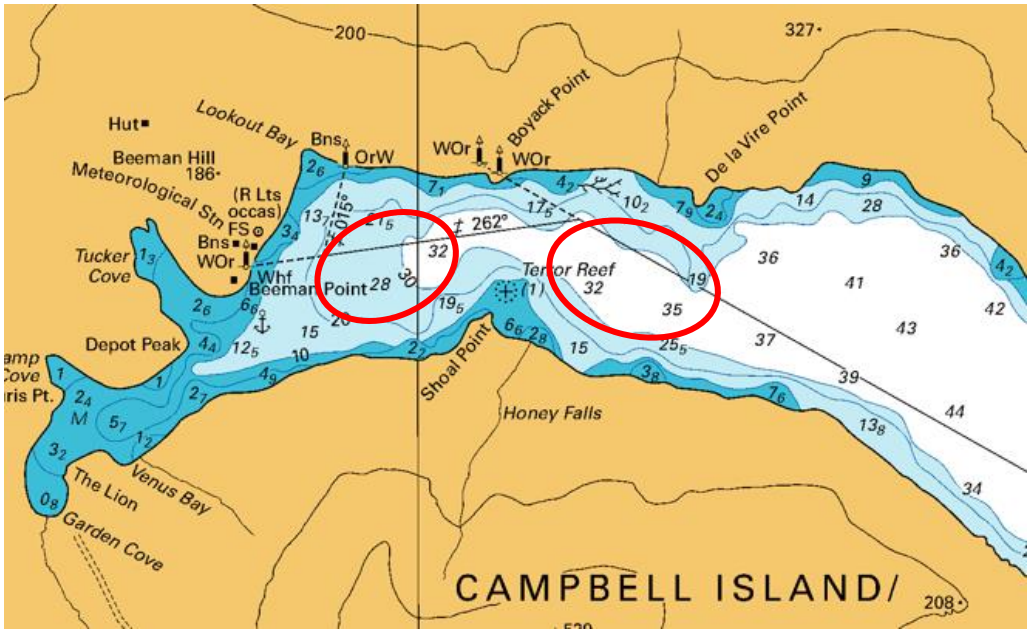

Figure 2. Area of Perseverance Harbour and anchorage locations (extract chart NZ3111)

79. The submitter states the dynamic position systems of vessels over 125 m will not be sufficient in the high winds of the subantarctic environment to effectively counter windage effects. This is a very sweeping statement and makes the assumption that an application for access under proposed Rule 47A would seek to operate in 'high winds'. There can be little doubt that new build vessels of 126 m length overall with modern manoeuvring and propulsion systems would be more manoeuvrable than a 124 m length overall vessel, built in 1995 with a single propellor and rudder, and no operational thrusters, whether in 'high winds' or calm conditions. However, the 126 m vessel, if granted a coastal permit (as a discretionary activity), my expectation is that conditions would be included to ensure it would only operate under strict operational limits assessed to be within the capabilities of vessel and master in order to address navigation safety matters.

80. I would expect that an application, including documented assessments undertaken by the applicant, under proposed Rule 47A would be assessed for navigation safety matters specific to that vessel(s) and the operations of that vessel. These operations should be required to be undertaken in a specific format, and should be subject to documented conditions that limit navigational freedom, including the actual and forecast weather conditions, and a requirement that the operations be undertaken by personnel holding specific competencies and local knowledge (refer para 69 above regarding information requirements for applications). This small window of operation would likely be reduced compared with the operational window afforded vessels of less than 125 m length overall. The assessments of navigation safety matters undertaken in processing any application under proposed Rule 47A, and any conclusions and recommendations, should be utilised to provide guidance for decision makers, and when compiling suitable conditions of consent.

New Zealand Sea Lion Trust – Submission point 6.14

81. The submitter makes several points that echo themes of other submitters. These points include a perceived difficulty in navigation within Perseverance Harbour, a possible increase in risk, and lighting onboard vessels. Where necessary, I shall discuss each point.

82. Windage affects all ships and is the area of a vessel exposed to the force of a wind. In general, a vessel heading into the wind has less windage than if the wind was on the beam (side) of the vessel. The general effect of windage is to push a vessel in the direction the wind is blowing to, and/or to induce a turning moment on the vessel (similar to a wind vane). These effects are more noticeable on the manoeuvring of a vessel when the vessel is proceeding at a slower speed (or is stopped), such as transiting a narrow passage or manoeuvring within a harbour. All vessels are subject to windage to some extent.

83. The effects of windage are countered by several factors, including the shape and area of the vessel below the waterline (length, depth, and profile) and the vessels manoeuvring equipment (propulsion, steering, and thrusters). These factors would be part of any simulation and assessment of an application under proposed Rule 47A.

84. It should be noted that windage is one factor, not 'the' factor that determines the manoeuvring characteristics of a vessel. An older vessel of 124 m length overall, fitted with a single propeller and rudder, and perhaps a bow thruster, would be very unlikely to be as manoeuvrable as a modern vessel of 126 m length overall fitted with propulsion pods and bow thruster, yet may have a near identical windage. There are many factors to consider, not just windage, and to focus on just one factor risks losing sight of the wider picture.

85. With the exception of Terror Reef, Perseverance Harbour is generally clear of navigation hazards, The shoal area of Terror Reef is situated approximately one nautical mile east of Beeman Base and lies on the south side of the harbour. Vessels intending to transit past this reef need to move to the north side of the harbour and make an alteration of course to port prior to passing Terror Reef. While not a particularly difficult manoeuvre, it does involve an alteration of course immediately before passing the hazard. A preferred navigation format would involve settling a vessel on course some time prior to passing a hazard to allow time for the vessel to settle on course and enable the bridge team to make any fine alterations required. While not a particularly difficult manoeuvre, it is less than ideal; however, the manoeuvre should be well within the capabilities of a bridge team provided the navigation is undertaken with appropriate planning, under suitable conditions, and by a master and bridge team with the requisite experience and local knowledge.

86. Note that not all vessels transit past Terror Reef, as some vessels anchor to the east of Terror Reef depending on weather conditions and the preference of individual vessel masters. An application under proposed Rule 47A would need to identify if the vessel is to pass Terror Reef and if so, how the master and bridge team would accomplish this safely.

87. There is a perception that larger vessels visiting more frequently will increase the risk of accidents or incidents and, thus, increase the risk of adverse environmental effects, such as oil spills. This is not necessarily the case. Simply increasing the frequency of an event does not necessarily increase risk. Current vessels visiting the Subantarctic Islands include vessels that have no polar class rating and/or have fuel oil tanks adjacent to the ships side. Overall, these vessels have a lesser hull strength and a greater likelihood of release of fuel oil if the hull is ruptured in the area of a tank. Any vessel operator applying under proposed Rule 47A would need to demonstrate the suitability of their vessel. This may include fuel oil tanks that are not adjacent to the ships hull, the use of alternative fuels such as liquefied natural gas, or a construction format that minimises potential damage to the ships hull. Currently, no such requirements are in place for vessels less than 125 m length overall.

88. The matter of anchoring has been covered previously in my evidence at para. 70, and any seabed disturbance will depend on whether a vessel anchors or uses dynamic positioning, and the weather conditions the vessel is operating in. Any assessment of navigation safety matters, as part of an application for a coastal permit granted under proposed Rule 47A, should prescribe operational wind limits. It is highly likely that these wind limits will be for calm or moderate conditions, when ancillary craft operations are possible, which would not necessitate the need for a large scope of anchor chain if the vessel was to anchor.

89. The submitter raises concerns with regard to the presence of larger vessels and possible incidents, referencing the 2017 grounding of a cruise ship at the Snares Islands. Incidents do occur and are not isolated to larger vessels. Two operators of vessels at the Subantarctic Islands suffered groundings of their vessels elsewhere in the world recently[4], neither incident resulted in pollution nor appreciable damage to the vessels. While this identifies that incidents can, and do, occur they are not specific to large vessels nor confined areas similar to Perseverance Harbour, and do not always result in pollution, environmental damage, or damage to the vessel. As mentioned earlier in my evidence in para 63, incident investigations are tracked to ensure learning opportunities are utilised and improvements made. This is a similar stance taken by most authorities regulating shipping worldwide. As mentioned previously in my evidence at para 88, I expect that the construction and format of the vessel would be part of any assessment of an application under proposed Rule 47A.

90. The lighting of vessels is raised as a concern. The submitter believes larger, newer vessels will have more deck lights. Maritime Rule 22 is very explicit on lights carried by ships and states:

> *"Lights required by this section are to be exhibited from sunset to sunrise. During this time the only other lights which may be exhibited are those lights which—*
>
> *(a) cannot be mistaken for lights specified in this Part; and*

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[4] Heritage Adventurer grounding, Kanazawa harbour, Japan April 2025; Coral Adventurer, grounding, off NE coast Papua New Guinea, December 2025.

(b) do not impair the visibility or distinctive character of lights specified in the rule; and

(c) do not interfere with the keeping of a proper look-out".

The display of deck lights can and does interfere with the visibility of the navigation lights prescribed within Maritime Rule 22 and should therefore be kept to a minimum.

91. Navigation during the periods between sunset and sunrise (darkness) adds a complexity to the act of safely navigating a vessel by removing the ability to see the surrounding area and the effects of approaching wind gusts on the water; visual cues for effects, such as wind funnelling from a valley or ridge line; wind direction changes from wind wave patterns; and the simple overall contextual picture of the progress of the vessel. Removing these visual cues of what is happening away from the ship leaves a mariner reliant on instruments that only provide data on what has happened at the ship, not what is going to happen. This means a vessel crew has to reactively manage these events rather than being able to proactively prepare for and manage their effects. I see little reasonable justification for a vessel operator seeking approval under proposed Rule 47A to enter, depart, or remain within Perseverance Harbour during the hours of darkness when the vessel could safely depart to sea prior to sunset and safely return the following day if required. It is my understanding that the Minister of Conservation would have discretion under Rule 47A to impose conditions that would prohibit vessels from being in Perseverance Harbour during the hours of darkness.

Southland Conservation Board – Submission point 7.13

92. In responding to the New Zealand Sea Lion Trust's submission points, I have effectively responded to the submission points of the Southland Conservation Board.

Ponant – Submission point 4.2; Heritage Expeditions (2018) Limited – further submission

93. The submitter seeks to extend the provisions of proposed Rule 47A to include the waters of Carnley Harbour. Carnley Harbour is the busiest area for vessel traffic within the Subantarctic Islands. The area is utilised as shelter for the scampi fishing fleet and small vessels throughout the year. The area is also a destination and shelter area for cruise ships and research/management vessels less than 125 m length overall, and the occasional recreational vessel. As discussed in para. 27 anchorages for small vessels are located around the harbour within the 300 m from MHWS to provide a suitable depth of water for anchoring and shelter from adverse conditions for smaller vessels. Outside of 300 m from MHWS, the available depth of water generally ranges from 40 to 87 m.

94. The Department of Conservation manages landing sites for Carnley Harbour. These are distributed around the harbour and are separated by large distances. The maximum landing numbers for each location are small, with a maximum daily limit of 50 people being the highest, and the maximum total annual limit at each site is 150. Vessels less than 125 m length overall can manage these smaller landing limits with landings at two locations, and/or zodiac cruising, without spreading their ancillary craft operations across too wide an area, or into too many small operations. The submitter's (Ponant)

vessels are greater than 125 m length overall and are listed as carrying up to 264 passengers. This increase in passenger volume in one vessel creates difficulties in providing landing and zodiac tour opportunities. To land just 200 passengers would need four separate sites with a daily capacity of 50 people. The access to these landing sites, even if they existed and the operator had required entry permits, would be limited by the proposed Rule 40 condition C, which seeks to mitigate the safety issues surrounding ancillary craft operations, especially those conducted a long distance from the mother ship.

95. There are specific navigational safety risks that exist within Carnley Harbour that are not present within Perseverance Harbour and these include:

    I. Carnley Harbour is the busiest area for vessel traffic within the Subantarctic Islands.

    II. Carnley Harbour is known for wind funnelling in most areas. The direction of funnelling is more complex than at Perseverance Harbour because of the larger numbers of mountain peaks, valleys, and arms of the harbour.

    III. There are locations within Carnley Harbour where headlands obscure the view from a vessel's bridge (e.g., Grafton Point obscures Western Arm and Musgrave Peninsular obscures the northern part of the harbour). This means the bridge team may be unaware of any hazards that may exist, such as the presence of smaller vessels (not fitted with AIS), strong wind gusts, and other hazards to navigation.

    IV. Once within Carnley Harbour, a vessel may navigate to an area that is removed from the main access/egress channel. Without a clear view of the main channel, it is impossible to monitor the conditions there. Deteriorating conditions in the main access/egress channel could affect a vessel's ability to depart safely, and may be the first indication of deteriorating conditions across the whole of the harbour.

96. Carnley Harbour presents a different environment for navigation and ship operations to that of Perseverance Harbour. In Perseverance Harbour, the crew of a vessel anchored east of Terror Shoal has a clear view of both the landing site (and the operations of ancillary craft) and all of the harbour to the entrance. I am of the opinion that while proposed Rule 47A is appropriate to manage access by vessels longer than 125m to Perseverance Harbour, this rule is not an appropriate tool for management of the more complex operations that would have to be undertaken, and the more complex environment, at Carnley Harbour.

Proposed amendments to Rule 40 - Ancillary Craft

<u>Rodney Russ; Heritage Expeditions Limited; New Zealand Sea Lion Trust – Submission points 1.1, 3.5 and further submission in support of Rodney Russ, 3.17, 6.3, and 7.2</u>

97. Collectively the submitters raise concerns regarding a perceived mischaracterisation of both ancillary craft and the potential for incidents resulting in pollution, and any response to those incidents. Additionally, submitters variously support an increase in safety but

not in the format of proposed Rule 40C. One submitter identifies unintended consequences of the proposed Rule 40C restricting access to some existing landing sites.

98. The use of ancillary craft at the Subantarctic Islands is a fundamental part of the operation of all visiting vessels. Whether to transfer spare parts from one fishing vessel to another, to land passengers, undertake research or management work, or simply tour to observe wildlife and the rugged coastline, ancillary craft are essential. The term ancillary craft covers a necessarily very wide spectrum of craft as identified within the Regional Coastal Plan, which defines ancillary craft as tenders, dinghies, zodiacs, canoes, rigid hull inflatable boats, and landing craft medium. This wide variety of craft are propelled by a broad range of mechanisms from small petrol outboard motors on a recreational vessel through to larger petrol outboards on cruise ship ancillary craft (zodiacs) up to large diesel engines on jet powered rigid hull inflatables and landing craft. The volumes of fuel and oils carried on each craft varies from 50 or 60 litres on a cruise ship zodiac to several hundred litres on larger rigid hull inflatable boats and into thousands of litres for landing craft. The term ancillary craft is therefore far broader than simply the zodiac-type craft used by most cruise ships at the Subantarctic Islands.

99. The differing uses of ancillary craft are also broad from manoeuvring close to whales to attach satellite tracking devices, to transporting fuel and materials for research activities, to the transportation of passengers. The largest ancillary craft currently carried to the Subantarctic Islands have a capacity of 50 tonnes of cargo (fuel, materials, and equipment etc.).

100. Ancillary craft are used to bridge the gap between the mother ship and the shore, whether for landing or for touring. This use places these craft in very close proximity to the shore and the effects of swell and wind waves. Landing personnel at the various landing sites and undertaking tours exposes people to hazards and therefore risk. A recent incident involved the capsize of a cruise ship's rescue craft (providing safety back-up for passenger zodiacs), resulting in three people being thrown into the water, when the rescue craft was manoeuvred close to the shore. There are also other examples of incidents involving ancillary craft in similar environments elsewhere in the world, including a Quark Expeditions zodiac, which overturned near shore in the South Shetland Islands, resulting in two fatalities and reported additional injuries while recovering the craft. A vessel of the same type used as an ancillary craft at the Subantarctic Islands capsized close inshore off mainland New Zealand while being used for commercial wildlife watching. This incident resulted in five fatalities after passengers were trapped in an air pocket underneath the vessel and fumes from spilling fuel affected their breathing.

101. I raise these incidents to identify that issues can and do occur, and that there are consequences, including pollution, especially if the ancillary craft is not recovered for some time or is not recoverable, which is highly possible. The decision to send additional craft into an area where one craft has already suffered an incident requires very careful consideration, and if that craft, and any fuel or oils remaining onboard, has been washed ashore, recovery may not be possible because of landing restrictions.

102. Both the Southland Conservation Board (submission point 7.8) and NZ Sealion Trust (submission point 6.8) have suggested that using ancillary craft in pairs might adequately manage the risk of incident. While the operation of zodiacs from cruise ships is generally undertaken in pairs, and this does provide some level of support, this type of operation would still not mitigate the effects. For example, a second zodiac may well be able to accommodate all passengers from an upturned zodiac, in addition to the passengers it is carrying, be it very cramped, and return slowly to the mothership; however, it would not be in a position to manage the recovery of the upturned zodiac. While travelling in pairs provides a limited and very sensible level of support, I do not believe it effectively manages all the issues across all ancillary craft types and operations.

103. I can accept the point made by Heritage Expeditions (submission point 3.5) that the ancillary craft used on their vessels are of a specific type and this company has successfully used these craft for a specific purpose for a long time. However, the term ancillary craft used within the Regional Coastal Plan is far broader in both the type of craft and the use of those craft.

104. The master of a vessel is responsible for, and should have operational oversight of, all activities undertaken onboard or from their vessel. This is not to say the vessel master is able to do whatever they like. There are many rules and requirements that affect the operation of a ship. After several incidents involving zodiacs (and other types of craft) launched from cruise ships, the New Zealand national maritime regulator, Maritime New Zealand, wrote to cruise operators providing clear guidance on their expectations with regard the operation of zodiacs from cruise ships; this letter is referenced within the Navigation Safety Operating Guidelines:

> "Maritime New Zealand requires that cruise companies have documents proving their Zodiac operations conform to a recognised regulatory framework and that the craft comply with the relevant New Zealand regulatory standards".
>
> The letter further lists matters that should be covered within these documents. The list is not exhaustive but includes:
>
> I. Craft will be used safely
> II. Safety briefings are provided to passengers
> III. Craft does not exceed passenger loading specifications set by the manufacturer
> IV. Wearing correct-size lifejackets
> V. The craft is regularly maintained and checked for potential issues
> VI. Crew are properly trained and appropriately qualified
> VII. VHF radio communications

The Maritime New Zealand letter also quoted as stating,

> "We recommend that cruise companies engage directly with local harbour masters to ensure their use of Zodiac craft complies with local rules and requirements".

105. The letter is detailed within the Navigation Safety Operating Guidelines for both the Subantarctic and Kermadec Islands, which are available on the Department of Conservation website for Navigation Safety for Subantarctic and Kermadec Islands[5] and provided to all operators visiting the islands.

106. Oversight of the control of zodiac operations by local authorities is therefore not unusual and is based on the hazards present and the risks for specific areas. For the Subantarctic Islands, these hazards are considerable and the risks can be extreme. Ship masters and crew are trained to a minimum standard. Many vessel operators provide additional training to their personnel and draw on years of experience in the field to have robust procedures and safe operations. However, other operators may not be as experienced in the knowledge and management of the necessary operations, the operating environment at the Subantarctic Islands, or place as much focus on their procedures and training.

107. Any response to an ancillary craft incident is hampered by greater distances between the mother ship and the incident site. Recovery of personnel back to the mother ship takes far longer from a greater distance than from shorter distances. This time is particularly relevant if people have been immersed and may be cold, or when recovered people are taken onboard a second ancillary craft that already contains several people. While it may be easy to right a small capsized zodiac and tow it back to the mother ship, it is not as easy to right a larger rigid hull inflatable boat, tender, or landing craft. The ability of the mothership to move to a safe position where it may more readily provide support, have clear oversight of the incident location, and lessen the distances needed to be travelled between the incident site and the mother ship is fundamental in incident response.

108. There are additional considerations why effecting a response to an ancillary craft incident requires the mother ship to be able to position close to the incident site. Dependent upon the vessel and the operator, not all vessels carry more than one ancillary craft. Fishing vessels, recreational yachts, and general transport vessels may only carry one ancillary craft. Some vessels may carry additional ancillary craft, but the master may not be willing to deploy a second craft because of the conditions present that caused the initial incident, or because there are insufficient competent personnel to appropriately manage the craft. Therefore, rescue and recovery may be reliant on the use of the mother ship. I can appreciate that Heritage Expeditions vessels carry additional ancillary craft that are able to be operated to respond to an incident; however, with the broad array of ancillary craft types for various uses from different vessels, this is not the case across all vessels.

109. I agree that, as drafted, proposed Rule 40C has consequences on the ability to utilise ancillary craft to visit certain landing sites, including those listed by Rodney Russ, because the landing sites are located more than 1000m from where a vessel <125m

[5] Navigation safety: Subantarctic and Kermadec Islands

can access as a permitted activity (see Attachment 3 -– – Access to Landing Sites – Proposed Rule 40, second and third column). These are:

I. Lake Hinemoa access, 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

110. All these sites lie within areas that provide shelter to an ancillary craft and, to a greater or lesser degree, the mother ship for vessels less than 125 m length overall, which can therefore access up to 300 m from MHWS, which should provide for a reasonable level of safety. I would therefore agree that the proposed Rule could be amended to provide for ancillary craft access to these sites. All listed sites could be accessed while remaining within 6000m of a mothership <125m (see Attachment 3, fourth column). I recommend that a distance of 6000 m from the mother ship provides a suitable level of safety for ancillary craft launched from a mother ship of less than 125 m in the locations listed above, which includes those sites listed by the submitter. I have reviewed changes to proposed Rule 40C provided by the s42A Reporting Officer to implement my recommendation. I support those changes.

111. Overall, the amendments to proposed to Rule 40C and Rule 40 provide:

I. For vessels greater than 125m length overall new proposed Rule 40D exempting their ancillary craft from the 1000m requirement and allows them to access Lake Hinemoa landing site area; and
II. For vessels less than 125m length overall new proposed Rule 40E exempting their ancillary craft from the 1000m requirement for the sites identified by submitters, and the additional site of Erlangen Clearing, as identified within my evidence at para. 106; and
III. Amendments to proposed Rule 40C also provide for zodiacs may travel upto 6000m from the mothership provided it also remains within 1000m of where the mothership may access.

Together the changes to proposed Rule 40C and Rule 40 should satisfy the matters raised within submissions and still provide a reasonable level of mitigation for risk of incident however, I do note that conditions of weather, sea state or other considerations may mean that operation of ancillary craft may not be possible or advisable, even when operating within the amended proposed Rule 40C, 40D and 40E.

112. The operating environment at the Kermadec Islands has many similarities with the Subantarctic Islands, including the remoteness and rugged terrain, and the Kermadec islands have less available shelter for vessels. However, the environmental conditions (wind, air and water temperatures, and precipitation) at the Kermadec Islands are generally not as severe. While occasional ex-tropical storms do pass by, and the area

is open to ocean swells, the conditions are not as rapidly changeable and the extremes are generally not as severe. The area is however an active volcanic area and most nautical charts carry warnings regarding volcanic activity, especially near islands, where the depth of water may change. The operation of ancillary craft at the Kermadec Islands involves manoeuvring close to shore, in areas of noted volcanic activity and changes in depth, in an ocean environment subject to swell. The operational window i.e., maximum conditions of swell and wind in which ancillary craft can operate is unlikely to be different from that of the Subantarctic Islands, although there are likely to be more days when operations may be undertaken. Given the differing environmental conditions, including geological, geomorphology of the islands, lack of shelter they offer and lack of landing sites, I do not recommend changing Rule 56 (the equivalent to Rule 40 controlling ancillary craft access in the Kermadec Islands) to extend the distances proposed (other than consistent framing language).

113. I understand the concerns of submitters that identify that some vessels may be tempted to come as close as possible to 1000 m from MHWS to conduct ancillary craft operations. The rule is worded such that it is "Ancillary craft must be within 0.54 nm (1000 m) from where the mother ship is authorised to access". Therefore, the mother ship does not have to be 1000 m from the ancillary craft, simply able to access a position within 1000 m of it.

114. The proposed changes to ancillary craft operations provide a pathway for an operator to apply for a coastal permit for operations that do not meet the requirements for a permitted activity. Such applications would be assessed and would consider the operational record of the individual operator, as well as their experience in the area, local knowledge, procedures, and training of personnel. The proposed changes should provide a mechanism for suitably experienced and competent operators to conduct ancillary craft operations across a far broader range, while providing a suitable operational window for other operators that require more focused operational restrictions.

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Any other matters

115. While assessments of access and anchoring coastal permit applications should have regard to the SMS[6], the limits on any controls put in place by the SMS, such as bylaws, extends only to maritime safety, and not to environmental protection. In general, the coastal plan for any region across New Zealand will identify the areas and controls needed to protect the environment and will identify which vessels may or may not operate in any area, and the conditions that may apply. The role of any (navigation safety) SMS is then to establish the framework that allows those vessels to operate safely in those areas. This framework includes the national regulatory requirements, including Maritime Rules, which set the national minimum standard, and the local regulatory requirements, including bylaws, which are based on specific locations and

[6] The Safety Management System for navigation at the Subantarctic and Kermadec Islands as explained at paragraph 50 of my evidence.

vessel operations. Local requirements may not be inconsistent with the national requirements. As detailed earlier in my evidence at paras 50 and 52, there are currently no regulatory powers available to the Minister of Conservation under the Maritime Transport Act 1994.

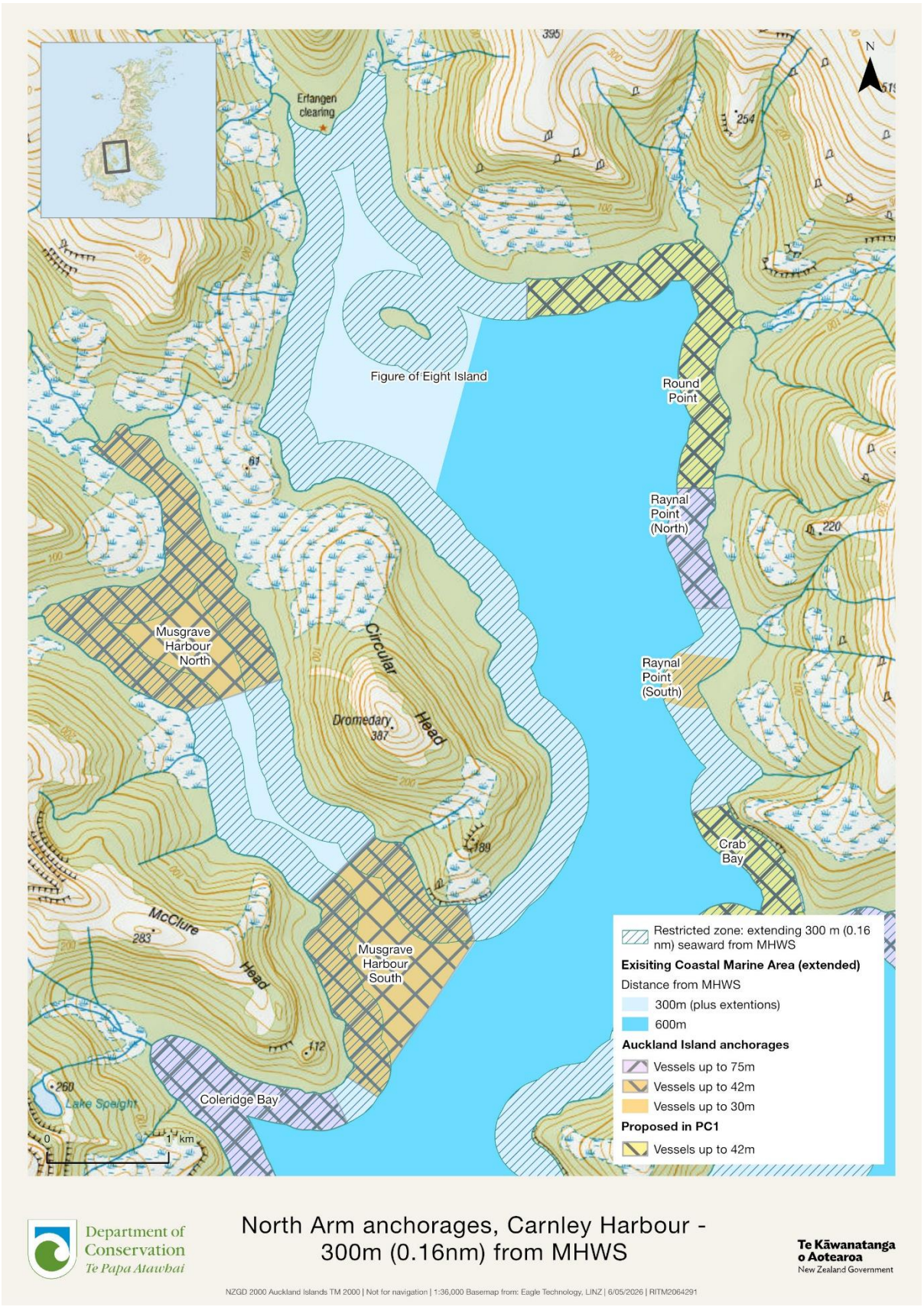
116. Across some submissions I can identify a focus on individual factors that may affect a vessel granted a coastal permit under proposed Rule 47A such as windage or anchor-chain scope. These individual factors are part of a wider set of factors that would affect a vessel and to focus on just a few, risks losing sight of the wider picture. The assessment of an application under proposed Rule 47A must thoroughly consider all factors and not simply those raised by submitters.

117. My dealings with the fishing industry both during mediation work following initial hearings for the Regional Coastal Plan, and as a whole, have identified a desire for clarity on the requirements of the rules in a manner that is easily understood by vessel masters, and, where possible, is black and white. An example of such clarity is the plans of the available anchorages, shown on extracts from nautical charts, which are provided within the Regional Coastal Plan (Appendix 2 – Chartlets). These plans clearly show where a vessel of a particular size is allowed to anchor. I am of the opinion that greater awareness regarding the safety provisions of Rule 1 by submitters may help in addressing some of the concerns in relation to available anchorage locations where there may be a perceived safety factor. Specifically the provisions of Rule1.b)

James Veere Dilley

10 May 2026

Attachment 1 – Map of North Arm, Carnley Harbour



Department of Conservation
Te Papa Atawbai

North Arm anchorages, Carnley Harbour - 300m (0.16nm) from MHWS

Te Kāwanatanga o Aotearoa
New Zealand Government

NZGD 2000 Auckland Islands TM 2000 | Not for navigation | 1:36,000 Basemap from: Eagle Technology, LINZ | 6/05/2026 | RITM2064291

Attachment 2 – Guidance on information to be submitted with a coastal permit application

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.

The form is also available from the Department's website:
www.doc.govt.nz/ offshoreislandsrcp

Completed applications should be sent to the relevant Department of Conservation Director
coastalplan@doc.govt.nz

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.

Attachment 3 - Ancillary craft access – Rule 40

This table shows the implications of the Reporting Officer's recommended amendments to Rule 40, further to submissions., for vessels <125m.

Noting that I also consider vessels >125m could be provided with an exemption from the requirement to remain within 1000m of where the mother ship can access, but only for the purposes of accessing Lake Hinemoa, Auckland Islands, not the other locations.

Landing site:	**Approx km to the site from 300m of MHWS**	**Location is within 1 km of where the mother ship is authorised to access (for vessel <125m)** [Rule 40 C (a)]	**Location is accessible within 6 km of mother ship (for vessel <125m)** [Rule 40 C (b)]
Lake Hinemoa Auckland Island, Musgrave Inlet, RCP map 1, Charlet 1	2.1	No	Yes
Erlangen Clearing Auckland Island, Carnley Harbour, top of North Arm, above Figure of Eight Island. RCP map 3	1.5	No	Yes
South West Cape Auckland Island, Carnley Harbour, Western Arm, RCP map 3 *(the landing site is accessing from inside Carnley Harbour up Western Arm)*	5.6	No	Yes
Perseverance Shoreline (Loneliest Tree and Northwest Loop (Camp Cove)) Campbell Island, top of Perseverance Harbour, RCP map 5	1.8	No	Yes
Perseverance Shoreline (Garden Cove and Mount Honey) Campbell Is, top of Perseverance Harbour, RCP map 5	1.9	No	Yes
Perseverance Shoreline (Venus Bay) Campbell Island, top of Perseverance Harbour, RCP map 5	1.6	No	Yes
Perseverance Shoreline (Duris Grave) Campbell Island, top of Perseverance Harbour, RCP map 5	1.6	No	Yes