

BEFORE THE SOUTHLAND Regional
COUNCIL HEARING COMMITTEE

IN THE MATTER OF THE
RESOURCE MANAGEMENT ACT
1991 (THE ACT)

AND

IN THE MATTER OF Island Escape Cruises LTD ("THE
APPLICANT") Coastal Permit APPLICATION

**Evidence Of John Henderson On Behalf Of Island Escape
Cruises LTD**

Dated this 10th day of October 2016

1. Introduction:

1.1 My name is John Henderson. I am at present licensed as a Fiordland and Stewart Island pilot and contracted to Fiordland Pilotage Services to pilot cruise vessels both large and small in Fiordland and Stewart Island. The forthcoming season is due to start in October 2016

1.2 I am experienced in the port and shipping industry having, after an initial period on arrival to New Zealand as a deck officer on local foreign going vessels, spent 20 years working for The Southland Harbour Board and subsequently the Port Company (South Port NZ). After initially being appointed as a pilot I was promoted to Port Operations Manger, Chief Pilot and Harbour Master. I completed the relevant MNZ requirements and obtained my Fiordland pilot licence in the mid 1980's. Since then I have piloted numerous types of vessels in Fiordland including large cruise ships, expedition vessels, super yachts and the likes of the MV Island Passage. I have been fortunate to have explored many areas of the Sounds not normally visited by the present cruise ships.

1.3 On the completion of 20 years at Bluff I was further employed as Master of Cook Strait ferries and Pilot in the Marlborough Sounds. Over this 15 year period I continued to pilot vessels in Fiordland.

1.4 Between the 23rd and 28th August 2008 I acted as Pilot on board MV Island Passage during her voyage to Fiordland.

The vessel transited the following Sounds:-

- Milford
- Poison Bay
- Thomson
- Doubtful
- Breaksea
- Dusky
- Chalky
- Preservation

1.5 During this voyage we visited numerous areas within the Sounds investigating various anchorages and actually anchored in many of these for both day and overnight stops. An extensive exploration was made within various arms and coves. This exploration was both to familiarize the ships' officers and crew in safe navigation and various weather anchorages. I witnessed all activities associated with vessel operations in Fiordland, including tender vessel launch/retrieval, anchoring, manoeuvring and helicopter landings. The professional attitude of the officers and crew was of the highest standard in both seamanship and safety.

1.6 In my evidence I will discuss the issue of anchoring and safe anchorages within the application area.

1.7 I have read and agreed to comply with the Code of Conduct for Expert Witnesses (Environment Court Practice Note 2014). This evidence is within my area of expertise except where I state that I am relying on facts or

information provided by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

2. The MV “Island Passage”

2.1 The MV “Island Passage” is a small (42m) highly manoeuvrable vessel with twin engines and bow thrusters. While on board the vessel I observed all relevant watch keepers “conning” the vessel and bringing her up to an anchorage. All showed to be skilled and competent in handling the vessel. They also followed their passage plan and any deviation was discussed with myself and made aware to the rest of the bridge team.

2.3 In my opinion, at the time of sailing, I believe that this vessel and crew were “fit for purpose” for operating charter cruises safely in Fiordland.

3. Anchorages

3.1 The application lists a number of potential anchorage sites. I understand that these sites were supplied for the purposes of identifying areas where anchoring may cause adverse environmental effects, and not for safety purposes. I have reviewed this information and can advise that there are many sites within the application area which are suitable for the anchoring a vessel of up to 49 metres. Given the ability for the MV Island Passage to anchor in up to 60 metres depth, there are many anchoring sites which are probably available, should there be congestion at any one site. Whilst 60 metres is possible for anchoring this vessel due to her anchor winch having the relevant power, anchoring in less depth would be more desirable. However, depths over 20 metres and under 60 metres are available within the Sounds. Those aware of the conditions within the Sounds would, with weather forecasts, be able to find a safe anchorage regarding expected winds usually from the N to NW or S to SW direction.

3.2 In the unlikely event that safe anchorage is not available, the Island Passage would be able to safely navigate within the Sound. However with all the various arms and bays available I find it difficult to state that a suitable anchorage could not be found.

3.3 The Fiordland Marine Guardians have stated that Stevens Cove (Breaksea) and Stick Cove (entrance to Wet Jacket) are not suitable for the Island Passage. Mr Richard Abernethy echoes this concern, and adds that a number of other anchorage sites identified by the applicant are not suitable. These include:

- Second Cove – insufficient swing room
- Luncheon Cove – inner and outer – insufficient swing room and/or depth limitations
- Duck Cove - insufficient swing room
- North Port – vessel beam would exclude entry
- Weka Island - insufficient swing room

3.4 Mr Abernethy calculates a clear swinging circle of 368 m is needed to accommodate a vessel of the dimensions of the MV Island Passage, based on a 30 metre depth of anchoring and 150m (5 x depth) of anchor cable. I disagree that these calculations apply in all circumstances in the areas identified. Whilst a 5 to 1 is a normal definition of depth to cable for anchoring in the perfect seamanship manual, it can be argued that such is for an open anchorage with tidal and swell conditions. Further conditions should be taken into consideration such as time at anchorage, weather (including prevailing wind) and forecast and knowledge that the MV Island Passage has modern navigational equipment which would ensure the navigation officer, who would be retaining an anchor watch, has immediate access to any movement. It should also be remembered that the MV Island Passage is a relatively small vessel which is highly manoeuvrable, as proven to me in my pilotage trip with her in Fiordland. The Island Passage, being able to anchor safely in deeper water relative to other small vessels, will therefore be able to anchor where other vessels cannot, which allows for an increased swinging area.

3.5 Other submissions have questioned the suitability of some of the anchorages outlined in the application document. The ability to anchor anywhere is determined on-site by the skipper, and if there are any concerns then he will decide whether to anchor at a site or not. It would be dangerous to restrict anchoring, or “shoehorn” a vessel into only anchoring at a few sites. This is why the application clearly stated that these sites were indicative only. The purpose of doing this was to allow submitters to advise on other adverse effects that may occur from anchoring at these sites, not the safety of the site.

3.6 The Department of Conservation has asked about the applicant’s statement “IECL vessels will not anchor in Marine Reserves or sensitive “china shop” areas where the unique benthic fauna is adversely affected”. Specifically, they ask whether this means “*no anchoring in Marine Reserves*”. This is not the case, as there are some suitable anchoring areas in Marine Reserves where there are no unique benthic fauna which would be adversely affected by anchoring.

3.7 It is my professional opinion that there are sufficient sites within the application area for safe anchorage in virtually all situations. The issue of congestion is conjectural. It is not my experience that congestion at anchorages has been a problem for charter cruise vessels in the application area. It should be noted that the Island Passage can safely anchor in up to 60 metres depth, which means that it can safely anchor in many areas where other vessels cannot. Radio communication is readily available with other vessels. This significantly reduces the issue of congestion.

3.8 It should be further noted that the Southern Sounds have numerous safe anchorages for small vessels for different weather patterns. This is a significant advantage over what is available in the Northern Sounds, where the MV Island Passage currently operates.

4. Comments on S 42A Report (the Report)

4.1 The Report makes a number of references to anchorages identified in the Regional Coastal Plan, and safety concerns about anchoring in some of the areas indicated by the Applicant. These safety concerns have also been raised by submitters. I repeat that the anchorages identified in the Application were indicative only, and the safest way to manage anchoring is to allow the skipper the ability to determine where to anchor without undue restrictions.

4.2 I note that some submitters have asked for no anchoring near seal or penguin colonies, "china shop" areas and within 400 metres of rat-free islands. The applicant has also advised that the vessel will not anchor within sight of a trampers hut. These are all acceptable environmental reasons for not anchoring in an area, but where anchorage is available it must be up to the skipper of the vessel to determine the safety of anchoring in a particular area. To do otherwise is to reduce safety.

4.3 Accordingly, proposed condition 7 should be deleted. There is no basis upon which these sites should be restricted on the grounds of safety.

4.4 Conditions 8, 9 and 10 are acceptable, as they restrict anchoring on the basis of other environmental effects, and there are sufficient anchoring areas for the MV Island Passage elsewhere.

5. Summary and conclusion

5.1 In my opinion, the MV Island Passage is "fit for purpose" for operating charter cruises in the application area of Fiordland. While on board the vessel the crew were of a high professional standard. I understand that they now have experience in operating in this environment, through their charter cruises in the Northern Sounds. The anchoring sites outlined in the application were indicative only, in order to identify adverse effects. Proposed conditions 8, 9 and 10 deal with these appropriately.

5.2 The only other adverse effect identified by submitters is one of congestion, which can be managed in a fairly straightforward manner through radio communication and prudent seamanship.

5.3 Proposed condition 7 should be deleted, as there are no safety grounds for its inclusion.

John Henderson

10 October 2016