

**BEFORE THE INDEPENDENT HEARING PANEL**

**UNDER**

the Resource Management Act 1991

**IN THE MATTER OF**

the hearing of submissions on Proposed Plan  
Change 1 to the Regional Coastal Plan: Kermadec  
and Subantarctic Islands

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**Memorandum of Counsel on behalf of the Minister of Conservation**

**Dated: 9 July 2026**

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**Department of Conservation | *Te Papa Atawhai***

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## **MAY IT PLEASE THE HEARING PANEL**

### **Introduction**

1. This Memorandum of Counsel is filed on behalf of the Minister of Conservation (the **Minister**). It seeks a two-month extension for the s42A reply currently due on Thursday 16 July 2026 to **16 September 2026**. The purpose of the extension is to allow for further engagement with submitters on outstanding issues relating to biofouling (Topic 7).

### **Context**

2. Minute 4 from the Panel included a series of directions relevant to the submissions on the biofouling provisions (Topic 7 in Mr Gooding's s42A report). In summary, those directions provided for:
  - a. Relevant submitters to provide a written response to matters raised by Ms Hucker in evidence at day 2 of the hearing;
  - b. DOC to initiate discussions with the relevant submitters in relation to possible amendments to the biofouling inspection forms proposed by PC1; and
  - c. Mr Gooding to provide his s42A reply in relation to the submissions on the biofouling provisions (i.e. Topic 7 in Mr Gooding's s42A report) by Thursday 16 July 2026.
3. In accordance with these directions:
  - a. Memoranda have been provided on behalf of Seaeagle Fishing Ltd and Sandford Ltd and Seafood New Zealand Ltd (Deepwater Council); and
  - b. A meeting was held with relevant submitters on 6 July 2026.
4. In accordance with the earlier direction in Minute 3, Heritage Expeditions Ltd (HEL) has provided its proposed redrafting of Rule 29, which also falls under Topic 7.

### **Extension sought**

5. Having considered the matters identified in paragraphs 3 – 4 above, the Minister considers that there would be value in extending the time period for

the s42A reply on Topic 7 to allow for further engagement with the parties on the outstanding issues.

6. As previously advised,<sup>1</sup> Mr Gooding will be out of the country from 17 July until 17 August. Accordingly, and so as to ensure sufficient time for engagement, the Minister proposes an extension of 2 calendar months, meaning the s42A reply on Topic 7 would be due on **Wednesday 16 September 2026**.
7. The Minister has sought the views of relevant submitters on the proposed extension via their respective counsel.<sup>2</sup> The parties have confirmed they have no objection to the proposed extension.

#### **Timeframe for decisions**

8. Mr Gooding has already provided his section 42A reply for all other topics (Topics 1 – 6). As discussed at the hearing, the Minister considers that for administrative efficiency, the Panel's decisions on all PC1 topics should be kept together. The Minister remains of that view. If the Panel grants the extension, therefore, the Minister does not seek that the Panel release decisions on Topics 1 - 6 earlier than Topic 7, and seeks that all decisions are released at the same time (i.e. after the s42A reply for Topic 7).



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Alice McCubbin-Howell / Jen Vella  
Counsel / Rōia for the Minister of Conservation

9 July 2026

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<sup>1</sup> Memorandum of Counsel on behalf of the Minister of Conservation, 22 June 2026, paragraph 12.

<sup>2</sup> Ms Baker-Galloway for HEL and Mr Penwarden, Mr Williams for Sandford Ltd and Seafood New Zealand Ltd (Deepwater Council).