

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
for Section 42A reply**

Dr Daniel Kluza

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Biosecurity New Zealand - Ministry for Primary Industries

30 September 2026



Department of
Conservation
Te Papa Atawhai

Introduction

1. My full name is Daniel Adam Kluza.

Instruction

2. I have been asked by the section 42A reporting Officer to review and comment on proposed amendments to the provisions that relate to Topic 7 (Vessel hull and niche area biofouling), in so far as the proposed amendments relate to my area of expertise. I understand that the proposed amendments have been made in response to specific matters raised by submitters through their submissions, in written and oral evidence presented at hearing and through engagement with DOC following the hearing.
3. I also confirm that I provided advice to the s42A Officer during the engagement with submitters to inform the proposed amendments.

Qualification and Experience

4. My qualifications and experience are set out at paragraphs 3 – 8 of my earlier advice (Appendix G to the s42A report) and the attachment (Summary of technical experience) to that advice.

Code of conduct

5. I reconfirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note and that I have complied with it when preparing this technical advice.

Material considered

6. I have reviewed the following documents containing the amendments proposed by the s42A Officer on which I have been asked to comment:
 - i. Appendix 4, including Forms 1 and 2 and Figure A4;
 - ii. Appendix 4A;
 - iii. Table 1, Performance Standards.
7. I have also reviewed the table prepared by the s42A Officer providing a summary of those changes.
8. In addition to the documents listed above, I understand:
 - i. The proposal is for Appendix 5 (providing for inspectors to be approved by the Minister for Conservation) to be retained in the Plan, subject to minor amendments including removing the requirement for inspectors to be independent from the vessel owner, operator or company and to require the inspector to be familiar with the Level of Fouling ranking system; and
 - ii. Changes that correspond to the proposed amendments to Forms 1 and 2 will be made to Forms A and B of Appendix 6.

9. I have not been asked to comment on the proposed changes to Rule 29.

Topic 7 - Vessel hull and niche area biofouling

10. Overall, I am comfortable that if the proposed amendments are adopted, the provisions in the Regional Coastal Plan will remain appropriate for the management of hull biofouling risk for vessels traveling to the Kermadec and Subantarctic Islands.
11. In support of my opinion, I make the following points:
- a. There is no substantive change to the management of niche areas**
12. As noted in my earlier advice, niche areas are prone to biofouling and are therefore a key vessel location in terms of the management of biofouling.¹ I agree with the statements in the section 32 report that there is a clear consensus that the niche areas of a vessel present the highest risk for accumulating biofouling and introducing harmful aquatic organisms.² The section 32 report also refers to a paper that I co-authored in 2020 which reached the same conclusion.³ That paper informed the development of the biofouling inspection evidence requirements for the Craft Risk Management Standard – Vessels (2023) (**CRMS – Vessels (2023)**).⁴
13. I understand that the proposed amendments do not involve any substantive change to the management of niche areas as proposed in PC1. The primary change is that the list of common niche areas previously contained in Forms 1 and 2 has now been moved to a separate list (Appendix 4A). This has had the effect of shortening Forms 1 and 2. The inspector is still obliged to identify all niche areas on a vessel, including sea chests.⁵ The inspector must inspect all identified niche areas, unless the inspector determines that it is unsafe, would risk damage to equipment or it is not otherwise practicable to inspect the niche area, in which case the inspector must describe the specific reason for non-inspection.⁶ I understand that requiring reasons for non-inspection will assist the Department of Conservation to audit inspections and inspectors, and to improve inspection practice. I support this approach.
14. I consider that the proposed changes do not alter the effectiveness of PC1 to appropriately manage risk from niche area biofouling.
- b. Changes in relation to other hull areas remain appropriate**
15. As set out in the s42A Officer's summary table, for other hull areas (i.e., other than niche areas), PC1 proposed an approach of requiring inspections to be undertaken in

¹ Appendix G, paragraph 17.

² Section 32 report, page 26, and cited references.

³ Georgiades, E., & Kluza, D. (2020). Conduct of in-water biofouling surveys for domestic vessels. Ministry for Primary Industries.

⁴ [Vessels - Craft Risk Management Standard](#)

⁵ Appendix 4, Clause 2(aa).

⁶ Appendix 4, Clause 2(c).

1-metre-wide 'transects', with results for these transects to be recorded for specified areas on the vessel listed in Forms 1 and 2.

16. The transect approach in PC1 broadly reflected the recommended approach in my co-authored 2020 paper.⁷ The advantage of this approach is that it provides a standardised and repeatable method for assessing biofouling across the extent of the hull, reducing the likelihood that localised fouling is overlooked and providing a representative assessment of hull condition. The transect approach was not specifically incorporated into the CRMS – Vessels (2023). Rather, the CRMS – Vessels (2023) lists broader areas of the hull that must be inspected – i.e., Port: Hull – vertical deep.⁸
17. I understand that the concern raised by submitters was that the transect approach in PC1 meant that a large number of hull areas were listed in Forms 1 and 2. Submitters were concerned about the corresponding administrative burden because the evidential requirements (in particular minimum photograph requirements and video) applied per listed area.
18. The changes proposed by the s42A Officer to address these concerns involve replacing the listed 1-m transects with a list of broader hull areas and retaining a 'continuous horizontal transect' around the water or plimsoll line (to 1 m depth). Inspection results are to be recorded, and photographs and videos taken, for listed areas of the vessel. For the horizontal transect, the listed areas are stern, amidship and bow on port and starboard, and port, mid and starboard on the transom. For the broader hull areas, the listed areas are the vertical deep and flat bottom for stern, bow and midship on port and starboard. Proposed Figure A4 shows the general location of each of hull areas listed in Forms 1 and 2. I understand that the proposed amendments result in fewer videos and photographs being required, due to fewer listed hull areas.
19. In my opinion, the proposed changes will continue to appropriately manage the risk of biofouling in these hull areas for the following reasons:
 - i. While the list of hull areas applies to broader areas than the 1-m transect approach, the listed areas must still be inspected and photographs (a minimum of 3) and video must be taken that are representative of what is seen in the listed area;⁹
 - ii. The list of broader hull areas aligns with the hull areas listed in Schedule 3 of the CRMS – Vessels (2023);
 - iii. The proposal retains a continuous horizontal transect at the water/plimsoll line. This is important because the waterline is a location where biofouling commonly accumulates due to increased wear and degradation of antifouling coatings. A continuous horizontal transect provides a consistent method for detecting fouling along this higher-risk zone.

⁷ Above n.3.

⁸ CRMS – Vessels (2023), above n. 4, Schedule 3.

⁹ Appendix 4, Clause 2(e).

20. I therefore consider that the proposed changes do not alter the effectiveness of PC1 to appropriately manage biofouling risk on other hull areas.

DATE:

30 September, 2026

Daniel Kluza

A handwritten signature in black ink, appearing to read 'Daniel Kluza', followed by a long horizontal line extending to the right.