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

Jim Dilley

Maritime Navigation Safety

Regional Harbour Master, Environment Canterbury

08 July 2026

Introduction

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

Instruction

2. I have been asked by the section 42A Reporting Officer to provide the information, advice and opinion below on specific points relating to navigation safety in response to Minute 3 issued by the Hearing Commissioners for Plan Change 1 for the Regional Coastal Plan: Kermadec and Subantarctic Islands (RCP).

3. The advice is provided in response to both the written and oral evidence of submitters and addresses matters not already addressed in the primary section 42A Report, in accordance with 2.2 of Minute 3 and as amended by Minute 4.

4. The advice on some matters is necessarily broad as the comments from some submitters were vague.

Qualifications and Experience

5. My qualifications and experience are set out at paragraphs 3 – 9 of my earlier advice (Appendix D to the s42A Report).

Code of conduct

6. I reconfirm that I have read the Code of Conduct for Expert Witnesses in the Environment Cout Practice Note 2023 that I have complied with it when preparing this technical advice.

Topic 3 - Access and anchoring – ancillary craft (proposed changes to Rules 40 and 56)

Response to Rodney Russ oral evidence that under the changes to Rule 40 a vessel could circumnavigate a smaller island group (e.g. the Snares) and comply with Rule 40

7. In his oral submission, Mr R Russ suggested that an ancillary craft could, under the proposed Rule 40, new Condition C, circumnavigate around a small island group and therefore the proposed rule was not effective.

8. Proposed Rule 40, new Condition C, as recommended in the s42A Report, contains two separate limbs:

C. Ancillary craft must ~~not~~ be ~~in a position~~:

(a) ~~more than~~ within 0.54nm (1000m) from where the mother ship is authorised to access in accordance with the Plan ~~without reliance on Rule 1;~~ and/~~or~~

(b) ~~more than~~ within 3.24nm (36000m) ~~from~~ of the mother ship, at any time.

9. Ancillary craft are a specific class of vessel, defined within the RCP, which includes Zodiacs. Mr R Russ was discussing the particular use of Zodiacs from cruise ships at the Snares Island group. Zodiacs are used to undertake cruising to observe wildlife close

to the shore at the Snares Island group, a small island group, as landing of tourists is not allowed at the Snares Islands.

10. Attachment A describes three possible scenarios for cruise ship and Zodiac operations at the Snares Island group. In each example, different access and operation zones for Zodiacs are permissible under the s42A proposed changes to Rule 40, according to the length of the mother ship and therefore the distance from mean high water springs (MHWS) that the mother ship must maintain.

11. These scenarios show that in some situations, under proposed Rule 40, Condition C, zodiacs operating from a cruise ship could circumnavigate a small island group[1] and remain compliant with the rule. However, this will not be the case for all vessels. In the scenarios considered, a cruise ship less than 125 m in length, which can best provide support and assistance to any Zodiac operation because it is able to manoeuvre closer to the shore, has the largest operational envelope for Zodiac operations. Larger cruise ships, which must remain 1000 m from MHWS, or 600 m from MHWS if they hold a coastal permit (which additionally may only permit access to certain areas within the zone 600m – 1000m from MHWS), are more restricted in their envelope for Zodiac operations.

12. In my opinion, these scenarios therefore demonstrate the appropriateness of the proposed rule from a navigation safety perspective. I believe these examples demonstrate the focused and permissive nature of the proposed rule that utilises two factors of control over the activity.

13. Moreover, the proposed changes do not permit circumnavigation of a larger Island, such as Campbell Island or Auckland Island, nor do they permit access to Perseverance Harbour by ancillary craft when the mother ship is more than 600 or 1000 m from MHWS - both of which are situations involving the sorts of navigation safety risks that the proposed rule seeks to regulate.

Examples given by Nathan Russ in his oral evidence of restrictions on existing access to landing sites or use of the CMA, under the proposed changes to Rule 40

- *Example 1 - transit of ancillary craft from Sandy Bay to the Hardwicke landing site, Port Ross, Auckland Islands, when the mother ship is anchored at Sandy Bay, Enderby Island, Auckland Islands*

14. I have reviewed the automatic identification system (AIS) tracking for the Heritage Adventurer from Nov 2020 to June 2026 to explore the statement made by Mr N Russ that ancillary craft access to the Hardwicke landing site from Sandy Bay is a standard part of their operation. AIS tracking shows the Heritage Adventurer normally visits both Sandy Bay on Enderby Island and the Hardwicke site when at Port Ross. The AIS tracking identifies that the Heritage Adventurer normally anchors off both Hardwicke and

[1] Although as Scenario 1 in Attachment A shows, only the main island group at the Snares Islands, not the outer islands.

Sandy Bay separately when at Port Ross, and therefore can use ancillary craft to access each landing site when anchored at each individual location.

15. While there are designated anchorage locations within 300 m from MHWS for vessels up to 42 m in length at Sandy Bay[2], there are no specified anchorages for vessels over this length. However, vessels up to 125m in length may anchor at any location outside 300 m from MHWS. AIS tracking indicates that Heritage Adventurer normally anchors in an area of approximately 500 m in diameter to the south-southwest of Sandy Bay. From the nearest point of the anchoring area used by Heritage Adventurer, the distance is 6170 m to the Hardwicke landing site, and from the furthest point, the distance is 6650 m. These distances align with the distance indicated by Mr N Russ.

16. As there is no specified position for a vessel the length of Heritage Adventurer (less than 125 m in length) to anchor at Sandy Bay, the master may choose any position to anchor outside of 300 m from MHWS. On days with settled weather, when there are conditions suitable to make the transit to Hardwicke from Sandy Bay, the master could therefore choose to anchor 170 m closer to the Hardwicke landing site than the current closest anchoring location that they currently use. I would suggest this distance would likely need to be in the order of 300 m to ensure the vessel remains less than 6000 m from Hardwicke. The proposed changes to Rule 40 do not restrict this from occurring. While this does mean that the ship would be anchored slightly further from Sandy Bay, this operation, when ancillary craft are to be operated at both Enderby Island and Hardwicke simultaneously, would only be performed in settled weather conditions. In weather conditions where anchoring slightly further away from the Enderby Island landing site are a concern, it is extremely unlikely that good seafaring practice would allow ancillary craft to travel to the Hardwicke site because of the distance involved and the exposed nature of sections of the transit past the channels on either side of Rose Island.

17. Overall, I agree with Mr N Russ that based on the Heritage Adventure's historical anchoring locations, the distance from the anchored vessel to the Hardwicke landing site is between 150 and 650 m greater than 6000 m limit in the proposed Rule 40 C. However, I note the Heritage Adventurer does not always anchor in the same location at Sandy Bay, Enderby Island, and is permitted to anchor anywhere outside of 300 m from MHWS. Additionally, anchoring Heritage Adventurer to be within 6000 m of the Hardwicke site does not affect the operation of ancillary craft to Sandy Bay, Enderby Island in the conditions where good seafaring practice would allow ancillary craft to travel to the Hardwicke site from Sandy Bay.

[2] See Chartlet 3. Sand Bay Anchoring Zones. Regional Coastal Plan: Kermadec and Subantarctic Islands

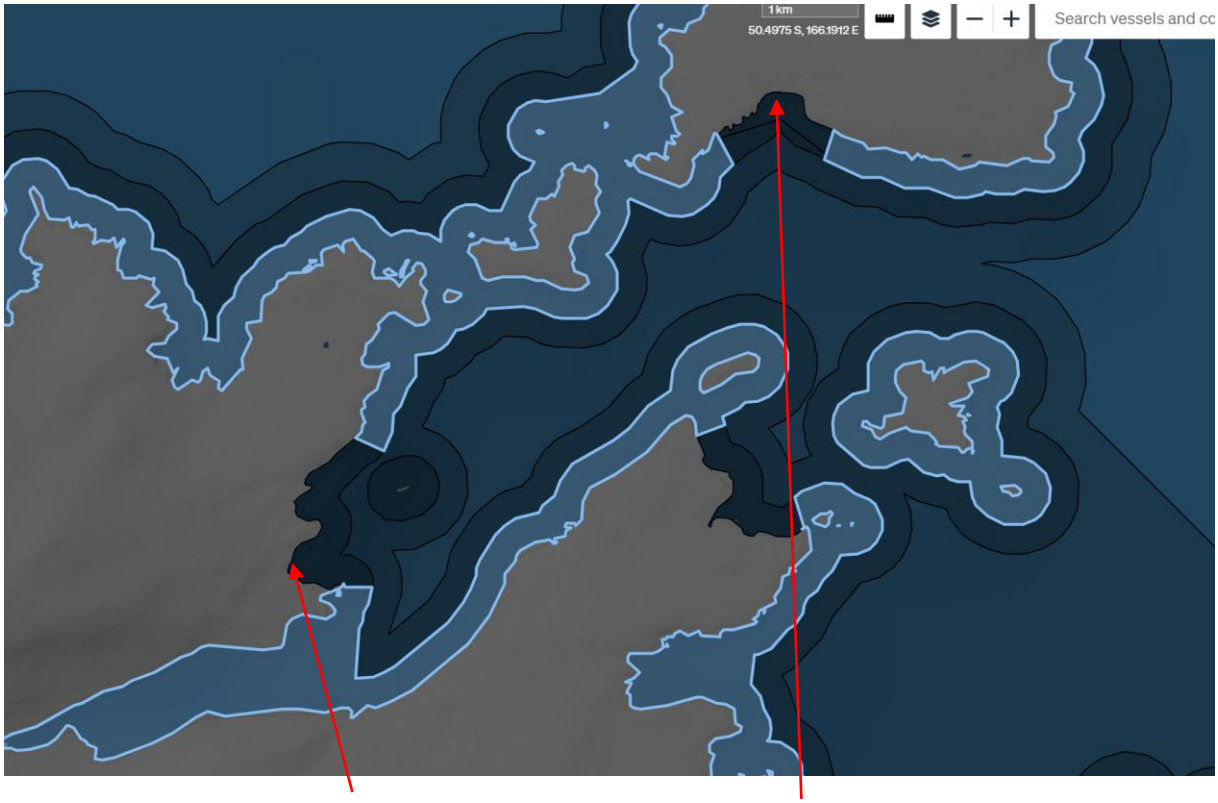

Figure 1 – Landing sites within Port Ross

- *Example 2 — ancillary craft transiting from Southwest Cape to the North Arm, Carnley Harbour, Auckland Islands*

18. In addition to proposed Rule 40, condition C, the s42A Report also recommends conditions D and E in which vessels are exempted from the provisions of Rule 40 condition C(a) based on the location to be accessed and/or vessel length. Of relevance to Mr N Russ's statement is Rule 40, condition E which states:

> E. Ancillary craft launched from vessels less than 125m long are exempt from Condition C (a) for the purpose of accessing the locations in E(a).
>
> (a) Locations:
> i. Lake Hinemoa, 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

19. Mr N Russ indicated a practice of taking ancillary craft to Southwest Cape (at the head of Western Arm) and then the ancillary craft transit all the way to the North Arm (where I presume they visit the Erlangen Clearing landing site and the area around Figure of Eight Island). Mr N Russ did not indicate where the mother ship, Heritage Adventurer,

may be positioned once the launching of ancillary craft was completed, however, the AIS tracks for the vessel Heritage Adventurer between May 2020 and June 2026 show the vessel entering Carnley Harbour visiting both the Western Arm and the Figure of Eight Island area. These data could either indicate that each location is being visited separately or that ancillary craft are launched in one location and retrieved in another.

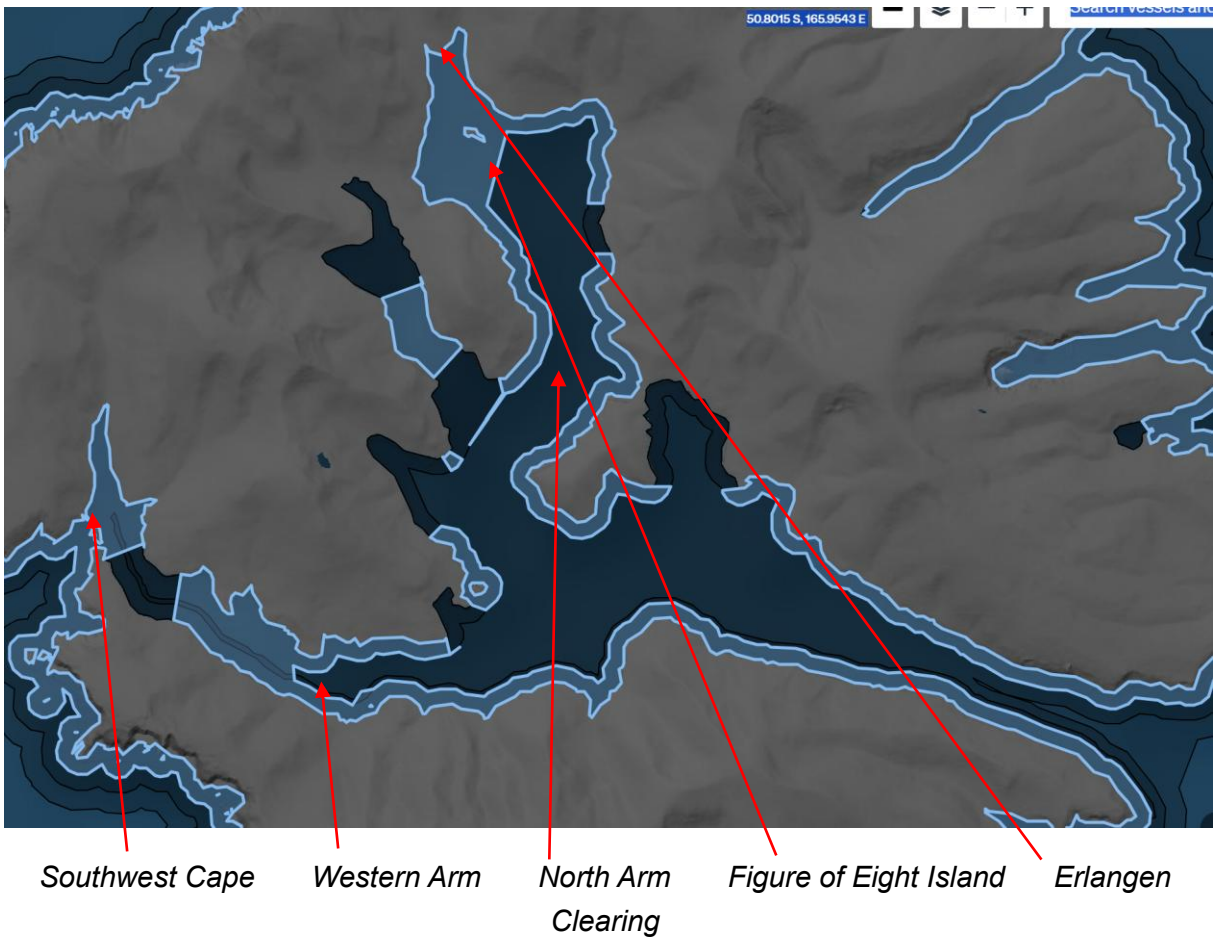

Figure 2 – Relevant locations in Carnley Harbour

20. From the location of the Heritage Adventurer within Western Arm, ancillary craft would be able to travel up Western Arm to the landing site at Southwest Cape as the ancillary craft would be within 6000 m of where the mother ship may be located, and while this location is not within 1000 m of the position that the mother ship may access (and hence would not be allowed under proposed rule 40, condition C(a)), this operation at this location is allowed as an exception for vessels less than 125 m in length under proposed Rule 40, condition E (iii) (see above). This is shown in Figure 3.

21. Similarly, ancillary craft from vessels less than 125 m in length located in the North Arm would be able to visit the landing site at Erlangen Clearing and/or the area around Figure of Eight Island (noting that no landing is allowed at Figure Eight Island) as this area is within 6000 m of where the mother ship may be located, and while this area is not within 1000 m of the position that the mother ship may access (and hence would not be allowed under proposed rule 40 C(a)), operations at this location would be allowed as an

exemption for vessels less than 125 m in length under proposed Rule 40 E (ii) (see above). This is shown in Figure 4.

22. Both Figures 3 and 4 show a circle of 6000 m radius indicated in blue as shown below.

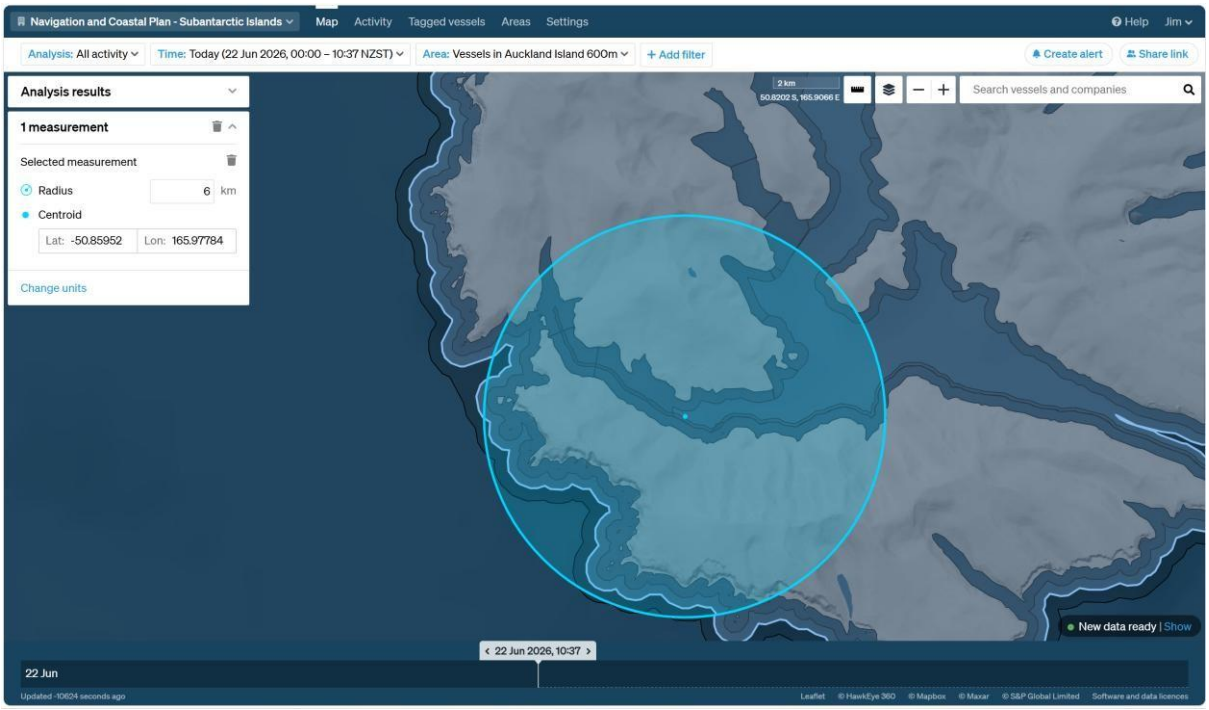

Figure 3 - Radius of 6000 m from a mother ship of less than 125 m in length located within Western Arm, Carnley Harbour, outside of 300 m from MHWS

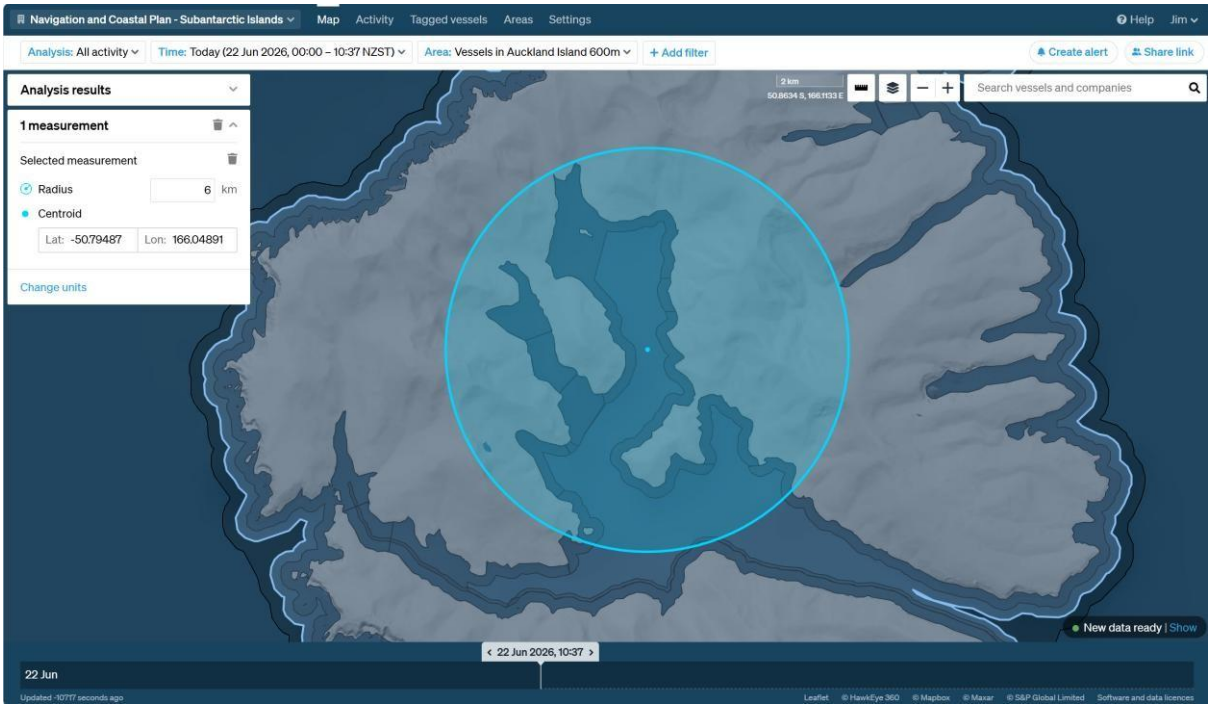

Figure 4 - Radius of 6000 m from a mother ship of less than 125 m in length located within North Arm, Carnley Harbour, outside of 300 m from MHWS

23. The proposed Rule 40 does mean that a vessel cannot run simultaneous operations to both Southwest Cape and the Erlangen Clearing/Figure of Eight Island area; however, I do not believe it credible that a vessel master would run such an operation, with a distance of 12 nm (22 km) between two different activities at the New Zealand Subantarctic Islands and this is an example of a situation that involves the sorts of navigation safety risks that the proposed rule seeks to regulate. It is quite possible to access the Southwest Cape landing site by ancillary craft, and then the ancillary craft transit to the Erlangen Clearing/Figure of Eight Island area, with the mother ship remaining at the launching site within Western Arm until ancillary craft return from Southwest Cape and then both ancillary craft and mother ship navigating to North Arm.

24. Overall, whether the Heritage Adventurer visits each site separately, or as a combined ancillary craft tour from one location to the next, both appear achievable in the weather conditions that would allow transit by ancillary craft up to Southwest Cape and onwards towards the Erlangen Clearing/Figure of Eight Island area, and this would be permitted under the proposed changes to Rule 40. I do acknowledge that visiting both sites simultaneously by ancillary craft from a mother ship would not be permitted under the proposed changes to Rule 40. In my opinion, this type of long-distance ancillary craft operation would be appropriately regulated by the proposed changes to Rule 40. A coastal permit could be sought to cover such operations where an operator was sufficiently experienced and had extremely robust mitigation factors and procedures in place.

Measurement of the distance of ancillary craft from the mother ship under proposed Rule 40

25. Mr N Russ raised a point that it was unclear from where, and in what format, the requirements of proposed rule 40, condition C.(b) would be measured. This specific part of the rule states an ancillary craft must be "*within 3.24nm (6000m) of the mother ship at any time".*

26. The measurement of total distance from the mother ship is best undertaken in a straight line from the mother ship to the ancillary craft. This provides a simple, easily understood mechanism, that can be presented on any chart extract or operational maps used by the ancillary craft master, while achieving the objective of helping ensure a ship master has operational oversight of ancillary craft operations and minimising the maximum distance from the mother ship; therefore, helping ensure timely suitable assistance following any incident.

27. The overall length of the mother ship does mean that a point from which measurement of the 3.24 nm (6000 m) should be nominated to help ensure consistent understanding as vessels may be 125m in length or more. In general, the systems that are used to track ancillary craft operations, e.g. AIS, have antennae mounted on top, or very close to, the bridge of a ship. I would therefore recommend the point of measurement be from the bridge of the mother ship.

28. I have approached the examples provided in my advice above and in Appendix A on the basis that this is how the 6000m distance would be calculated.

Drafting proposed by Heritage Expeditions for Rules 40 and 56

29. I have considered the proposed changes for Rules 40 and 56 provided by Heritage Expeditions following the hearing. The proposed drafting for Rule 40 is:

> F. When using its ancillary craft, Heritage Expeditions Limited are exempt from Condition C if:
>
> a) at all times, its ancillary craft are operated in pairs, with each ancillary craft having sufficient capacity to render immediate support to all passengers on the other ancillary craft; and
>
> b) its mothership has a fast rescue boat, capable of being launched within 5 minutes of the order of the Master being given.

30. Essentially the same drafting is proposed by Heritage Expeditions for Rule 56.

31. In undertaking risk assessments for the Subantarctic and Kermadec Islands in 2022, I reviewed all records of reported incidents dating back to 2010. The records of incidents included all reported incident records for the area held by Maritime New Zealand, incident reports from news media and anecdotal reports from vessel operators, DOC staff and scientific personnel who have visited the area. There were no reported or anecdotal incidents involving Heritage Expeditions Zodiac operations.

32. I acknowledge that Heritage Expeditions has a sound safety record in terms of operating Zodiacs at the Subantarctic and Kermadec islands.[3] For the purposes of commenting on the proposed drafting, however, I will not comment on the proposal for this part of the rule to be made specific to Heritage Expeditions, as I consider that goes beyond the scope of my expertise and is addressed by Mr Gooding in his s42A reply. Here, I have considered whether the proposed drafting, if applied generally to all vessel operators, would be appropriate from a navigation safety perspective in terms of managing the risks associated with ancillary craft use that the proposed (s42A recommended) changes to Rules 40 and 56 are designed to address.

33. The proposed drafting of a new condition to Rules 40 and 56, provided by Heritage Expeditions, allows for the continued operation of Zodiacs, and any other ancillary craft, as a permitted activity, with no limits on the distance of an ancillary craft from the mother ship, provided some conditions are met. These conditions are identified within paragraph 29 above.

34. If Heritage Expedition's proposed drafting to Rules 40 and 56 was adopted generally, it would mean that ancillary craft use would be permitted without any restriction on distance of travel from the mother ship. As an example, this would mean ancillary craft could circumnavigate a larger Island group, such as the Auckland Islands, and therefore

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[3] See also paragraph 103 of my earlier advice (Appendix D of s42A report).

be located a distance of up to approximately 35 nm from the mother ship[4], and navigate the entire distance of the exposed windward side of the Auckland Island with no back-up or support other than a second ancillary craft navigating alongside them. Communications between the ancillary craft and the mother ship are unlikely to be possible via marine VHF radio at this distance, especially with the mountainous terrain, and satellite communication devices are likely to be needed to retain effective communications. This is just one of many potentially unsafe scenarios that would be permitted, if Heritage Expeditions' proposed changes were applied generally. It is an example of the sort of activities the s42A changes to Rules 40 and 56 are intended to regulate.

35. The proposed drafting of F. a) requires the operation of ancillary craft (Zodiacs and other forms of ancillary craft) to be undertaken in pairs, and for both the ancillary craft to have sufficient capacity to render immediate support to all passengers on the other ancillary craft.

36. To ensure an ancillary craft would not be overloaded when rendering assistance after any event or incident, the maximum total combined capacity of a pair of ancillary craft could not exceed the capacity of either craft i.e., either ancillary craft could take onboard the total complement of both ancillary craft and remain within its designed maximum carrying capacity. A Mk 5 Zodiac, used by many of the vessel operators at the Subantarctic and Kermadec islands, has a maximum capacity of 15 persons[5].

37. While the operation of zodiacs in pairs is common practice for most operators, the operation of zodiacs at essentially half capacity is not a standard practice. The condition to require ancillary craft to operate in pairs, and with suitable capacity available in each ancillary craft, does ensure suitable capacity for all personnel is close at hand following an event or incident but is a post event mitigation to help prevent greater consequences, rather than a measure to help prevent an incident occurring in the first place. Additionally, the concerns identified in my earlier advice at paragraph 107 as to the importance of reducing distances between the mother ship and the incident site remain.

38. The proposed drafting of b) would also require the availability of a fast rescue boat, capable of being launched within 5 minutes, to be available at the mother ship. The availability of a fast rescue boat is a sensible mitigation factor during any Zodiac operations, whether over longer distances or adjacent to the mother ship. A dedicated fast rescue boat allows support to be provided after any event or incident without the possibility of endangering additional passengers e.g., responding to an overturned Zodiac close to a cliff base where sending in a second Zodiac full of cruise ship passengers may risk the safety of the passengers and add further to the overall incident.

39. In my opinion, however, a fast rescue boat provides post incident mitigation to help prevent greater consequences, rather than a measure to help prevent an incident. Further to this, a fast rescue boat capable of 20 knots, and allowing 5 minutes for

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[4] Distance by sea from Sandy Bay to southern point of Auckland Island group by east or west coast.
[5] Manufactures maximum capacity of 15 persons https://pdf.nauticexpo.com/pdf/zodiac-milpro-international/mk-5-hd/25507-23282.html

launching, would take 1 hour and 48 minutes to reach a casualty 35 nm away if conditions allowed it to make full speed, and longer if not. Therefore, while I believe the availability of a fast rescue boat should be a standard mitigation during all ancillary craft operations, I do not consider it provides sufficient risk mitigation during longer range Zodiac operations.

40. I also note that the proposed drafting does not include a proposed definition of "fast rescue boat". Based on my experience, the proposed drafting could therefore potentially cover a wide range of vessels and with variable capabilities.

41. The proposed drafting of Rules 40 and 56 provided by Heritage Expeditions (at paragraph 29 above), outlines matters that I believe a prudent mariner would consider for all ancillary craft operations whether long or short distance. I acknowledge that limiting of the number of passengers carried in an ancillary craft, as outlined in paragraphs 35 to 37 of this advice, is not standard practice for short distance Zodiac operations and I understand the operational reasons for utilising the full capacity of an ancillary craft for short trips and do not suggest that this practice would be unsafe.

42. The recommended changes to Rules 40 and 56[6] in the s42A Report, limiting ancillary craft operation were set up to help manage two factors across all operators. These are:

    i. to provide a permitted activity for ancillary craft operations that allowed all vessel operators to undertake operations close to the mother ship (the proposed 1000 and 6000 m permitted distance limits) so the master could effectively understand the environmental and operating conditions, and maintain operational oversight; therefore, helping to prevent any incident, and be positioned to respond appropriately following an event or incident, and

    ii. provide a pathway for experienced operators, with suitable documented procedures, local knowledge and expertise to apply for a coastal permit to allow a greater envelope for the operation of ancillary craft.

43. Heritage Expedition's proposed drafting of conditions F and C to Rules 40 and 56 outline factors that should be considerations for all ancillary craft operations, rather than being factors that make longer range ancillary craft operations safe. In my opinion, Heritage Expedition's proposed drafting of Rules 40 and 56 has ignored a key tool for managing use of ancillary craft — distance from the mother ship. I therefore do not think Heritage Expedition's proposed permitted activity conditions would be appropriate for use of ancillary craft generally. I continue to recommend the distance thresholds as adopted by Mr Gooding in his s42A Report.

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[6] Conditions C, D, and E in Rule 40 and condition B in Rule 56

Topic 4: Access and Anchoring – New Rule 47A and the consequential change to Rule 47

Evidence given by Mr N Russ that the navigation safety guidance I have recommended (and has been recommended by the s42A officer for inclusion in the Plan) requires a "level of detail that is far below that required for marine based certificates, such as a pilot exception certificate."

44. I do not agree with Mr N Russ's statement that the navigation safety guidance provided for applicants under proposed Rule 47 A requires a *"level of detail that is far below that required for marine based certificates, such as a pilot exception certificate".*

45. As a first point, I note that for a master to be named on any coastal permit issued to any applicant under proposed Rule 47A, the master would need to hold the required maritime certificate of competence to act in the capacity of master for that vessel.

46. The standard required for an application for a coastal permit is therefore already, at a minimum, equal to that for the maritime certificates required to act as master for that vessel. I do note here, as stated in my evidence, this level of certification is the minimum level and not the highest standard. There are many additional training courses and certifications that may be undertaken by a mariner that are not part of the minimum required to act as master of a particular vessel.

47. In terms of Mr N Russ's reference to a pilot exemption certificate, I understand Mr N Russ's comment is primarily directed towards the guidance that the s 42A reporting officer has recommended be included in the Plan, as provided in Attachment 2 of my technical report. The guidance in Attachment 2 outlines many matters that affect the safe navigation of a vessel and recommends these be identified and assessed by an applicant with conclusions drawn based on those assessments. I understand Mr Russ considers the matters set out in Attachment 2 are less detailed than the requirements for a pilot exemption certificate issued in accordance with Maritime Rule 90.

48. Maritime Rule 90 — Pilotage — sets out the requirements for the pilotage of vessels in New Zealand. The rule details areas where pilots must be carried, and covers the requirements for training, assessment, examination, and continued proficiency for both pilots and masters holding a master's pilotage exemption certificate or "PEC". Pilotage exemption certificates, as the name suggests, allow for a master of a specified vessel to navigate that vessel without a pilot in situations where a pilot would otherwise be required. Both pilot certificates and pilot exemption certificates are issued by the Director of Maritime New Zealand in accordance with proscribed criteria and processes.

49. The basis of Rule 90 is to ensure a level of ship handling ability and local knowledge is onboard a vessel and is actively engaged in the navigation of the vessel.

50. The first point I make about the equivalency between the matters identified in Attachment 2 and the process for a pilot exemption certificate is that Attachment 2 clearly states in respect of these matters: *"It is recommended that the following is the minimum information requirements".* As I stated in my technical report (paragraph 68), this guidance is proposed for inclusion in the Plan with: *"the aim of encouraging Rule 47A*

applicants to include the appropriate navigation safety information in their consent applications."[7] Further information may well be required from an applicant through a consent assessment process.

51. Items 1 to 4 of the guidance cover additional matters that are not required to be considered by an applicant for a master's pilotage exemption certificate e.g. risk assessments and computer simulations of a manoeuvre.

52. Item 5 of the guidance details the matters most relevant to local knowledge and ship handling, which are the matters relevant to the standard required for a pilotage exemption certificate. The introduction for this section states

> *"**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."*

53. Maritime Rule 90.109 and 90.110, are both referenced within item 5. These rules set out the requirements for training and continued proficiency for the holder of a master's pilotage exemption certificate.

54. Item 3 is also relevant. It provides:

> "***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."*

55. The guidance states that this information would include:

> "(*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)"*

56. In an application for a coastal permit, an applicant will be encouraged to identify, in addition to all of the other matters detailed within the guidance, how the named master(s) meet the standards of the various components required as detailed in Maritime Rule 90 for a master's pilotage exemption certificate, and can therefore offer a level of local

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[7] Paragraph 68 of my earlier advice (Appendix D to s42A report),

knowledge and ship handling experience equal to or greater than the holder of a master's pilotage exemption certificate.

57. Within Maritime Rule 90, there are requirements for ongoing proficiency, and for a master to undertake a minimum number of transits within a pilotage area[8]. Any applicant will be encouraged to address how such ongoing proficiency will be provided within their application. This may be undertaken with on-site transits or a combination of on-site transits and simulator use.

58. While acknowledging that the exact process for the issuing of a pilotage exemption certificate will not apply, I do not think it is accurate to say that the information required of an applicant for a coastal permit under Rule 47A would be 'far below' that required for a pilotage exemption certificate.

59. I finally note that currently, there is no requirement (under the Regional Coastal Plan or otherwise) for masters of vessels under 125 m in length to undergo any additional training over the minimum standard required for the issue of their maritime certificates that allow them to act as master. The additional assessment, operational guidance, local knowledge and ship handling training and proficiency that will be required to be demonstrated in any application for a coastal permit under proposed Rule 47A will be additional to that currently required for a vessel less than 125 m in length.

60. It should be noted that in ports and harbours around New Zealand the requirement to carry a pilot, or that the master of a vessel hold a master's pilotage exemption certificate, applies to vessels over 500 gross tonnage across all locations (in two harbours, this limit is decreased to 350 and 100 gross tonnage). Some ports and harbours also have a 40-m vessel length requirement. Gross tonnage is an internal volumetric measurement of a vessel but a vessel of 500 gross tonnage would be between approximately 40 to 60 m in length. This requirement means that all cruise ships currently visiting the New Zealand Subantarctic Islands are subject to compulsory pilotage (or must have a pilot exemption) in locations such as Milford Sound, the Bay of Islands, Stewart Island, and the Marlborough Sounds, as well as all New Zealand ports.

61. Overall, in an application for a coastal permit, the master must hold the maritime certificates required to act as master for that vessel and in addition the application would be encouraged to demonstrate how the master will meet a standard at least equivalent to that required for a master's pilotage exemption. Therefore, the standard required in a coastal permit application would be equivalent, or of a higher calibre, than that required for *"marine based-certificates, such as a pilot exception certificate*[9]*",* described by the submitter, and will be a higher standard than that currently required for cruise ships in the New Zealand Subantarctic Islands.

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[8] MR90.66(1)(b)

[9] para 72(c) Statement of evidence of Mr Nathan Russ

Topic 5: Access and Anchoring – Port Ross Winter Restrictions — Proposed changes to Rules 34, 37, 40–43, 46 and 49, performance standards 5 and 6 (in Table 2), and adding a new Note 7 to restrict access to Port Ross, Auckland Island in the winter months (1 April to 31 October)

Oral evidence of Sam Penwarden during his presentation that the relevant marine chart includes the label "Passage not recommended" near Ranui Cove, Auckland Islands.

62. NZ2862 – Plans in the Auckland Islands is the nautical chart used for navigation at the Auckland Islands. This chart provides information for mariners navigating within 2 to 5 nm of the coast. Mr Penwarden identified an annotation on NZ2862 positioned to the south of Ewing Island. The annotation reads "*Passage not recommended*" and is shown on the chart extract below.

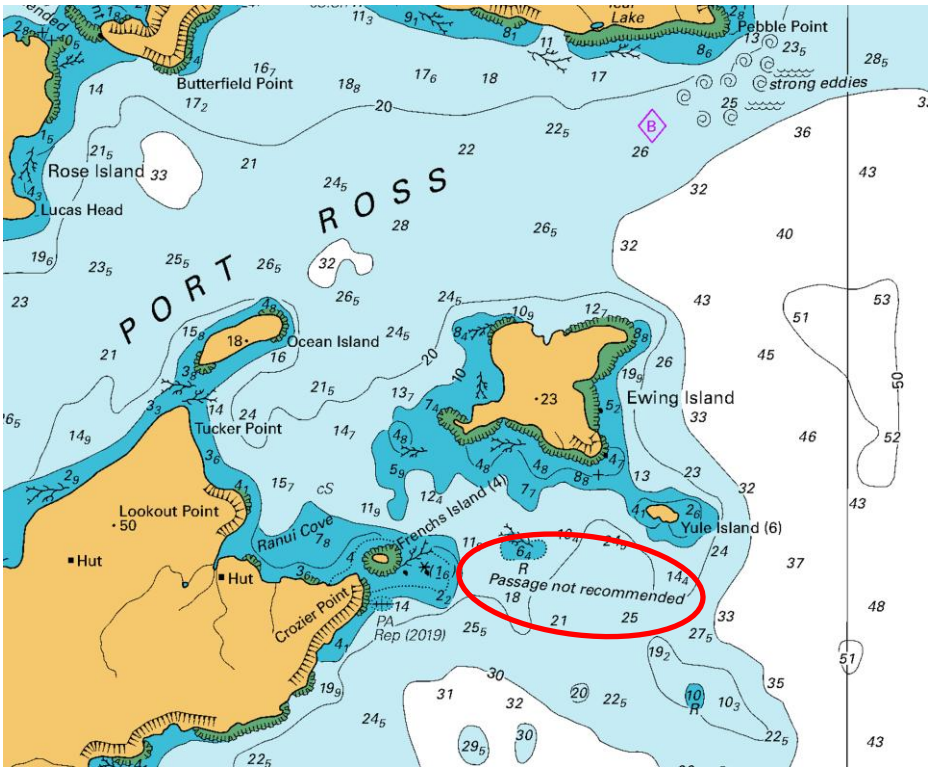

Figure 5 - Extract from NZ2862 – Plans in the Auckland Islands

63. A nautical chart, whether in paper or electronic format, contains a large amount of information to address the needs of a large variety of vessel types, lengths and operations. Therefore, the information provided on a chart may be of relevance to the navigation of some vessels and not to others (e.g., the nature of the seafloor at 40 m is of relevance to a 125 m cruise ship that may anchor there but of little relevance to a 12 m recreational yacht that is unlikely to anchor in that depth of water).

64. Mariners should refer to the latest edition of the sailing directions for more detailed information on any specific area. NP51 – New Zealand Pilot (NP51), is the sailing direction that includes the New Zealand Subantarctic region. The latest edition of NP51 provides additional information on the passage between Ewing Island and Frenchs

Island where Mr Penwarden identified the annotation “Passage not recommended”. NP51[10] states the following for the entrance to Port Ross:

> ***“Directions.*** *The harbour is entered S of Pebble Point, the SE point of Enderby Island. The passage between Ewing Island and Frenchs Island, 5 cables SW, has sufficient depth for the passage of medium sized vessels, keeping clear of the charted dangers.*
>
> *The bays in the shores of the harbour are easy of approach.*
>
> ***Caution.*** *Heavy overfalls and dangerous eddies may occur in the entrance, SE of Enderby Island (50029’.78S 166017’.74E).”*

65. This paragraph highlights the importance of carrying the latest edition of NP51 (or any pilot book) onboard as the passage between Ewing Island and Frenchs Island is clearly indicated as having “*sufficient depth for the passage of medium sized vessels, keeping clear of the charted dangers*” and additionally continues to specifically caution the dangers to the southeast of Enderby Island with no reference to vessel size.

66. In accordance with Maritime Rule 23[11] a vessel master must plan a passage prior to the commencement of any voyage. There is a clear line of legislative requirement and guidance for a vessel master to undertake passage planning and to consider the information provided on both nautical charts and sailing directions in the planning of a passage[12]. The information contained within both NZ2862 – Plans in the Auckland Islands and NP51 indicate that there is a clear passage for medium-sized vessels between Ewing Island and Frenchs Island.

67. The annotation on the marine chart referred to by Mr Penwarden therefore does not imply that a medium-sized vessel such as a scampi vessel could not access Ranui Cove. As relevant to my earlier advice, I therefore remain of the view that suitable alternative anchorages to Port Ross would include Ranui Cove.[13]

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[10] NP51 - s11.100 paragraph 3
[11] MR 23.54A

[13] Technical advice Jim Dilley, 8 May 2026, paragraph 42(i).

Attachment A – Zodiac operation scenarios at Snares Islands (small island group)

1. In providing these examples, I have used the standard positions of a cruise ship when undertaking Zodiac operations. Ship tracking data via automatic identification system (AIS) shows cruise ships usually utilise the east coast of North East Island, Snares Island (the largest and main island) and on a few occasions use the northwest or south coasts when weather conditions require. The Zodiac tours are normally focused on visiting the east coast of North East Island.

2. In all cases, the cruise ship may reposition to allow operations to be undertaken elsewhere on the Snares Island group (weather permitting).

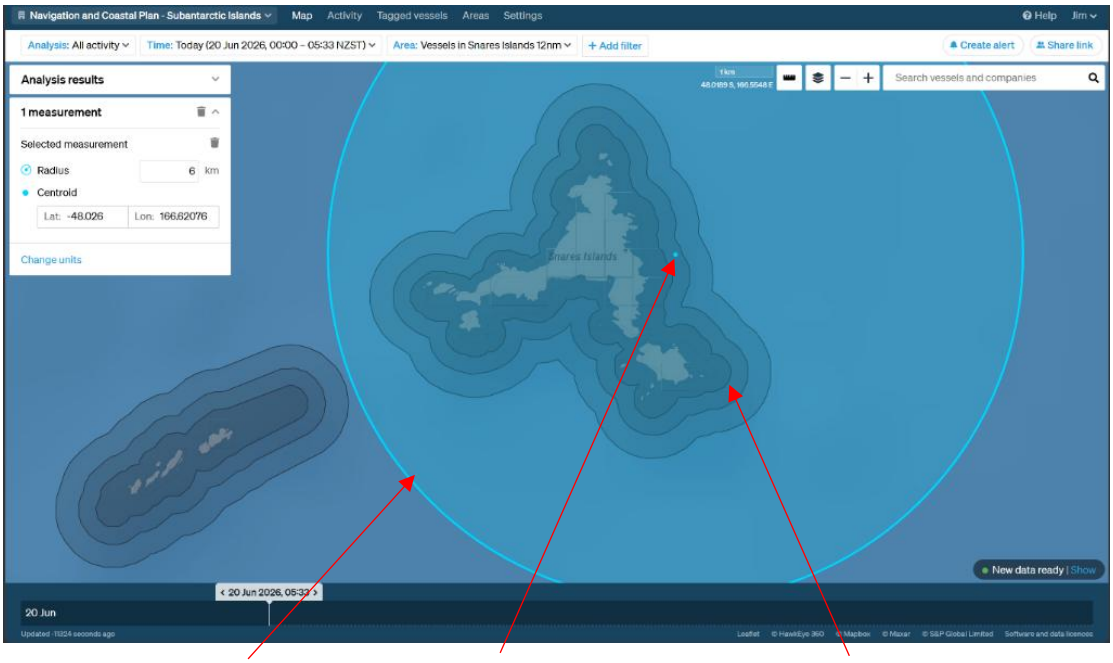
Scenario 1

3. A cruise ship of less than 125 m in length, and therefore able to access to 300 m from mean high water springs (MHWS), positioned on the east coast of the Snares Island group (the main area for Zodiac tours; shown on the diagram below), is allowed under proposed Rule 40, new Condition C to operate Zodiacs around the main Snares Island, but not the outer islands, as:

   (i) Zodiacs can remain within 6000 m of the mother ship at all times, and

   (ii) the mother ship may navigate to 300 m from MHWS so Zodiacs are never further than 1000 m from a position that the mother ship may access[14], but

   (iii) as the Western Chain of the Snares Island group is greater than 6000 m from the mother ship, access to this area is not allowed.



6000 m from mother ship *mother ship* *300 m from MHWS*

Figure A1 – Cruise ship less than 125 m in length at Snares Islands (small island group)

[14] The mothership must remain 300 m from the nearest point of MHWS; however, the presence of bays, inlets and headlands means that the point 300 m from MHWS that the mothership can access may lie greater than 300 m away from sites that a Zodiac can access in some particular locations e.g., where a small bay 50-m wide indents into an island or where a narrow headland extends from the shore.

Scenario 2

4. A cruise ship greater than 125 m in length, and therefore only able to access to 1000 m from MHWS, positioned on the east coast of the Snares Island group (the main area for Zodiac tours; shown on the diagram below), is not permitted under proposed Rule 40, new Condition C to operate Zodiacs around the main Snares Island, as:

   (i) Zodiacs can remain within 6000 m of the mother ship; however,

   (ii) the mother ship may not navigate to closer than 1000 m from MHWS so Zodiac cruising would not be possible because the Zodiacs are unable to go into the bays and inlets, nor pass inside any of the smaller islets of island group as the areas are greater than 1000 m from where the mother ship may access.

   (iii) As the Western Chain of the Snares Island group is greater than 6000 m from the mother ship, access to this area is not allowed.

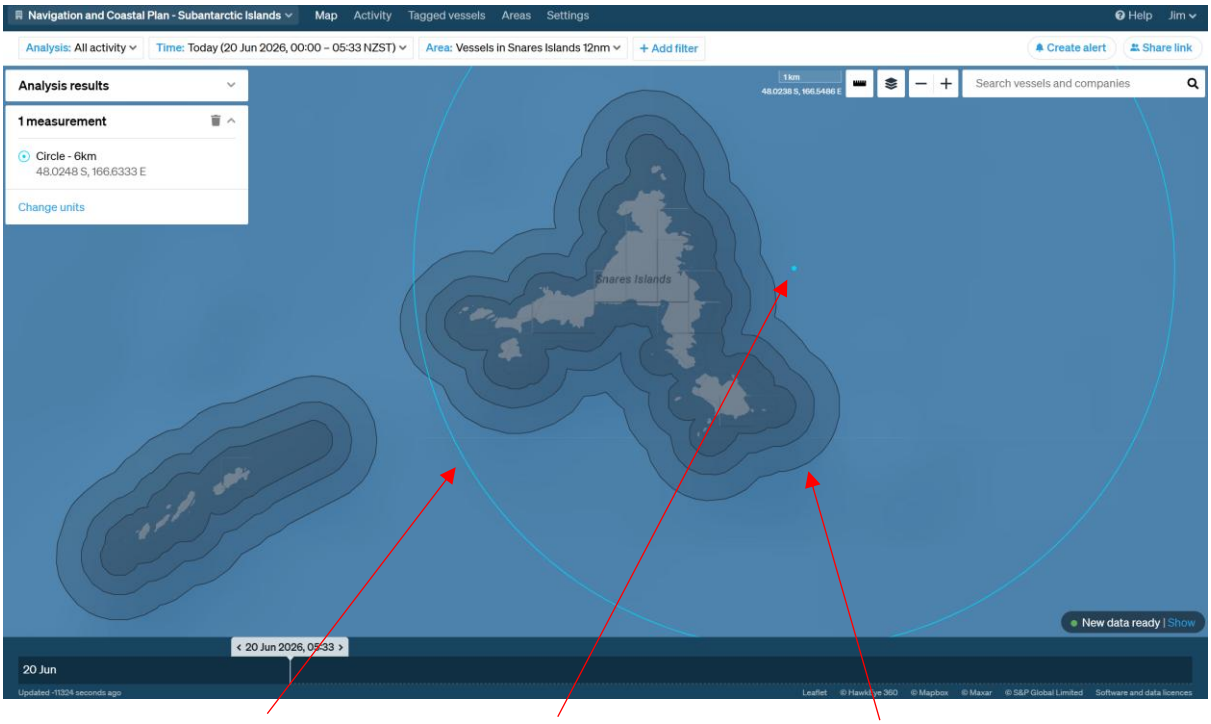


Figure A2 – Cruise ship greater than 125m in length at Snares Islands (small island group)

Scenario 3

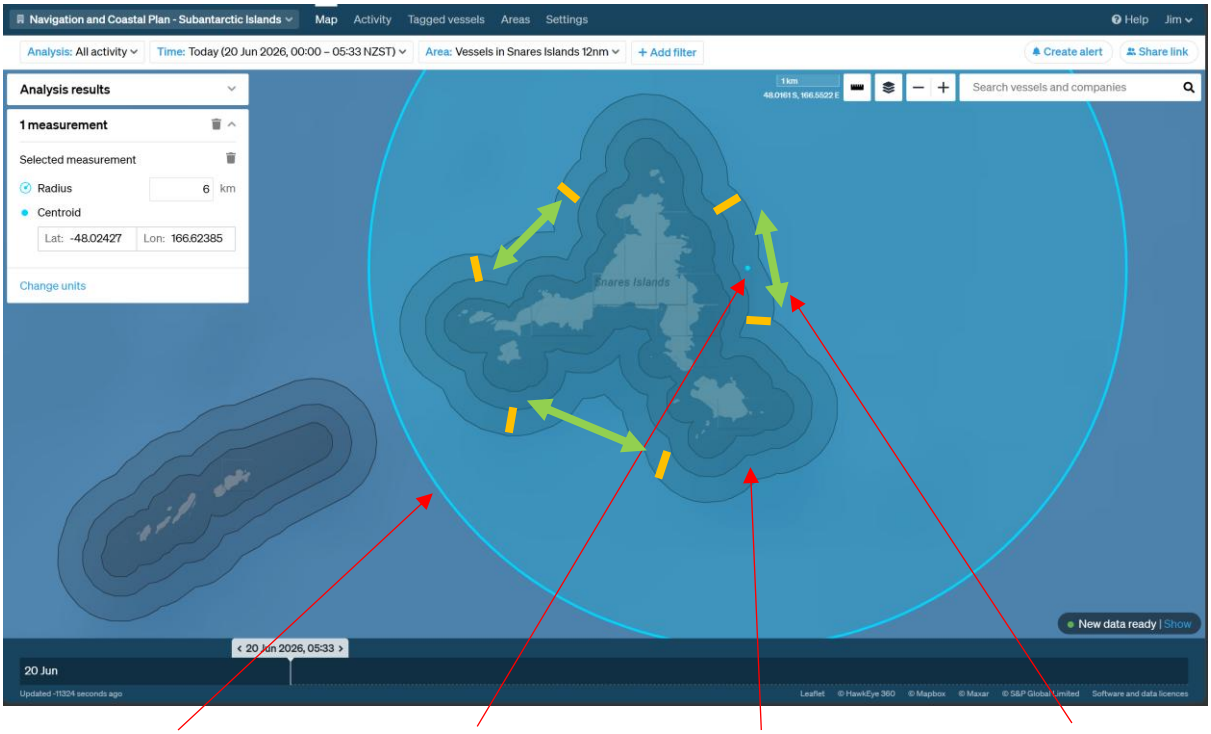
5. For this scenario, I have considered a cruise ship of greater than 125 m in length, holding a coastal permit for access to 600 m from MHWS in certain safe areas (see diagram below).
6. In this scenario, the cruise ship positioned on the east coast of the Snares Island group (the main area for Zodiac tours; shown on the diagram below), would be permitted under proposed Rule 40, new Condition C to operate Zodiacs in the area of the eastern side of the main Snares Island, but not the entire group, as:

   (i) Zodiacs can remain within 6000 m of the mother ship, and

(ii) the mother ship may navigate to 600 m from MHWS so Zodiacs are never further than 1000 m from a position that the mother ship may access (despite the presence of bays, inlets and headlands, which mean zodiacs may be located more than 600 m from where the mother ship may access, although never more than 1000 m), but

(iii) access to the northwest and southwest coasts by Zodiacs is not allowed as the coastal permit[15] only allows access for the mother ship to within 600 m of MHWS in particular areas of these coasts and in transiting to these areas (see diagram), Zodiacs would be travelling further than 1000 m from where the mother ship may access, and

(iv) as the Western Chain of the Snares Island group is greater than 6000 m from the mother ship, access to this area is not allowed.



6000 m from mother ship *mother ship* *600 m from MHWS* *Coastal permit allows access to within 600 m MHWS between the orange lines as indicated by the green arrows*

Figure A3 – Cruise ship greater than 125m in length operating under a coastal permit for access to within 600 m MHWS at the Snares Islands (small island group)

[15] Coastal Permit – in the scenario considered, conditions in the coastal permit granted restrict the areas that a vessel longer than 125 m can navigate to within 600 m from MHWS.