Response to Section 42A Report. Proposed Plan Changes 1 – Regional Coastal Plan Kermadec and Sub Antarctic Islands.

Rodney B Russ

1. My full name is Rodney Bryan Russ

2. I normally reside in Christchurch NZ but I am currently on my yacht in the Vanuatu. I have been cruising on my yacht for the last 8 years.

3. I submitted on the Proposed changes to coastal Plan because of a lifelong interest, passion and association with the Sub Antarctic Islands. I care deeply about these Islands.

4. I have significant local knowledge learned and earned the hard way not by books nor theory nor simulators but by countless expeditions in all weathers on a number of different vessels over a span of 54 years.

5. I declare I currently have no commercial interest in the Sub Antarctic Islands. I have no conflict of interest; I am not a concessionaire.

6. My technical qualifications for commenting the plan include

   a) RYA (Royal Yacht Association) Ocean Master commercially endorsed
   b) RYA (Royal Yacht Association) Offshore Master
   c) Australian: Master 24 Skipper.
   d) New Zealand Skipper Coastal/Offshore.

7. My relevant experience includes :

   a) Member of the 1972/73 American, Australian, New Zealand Auckland Island Expedition
   b) Member 1974 Private Auckland Island Expedition. Alek Black / RV Acheron
   c) Member 1975/76 Campbell Island Expedition.
   d) Over 100 Commercial Expeditions to NZ Sub Antarctic Islands between 1985 – 2018 as owner and senior Expedition Leader of Heritage Expeditions. Includes all of the NZ Sub Antarctic Islands.
   e) More than 60 successful expeditions to Australian Macquarie Island.
   f) Two major Expeditions to South Indian Ocean Islands, including two to Heard Island.
   g) Over 50 Expeditions to the Ross Sea Region of Antarctica, plus several to East Antarctica and two to Falklands, South Georgia and the Antarctic Peninsula. A similar number to Spitsbergen in the North Atlantic and an

estimated twenty-five expeditions to Russian Far East including the first ever commercial double transit of the NE Passage.

h) Have conducted an estimated 15,000 successful ancillary (zodiac /RIB) deployments for passenger landings from the high arctic to Antarctica and everything in between. These were completed with no fatalities, no injuries, no environmental incidents. Some very wet, and some technically very difficult.

i) I have sponsored two major scientific expeditions to the Auckland Islands a) Right Whale Research at Auckland Islands and b) Botanical Expedition to Auckland on my own 24metre yacht MV Strannik.

j) I have visited these Islands on 8 different vessels ranging from my own 24 metre yacht to 124m Expedition Ship.

k) I have sailed over 1 million nautical Sea Miles as organiser/expedition leader the majority of those in high latitudes of the world.

l) In the last 8 years (2018 – present) have sailed 60,000 miles on my own yacht including expeditions to the Russian High Arctic and NZ Subantarctic Islands.

m) I have also organised and led several commercial Expeditions to the Kermadec Islands and I am familiar with the navigating and anchoring issues at these Islands as well.

8. Publications

a) Joint author and publisher of the Book "Galapagos of the Southern Ocean – Wild Islands South of NZ" the story of the Sub Antarctic Islands.

Preamble

1. I wanted to ask a question before we proceeded – but I found the answer in the Section 42A Report…. The question was simply why are we doing this, why is DoC wanting to offer exemptions for vessels over 125m to access Perseverance Harbour on Campbell Island. Their answer apparently is, and I quote from their report…

   "DOC has identified some changes considered necessary to address matters of health and safety and for the protection of the environment"

   Could somebody please tell me how allowing bigger/larger vessels with more passengers into Perseverance Harbour - is going to a) address matters of health and safety and b) offer better protection for the environment.

a) Address matters of Health and Safety
Entry to the Sub Antarctic Islands is by permit only. (1 permit = 1 person) But for a commercial operator to apply for a permit they first have to be a concessionaire.

The concession application form draws the applicants attention their obligations under the Health and Safety at Work Act 2015. And the Health and Safety at work (Adventure Activities) Regulations 2016. Applicants are required to include as part of their concession application an audited copy of their Health and Safety Plan. Which I would imagine that DoC then considers as part of its consideration as too whether to issue a concession. Clearly health and safety is the responsibility of the Operator. How do the changes to the Plan Change improve the health and safety outcomes. Larger ships, more people (potentially older and less active) both on the ship and ashore increase the risk substantially.

b) offer better protection for the environment.

Whichever way I look at it allowing bigger /larger ships to enter Perseverance Harbour is not going to add more protection to the environment – in fact it is going to add more risk to the environment. Apart from increasing the risk of more spectacular accidents it also increases the risk of more biofouling.

2. A concession must not be inconsistent with DoC's relevant statutory planning documents. Nobody has addressed the relationship between, a concession, a permit to enter a Nature Reserve and a the Coastal Plan (which I understand is a Statutory Document.) and I don't know enough to comment but want to raise it as a potential issue

3. I believe this proposed rule change (47A) is driven more by revenue generating than it is about Health and Safety and Protecting the environment.

a) The question of what was an acceptable vessel size was debated extensively in 2016 by local and international, companies, institutions and individuals and it was agreed unanimously that 125m was the safe limit – that decision has stood the test of time. If Campbell Island was so important to their clients, they had the option to build smaller. So what has changed?
b) What has changed is that DoC has increased the landing quota (total number of people allowed to visit the Islands and the total number of people permitted ashore at any one time). They have also at the same time increased the landing fees substantially ---this would appear to support the revenue generating idea.
c) However as I understand it – there have been more applications for permits than there are permits available. The problem appears to be that the allocation system is broken and not fit for purpose – there is no long term planning, permits are still only issued on an annual basis. Companies building, purchasing new ships or refurbishing ships need long term contracts to underwrite their investments. To date DoC has refused to address this question consequently companies haven't invested so DoC have been forced to consider larger ships to meet their revenue targets.

d) I understand there are a sufficient number of small expedition ships (less than 125 metres) that would take an increased share of annual allocation of permits if they were guaranteed long term contracts. Why are we being asked to accept a rule change when if the allocation system was restructured, and DoC was prepared to work with the Industry and allocate multiyear permits the bigger ships would not be required to meet their revenue targets.

Background

1. There is no shortage of detailed information (in various media formats – including in the preamble to this plan change) on the value, importance and significance of Campbell Island (and other Sub Antarctic Islands). It's World Heritage Status underscores that. This incalculable value should be front, centre and foremost in any decisions that are made here. The decisions must not be influenced by money - how much more revenue can be generated from allowing larger ships with more people to visit the Island. The protection of these Islands and their flora and fauna must come first and only first.

2. Perseverance Harbour is technically a Fiord – carved in to the remnants of an extinct shield Volcano 6-15 million years ago, by glacial action. It exhibits all the features of a Fiord. Long and narrow, deep water, steep high sides, polished rocky ocean floor as a result of the glacial action. The island is uninhabited (The NZ Metrological station was closed in 1995) meaning there is no way of ground truthing the data being transmitted back to NZ by the AWS (automatic weather station)

3. Prior to the formation of the Department of Conservation (DoC) in 1987, the Sub Antarctic islands were overseen/managed by an NGO called Outlying Islands Committee with expertise drawn from NZ Government agencies and Universities. Each of the Islands had their own individual management plans. When DoC was formed the administration of these Islands became the responsibility of the Southland Conservancy and the Outlying Islands committee was disbanded. Lou Sanson (later to become DG of DoC) was appointed to manage these Islands. One of Lou's first jobs was to combine and standardise the existing management plans and then draft tourism guidelines for the Islands. These guidelines were based on what he had seen, experienced and discussed on a special study tour to the Galapagos Islands. The guidelines he prepared were included into the 1998 Conservation Management Strategy (CMS) for the Islands. The number of visitors was capped at 600 (representing 6 ship visits, as expedition ships of that era accommodated approx. 100 pax each (ie World Discoverer and Explorer.)

4. The objective of the guidelines was firstly to protect the Islands and their unique eco systems but at the same time make them accessible to a subset of global and domestic travellers represented by the Expedition Cruise Industry It was never intended to include the wider cruise industry as it is simply not a destination that is suitable or appropriate for them.

5. In 2008 – when the CMS was up for review – there were no significant changes made. Submissions and consultations were solicited from international parties from around the world most notably members of IAATO (international association of Antarctic tour operators). This body represented most Expedition Travel Companies.

6. In 2016 when this Coastal Plan was notified submissions and comments were solicited from all users of the Sub Antarctic Islands including tourism, fishing, researchers and other interested parties. I will confine my comments to Rule 47A and Rule 40 as I was heavily involved in this process and made numerous submissions and attended a number of hearings. It was the first time in NZ that a Coastal Plan had used the size (length) of a vessel to determine how close could or couldn't approach the Islands. This was born out of a concern that ships were getting larger and the DoC was increasingly uncomfortable with the risks they presented. The ideas and the formula were canvased domestically and internationally with, ship owners, ship operators, expedition organisers anybody that was perceived to have an interest. As far as I know there were no objections to this particular rule at this time. The section 42 Report has referred to this as a "coarse tool." (Capt. Dilley #47) It might have been coarse but it achieved what the planners in DoC wanted "to control and manage shipping operations in the Sub Antarctic". To its credit and those that proposed and advocated for it has worked and worked well. There had been no accidents with these smaller ships in the 47 years since commercial tourism commenced. That changed in 2017 when a ship greater than 125 metres hit a rock at the Snares Island.

7. We have witnessed a small increase world-wide in the size (overall length) and tonnage of ships promoting themselves as offering Expeditions but it does not give the true picture. This from the Cruise Industry
"The overarching trend in expedition ships is a shift toward ***"smaller, specialized, and more intimate"*** *vessels. While the mainstream cruise industry builds massive megaships, the expedition sector is largely trending toward micro-expedition designs to deliver highly immersive, environmentally friendly, and premium experiences.*

   This was the goal of the 1998 Tourism Guidelines - immersive, environmentally friendly and a premium experience … with this suggested change to allow larger vessels we are straying from that ideal with the

mistaken belief the big is always better. Travellers are prepared to pay more for an exclusive experience. The islands deserve better – the islands are unique and the experience must match it.

There is no guarantee that these bigger ships (more than 125 metres) will always visit or include NZ in their itineraries – NZ is a very small part of their global market – we have already seen international cruises ship companies leaving NZ in droves. The NZ 2025/26 cruise season was down 42% and could decline even more given the high cost of fuel and rising costs in NZ. Why are we making these changes for a small number of companies, including Australian Based Scenic Cruises with Eclipse 11 and French Owned Ponant Cruises with a number of different Vessels. The later company, Ponant does not have a good safety record in NZ with a one of their ships *L'Austral* hitting a rock after drifting into a restricted area at the Snares Island in Jan 2017 and then the same vessel running aground in Milford Sound in Feb of the same year. In another accident in the 25/26 season a rescue craft from one of their vessels was involved in an accident at the Snares.

Neither company have given long term commitments to NZ there no guarantees they will be here in 5 years. (or even 2 years). Why are we devaluing the experience and running significant environmental and safety risks for a few dollars because of real (not imagined) navigational and anchoring issues.

Rule 47A

1. It is people (the Capts, officers and crew) not the vessels that cause accidents. (Accidents are caused by stupidity, over confidence, lack of knowledge, lack of training, lack of experience.) Vessel design, including draft, windage, manoeuvrability and equipment may contribute to accidents but vessels are controlled by people and they are the problem. Vessels with the most modern technology still have accidents. In fact, there is some evidence that suggests the more complex the equipment and the systems (*HMS Manawanui* and *MV Aratere)* the more likely the chance of human failure and mistakes because of lack of knowledge, experience and training.

   It is also important to note that Captains (and officers) of cruise ships (and expedition ships) are under tremendous pressure from clients and the travel company alike to deliver on the promises and pictures in the glossy travel brochures. This pressure to deliver, to be the hero of the moment that delivers that impossible dream to get everybody ashore on these remote/seldom visited Islands has led a number of Captains and Officers to push the envelope and make wrong decisions. The pressure to perform and deliver at this level of seniority is very very real as career paths are defined by it. There is no room for any errors, mistakes or heros at Campbell Island.

2. In the Section 42A Report Capt Dilley (#87) claims that "simply increasing the frequency of the event does not necessarily increase risk" - It's a bold statement and I don't agree. Increasing the frequency of an event directly increases the cumulative risk of that event occurring. When the increased frequency includes bigger ships, inexperienced (for the location) crew, a destination that is renown /known as potentially difficult and dangerous for navigating with exceptionally poor holding for anchoring, unpredictable weather forecasting and weather patterns because of topography and miles from any assistance in the event of an accident. I suggest the risks increase exponentially…

3. In the Section 42A Report Capt Dilley suggests that a Safe Management Systems (SMS) combined with training on dedicated simulators as the tool best suited to manage vessels exceeding 125m entering and navigating Perseverance Harbour. He claims that these actions would mitigate and manage the risks. This would be the equivalent of granting the Capt. a pilotage exemption certificate (a PEC) (Maritime rules Part 90).

   As I pointed out in my original submission on this rule change – the Sub Antarctic Islands and Kermadec Islands are one of the few ports/anchorages under NZ jurisdiction that do not have compulsory pilotage. If they were was closer to NZ I am sure they would have. Perseverance Harbour is one of the most potentially difficult harbours in NZ to transit, navigate and anchor in. It would have one of the highest risk profiles in all of NZ.

   Without compulsory Pilotage at these islands – the idea of a PEC is not relevant but since the equivalent or equal has been suggested it's important to see what a PEC involves to see whether it is appropriate, applicable or even practical. (full details can be found under Maritime Rules Part 90) in summary they require a candidate to

   a) Complete training in line with an approved PEC Training Course
   b) Pass a practical written and Oral PEC examination
   c) Show proof of multiple recent visits (multiple is defined as typically 6-8 trips with the previous 12 months – depending on the Risk Profile)

   Safety management systems (SMS) are only as good as the data that is included, maintained and updated. There is a risk

   a) they simply become a box ticking exercise

   b) There is a difference between what authors of an SMS understand are the issues and what the daily reality is

   c) and an assumption that everybody follows all the written rules.

   d) And I suggest they are increasingly written by AI !!!

Simulators which are promoted as part of or in conjunction with a Safety Management Systems (SMS) also have significant limitations –

Some of the concerns identified in research and accident analysis include:

- ***Automation complacency***
  Repeated simulator exposure to highly controlled or predictable scenarios can lead operators to trust systems too much or become less alert to anomalies.
- ***Reduced emotional consequence***
  In simulators, nobody actually dies, equipment is not truly damaged, and stress is partly artificial. This can subtly change risk perception and decision-making behaviour compared with real-world operations.
- ***"Training to pass the simulator"***
  Crews can become conditioned to expected failures or scripted scenarios rather than developing adaptive judgement.
- ***Overconfidence / illusion of competence***
  High simulator proficiency may create confidence not fully matched by real-world environmental complexity — especially in weather, fatigue, human dynamics, motion, or equipment irregularities.
- ***Negative transfer***
  If the simulator does not accurately replicate vessel or aircraft behaviour, trainees can learn habits that are ineffective or unsafe in reality.
- ***Automation dependency***
  Particularly in aviation, there is substantial literature about pilots losing manual flying proficiency because modern training environments emphasise systems management and automation.

Full-mission bridge simulators are highly expensive to purchase, house, and maintain. While cloud-based and Virtual Reality (VR) simulators offer cheaper alternatives, they often suffer from software limitations and reduced graphic fidelity.

The effectiveness of a simulation is only as good as the scenario programmed and the feedback provided by the instructor and it is not clear who is going to program the simulator and who is going to instruct.

It is interesting to note that NZ Navy uses simulators in their training I quote: "*the Royal New Zealand Navy (RNZN) makes extensive use of simulators to train officer cadets ……Trainees undergo specialized Junior Officer of the Watch Basic courses ashore……. These high-fidelity bridge simulators mimic the design and movement of operational vessels to teach ship-handling, safety, and watchkeeping duties.*

Reflect how that useful that training was on the bridge of the HMS Manawanui in Samoa on the evening of Oct 6th 2024.

And this from NZ Railways:- *"interisland ferry operators use—and are required to use—advanced ship bridge simulators to train and assess their deck officers…..*
Simulators are a critical part of modern maritime training for navigating the notoriously challenging Cook Strait, characterized by narrow harbour entrances (like Tory Channel/Picton) and extreme weather…"

Simulator training failed the MV Aratere when it went aground in Picton on June 24th 2024.

The Promotion of both SMS's, PEC"s or similar and Simulators as tools raises multiple questions which aren't addressed in the Section 42A Report

1. Who is going to pay for the Perseverance Harbour simulators. Quality ones are expensive. The companies that require a rule change would use them once a year maybe once every two years… who is going to make that sort of investment.. I can't imagine it is going to be DoC. – they don't have the money nor the expertise and it is not their responsibility.
2. Who is going to be responsible for "ground truthing" the data that these simulators require to be of any practical use…
   a) We know that weather forecasting is notoriously inadequate because:-
      1. There are no populated weather-reporting stations on the island to ground-truth local algorithms, meaning forecasts rely entirely on automated weather station (AWS) data and broad satellite models.
      2. The island's hilly terrain and its position in the path of consistent, strong westerly winds cause localized gusts and fast-moving fronts.
      3. Forecasts may accurately state the *general* trend for a 24-hour period, but the exact timing of weather events especially gale-force winds or wind changes is highly unpredictable.

   b) Who is going to document and provide the effects of tidal currents in and around Campbell Island especially Perseverance Harbour – the existing data

on this is woefully sparse I suggest insufficient to include in a serious simulator. The Nautical Almanac – publishes times and heights of low and high water – but nothing about tidal flows, currents and potential tidal overfalls and the like. Collecting and processing this data would be costly and very time consuming as it would have to be done over an extended period of time.

c) Who is going to prepare a training Manual, prepare the written exams, and give the oral exams to candidates. And what is going to be the minimum number of recent visits required to qualify. When and where is this training and examining going to take place.

4. I have reviewed Attachment 2 – of Capt Dilley's Report entitled Guidance on information to be submitted with a coastal permit application. Specifically "For applications under 47A, for vessels longer than 125m to access Perseverance Harbour, Campbell Island". The information required include :-

a) Proposed activity

b) Risks and other assessments undertaken

c) Standards and Guidelines referenced

d) Operational guidelines and management

e) Local Knowledge and ship handling.

There is nothing in there that couldn't be completed by AI !!!!! except where the data doesn't exist i.e. tides, tidal currents and modelling the effect of the wind and weather (taking into account various windspeeds, wind direction and the effect that the topography has on these). How can an application be accepted / evaluated without this data ? – who is responsible for checking the veracity of what they might include in this section (or any section) of their application.

Who checks the accuracy and standard of their simulator training…. Simulator training on a poorly programmed desk top or cloud based computer could be worse than no training at all.

The minimum information required for an application is significantly well below the standard which is required for a NZ PEC. (pilot exception certificate) … and Perseverance Harbour would have one of the highest risk factors of all the Harbours in NZ. There is no ground truthing of any of the

data that might be included, there is no suggestion of compliance checks, no physical checks just a simple (possibly remote) desk top exercise. It simply doesn't make sense – the most dangerous harbour in NZ, the most remote harbour in NZ (furthest from any help or assistance) a harbour with one of the highest conservation values in NZ, a harbour with known reputation for ships dragging anchors, violent and sudden wind squalls and poor weather forecasting.

4. The grounding of the *L'Austral* at the Snares Island on January 9th 2017 highlighted other issues which Section 42A Report hasn't addressed –a) the question reporting … and b) who is going to monitor day to day compliance with the SMS

a. The Capt of the *L'Austral* did not report the incident to the NZ Authorities for nearly 4 days after the event (he did advise his company office in France shortly after it happened), instead he endangered the lives of his passengers, and risked environmental damage at the Auckland Islands. What assurances /mechanism are in place to ensure prompt honest reporting enabling informed and timely response.

b) Who is going to monitor real time compliance -

Before you suggest the DoC Rep let me say that as nice and as passionate as many of these folk might be, my experience is that they are underqualified and lacking any experience and expertise in this field and it is not something you can train somebody to do in a two day training course. At the time of the incident at Snares .. the most senior DoC Rep in NZ was on board. The vessel breached the 300 metre boundary, nothing was said, they hit a rock and punctured the hull – he was not aware of that until the vessel was back in Bluff some 48 hours after the incident for repairs.

5. What instructions will the simulator give the Capt regarding sudden forecast changes in wind speed and direction – as we have noted the forecasting at Campbell Island is very generalised and not very precise for a number of reasons. I share the following scenario which would not be uncommon or unexpected.

The vessel and or Capt of a vessel longer than 125m (It is not clear who the permit is issued to – is it ship specific or an individual ?) has been given approval to enter Perseverance Harbour if wind speed is 20- 25 kts. Its gusting 18- 20 kts when the vessel enters at 0600 NZDT. The weather forecast is for W -NW winds of 20 kts with a change to S -SW winds late evening. He plans to depart at 1700 NZDT ahead of the forecasted change. He anchors at Beeman Cove the wind is coming across Col Peak and around and down Beeman Hill. The ship is holding well at anchor and lying down the Harbour. Passengers are disembarked to walk to Col Lyall and expect to start embarking again at 1400 hours for a late lunch, with the option of a zodiac cruise after lunch and before departure. At ca 1030 hours NZDT the officer of the watch notes a wind shift to the S-SW and the wind increases to 28kts gusting 30kts and it soon becomes 40 plus kts and increasing. The 200 Passengers (I understand the maximum he is permitted to land in any one day) are ashore – it's going to take 2 -3 hours to get them down from Col Lyall Ridge and back on board. In the meantime the wind shift means that the vessel is now lying up into the S -SW wind and straining on the anchor – he orders more chain to be let out, but it puts the stern of the vessel dangerously close to the 300m from MHWS boundary, off Boyack Point. What does he do ?? I presume he is now in breach of his permit (because it allowed him to operate between 20 – 25 kts ??? He has passengers ashore it is going to be another 2 – 3 hours before they can all be recovered. (Many are grumpy at being ordered back because they missed what they came for and have paid money for and they haven't got that Albatross photo they so desperately wanted – they have also been told by the DoC Rep that albatross activity increases during the day reaching a peak late afternoon…… many are reluctant to comply with the order to turn around and instead carry on up the board walk). There is the added risk some might suffer from hypothermia as many don't have suitable wet weather gear and on top of that the temperature (with the wind change) has dropped from 12 to 7 degrees and falling and the wind chill factor is rising. Rain is setting in and visibility is reducing. Back on board the anchor alarm goes off – the vessel is dragging (this is confirmed by the radar) in a few mins it will have breached the 300 metre MHWs Boundary he can't let out any more chain – there is simply not enough room. ……..

What does his permit say, does he leave without passengers and wait till the wind eases (could take 3 or 4 days to drop below 25 kts) what has the simulator trained him to do ???? what has his instructor taught him to do ???

This by way of Background.
From Meteoblue Website (A subsidiary of Windy weather App).
Number of Days at Campbell Island where wind is greater than 20kts
Nov - 24.4 days
Dec - 22.1 days
Jan - 22.5 days
Feb – 22.1days
Mar – 25.8 days

6. Capt Dilley Section 42A Report references two recent grounding incidents involving ships that have or do visit the NZ Sub Antarctica Islands … both are under 125 metres and therefore can access Perseverance Harbour. *Heritage Adventurer* and *Coral Adventurer* . It highlights, as he said, Accidents do happen. I think the more importantly it also highlights that 1. both vessels needed tug assistance to be refloated and 2. both incidents were caused by human error.

7. In the case of *Heritage Adventurer* there was a tug 500 metres away and was able to offer immediate assistance. In the case of the *Coral Adventurer* a tug had to come from the Port of Lae some 50 nautical miles (which still took 3 days)

8. The other point to note is that in both cases the weather was settled and both incidents happened in temperate or tropical waters and there was no weather risk to human life.

9. Accidents do happened (in both of these incidents it was human error that caused the accident) that could easily happen at Campbell Island, increasing the size and tonnage of the vessels, and frequency of visits (some of them one off or first time visits – if not the ship possibly the Capt.) increases that risk significantly . If there is an accident there is a high probability a tug will be required because

it is likely the accident will have involved a grounding given the poor holding and the unpredictable wind direction and high wind speeds. Currently the closest and only tug capable might (can't be guaranteed) be in NZ (most likely on the Taranaki oil and gas field 840nm away). This is a privately owned tug under Charter to a New Zealand Subsidiary of OMV (an Austrian Company). It has been contracted for up to 5 years (from 2026) – after that there is no guarantee that a suitable tug would be in NZ or if it is whether it would be available at short notice. If it is not available one would have to come from Australia or possibly Singapore. Days if not weeks away across the Southern Ocean 1280 nm from Melbourne or from Singapore it is 4823nm.

10. If after an accident the vessel is disabled, passengers could well need evacuating - the only ships capable would likely be other cruises ships trading in the area – they could be days away most likely with a full complement of people and unable to offer the level of assistance, or they may be greater than 125m in length and unable to enter Perseverance Harbour because they didn't have a permit.

11. I agree with Capt. Dilley's Points 93,94,95and 96 Regarding Carnley Harbour "*that Carnley Harbour presents a different environment for navigation and ship operations"* but for completely different reasons. It is bigger, better, deeper, wider with more secure anchorages and the weather and wind is more predictable and a lot less by affected topography and land forms, in a word it is much much safer and better and more suited in every respect than Perseverance Harbour.

12. In Capt Dilley's response, he devotes a lot of time and space to discussing the DoC landing sites in Carnley Harbour – this rule change hearing is not about landing sites (their location, how many people can be landed etc) it is about the suitability and safety of shipping within a given area including navigating and potentially anchoring.

13. The *New Zealand Pilot* (the official Admiralty Sailing Directions) describes **Carnley Harbour** in the Auckland Islands as a spacious, deep-water inlet that provides extensive shelter, but warns mariners of extreme weather and navigational hazards due to the rugged topography.

    The publication specifically details several key points for the harbour:
    Topography & Navigation: The harbour separates the main Auckland Island from Adams Island in the south. It is surrounded by high, mountainous peaks

(such as Mt. Dick and The Dome) and is heavily indented by deep, fjord-like arms.
Severe Weather: It cautions vessel masters that orographic effects funnel winds through the steep valleys, resulting in constant, violent squalls and gusts even when offshore conditions are otherwise calm.
Anchorages: It identifies several sheltered coves for vessels seeking refuge, noting Camp Cove as one of the primary historical anchorages (famed for its castaway depot).
Hazards: The entrance and narrower passages are subject to strong, unpredictable tidal streams and currents, with hidden rocks and dense kelp often masking shallow fringes near the shoreline.

The same publication details **Perseverance Harbour** on Campbell Island as an inlet that requires extreme caution.

The Squall Hazard: The pilot explicitly warns mariners about violent, unpredictable squalls and crosswinds that blast down the island's scalloped gullies.
Anchoring Risk: Because of these varying and severe winds, vessels (including navy ships) are notorious for dragging their anchors. The narrow harbour leaves little room for a ship's "safety swing circle,"
Depth & Geography: While the harbour experiences harsh winds, it is notably deep, providing substantial water depth to within a kilometre of the base and offering generally good shelter from ocean swells compared to the exposed coast

14. I would dispute Capt. Diley's claim that Carnley Harbour is the busiest area for shipping movements in the Auckland Islands (# 95.1) I 'am prepared to be corrected on that if he can produce some data. If it is the busiest it is because it is the safest.

15. I would also dispute his claim that the direction of wind funnelling is more complex in Carnley Harbour than in Perseverance Harbour. He doesn't provide any data or explanation except to say it is "because of the number of mountain peaks, valleys and arms of the Harbour." Where is the evidence ?? there is none, it is just an assumption that suits his argument. I would argue (again without evidence but from experience – I have lived, camped, tramped, sailed and explored Carnley Harbour many many times over the last 54 years, most recently on my private yacht when we spent a number of weeks here) that the size, shape, height and topography of the landscape make it more predictable than

complex. It is perhaps worth noting that it is a caldera of a long extinct Volcano (much like the Ports of Dunedin, Akaroa and Lyttleton) very different in topography and bottom profile to a fiord – it hasn't endured the scouring/polishing effect of a glacier grinding over it.

16. His claim that there are blind spots for navigating (where headlands potentially block or obscure views) and that there could be vessels without AIS (1. any vessel that is navigating these latitudes will almost certainly have AIS – or should have and 2. Under the CMS, DoC cannot not issue permits for more than one tourist vessel at a time in the harbour). His arguments are frivolous. If a vessel is approaching Grafton Point (his example) from the east at reduced speed and is midstream (midway between Adams Island and the Main Island – where any prudent mariner would position his vessel) he would by my calculations have a minimum of 1.5nm forward vision at all times – ample time to either take evasive action (with plenty of sea room to do so), slow down or communicate his intentions to another vessel.

17. **This is not an argument for allowing vessels over 125m to navigate Carnley harbour, but if the argument's that he uses for not allowing it are applied with equal weighting to Perseverance Harbour then it should not be a permitted activity there either.**

18. Because the opinions over the suitability of Carnley v Perseverance Harbour are so diametrically opposed, and are pivotal to the discussion on Perseverance Harbour. If rule 47A is not appropriate for vessels over 125m navigating Carnley Harbour then it is totally, completely and utterly inappropriate for ships over 125 metres for ships navigating Perseverance Harbour.

Rule 40 Ancillary Craft.

1. I believe there is a strong argument to send this proposed Rule Change back to the drawing board – the description of "Inflatable dinghies" was very unprofessional and ensured that there would not be a robust and meaningful discussion on the matter. Capt. Dilley's inclusion of landing craft capable of carrying 50 tons and cabin cruisers and fast rescue boats (having accidents) are in a different league to "inflatable dinghies". It illustrates to me that this aspect of the plan change comes from authors that do not know or understand their subject – and it makes it difficult to

make a meaningful response/submission… when the subject is understated and trivialised.

2. There is absolutely no evidence been presented from any submitters or in Capt. Dilley's report of any environmental risk from Zodiac operations. I believe that this claim can dismissed as a non-starter.

3. Capt. Diley's reference to the Kaikoura tragedy is lost on me in the context of this discussion – it has no relevance to the discussion around ancillary craft in the Sub Antarctic Islands a) there was no mother ship for it to be more than 1000 metres away from b) the accident was caused by a whale surfacing directly under the boat (tourism is not a permitted activity when the whales are present in the Subantarctic Islands.) and finally c) cabin cruisers such as used in Kaikoura accident have to the best of my knowledge never been used for tourism work in the Sub Antarctic Islands (they are impractical) - I believe he is possibly referring to dive tender used by a one-off expedition searching for the wreck of the General Grant.

4. Capt. Diley's reference to a fast rescue boat accident at the Snares is also irrelevant to the discussions. This is a classic example of people causing accidents and the failure of a SMS's – the vessel was reputably part of the companies SMS!!!!!! (supposedly shepherding and supporting a zodiac cruising operation). This incident was reported by same company that put their mother ship on a rock at the Snares in 2017 and also ran aground in Milford Sound the same year (and is applying for an exemption to enter Perseverance Harbour because its vessel is over 125 metres in length) I don't believe it is good practice to keep dumbing down legislation or lowering the bar to accommodate the lowest standard of operating.

5. Capt. Diley's reference to the tragic accident at Elephant Island also has little relevance, to the debate about zodiacs (ancillary craft) being within 1000 metres of the mother ship. The distance between the mother ship and zodiacs would not have changed the outcome of this sad incident (and from my personal experience at Elephant Island the zodiac would have been within 1000 metres of the anchored mother ship anyway). It is perhaps worth noting that Elephant Island is 600 miles further south than the NZ Sub Antarctic Islands on the other side of the globe. It is in the latitudes of permanent ice and snow which adds another dimension to the debate but not applicable to this discussion.

6. The suggested rule change is reactionary, not field tested, verbose and overly complex. It is a suggested rule to a problem that simply doesn't exist. It won't solve stupidity, (Darwins law is the answer to that). Capt. Dilley's response is all smoke and mirrors. There have never been any fatal accidents involving zodiacs (ancillary craft)

in NZ Sub Antarctic Islands or the Kermadecs, there has never been a zodiac accident that caused environmental damage or pollution. There has never been an accident or incident where the distance from the mothership or another zodiac has delayed assistance if it had been required.

7. There are two very distinct and readily identifiable and definable marine environments in the Sub Antarctic Islands that Zodiac transfers and cruising take place. **A) enclosed and semi enclosed harbours and Fiords.** Here, I include Port Ross, the Eastern Fiords and Carnley Harbour on the Auckland Islands and Perseverance Harbour on Campbell Island. **B) Open Ocean – exposed coastline** with potentially significant ocean swells with large shore breaks and often with strong tidal currents and tidal overfalls. I would include the Snares, Bull Rock region at Campbell Island, NW Bay Campbell Island, Antipodes, Bounties and the Kermadec Islands. I can agree that these could and perhaps should be treated differently. (Incidentally Elephant Island would fall into the latter category.)

8. **Enclosed or semi enclosed harbours and Fiords** do not require rules, regulations and guidelines – just common sense. We are not a nanny state or are we. The mothership is usually at anchor, by my calculations the furthest a zodiac could travel from the Mothership at anchor is approx. 3 nm in Carnley Harbour and similar at Perseverance Harbour which is totally within the safe operating range of these vessels. Operating within these enclosed or semi enclosed harbours and Fiords is akin to working in Fiordland, Patterson Inlet / Port Pegasus on Stewart Island and Marlborough Sounds and possibly the Southern Lakes of NZ – where there are no such rules and regulations.

9. **Open Ocean-exposed coastline** – is potentially a lot more dangerous and some guidance/rules for the inexperienced probably wouldn't be out of place. It is unlikely the mothership would be anchored at any of the locations I list in this category in #6 .. simply because the water is too deep or the recognised anchorages are potentially too exposed (Anchorage Bay and Stella Bay on the Antipodes and Bradley Cove on the Bounties). Landings are not permitted these Open Ocean-exposed Coastline sites but some more serious expeditions do zodiac cruise at them. It would be prudent if the zodiacs did not venture out of sight and radio contact with the mother ship.

10. It is perhaps worth while noting that Macquarie Island (ca some 250 nm south of Campbell Island) is a classic example of Open Ocean-exposed coastline (there are no enclosed or semi enclosed harbours or fiords in which to land). The Australian authorities recognised this and made it mandatory to have at least two zodiacs in the water whenever zodiac operations were being undertaken.

11. My strong recommendation is that if it is felt there really has to be a rule around Zodiac or ancillary craft operations in the Sub Antarctic Islands. Then that rule simply states

    a. That within enclosed or semi enclosed harbours and fiords (see 8 above) there are no restrictions – common sense applies but all zodiacs should be equipped with VHF Radios, AIS or a locator Beacon and EPRIB's

    b. In open ocean exposed coastlines (see 9 above) then zodiacs /ancillary craft must remain when at all possible (variations are at Captains discretion) within sight of the mother ship and in radio contact with mother ship. When tourist zodiac tourist operations are being conducted in open ocean exposed coastline areas there must be a minimum of two (2) boats in the water at all times.

Summary.

1. Rule 47A and Rule 40 do not *address matters of health and safety and for the protection of the environment".* which is what DoC says that they wanted to achieve.
2. There is overwhelming evidence to show allowing vessels (Rule 47A) over 125m to enter, navigate and anchor in Perseverance Harbour, Campbell Island is both foolhardy and unwise. It is one risk too far and should not be allowed.
3. I am prepared to coincide that there should probably be some guidance for Zodiac Operations. Capt Dilley's proposed rule is unnecessarily wordy and complicated. I make a suggestion for simpler system based on years of experience and similar situations in NZ.

Thankyou for your attention to this.

Rodney Russ
5 June 2026.