

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

Evidence of Andrew Peter Smith

2 June 2026

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Introduction

- 1 My full name is Andrew Peter Smith.
- 2 I started my career in the fishing industry and Maritime in 1976. Gaining a Coastal Master's Certificate in 1979, and the Deep Sea Master's Certificate (now renamed Deep Sea Fishing Vessel Unlimited) in 1985. I have worked as a consultant since 1989 on international fishing issues on both the high seas and within exclusive economic zones. I have captained vessels in New Zealand waters (EEZ), and internationally. I have managed long term overseas development projects. I still hold and maintain my Unlimited Masters certificate.
- 3 My 50 years in the fishing and maritime industry has enabled me to develop:
 - (a) strong regulatory and marine, maritime and environment knowledge;
 - (b) a high level of organisational and staff management skills;
 - (c) time management skills – such as the ability to manage multiple projects, including crisis management; and
 - (d) proficiency in Spanish, some Malaysian, and a useful grasp of a few other languages.
- 4 I have skippered both inshore and deep-water fishing vessels including trawlers, purse seiners and long-liners in New Zealand and elsewhere from 10 meters to 110 meters in length. I have also previously owned and operated my own vessels both in the inshore and deep-water sector.
- 5 I have experience in vessel contract negotiations – sale, purchase, and new build, as well as vessel inspections, evaluations, negotiations, purchases, new builds, and refits. This combined with my experience skippering means I consider myself very familiar with the advantages and disadvantages of vessels of a range of sizes, including as to their ability to operate and handle in a range of conditions.
- 6 I am familiar with the Subantarctic area, having trawled and bottom-longlined in this area. I have fished and visited the Ross Sea area of Antarctic on several occasions.
- 7 In 1990 I was instrumental in the development of the ling fishery with the introduction of the FV Mary Ann, New Zealand's first successful auto line vessel (Area 5 and 6 ling south of New Zealand was fished by Auto liners thru the 90s and continues to be fished today). I fished and was involved in the early Scampi fishery off the Auckland Islands in the 1990's and at that

time – like today- the importance of being able to shelter inside the Auckland Islands harbours was crucial to the safe development of the Scampi fishery.

- 8 In addition to owning and operating my own vessels, assisted with fisheries development projects from conception to implementation and have acted as Captain/Fishing Master and an international fisheries consultant in Namibia, South America, Antarctica and other jurisdictions I have a wide knowledge of the international regimes that govern the management of fisheries, both internationally and domestically.
- 9 Recently I have been involved as an expert witness in several maritime cases and an Environment Court hearing and am involved in a further two, assisting lawyers by providing professional knowledge in relation to numerous maritime incidents.
- 10 I also currently work for the Namibian government in deepwater survey work. I attend stakeholder meetings on various subjects and have been involved in numerous insurance assessor jobs for a large UK based insurance company. I carry out at sea risk assessments for companies and review systems for several companies on H&S in New Zealand. I provide practical advice from at sea experience.
- 11 I have acted as Captain on vessels deliveries from Norway to New Zealand and to other parts of the world.
- 12 To keep up with developments in commercial fishing and fisheries management, I regularly attend, as I have done so for over 25 years, international regional fisheries management meetings and other stakeholder forums that seek to regulate the activities of fishing vessels on the high seas and within exclusive economic zones (CCAMLR, SPRFMO, WCPFC). I have attended these as either an observer or as part of a New Zealand delegation.
- 13 I was contracted for 12 years to Talley's Ltd to oversee the operations of their deep-water fleet. I am currently self-employed as an international fisheries consultant acting for domestic and international fishing companies providing a range of advice on vessel operations and access to international fisheries.
- 14 I have been to the Subantarctic Islands a few times since the 1990s. However, I monitor vessel in the Subantarctic and Southern Ocean on a regular and often daily basis.

- 15 Specific to my experience with Tohorā, I lived and managed a fishing company out of Puerto Madryn, Argentina where the population of Southern Right Whales exceeds 400 during the breeding season and where vessel traffic is far more than the number of fishing vessel or small expedition vessels that visit Ross Harbour in the Auckland Islands. There have been no recorded incidents in this area with whales that I am aware of.
- 16 My evidence is given in support of Heritage Expeditions Limited's (**HEL**) submission on the Department of Conservation's (DOC's) proposed plan change 1 (**PC1**) to the Regional Coastal plan: Kermadec and Subantarctic Islands (**RCP**).
- 17 I am generally familiar with the proposed amendments to PC1 of which HEL's submission relate to being the:
 - (a) proposed amendments to the performance standards and provisions relating to biofouling; and
 - (b) proposed amendments to the specific provisions relating to access for vessels longer than 125m, specifically the proposed amendment allowing possible access and anchoring for vessels of this nature into Perseverance Harbour.
- 18 In preparing this, I have reviewed the evidence of:
 - (a) the evidence of Jim Dilley;
 - (b) the Department of Conservation's Section 42A Report, prepared by Jesse Gooding;
 - (c) the evidence of Nathan and Aaron Russ which I strongly support; and
 - (d) the comprehensive evidence of Rodney Russ who has more experience in the area and huge Maritime experience again I strongly support his detailed submission.

Code of Conduct for Expert Witnesses

- 19 I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. This evidence has been prepared in accordance with that Code, and I agree to comply with it. I confirm that the issues addressed in this brief of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

Scope of evidence

- 20 My evidence will deal with the following:
- (a) my concerns around the impacts of the amendments to the provisions relating to biofouling; and
 - (b) my concerns from a safety perspective as to the amendments relating to access for vessels longer than 125m.

Access and anchoring relevant to biofouling

- 21 As a fisherman of many years, I am deeply concerned that there is still little or no certainty in the information provided by DOC and its experts on the values that they are trying to protect. Around the time of the RCP's development, I served on a panel where we spent close to two years in discussion on the management of biosecurity concerns in relation to the Subantarctic Islands. At this time we asked DOC for a catalogue of what they were wanting to protect. I am not aware if this was ever compiled.
- 22 I agree with the statements within the evidence of Nathan and Aaron Russ that the proposed changes are inefficient and unnecessary duplication of MPI's established and proven regime, and I do not consider that they will improve outcomes from an environmental perspective.
- 23 It should be made clear, that it is in the best interests of an operator to keep the vessel's hull propulsion gear, rudders and through hull fittings clear of marine growth. Marine growth causes operators' significant cost, and as such they invest large sums and time in keeping the vessel's hulls and machinery below the waterline clean. To this extent the operator's and DOC's interest in removing pests align.
- 24 In my experience, many of the proposed changes are overly onerous, particularly the additional videoing and photographing requirements, which based on extensive list of niche areas, even if cost is not an issue, I am not sure is physically achievable. For example, my understanding is that there are several niche areas on HEL's vessels which are not accessible due to the ice strengthening required for the vessels.
- 25 While I agree with DOC and New Zealand's wish generally to minimise and stop the spread and keep out foreign and domestic harmful critters, it should be noted that New Zealand biofouling standards are already very strict, including as they apply to the Subantarctic Islands. In my opinion these standards are not enforced uniformly across the country, an issue that could be mitigated by placing responsibility for managing biofouling into a single regulator, as opposed to the current mix of MPI and regional councils.

- 26 In my view, this inconsistent application of biosecurity standards has caused a reduction of cruise visits. Specifically, I heard the CEO from Cruise NZ speak recently at the MTA conference and she advised that there was at least a 40% drop in cruise ship numbers to New Zealand over the past three years. She advised internationally in the cruise ship world we are now being called No Zealand, which is not great!
- 27 Accordingly, I do consider a practical standard could be supported based on what is 'best practice' for vessel anti-fouling regimes. In that context I could be supportive of an approach as proposed by HEL in which the biofouling inspection and standards in the RCP are replaced with a requirement that vessels must comply with MPI's requirements for long-stay vessels in the Craft Risk Management Standard for Vessels 2023 (**CRMS-Vessels**).
- 28 The important thing as I see it is that vessels are following best practice – but it needs to be accepted that will not completely avoid all risk. What needs to be struck is a sensible balance between the operational needs of the vessels and the environmental protection that is offered by a standard.

Access into Perseverance Harbour

- 29 The proposed changes in relation to access and anchoring in Perseverance Harbour are not appropriate.
- 30 The weather in Perseverance Harbour is extreme and changeable. Forecasts are not always accurate, and unexpected strong winds and swell can develop. The effects of this can be made significantly worse by the impact of wind tunnelling within the Harbour. In my experience, if the weather were to change and conditions were to worsen, I would consider it may become very challenging for a vessel of the proposed size and therefore with huge windage to safely exit.
- 31 My concerns are compounded by the poor anchorage in Perseverance Harbour, which I consider not to be suitable for a vessel of 125m or more. This is based both upon the several times I have visited the Harbour, , but also my extensive experience handling ships within the Southern Ocean's changeable conditions.
- 32 Since the relevant provisions were introduced in 2017, I am not aware of any advancements in technology that would justify the proposed changes. I am aware that propulsion systems are continuing to progress, and that dynamic positioning systems are becoming more widespread .While I do not have a high level of experience operating dynamic positioning systems, I do not have a high level of confidence that these systems could still

operate if there were to be a significant worsening of conditions and a vessel exceeding 125m needed to exit the Harbour.

- 33 If a situation were to arise where there was an engine failure or a thruster failure you could very quickly end up with a large cruise liner with 1000 to 3000 people stranded on the island or possibly in an even worse. You need only consider the recent Katakai and Aratere ferry incidents to see how quickly issues can arise for larger vessels.
- 34 In addition, the required support (such as an ocean-going tug) to assist a vessel of this size if a situation were to occur, may be several days away, if available at all. As an example, when the large chemical tanker *Golden Mind* broke down southwest of Stewart Island in poor weather it took an ocean-going tug two days to reach her and tow the vessel to port. The distances and corresponding times to provide the required support of associated with a similar incident in Perseverance Harbour would be likely to be far greater.
- 35 As a further matter of concern, the fishing industry was also extensively involved in discussions on the use of High Fuel Oil (**HFO**), Light fuel (**LFO**) and Marine diesel in and around the Subantarctic Islands. Following careful consideration of the environmental risks associated with the use of HFO and LFO the fishing industry ceased utilising LFO or any heavy fuel. Importantly, if an incident were to occur, marine diesel can quickly be contained whereas HFO or LFO is likely to cause a major environmental issue.
- 36 Of real concern I am informed some large cruise ships over 125m continue to use HFO, and in a poor anchorage where there is the risk of unpredictable weather events such as in Perseverance harbour, the risk these large ships present is simply too great, let alone if they have HFO onboard.
- 37 I do not consider that a vessel of more than 125m can safely access and anchor in Perseverance Harbour regardless of the conditions that may be imposed within any coastal permit.

Conclusion

- 38 I agree with HEL's submissions on PC1 and specifically would be supportive of its proposed amendments to the provisions concerning

biofouling, and its opposition to the amendments concerning access for vessels longer than 125m.

Dated this 2nd day of June 2026

Andrew Peter Smith