

## Kermadec and Subantarctic Islands: regional coastal plan: Plan Change 1 – Minute No. 2 of Hearing Commissioners

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1. This Minute relates solely to the disposition of the submissions relating to the biofouling provisions of PC1. (“Submitters” and “submissions” carry that meaning in this Minute.)
2. Having regard to the evidence of Ms Hucker on behalf of DOC we have reached the following provisional view:
  - 2.1. First, that while there are definitely additional requirements in the biofouling provisions of PC1 that are not present in the operative plan, it may well be that opposing submitters have misunderstood the degree to which the PC1 provisions are more onerous than what is currently required;
  - 2.2. Secondly, that it may well be that ease of compliance can be readily improved by making the forms provided in PC1 more navigable.
3. The particular session where this was explored was on 10 June 2026 on the second day of the hearing and was recorded, and that recording can be accessed at (<https://youtu.be/qJ3QjCt3Wc>). In that session Ms Hucker provided a full explanation of what would be required, both currently and under PC1, what had changed and why, on a step-by-step basis. That evidence certainly raised the possibility of rendering the forms more navigable and therefore possibly much less challenging.
4. However, we are uncomfortable from a process perspective with proceeding to further consider that aspect at this stage, because of course it was not seen and heard by those submitters before they presented their cases earlier in the hearing (with the exception of Heritage Expeditions Limited).
5. In particular, those submitters should be given the opportunity to:
  - 5.1. Persuade us that this evidence should be disregarded entirely; and/or
  - 5.2. To participate directly with DOC (i.e. the s.42A reporter) on how the forms in PC1 could be improved and rendered more navigable.
6. We therefore propose to proceed as follows:
  - 6.1. Such submitters are invited to lodge written submissions by 5pm on 18 June 2026 if they have any objection to our proceeding as per subparagraphs 6.2 and 6.3 below. DOC will thereafter have one week to lodge any response which therefore must be lodged by 25 June 2026.
  - 6.2. After 25 June 2026 we will make a decision as to whether or not to proceed with that invitation, or to close the hearing at that point and make a determination on the submissions as they stand.

- 6.3. If our decision in sub paragraph 6.2 above is to make that invitation we will trigger that and set a time for discussions to occur and for the s.42A reporter to report back, also allowing for submitters to provide alternative versions of the forms if they wish.
7. For clarification, we emphasise that the process we have outlined above solely relates to the possibility of amending the forms in the biofouling provisions of PC1. All other issues will fall to be determined under the same process for the remainder of submissions on PC1.

Dated: 11 June 2026



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**R.J.B. Fowler KC**  
Chairperson