Before the Independent Hearings Panel
At Department of Conservation

Under the	Resource Management Act 1991 (**RMA** or **Act**)
In the matter of	Proposed Plan Change 1 to the Regional Coastal Plan: Kermadec and Subantarctic Islands

Evidence of Darryn John Shaw on behalf of Sanford Limited

2 June 2026

Submitter's solicitor:
Ben Williams / Conor Meredith
Anderson Lloyd
Floor 2, The Regent Building, 33 Cathedral Square, Christchurch 8011
PO Box 13831, Christchurch 8141
DX Box WX10009 Christchurch
p + 64 335 1250
ben.willliams@al.nz / conor.meredith@al.nz

anderson lloyd.

Introduction

1 My full name is Darryn John Shaw.

2 I am the Group Manager Wildcatch for Sanford Limited (**Sanford**) based in Timaru.

3 I manage Sanford's Wildcatch fishing operations including thirteen vessels, seven of which target scampi.

4 I have responsibility for Sanford's Wildcatch Operation, this includes, Health and Safety, fisheries management, environmental reporting, people management, vessel deployment and fisheries compliance. I am responsible for the efficient operation and profitability of the Sanford Wildcatch fleet.

5 I am named as the approved person and responsible for the Wildcatch vessel Maritime Transport Operation Plan's (MTOP) implementation as well as being a Fit and Proper Persons for the three Maritime New Zealand Maritime Transport Operator Certificates (**MTOC**) that covers the Sanford Wildcatch Fleet. This makes me responsible for exercising the privileges of these documents, which includes responsibility for the safe crewing, maintenance and resourcing of the vessels.

6 Prior to my current position I have held multiple roles within Sanford, from vessel manager through to fleet manager, and specifically vessels operating under the Antarctic Marine living Resource (**AMLR**) Act in the Ross Sea (Antarctica) during the summer months, conducting research fishing under an AMLR permit issued by the New Zealand Government. In total I have been employed by Sanford for twenty-six and a half years, and for the duration of my time with Sanford I have been involved in the various Subantarctic fisheries in all its forms and catching methods.

7 In addition to my internal Sanford duties, I represent Sanford as a councillor on the Deepwater Council, (a subgroup of the industry body of Seafood NZ) which is the sector representative body of deepwater quota owners. I have also been involved in the Ross Sea and South Georgia Toothfish fisheries for twenty years as part of the collaborative work on both science and management objectives for this area covering environmental/conservation protection and rational use. These experiences have given me many opportunities to be actively involved in the management of remote areas, in challenging environments and jurisdictions working with industry, government officials and NGO stakeholders. I have attended the annual Commission for the Conservation of Marine Living Resources (**CCAMLR**), and as industry advisor on the New Zealand Ministry of Foreign Affairs and

Trade CCAMLR delegation for over ten years. I have also been the chair of the Marine Stewardship Council (**MSC**) certified Ross Sea Antarctic Toothfish Client Group. Sanford is also a member of the Coalition of Legal Toothfish Operators (**COLTO**), of which I was the company's representative for ten years.

8 I have been involved with the Regional Coastal Plan (RCP) since 2012 having had input into the written submissions, attended the oral hearings, numerous mediation sessions and related Environment Court proceedings, and now with the recent PC1 process, in which I have assisted with the preparation of Sanford's submission. I am familiar with its provisions.

9 I would like to note at the outset of this evidence that although the Sanford scampi vessels come within Port Ross to seek shelter, crew do not come ashore. The vessels will depart immediately when the weather conditions ease to allow safe transit to either the fishing grounds or to the mainland.

10 In preparing this, I have reviewed the evidence of:

(a) the evidence of Jim Dilley;

(b) the evidence of Greer Whiting;

(c) the evidence of Dr Daniel Kluza;

(d) the Department of Conservation's (**DOC**) Section 42A Report, prepared by Jesse Gooding, as well as the associated appendixes to the Report; and

(e) the evidence of Aaron Irving on behalf of Seafood New Zealand and Deepwater Council.

11 I am authorised to give this evidence on behalf of Sanford.

EXECUTIVE SUMMARY

12 Sanford considers it will be adversely affected by Plan Change 1's (**PC1**) proposed amendments to the Regional Coastal Plan: Subantarctic and Kermadec Islands (**RCP**).

13 In my evidence I will:

(a) describe Sanford’s Wildcatch business, and the company’s history in the Subantarctic ocean with reference to the scampi fleet that will be the most affected by PC1's proposed amendments; and

(b) detail Sanford's concerns as to PC1's proposed:

(i) removal of the access to dedicated and permitted anchorages for Sanford's vessels to Port Ross from 1 April to 31 October;

(ii) decision not to include Tucker Point on the southern side of Port Ross as an additional anchorage (**Tucker Point Anchorage**); and

(iii) amendments in relation to the biofouling requirements, specifically that an appropriate distinction should be made between domestic and international vessels, and that the new proposal provides unnecessary additional work and cost for domestic vessels, such as Sanford, without being appropriately justified with evidence of the risk it is mitigating.

SANFORD AND ITS WILDCATCH BUSINESS

14 Sanford is a vertically integrated, publicly listed wild harvest and aquaculture seafood business. The activity of fishing is high cost and always carries some unknown qualities – will the fish be where we expect them to be, in volumes sufficient to catch at a profit. To operate with confidence and to customer expectations Sanford requires certainty in operational rules, regulatory impact and the cost of compliance.

15 Sanford's business extends from quota ownership and trading through to catching, aquaculture/farming, processing at sea and on land and the marketing and sales of a wide range of New Zealand marine products. Integral to the Sanford brand is our ability to catch, grow and market seafood that is associated with a clean ocean environment. The Wildcatch environments where we work are remote areas of New Zealand where few people go, it's important to get on with each other and work collaboratively on issues. Sanford is committed to playing its role in responsible ocean stewardship.

Wildcatch Fishing

16 Sanford's Wildcatch operation is based in Timaru where it operates thirteen vessels, engages over four hundred share fishers and has forty seven support staff employed in management, operational and administrative positions. The Wildcatch operation makes a significant contribution to the wealth of the wider Sanford business, as well as the regional Canterbury economy.

Sanford's scampi fleet

17 Sanford has fished around the Subantarctic targeting scampi since the mid-1990s.

18 Sanford has seven scampi vessels, six of which are based in Timaru, all Timaru based vessels fish part of the year in the Scampi 6A (Auckland Island) fishery. The seventh vessel is based in Tauranga and predominantly catches between East Northland, Bay of Plenty and off the Wairarapa coast.

19 The Sanford scampi vessels that regularly fish in the Southern Ocean and require the ability to access safe shelter are listed below.

(a) FV Albatross II, is 24.9 meters in length;

(b) FV Drysdale, 24.9 meters;

(c) FV Venture K, 25.3 meters;

(d) FV San Tangaroa, 23.98 meters;

(e) FV San Tongariro, 30.10 meters; and

(f) FV San Koura Rangi, 29.99 meters.

Access to Port Ross to provide safe shelter

20 The Subantarctic Islands are known for their "rough weather" and challenging, unpredictable conditions year-round, which makes the islands largely inhospitable.

21 It is not uncommon to have strong winds upwards of 30 knots and swells of between 2-to-10 metres, which can last for days at a time. Forecasts can be unreliable and conditions can change quickly. In such circumstances the ability to seek shelter proactively, is obviously paramount.

22 Unlike international cruise ships, the Sanford fleet does not plan or conduct scheduled voyages to visit the Subantarctic Islands, instead they plan and conduct voyages to the Southern Ocean fishing grounds and utilise the Subantarctic Islands for shelter from the weather events which create unsafe sea conditions in the area.

23 As a result of this change, Sanford is concerned that the RCP will no longer achieve the intent of the RCP's Issue 1, Natural Character. Specifically in relation to:

(a) Natural Character Objective 1.2, this being to **enable use** that is consistent with the preservation of natural character

(b) The National Character Policies, including those in relation to the control of surface water surface activities (**access and anchoring**), particularly Policy 9 which requires the avoidance of adverse effects on southern right whales when they are breeding and nursing in Port Ross by **restricting** vessel access, as per the following items:

(i) This restriction methodology is currently implemented via the existing measures contained with Table 2 of the operative RCP;

(ii) PC1's proposed changes to Table 2 and individual rules 34, 37, 38, 39, 40, 41, 42, 43, 46 and 49 mean that vessels other than management and research vessels are prevented from entering Port Ross during the winter period; and

(iii) This is inconsistent with the intent of Policy 9 to restrict (not prevent) access. Restriction does not mean exclusion.

Health and safety concerns

24 Port Ross is a critical sheltering location for the safety of fishing vessels and crew whilst transiting to and from the FMA 6 fishing grounds. It is one of the few safe anchorages in the Subantarctic Islands.

25 Over the period 1 June 2022 to 1 May 2026 three Sanford vessels accessed Port Ross for sheltering purposes, a total of 19 times for a combined total of 28 days. Of those critical sheltering events, 9 occurred during the winter period in which it is now proposed Sanford's vessels will be prevented access for shelter under anchoring rules. Further detail as to this is set out in Appendix 1.

26 As a person responsible for both the safe operation of the vessel and its crew I also emphasise the importance of being able to ensure all health and safety obligations are met. If Masters have to second guess their legal ability to access the usually available designated anchorages in Port Ross due to the proposed winter period closure, then lives may be put at risk due to a decision being made to seek shelter in other designated anchorages further away.

27 DOC itself recognises in the context of considering the appropriateness of additional anchorages in another area, Carnley Harbour, that to not do so, there is the potential for:[1]

> *…navigation safety incidents that risk human life and damage to vessels, which could also involve oil spill and biosecurity breach.*

28 By removing the permitted access to Port Ross for sheltering vessels this must directly correlate this very same significant risk to vessels and crew during the winter months. .

29 Of concern, is the view from DOC and Mr Dilley that seeking shelter as a safety measure, can still be conducted under Rule 1 as-and-when required[2,3]. The approach is perplexing to me, as we agree this option is available to all vessels, as per the RCP, but its intended original and established purpose was for serious situations above those that allowed normal access to designated and permitted anchorages in order to safely shelter.

30 However, and most importantly, in the PC1 changes Rule 1's specific use and application does not include the risk mitigation measures required by Table 2. In Sanford's view a more appropriate approach to avoiding adverse effects on all mammals (Human and tohorā) would be to allow Port Ross to remain open to all vessels that are able to comply with the measures specified within Table 2. This approach aligns with the intent of Policy 9 to restrict not prevent access.

31 Our understanding is that one of the original reasons for permitted anchorages, (including within Port Ross) being included in the RCP, was to enable the ability for ongoing monitoring and understanding of potential vessel related anchoring impacts (i.e. benthic impacts or organic transfer) by concentrating vessel activity to known anchorage areas. By suggesting now that Rule 1 is the preferred alternative as opposed to allowing a permitted anchorage in Port Ross, after the RCP has been operating for 8 years, goes against this original intent of the policy objectives.

Risk to tohorā, vessels and their crews

32 DOC has indicated that the existing restrictions are not enough to reduce risks to the tohorā, or to vessels and their crews. However, there is no evidence to suggest that the current measures, are not effective.

---

[1] Section 32 Report, at pg. 72.

[2] Section 42A Report, at [153].

[3] Evidence of Mr Dilley at [17].

33 In the 8 years the plan has been operating we are not aware of any interactions of concern with our vessels and tohorā during the winter period. This supports a view that the current measures are indeed effective for reducing and avoiding whale-vessel incidents. In her evidence,[4] Chloe Corne identifies in her conclusion (para 25) that *"…given that several injuries consistent with vessel strike have been documented despite existing restrictions under the operative coastal plan…".* We cannot identify in any of the PC1 documentation any information that validates this, so it is unclear why this statement is made, and to what extent any potential injury (if sighted) occurred as a result of an interaction in the Port Ross area itself.

34 Sanford is particularly concerned that the proposed amendments, which raise significant health and safety concerns for Sanford due to the restrictions it places on its ability for its vessels to safely shelter in designated anchorages for certain times of the year only, are being justified on the basis of the perceived risk arising from certain operators only (i.e., fishing vessels). However, DOC considers that this same risk is not that significant that it cannot be managed by other vessels undertaking management and research work during the winter season.

35 Risk is a function of likelihood and consequence. While the consequence of a vessel not undertaking good practice (and not complying with the existing rules) has the potential for an interaction to occur, however based on the historically high levels of compliance, the likelihood of this occurring in our view is very low. Importantly, there has been no evidence provided by DOC that our fishing vessels have caused harm, or are likely to cause harm, through interactions with tohorā in Port Ross during the winter period, with the only reference relating to a warp based anchoring system of a research vessel, of which fishing vessel do not have.

36 It is also reassuring that in her expert evidence (para 21), Chloe Corne identifies that reduced speed has virtually eliminated ship strikes of Brydes whales in their core habitat of the Hauraki Gulf, as mortality rates from ship strike increases with ship length and speed. Our vessels are very short in length and travel in the Port Ross area at a reduced speed.

37 We are surprised with the vessel examples used by Chole Corne in her evidence (para 18) to identify the risk to human safety. The examples used relate to very small recreational or tourist craft, however these vessels are completely different in design and substance to the scampi fishing vessels we operate, and we consider have no direct comparison relevance (references used of whales leaping on "yacht decks" and "small sail" boats, etc).

[4] Appendix E: Technical Report – Marine Mammals – Chloe Corne

38 DOC has proposed several mitigation measures that are to apply to research and management vessels when entering Port Ross during the winter period. The measures are considered by DOC to adequately mitigate the risk arising from these vessels during this period. The same core measures also mitigate the risk from fishing vessels seeking safe shelter in Port Ross during this winter period.

39 As acknowledged in Mr Dilley's evidence there is no material difference between the various categories of vessels that are to be permitted access to Port Ross, and a fishing vessel, and it may even be the same commercial vessel undertaking several different roles on various voyages for differing clients.[5]

40 It is unclear why management and research vessels are considered to have a higher level of importance than a vessel seeking safe shelter in Port Ross as a permitted activity to a designated anchorage.

41 Mr Dilley suggests a distinguishing factor is that a vessel undertaking research or management work has DOC staff and/or marine researchers on board who are familiar with the area and the behaviour of whales and other marine mammals. These personnel apparently bring a level of understanding of marine mammal behaviour, as well as mitigation strategies to avoid conflict directly to that vessel[6]

42 We are not in a position to validate this statement by Mr Dilley, although we assume that marine mammal behavioural experts on vessels are there to monitor the species and therefore are wanting to get close to them to do so. Our sole intent is to remain clear of them through the existing mechanisms in the rules and related navigational guidance. Importantly, Sanford has been accessing Port Ross for safe shelter since the mid-1990s, crew are extremely familiar with the area, including the marine animals that may be encountered.

43 DOC engages Environment Canterbury's Harbourmaster’s Office to manage navigation safety for the internal waters and territorial sea surrounding the islands. The office issued Vessel Operating Guidelines[7] (VOG). These safe navigation guidelines specifically include provisions (and supporting graphics) to minimise any potential impacts from and to vessels, when in the vicinity of whales and other mammals. We ensure all our Masters, as well as crew are familiar with these guidelines.

44 In addition, all vessels have an electronic documentation system onboard from the Deepwater Council. This is an interactive application which is required for use by all our Master’s as part of their operational procedures during all fishing voyages. The procedures include links to whale information from various sources

[5] Evidence of Mr Dilley at [39]

[6] Evidence of Mr Dilley at [40]

[7] NZ Subantarctic Islands: Vessel Operating Guidelines – September 2025

including DOC and the International Whaling Commission. This information is also reviewed biannually with representatives from the Deepwater Council to ensure the information on a vessel remains accurate and up to date.

45 Suggesting that an operator such as Sanford could apply for a resource consent in order to safely shelter in existing anchorages of Port Ross during the proposed winter closure period is an unfair, unrealistic and significant cost burden to be imposed on the fishing industry, particularly in the context of our view that there is no actual justification from a risk mitigation perspective for the proposed amendments. Based on the perceived intent of PC1 to exclude fishing vessels from a presently permitted activity (i.e. of utilising designated anchorages in port Ross over the winter months) we are concerned that there is a material risk that a discretionary consent would be declined, regardless.

46 We find it perplexing as to why DOC and its experts are suggesting the use Rule 1 in order to access Port Ross for safe sheltering of our vessels during the winter months. We consider that Rule 1 may provide less protection to tohorā than entry under the existing and presently permitted access rules or alternatively through allowing our vessels seeking safe shelter to enter under similar mitigation measures that are proposed in PC1 to apply to a select group of research and management vessels.

47 It is also noted and of concern that rule 34 has been modified by a new performance standard 6 (table 2). Our concern with this new performance standard is on multiple levels:

(a) It is being applied to all islands without any information of substance in the section 32 report of the specific areas of concern outside of the Port Ross identified breading area. It is justified on a generalization of ”*to manage the risks associated with increased numbers of tohorā / southern right whales at the Subantarctic Islands*”. We do not believe rules can be made and applied under “generalisations” with no supporting information. There are already mitigation measures in the VOG’s issued by the harbourmaster to keep clear of whales, whether numbers are static, decreasing or increasing.

(b) On a rule interpretation level, we do not understand if the performance standard (as presently drafted) is to apply year-round or during the period listed, as it uses the term “generally” – which does not clearly distinguish between a certain time period or the full year.

(c) Performance standard 6 (d) states “*Vessel has prevention and response plans in place, including an entanglement prevention and release plan, a prevention of damage to manoeuvring equipment plan, and a plan for response in the event of damage to manoeuvring*

equipment". This standard's application and need is unclear and a duplication of existing measures. It requires preventions and response plans for;

(i) Entanglement prevention. However, this has been already incorporated in the proposed rules under performance measure 6 c and is effectively a repeat.

(ii) A prevention of damage to manoeuvring equipment plan. This has been already incorporated in the rules under the VOG marine mammal's guidelines and also in the proposed performance measure 6 a &b and is effectively a repeat.

(iii) a plan for response in the event of damage to manoeuvring equipment. This aspect is covered under Maritime rules for all circumstances.

Fundamentally performance standard 6(d) is a repeat of what already exists in various guidelines and rules and provides no clear direction (in any of the supporting plan change documentation) what this would entail above and beyond what is already in place. This performance standard needs to be removed.

Additional Tucker Point Anchorage

48 Sanford has sought that Tucker Point Anchorage be considered as an additional permitted anchorage location, as per the other two anchorages now being added to Carnley inlet under PC1.

49 It seems the predominate reasons for not considering the Tucker Point Anchorage are as with the general reasonings for the closure of Port Ross to sheltering vessels in the winter, - i.e. related to navigational safety and marine mammal concerns, specifically the risk of harm and/or mortality to tohorā as well as to vessels and their crews through potential anchor entanglement, vessel strike and increased disturbance.[8] As set out above, Sanford does not consider these reasons justify a closure of Port Ross, and by extension a basis for declining the Tucker Point Anchorage.

50 In response to Mr Dilley's comments in his evidence concerning navigation safety in relation to the Tucker Point Anchorage[9], Sanford considers:

[8] Section 42A Report, at [190]

[9] Evidence of Mr Dilley at [15-21]

(a) the anchorage would provide the desired shelter in certain south-easterly/easterly wind conditions, as agreed by Mr Dilley:[10]

(b) a permitted anchorage in this area would also assist in risk mitigation for southern right whales as this area is outside of DOC's identified high whale activity areas[11]; and

(c) while other anchorages are available in the Subantarctic Islands, these are predominantly on the southern end of Auckland Island. In certain transiting situations to and from NZ and the southern fishing grounds it is critical that designated anchorages are available year round, that meet any prevailing weather system at the northern end of the Auckland Islands.

51 We consider it critical that a vessel masters have a dedicated and identified year-round anchorage within this location / end of the Island, as it provides certainty to a vessel master that anchoring in that location is in fact allowed and suitable, as a designated and permitted safety feature. Mr Dilley in his expert evidence also acknowledges this need.[12]

52 One of our very experienced scampi vessel skippers (Cpt. Kim O'Brien) has provided a statement supporting this area as a suitable option for an anchorage (provided alongside my evidence).

53 For completeness, Sanford supports the decision to include additional anchorages within the 300m limit at Round Bay (Round Point) and Crab Bay.

Amendments to biofouling provisions

54 Sanford recognises that there are intrinsic natural character and landscape values in the Subantarctic and Kermadec regions and acknowledges DOC has obligations to ensure these values are protected, sustainably used and enjoyed. Equally it accepts the obligations that fall on Sanford to act responsibly and with care. However continual and incremental increases in requirements that have no supporting information of substance that supports the apparent need, is of significant concern and cost to us.

[10] Evidence of Mr Dilley at [15]

[11] Carroll et al 2022 - New Zealand southern right whale behavioural phenology demographic composition and habitat use in Port Ross Auckland Islands over three decades.

[12] Evidence of Mr Dilley at [21]

No reduction in biosecurity risk

55 Overall, the proposed changes in PC1 will significantly increase the level of inspection processes and materially increase the time and cost to undertake these with no obvious biosecurity benefits from the existing processes.

56 The inspection regime under the current provisions have been sufficient to ensure no biosecurity risk introduced from domestic fishing vessels whilst anchoring at the Subantarctic Islands. No evidence has been provided to suggest otherwise.

57 We are encouraged that DOC appears to consider that the biosecurity risk is of a low probability[13]. Our view is this is a very low risk, and we would expect that any experts utilised in the PC1 would be in a position to confirm a probability that was indeed very low.

58 However, there is no mention, or calculation (mathematical or otherwise), of what the risk from Sanford's vessels may be both under the current provisions, and in comparison, to the proposed amendments if they were implemented. It appears expert evidence is used to re-enforce a perceived risk without any work undertaken to define what the actual current biosecurity risk is and what the future residual risk would then be post any implications of the new rules - for domestic vessels domiciled on New Zealand waters (such as Sanford's).

59 We find it contradictory that the Section 42A Officer mentions that it understands the *'Minister is seeking consistency with the IMO guidelines and MPI's CRMS-Vessels 2023*'[14], with this seeming to be a justification for the amendments. However, it also states that it is "*inefficient to refer to another agencies tool*"[15] as they may become out of date and require a change to the RCP. It is unclear if the Officer considers that aligning with MPI's approach is beneficial, despite this being an apparent justification for the amendments. This brings into question whether the changes can be justified at all and indicates a confused state around the purpose of this proposed rule change, separate to the lack of any underlying facts being present that would support it.

[13] Section 42A Report at [230].

[14] Section 42A report at [224].

[15] Section 42A report at [219.

Significant additional resource and compliance costs

60 The time required to conduct an inspection, and the associated report writing will significantly increase due to the additional photo and video footage requirements. These cost increases will be significant and will be incurred each time an inspection is required.

61 Specifically, over the approximate three yearly period between antifouling treatments, PC1's proposed additional requirements will have to be applied to each of Sanford's six scampi vessels for approximately:

(a) one biofouling inspection in the first year;

(b) three biofouling inspections in year two; and

(c) three biofouling inspections in year three.

62 We have communicated with our approved diver contractor/inspector with regard to the new dive inspection standards and reporting requirements proposed in PC1. He provides his initial view on the significant additional work load and resulting cost increases (per vessel) in appendix 2.

63 Noting the significant quantity of inspections that are already required, DOC has not fairly accounted for the additional costs associated with the increased level of rigor and associated reporting that will be required.

64 Of concern is that PC1's changes do not align with the intent of Policy 3 of the Natural Character policies for the maintenance of Biodiversity and Biosecurity. This aiming to maintain and protect biodiversity and intrinsic values by restricting access to only those vessels that comply with biofouling measures, this includes that vessels should be able to demonstrate that they present a low risk of introducing organisms not native to the islands by an in-water diver inspection and certification Our vessel already present a low risk, and this is a very important aspect to note!

65 We note that this requirement in Policy 3 is specified in the existing plan as 3b, however in the proposed plan change it is listed only as a bullet point. This change was not marked in red tracking in the notified plan change, and we question why this occurred.

66 Under the current provisions the biofouling measures include in-water dive inspections conducted by an Approved Persons[16]. This process has provided confidence to DOC and the maritime industry that biofouling

[16] Appendix 5 to the Regional Coastal Plan: Kermadec and Subantarctic Islands 2017.

measures are being applied and followed in line with the intent of Policy 3 and specifically the certification aspect of Policy 3.

67 PC1 removes the requirement for inspections to be conducted by an approved and therefore qualified person; instead, the inspections can be conducted by persons without appropriate qualifications and relevant practical experience, provided they follow the DOC's inspection criteria as set out in Appendix 4 (as notified by PC1). In effect DOC is proposing to base its reliance and confidence that biofouling measures are being applied and followed in line with the intent of Policy 3 upon additional photos and video footage only rather than on the knowledge and experience of an Approved Persons.

68 Requiring increased photos and videos, while removing the requirement that the biosecurity inspection be undertaken by a suitability experienced "Approved Person", shifts significant additional costs to operators such as Sanford, while in our view potentially creating a potentially higher biosecurity risk. It is assumed that DOC does not review the information provided (in near real time) to replicate the level of "approval" that is presently being applied via the approved person (diver) in the existing rule.

69 Fundamentally and of significant concern, is how this proposed change meets the specific requirement that the plans existing policy 3 requires, as stated, to:

Demonstrate that they present a low risk of introducing organisms not native to the islands by an in-water diver inspection ***and certification*** *(bold emphasis added)*;

70 Our view is that certification cannot be achieved with the proposed changes – going against the plan's policy 3 specific requirement.

Conclusion

71 Sanford remains significantly concerned as to the amendments proposed by PC1 as they:

(a) appear to potentially increase the risk to tohorā as it and the experts promote reliance on Rule 1 to allow safe sheltering in Port Ross during the winter months. Rule 1 does not incorporate the precautionary mitigation measures by the specific default of its design and intent of use;

(b) are not justified by evidence that validates the closure of Port Ross during the winter period due to the perceived potential risk of vessel /

tohorā interaction. The changes do not account for the absence of incidents in Port Ross while the RCP has been active and uses wide generalizations about “risk” from extracts of interactions that occurred around the world in entirely different circumstances, with vessels of different size, nature and character;

(c) increases the costs associated with biofouling inspections, without justification of substance. Additionally, amendments are made, such as removing the requirement that an inspection be undertaken by Approved Persons, that we consider potentially increases the biosecurity risk, and do not meet the requirements of Policy 3 of the RCP for certification to occur; and

(d) decline to add the requested Tucker Point Anchorage, despite the clear need for a dedicated and identified year-round marked anchorage within this general location for a certain wind direction.

72 For the reasons set out above, Sanford seeks that its relief as specified in our submission be granted.

Dated this 2nd day of June 2026

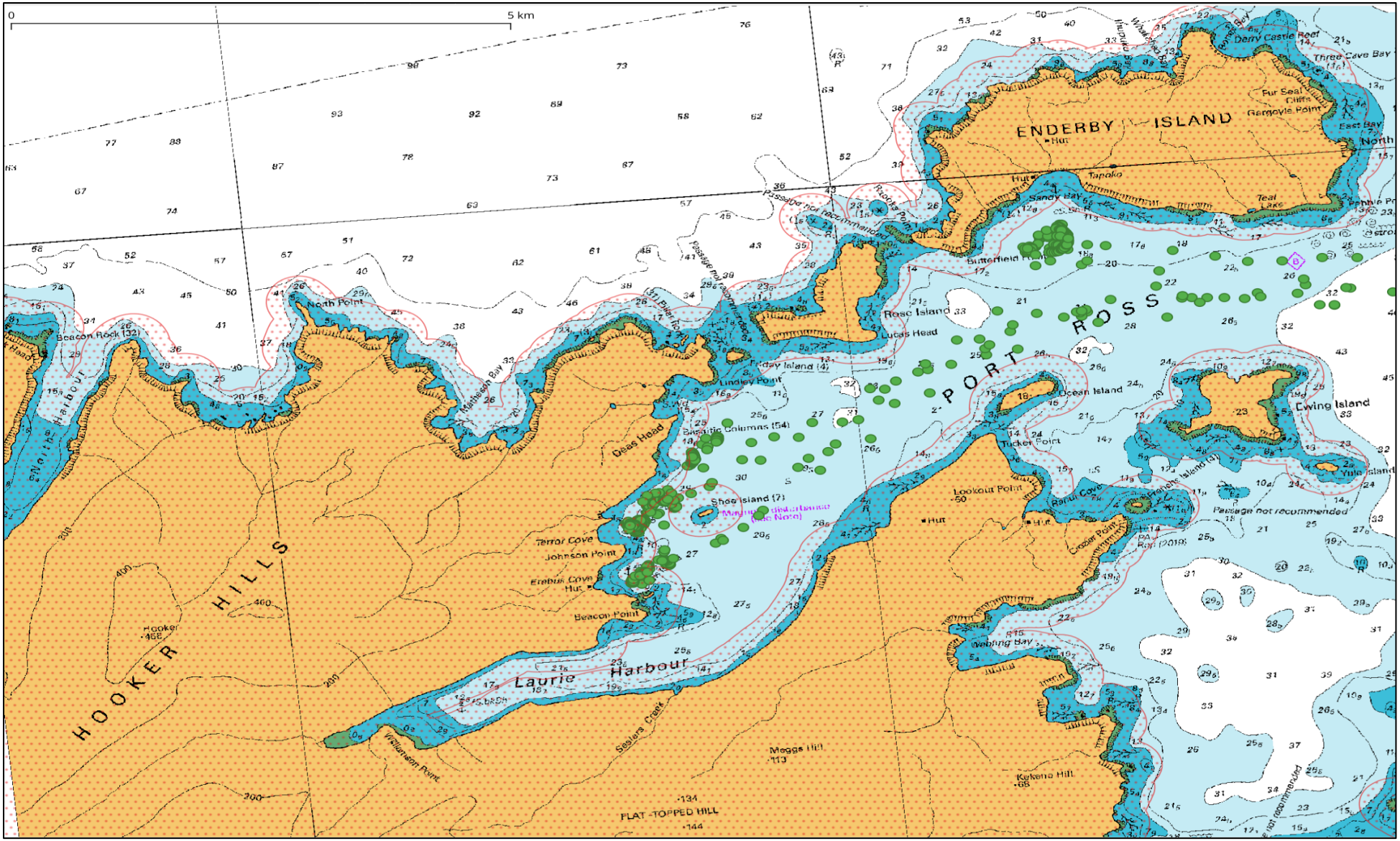
_____

Darryn John Shaw

Appendix 1 – Port Ross Access

Sanford - Port Ross Access - June 2022 to May 2026

3x Sanford vessels have accessed Port Ross for sheltering purposes a total of **14 times, totalling 28 days** during the period 1st June 2022 to 1st May 2026. *(A single day consists of multiple AIS data broadcasts indicated by green time stamps in the below map)*



Appendix 1 – Port Ross Access

Vessel Data - Port Ross Access - June 2022 to May 2026

PORT ROSS - SANFORD VESSEL TRACKING DATA SUMMARY – Overview for period 1st June 2022 to 1st May 2026

Vessel Name	Total Records	Total Visits	Total Duration (Hours)	Total Duration (Days)
Venture K	250	9	443	18.46
San Koura Rangi	407	2	164	6.87
San Tangaroa	60	8	52	2.18
TOTAL	**717**	**19**	**660**	**27.51**

PROPOSED CLOSURE IMPACT ANALYSIS - Closure Period: April 1 - October 31 each year (Months 4-10)

Vessel Name	Total Records	Records in Closure Period	% of Total Records Impacted	Visits Impacted	Days Impacted
Venture K	250	208	83.2%	5	15.36
San Koura Rangi	407	407	100.0%	2	6.87
San Tangaroa	60	42	70.0%	2	1.50
TOTAL (Sanford)	**717**	**657**	**91.6%**	**9**	**23.73**

Appendix 2 – Approved Inspector, Biofouling Increased Cost Estimation

Email document attached as separate file.

From:	Dean Jurasovich
To:	Darryn Shaw; Adam Thomas;
Subject:	Fw: Biofouling inspection requirement changes.
Sent:	2/06/2026 11:57:24 am

From: Rob Feist <rob@divepro.co.nz>
Sent: Tuesday, June 2, 2026 11:54:53 AM
To: Dean Jurasovich <DJurasovich@sanford.co.nz>
Subject: Biofouling inspection requirement changes.

Hi Den, thank you for your enquiry.

Based on the indicated requirements and the density of photographs required a vessel such as the Drysdale may require 472 photographs and videos be recorded there is no detail on the duration of the video recording requirement.
If anodes are photographed even in a representative way, an additional 36 photographs may be required to cover 9 locations plus an additional 9 videos.
In addition, a vessel fitted with bilge keels would require potentially an additional 60 odd photographs also depending on its length.

Allowing 2 to 3 minutes per specified area to take both photographs and videos, approximately 5-7.5 hours would be required, without considering the need to reposition accurately, deal with interruptions such as adjacent shipping movements, poor visibility, health and safety requirements and environmental conditions.

I would expect gathering this number of images would take approximately 10-12 hours based on the need to change out divers due to fatigue, cold, meals and potentially 10 changes of camera batteries. Lighting would also require battery capacity. Lighting may be able to be supplied form the surface; however this would result in the need for manning on the surface to deal with electrical cabling. Overnight accommodation may also be required to complete the dive the following day, adding an additional cost of approx. $1k for accommodation and meals plus a second day dive cost (4K).

This appears excessive in terms of assessment of a clean vessel, which can be assessed quite quickly.
Reporting, and presenting the files in a document which handles copies of those 472 still images may require an additional day of administration. This administration / computer work requires skills many divers lack.
Verification by the diver, that the work of the administrator has resulted in an accurate and true record of the condition of the vessel will also take some time.
In New Zealand, IT contractors typically charge between NZ$130 and NZ $200 per hour (roughly NZ $1,000 to NZ $1,600 per day).

A day of work for a dive team with current certification and insurances in New Zealand is in the vicinity (now minimum) of $4k plus Mob and Demob costs.
An inspection as outlined above would likely cost in excess of approximately $7-10k.

If reinspection is required after cleaning a second report would obviously double that cost to nearly 20k.

Divers being asked to inspect chain lockers and chain and anchors for sediment is a problem, yet they are expected to certify them as part of the inspection report.

I hope this approximation helps.

Let me know if you need clarification or additional information.

Regards,

Robert Feist
Divepro Ltd

021762734
rob@divepro.co.nz

dive pro
PROFESSIONAL COMMERCIAL & CONSTRUCTION DIVING SERVICES

+IMPAC PREQUAL
HEALTH & SAFETY ASSESSED