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 Nathan Russ

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Submitter's solicitor:
Maree Baker-Galloway / Conor Meredith
Anderson Lloyd
Level 2, 13 Camp Street, Queenstown 9300
PO Box 201, Queenstown 9348
DX Box ZP95010, Queenstown
p + 64 3 450 0700 | f + 64 3 450 0799
maree.baker-galloway@al.nz / conor.meredith@al.nz

anderson lloyd.

Introduction

1 My name is Nathan Russ. My brother Aaron and I are the co-owners of Heritage Expeditions (2018) Limited (**HEL**) and I am authorised to give this evidence on behalf of HEL. I have prepared this evidence in consultation with Aaron.

2 My qualifications and relevant work experience includes:

(a) I currently hold a New Zealand Skippers Ticket Ring Fenced ILM and have done so since 2005. My experience includes:

(i) delivering the 30m Heritage Explorer expedition vessel into operation in Stewart Island, Fiordland and Marlborough Sounds for HEL.

(ii) from the age of 18 years old I have been travelling internationally on expedition vessels of different sizes, working in the remotest parts of the world, including the Russia's Far East, Svalbard, Greenland, Indonesia, NW Australia (Kimblery region), PNG, Solomon Islands, Falkland Islands, South Georgia and many different regions of Antarctica including the Ross Sea, East Antarctica and the Antarctica Peninsula;

(iii) from a very early age I have being driving small craft, consistent with what the Regional Coastal Plan (RCP) would define as an Ancillary Craft[1], in all remote regions of the world. I have not recorded the exact times or nautical miles travelled, but I can confirm that I have undertaken hundreds, if not thousands, of hours of driving in remote and wild places around the globe. Specifically, since the age of 15 I have been driving small craft with guests which makes it 26 years of international experience driving in heavy seas, ice packed waters, large tidal areas, wildlife rich areas, breaking waves and coral reefs. I would hate to think how many nautical miles I have travelled/sailed in my career so far!

(iv) I have worked as the Expedition Leader on vessels ranging in size from 45m to 145m length overall (**LOA**) with fleets of tenders ranging in numbers from two to 14 vessels, I am very familiar with the specific differences in how a vessel operates and handles as it increases / decreases in size

[1] Defined in the RCP as " *Tenders, dinghies, zodiacs, canoes, rigid hull inflatable boats and landing craft medium*"

3 Since commencing our involvement with HEL, including as co-owners since 2018, we have charted and operated the:

(a) Professor Khromov and Akademik Shokalskiy – 72m LOA, 58 guests and 22 expedition staff and crew;

(b) Kapitan Khlebnikov – 122.5m LOA, 120 Guests and 70 expedition staff and crew;

(c) Heritage Adventurer – 124m LOA, 150 guests and 90 expedition staff and crew; and

(d) MV Discoverer – 108m LOA, 144 Guests and 90 expedition staff and crew.

4 We first visited the Subantarctic Islands in 1989 and have subsequently visited every year since which we estimate to be approximately 215 total visits. Between our combined experience, we are the most experienced operators in the area.

5 In addition, we have both visited the Kermedec Islands on several occasions, including pulling the DOC staff off the Island when the last major eruption took place sadly killing one. We have made numerous trips and now also consider ourselves very familiar with the area.

6 In preparing this, we have reviewed:

(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 draft evidence of one of HEL's Captains – however at the time of finalising my evidence the Captain has not yet finalised his.

(f) the evidence of Andrew Smith.

Executive Summary

7 HEL has been conducting expeditions to the Subantarctic Islands since 1989 and more recently the Kermadec Islands. Within this period, HEL has taken over 14,300 passengers to these Islands.

8 HEL appreciates and fully understands the high natural history (and in some cases the cultural history) values of these Islands. These values are central and critical to HEL's operation.

9 If the proposed Plan Change 1 (**PC1**) to the Regional Coastal Plan: Kermadec and Subantarctic Islands (**RCP**) becomes operative in its current form, it will make operations of HEL's long running expeditions far more challenging and introduces a real risk to HEL's business.

10 Specifically, HEL is responsible for the management of its vessel, Heritage Adventurer (formerly known as MS Hanseatic) and it has instituted an annual program of antifouling to mitigate the risk of accidental introduction of unwanted marine organisms to these Islands. This comes at a significant cost to HEL and is recognised as "beyond best practice" within the industry and is fully approved by MPI New Zealand, meeting all the rules and regulations required in order to enter New Zealand.

11 HEL considers that its current approach appropriately mitigates the risks associated with biofouling at the Subantarctic or Kermadec Islands, and that the proposed changes will be both practically very challenging to comply with and will incur significant resource and costs.

12 HEL is reliant upon the use of Ancillary Crafts, and the proposed restrictions will significantly restrict its current operations, including by inadvertently preventing access to key expedition sites that it currently safely accesses for both clients and researchers without materially providing the stated beneficial increase in navigational safety.

13 Based on our extensive experience within the area, including with navigating and accessing Perseverance Harbour, HEL is particularly concerned as to the proposal to provide a consenting pathway for vessels longer than 125m to access and anchor within Perseverance Harbour, Campbell Island.

14 Considering the unpredictability of the quickly changeable and severe weather in the area and the poor-quality anchorage we do not consider that there is appropriate evidence that this can be done safely – to the contrary based on our extensive personal and extensive experience on vessels at that location we consider it to be a high risk proposition. We do not consider that advances in technology since the implementation of the current restriction on vessels over 125m are such that the risks can be appropriately mitigated.

15 The consequences of an incident in Perseverance Harbour could be catastrophic both to the coastal environment but also the safety of the 100s

of people that would be on board a vessel larger than 125m. The extensive distance any rescue vessel would likely have to travel, along with the capacity of any rescue vessel to assist 100s of passengers compounds the likelihood of significant consequences. The risk is unacceptable.

Heritage Expeditions (2018) Limited

16 HEL is a New Zealand registered company. It was founded in 1985. It is New Zealand's only expedition cruise company, and one of only a few privately owned expedition companies remaining in the world. It is an award-winning company, having won several international awards.

17 HEL is one of the few companies that visits these Islands and is by far the longest running and most regular visitor. Our vessel(s) carry a maximum of 140 passengers, and the company remains a privately owned, family business.

18 HEL holds a concession to guide clients on the Subantarctic Islands. It is the original concession holder for the Subantarctic Islands. The company's original concession for the Subantarctic was issued in 1989. We do not currently hold a concession for the Kermadecs, choosing instead to operate on a "permit" basis as our expeditions generally only operate on a biannual basis, or on demand basis.

The Vessels

19 HEL currently runs 3 vessels, these are the:

(a) Heritage Explorer, 30m LOA, 18 guests, covering coastal New Zealand, with operations in Fiordland, Stewart Island and Marlborough Sounds;

(b) Heritage Adventurer, 124m LOA, 140 guests, international trading from Japan, Philippines, Indonesia, Kimberley's, Singapore, West Papua, PNG, Solomon Islands, Vanuatu, Tonga, Fiji, New Zealand and Australian Sub Antarctic Islands and Antarctica; and

(c) Heritage Discoverer – 108m LOA, 140 guests, international Trade, Spain, Portugal, Frence, UK, Scotland, Iceland, Norway, Greenland, Svalbard, Chile, Falkland Islands, South Georgia and Antarctica.

20 Each vessel carries a mixed number of zodiacs. Specifically, the Heritage Explorer has two tenders, while the Heritage Adventurer and Discoverer have a fleet of 14 tenders/zodiacs with 60 hp High Trust Yamaha outboards for the safe landing and transferring of passengers from ship to shore. These are critical to our operations and the experience of our clients.

21 The Heritage Adventurer and Heritage Discoverer vessels are ice strengthened which enables us to work in the high latitude waters of Antarctica (Ross Sea Region and Antarctic Peninsula) and the High Arctic plus all the areas in between.

22 The vessels are registered and maintained under Portugal's flag and Det Norske Veritas (**DNV**) and Rina Class. They are maintained to the internationally recognized Safety of Life at Sea (**SOLAS**) standard which is a requirement of all ICAS members. Their annual survey is undertaken in accordance with their flag state and international class.

Clientele and cruise timetable

23 Our clients book expeditions because the itinerary focuses on a wilderness and wildlife experience in areas with high wildlife values. How that manifests itself differs from client to client. Some like to photograph, others sit and observe, others sketch or even paint. Typically, our clients are well educated, well-travelled and have a reasonable degree of fitness and are generally quite adventurous. It is for the majority a 'trip of a lifetime'.

24 HEL offers a range of expeditions to the Subantarctic Islands, (see relevant section of the brochure attached as **Attachment 1**). These have evolved over 35 years of operation to meet the demands of travellers, but at the same time recognising that HEL has an obligation to provide an opportunity for the New Zealand traveller to visit these islands, and at least two of the expeditions are tailored for this market.

25 A typical HEL Southern Ocean cruise season would normally include:

(a) two Galapagos of the Southern Ocean expeditions, including the Campbell Islands, Auckland Islands, Macquarie Island and the Snares Island;

(b) one Birding Down Under expedition, this Including the Campbell Islands, Auckland Islands, Macquarie Islands, Snares Island, Antipodes and Bounty Islands plus the Chatham Islands;

(c) one Beyond Fiordland expedition, this including the Auckland Islands, Campbell Island, Snares Island, Steward Island and Fiordland;

(d) two expeditions to the Ross Sea, each expedition being 28 days long and visiting the Auckland Islands, Macquarie Island, Campbell Island, Snares Island and the Ross Sea region of Antarctica; and

(e) an expedition Kermadec Islands depending on permits and demand for the region.

26 The Subantarctic/Antarctic expeditions are very seasonal. Our cruise season is obviously dictated by the breeding season of the wildlife (few people would want to go to these islands when the birds/mammals are not there) and the ice conditions in the Antarctic. Our 35 years of operating experience tells us we should not leave for Antarctica till the second week in January and should be back in New Zealand by about 12 March each year. Our Kermadec expeditions, when offered, are generally in April, at the end of the cyclone season.

27 In total, we typically expect a total of six or seven expeditions to visit the Subantarctic Islands and otherwise offer a year round around expedition cruise program with expeditions in Japan, Philippines, Taiwan, Indonesia, Papua New Guinea, West Papua, Solomon Islands, Vanuatu, Borneo, The Kimberley's northwest Australia, Iceland, Greenland, Norwegian fjords, Scotland, United Kingdom, France, Spain, Portugal, Antarctic Peninsula, Falkland Islands and South Georgia.

28 Importantly:

(a) Expeditions typically run back-to-back with little time between expeditions. This brief time is required for resupply, cleaning and maintenance. Because of the high daily cost of operating these vessels, the time between expeditions is very expensive. The daily operating cost of the vessel with passengers is US $75,000, and the daily operating cost of transiting without passengers is approximately US $55,000;

(b) Our annual maintenance is always done in Singapore on the Heritage Adventurer and in Germany on the MV Discoverer. This requires anything from 6 days to 24 days, depending on the scope of works, and is carried out by highly experienced and highly trained professionals. The annual maintenance work includes yearly antifouling at an extra cost of US $100,000; and

(c) aside from the annual maintenance periods the vessels are on the move for the majority of the year; the longest they stay at any one port is approximately three days.

(d) Each time a Subantarctic expedition departs the Auckland Islands it heads to Macquarie Island, and leaves New Zealand waters entering Australian waters. In the transit back to Campbell Islands we enter New Zealand waters again. We have an agreed Biofouling

Management Plan with MPI that authorises the entry each time into New Zealand waters.

29 Accounting for the fact that HEL have been taking clients to the Subantarctic Islands and Kermadec Islands since it began operating in 1989, and based on the number of trips we have conducted, in our opinion a conservative estimate of the number of clients we have taken would be to the:

(a) Subantarctic Islands, 14,300 clients; and

(b) Kermadec Islands, 300 clients.

30 This coming season we currently have 800 people booked to travel to the Subantarctic Islands and Antarctica (which includes Subantarctic). We do not have a Kermadec Island expedition scheduled for this season but anticipate we may undertake one in the future once DOC is in a position to issue permits again.

New restrictions on Ancillary Craft

31 In short, the proposed restrictions will significantly impact our ability to continue our current use of Ancillary Craft, of which HEL has been able to safely do for decades without incident. No evidence has been provided that justifies these changes.

32 We also have concerns as to the lack of clarity on how practically the amended Rules will be applied. For example it is unclear if the 6000m/3000m restriction applies in a 'straight line' from the mothership, or if this correspondences to the actual distance travelled from the mothership.

33 An 'actual distance' application of the limitations would be particularly concerning in the Subantarctic Islands due to the Islands' topography, which would render a 6000m limit entirely insufficient for accessing several sites, and /or being able to explore new sites.

34 From a safety perspective, we are concerned that these amendments will encourage operators to have their motherships simply following slowly along behind its Ancillary Craft. This is less safe than a mothership staying in safe anchorage, and having Ancillary Craft undertaken its operations independently, and safely, as enabled by the existing provisions of the RCP.

35 We have particular concern as to the effect of this within the Kermadec Islands when accounting for the topography of this Island group, specifically its lack of harbours and inlets relative to the Subantarctic Islands, which

practically might create a situation where a mothership is following along an Ancillary Craft, in an open ocean environment. A much safer option for passengers and crew that remain on the mothership being rules that encourage its safe anchorage, while permitting the continued safe operation of Ancillary Craft.

36 One of the underlying philosophies that sets us apart from other operators and is fundamental to our operation, is that we endeavour to make the maximum number of landings, generally with the use of an Ancillary Craft, with the maximum time ashore, we compliment this with various zodiac cruising experiences to ensure clients achieve maximum benefit from the experience. All our landings are accompanied by our team of guides who are there to ensure passenger safety, but also as a resource to help people understand what it is they are seeing (or hearing).

37 To enable this, at all times, HEL's vessels have access to several Ancillary Craft, these being Mark 5 zodiacs as used throughout out the expedition industry and around the world due to their high levels of performance and reliability. These are typically powered by 60hp Yamaha High Trust Outboards, recognised in the industry of being of the highest standard and quality.

38 Each zodiac can carry a party of 10 to 12 people, plus a highly experienced driver. On board Heritage Adventure and Heritage Discoverer we carry a fleet of 14 zodiacs, which are used on a daily basis to transfer people to and from various sites and to experience up close and personally the coastlines of the regions we are travelling in.

39 In our experience, Ancillary Craft of this nature are reliable and capable of operating in safely in the conditions that they may be subject to, this is reflective in that HEL has been operating Ancillary Craft of this nature since 2000 and has an outstanding safety record.

40 Importantly, HEL has always adopted a fulsome approach to safety, both in terms of risk to our clients but also in terms of the environmental impacts of our activities. All appropriate safety processes are followed, both as required by law, but also from what we know to be right from our decades of experience operating in the Islands, this includes that as part of our safety system:

(a) our zodiacs always work in pairs, are never far from each other, and have sufficient capacity in terms of space that if an incident were to occur in relation to one zodiac, the 2nd zodiac could render immediate support to all passengers; and

(b) in addition, a HEL vessel will also have access to additional zodiacs, as well as a fast rescue boat, which can be launched within 5mins of the order of the Master being given, both Heritage Adventurer and MV Discoverer meet this International requirement.

41 In response to a comment of Mr Dilley, we do not consider that in the event of an incident, noting that a second Ancillary Craft would already be deployed, that rescue and recovery would be dependent on the mothership coming closer. In all situations, it would be the second Ancillary Craft or the fast rescue boat that would be the appropriate vessel to provide aid in order to not increase the risk to more lives and the mothership.

42 HEL is also concerned that its successful use of Ancillary Craft for a lengthy period as recognised in Mr Dilley's report[2], and it having access to additional Ancillary Craft and a fast rescue boat which can be safely deployed in the event of an incident, and exceptional safety standards is not adequately recognised and accordingly while it still considers that the proposed changes should be deleted, if they are to remain in some form then:

(a) HEL as existing operators with an excellent safety record should be exempted from the application of the new restrictions;

(b) operators that have two ancillary craft operational should be exempt;

(c) operators that have a Fast Rescue Boat should be exempt; or

(d) the application of the amended rules should apply to just Perseverance Harbour.

Access into Perseverance Harbour

43 HEL strongly opposes the changes relating to access to Perseverance Harbour for vessels longer then 125m including the amendment to Prohibited rule 47:

> Access and anchoring within 0.32nm (600m) of MHWS of the Subantarctic Islands by vessels longer than 125 metres in length, other than as provided in Rule 47A; and

44 And new Discretionary rule 47A:

[2] Evidence of Mr Dilley at [103]

Access and anchoring, within Perseverance Harbour, Campbell Island/ Motu Ihupuku up to 0.16nm (300m) of MHWS, by vessels longer than 125m in length.

45 Rule 47 was put in place after a robust assessment leading up to the confirmation of the RCP in September 2017. The Rule which prohibits access to vessels longer than 125m closer than 0.32nm (600m), is an evidence-based rule, founded on the need to take a precautionary approach to environmental risks and maritime safety. The evidence in support of the rule at the time included the Statement of Evidence of Jim Dilley dated 14 October 2016, for the Minister of Conservation (**attached** as **Appendix 2**).

46 There is no evidence justifying a change in this Rule, nor any clear problem that the proposed changes to the Rule are intended to fix.

47 HEL's Captains, have significant experience in a range of vessels, as well as a wide range of conditions both internationally and in the Subantarctic Islands, including when accessing and anchoring in Perseverance Harbour. They are strongly of the view it is too dangerous to allow vessels above 125m to within 0.16nm (300m) of the Islands. Perseverance Harbour is not an exception to this rule.

48 The Perseverance Harbour anchorage identified in proposed Rule 47A is not safe for vessels over 125m to anchor. Perseverance Harbour has a glaciated, polished sea floor, meaning vessels need to use longer chain length to hold anchor, leading to increased swing distances and the increased risk associated with that.

49 DOC has provided no evidence on anchoring feasibility, holding ground or weather systems sufficient to establish that the risk of having vessels larger than 125m anchoring in Perseverance Harbour is acceptable. Between ourselves and our captains we have visited the Subantarctics and Perseverance Harbour over 195 times. We understand that Mr Dilley has visited the Subantarctics four or five times on small 30m Yachts and has been south once as a DOC/Government representative on a vessel larger than 125m, so accordingly was not permitted to enter Perseverance Harbour. It is therefore unclear what practical experience he may have to form a view as to larger vessels, let alone those over 125m, entering Perseverance Harbour.

50 Specifically, in our experience, the weather in Perseverance Harbour can be extremely unpredictable. Weather conditions can be un-forecasted and localised to the Harbour, with wind funnelling often a significant issue. Despite advances in weather forecasting technology, we consider based

on our personal experience that this remains a serious issue. On many occasions, the weather forecast has been understated by approximately 10 to 15 knots, an increase of 10 to 15 knots can mean wind gusts and funnelling effects can double. The effect of this being that where safe entry for a vessel over 125m might have been forecasted as theoretically possible, conditions then quickly change and it becomes completely impossible. If the vessel is already in the Harbour, a very unsafe situation will then arise.

51 It also needs to be understood that, when passengers are ashore, they are 1.5hrs to 2.5 hours walk away when at the top of Col Lyal down to Perseverance Harbour's landing location. HEL questions how in a situation with wind speeds increasing quickly, and passengers at the top of Col Lyal, how a vessel of over 125m could possibly hold position safely, while waiting for this extended period.

52 As an example, we bring your attention to an event, involving the HMNZ Canterbury in November 2019, where due to fast changing weather conditions, a dragging anchor and an increasingly bad weather forecast the Master made the decision to depart quickly from Perseverance Harbour This need for a quick exit from the Harbour meant DOC staff, had to make a decision to depart, without its rodent dog, which then spent 36 hours on Campbell Island waiting for rescue. This eventually occurring in the form of a helicopter from New Zealand at an approx. cost of $35,000. If this were the costs associated with a small dog, we imagine if several passengers had to be left on the Island, due to a 125m plus vessel needing to immediately exit Perseverance Harbour, the associated costs (let alone risk to the passengers) would be extensive.

53 Without a level of certainty as to the forecast, there is a high degree of risk that a rapid change in conditions could occur in which a vessel of over 125m would be in a situation where exacerbated by Perseverance Harbour's wind tunnelling effect, it is unable to safely withdraw as a smaller vessel can.

54 Compounding these concerns, as set out in a recent 2025 report prepared by DOC[3], frequent significant weather events, **increased** rain and **stronger** winds are forecast in the years ahead for Campbell Islands. This is on top of the extreme conditions already experienced

[3] Macara and Gibson 2025 – The climate and weather of Campbell Island/Motu Ihupuku.

55 Longer and larger passenger vessels, with increased windage require a larger amount of anchor chain in the water to be able to hold itself in the position. With longer amounts of anchor chain in the water it takes longer to recover the anchors, and it increases your swing radius, all of this increases the risk of putting a vessel ashore.

56 Adopting a precautionary approach and considering the extensive impact an incident a vessel of this size could have, both from an environmental perspective and potential serious risk to life, we do not consider this risk can be appropriately mitigated with conditions.

57 Noting the significant effects arising from an incident with a vessel of this size, we are also extremely concerned with the lack of required support that is likely to be available. As referenced in Mr Dilley's evidence any required ocean-going tug will be days away from being able to assist, if available at all. This is likely to have serious consequences.

58 We reference DOC's statement that the MMA Vision (an ocean-going tug is on charter to the New Zealand Government), with a very fast search we can confirm that MMA Vision is NOT on charter to the New Zealand Government and this contract ended in November 2025. There is no guarantee, that the MMA Vision, or any other appropriate support vessel, would be available to immediately assist in the event of an emergency.

59 As an example of the expected challenges in the provision of tug support, we refer to the recent December 2025 Coral *Adventurer* incident,[4] where despite access to the latest modern technology, including access to Azipull propulsion thrusters, and modern autopilot systems, the vessel went off course and the crew reported 'losing situational awareness'[5], before running aground, and ultimately requiring three attempts to be refloated with tug support.

60 We understand it took three days for the required tug support to arrive from the nearest port of Lae, this being 55nm away, traveling in what would have been more flat and calm conditions than what is typically expected around the Subantarctic Islands and /or on route to the Subantarctic Islands.

61 For context, Campbell Island is 360nm from the Port of Bluff, therefore traveling at an average speed of 12.5 knots, we anticipate that in good sea state it would take approximately 29 hours for any tug support to arrive. This is both on the assumption that there is immediate tug support available (not

[4]ATSB Transport Safety Report *Grounding of Coral Adventurer, Nussing Island (100 km east of Lae), Papua New Guinea, on 27 December 2025* MO-2025-013 (dated 12 March 2026)

[5] At page 5.

currently the case), and that this support is based at Bluff Port. Travelling distances would be significantly longer if any support was required to travel from, for example, Lyttelton (approx. 46 hours) or Auckland (approx. 96 hours).

62 As a further example of the challenges facing rescue and salvage missions, we refer to the incident of the stranded Black Cat Cruises catamaran in Akaroa Harbour – approx. just 6nm from Akaroa Township. Fortunately, passengers were pulled out very fast by a number of smaller vessels that were in the water. However, the vessel itself, despite being only 17m LOA, was stuck within hours and its subsequent salvage and removal was a two-week operation that only commenced on February 10, 2026, despite running the vessel running aground on January 31, 2026. It can reasonably be expected that if an incident were to occur in the far more remote Perseverance Harbour, with a vessel far larger (i.e., 125m plus) than the probability of passengers being promptly assisted is both far lower, and the likely duration of any salvage and removal operation far longer.

63 Additionally, aside from the lack of ocean-going tug support, for the last six years there has been no Jet A1 helicopter fuel available in the area, the nearest drums of Jet A1 being positioned on Big South Cape Stewart Island. This means there is **no helicopter** to provide an immediate response to the Auckland Islands, let alone the Campbell Islands. This means currently **no search and rescue or medical evacuation can be undertaken via the use of helicopters,** let alone in relation to a mass casualty event or grounding of a vessel.

64 Despite the statements of Mr Dilley, we remain of the firm view that since 2017 technological advances do not justify amendments to the current rules.

65 As an example of technological advances not removing risk, we refer to the incident with the Royal New Zealand Navy ship, the *HMNZS Manawanui*, on the 5th of October 2024. This vessel, despite having access to the New Zealand Navy's most high-tech equipment, including Dynamic Positioning (DP2), which is suggested will protect Campbell Island, during unfavourable weather conditions in Perseverance Harbour.

66 Having a DP2 system clearly did not mitigate the risks for the *HMNZS Manawanui*, this was despite, as we understand, the conditions at the time being of wind gusts up to 25 knots and only a small to moderate swell. Exceedance of these conditions is extremely common in Perseverance Harbour. Unfortunately, within 16 hours of hitting the reef it was fully submerged

67 For completeness, Mr Dilley has commented as to our submission that the dynamic position systems of vessels over 125m will not be sufficient in the high winds of the subantarctic environment to effectively counter windage effects, that this '*is a very sweeping statement and makes the assumption that an application for access under proposed Rule 47A would seek to operate in 'high winds'*.'[6]

68 As set out, due to amongst other matters, the unpredictability of the forecasts, and associated sudden changes of weather, in the Subantarctic Islands, including Perseverance Harbour, we do not think that conditioning that a vessel may only operate in only certain conditions, will adequately reduce the risk that the vessel of this nature will not end up in an unsafe situation within the Harbour.

69 Mr Dilley also makes numerous references to examples of how a 126m length vessel overall with modern systems would be more manoeuvrable than a 124m length vessel with older systems in place, in order to justify this change. While this may be technically true the proposed rule does not place an upper limit on the length of the vessel that may apply for coastal permit. Using an example of a vessel that is 1m above the current limit, does not truly address our concerns as to the length of a vessel that is likely to apply for a coastal permit.

70 Notwithstanding this, we still consider that 125m is the appropriate limit. This is based on the considered analysis undertaken when the Plan came into effect and based HEL's experience, including that of its Captains, which all concluded that a 125m vessel is the maximum that is appropriate and safe.

71 We recognise that Mr Dilley has recommended the insertion of additional policy guidance, as well as the insertion of additional guidance in the Plan to inform applicants under Rule 47A of the information required in such applications, this having been adopted in the section 42A report at Policy 7.X and under the proposed heading '*Information to be submitted with a coastal permit application'.*

72 For the reasons outlined above, we do not consider this mitigates the serious risks of allowing a vessel exceeding 125m to access and anchor within Perseverance Harbour. In particular, we have concerns as to:

(a) the effectiveness of the computer simulation assessments that are being proposed to be relied upon, and consider it inappropriate that

[6] Evidence of Mr Dilley at [79].

no physical assessment of the simulations claims is proposed, because:

(i) of uncertainty as to who will program and provide feedback on the simulation. This would need to be undertaken by an appropriate individual, who is familiar with handling a vessel of these sizes within Perseverance Harbour;

(ii) of concerns as to how accurate the data imputed into the simulations will be. As described above, forecasts are unreliable in the area, and conditions are expected to worsen. We do not think there is accurate data available to base a simulation on, specifically data accounting for the Harbour's localized gusts, sudden increases in swell and wind tunneling effect;

(iii) that in addition to the unreliability of data relating to wind and swell, we are concerned as to the lack of available data in relation to the tidal currents that impact Perseverance Harbour, which from our experience can have a significant impact on handling and maneuverability of a vessel; and

(iv) the most appropriate form of simulators (full-mission bridge simulators) are very expensive both to purchase and maintain, and therefore unlikely to be utilised by many potential applicants. Cloud-based and Virtual Reality (VR) simulators offer cheaper alternatives; we would consider them entirely inadequate for purposes such as this, due to the software limitations and reduced graphic fidelity that are common with simulators of this nature.

(b) the lack of detail as to the level of training and experience required, who will be undertaking the assessment etc.;

(c) the level of detail required is far below that required for other marine based certificates, such as a pilot exception certificate.

73 Considering the extremely challenging environment, we are concerned generally as to who in DOC has the expertise to assess what should be a detailed, extensive and complicated application. We consider that in order to be able to assess such a large vessel's ability to safely enter, anchor and exit as needed, via a desktop assessment, in such a challenging and uncertain environment, an extremely high level of specific direct expertise both of vessels of that size, and the place, is required. We are aware of

very few people internationally who would be well-placed to undertake this role, let alone that are employed by DOC.

74 For the reasons we have described above, specifically the remoteness of Perseverance Harbour, we are also deeply concerned about DOC's ability to monitor and enforce compliance with any permits that were to be issued. While we consider that the risks cannot be mitigated with conditions, these concerns are greatly increased by the practical reality that in such a remote environment, it is hard to comprehend how DOC will be able to ensure strict compliance with a coastal permit.

Access and anchoring relevant to biofouling

75 We have introduced and practiced better than best industry practice when it comes to antifouling. We are constantly reviewing it to ensure that it is the very best system for our vessels and operations.

76 A key component of this, is that each year our out of water annual survey is completed and antifouling paint is applied. HEL undertakes a full antifouling; this is regardless of any obligations arising from the annual survey. This is an additional cost to HEL, one that we are prepared to carry on in the interest of best industry practice and to mitigate the risk of accidental introduction of unwanted marine organisms.

77 The annual antifouling HEL undertakes is almost unheard of in the shipping industry, it is certainly unique amongst the cruise ship industry, most vessels are working on a 3-year Antifouling/Docking plan or a 5-year Antifouling/Docking Plan.

78 We are confident that we are going beyond best practice and doing everything that is practicable to minimise the risk of biofouling and an invasion at the Subantarctic or Kermadec Islands.

Compliance with the Craft Risk Management Standard for Vessels 2023

79 We are firmly of the view, that the proposed changes are inefficient and unnecessary duplication of MPI's established and proven regime, and most importantly will not improve outcomes from an environmental perspective.

80 A more appropriate approach would be that the biofouling inspection and standards in the RCP be 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**) (attached as **Attachment 3**). Or alternatively that an additional permitted pathway be provided for, for vessels that have antifouling less than 12 months old and

that MPI have confirmed comply with MPI's requirements for long-stay vessels in the CRMS-Vessels.

81 In short, compliance with the CRMS-Vessels for long-stay vessels requires that the / person in charge of the vessel must obtain written confirmation from an inspector at a place of first arrival that the vessel meets the following requirements:[7]

(a) the vessel is free of regulated pests and biosecurity contamination;

(b) Any risk goods have either:

(i) been removed from the vessel through an approved process; or

(ii) received biosecurity clearance under the Biosecurity Act 1993; and

(iii) have a '*clean hull'.* This being no biofouling of live organisms is present other than those within the thresholds identified in the CRMS-Vessels.[8]

82 These are extensive requirements, which in line with HEL's ethos we consider mitigate the risk of biofouling and an invasion at the Subantarctic or Kermadec Islands.

83 Aside from the negligible environmental outcomes, we consider that the proposed changes will be practically very challenging to comply with and will incur significant resource and costs, in particular the requirements to video and photograph all the listed locations, is an extensive obligation with full compliance nearly impossible. As an example, Heritage Adventurer and MV Discoverer are both ice strengthened, and because of this some niche areas, such as our ice chest is welded shut to prevent it coming off when navigating in heavy ice, which would mean a total loss of all power to the vessel.

84 We are confident that HEL is following best practice and are concerned given the recent reporting of failings in relation to the management of biosecurity risks by DOC as to Raoul Island, that MPI is better placed than the DOC to manage biosecurity matters within the Kermadec and

[7] CRMS-Vessels, section 2.2

[8] CRMS-Vessels, Table 2 of Schedule 4

Subantarctic Islands.[9] Accordingly, HEL reiterates that the biofouling inspection and standards in the RCP should be replaced with a requirement that vessels comply with MPI's requirements for long-stay vessels.

Conclusion

85 HEL still considers that it is inefficient for this plan change to proceed considering the impending replacement of the RMA. HEL seeks that the PC1 be withdrawn.

86 In any event, for the reasons set out above, we consider that:

(a) the proposed changes as to Ancillary Crafts should be deleted;

(b) the biofouling inspection and standards in the RCP should be replaced with a requirement that vessels comply with MPI's requirements for long-stay vessels; and

(c) the proposed changes to provisions relating to access for vessels longer than 125m should be deleted.

Dated 5 June 2026

Nathan Russ (and Aaron Russ)

[9] https://www.thepost.co.nz/politics/361014596/doc-probe-triggered-after-18-million-campground-debt-dispute