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Submission Form (Form 5)

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

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

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

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

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

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

Full name: Kristie Penwarden

Phone: [REDACTED]

Organisation:

Barine Developments Ltd
(*the organisation that this submission is made on behalf of)

Email:

kristie@seaeagle.net.nz

Postal address:

[REDACTED]

Postcode: [REDACTED]

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

Trade Competition

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

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

Please tick the sentence that applies to you:

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

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

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

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

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

Hearing Submissions [select appropriate box]:

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

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

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

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

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

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

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

Signature:



Date: 22 October 2025

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

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

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

Add further pages as required – please initial any additional pages

(1) The specific provisions of the Proposed Plan Change that my submission relates to are:		(2) My submission is that: <i>(include whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)</i>		(3) I seek the following decisions from the Minister of Conservation. <i>(Please give precise details for each provision. The more specific you can be the easier it will be for the Council to understand your concerns.)</i>
Chapter/Appendix/ Schedule/Maps	objective/policy/rule/ standard/overlay	Oppose/support (in part or full)	Reasons	
Rules 29A and B(b) (relating to Performance Standards 1-4)	Vessel hull and niche area biofouling inspection and compliance	Support in part (International Vessels)	<ul style="list-style-type: none"> International vessels should be subject to vessel standard outlined in CRMS 2023 MPI Biosecurity standards and clearance. 	International vessels to comply with the new inspection protocols (Forms 1 and 2 of Appendix 4) and they are an elevated risk
		Oppose in part (Domestic Vessels)	<ul style="list-style-type: none"> The proposed changes are unnecessary, disproportionately burdensome for fishing operators The current regime already meets and exceeds IMO 2023 standards and includes rigorous inspections, niche area management, and contingency pathways. Applying international vessel standards (outlined in CRMS Vessels 2023) to domestic operators adds compliance costs without improving biosecurity outcomes. Unnecessary, additional costs to fishing operators have a flow on affect to quota shareholders, and the full supply chain 	<p>Domestic vessels to be exempt from the new inspection protocols (Forms 1 and 2 of Appendix 4)</p> <p>Domestic vessels should maintain requirements under the current Regional Coastal Plan (2017) due to the lower risk profile.</p>

			Correspondence between operators, DOC staff and authorised inspectors has been positive under the current process, and we question why there is any appetite to change a process which is working well.	
Appendix 5	Removal of Approval inspectors	Oppose	<ul style="list-style-type: none"> Scampi vessel operators have built trusted relationships with approved inspectors in several ports around the country. Inspectors have become familiar with vessels and inspection scheduling. This appears to be an effective process. Several risks have been identified with the removal of improved inspectors: <ul style="list-style-type: none"> Reduced assurance of adequate inspections and cleaning Increased administrative burden for operators and DOC Operational uncertainty for industry 	Retain Minister approved inspectors
Rule 34B, 37B, 38, 39 40, 41B, 42B, 43B, 46B, Note 7	Access to Port Ross during whale season (1 April–31 October)	Oppose	<ul style="list-style-type: none"> Port Ross is a critical refuge for vessels during poor weather. A full seasonal closure would remove this safety option during the most hazardous time of year. Ensuring the safety of vessels and crew must remain the highest priority in anchorage planning. Scampi vessels use steel anchor chains, which pose minimal 	<p>We request that commercial fishing vessels are permitted to access Port Ross for safe anchorage during the winter months (1 April to 31 October) under the conditions which currently apply, with the addition of:</p> <ul style="list-style-type: none"> Requirement to use chain/wire anchor cables Speed restrictions where practical to keep steerage

			<p>entanglement risk to whales.</p> <ul style="list-style-type: none"> • There is no history of whale entanglements in the scampi fishery. • While it is not clear if MPI Observers are specifically instructed to report compliance with the Regional Coastal Plans, they are required to report on protected species risk management more generally (Vessel Management Plan Audits and Operational Procedures) and are required to report protected species captures, including entanglements. Based on observer records and Non-Fish or Protected Species reports, there has never been a whale entanglement involving scampi vessels and adherence to protected species risk management has been high over recent years (Deepwater Annual Review Report 2022/23). 	
Performance Standards 5 & 6 (Table 2)	Whale protection measures during winter	Oppose	<ul style="list-style-type: none"> • While supporting whale protection, the proposed restrictions are disproportionate to the actual risk posed by scampi vessels. • Due to weather and other environmental conditions, night vessel movements should be avoided if possible. However, an exemption should be granted if the vessel has equipment and procedures that provide full visual and situational 	As above

			awareness in reduced visibility. For example, FLUR night vision / thermal	
Rule 42C	Anchorage at Round Point and Crab Bay (Carnley Harbour)	Support in part	<ul style="list-style-type: none"> • These new anchorages provide essential shelter from hazardous north-easterly winds. Their inclusion improves safety and operational continuity for the fleet. • However, additional anchorages are still needed to address prevailing south-westerly conditions and congestion during adverse weather. 	<p>Support as is, with the addition to consider the use of North Arm under the following conditions:</p> <ul style="list-style-type: none"> • The master decided there was nowhere else suitable, and • The vessel remains outside 300m from shore.
Tucker Point Anchorage (Port Ross)	Request for additional anchorage	Support	<ul style="list-style-type: none"> • Industry maintains this anchorage is needed for shelter from easterly winds. • DOC rejected it citing lack of rationale, but the same safety logic used for Carnley Harbour applies here. Its inclusion would improve vessel safety during adverse conditions. 	<p>Vessels may access and/or anchor at the following locations together with those locations listed in Rule 43 which the captain of the vessel considers appropriate:</p> <p>(a) Sandy Bay (in Port Ross), Auckland Island – but no closer than the 10 metre contour (<i>chartlet 3</i>)</p> <p>(b) Tucker Point (in Port Ross), Auckland Island (<i>chartlet 3</i>)</p> <p>(c) Musgrave Harbour (North) (in Carnley Harbour), Auckland Island (<i>chartlet 8</i>)</p> <p>(d) Musgrave Harbour (South) (in Carnley Harbour), Auckland Island (<i>chartlet 8</i>)</p> <p>(e) Round Point (in Carnley Harbour), Auckland Island (<i>chartlet 9A</i>)</p> <p>(f) Crab Bay (in Carnley Harbour), Auckland Island (<i>chartlet 9B</i>)</p>

BARINE DEVELOPMENTS LTD

22 October 2025

Jesse Gooding
RSP Resource Management Team
Department of Conservation
Email: planchange1@doc.govt.nz

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

Dear Jesse,

Further to the recent public notice, issued pursuant to Clause 5 of the First Schedule of the Resource Management Act 1991, Barine Developments Ltd (BDL) appreciates the opportunity to submit on the Department of Conservation (DOC) Proposed Plan Change 1 to the Regional Coastal Plan: Kermadec and Subantarctic Islands.

Barine Developments Ltd (BDL) is a family-owned, independent quota owner that leases ACE to New Zealand fishing operators, including those in the SCI6A scampi fishery that operates adjacent to the Auckland Islands.

BDL owns 25,652kg of SCI6A which equates to 8% of SCI6A quota shares of the TACC. This represents 37% of BDL's total SCI quota share package. Other BDL-owned quota shares related the affected fishery grounds in this submission include STA5, SQU6T, HOK1W and LIN6.

As a quota owner and responsible member of the fishing industry, BDL is dependent on the health of the marine environment, and thus we support the overarching goals of environmental protection and biosecurity. We appreciate the need to review and update the Plan considering evolving risk and best practice. However, we question DOC's basis for the significant and vast scope of changes to a document that was developed very recently at great cost and effort. The plan in its current form has proved to be fit for purpose. The evolution of best practice and the environment factors specific to the Subantarctic Islands has not changed proportionally and in line with what DOC has proposed.

Specifically, BDL questions the proposed changes, particularly where they may disproportionately affect domestic scampi fishing operators without a commensurate environmental benefit.

Secondly, BDL wishes to raise concerns regarding the proposed changes, particularly where they may affect fishing operators in the SCI6A fishery (adjacent to the Auckland Islands) whose vessels may seek shelter in adverse weather conditions, when unsafe sea conditions arise in the fishing grounds. Ensuring the safety of vessels and crew must remain the highest priority in anchorage planning.

We respectfully submit the following key points for consideration.

1. Vessel Hull Inspection Requirements – Biofouling Risk Management

BDL strongly opposes that the New Zealand scampi fleet should have to adhere to the proposed changes to the biofouling rules as outlined in Plan Change 1. New Zealand's domestic scampi fleet already meets a very high standard of hull and niche area maintenance under the current regulatory framework. The current regime already meets and exceeds IMO 2023 standards and includes rigorous inspections, niche area management, and contingency pathways.

The proposed changes for operators in the scampi fishery in SCI6A are unnecessary and disproportionately burdensome and will result in increased compliance and operational costs.

These increased costs to operators will have a flow on affect through the supply chain; potentially affecting employment in fishing communities, exports and the value of ACE to quota shareholders. At a time when high employment and a robust export market is critical to boosting New Zealand's economy in a cost-of-living crisis, we question why DOC would burden fishing operators with unnecessary costs and compliance without delivering additional biosecurity benefits; especially when the current regime is fit for purpose.

Therefore, BDL respectfully submits that no changes should be made to the biofouling rules for domestic operators.

2. Access to Port Ross During Whale Season (1 April – 31 October)

New Zealand scampi fishing vessels do not plan or conduct voyages to visit the Subantarctic Islands, instead they conduct voyages to the southern fishing grounds and utilise the Subantarctic Islands for shelter as the only available safe haven when unsafe sea conditions arise in the fishing grounds.

Port Ross also serves as a critical anchorage during transit between New Zealand and the Auckland Islands fisheries. Vessels anchor in Port Ross under poor weather conditions, when continuing at sea would pose a risk to vessel integrity and crew safety. A winter closure would effectively remove this vital refuge during the very season when it is most needed, potentially forcing vessels to remain at sea in unsafe conditions or divert to less suitable anchorages.

The proposed winter closure of Port Ross, intended to reduce the risk of whale interactions, must be carefully weighed against the operational realities and safety considerations of the Southern Ocean scampi fishery.

Whale risk from scampi vessels

While the presence of southern right whales in the area during winter is well documented, it is important to note that there has never been a recorded whale entanglement involving scampi vessels in Port Ross or elsewhere in the New Zealand scampi fishery.

While it is not clear if MPI Observers are specifically instructed to report compliance with the Regional Coastal Plans, they are required to report on protected species risk management more generally (Vessel Management Plan Audits) and are required to report protected species captures, including entanglements. Based on observer records and Non-Fish or Protected Species reports, there has never been a whale entanglement involving scampi vessels and adherence to protected species risk management has been high in recent years ([Deepwater Annual Review Report 2022/23](#)).

Furthermore, scampi vessels employ steel anchor chains rather than rope-based systems. Steel chains rest on the seafloor and do not pose the same entanglement risk as floating or slack rope, which is known to be a primary cause of whale entanglements with other vessels. This, along with the required measures within the current operative Plan means the risk profile of scampi operations in Port Ross is inherently low.

With Research and Management vessels permitted to access Port Ross during the winter period, whilst implementing precautionary measures, there is no logical reason why sheltering fishing vessels should not also be a permitted activity. Permitted Access to Port Ross for safety of vessels and crew should sit higher on the importance scale than research and maintenance.

BDL supports the position that, given the absence of historical whale interactions, the low-risk gear type, and the essential safety function Port Ross provides, a full seasonal closure is disproportionate to the actual risk. A more balanced approach would involve permitting access to Port Ross during the winter months, under the current provisions with the addition of:

- Use of chain/wire anchor cables
- Speed restrictions where practical to keep steerage

Such measures would allow for continued safe use of Port Ross while maintaining strong protections for marine mammals.

3. Support for Additional Anchorage Options in Carnley Harbour (and the Case for Port Ross)

Carnley Harbour

Ultimately, ensuring the safety of vessels and crew must remain the highest priority in anchorage planning.

BDL strongly supports the inclusion of new anchorage sites in Carnley Harbour at Round Point and Crab Bay, as these provide much-needed shelter from rare but hazardous north-easterly wind events.

Furthermore, the seabed in the proposed Carnley Harbour anchorages drops off steeply, making anchoring technically challenging and are not suitable for south-westerlies as this would create a close lee shore anchoring situation that is unsafe for both vessel and environment.

However, further anchorage options are still required within Carnley Harbour to accommodate prevailing south-westerly conditions, which are more frequent and often more severe.

We also point out that access to safe anchorage is a vessels legal right under law, and a Captain/Master has a right to access safe anchorages if they alone determine a need.

Ensuring the safety of vessels and crew must remain the highest priority in anchorage planning. The subantarctic environment is highly dynamic, with rapidly changing weather and limited safe havens. The ability to access appropriate shelter in response to prevailing conditions is essential to avoid damage to vessels and maintain operational continuity.

While we are fully supportive of the proposed additions, there is still a limited number of anchorages in Carnley Harbour to protect vessels from the prevailing and often strong south-westerlies. Carnley Harbour can also become congested during adverse weather, when multiple vessels seek shelter simultaneously, which may compromise safety and force vessels to anchor in less preferable areas.

Tucker Point (Port Ross)

In the Section 32 Report DOC states that the fishing industry did not provide any rationale for requesting the Tucker Point anchorage. However, the same rationale applied to the Carnley Harbour anchorages was intended to be applied to Tucker Point, i.e. the need to shelter from north-easterly winds (although in this case more easterly).

Industry maintains the view that this anchorage is needed for safe sheltering (Appendix 1).

Recommendation

BDL supports the ongoing conversations between the fishing industry and DOC on the provision of additional anchorages at Auckland Islands.

We also, support the inclusion of Tucker Point as an additional anchorage in Port Ross.

Conclusion

In summary, Barine Developments Ltd appreciates the opportunity to provide feedback on the Department of Conservation (DOC) Proposed Plan Change 1 to the Regional Coastal Plan: Kermadec and Subantarctic Islands.

Whilst BDL supports the overarching goals of environmental protection and biosecurity to ensure longevity and marine mammal protection, we ask that DOC considers the operational realities and proven compliance record of our scampi vessels; as well as ensuring the Plan is aligned with international law and right of free passage, and placing paramount importance on keeping a vessel and its crew safe.

Several proposed changes—particularly those relating to biofouling inspections and seasonal access restrictions—risk imposing disproportionate burdens without delivering commensurate environmental benefits.

We advocate for a more balanced, risk-based approach that maintains strong protections for the marine environment while ensuring the safety and viability of domestic fishing operations.

We welcome continued dialogue to refine the Plan in a way that supports both conservation and sustainable industry practice.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'KPR', followed by a horizontal line extending to the right.

Kristie Penwarden

Director

Barine Developments Ltd

