

Before the Independent Hearings Panel  
At Department of Conservation

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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

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**Evidence of Aaron Desmond Irving on behalf of Seafood New Zealand Limited  
and Deepwater Council**

5 June 2026

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lloyd.**

## Introduction

- 1 My name full name is Aaron Desmond Irving.
- 2 I am the General Manager of the Seafood New Zealand (**SNZ**) Deepwater Council (**DWC**) and have been since the amalgamation of the Deepwater Group Limited (**DWG**), Fisheries Inshore New Zealand Limited (**FINZ**) and SNZ, to form a new Seafood New Zealand representative peak body on 1 February 2023.
- 3 Prior to the amalgamation I was the former Chief Executive of DWG (an SRE). I held this role after the retirement of the previous Chief Executive in 2022.
- 4 I hold a Bachelor of Arts (Hons) in Anthropology, a Bachelor of Laws, and a Master of International Relations.
- 5 I have 15 years' experience in a broad range of fisheries related fields, with involvements in fisheries and aquaculture in New Zealand and internationally, primarily in policy development and advice for commercial fishing, marine and fisheries research management, fisheries management, and commercial fisheries development.
- 6 I have worked in the seafood industry since my graduation from Victoria University and completion of legal professional training in 2011, where I started as a Senior Policy Advisor at DWG.
- 7 In 2014, I took up the role of Chief Executive of the Pearl Producers Association (**PPA**), in Perth, Western Australia. The PPA was an SRE that represented the interests of commercial pearling sector in Western Australia and the Northern Territory.
- 8 Later, between 2016-2019, I was the Executive Chair of the National Aquaculture Council (**NAC**), an Australian representative organisation. NAC represented Australian aquaculture SREs at a national level, such as salmonid growers, barramundi, kingfish, prawns, tuna, oysters and abalone farmers. The PPA was a member of NAC. NAC represented SREs at various national levels on issues such as biosecurity, aquatic animal health, veterinary medicines and marine spatial management.
- 9 In 2018, I was awarded a Fisheries Research Development Corporation scholarship and completed the 18-month Australian Rural Leadership Program in 2019.
- 10 In 2021, I returned to New Zealand to take up the role of Deputy Chief Executive of DWG.

- 11 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 Darryn John Shaw on behalf of Sanford Limited.
- 12 I have read the evidence of Darryn John Shaw and support it. In particular, I agree with and rely on Sanford's evidence regarding the operational reliance of the scampi fleet on Port Ross for safe shelter, the safety implications of restricting access during winter months, and the need to distinguish between domestic and international vessels with respect to the imposition of changes in the biofouling regime.
- 13 I am authorised to give this evidence on behalf of SNZ.

#### **Scope of evidence**

- 14 My evidence will deal with the following:
- (a) describe the SNZ's understanding, and involvement within the Subantarctic ocean, with reference to its understanding of the fishing industry, specifically the scampi fishery, that I consider will be most affected by the changes proposed in Plan Change 1 (PC1) to the Regional Coastal Plan: Kermadec and Subantarctic Islands (**RCP**);
  - (b) detail the SNZ's concerns as to PC1's proposed:
    - (i) amendments to the biofouling provisions, specifically the changes biofouling inspection and compliance requirements, including as to increased evidence requirements and removal of approved inspectors;
    - (ii) removal of the permitted access for sheltering vessels to Port Ross during the winter months (1 April to 31 October); and
    - (iii) the decision not to include Lookout Point / Tucker Point on the southern side of Port Ross as an additional permitted anchorage (**Tucker Point Anchorage**).

## **History and experience within the Subantarctic waters**

- 15 SNZ represents deepwater commercial fishing interests, including operators in the scampi fisheries which operate adjacent to the Auckland Islands (SCI 6A). These vessels rely on safe anchorage and operational certainty in the Sub-Antarctic region.
- 16 New Zealand's scampi fleet does not plan or conduct voyages to visit the Subantarctic Islands, instead they conduct voyages to the southern fishing grounds and utilise the Subantarctic Islands for shelter when unsafe sea conditions arise in the fishing grounds.
- 17 SNZ and the DWC have extensive involvement in, and operational knowledge of, the Subantarctic region, including the FMA 6 (Southern Ocean) scampi fisheries which operate adjacent to the Auckland Islands. SNZ represents quota owners and operators who have worked in these waters for decades, and has been actively involved in the development, implementation and review of the RCP. Through this work, SNZ has developed a detailed understanding of the environmental values of the Subantarctic Islands, the operational requirements of vessels working in these remote and high-risk conditions, and the interaction between regulatory frameworks and safe fishing operations. This experience includes engagement with DOC, Fisheries New Zealand, and other stakeholders on environmental management, biosecurity practices, and navigation safety in the region.

## **Proposed amendments to the biofouling provisions**

- 18 SNZ recognises the need to protect the special character and environments of the Subantarctic and Kermadec regions and fully supports changes that do so effectively. We support the overarching goals of environmental protection and biosecurity. We appreciate the need to review and update the RCP in light of evolving risk and best practice.
- 19 SNZ also acknowledges that the Subantarctic Islands are an ecologically vulnerable and high-value environment, and that adverse effects in this environment may be difficult or impossible to reverse. SNZ supports a precautionary approach in principle. However, SNZ considers that precaution must still be applied in a proportionate, evidence-based, and risk-targeted manner.
- 20 SNZ questions the basis for the proposed changes to the RCP, which was itself developed only recently at considerable cost and effort. In SNZ's view, the current RCP has proved fit for purpose, and there has not been a corresponding change in best practice or of environmental factors specific

to the Subantarctic Islands sufficient enough to justify the extent of the changes now proposed by DOC.

- 21 SNZ is concerned that the proposed amendments adopt a largely “one-size-fits-all” regulatory approach, applying the same level of control across vessel types and activities that present materially different levels of risk. In SNZ’s view this is consistent with a risk-based framework and results in controls that are broader and more onerous than necessary to achieve the RCP’s objectives. In particular, the proposed provisions do not adequately distinguish between domestic vessels operating within New Zealand waters, or domestic vessels operating in adjacent regional waters, with frequent inspection and established compliance histories, and international vessels that present a fundamentally different biosecurity risk profile.
- 22 SNZ is of the opinion that the proposed changes are unnecessary and disproportionately burdensome, particularly for domestic scampi vessels, and that insufficient justification and evidence has been provided as to why the changes are required.
- 23 SNZ seeks a domestic-vessel pathway so that domestic vessels are not subject to the full suite of new inspection protocol amendments, and that current RCP requirements continue to remain in place for domestic vessels given the lower risk profile of domestic vessels.

*Amendments to vessel hull and niche area biofouling inspection requirements*

- 24 The current regime under the RCP already meets and exceeds the IMO 2023 standards<sup>1</sup> and includes rigorous inspections, niche area management, and contingency pathways.
- 25 Specifically, as to the requirement for additional documentation, such as extensive photos and videos of niche area, these requirements are overly onerous and excessive for domestic vessels. Scampi vessels already undergo frequent inspections due to regular returns to port.
- 26 DOC’s technical biosecurity evidence establishes that biofouling is a pathway for invasive species and that the receiving environment is sensitive. While, we agree and understand the sensitivity of the receiving environment, there is currently no demonstration that the current regime for domestic vessels is ineffective, nor that the proposed additional evidence requirements materially reduce risk beyond the current practice for domestic vessels with established compliance histories.

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<sup>1</sup> This being implemented in New Zealand by MPI’s Craft Risk Management Standard (CRMS) Vessels 2023.

*Proposed amendments should only apply to international vessels*

- 27 Due to the frequency that a domestic Scampi vessel returns to port, it undertakes a far higher number of biofouling inspections than an international vessel. We consider that this regular inspection history justifies a differentiated pathway approach for domestic vessels, and that the proposed amendments should apply to high-risk circumstances and/or international vessels rather than applying uniformly to domestic operations.
- 28 SNZ considers that the biosecurity risk from domestic vessels is considerably lower (or even negligible) than from international vessels, yet the proposed framework would impose higher ongoing compliance costs on domestic vessels because of frequency of inspections they undertake.

*Removal of approved inspectors*

- 29 SNZ considers there is no clear evidence-based rationale for removing the approved inspector framework.
- 30 Scampi vessel operators have built trusted relationships with approved inspectors in several ports around the country. Inspectors have become familiar with vessels and inspection scheduling, and this currently operates as an effective process.
- 31 In our view, there are several risks arising from this proposed amendment to remove approved inspectors including:
- (a) a reduced assurance of adequate inspections and cleaning, as current inspectors are familiar with the process, experienced and ensure good environmental outcomes;
  - (b) an increased administrative burden for operators and DOC; and
  - (c) operational uncertainty for the industry (i.e., for the scampi vessel operating in adjacent waters), arising from reduced clarity and consistency in inspection processes and the loss of experienced approved inspectors.
- 32 SNZ does not agree that the increased evidence / information requirements required during any biofouling inspection justifies the removal of the approved inspectors (notwithstanding that these changes are also not supported by SNZ). Regardless, of the amount of information provided, it remains best practice that inspection results be properly assessed by a suitably qualified and experienced individual. The proposed removal of the approved inspector's framework risks reducing consistency and confidence in inspection outcomes.

## **Removal of access to Port Ross for vessels seeking safe shelter**

- 33 The scampi fishing fleet does not plan or conduct voyages to visit the Subantarctic Islands. Vessels instead conduct voyages to the southern fishing grounds and utilise the Subantarctic Islands for shelter when unsafe sea conditions arise in those fishing grounds.
- 34 Port Ross harbour is deep, sheltered, and ringed with hills – and as such is one of the few safe anchorages in the Subantarctic Islands. It is critical refuge for vessels during poor weather (especially from southerly winds).
- 35 Port Ross also serves as a critical anchorage during transit between New Zealand and the Auckland Islands fisheries. Scampi vessels anchor in Port Ross under poor weather conditions, when continuing at sea would pose a risk to vessel and crew safety.
- 36 A winter closure effectively removes this vital refuge when it is most needed, potentially forcing vessels to remain at sea in unsafe conditions or to transit through unsafe and extreme weather to less suitable anchorages to the south of the island (as would be the case in southerlies and easterlies).
- 37 The proposed winter closure of Port Ross, which is intended to reduce risks associated with tohorā interactions must be carefully weighed against the operational realities and, most importantly, the safety considerations of the scampi fishery.

### *Risk to tohorā, vessels and its crews from scampi vessels*

- 38 DOC has indicated that the existing restrictions are not enough to reduce risks to the tohorā, or to vessels and their crews, however, it is unclear what specific risk currently arises from scampi sheltering activity.
- 39 Importantly:
- (a) there has never been a recorded whale entanglement involving scampi vessels in Port Ross or elsewhere in the New Zealand scampi fishery; and
  - (b) Scampi vessels use steel anchor chains rather than rope-based systems. Steel chains descend directly to the seafloor and rest there. Unlike floating or slack rope, which is a known cause of whale entanglement for other vessels, steel chains present a materially lower entanglement risk. Together, with the measures already required under the current RCP, the risk posed by scampi operations in Port Ross is very low.

- 40 Given the absence of historical whale interactions, the low-risk gear types used by scampi vessels, and the essential safety function Port Ross provides, a full seasonal closure of Port Ross is disproportionate to the actual risk and effectively displaces risk rather than removing it by limiting access to the most suitable refuge.
- 41 If research and management vessels may access Port Ross during winter while applying additional appropriate precautionary measures, then a fishing vessel seeking safe shelter and applying the same measures should also be permitted to enter. In SNZ's view, access for safe shelter should be given priority over access for research and maintenance purposes, particularly in a framework, such as this, intended to manage navigation safety and risk.
- 42 A more balanced approach would involve permitting access for sheltering vessels to Port Ross during the winter months subject to compliance with appropriate mitigation measures, including those set out in the proposed performance standards (at Table 2 performance standards 5 and 6), rather than a full prohibition. [].
- 43 The Deepwater fleet generally supports the proposed standards (they are largely sensible mitigation measures and are generally not inconsistent with operations of the scampi fleet. However, notwithstanding this general support, the acceptance of every component without agreeable rationale (i.e., transiting restrictions in some conditions) may not be supported or practical. It is essential that we retain the requisite flexibility for vessel masters to make decisions in dynamic or unpredictable conditions to keep their crew and vessel safe.
- 44 SNZ considers that such measures would allow for continued safe use of Port Ross while maintaining appropriately strong protections for tohorā.

### **Request for an additional Tucker Point Anchorage**

- 45 Industry has long requested additional anchorage locations to be allocated as permitted anchorages, including that the Tucker Point Anchorage be provided.
- 46 It is SNZ's submission that the same rationale that supported DOC's decision to approve additional Carnley Harbour anchorages also applies to the Tucker Point Anchorage, this being it is a safe anchorage that allows vessels to match shelter options to prevailing conditions and reduce safety risks, including congestion and anchoring in less suitable areas.

- 47 The inclusion of Tucker Point as a permitted anchorage will enable safe sheltering in adverse or potentially adverse weather. SNZ strongly submits that this anchorage is needed for shelter from southerly and easterly wind conditions where other anchorages may not be suitable.
- 48 SNZ does not share DOC's concerns as to the suitability of the Tucker Point Lookout Anchorage in strong or extreme conditions. Although it considers if any issues were to arise during conditions of this nature, Rule 1 could be relied upon, and a vessel could be moved to a more suitable location.
- 49 However, the availability of Rule 1 does not resolve the need for a clearly defined permitted anchorage. Rule 1 is intended for emergency situations, not to provide certainty for operational decision-making and preventative sheltering decisions.
- 50 For completeness, the recommended new anchorages at Round Point and Crab Bay (Carnley Harbour) are supported. These providing essential shelter from hazardous north-easterly winds, while improving safety and operational continuity for the fleet.

### **Conclusion**

- 51 While SNZ supports the overarching objectives of environmental protection and biosecurity, it urges DOC to take proper account of the operational realities and strong compliance record of the domestic scampi fleet, and to ensure the RCP applies a risk-based and proportionate pathway rather than uniform controls across materially different risk profiles..
- 52 In particular, the proposed provisions adopt a precautionary approach that has not been sufficiently tailored to the actual level and source of risk, resulting in measures that are disproportionate, overly broad and not the most effective or efficient means of achieving the RCP's objectives.
- 53 SNZ considers that a more appropriate approach would adopt a risk-based framework that recognises differences between vessel types and operational activities, while maintaining strong environmental protections, and ensuring that the RCP is consistent with relevant international obligations, including rights of passage, as well as the need to protect vessel and crew safety.

Dated this 5<sup>th</sup> day of June 2026  
Aaron Desmond Irving