26/RC/94

The Hearing Commissioner

17 November 2026
9.00 am

Staff Report for Hearing

The recommendation in the staff report represents the opinion of the writer and it is not binding on the Hearing Commissioner(s). The report is evidence and has no greater weight than any other evidence that the Commissioner(s) will hear and consider.

Hearing of Application – APP-20262029
Mitre Peak Cruises Limited

Compiled by Alexandra Smith, Senior Consents Officer

Applicant:	**Mitre Peak Cruises Limited**
Application Number:	**APP-20262029**
Location:	**Fiordland**
Activities for Consent:	Coastal Permit is sought for a commercial surface water activity. A consent duration of ten years is sought.
Notification:	The application was limited notified on 1 April 2026, and submissions closed on 4 May 2026.
Submissions:	Three submissions were received. One was received on 5 May 2026, and was accepted by the applicant and Consent Authority. Two submissions are in opposition and wish to be heard, and one is neutral and does not wish to be heard.
Hearing:	The hearing is to commence at 9.00 am on 17 November 2026 in the Council Chambers, Environment Southland, corner of Price Street and North Road, Waikiwi, Invercargill.

1. Recommendation

1.1 I recommend that the application be approved, subject to conditions of consent.

1.2 My reasons are:

1.2.1 The activity applied for is generally provided for in the Regional Coastal Plan (RCP).

1.2.2 Parts of the proposal are already occurring and the effects of the proposal are known. The applicant has a Coastal Permit to operate a commercial surface water activity with their vessel. The proposal is to replace the current vessel with a new, larger vessel. The new vessel would be similar in dimensions to other similar type vessels for commercial use within Fiordland. The effects of the activity within the Fiordland Marine Area are therefore largely understood.

1.2.3 The adverse effects of the proposal are not more than minor.

1.2.4 The proposal is not contrary with the relevant objectives and policies of the relevant planning documents.

1.2.5 I have had regard to the application, further information provided, policy direction, and submissions received.

2. The application

2.1 The proposed activities

2.1.1 Consent has been sought as follows:

Applicant:	Mitre Peak Cruises Limited
Application Number:	APP-20262029
Coastal Permit is sought for:	To operate a commercial surface water activity in Milford Sound, Fiordland.

Abbreviations

RMA	Resource Management Act 1991
NZCPS	NZ Coastal Policy Statement (2010)
SRPS	Southland Regional Policy Statement
RCP	Regional Coastal Plan (2013)
TTT	Te Tangi a Tauira - Iwi Management Plan

2.2 Summary of the proposal

2.2.1 The proposed activities are outlined in the application for resource consent and summarised in this section.

2.2.2 Mitre Peak Cruises Limited own and operate a commercial surface water activity in Milford Sound. They currently have two vessels, the MV Mitre Peak I and the MV Mitre Peak II, which are operated under two Coastal Permits. A new vessel, the MV Mitre Peak III, has been commissioned and is intended to replace the aging MV Mitre Peak I.

Vessel name	MV Mitre Peak I	MV Mitre Peak II
Coastal Permit	AUTH-20191120	AUTH-20242682

3.3.1 The application is for new Coastal Permit. Coastal Permit AUTH-20191120 is proposed to be surrendered if the subject application is granted. The proposal is for a similar activity to that currently consented, but with a new vessel, the MV Mitre Peak III. The new vessel will be larger and have a greater passenger capacity than MV Mitre Peak I. In particular, the application notes that indoor passenger capacity would be increased. The application also seeks a longer consent duration than that of AUTH-20191120, which is due to expire in four years on 30 October 2029.

2.2.3 The table below summarises the differences between the vessel operated under the current Coastal Permit, and the vessel subject of this application:

Vessel name	**MV Mitre Peak III (new)**	**MV Mitre Peak I**
Coastal Permit	**APP-20262029**	**AUTH-20191120**
Vessel size	Length: 24 m Beam: 7.2 m Height: 5.7 m	Length: 18.3 m Beam: 5.76 m Height: 5.56 m
Passenger numbers	154 (including crew)	64 (including crew)
Configuration	Twin shaft fixed pitch, 686 kW	Single shaft fixed pitch, 492 kW
Source sound level re 1µ Pa @ 1 m	160 – 170 dB	160 – 170 dB
Drive engine	Similar to MV Mitre Peak II: Two Scania DI 13 078M (each 500 hp @ 2100 rpm)	Single Scania DI 13 077M (700 hp @ 2300 rpm)
Aux engine	Similar to MV Mitre Peak II: Single Kohler (12 kVA)	Two Lombardini (12 kVA)

2.2.4 No other changes, from those authorised under current Coastal Permit AUTH-20191120 are proposed. All trips will continue to operate within the internal waters of Milford Sound, and the number of daily trips that are undertaken will continue to be restricted. No ancillary trips occur or are proposed (i.e. the use of tenders, kayaks, diving, or swimming). These details are set out in the table below:

Trip detail	(a) Seven trips per day from 1 October to 30 April; and (b) Three trips per day from 1 May to 30 September; and (c) No ancillary trips.

Speed	5 knots when: (a) within 200 metres of the shoreline; or (b) within 500 metres of a seal or penguin colony.
Landing on foreshore	No
Mooring or stopping	Not within 50 metres of fur seal or penguin colonies, or China Shops

2.2.5 The maps below depict the location of the proposal within the Fiordland Marine Area.



Figure 1: Topographic map of Milford Sound Piopiotahi depicting the State Highway 94 road end at Milford township and airport, and geographical features including Mitre Peak at the centre.



Figure 2: Map of Milford Sound Piopiotahi showing location of the commercial surface water activity (from application for resource consent).

2.3 Regional planning framework

2.3.1 A Coastal Permit for the activity is required under the Regional Coastal Plan (RCP).

2.3.2 An application for a Coastal Permit was lodged with Environment Southland in accordance with the requirements of the RCP (Attachment 1). I concur with the rule assessment. The applicable rule is Rule 16.2.1(8).

2.3.3 The activity was occurring on 18 July 2022, however it is proposed to increase the scale of the activity. Therefore Rule 16.2.1(8) applies, and the activity status is non-complying. Rule 16.2.1(8) states:

> *8 Unless provided for by Rules 16.2.1(1)-(7) above or otherwise specified in this Plan, it is a non-complying activity to undertake any commercial surface water activity (including ancillary activities) in the internal waters of Fiordland from Yates Point to Puysegur Point.*

2.3.3 Commercial Surface Water Activities are defined in the Regional Coastal Plan (RCP) as follows[1]:

Commercial Surface Water Activities - include any activities that involve the use of any ship less than 1000 gross registered tons where that ship has been offered or used for hire or reward, and includes commercial day trip activity and commercial back country activity but:

- does not include any activity for which a reasonable charge is made towards recovery of the reasonable expenses incurred in undertaking the activity; and,
- does not include a fishing boat, when its crew are engaged in the catching of quota and non quota fish and ancillary activities.

2.3.4 Chapter 16 is the key section of the RCP with regards to the application. This section sets out that adverse effects on the significant values of the Fiordland coastal environment shall be avoided until a review of long-term carrying capacity has been done. It also emphasises the importance of ongoing monitoring to assess the impact of surface water activities on visitor experience and the physical environment.

2.3.5 The application is for a non-complying activity. Council may only, in accordance with Section 104D, grant a resource consent for the activity if it is satisfied that the adverse effects of the activity are minor or the application is for an activity that will not be contrary to the objectives and policies of the relevant plan or proposed plan. If the application passes the "gateway" tests in Section 104D, under Section 104B the Council may grant or refuse consent for a non-complying activity, and if it grants the application, may impose conditions under Section 108 of the RMA.

2.4 Further information requested

2.4.1 Further information was requested from the applicant on 23 February 2026, and received on 16 March 2026 (Attachment 2).

2.4.2 The information requested was:

1. A navigational safety assessment, including an assessment of the Navigational Safety Bylaw; and

[1] Regional Coastal Plan for Southland – March 2013 – Appendices page 5

2. An assessment of underwater noise generated through use of the new vessel, and airborne noise generated through the maximum additional passengers proposed, in accordance with Policy 16.2.3 and Policy 16.2.8(7). Although the application included an acoustic assessment this was limited to airborne noise emitted by the proposed vessel.

2.5 Notification and submissions

2.5.1 The application was limited notified to Te Ao Mārama Inc, Fiordland Marine Guardians; and CRA8 Rock Lobster Industry Association Inc. on 1 April 2026, for the following reasons:

1. The activity's adverse effects are minor or more than minor (but are not less than minor) on the persons identified in the notification decision report; and
2. Written approval had not been received from all of the identified affected parties.

2.5.2 The above decision to limited notify the application was made under Section 95B and 95E of the RMA.

2.5.3 Three submissions were received. One of the submissions was received the day after submissions closed, and was accepted as a late submission. These are included in Attachment 3 and are summarised in the table below.

2.5.4 The following parties have indicated that they wish to be heard at the hearing:
1. Fiordland Marine Guardians; and
2. CRA8 Rock Lobster Industry Association Inc.

2.5.5 Te Ao Mārama Inc lodged a submission but does not wish to be heard at the hearing.

2.5.6 Written approval was provided with the application from the following parties:
1. Te Rūnanga o Makaawhio;
2. Department of Conservation; and
3. Milford Sound Tourism (MST).

Submitter	Position	Reasons	Decision Sought
Fiordland Marine Guardians (FMG)	Oppose	FMG advocated for Plan Change 5 to the Southland Regional Coastal Plan. In effect this plan change put a hold on expansion of the commercial tourist vessel fleet above that which lawfully existed in July 2022, including factors such as vessel numbers, vessel sizes and the level of vessel activity. Policy 16.2.2 is a strong policy which directs that the application be declined. Adverse effects are more than minor.	1. Decline, and 2. Progress assessment of the vessel carrying capacity of the Fiordland Marine Area at pace, to inform the new plan as soon as the legislative reform is complete

CRA8 Rock Lobster Industry Association Inc.	Oppose	Proposed vessel dimensions are incorrect in the application and notification recommendation report. Cumulative effects of the increased vessel size would not be less than minor. Key Policy 16.2.2 of the RCP requires a precautionary approach. To grant would be to set a precedent.	1. Decline, or 2. The application be deferred until the Regional Coastal Plan Review has been completed and carrying capacity limits for commercial surface water activities in Milford Sound/Piopiotahi have been established
Te Ao Mārama Inc. on behalf of Ōraka-Aparima Rūnaka	Neutral	Concerns in respect of the cumulative effects on the remoteness, wilderness, and intrinsic values of the discharge from vessels, the increasing size of vessels and their ability to traverse longer distances due to increasing technology. The Position Statement on Consent Term for Resource Consent Applications Regarding Coastal Permits, Land Use, & Commercial Surface Water Activities in Te Mimi O Tū Te Rakiwhānoa/Fiordland Coastal Marine Area, dated 3 April 2024, remains relevant and should be considered.	1. Consider and give appropriate weight to the Ngā Papatipu Rūnaka ki Murihiku position statement, 2. Have particular regard to the cumulative effects and cultural values identified in that statement, and 3. Reflect the intent of the position statement in any conditions of consent and ongoing management of the activity.

2.5.7 Submissions raised the following points:

1. Cumulative effects assessment is incorrect or incomplete. I consider cumulative effects further in section three of this report.

2. Two submitters assert that adverse effects are more than minor.

3. Te Ao Mārama Inc. in their submission sought that the Ngā Papatipu Rūnaka ki Murihiku position statement be given particular regard. I consider this further in section three.

4. Proposed vessel dimensions are correct in the application and notification recommendation report, however the percentage change was incorrectly calculated in part of the application and in the notification report. Two submitters identified this calculation error, and I accept this. The percentage change calculation by FMG is correct and the table from their submission is reproduced below:

Existing consent (Coastal Permit AUTH-20191120)	Proposed consent	Difference
Commercial day trips within Milford Sound. • Seven trips per day 1st October to 30 April. • Three trips per day 1 May to 30 September.	Commercial day trips within Milford Sound, • Seven trips per day 1st October to 30 April • Three trips per day 1 May to 30 September	No change
Vessel up to 18.3 m in length Note that Mitre Peak I has a: • beam of 5.76m • max. height above the water line of 5.56m	Vessel up to 24 m in length Proposed Mitre Peak III has a: • beam of 7.2 m • max. height above the waterline of 5.7m	+ 5.7 m in length (+31%) + 1.44 m beam (+25%) +0.14 m max. height (+2.5%)
Capacity for up to 64 passengers (including crew)	Capacity for up to 154 passengers (including crew)	+ 90 passengers (+141%)

2.5.8 Although the vessel size percentage change calculation was incorrect in section 5.2 of the application, this is correct in sect 7.3.1 and the dimensions are consistent throughout the application. I made an error in my notification recommendation by using the figures in section 5.2 of the application rather than checking the calculation.

2.5.9 I do not consider that the parties who have given written approval are unfairly disadvantaged. Written approvals outlined in 2.5.6 above were submitted within the lodged application. All parties identified as affected received the correct vessel dimensions. All parties who were served notice of the application have submitted.

3. Assessment

3.1 Statutory Considerations

3.1.1 Section 104 of the Act sets out the matters to be considered when assessing an application for a resource consent. Section 104(1) of the Resource Management Act 1991 states:

(1) When considering an application for a resource consent and any submission received, the consent authority must, subject to Part 2, have regard to:

(a) any actual and potential effects on the environment of allowing the activity; and

(ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and

(b) any relevant provisions of:

(i) a national environmental standard:

(ii) other regulations:

(iii) a national policy statement:

(v) a regional or proposed regional policy statement:

(vi) a plan or proposed plan; and

(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

3.1.2 Those matters which are relevant for this application are discussed in the following sections as follows:

1. Description of the receiving environment;
2. Assessment of the actual and potential effect of the activity on the environment;
3. Relevant provisions of the Regional Coastal Plan;
4. Relevant provisions of the Southland Regional Policy Statement;
5. Relevant provisions of the New Zealand Coastal Policy Statement;
6. Part 2 of the RMA.

3.1.3 Sections 104B, 108, and 108AA, provide that consent may be granted subject to conditions and sets out the kind of conditions that may be imposed.

3.1.4 All considerations are subject to Part 2 of the RMA, which sets out the purpose and principles that guide this legislation.

3.1.5 In paragraphs 70 to 75 of *R J Davidson Family Trust v Marlborough District Council [2018] NZCA 316*, the Court of Appeal discussed the application of Part 2 of the RMA, with regard to the earlier Supreme Court decision, *Environmental Defence Society Inc v The New Zealand King Salmon Co Ltd [2014] NZSC 38*. The Court of Appeal noted that under Section 104, the "statutory language plainly contemplates direct consideration of Part 2 matters". The Court also noted that plans made by local authorities may not necessarily reflect the provisions of Part 2 of the Act. The following is from paragraphs 74 and 75 of the R J Davidson Family Trust decision:

> *"If it is clear that a plan has been prepared having regard to pt 2 and with a coherent set of policies designed to achieve clear environmental outcomes, the result of a genuine process that has regard to those policies in accordance with s 104(1) should be to implement those policies in evaluating a resource consent application. Reference to pt 2 in such a case would likely not add anything. It could not justify an outcome contrary to the thrust of the policies. Equally, if it appears the plan has not been prepared in a manner that appropriately reflects the provisions of pt 2, that will be a case where the consent authority will be required to give emphasis to pt 2.*
>
> *If a plan that has been competently prepared under the Act it may be that in many cases the consent authority will feel assured in taking the view that there is no need to refer to pt 2 because doing so would not add anything to the evaluative exercise. Absent such assurance, or if in doubt, it will be appropriate and necessary to do so. That is the implication of the words "subject to Part 2" in s 104(1), the statement of the Act's purpose in s 5, and the mandatory, albeit general, language of ss 6, 7 and 8."*

3.1.6 I consider that the regional policy statement and the regional plans have been developed in accordance with the purpose of the Resource Management Act. However, the Regional Coastal Plan predates the New Zealand Coastal Policy Statement so there may be inconsistencies that warrant reference to Part 2 of the RMA for clarification.

3.2 Description of the affected environment

3.2.1 The applicant holds Coastal Permits for commercial surface water activities in Milford Sound with the vessels MV Mitre Peak I and MV Mitre Peak II, under Coastal Permits AUTH-20191120 (expiring 30 October 2029) and AUTH-20242682 (expiring 11 February 2030). The MV Mitre Peak I is nearing 26 years old.

3.2.2 Milford Sound is popular because it is one of the most easily accessible fiords in New Zealand. There is a wharf with berths, moorings, and a public boat ramp at Deepwater Basin, near Milford township. A significant fishing fleet, and a significant tourism fleet operate out of Milford Sound.

3.2.3 Despite the volume and frequency of vessels operating in Milford Sound, it retains high natural and remoteness values due to the steep mountains covered with native bush surrounding the fiord. Milford Sound also includes the Piopiotahi marine reserve.

3.2.4 Land adjoining Fiordland is within Fiordland National Park, our largest national park in New Zealand, and a designated UNESCO World Heritage Site of international significance and outstanding natural beauty. Fiordland National Park land is managed by the Department of Conservation.

3.2.5 Milford Sound has a long European and Māori cultural history. Māori frequented Milford Sound for the greenstone / bowenite deposit at Anita Bay, which is at the mouth of the fiord to the open sea. There are many recorded archaeological find sites in the wider Milford and Fiordland area, and the area is subject of a statutory acknowledgement under the Ngāi Tahu Claims Settlement Act.

3.2.6 Te Mimi O Tū Te Rakiwhānoa - Fiordland Coastal Marine Area is subject of a Statutory Acknowledgement under Schedule 102 of the Ngāi Tahu Claims Settlement Act 1998. This reflects the importance of the area to Ngāi Tahu. Traditional creation stories describe the landscape features: The Fiordland area represents, in tradition, the raised up sides of Te Waka o Aoraki, after it foundered on a submerged reef and its occupants, Aoraki and his brothers, were turned to stone.

3.2.7 A sea route around the Fiords links Piopiotahi (Milford Sound) to Murihiku and was the main route by which the koko-takiwai gathered from that end of the Fiords was transported. There are many recorded archaeological find sites within Fiordland.

3.2.8 Te Ao Mārama Inc. has made a neutral submission behalf of Te Rūnaka o Ōraka Aparima. Te Rūnanga o Makaawhio has provided affected party approval.

3.2.9 Te Tangi a Tauira – Iwi Management Plan identifies key management issues for Ngāi Tahu ki Murihiku in Fiordland as: visitor management (recreation, tourism, and concessions); natural resource use (hydro electric power development); protection of wilderness areas; species recovery; and customary use of culturally important resources on conservation land.

3.3 Actual and potential effects on the environment

Effects that may be disregarded (Section 104(2))

3.3.2 Effects that may be disregarded include an adverse effect of an activity on the environment if a national environmental standard or the plan permits an activity with that effect.

3.3.3 No adverse effects have been disregarded. Commercial surface water activities are not able to be undertaken within Milford Sound as a permitted activity under the Regional Coastal Plan, other than the restrictive Rule 16.2.1(6) which provides for activities for the purpose of:

- performing a statutory function of a central or local government agency, or statutory body; and
- undertaking the cleanup, removal and disposal of any oil/diesel spill, contaminants, unwanted organisms, rubbish and unlawful structures.

Effects to be considered (Section 104(1)(a))

3.3.4 Adverse effects of the proposed activities are considered in turn in this section. The application includes an assessment of effects and I generally agree with that assessment.

3.3.5 Policy 16.2.2 identifies the values of the Fiordland coastal environment as:

1. Outstanding natural character values, including wild and scenic values and outstanding naturalness; outstanding landscape and natural feature values;
2. Amenity values;
3. Significant habitats of indigenous fauna, significant indigenous vegetation and indigenous biological diversity (including marine reserves and habitat of the protected black coral, marine mammals and sea birds);
4. Spiritual and cultural values, relationships, and beliefs of tangata whenua;
5. Ngāi Tahu customary use; taonga species present; and
6. Wilderness, remoteness and tranquillity values;

3.3.6 The effects considered in this section have taken into account the list within Policy 16.2.2 and are grouped as follows:

1. Natural character, wildness, naturalness, landscape values;
2. Amenity, wilderness, remoteness, tranquillity values;
3. Spiritual and cultural values, relationships, beliefs of tangata whenua, taonga species;
4. Habitats of indigenous fauna, indigenous vegetation, biodiversity;
5. Cumulative effects

Natural character, wildness, naturalness, landscape values

3.3.7 Milford Sound is noted within Regional Coastal Plan (RCP) Appendix 4 Landscape Unit 20: Fiords. Milford is allocated a high Naturalness Rating of 4+ on a scale of 1 to 5, where 5 is characterised as a natural environment with high inherent value and where original characteristics of the landscape are still completely intact. The following is noted in the RCP for Milford:

1. Distinctive features:

- Due to Milford's spectacular glaciated landforms, immense sense of scale, and wilderness qualities makes this landscape unit the most distinctive in the whole of the Southland district.
- The only Sound that has direct road access.
- Milford is an international tourist destination.

2. Cultural elements:
   - SH 94 road end.
   - Tourist facilities and infrastructure.
   - Fishing facilities.
   - Airport
3. Potential activities that could adversely affect natural character:
   - Loss of forest health and overall environmental quality.
   - Any tourism development outside the existing facilities zone.
   - Unsympathetic siting of structures and installations in visually sensitive areas, e.g. skylines, ridgelines, shorelines and bush lines.
   - Any infestations of weed species.
   - Uncontrolled development of a tourist servicing zone.

3.3.8 Milford Sound is a tourist destination and has established transport and hospitality infrastructure to support this. Located near to the tourist and transportation infrastructure are facilities for commercial fishing and private recreational use. Vessels within the Sound include other commercial operators, private recreational vessels, fishing vessels, and occasional visiting cruise ships of 100 – 200 metres in length.

3.3.9 Adverse effects on natural character may include changes caused by wake, noise, spread of pest species, and adverse effects on habitat. The RCP Landscape Unit identifies activities that could adversely affect natural character. Using this as a guide for assessment: the proposal would not affect forest health as it does not involve contact with land other than established wharves; no tourism development outside of the existing facilities or change to trip route is proposed; no structures or installations are proposed; pest plant and animal control to prevent any spread is proposed; and the application does not represent uncontrolled development of a tourist servicing zone. Potential adverse effects on natural character have been identified in the application, consent conditions are proposed that would ensure effects on natural character are avoided or minimised, and I accept these.

3.3.10 The proposal represents an increase in scale, as the new vessel subject of this application will be larger and have greater passenger capacity, compared to the vessel size specified in the applicant's permit AUTH-20191120. The application also seeks a longer consent duration than that of AUTH-20191120 which is due to expire in four years on 30 October 2029.

3.3.11 The application states that although there is a proposed increase in vessel size, "the difference in scale is still overwhelmingly dwarfed by the scale of the landscape and the different bulk/scale can still be comfortably absorbed into the environment of Milford Sound.

3.3.12 "Further, the proposed vessel will be comparably smaller than many of the vessels that enter into and which operate within Milford Sound and therefore the change in scale will not be readily perceptible to visitors so as to detract from the limited wilderness/remoteness values that exist in Milford Sound."

3.3.13 I agree with the applicant's assessment and note that no other aspects of the proposal will adversely affect these values. The proposed new vessel, although larger, will not have more than minor adverse effects on natural character, wildness, naturalness, landscape values.

Amenity, wilderness, remoteness, tranquillity values

3.3.14 The current level of amenity, wilderness, remoteness, and tranquillity values include the settlement of Milford and vessel movements through the Sound. The existing environment includes visiting cruise ships of 100 – 200 metres in length, and private recreational and fishing vessels.

3.3.15 Adverse effects on amenity, wilderness, remoteness, and tranquillity values include inappropriate waste management, public access, navigational safety, noise pollution, and cumulative effects.

Waste management and discharges

3.3.3 All rubbish generated on board the vessel will be stored on the vessel and transferred to shore. Similarly, all wastewater will be retained on the vessel and discharged to an appropriate facility when moored. Conditions for these waste management processes have been volunteered

3.3.4 Waste management would be in accordance with permitted activity requirements.

Public access and navigational safety

3.3.5 Adverse effects on navigational safety may include inappropriate route planning obstructing safe navigation, and improper maintenance of a vessel resulting in it becoming unsafe and posing a risk to other ships and structures.

3.3.6 The application proposes to continue the routes and trip numbers currently consented. There are no recorded complaints or compliance action regarding the current route or trip frequency, suggesting that this is appropriate.

3.3.7 Poorly maintained vessels could pose a threat to navigational safety. The applicant has kept their vessels in good repair. Although there are no recorded complaints or compliance action regarding the state of repair for any of the applicant's vessels, a condition requiring that the vessel be well maintained would ensure this practise continues.

3.3.8 The proposal is for a larger vessel with greater passenger capacity, which will provide greater access to Milford Sound for the applicant's customers. The new MV Mitre Peak III would have a larger indoor space providing greater shelter to passengers, and therefore potentially providing access to Milford Piopiotahi to more people.

3.3.9 The Harbourmaster has reviewed the application and does not have any significant concerns regarding navigational safety[2].

3.3.10 CRA8 Rock Lobster Industry Association Inc. were identified as an affected party to the proposal as representatives of a fishermen's association, as the application site is frequently

[2] Technical comment, Environment Southland file reference: A1420940

navigated (Policy 11.7.7.2). CRA8 submitted on the application though has not raised concerns with the proposed route or trip frequency, access, or navigation safety.

3.3.11 Fiordland Marine Guardians submit that the proposal risks undermining the goals of the RCP with respect to public access, navigational safety and environmental values[3].

3.3.12 For the reasons discussed earlier in this section, I consider that the significance of adverse effects on public access and navigation safety is less than minor.

Vessel movements

3.3.13 The vessel speed and number of trips proposed is unchanged from that specified in their current permit. Speed is limited to mitigate adverse effects on amenity and tranquillity values, other users, and fauna and their habitat:

- Seven trips per day from 1 October to 30 April; and
- Three trips per day from 1 May to 30 September.

3.3.14 The level of trip activity proposed is no greater than currently exists under Coastal Permit AUTH-20191120.

3.3.15 Mitre Peak Cruises Limited presently has berthing space for their vessels in Freshwater Basin at Milford. The application states that the new vessel will occupy one of these berths, or alternatively the applicant may seek consent for an alternative mooring in the future. Depending on location selected, moorings can be installed in some parts of Fiordland as a permitted activity.

Noise

3.3.16 Sources of noise are the vessel engine, passengers, and tour guide commentary.

	MV Mitre Peak III (new)	**MV Mitre Peak I (permitted under AUTH-20191120)**
Vessel size	Length: 24 m Beam: 7.2 m Height: 5.7 m	Length: 18.3 m Beam: 5.76 m Height: 5.56 m
Passenger numbers	154 (including crew)	64 (including crew)
Configuration	Twin shaft fixed pitch, 686 kW	Single shaft fixed pitch, 492 kW
Source sound level re 1µ Pa @ 1 m	160 – 170 dB	160 – 170 dB
Drive engine	Similar to MV Mitre Peak II: Two Scania DI 13 078M (each 500 hp @ 2100 rpm)	Single Scania DI 13 077M (700 hp @ 2300 rpm)
Aux engine	Similar to MV Mitre Peak II: Single Kohler (12 kVA)	Two Lombardini (12 kVA)

[3] Final paragraph of page one of the submission by FMG.

3.3.17 The new vessel, MV Mitre Peak III, will be operating the same engine and drivetrain as currently contained in MV Mitre Peak II. Further, the compartments would likely be newer and more efficient.

3.3.18 Underwater noise from vessels can cause behavioural disturbance or avoidance reactions in marine species, mask acoustic vocalisations and communication, and in extreme cases, cause physiological harm. The technical assessment[4] concludes that the "relative difference between all three vessels is predicted to be no more than 2 dB, which is considered small and within typical measurement uncertainties if underwater sound source level measurements were undertaken."

3.3.19 Noise from the increased passenger numbers has been assessed as no noticeable increase in noise. The technical noise assessment provided notes that while the specific detail of any loudspeakers used for commentary is not yet available, it is likely to be a distributed array with smaller loudspeakers to reduce noise emissions[5].

3.3.20 Noise emitted by the new vessel while in motion at the surface and underwater will be similar to noise emitted by the current vessel, and within requirements of the permitted activity Rule 5.3.6 of the RCP.

3.3.21 Noise levels would not be greater than the permitted activity baseline set in Rules 5.3.4 and 5.3.6 of the RCP, and not noticeably greater than that allowed under the applicant's Coastal Permit proposed to be replaced. This is confirmed in technical assessments provided with the application, and I accept that assessment.

3.3.22 The applicant's current Coastal Permit (AUTH-20191120) was granted before the provisions of Chapter 16 of the RCP were enacted. The Permit contains a condition requiring that the activity meets the noise standards of Rules 5.3.4 and 5.3.6 of the RCP if a new vessel is to be used. This suggests that a new vessel to replace the Applicant's current vessel was anticipated within the term of consent. The condition states:

> *11. If any new or other vessel, or tender craft is used in the exercise of this consent, or if any alterations to the engine(s) of the vessel or tender craft occur during the exercise of this consent:*
>
> *(a) The Consent Holder shall provide to the Southland Regional Council evidence that this activity can meet the noise standards of Rules 5.3.4 and 5.3.6 in the Regional Coastal Plan for Southland 2013 (or the relevant standards in any subsequent version), in accordance with the provisions of NZS 6801:1991 "Measurement of Sound" and NZS 6802:1991 "Assessment of Environmental Sound".*
>
> *(b) Evidence required by Condition 11(a) shall be provided to Council, in writing, within 20 working days of the first use of the new or altered vessel under this consent.*

<u>Habitats of indigenous fauna, indigenous vegetation, biodiversity</u>

[4] Tonkin + Taylor, Underwater noise comparison: Mitre Peak III (proposed) vs existing vessels, dated 16 March 2026, Environment Southland file reference: A1446332

[5] Acoustic Engineering Services assessment, dated 6 March 2026, Environment Southland file reference: A1446328

3.3.23 Adverse effects on habitats of indigenous fauna (including taonga species), indigenous vegetation and biological diversity values can be caused by inappropriate trip routes, pest management, noise, or waste discharges. Noise effects and waste discharges have been considered in the section above.

Trip routes

3.3.24 The route location is not proposed to change from the current operation. Trips do not include contact with land other than at existing infrastructure at Milford and the underwater observatory (currently closed), nor ancillary trips (i.e. use of tenders, kayaks, diving or swimming).

3.3.25 Pest animals can stow away onboard vessels and pose a risk to predator free islands. As no contact with land or ancillary trips are proposed, this risk has been minimised.

3.3.26 Milford Sound Piopiotahi Marine Reserve covers an area of 690 hectares along the northern side of Milford Sound, from the head of the Sound to Dale Point. The operation will traverse through the water in or near the Piopiotahi Marine Reserve, however it will not conflict with the provisions of the Marine Reserves Act 1971. The Reserves Act prohibits fishing and disturbing marine life, and restricts anchoring, which does not conflict with the proposal.

3.3.27 Vessel speed and minimum distance to sensitive areas (including penguin and fur seal colonies) would be conditioned to reduce the risk of wake and noise disturbance of these areas. These conditions are in place on the applicant's existing Coastal Permit and no problems with these have been identified and recorded in the applicant's compliance record.

Pest management

3.3.28 The Fiordland Marine Regional Pathway Plan developed by Environment Southland incorporates rules for cleaning vessels, equipment, and residual seawater to minimise the risk of pest species introduction to Fiordland marine area. This requires all companies operating vessels in Fiordland to hold a "Clean Vessel Pass". This includes procedures for when the vessel enters or re-enters Fiordland marine area.

3.3.29 Biosecurity and pest management procedures are required in standard consent conditions. These include inspection, traps, and cleaning to monitor and mitigate the risk of marine and land-based pest spread.

3.3.30 By avoiding contact with land within Fiordland National Park, the risk of introduction of pest species and harm to vegetation and habitat is minimised.

3.3.31 The risk of pest plant or animal introduction and spread would be minimised.

Marine fauna and their habitat

3.3.32 Milford Sound is up to 400 metres deep and 27 metres deep at the mouth of the Sound. Underwater ecosystems are not likely to be directly affected by use of the new vessel as the vessel draft is shallow (less than two metres).

3.3.33 Wake would be controlled through conditions of consent limiting vessel speed to 5 knots when within 200 metres of the shore and 500 metres of a seal or penguin colony. These conditions

are in place on the applicant's existing Coastal Permit and no problems with these have been identified and recorded in the applicant's compliance record.

3.3.34 The Department of Conservation – Te Papa Atawhai is best able to assess effects of commercial surface water activities on marine fauna and their habitat. Affected party approval has been received from the Department of Conservation – Te Papa Atawhai.

3.3.35 A Department of Conservation Marine Mammal Viewing Permit was approved on 1 August 2024 for the applicant's current operation. The application acknowledges that changes to the permit will be required for use of the MV Mitre Peak III, and if granted, the applicant intends to apply to the Department of Conservation for a new Marine Mammal Viewing Permit specifically for the new vessel MV Mitre Peak III.

3.3.36 Noise is considered earlier in this section.

3.3.37 The proposed new vessel and additional passengers would not have more than minor adverse effect on indigenous fauna, their habitats, indigenous vegetation, or biodiversity.

Spiritual and cultural values, relationships, beliefs of tangata whenua, taonga species

3.3.3 The site is located within the Tū Te Rakiwhānoa (Fiordland Coastal Marine Area) which is subject of a Statutory Acknowledgement under Schedule 102 of the Ngāi Tahu Claims Settlement Act 1998. Further, the subject site is within an area where Te Runanga o Ngāi Tahu on behalf of Ngāi Tahu Whānui is seeking customary marine title.

3.3.4 Adverse effects of commercial surface water activities on cultural and heritage values may include disturbance of archaeological, historical, and cultural sites, taonga species.

3.3.5 Papatipu Rūnaka ki Murihiku concerns are set out in the position statement provided with the submission by Te Ao Marama Inc are summarised as:

1 Preference for a five-year consent term,
2 Concerns relating to the impact of landing and the increase in visitor numbers exploring within Fiordland National Park including cumulative effects, and
3 Concerns related to the potential for future increases in structures, vessels and associated craft, discharges, and the ability for vessels to traverse longer distances.

3.3.3 The applicant acknowledges the preference for a five-year consent term and has applied for a term of ten years. I have considered consent duration in section 4 of this report.

3.3.4 There are recorded archaeological find sites throughout Fiordland, including within the vicinity of the site subject to this application. The proposal does not involve contact with land, nor ancillary trips with smaller vessels (such as kayaks), and conditions of consent would support these limits. Disturbance of known or unrecorded sites and on taonga land-based species during the exercise of the proposed activity is avoided.

3.3.5 The vessel noise and speed would be controlled through conditions of consent. A technical noise assessment provided by the applicant includes an assessment of underwater noise provides some certainty that noise emissions would not increase significantly, and may be lower than assessed as newer engine equipment is likely to be more efficient than that currently used by the applicant.

3.3.6 No change to the applicant's route (including speed and proximity to sensitive habitats), trip frequency, or waste management as authorised under the current permit is proposed. No landing, discharges, or structures are proposed in this application.

3.3.7 Effects on taonga species are largely considered in the indigenous fauna and flora assessment earlier in this section. Further consideration of marine species including taonga species will be made by the Department of Conservation when the applicant applies for a revised Marine Mammal Viewing Permit.

3.3.8 Potential effects of the larger vessel on cultural landscapes and on taonga species is not addressed specifically in the submission by Te Ao Mārama Inc. I have considered the submission and Te Tangi a Tauira – Iwi Management Plan further in section 3.11.

Cumulative effects

3.3.3 Effects include cumulative effects, defined in Section 3 of the RMA as an effect that 'arises over time or in combination with other effects'. The subject proposal may result in cumulative effects on noise and landscape from the use of a larger vessel and additional passenger numbers.

3.3.4 The noise assessment included a technical assessment of the engine noise above and below water, and the additional passenger noise. The underwater noise assessment by Tonkin + Taylor concluded that, in terms of expected underwater radiated noise, there would be no material increase relative to the existing fleet.

3.3.5 The assessments by Acoustic Engineering Services concludes that engine and people noise would likely be within the permitted activity threshold of Rules 5.3.4 and 5.3.6 of the RCP. In my view cumulative adverse noise effects would be less than minor and within the limit set in the permitted activity rules.

3.3.6 The applicant's assessment is that while there is an incremental increase in the scale of the vessel, it will remain subservient to the vast landscape and other vessels operating in the sound. I agree with that statement.

3.3.3 The length of the vessel should be considered against the existing environment, which includes existing development and other users of Milford Sound. Vessels of a similar type and used for similar activities within Milford Sound that hold a Coastal Permit are between 11.9 and 40 metres in length, with an average of 25.6 and median of 25 metres[6] in length. Data on vessel height and width for these vessels was not able to be obtained. I consider that a vessel of less than the average or median length may be perceived as similar and may not be discernible within the wider expansive Milford Sound landscape, when compared to the existing vessel of 18.3 metres.

3.3.4 It is proposed to surrender the existing Coastal Permit AUTH-20191120, which would mean that no additional vessel is proposed.

[6] Attachment 5:

3.3.5 Policy direction given by the Regional Coastal Plan Policy 16.2.8 (4) identifies cumulative effects as including 'increasing number of ships and structures and concentration of these'. The proposal does not include these.

3.3.6

3.3.7 Cumulative effects

Effects conclusion

3.3.8 Provided the mitigations described in the application and proposed in permit conditions are adhered to, adverse effects of the proposed activities would not be more than minor.

3.4 Part 2 of the Resource Management Act 1991

3.4.1 All considerations are subject to Part 2 of the RMA, which sets out the purpose and principles that guide this legislation. This means that the matters in Part 2 prevail over other provisions of the RMA or provisions in planning instruments in the event of a conflict. Section 5 states the purpose of the RMA and sections 6, 7 and 8 are principles intended to provide additional guidance as to the way in which the purpose is to be achieved.

3.4.2 The application of Section 5 involves an overall broad judgement of whether a proposal will promote the sustainable management of natural and physical resources. The enabling and managing functions found in s5(2) should be considered of equal importance and taken as a whole. Sections 6,7 and 8 provide further context and guidance to the constraints found in s5(2) (a) (b) and (c). The commencing words to these sections differ, thereby establishing the relative weight to be given to each section.

3.4.3 In relation to the matters outlined in Section 5 it is considered that this application is consistent with the purpose and the principles of the Act, as set out in Section 5. This is the promotion of the sustainable management of natural and physical resources. The proposed activities will have no more than minor adverse effects on the ability of the receiving environment to meet the reasonably foreseeable needs of future generations, or on the life-supporting capacity of the land or any ecosystem associated with it. Proposed consent conditions will ensure that any potential adverse effects of the activities will be avoided, remedied or mitigated.

3.4.4 Section 6 lists matters of national importance that must be recognised and provided for. Of those, Section 6(d), the maintenance and enhancement of public access to and along the coastal marine area, is particularly important in this instance. The additional indoor passenger capacity on the proposed vessel would increase public access when compared to the applicant's currently authorised vessel. Section 6(e), the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga, is also of particular relevance. The submission by Te Ao Mārama Inc seeks that the consent decision give weight to their submission and to the position statement provided with their submission.

3.4.5 With regard to Section 7, (a) kaitiakitanga, (aa) the ethic of stewardship, (c) the maintenance and enhancement of amenity values, and (d), intrinsic values of ecosystems, are particularly relevant.

3.4.6 With regard to Section 8 and several identified clauses above, I note that the applicant consulted with Te Rūnanga o Ngāi Tahu and Te Rūnanga o Makaawhio prior to lodging the application, and Te Rūnanga o Makaawhio has provided their written approval and Te Ao Mārama Inc. has submitted on the application.

3.4.7 Overall, the application is considered to meet the relevant provisions of Part 2 of the RMA as the proposal generally achieves the purpose of the RMA which is the sustainable management of natural and physical resources.

3.5 Actual and potential effects (Section 104(1)(a))

3.5.1 The actual and potential effects of the proposed activities were considered earlier in this report. Recommended conditions of consent will ensure that adverse effects are avoided, remedied or mitigated.

3.6 Relevant provisions of national environmental standards and other regulations (Section 104(1)(b)(i) and (ii))

3.6.1 There are no national environmental standards or other regulations that apply to the determination of the proposed activities.

3.7 Relevant provisions of national policy statements (Section 104(1)(b)(iii))

3.7.1 The activities are within the coastal marine area, so the New Zealand Coastal Policy Statement applies. As that is listed separately in s104(1) from other national policy statements, it is discussed in the following section.

3.8 Relevant provisions of the New Zealand Coastal Policy Statement (Section 104(1)(b)(iv))

New Zealand Coastal Policy Statement 2010 (NZCPS)

3.8.1 The following are the key provisions of the New Zealand Coastal Policy Statement 2010 with regard to the determination of this application. In some cases, the policies are long and include a lot of subsections of little direct relevance to the proposal, so I have abbreviated those policies to the most directly relevant sections:

Objective 2 *To preserve the natural character of the coastal environment and protect natural features and landscape values through:*
• recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution;
• identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities; and
• encouraging restoration of the coastal environment.

Objective 3: *To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by:*
• recognising the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources;
• promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act;
• incorporating mātauranga Māori into sustainable management practices; and

• *recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua.*

Objective 6 — *To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, ..*

Policy 1 — *Extent and characteristics of the coastal environment*

Policy 2 — *In taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), and kaitiakitanga, in relation to the coastal environment:*

Policy 3 — *(1) Adopt a precautionary approach towards proposed activities whose effects on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse.*
(2) In particular, adopt a precautionary approach to use and management of coastal resources potentially vulnerable to effects from climate change, so that:

- *(a) avoidable social and economic loss and harm to communities does not occur;*
- *(b) natural adjustments for coastal processes, natural defences, ecosystems, habitat and species are allowed to occur; and*
- *(c) the natural character, public access, amenity and other values of the coastal environment meet the needs of future generations.*

Policy 6 — *(1) In relation to the coastal environment:*

- *(a) …*
- *(b) …*
- *(c) …*
- *(d) …*
- *(e) …*
- *(f) …;*
- *(g) …*
- *(h) consider how adverse visual impacts of development can be avoided in areas sensitive to such effects, such as headlands and prominent ridgelines, and as far as practicable and reasonable apply controls or conditions to avoid those effects;*
- *(i) …*
- *(j) where appropriate, buffer areas and sites of significant indigenous biological diversity, or historic heritage value.*

(2) Additionally, in relation to the coastal marine area:

- *(a) recognise potential contributions to the social, economic and cultural wellbeing of people and communities from use and development of the coastal marine area, including the potential for renewable marine energy to contribute to meeting the energy needs of future generations;*
- *(b) recognise the need to maintain and enhance the public open space and recreation qualities and values of the coastal marine area;*

(c) recognise that there are activities that have a functional need to be located in the coastal marine area, and provide for those activities in appropriate places;

(d) …

(e) ...

Policy 11 *To protect indigenous biological diversity in the coastal environment*

Policy 12 *Harmful aquatic organisms*

Policy 13 *Preservation of natural character*

(1) To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:

(a) Avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character.

…

(2) Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:

(a) natural elements, processes and patterns;

(b) biophysical, ecological, geological and geomorphological aspects;

(c) natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;

(d) the natural movement of water and sediment;

(e) the natural darkness of the night sky;

(f) places or areas that are wild or scenic;

(g) a range of natural character from pristine to modified; and

(h) experiential attributes, including the sounds and smell of the sea; and their context or setting.

Policy 15 *To protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development:*

(a) avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment; and

(b) avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment; ..

including by:

(c) identifying and assessing the natural features and natural landscapes of the coastal environment of the region or district, at minimum by land typing, soil characterisation and landscape characterisation and having regard to:

(i) natural science factors, including geological, topographical, ecological and dynamic components;

(ii) the presence of water including in seas, lakes, rivers and streams;

(iii) legibility or expressiveness—how obviously the feature or landscape demonstrates its formative processes;

(iv) aesthetic values including memorability and naturalness;

(v) vegetation (native and exotic);

(vi) transient values, including presence of wildlife or other values at certain times of the day or year;

(vii) whether the values are shared and recognised;
(viii) cultural and spiritual values for tangata whenua, identified by working, as far as practicable, in accordance with tikanga Māori; including their expression as cultural landscapes and features;
(ix) historical and heritage associations; and
(x) wild or scenic values;

(d) ensuring that regional policy statements, and plans, map or otherwise identify areas where the protection of natural features and natural landscapes requires objectives, policies and rules; and

(e) including the objectives, policies and rules required by (d) in plans.

Comment

3.8.2 Policies 13 and 15 are for the protection and preservation of natural character and natural features and landscapes, and are directive 'avoid' policies.

3.8.3 The proposal is consistent with Policy 13 and would not adversely affect natural character. The existing consent conditions restrict speed and prevent landing, which minimises the risk of wake effects and fossicking resulting in degradation of natural character.

3.8.4 Policy 15(a) directs that adverse effects on outstanding natural features and outstanding natural landscapes are avoided. The proposal would not result in a permanent change to the outstanding natural features or landscapes, though it is an activity that moves through these features.

3.8.5 The remainder of Policy 15 (b) – (e) is in regard to situations where the natural features and landscapes are not considered outstanding, identifying and assessing natural features and landscapes, and developing provisions in regional planning documents. The proposal is inconsistent with part of Policy 15.

3.8.6 Policy 2 supports consideration of Te Tangi a Tauira, the iwi resource management plan for Murihiku. This is discussed further in section 3.11 below.

3.8.7 Policy 3 directs that a precautionary approach is appropriate when the effects of a proposed activity are uncertain and potentially significantly adverse. In this instance, effects are generally understood, and the likelihood and impact of potential adverse effects is not highly likely and not of a large scale, therefore cannot be considered significant. Although not directly applicable due to the significance of the adverse effects, a precautionary approach is relevant.

3.8.8 Objective 6, and Policy 6(2) recognise that the proposal contributes to the social, economic and cultural wellbeing of people and community.

3.8.9 The proposal is not inconsistent with the New Zealand Coastal Policy Statement.

3.9 Relevant provisions of the Southland Regional Policy Statement 2017 (Section 104(1)(b)(v))

Southland Regional Policy Statement 2017 (SRPS)

3.9.1 The following objectives and policies in the Southland Regional Policy Statement 2017 (SRPS) are of particular relevance to this application:

Objective COAST.2 *Infrastructure, ports, energy projects, aquaculture, mineral extraction activities, subdivision, use and development in the coastal environment are provided for and able to expand, where appropriate, while managing the adverse effects of those activities.*

Objective COAST.3 *Coastal water quality and ecosystems are maintained or enhanced*

Objective COAST.4 *The natural character of the coastal environment is restored, rehabilitated or preserved.*

Policy COAST.2 *Ensure adequate measures or methods are utilised within the coastal environment when making provision for subdivision, use and development to:*

(a) protect indigenous biodiversity, historic heritage, natural character, and natural features and landscape values;
(b) maintain or enhance amenity, social, intrinsic, ecological and cultural values, landscapes of cultural significance to tangata whenua and coastal dune systems;
(c) maintain or enhance public access; and
(d) avoid or mitigate the impacts of natural hazards, including predicted sea level rise and climate change.

Policy COAST.3 *Ensure that subdivision, use and development activities:*

(a) avoid adverse effects on areas of outstanding natural features and landscapes, and/or outstanding natural character;
(b) avoid significant adverse effects, and avoid, remedy or mitigate other adverse effects on other natural features and landscapes and/or natural character in the coastal environment; ..

Policy COAST.7 *Within the coastal marine area, provide a framework to avoid or mitigate adverse effects on the coastal environment for the following activities:*

(a) the allocation, use and occupation of coastal space;
(b) the use and development of the natural and physical resources of the coastal marine area;
(c) the emission of noise;
(d) commercial activities on the water and on the foreshore and seabed.

Policy LNF.4 *Local authorities shall protect outstanding natural features and landscapes from inappropriate subdivision, use and development by having regard to the following:*

(a) whether the adverse effects of inappropriate activities on outstanding natural features and landscapes are avoided;
(b) the extent to which the outstanding natural feature or landscape would be modified or damaged including duration, frequency, magnitude or scale of any effect;
(c) the irreversibility of adverse effects on outstanding natural features or landscape values;
(d) the resilience of the outstanding natural feature or landscape to change;
(e) opportunities to remedy or mitigate previous adverse effects on the outstanding natural feature or landscape;

(f) whether the activity will lead to cumulative adverse effects on the outstanding natural feature or landscape;
(g) the relationship of the landscape to the surrounding environment.

Policy TW.3 *Take iwi management plans into account within local authority resource management decision making processes.*

Comment

3.9.2 The proposal is generally consistent with the Coast and Natural Features and Landscapes sections of the SRPS.

3.9.3 Policy LNF.4 sets matters to have regard to. In particular, the matters include whether adverse effects are avoided, the extent to which the outstanding natural feature or landscape is modified or damaged, whether adverse effects are irreversible, and whether the activity will lead to cumulative effects. It is worth noting that the proposal includes passage of a vessel through a landscape, no damage or modification to any features or landscapes is proposed, and no effects identified would be permanent.

3.9.4 The provisions of Te Tangi a Tauira – Iwi Management Plan are considered in this report in accordance with Policy TW.3.

3.10 Relevant provisions of the relevant regional plan objectives, policies and rules (Section 104(1)(b)(v))

Regional Coastal Plan for Southland 2013 (RCP)

3.10.1 I consider that the following provisions of the RCP are relevant to the determination of this application.

Concentration of activities

Objective 4.6.1 *To protect areas free from use and development by seeking, wherever practicable, to concentrate use and development into areas where those activities are already taking place.*

Consultation

Objective 4.9.2 *To ensure that consultation takes place with affected adjacent landowners and the community in general.*

Policy 11.7.7.2 *Consultation with Fishermen's associations.*

General policies

Objective 4.7.1 Avoid, remedy or mitigate cumulative adverse effects.

Policy 4.7.1 To avoid, remedy or mitigate adverse cumulative effects of activities in the coastal marine area.

Policy 5.3.1 Protect amenity values of the coastal marine area.

Navigational safety

Policy 11.8.2 *Avoid any adverse effects from structures and activities on navigation safety.*

Public access

Objective 5.5.1 *Where appropriate, to maintain and enhance public access by suitable means to and along the coastal marine area.*

Policy 5.5.3 *Maintain and enhance public access to and along, the coast while having regard to the mode of access and the amenities of the area, unless a restriction on access is necessary to:*

a protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna; or
b protect Maori cultural values; or
c protect public health or safety; or
d ensure a level of security consistent with the purpose of a resource consent; or
e protect national security or the temporary use of an area for defence purposes; or
f protect heritage, natural or cultural values; or
g in other exceptional circumstances sufficient to justify the restriction notwithstanding the national importance of maintaining that access.

Policy 5.5.4 *The mode of access to and along the coast is to be appropriate to:*

a the functional needs of people using it;
b the ecosystems contained in the area;
c the physical characteristics of the area; and
d the well-being of people affected by it.

Positive effects

Objective 5.10.1 *To recognise the need for social and economic utilisation of the coastal marine area in a manner that enables people and communities to provide for their social, cultural and economic well-being and for their health and safety.*

Policy 5.10.1 *Recognise the importance of the coastal marine area for social, cultural and economic activities.*

Commercial surface water activities

Policy 16.2.1 *Recognise, identify and protect areas at risk of diminished natural character, landscape and amenity values*

a. recognise that natural character, landscape and amenity values are not uniform across all fiords and some areas are more vulnerable than others to the adverse effects of increased use; and
b. identify areas in the fiords where natural character, landscape and amenity values are vulnerable to the adverse effects of increased use.

Policy 16.2.2 *Avoid adverse effects on the international, national, and regionally significant values of the Fiordland coastal environment, by:*

1. *recognising that the international, national, and regionally significant values of the Fiordland coastal environment include:*
   a. *outstanding natural character values, including wild and scenic values and outstanding naturalness; outstanding landscape and natural feature values;*
   b. *amenity values;*
   c. *significant habitats of indigenous fauna, significant indigenous vegetation and indigenous biological diversity (including marine reserves and habitat of the protected black coral, marine mammals and sea birds);*
   d. *spiritual and cultural values, relationships, and beliefs of tangata whenua;*
   e. *Ngāi Tahu customary use; taonga species present; and*
   f. *wilderness, remoteness and tranquility values;*

2. *not granting resource consent for new or intensifying (above that which lawfully existed at 18 July 2022) commercial surface water activities, including ancillary activities, where adverse effects on those matters identified in Policy - 16.2.2(1) will increase; and*

3. *using a precautionary approach in the consideration of resource consents for commercial surface water activities, including ancillary activities, to ensure the international, national and regional values of the Fiordland coastal environment are protected, or maintained where values have been degraded;*

until allocation, limits are established through the Regional Coastal Plan Review process.

Policy 16.2.3 *Avoid or mitigate adverse effects from commercial surface water activities on marine mammals including by:*

1. *considering the level of underwater noise of the vessel, including ancillary activities, and methods proposed to minimise underwater noise (for example speed restrictions);*
2. *considering speed restriction where this could minimise potential effects on marine mammals;*
3. *where relevant, including conditions in resource consents focused on avoiding adverse effects on habitats that are particularly significant for marine mammals including whales, seals and the endangered bottlenose dolphin populations; and*
4. *advocating for the use and understanding of current measures to avoid or mitigate potential adverse effects on marine mammals as appropriate.*

1. Policy 16.2.7 *Manage adverse effects of commercial surface water activities, including ancillary activities, in the Fiordland coastal marine area: …*
2. *to maintain the recreational and visitor values of Piopiotahi / Milford Sound and Deep Cove.*

Policy 16.2.8 *When considering a resource consent for a commercial surface water activity, recognise and take into account matters that can impact on the international, national, and regionally significant wilderness and remoteness values of the Fiordland coastal environment including:*

1 *ship size including increases in ship size from those lawfully established at 18 July 2022;*
2 *frequency of ship use and type of use (including day trips or backcountry trips);*
3 *vessel appearance, including scale, bulk and form of the ship exterior;*
4 *cumulative effects including increasing number of ships and structures and concentration of these;*
5 *ancillary activity (including helicopters, tenders craft and kayaks) associated with the commercial surface water activity proposal, in particular increases in ancillary activity levels above those levels lawfully established at 18 July 2022;*
6 *location, landform and scale of the landscape, including its ability to absorb change;*
7 *anthropogenic noise; and*
8 *presence and use of structures, including moorings, required for the commercial surface water activity proposal.*

Comment

3.10.6 The key policies are within Chapter 16 of the RCP. Although this chapter contains directive policies there is no policy or rule prohibiting a permit for a new or increased scale commercial surface water activity.

3.10.7 The key policy is Policy 16.2.2. This policy seeks to avoid adverse effects on the international, national, and regionally significant values of the Fiordland coastal environment, by not granting resource consent for new or intensifying (above that which lawfully existed at 18 July 2022) commercial surface water activities, where adverse effects on those matters identified in Policy - 16.2.2(1) will increase, and by applying a precautionary approach until allocation, limits are established through the Regional Coastal Plan Review process. It is noted in the application that the plan review has been delayed by factors outside of Council's control, and is unlikely to be completed prior to the expiry of the applicant's current permit.

3.10.8 The explanation to Policy 16.2.2 states: *to ensure the significant values of the Fiordland coastal environment are maintained for future generations, it is imperative that increasing levels of activity do not compromise Fiordland's intrinsic values.*

3.10.9 The vessel consented at 18 July 2022 is the MV Mitre Peak I and is the baseline for consideration under Policy 16.2.2. In accordance with this policy, the significant values of the Fiordland coastal environment have been recognised, effects on these values has been assessed by the applicant and mitigations proffered, and a precautionary approach is able to be applied. The application is inconsistent with part (2) of this policy though not all parts, and therefore cannot be considered contrary to this policy.

3.10.10 The proposal is to replace the applicant's vessel with a larger vessel with greater passenger capacity. A key policy is 16.2.8 which lists eight wilderness and remoteness matters to be

recognised and taken into account in determining an application. The application is consistent with seven of the eight points in this policy. Policy 16.2.8 (1) states 'ship size including increases in ship size from those lawfully established at 18 July 2022'. The application is consistent with the majority of this policy, and is not inconsistent with (1) as this has been recognised and taken into account in the application.

3.10.10.1 Policy 16.2.7 directs that adverse effects of commercial surface water activities by managed to maintain the recreational and visitor values of Piopiotahi / Milford Sound. The proposal is consistent with this.

3.10.10.2 Policy 16.2.3 requires that adverse effects from commercial surface water activities on marine mammals are avoided or mitigated. The application is consistent with this.

3.10.11 Navigational safety (Policy 11.8.2) has been considered by the Harbourmaster, who does not have any concerns with the proposal.

3.10.12 *Public Access:* Objective 5.5.1 and Policies 5.5.3 and 5.5.4 seek to maintain and enhance public access to the coastal marine area where appropriate. Timing and frequency of trips by the applicant are not proposed to change and would be maintained. The proposed new vessel would have greater indoor area and additional capacity for passengers representing a slight enhancement.

3.10.13 *Cumulative effects:* Objective and Policy 4.7.1 are to avoid, remedy, or mitigate cumulative adverse effects of activities in the coastal marine area, and the application is consistent with these. More specific is Policy 16.2.8 (4) identified cumulative effects as: '*increasing number of ships and structures and concentration of these'.* The proposal is not for an increase in the number of ships or structures, or for a change in concentration of.

3.10.14 *Positive Effects:* Objectives 5.10.1 and Policy 5.10.1 importance of the coastal marine area for social, cultural and economic activities.

3.10.15 The proposal is consistent with the majority of objectives and policies of the Regional Coastal Plan. The proposal is inconsistent with part of Policy 16.2.2.

3.11 Any other matters considered relevant and reasonably necessary to determine the application (Section 104(1)(c))

Te Tangi a Tauira

3.11.1 Te Tangi a Tauira is the Iwi Management Plan for Southland. Te Tangi a Tauira contains a section on Piopiotahi - Milford Sound. The plan notes at Section 3.3.4:

"Piopiotahi is an area of immense cultural importance to Ngāi Tahu. It is also one of the icon tourist destinations of New Zealand.

"The popularity of Piopiotahi as a tourist destination creates challenges such as overcrowding, congestion, and issues related to the provision of infrastructure and services.

"A significant management issue for the Piopiotahi area is whether, as visitor numbers increase, alternative options should be provided for visitors to Fiordland National Park, or whether visitor use should remain concentrated at existing sites where infrastructure already exists.

"The position of Ngāi Tahu ki Murihiku is that places like Piopiotahi can cope with increased visitor numbers and infrastructure, if activities and visitors are managed in a coordinated, sustainable way and infrastructure is carefully planned."

3.11.2 The plan identifies key management issues for Ngāi Tahu ki Murihiku in Piopiotahi - Milford Sound as: visitor management (recreation, tourism, and concessions); protection of wilderness areas; species recovery; and customary use of culturally important resources on conservation land.

3.11.3 The specific policies relevant to this application are:

Policy 3.3.4(2)	Avoid compromising the cultural, historic, and natural values of Piopiotahi as a result of inappropriate land use, subdivision and development.
Policy 3.3.4(6)	Advocate for existing infrastructure to be improved to the highest possible standards, and for the utilisation of new technologies that can enable new growth and development while minimising adverse effects.
Policy 3.3.4(9)	Ensure that the scale, siting, design, colour or landscaping of any development (e.g. protection of skylines/ridgelines) does not unreasonably detract from the natural landscape and character of the Piopiotahi area.
Policy 3.3.4(10)	Ensure, and advocate for, the integrated management of the land, sea and air within the Piopiotahi environment.

3.11.4 The key policy within this document in my view is 3.3.4(2) and this is a clear 'avoid' policy. I do not consider that the proposal is inappropriate in the location, nor does it represent a compromise of the cultural, historic, and natural values of Piopiotahi.

3.11.5 The commercial surface water activity proposed is not inappropriate within the Piopiotahi environment. In my view the proposal is generally consistent with the policy direction in Te Tangi a Tauira.

3.11.6 In their submission, Te Ao Mārama Inc. has not stated whether or not the application is consistent with the policies of TTT. Their submission is neutral, and Te Ao Mārama Inc. does not wish to be heard.

3.11.7 The submission requested the following decisions:

1. Consider and give appropriate weight to the Ngā Papatipu Rūnaka ki Murihiku position statement (3 April 2024), recognising its continued relevance.
2. Have particular regard to the cumulative effects and cultural values identified in that statement.
3. Reflect the intent of the position statement in any conditions of consent and ongoing management of the activity.

3.11.8 The position statement identifies cumulative effects of concern relating discharges from vessels, vessel size and ability to traverse longer distances due to increasing technology, and uncontrolled landing within Fiordland National Park. The position statement considers that a precautionary approach and five year consent duration is appropriate.

3.11.9 The application proposes to continue to control their waste and to not discharge to water. The route, distance, and frequency is not proposed to change. Technological improvements identified in the noise assessment suggest that a newer engine is likely to be quieter. No landing, ancillary trips, or anchoring outside of identified anchorage areas is proposed.

3.11.10 In my view the proposal is generally in accordance with the position statement and Te Tangi a Tauira.

4. Conclusion

4.1 Whether to grant

4.1.1 The application is for a non-complying activity. A non-complying activity status as set in the RCP is strong direction for consideration of this application. Section 104D provides direction for consideration of non-complying activities:

4.1.2 Council may only, in accordance with Section 104D, grant a resource consent for the activity if it is satisfied that the adverse effects of the activity are minor or the application is for an activity that will not be contrary to the objectives and policies of the relevant plan or proposed plan. If the application passes the "gateway" tests in Section 104D, under Section 104B the Council may grant or refuse consent for a non-complying activity, and if it grants the application, may impose conditions under Section 108 of the RMA.

4.1.3 Section 104D(1)(a) concerns the assessment of adverse effects of the activity on the environment. In my view the adverse effects of the activity would not be more than minor. Section 104D(1)(a) is therefore met and the application may be granted.

4.1.4 I also consider that the proposal is not contrary with the relevant planning documents, as discussed in the sections above. The proposal is not consistent with all points of all relevant policies, as discussed earlier in this report. The objectives and policies do not provide direct guidance on a capacity threshold for vessel size, though Policy 16.2.2 of the RCP is clear that any increase in scale that results in adverse effects on the identified values of Milford Sound Piopiotahi must be avoided.

4.1.5 Subject to new or contrary evidence being presented at the hearing I recommend that under Sections 104, 104B, and 108 of the RMA that the consent sought be granted. The reasons for this recommendation is:

- in regard to Section 104(1)(a) of the RMA, although the proposal represents an increase in scale, the activity will bring about adverse effects that have been assessed by technical experts to be unlikely to be noticeable to other users of Milford Sound. Adverse effects of the proposal would be, in my view, less than minor.
- the applicant has proposed measures to be conditioned to ensure that adverse effects are minimised or avoided.
- in regard to Section 104(1)(b) the activity is not contrary with the provisions of the relevant planning documents.
- the application is considered to meet the relevant provisions of Part 2 of the RMA.

4.1.6 In terms of Section 104(3)(d), I acknowledge that the percentage change in vessel size specified in my notification assessment was incorrect. The dimensions were correct and I do not

consider that the percentage change figures used in my notification assessment impacted the notification recommendation. I consider that the written approvals provided by the applicant are still valid so must be considered.

Consent duration

4.1.7 The appropriate term of a resource consent is determined primarily by reference to the statutory purpose of the Act—namely, sustainable management. An applicant is entitled to as much security of term as is consistent with sustainable management, as established in *Bright Wood NZ Ltd v Southland Regional Council* (EnvC C143/99, 17 August 1999). In determining the appropriate term all relevant matters must be evaluated, including the purpose of the Resource Management Act, the relevant planning documents, and the information available in the application and submissions.

4.1.8 Policy 16.2.15 of the RCP provides guidance for consideration of consent term:

Policy 16.2.15 *To protect the intrinsic values of the Fiordland coastal marine area when considering the term of consent for commercial surface water activities consideration will be given (but not limited) to:*

a. the duration sought by the applicant and reasons for the duration sought;
b. for proposals that did not lawfully exist as of 18 July 2022 whether uncertainty regarding effects / capacity could be addressed through shorter duration;
c. relevant Ngāi Tahu, mana whenua and mana moana values;
d. the value, permanence, and economic life of any capital investment and any related infrastructure, of relevance to their application;
e. the desirability of applying a common expiry date;
f. the applicant's compliance with conditions of any previous resource consent and requirements to hold a Fiordland Clean Vessel Pass; or
g. the applicant's adoption, particularly voluntary, of practices, which avoid or if avoidance is not possible adequately mitigate adverse effects.

4.1.9 The applicant has sought a ten year consent period. This is considered the "*minimum certainty of operational duration needed to justify on-going investment in the business particularly regarding large expense items such as construction of a new vessel which has a multi-million-dollar price tag."*

4.1.10 Adverse effects of the activity are largely known. Effects of the larger vessel have been assessed by technical experts who have not identified any adverse effects that could be considered more than minor. Under water noise difference is predicted to be low at no more than 2 dB, and noise above water is predicted to be within permitted activity levels. Given the proposed vessel length is less than the average consented length for similar vessel type, the proposed vessel length may not be discernible within the Milford Sound environment.

4.1.11 Te Ao Mārama Inc. has provided a position statement by paptipu rūnaka with their submission. Their stance has been consistent across recent similar applications and has been expressed as applying to all coastal permits. While my assessment of term should include consideration of mana whenua effects generally (consistent with Te Tangi a Tauira and Sections 6, 7, and 8 of the RMA), I confirm that I have taken into consideration Te Ao Mārama Inc.'s position statement and submission in my recommendation of an appropriate consent term.

4.1.12 Although the application intends to replace an existing Coastal Permit, it is not subject of Section 124 of the RMA. However, it is noted that the applicant's investment in their current vessels and proposed new vessel is significant.

4.1.13 Aligning a consent duration with existing coastal permits for related activities within Milford Sound is desirable. The applicant's Coastal Permits for commercial surface water activities within the Fiordland Coastal Marine Area expire on 30 October 2029 and 11 February 2030. Current Coastal Permits for commercial surface water activities in Milford Sound have expiry dates that range from 31 December 2027 to 16 July 2039, with an average of 13 October 2035 and median of 14 June 2037[7].

4.1.14 The applicant has a Coastal Permit for a similar activity using the MV Mitre Peak II, and this expires on 11 February 2030. If the present application were granted with the same expiry the permit duration would be just over four years.

4.1.15 It has been signalled by government that the duration of some existing resource consents may be extended. It is not clear at the time of writing this report which consents this may apply to and what length of time an extension may be applied.

4.1.16 The applicant's compliance history has been good, and Section 104(2EA) does not apply.

4.1.17 Conditions volunteered by the applicant reduce uncertainty and likelihood of adverse effects.

4.1.18 Although Environment Southland is reviewing capacity of the Fiordland marine area as part of its review of the RCP, no new information or data is available at present.

4.1.19 Submissions by FMG and CRA8 request that the application be declined. The submission by Te Ao Mārama Inc contains a position statement that requests a precautionary approach be taken, and if granted, a five-year term is preferred.

4.1.20 A consent expiry in 2036 would yield a duration of ten years, and would be between the average and median consent term identified in the paragraph above. It is desirable to have a common expiry date, as identified in Policy 16.2.15. If a majority of Coastal Permits within Milford Sound Piopiotahi were due to expire at a similar time, the consideration of commercial surface water activities would be considered together.

4.1.21 Having had regard to the above, my recommendation is for a consent term of ten years.

4.2 Points of clarification

4.2.1 At the time of the hearing it is likely that further direction will be available regarding processing of resource consent applications during the resource consenting transition period[8], and any extension of durations that may be relevant.

[7] Table of Coastal Permits in Attachment 5

[8]

4.3 Draft consent conditions

4.3.1 I recommend that if granted, in addition to standard consent conditions, provision for the following is included:

a) Ability for the applicant to use another, similar vessel in the event of breakdown or scheduled maintenance of the MV Mitre Peak III. This condition is promoted by the applicant.
b) Requirement to manage waste, using conditions from the applicant's existing Coastal Permit AUTH-20191120.
c) Requirement to keep the vessel well maintained.
d) Specifying that neither ancillary trips nor contact with land within Fiordland National Park is provided for.

4.3.2 A full set of proposed draft conditions is attached at Attachment 4. These are my recommendation and have not been shared with the applicant at the time of writing this report.

5. Information about this report

5.1 Status and purpose of this report

5.1.1 This report has been prepared under Section 42A of the Resource Management Act 1991 (RMA or Act) to assist the Hearing Commissioner(s) in the hearing of the application for resource consent made by Mitre Peak Cruises Limited. Section 42A allows local authorities to require the preparation of such a report on an application for resource consent and allows the report to be considered at any hearing conducted by the local authority.

5.1.2 In accordance with s42A (1A) and (1B), material contained within the application documentation is largely referenced rather than repeated where it is efficient to do so.

5.1.3 The purpose of the report is to assist the Hearing Commissioner in making a decision on the application.

5.2 About the author

5.2.1 My name is Alexandra Smith. I am a Senior Consents Officer employed by the Southland Regional Council. I have been employed as a planner since 2013, and I have worked as a planner for Environment Southland, Invercargill City Council, Southland District Council, and Fish and Game Council – Wellington Region. I hold the qualifications of Master of Resource and Environmental Planning from Massey University, and Bachelor of Commerce from the University of Otago. I am an intermediate member of the New Zealand Planning Institute, and

I have been a member since 2012. I am a member of the Resource Management Law Association.

5.2.2 I have been involved with the application since it was lodged and received by Council. I have not visited the subject site recently, though I have visited in a private capacity.

5.3 Information relied on in preparation of this report

5.3.1 In preparation of this report I have had regard to the following documents:

1. Resource consent application and assessment of environmental effects, prepared by Sean Dent and dated 29 January 2026;
2. Further information requested and received under Section 92(1) of the RMA;
3. The submissions on the application;
4. Technical comment on the application provided by:
   - Lyndon Cleaver, Southland Harbourmaster;
5. Relevant statutory instruments including:
   - Resource Management Act 1991 (RMA or Act);
   - New Zealand Coastal Policy Statement (NZCPS);
   - Southland Regional Policy Statement 2017 (RPS);
   - Regional Coastal Plan 2013 (RCP);
   - Te Tangi a Tauira (Iwi Management Plan) 2008.

5.4 Attachments

5.4.1 The following attachments form part of this report:

Attachment 1: Application for resource consent by Sean Dent, Southern Planning Group, on behalf of Mitre Peak Cruises Limited, dated 29 January 2026;
Attachment 2: Further information provided by Sean Dent, Southern Planning Group, on behalf of Mitre Peak Cruises Limited, dated 16 March 2026;
Attachment 3: Submissions received;
Attachment 4: Draft consent conditions;
Attachment 5: Table of Coastal Permits;
Attachment 6: Coastal Permit AUTH-20191120.



Alexandra Smith
Senior Consents Officer



Reviewed and approved for release
Lacey Bragg
Consents Manager

RECOMMENDATIONS IN COUNCIL REPORTS ARE NOT TO BE CONSTRUED
AS COUNCIL POLICY UNLESS ADOPTED BY COUNCIL

Attachment 1

Application for resource consent by Sean Dent, Southern Planning Group, on behalf of Mitre Peak Cruises Limited

Dated 29 January 2026

PART A

Application for Resource Consent

This application is made under Section 88 of the Resource Management Act 1991 (Form 9)

The purpose of this Part A form and the relevant Part B form(s) is to provide applications with guidance on information that is required under the Resource Management Act 1991. Please note that these forms are to act as a guide only, and Environment Southland reserves the right to request additional information.

To: Environment Southland
Private Bag 90116
Invercargill 9840

1. Applicant(s) Details

A resource consent can only be held by a legal organisation or fully named individual(s).

1.1. Applicant's name (*full name of proposed consent holder*). *Please complete either (a) OR (b) to whom consent is to be issued*

First Name Middle Name Surname

(a) Individual(s) _____

_____

OR

(b) Registered company name Mitre Peak Cruises limited

Company number 826331

1.2. Applicant's address *[not consultant's address]*

(a) Individual(s)

Postal Address _____

Email _____

Phone _____ Mobile _____ Fax _____

(b) Company

Contact Person Mark Quickfall (Director)

Postal Address PO Box 634, Queenstown 9300

Email mark.quickfall@totallytourism.co.nz

Phone _____ Mobile 0274336576 Fax _____

2. Consultant/ Agent details (if applicable)

Contact person: Sean Dent

Company: Southern Planning Group

Postal Address: 63 Antimony Crescent, Cromwell, 9310

Email: sean@southernplanning.co.nz

Phone: _____ Mobile: 021 946 955 Fax: _____

Note: *All correspondence during the consent process will be directed to this contact person, unless instructed otherwise. Final decision documents will be sent to the applicant.*

Are you the owner or occupier at the site? [X] Yes [ ] No

If not, please complete the following information

Name of owner or occupier at the site (*if different from 1.1.*) _____

Address of the owner or occupier at the site (*if different from 1.2.*) _____

3. Site

Location of activity (*including street/road name, number, and locality*) Milford Sound

Map Co-ordinates (NZTM 2000)

_____ E _____ N(NZTM 2000)

Legal description of property at site of activity (*refer to land title or rates notice*) N/A

Please attach a map or a coloured aerial photograph, showing at a minimum, the location of the proposed activities.

4. Consents required in relation to this proposal:

Please tick the box for the consent(s) you are applying for and complete the relevant Part B form(s) where available

Water

	Take and use surface water		Divert water
	Take and use groundwater		Dam water

Land Use

	Bore/ Well		Effluent storage
	New or expanded dairy farming		Cultivation
	Intensive winter grazing		Gravel extraction
	Feed-pad, wintering pad, calving pad or silage pad		Riverbed activity
	Bridges and culverts		Tree planting

Discharge

	To air		To water
	To Land		

Coastal

	Whitebait stand		Structures/occupation of space
	Removal of natural materials		Disturb foreshore/seabed
	Discharge/deposit substances	X	Commercial surface water activity
	Reclaim/drain foreshore/seabed		Marine farming
	Other coastal activities		

What is the purpose of this application?

New resource consent	X
Renew resource consent	
Variation of conditions according to S 127 RMA	
Certificate of compliance	

Are there any **current** or **expired** consents relating to this proposal? [X] Yes [ ] No

If yes, please provide consent number(s) and description:

Coastal Permit AUTH-20191120 - coastal permit to undertake commercial surface of the water day trips at Milford Sound.

Are any other consents required from Environment Southland or **other authorities**?

[ ] Yes [X] No

If yes, please state the relevant authority and the type of consent(s) required:

For what **purpose** is this consent(s) required: (e.g. discharge of effluent, gravel extraction etc.)

Pre application advise- Have you discussed this proposal with a council staff member?

[X] Yes [ ] No

If yes, please provide name of staff member if known

Any further comments you would like to advise us about this application?

Ryan Hodgson

5. Assessment of effects on the environment (AEE)

Please complete the applicable Part B form(s) for the proposed activities. For those activities where no Part B form is available, please attach a written statement that assesses the effects that your activities may have on the environment. An assessment of effects **must** include the following information:

(a) if it likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity;
(b) an assessment of the actual or potential effect on the environment of the activity;
(c) if the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment that are likely to arise from such use;
(d) if the activity includes the discharge of any contaminant, a description of—
  (i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and
  (ii) any possible alternative methods of discharge, including discharge into any other receiving environment;
(e) a description of the mitigation measures (safeguards and contingency plans where relevant) to be undertaken to help or prevent or reduce the actual or potential effect;
(f) identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any persons consulted;
(g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved;
(h) if the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).

You should also include:

(a) an assessment of the activity against any relevant provisions of any relevant objectives, policies, or rules;
(b) any information specified to be included in the application in accordance with the relevant regional plan;
(c) for an application to replace an existing consent, an assessment of the value of the investment of the existing consent holder:

An assessment of effects **must** address the following matters:

(a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects;
(b) any physical effect on the locality, including any landscape and visual effects;
(c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity;
(d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations;
(e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants;
(f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.

6. Affected Parties

Please attach written approval from parties who may be affected by your activity. *Written Approval of an Affected Party* forms are available on the Environment Southland website. During the processing of your application, Council may determine that additional approvals are required.

7. Site visit from the Consents Team

Consents staff are able to meet with you, visit your site and see what you are proposing to do. We find that this is beneficial to everyone involved. The cost of the visit will be included in the total cost of processing your consent. We find that applications that have an on-site visit are processed with less congestion and at a similar or lesser overall cost. We will contact you if we consider a site visit to be advantageous in processing your application.

8. How much will it cost to process my application?

Environment Southland's User Charges and Fees document is available at: www.es.govt.nz/fees-and-charges

When the consent has been processed you will receive an invoice for an additional fee, or for a refund.

User Charges

Please note that additional Annual User Charges will apply to all consents.

How to pay

Environment Southland accepts payment in the forms of cash, Eftpos, or electronic transfer. All electronic transfers must include the applicant's name and "consent application" as a reference. Please make electronic payments to: Environment Southland, 01-0961-0018998-00 or online at www.es.govt.nz/online-services/online-payments.

Our terms of trade are at www.es.govt.nz/terms-of-trade

9. Checklist: Have you included the following?

X	Payment of the required deposit *(see fee schedule)*

*If you paid by electronic transfer payments – please advise **date** of payment and **reference** used:*

Please send a tax invoice

X	Written approval from all potentially affected parties *(forms available from the Environment Southland website)*
X	Site plan/location map/sketch of the proposed activity
X	A copy of the Certificate of Incorporation (*where applicant is a company*)
X	Part B form(s) specific to your activity and/or a separate assessment of environmental effects (AEE)

Notes:

(a) If your application does not contain the necessary information and the appropriate fee, Environment Southland may return the application.

(b) Under S35 of the Resource Management Act 1991 your application will be publicly available information and subject to the relevant provisions of the Local Government Official Information and Meetings Act 1987.

Select one of the following statements that applies to the applicant[1]:

☐ I declare that I am **not** a natural person[2] and that I **have been** the subject of abatement notices, enforcement orders, infringement notices, and convictions under the Resource Management Act 1991;

OR

☐ I declare that I **am** a natural person and that in the past 7 years I **have been** the subject of abatement notices, enforcement orders, infringement notices, and convictions under the Resource Management Act 1991

OR

☑ Not applicable (I declare that none of the above statements in relation to abatement notices, enforcement orders, infringement notices, and convictions under the Resource Management Act 1991 apply)

If you selected either option above, please provide a list of all matters and the date of each:
(If not applicable, proceed to the next section.)

Signature of applicant

I hereby certify that to the best of my knowledge and belief, the information given in this application is true and correct.

I undertake to pay all actual and reasonable application processing costs incurred by Environment Southland.

Name (block capitals) SEAN DENT - Planning Consultant on behalf of Mitre Peak Cruises Limited

Signed Sean Dent **Date** 29.01.26

(*Signature of applicant or person authorised to sign on behalf of applicant)*

[1] Resource Management (Forms, Fees, and Procedure) Regulations 2003 - Schedule 1, form 9 at paragraph 15
[2] "Natural person" means an individual human being or beings. A company or other legal entity is not a natural person.

Application for a Coastal Permit (PART B)

This application is made under Section 88 of the Resource Management Act 1991

A complete Part A form needs to be provided with this Part B form. The purpose of this Part B form is to provide applicants with guidance on information that is required under the Resource Management Act 1991. These forms are to act as a guide only and Environment Southland reserves the right to request additional information. **Please also refer to Chapter 18 of the Regional Coastal Plan for Southland, 2013.**

To: Environment Southland
Private Bag 90116
Invercargill 9840

Customary Marine Title Groups:

Have you included the following (if relevant)?

☑ Evidence to confirm that Customary Marine Title applicant group or groups have been notified and their views sought?

Under Section 62(3) of the Marine and Coastal Area (Takutai Moana) Act 2011, if an activity is set to take place in an area subject to a pending Customary Marine Title application, the applicant is obligated to notify and seek the views from the group that has submitted the Customary Marine Title request, before submitting their resource consent application. Documentation proving such consultation must accompany your resource consent application, as required by Section 88(7) of the Resource Management Act 1991.

Environment Southland must return applications as incomplete if they do not include evidence of notification and the seeking of views with all relevant applicants.

☑ Evidence to confirm that a permission right is being sought from the successful Customary Marine Title group or groups?

For more information on Customary Marine Title groups, refer to:
www.es.govt.nz/environment/consents/customary-marine-title

1 What is this application for?

	The discharge of water to water
	The discharge of contaminants to water
	Structures - erecting/placing, reconstructing, altering/extending, removing/demolishing
	Occupying space within the coastal marine area
	Removing sand, shingle, shell or other natural material
	Disturbing the foreshore or seabed - excavating, drilling, tunnelling etc
	Discharging/depositing any substance in, on, or under the seabed or to coastal waters
✓	Commercial surface water activities
	Reclaiming or draining the foreshore or seabed
	Marine farming
	Other activity carried out in, on, under or over the coastal marine area – please specify:

2 What duration of resource consent is sought? 10 years

3 Please describe how the activity will be carried out. For structures, you must include engineering diagrams showing the dimensions and position of the structures.

Please see the attached AEE.

4 Please state the proposed date of commencement of the activity/works and the proposed date of completion.

As soon as consent is granted - a condition of consent is volunteered that AUTH-20191120 will be surrendered before giving effect to this consent when granted.

5 Details of the contractor (or any other person) who will undertake the activity works.

Contracting company name: N/A

Contact person: N/A

Phone number: N/A

Existing Environment

See attached AEE.

6 Are any of the following features found within the existing environment of the proposed activity? Describe these features in the space below, along with details of the assessment undertaken to determine the presence of these features.

	Yes	No
(a) Signs of marine life (e.g. fish, mammals, native birds, shellfish, invertebrates)?	✓	
(b) Areas where food is gathered from (e.g. watercress, eels, wildfowl)?	X	
(c) Wetlands, wildlife habitats or bird nesting habitats (e.g. swamp areas)?	X	
(d) Other activities occurring in the area (e.g. commercial activity, fishing, swimming, boating)?	X	
(e) Areas of particular aesthetic, cultural, heritage or scientific value (e.g. archaeological sites)?	X	
(f) Waste discharges, water takes and/or monitoring sites?		X

See AEE

Please attach photographs and a map or a coloured aerial photograph showing the following:

- the location(s) of your proposed activity;
- any nearby rivers, creeks, estuaries, drains or any other water body;
- the location of any wetland, estuary or wildlife habitats;
- the location of any other coastal activities or structures in proximity to the proposed activity;
- activities/structures occurring on adjacent land, along with the names of the adjacent landowners.

7. In addition to the above description of the existing environment, please describe the following:

- Is the beach aggrading or degrading (if applicable)? Are there any signs of shoreline erosion?
- What is the nature of the seabed (i.e. muddy, sandy, silty, rock etc)?
- In what way has the foreshore/seabed been altered as a result of other activities occurring in the area?

Please provide cross sections and any other supportive evidence as required.

See AEE

Assessment of Effects

8 How will the proposed activity affect the coastal environment in the short term? For example, how do the initial stages of the proposed activity (including, but not limited to, construction and sea bed disturbance) affect the coast, particularly in terms of coastal erosion and effects on ecosystems?

See AEE

9 How will the proposed activity affect the coastal environment in the long term? For example, through the long-term occupation of the coast.

See AEE

10 How will your activity effect any other users of the coastal area and/or activities occurring on adjoining land?

See AEE

11 Are there any structures near to the proposed activity? If yes, will the proposed activity have any effect on these structures? Please provide specific details including the type of structure, owner of structure, distance from proposed activity, what effects the proposed activity will have on the stability/function of the structure.

See AEE

12 Pursuant to Schedule 4 of the Resource Management Act, 1991, there are a number of matters that must be addressed by an assessment of environmental effects. Please discuss what effects the proposed activity will have on the following:

(a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects

See AEE

(b) any physical effect on the locality, including any landscape and visual effects

See AEE

(c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity

See AEE

(d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations

See AEE

(e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants

See AEE

(f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations

See AEE

13 Please include a description of the monitoring or mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help avoid, remedy or mitigate the actual or potential effects on environmental features and values.

See AEE

14 For construction works, please describe how you will minimise the release of silt, sediment, concrete and other contaminants into water.

See AEE

15 Please include a description of any possible alternative locations or methods for undertaking the activity and why these alternatives have not been selected.

See AEE

16 Please include evidence of any consultation undertaken for this application. This may include (but not be limited to) consultation with adjoining landowners, other consent holders in the immediate area, iwi (e.g. Te Rūnanga O Ngāi Tahu, Te Ao Marama Inc), government departments/ministries (e.g. DOC, Maritime NZ), territorial authorities, advisory bodies (e.g. Fiordland Marine Guardians), non-governmental organisations (e.g. Forest & Bird), industry representatives (e.g. CRA8 Management Committee and recreational associations).

Please note that in accordance with Schedule 4 of the RMA, you must provide an assessment of whether or not the proposed activity is contrary to any of the relevant provisions of the following documents.

(a) Regional Coastal Plan for Southland, 2013
(b) Southland Regional Policy Statement, 2017 (and any proposed/subsequent versions)
(c) New Zealand Coastal Policy Statement, 2010

The assessment required must be sufficient for your proposal's location, scale and complexity. We invite you to come in for a pre-application meeting with Environment Southland consents staff to discuss this. The assistance on any application or proposal is free for up to an hour, with subsequent assistance being charged according to the Environment Southland Fees and Charges schedule.

END OF FORM

Assessment of Environmental Effects

Resource Consent Application for a Commercial Surface of the Water Activity

Mitre Peak Crusies Limited

Milford Sound

January 2026

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1 The Applicant and Property Details

To:	Environment Southland
Applicant	Mitre Peak Cruises Limited
Site Address	Milford Sound, Fiordland
Address for Service	C/- Southern Planning Group 63 Antimony Crescent, Cromwell, 9310 Attention: Sean Dent **sean@southernplanning.co.nz**
Legal Description:	Coastal Marine Area
Brief Description of Proposal:	Resource consent is sought for a coastal permit to undertake a commercial surface of the water activity which will supersede coastal permit 20191120.
Summary of Reasons for Consent:	Resource consent is required for a coastal permit as a Non-Complying Activity pursuant to Rule 16.2.1(8) for a commercial surface of the water activity that has a different scale than the existing activity in coastal permit 20191120 which is proposed to be superseded.

Appendices

Appendix [A]	**Coastal Permit AUTH-20191120**
Appendix [B]	**Coastal Permit AUTH - 20242682**
Appendix [C]	**Route Map**
Appendix [D]	**Mitre Peak III Plans**
Appendix [E]	**AES Noise Assessment**
Appendix [F]	**Affected Party Approvals**
Appendix [G]	**Customary Marine Title Consultation**



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Sean Dent BRS, ASSOC NZPI
DIRECTOR
SOUTHERN PLANNING GROUP

2 Executive Summary

The applicant is the holder of coastal permit 20191120 which authorises commercial surface of the water activities in the coastal marine area of Milford Sound, Fiordland.

Coastal Permit 20191120 authorises the use of a vessel up to 18.3m long and with a passenger capacity of 60 passengers and 4 crew. For the last two decades, the applicant has operated the vessel MV Mitre Peak I within the coastal marine area at Milford Sound pursuant to this coastal permit and its predecessor.

Coastal Permit 20191120 is presently due to expire on 30 October 2029. The applicant is proposing construction of a new/replacement vessel for MV Mitre Peak I which has a build time of one to two years.

Accordingly, this resource consent application is being lodged well in advance of the expiry date of 20191120 so that the consent process may run its course, and the applicant will have time to commit to the build of the new vessel before the current Coastal Permit expires.

This renewal application is being made in acknowledgement of the provisions of the Regional Coastal Plan and the changes made to the provisions for commercial surface of the water activities through Plan Change 5.

Plan Change 5 required (by way of Policy 16.2.2(2)) that resource consents for Coastal Permits are not granted for new or intensifying commercial surface of the water activities beyond that which existed on 18 July 2022. This was intended to be an interim measure until a comprehensive review of the Coastal Plan was completed and the 'carrying capacity' for commercial surface of the water activities was better understood.

Unfortunately, this comprehensive review was not going to be a quick process and furthermore, the Government's recent announcement to place all plan change and plan review proceedings on hold to prioritise preparation for the new planning system, which will be introduced in "phase three" of the RMA reforms through two new Acts, will further delay this comprehensive review.

With the applicants Coastal Permit 20191120 due for renewal in 2029 and MV Mitre Peak I now nearing 26 years old, a replacement vessel is now necessary along with a Coastal Permit under which it can operate.

As the construction of a new vessel is a capital-intensive exercise, it is necessary to ensure construction of a modern vessel and one that will future proof the company's operations. In this regard, the applicant seeks to construct and operate a slightly larger vessel, with a greater passenger carrying capacity than MV Mire Peak I.

The applicant's intention is not simply to provide a larger vessel, but while undertaking the exercise of designing and constructing a replacement vessel, consideration has been given to the passenger experiences and operational matters observed through the years of use

of MV Mitre Peak I. Specifically, MV Mitre Peak I has limited covered areas for passengers on wet days which can create issues of over crowding in the limited enclosed areas of the existing vessel.

MV Mitre Peak III being larger, can provide greater passenger comfort and capacity during wet weather days (common in Milford) and thereby will enhance the visitor experience offered by the applicant.

This proposal for a slightly larger vessel does not align with the very prescriptive provisions implemented through Plan Change 5 to not have *any* increase in the scale of lawfully established commercial surface of the water activities that existed as of 18 July 2022.

The applicant simply cannot wait for the comprehensive review of the Coastal Plan and any changes which may eventuate that would be more enabling of minor changes in scale and nature of commercial surface of the water activities.

Accordingly, this application seeks to authorise commercial surface of the water activities at Milford Sound at the same frequency and of the same nature as Coastal Permit 20191120 but with a new vessel MV Mitre Peak III which is larger and has a greater passenger capacity than MV Mitre Peak I.

Overall, the status of the application is that of a **Non-Complying Activity**.

This Assessment of Effects has been prepared in accordance with the requirements of Section 88 and Schedule 4 of the Resource Management Act 1991 (the Act) and is intended to provide the information necessary for a full understanding of the activity for which consent is sought, and any actual or potential effects of the proposal may have on the environment.

The Assessment of Effects considers the effects of the proposal and determines that that the proposal will have no more than minor adverse effects on the environment. Public notification is not requested, and nor are any persons considered to be adversely affected by the proposal.

The proposal is not contrary with the objectives and policies of the Regional Coastal Plan. Overall, the proposal is consistent with the purpose and principles of the Act and accords with the definition of sustainable management under Part 2 of the Act.

3 Site Description and Receiving Environment

3.1 Site Description & Receiving Environment

The activity occurs within Milford Sound alone. It is a fiord. There are numerous commercial and tourism operators and recreational users that carry out activities in Milford Sound because it is one of the most easily accessible fiords in New Zealand.

Milford Sound has a harbour in Freshwater Basin and a wharf with berths available in Deepwater Basin. There is also a public boat ramp at Deepwater Basin. A significant fishing fleet, and a significant tourism fleet operate out of Milford Sound.

Despite the volume and frequency of vessels operating in Milford Sound, it retains high natural and remoteness values due to the steep mountains covered with native bush surrounding the fiord. Milford Sound also includes the Piopiotahi marine reserve.

Milford sound has a long European and Māori cultural history. Māori frequented Milford Sound for the greenstone / bowenite deposit at Anita Bay, which is at the mouth of the fiord to the open sea.

The applicant currently operates two commercial vessels within Milford Sound being MV Mitre Peak I and MV Mitre Peak II, pursuant to Coastal Permits 20191120 and 20242682. Collectively, these Coastal Permits authorise the following activities:

20191120

- Commercial day trips within Milford Sound.
- Using a vessel up to 18.3m in length and 60 passengers + 4 crew (MV Mitre Peak I).
- Seven trips per day 1st October to 30 April.
- Three trips per day 1 May to 30 September.
- Expires 30 October 2029.

20242682

- Commercial day trips within Milford Sound.
- Using a vessel up to 20m in length with 75 passengers + 10 crew (MV Mitre Peak II).
- Four trips per day year-round.
- Expires 11 February 2030.

Copies of the existing Coastal Permits 20191120 and 20242682 respectively are contained in **Appendix [A]** and **[B]**.

The following diagram shows the route of the applicant's day trips within Milford Sound.



Figure 1 – MV Mitre Peak I and II operating route.

A copy of the route plan is contained in **Appendix [C]**.

Pictures of the existing vessels MV Mitre Peak I and II are contained below.


Photograph 1 & 2. MV Mitre Peak I & II. Source – NZMB.Com Valuation Report.

3.2 Legal Documents

As noted above, the proposed activity occurs within Milford Sound, Fiordland. There is no Record of Title and accordingly, no encumbrances such as Land Covenants or Consent Notices that require consideration as part of this proposal.

4 Resource Management Planning Background

The following describes the resource management history relevant to Mitre Peak Cruises Limited.

Coastal Permit AUTH - 20191120

This Coastal Permit was approved on 30th October 2019 and authorises Totally Tourism Limited to undertake commercial surface of the water day trips within Milford Sound utilising the vessel MV Mitre Peak I with a maximum of 60 passengers and four crew.

The Coastal Permit allows for seven trips per day during the period 1st October to 30th April and three trips per day from 1 May to 30 September.

The Coastal Permit is not due to expire until 30 October 2029.

While the Coastal Permit is issued to Totally Tourism Limited, it is important to clarify that Totally Tourism Limited is the ultimate shareholding company for Mitre Peak Cruises Limited and this Coastal Permit is operated by Mitre Peak Cruises Limited.

Coastal Permit AUTH - 20242682

Coastal Permit 207134 was granted on 11 February 2025 and was approved for a period of 5 years with a final expiry date of 11 February 2030.

As noted above, it authorises commercial surface of the water day trips within Milford Sound utilising the vessel MV Mitre Peak II (or a similarly sized replacement vessel) with a maximum passenger capacity of 75 passengers and a maximum crew of 10.

The Coastal Permit allows for the applicant to undertake a total of four trips per day, all year round.

This Coastal Permit has been given effect to and continues to be utilised.

Collectively, the two Coastal Permits above represent Mitre Peak Cruises Limited total existing operations for commercial surface of the water activities in Milford Sound, Fiordland.

Marine Mammal Viewing Permit 15955-MAR

The applicant also holds a marine mammal viewing permit issued by the Department of Conservation that authorises them to undertake up to seven trips per day with up to 75 passengers to view dolphins and New Zealand fur seals.

This permit was issued on 1st August 2024 and expires on 31 July 2034. Upon granting of this Coastal Permit application by Environment Southland, the applicant will seek a new marine mammal viewing permit specifically for MV Mitre Peak III.

5 Description of the Proposal

5.1 Overview

As identified above, the applicant seeks consent for a new Coastal Permit to supersede 20191120.

Specifically, the vessel MV Mitre Peak I which operates under this Coastal Permit is ageing and the applicant seeks to replace this vessel with a new purpose-built vessel to be known as MV Mitre Peak III.

MV Mitre Peak III will be larger and have a greater passenger capacity than MV Mitre Peak I and therefore, it cannot operate under the existing Coastal Permit 20191120.

Accordingly, a new Coastal Permit is sought for MV Mitre Peak III to operate in the same location and at the same frequency as MV Mitre Peak I. It is proposed that before exercising this proposed new Coastal Permit, the Coastal Permit MV 20191120 will be surrendered.

The overall details of the proposal are addressed below.

5.2 Proposed Vessel

As outlined above, MV Mitre Peak I is ageing, and the applicant is looking ahead to the future and committing the capital expenditure to construction of a new vessel MV Mitre Peak III.

Specifically, MV Mitre Peak I was constructed by Gough Brothers Marine Engineering in Invercargill and was launched in 2000 making the vessel almost 26 years old. It has an overall length of 18.3m and a beam of 5.76m with a draft of 1.5m. The vessel has a maximum height above the water line measured to the top of the roof of 5.56m.

MV Mitre Peak I is a single shaft drive powered by 1 Scania diesel 551kw motor de-rated to 492kw. It has a 70mm propeller shaft with a four bladed fixed pitch propeller 34" x 35". The vessel has twin 1,500 litre fuel tanks and twin 1,500l water tanks. The vessel has a NZ Certificate of Survey for 60 passengers.

MV Mitre Peak III which is proposed to replace MV Mitre Peak I is also going to be constructed by Gough Brothers Marine Engineering in Invercargill. It is designed to be 24m in overall length, 7.2m in beam and have an overall height above the waterline measured to the top of the roof of 5.7m with a draft of 1.7m.

Engines and gearboxes for MV Mitre Peak III will be the same as currently used in MV Mitre Peak II being twin Scania DI 13 078M – 6-cylinder engines with each putting out approximately 460 horsepower with 2 x ZF305A gearboxes on 1.976:1 reduction. Fixed pitch

4-bladed 750m diameter propellers via 70mm diameter stainless steel shafts will provide the propulsion.

MV Mitre Peak III will have twin 4,000 litre fuel tanks, twin water tanks of 300l each and a sullage tank of 1,500l capacity.

MV Mitre Peak III has been designed to have a maximum passenger capacity of 154 persons inclusive of crew.

In simple terms, MV Mitre Peak III will be 23.75% longer, 20% wider, 2.9% taller and have a 150% increase in passenger carrying capacity when compared to MV Mitre Peak I. In comparison to other large tourist vessels operating on the Fiord, it is a considerably less dominant vessel.

Plans of the proposed vessel MV Mitre Peak III are attached as **Appendix [D]**.

Further to this new Coastal Permit being for the purpose of operating the new vessel MV Mitre Peak III, the applicant proposes that the following condition of consent is included in any decision:

> "*The Consent Holder may use a replacement vessel provided it is a similar type, and no larger than the existing vessel (MV Mitre Peak III) subject to the approval of the Consent Authority*".

This condition has already been imposed by Environment Southland on the Coastal Permit 20242682 for MV Mitre Peak II. It is a useful condition as it will allow for a replacement vessel to be brought in by the applicant to use when MV Mitre Peak III is out of service for maintenance, repair or survey.

Specifically, the applicant would like the ability to consider retention of the vessel MV Mitre Peak I so that it can be utilised for this purpose between the Coastal Permits for MV Mitre Peak II and MV Mitre Peak III.

5.3 Proposed Trips

As identified above, the applicant proposes that this new Coastal Permit is to supersede 20191120 and aside from the change in the vessel size, all other elements of the proposed day trips will remain exactly as consented by 20191120.

This means that all trips will continue to operate within the internal waters of Milford Sound and in accordance with the route map contained in **Appendix [C]**. Further, the applicant will restrict the number of daily trips that are undertaken as follows:

- Seven trips per day from 1 October to 30 April; and
- Three trips per day from 1 May to 30 September.

Each trip will be approximately two-hours in duration. The tours will also stop at a floating underwater observatory which is also used by other tour/cruise boats operating in and around Milford Sound. The operation of this component is separate to this resource consent application and is managed under a separate consent held by Southern Discoveries Limited.

The vessel will have a cruising speed of approximately 11.5 knots and a maximum speed of approximately 13 knots. Speeds are reduced at particular scenic viewing locations and when viewing marine mammals as discussed in the next section.

There are no ancillary trips proposed to occur through the use of tenders, kayaks, diving or swimming.

5.4 Proposed Marine Mammal Viewing

The applicant has long held a Marine Mammal Viewing Permit issued by the Department of Conservation.

The applicant recently went through a renewal process with the Department of Conservation for their Marine Mammal Viewing Permit with the new one being approved on 1st August 2024.

The replacement Marine Mammal Viewing Permit allows for two 5-minute encounters with dolphins and up to 30 minutes of viewing seals per trip.

The currently held Marine Mammal Viewing Permit is specifically limited to vessels of a maximum passenger capacity of 75 – catering for the current vessels MV Mitre Peak I and MV Mitre Peak II.

Upon granting of this Coastal Permit application by Environment Southland, the applicant will apply to the Department of Conservation for a new Marine Mammal Viewing Permit specifically for MV Mitre Peak III and its proposed passenger capacity.

5.5 Proposed Waste Management

All rubbish generated on board the vessel will be stored on the vessel and transferred to shore, and it is volunteered that such a condition should be imposed on the new Coastal Permit.

The applicant does not hold, nor are they seeking, a discharge permit for the disposal of wastewater. Accordingly, all wastewater will be retained on the vessel and discharged to an appropriate facility when moored.

Again, it is volunteered that such a condition should be imposed on the new Coastal Permit.

5.6 Proposed Mooring and Berthage

Mitre Peak Cruises Limited presently has berthing space for their vessels MV Mitre Peak I and II in the Milford Sound Tourism Limited (**MSTL**) harbour in freshwater basin. It is proposed that MV Mitre Peak III will occupy the MV Mitre Peak I berth or alternatively, should the applicant obtain consent for an alternative mooring in the future, they would like the flexibility to use either location.

5.7 Proposed Operating Noise

The applicant has engaged Acoustic Engineering Services (**AES**) to assess the noise from MV Mitre Peak I and MV Mitre Peak II and confirm whether the proposed vessel MV Mitre Peak III would achieve compliance with Rule 5.3.6 of the Regional Coastal Plan.

The AES assessment confirms that compliance with the operating noise limits in this rule will be comfortably achieved by MV Mitre Peak III which will be operating the same engine and drivetrain as currently contained in MV Mitre Peak II.

A copy of the AES assessment is contained at **Appendix [E]**. It is noted that the AES assessment was based on a slightly different proposal whereby the applicant was proposing to operate all three vessels under one Coastal Permit – for the avoidance of doubt, any reference to this in the AES report is outdated and the contents of this AEE is to be taken as correct. The change in proposal has no impact on the validity of the consideration of noise emissions by AES.

5.8 Proposed Term

The applicant requests a term of ten years. A term of ten years is considered the minimum certainty of operational duration needed to justify on-going investment in the business particularly regarding large expense items such as construction of a new vessel which has a multi-million-dollar price tag.

It is acknowledged that Ngā Papatipu Rūnaka ki Murihiku (Te Rūnaka o Waihōpai, Te Rūnanga o Awarua, Te Rūnanga o Ōraka-Aparima and Te Rūnanga o Hokonui) have endorsed a combined position statement on consent term for Resource Consent Applications regarding Coastal Permits, Land Use, and Commercial Surface Water Activities in Te Mimi O Tū Te Rakiwhānoa/Fiordland Coastal Marine Area.

Specifically, the position taken is that these runaka will only endorse (provide affected party approval) for resource consents that are for a duration of fiver years or less so as to take a "precautionary approach" until the Regional Coastal Plan for Southland is reviewed in its entirety although noting that this is an "interim measure to hold the line".

As will be discussed below, it is inevitable that these runaka along with Te Rununga O Ngai Tahu will not be prepared to provide an affected party approval to the proposal because of this term.

5.9 Affected or Interested Persons Approval(s)

As per pre-application discussions with Environment Southland, it is understood that Environment Southland would deem the following parties to be affected by this application:

- Te Runanga O Makaawhio - PO Box 225, Hokitika 7842. Makaawhio.Admin@ngaitahu.iwi.nz/Sinead.Riley@ngaitahu.iwi.nz
- Te Ao Marama Inc – Suite 3, 98 Yarrow Street, Invercargill 9810. office@tami.maori.nz
- Te Runanga O Ngai Tahu - PO Box 13046, Christchurch 8141. TTW@ngaitahu.iwi.nz
- Hokonui Rununga - Hokonui.Office@ngaitahu.iwi.nz
- Fiordland Marine Guardians - 213, Te Anau 9640. info@fmg.org.nz
- Department of Conservation – RMA Shared Services, PO Box 3072, Hamilton 3240. RMA@doc.govt.nz
- Milford Sound Tourism (MST) - CMB 23, Milford Sound 9646. admin@milfordsoundtourism.nz
- CRA8 Management Committee - PO Box 277, Cromwell 9342. cra8@xtra.co.nz / ceo@cra8.org.nz

Consultation has been undertaken with the above parties in terms of Section 95 of the RMA and affected party approvals have been received from:

- Milford Sound Tourism.
- Department of Conservation.
- Te Rununga O Makaawhio.

These approvals are contained in **Appendix [F]1 – [F]3**.

Confirmation that affected party approval is not given or parties that have not responded includes:

- Te Rununga O Ngai Tahu. Support the views of Papatipu Rununga particularly from the Oraka-Aparaima Runuka Office (TAMI)[1].
- Fiordland Marine Guardians. The Guardians' position is that we will not support any applications for surface water activities that would lead to an increase in intensity,

[1] Letter from Te Rununga o Ngai Tahu dated 19 December 2025.

which includes any increase to the physical size of vessels and/or the frequency or geographical extent of operations. This position will remain until such time as the regional council has completed a full assessment of carrying capacity and developed the Southland Regional Coast Plan (or its equivalent) to ensure consented activities are within the bounds of that capacity[2].

- CRA8 Management Committee. Despite multiple e-mails to and from Kathryn Molloy, Chief Executive Officer, no approval has been given, nor has there been confirmation of refusal[3].

- Te Ao Marama Incorporated (**TAMI**). TAMI had indicated that notwithstanding their position about the scale of the new vessel, exceeding a consent term of five years would likely involve limited notification[4].

- Hokonui Rununga[5].

Copies of these affected party approvals are contained with **Appendix [F]**.

5.10 The Marine and Coastal Area (Takutai Moana) Act 2011

In addition to affected party approvals under the RMA, it is noted that The Marine and Coastal Area (Takutai Moana) Act 2011 (**MACA**) provides a legal framework for iwi, hapu and whanau interests to be recognised in the marine and coastal areas around New Zealand. It gives groups the chance to obtain Customary Marine Title (**CMT**), which recognises that the group has an interest in a specific area of the coast and gives the group certain rights.

The map below shows the CMT applications that have been received by the High Court within the Environment Southland jurisdiction.

[2] Email from Rebecca McLeod, Chair Fiordland Marine Guardians, 15 December 2025.

[3] Last e-mail from Kathryn was 5th November 2025 advising she was following up with the board. No response since including a follow up e-mail from SPG on 12 December 2025.

[4] The applicant paid TAMI $563.50 for affected party consultation on 18 December 2025 and has never received the formal affected party approval correspondence confirming their position.

[5] Four attempts were made to consult with Hokonui Rununga via e-mail and no response has ever been received.



Figure 2 – Map of Customary Marine Title Applications. Source – Environment Southland Website

Only one application being that made Te Rununga o Ngai Tahu (**TRONT**) is considered to be relevant to this application. In this regard, it is noted that the applicant consulted with TRONT earlier this year when consulting on an earlier version of this proposal for MV Mitre Peak III and the response from TRONT was:

> *"Te Rūnanga o Ngāi Tahu works directly with Papatipu Rūnanga to assist them with advancing their application for customary marine title in their rohe. For this reason, we require applicants to firstly engage directly with Papatipu Rūnanga and/or their respective environmental entity to obtain their views on the proposed application, in order to satisfy s 62 obligations under MACA. For your application, Te Rūnanga would require you to engage with Te Ao Marama (office@tami.maori.nz) and Hokonui Rūnanga (Hokonui.Office@ngaitahu.iwi.nz) as well as Te Rūnanga. Jessica Riddell (cc'd) is the Te Rūnanga o Ngāi Tahu contact for the MACA part of the application.*
>
> *As the representative for Papatipu Rūnanga in the area that you have applied for your resource consent, Te Ao Marama will be able to examine your application and then provide their views. Provided these views are recorded within your resource consent application, followed by Te Rūnanga o Ngāi Tahu input, this would then satisfy your s 62 obligations under MACA and can be used*

as evidence to meet the requirements of s 88(7) of the Resource Management Act 1991."[6]

Accordingly, the applicant has consulted with Te Ao Marama Incorporated, Hokonui Rununga and Te Runanga O Ngai Tahu as instructed above, and their respective responses on this matter are summarised below and contained in **Appendix [G]1 – [G]3.** These responses are considered sufficient to satisfy Section 62 of the Takutai Moana Act 2011.

- Te Ao Marama Incorporated. TAMI advised that they consider themselves to be an affected party and note that further engagement will be needed during the resource consent stage. As noted above, we understand their response to be one of refusal to provide approval although despite paying for consultation, no formal response has ever been received. In regard to Section 62 of the Takutai Moana Act 2011 they advised:

    1. That the application is not inconsistent with Te Tangi a Tauira (2008) – the Ngāi Tahu ki Murihiku Natural Resource Management Plan.

    2. That if the proposed activity is within or near a Mātaitai Reserve, Taiāpure, or rāhui, the applicant should engage directly with the Tangata Tiaki responsible for that area.

- Hokonui Rununga. The applicant attempted to consult with them four times via e-mail and never received a response.

- Te Rununga O Ngai Tahu. While their formal response said it does not comment on wider resource management matters including affected party approval status, TRONT noted that:

    1. A preference for a five-year consent term.

    2. Concerns relating to the impact of landing and the increase in visitor numbers exploring within Fiordland National Park, including cumulative effects; and

    3. Concerns related to the potential for future increases in structures, vessels and associated craft, discharges, and the ability for vessels to traverse longer distances.

[6] E-mail from Rachael Pull, Senior Environmental Advisor – Planning, Te Ao Tūroa, Te Rūnanga o Ngāi Tahu to Sean Dent dated 01.05.25.

6 Statutory Considerations

6.1 Operative Regional Coastal Plan

As noted above, Environment Southland has been reviewing its Regional Coastal Plan and Plan Change 5 was particularly relevant to the provisions for commercial surface of the water activities in the Coastal Marine Area of Fiordland.

The hearings panels decisions on Plan Change 5 were issued in October 2023 and no appeals were received against them.

Following certification of the provisions by the Minister of Conservation on 19 September 2024, the provisions of Plan Change 5 have subsequently been made operative by Environment Southland as of 18 October 2024[7].

Under the Proposed Regional Coastal Plan, the proposal requires the following consents:

- A **Non-Complying Activity Consent** pursuant to Rule 16.2.1(8) for a commercial surface of the water activity in the internal waters of Fiordland from Yates Point to Puysegur Point which lawfully existed at the date of notification of Plan Change 5 (20191120) but which does not maintain the same scale of activity.

  Specifically, it is proposed to undertake the same commercial surface of the water day trips as authorised by 20191120, along the same route, for the same duration, for the same seasonal limits on daily trips, but with a larger vessel with a greater passenger capacity.

6.2 Overall Status

The overall status of the proposal is that of a **Non-Complying Activity**.

[7] Operative Regional Coastal Plan for Southland, page 3.

7 Assessment of Effects

In accordance with Section 88 and Schedule 4 of the Act an assessment is made of any actual and potential effects on the environment that may arise from the proposal is required with any details of how any adverse effects may be avoided, remedied, or mitigated. Accordingly, below is an assessment of effects relative to the scale and significance of the proposed activity.

The assessment of effects has addressed the following categories:

- Permitted Baseline.
- Effects of the Vessel Type.
- Effects of Proposed Operations.
- Effects of Associated activities.
- Effects of Rubbish and Waste Disposal.
- Effects of Noise.
- Effects of Mooring Arrangements.
- Effects of Proposed Term.
- Cultural Effects.
- Cumulative Effects.
- Precedent Effects.
- Positive Effects.

7.1 Permitted Baseline

Sections 95D(b), 95E(2)(a) and 104(2) of the Act provide discretion to Council (for the purposes of forming an opinion as to the actual or potential effects) to disregard any adverse effects of the proposal on the environment (or on a person) if a District Plan or National Environmental Standard permits an activity with that effect.

If the permitted baseline is applied, it is only the effects over and above those which form part of the permitted baseline which must be considered by the Council. The application of the permitted baseline is a discretionary consideration by the Council.

In combination to considering the permitted baseline, for the purposes of the Section 104(1)(a) assessment under the Act, consideration must be given to the 'environment' of the site. The environment for the site includes the following:

- The current lawful state of the site at the time a resource consent application is considered by the Council; and

- The future state of the site as it might be modified by the utilisation of rights to carry out permitted activities (and non-fanciful activities) allowed under a plan; and

- The future state of the site if 'live' resource consents are implemented where it is likely that such consents will be implemented.

The current lawful state of the site has been well described in Section 2.0 of the application. In addition, a list of the lawfully established commercial surface of the water activities has been compiled by Environment Southland.[8]

In terms of the future state of the site there are no other known resource consents for commercial surface of the water activities that are likely to be implemented in the future over and above those that are listed in the table referred to above that was compiled by Environment Southland.

In terms of commercial surface of the water activities, the only permitted activities are described in Rule 16.2.1(6) as follows:

It is a permitted activity to undertake any commercial surface water activities within the internal waters of Fiordland from Yates Point to Puysegur Point for the purposes of:

A performing a statutory function of a central or local government agency, or statutory body. The statutory function work may occur within the internal waters of Fiordland itself or on adjacent land that is necessary to be accessed from the coastal marine area.

B undertaking the cleanup, removal and disposal of any oil/diesel spill, contaminants, unwanted organisms, rubbish and unlawful structures in or adjacent to the coastal marine area, including wrecks and sunken ships, in accordance with any statutory or regulatory obligation, contract of insurance or as part of any organised cleanup program.

Other than outlined above, all commercial surface of the water activities require either a Discretionary (for activities not exceeding the scale and nature of those that existed at the time of notification of PC5) or Non-Complying Activity Consent.

Accordingly, given the consenting requirements outlined above, the Permitted Baseline has no relevance to this proposal.

7.2 Alternative locations or methods

The proposed activity will not result in any significant adverse effects on the environment. Accordingly, an assessment of alternative locations is not necessary.

[8] *https://www.es.govt.nz/repository/libraries/id:26gi9ayo517q9stt81sd/hierarchy/about-us/plans-and-strategies/regional-plans/coastal-plan/documents/CSWA%20ALL%20-%2020%20June%202023.pdf*

7.3 Assessment of the actual and potential effects

The following areas of consideration apply in terms of assessing the actual and potential effects on the environment.

- Effects of the Vessel Type.
- Effects of Proposed Operations.
- Effects of Associated activities.
- Effects of Rubbish and Waste Disposal.
- Effects of Noise.
- Effects of Mooring Arrangements.
- Effects of Consent Term.
- Cultural Effects.
- Cumulative Effects.
- Precedent Effects.
- Positive Effects.

7.3.1 Effects of the Vessel Type

The proposed vessel has been comprehensively described above in Section 5.0 of the application.

The vessel MV Mitre Peak III proposed for use in this application is larger than the existing vessel MV Mitre Peak I which operates under the existing Coastal Permit 20191120.

It is understood that vessel size and appearance can impact on the remote and wilderness values of the Coastal Marine Area including Milford Sound.

In this regard, the proposed vessel MV Mitre Peak III is of a very similar design to that of MV Mitre Peak I as it will be purpose built by the same boat building company. The proposed vessel will be painted in the same subtle colour scheme being white with green trim and green/white signage. As such, it will not by way of its colours and materiality be visually prominent or distracting particularly when compared to the vessels operating in the existing environment.

It is acknowledged that the proposed vessel is longer, wider and very marginally taller than MV Mitre Peak I. Specifically, MV Mitre Peak I has an overall length of 18.3m, a beam of 5.76m and a height above the water line of 5.56m.

In contrast, MV Mitre Peak III which is proposed to replace MV Mitre Peak I is designed to be 24m in overall length, 7.2m in beam and 5.76m in height above the water line.

While the proposed vessel will be longer and wider, it is considered that these differences, while noticeable if the vessels were side by side (which won't happen under this consent), will not be such a materially significant departure from the scale and nature of MV Mitre Peak I as to cause significant adverse effects.

While the vessel MV Mitre Peak III is technically larger, the actual dimensional increase is modest:

Length: The difference is **5.7** meters, or about 31% longer.

Width: The difference is **1.44** meters, or 25% wider.

Height above waterline: The difference is only **0.14** meters, or 2.5% taller.

These differences are incremental, not transformational. They do not substantially change the visual mass or presence when compared to the vessel MV Mitre Peak I when viewed from shorelines, from other vessels, or within the larger visual scale of Milford Sound.

Milford Sound is characterized by towering cliffs that rise vertically more than 1,200 meters above the fjord and extend hundreds of meters below the waterline. Against this immense backdrop, the difference between the existing and proposed vessels just 5.7 meters apart in length and 0.14 meters in height is negligible. Both vessels—regardless of their slight differences in size—are visually dwarfed by the dramatic geological features that define the Sound.

In an open, dramatic seascape like Milford Sound, visual dominance is not only about the size of the existing and proposed vessels but also their contrast with the surroundings. Both vessels are relatively small compared to larger ships that occasionally enter the Sound, such as cruise liners, which can exceed 200 meters in length and tens of meters in height. Compared to these, both the 24m and 18.3m vessels occupy a similar visual category—they appear as small, unobtrusive elements in the broader environment.

From a visitor's perspective—whether on board, viewing from another vessel, or observing from land—the subtle differences in size between the existing and proposed vessels are unlikely to register as significant. The focus in Milford Sound is almost always on the natural environment, not the vessels. As such, any visual or aesthetic impact caused by the increased size of the proposed vessel MV Mitre Peak III is marginal at best.

Although the vessel MV Mitre Peak III will be larger than the existing vessel MV Mitre Peak I in terms of length, width, and height, these differences do not translate to a significant increase in dominance or scale within the context of Milford Sound. The overpowering natural environment, minimal dimensional increases, and the relative similarity in vessel function and perception mean that both vessels occupy a comparable visual and spatial presence in the fjord.

Overall, it is considered that the key determinative of scale and visual effects between the existing and proposed vessels is the overall height above the waterline as the height is deemed a more dominant element of the built form than the differences in length and width.

Specifically, the height of a vessel is more visually dominant than its length or beam because it immediately draws the eye. Tall structures like the superstructure, and pilot station create a stronger vertical presence, making a vessel appear larger or more imposing—even if its length and width are relatively modest. Just like a skyscraper dominates a city skyline more than a long warehouse, a tall vessel makes a stronger visual and spatial impact than a longer, flatter one.

In this regard, MV Mitre Peak I has an overall height above the waterline of 5.56m and MV Mitre Peak III has been designed to have an overall height above the waterline of 5.7m.

The difference in height above water for these vessels is 0.14m or a 2.5% increase and is considered to be marginally different and likely almost imperceptible even if the two vessels were located side by side which won't occur as a result of this proposal.

In this regard, it is considered that physically and visually, the difference in scale between MV Mitre Peak I and MV Mitre Peak III is discernible, but not significant. Accordingly, the adverse effects of the difference in scale of the vessels on visual and landscape character and amenity is considered to be less than minor.

7.3.2 Effects of Proposed Operations.

As noted in Section 5.3, this application seeks to maintain a scale and frequency of operations that is commensurate with the operating limitations for MV Mitre Peak I.

Specifically, this means that all trips will continue to operate within the internal waters of Milford Sound and in accordance with the route map contained in **Appendix [C]**. Further, the applicant will restrict the number of daily trips that are undertaken to the same as that which is currently authorised for MV Mitre Peak I as follows:

- Seven trips per day from 1 October to 30 April; and
- Three trips per day from 1 May to 30 September.

Accordingly, with no changes to the operating locations or the frequency and seasonality of proposed trips, the effects of the proposed operations will not have an increase in perceptible scale, nature and intensity.

As identified in Section 5.0, the proposed vessel MV Mitre Peak III will have a greater passenger and crew capacity. However, the increased passenger and crew capacity is not considered to adversely affect the perceptible scale, nature and intensity of operations within Milford Sound.

The crew and passenger capacity are increased by virtue of MV Mitre Peak III's increased dimensions which have been assessed in Section 7.3.1 above.

The physical size of the proposed vessel, including its length, width, and height above the waterline, has a far more noticeable effect on how the vessel interacts with the landscape. A vessel with a larger physical footprint is more likely to be noticeable as it occupies a larger space relative to its surroundings, but its passenger capacity—whether it holds 50, 100, or 200 people—does not contribute as directly to the landscape or the potential to adversely alter a visitor's perception of the grandeur of Milford Sound.

While the proposed vessel will carry more passengers, they will be distributed across different levels and spread out across the vessel, making the overall visual impact of the passengers less concentrated. Accordingly, while MV Mitre Peak III will carry more people than MV Mitre Peak I, it is considered that from a distance, or even at close range, these passengers will

appear as small, dispersed figures on the decks, and will not significantly alter the visual perception of the vessel's size or how it interacts with the surroundings.

Specifically, while the number of passengers aboard a vessel can affect the experience of those on board (in terms of comfort or crowding), it doesn't fundamentally affect how the vessel itself appears from a distance or in relation to the landscape. The vastness of the fjord ensures that individual passengers are too small to be visually significant, regardless of how many are present. The real visual impact comes from the size and shape of the vessel itself which has been assessed in 7.3.1 above.

While increased passenger capacity might affect the experience for those aboard, it has little impact on the grandeur of the fjord compared to the physical size of the vessel itself. The immense scale of the natural environment and the minimal visual impact of individual passengers means that the size of the vessel —its length, width, and height—dominates the visual interaction between the vessel and the fjord. The natural landscape will always be the true focal point, with the physical scale of the vessel being the key factor in how it relates to the grandeur of Milford Sound and as described in Section 7.3.1, the vessel size has been determined to have no more than minor effects.

Accordingly, the potential adverse effects of the proposed vessels operations on the remoteness and wilderness values that exist in Milford Sound will be less than minor.

7.3.3 Effects of Associated Activities.

The applicant's current Coastal Permit for MV Mitre Peak I does not authorise ancillary activities such as helicopter activity, use of tenders, kayaks, or the ability to swim and dive. The operation is simply a scenic sightseeing trip.

The only activities that may be considered ancillary are the ability to view marine mammals and the use of the underwater observatory.

The applicant does not seek to change this situation through the proposal to operate the vessel MV Mitre Peak III in Milford Sound.

As detailed above, the applicant was granted a new Marine Mammal Viewing Permit from the Department of Conservation on 1st of August 2024 which allows viewing of specified marine mammals from the vessels MV Mitre Peak I and II, for a limited period of time.

The applicant will need to obtain a new Marine Mammal Viewing Permit for MV Mitre Peak III to undertake the same activities should this consent be granted. However, recognising that this application will more likely than not be subject to either a limited or publicly notified process (due to not having all the Environment Southland recommended affected party approvals), the applicant will apply for this permit after the grant of consent and prior to the commencement of the consent.

In this regard, it is volunteered that any decision on this coastal permit application includes a condition that requires the applicant to submit to the Planning Manager, a copy of the Marine

Mammal Viewing Permit issued by the Department of Conservation prior to commencing operations.

Provided that all marine mammal viewing is undertaken in accordance with a Marine Mammal Viewing Permit issued by the Department of Conservation, the effects of this activity on the mammals themselves and in terms of the effects on other operators in terms of congestion and management of the quality of the passenger experience will be less than minor.

Regarding the use of the underwater observatory, it is noted that this is operated under a separate resource consent operated by Southern Discoveries. Any use of this facility will comply with the resource consent and the operators' instructions such that the effects will be less than minor.

7.3.4 Effects of Rubbish and Waste Disposal.

As outlined above, all rubbish will be retained on board the vessel and removed to an approved facility onshore.

Similarly, the applicant does not hold any permits for discharge of waste (sullage or wastewater) and all waste will be transferred to an approved facility on shore.

The applicant volunteers that the above matters are incorporated into conditions of consent on any discharge permit that is granted by the Council.

Taking the above into account, the proposal is considered to have less than minor effects regarding rubbish and wastewater disposal.

7.3.5 Effects of Noise.

As outlined above, the applicant engaged AES to assess the effects of noise from the proposed vessel's operation against the requirements of Rule 5.3.6 which specifies that it is a permitted activity for ships in motion to emit noise provided that such noise does not exceed a sound exposure level of 90 dB(A) in any single drive by at any position beyond a line situated 25 metres back from the line of travel.

Sound levels shall be measured in accordance with the provisions of NZS 6801:1991 "Measurement of Sound".

The letter from AES in **Appendix [E]** outlines that they have previously undertaken measurements of a variety of vessels used for scheduled tourist operations in Milford Sound (nine in total).

Their data shows that the range of measured levels was 79 – 85 dB LAE at 25 metres when these vessels were operating at typical cruising speeds of between 10 – 12 knots (as noted above MV Mitre Peak III has a cruising speed of approximately 11.5 knots).

Compliance with the 90 dB LAE limit was achieved by at least 5 dB for all vessels that AES measured. Their measurements also showed that vessels travelling at lower "no wake" speeds are on average 7 dB quieter than at cruising speed.

AES note that airborne vessel noise will typically increase with engine power, and speed of the vessel. However, if the vessel speed remains similar, then it would take relatively large changes in vessel design for the engine noise contribution to increase. Since the new vessel MV Mitre Peak III will operate in the same manner, and the operator has a standard cruise time of approximately 2 hours, AES consider that vessel speed is expected to be very similar to the currently operating vessels.

For diesel engines, AES advise that it typically takes a doubling in engine power to increase exhaust and casing radiated noise levels by 3 dB. This assumes all other factors such as the engine location on the vessel, operating rpm, length of the exhaust, muffler design and whether the engine is turbocharged or not remain the same.

AES advise that their review also demonstrates that there would need to be large changes in vessel speed or engine power / configuration of MV Mitre Peak III when compared to MV Mitre Peak I for noise levels to increase markedly from those that are emitted by the existing vessel and for there to be a risk of a non-compliance.

Specifically, AES conclude by stating that:

> *"Based on what is currently known about likely vessel design and operating parameters, this appears unlikely. We therefore consider it unlikely that the new Mitre Peak III vessel will exceed Rule 5.3.6 of the Regional Coastal Plan."*

Based on AES's expert assessment, it is considered that the effects of noise from operation of MV Mitre Peak III will achieve the permitted activity standards and have less than minor effects on the environment.

7.3.6 Effects of Mooring Arrangements.

The proposed commercial surface of the water activity will have no effects in terms of mooring and berthage arrangements.

Specifically, as identified in Section 5 above, the applicant will use the berthage currently utilised for the vessel MV Mitre Peak I at the MST harbour in Fresh Water Basin.

Accordingly, there will be no new moorings, jetties or berthages as part of this application.

However, for transparency, the applicant seeks flexibility that should they obtain a separate consent for a mooring in the future, this Coastal Permit should not unduly restrict them from using that mooring which will be subject to a separate application and effects assessment to determine its suitability.

7.3.7 Consent Term

The applicant proposes a term of ten years for the activity.

A term of ten years is considered the minimum certainty of operational duration needed to justify on-going investment in the business particularly regarding large expense items such as construction of a new vessel which has a multi-million-dollar price tag.

A shorter time frame doesn't afford enough certainty that the financial investments in the business and its infrastructure (including securing berthage) can be recouped.

It is acknowledged that Ngā Papatipu Rūnaka ki Murihiku (Te Rūnaka o Waihōpai, Te Rūnanga o Awarua, Te Rūnanga o Ōraka-Aparima and Te Rūnanga o Hokonui) have endorsed a combined position statement on consent term for Resource Consent Applications regarding Coastal Permits, Land Use, and Commercial Surface Water Activities in Te Mimi O Tū Te Rakiwhānoa/Fiordland Coastal Marine Area.

Specifically, the position taken is that these Rūnaka will only endorse (provide affected party approval) for resource consents that are for a duration of five years or less so as to take a "*precautionary approach*" until the Regional Coastal Plan for Southland is reviewed in its entirety although noting that this is an "*interim measure to hold the line*".

As will be discussed below, it is inevitable that these Rūnaka along with Te Rununga O Ngai Tahu will not be prepared to provide an affected party approval to the proposal because of this term.

It has been assessed above that the effects of the proposal in terms of the scale, nature, and intensity of the operations using the proposed vessel MV Mitre Peak III will have no more than minor effects on the landscape character and amenity and the sense of remoteness and wilderness that exists within Milford Sound.

Having come to that conclusion, it therefore seems to be an unnecessary and arbitrary position for these parties to refuse to provide affected party approval to any consent that does not conform to a five-year time frame. This opinion is reached because:

- There is not a communal expiry date for existing permits or any recently obtained i.e. that obtained for MV Mitre Peak II 20242682 which was granted on 11 February 2025. Accordingly, Coastal Permits for existing and recently approved commercial surface of the water activities will be expiring at random times for a long period of time.

- As noted above, it doesn't consider the commercial considerations of the operators running their businesses in Milford Sound and that investments such as this proposal to replace a 26-year-old commercial vessel with a new purpose-built vessel will cost in excess of seven figures (actual amount won't be disclosed due to commercial sensitivities). It simply isn't smart business to make such substantial investments when the duration of tenure to operate is so short.

As an example, Concessions issued by the Department of Conservation for infrastructure intensive activities such as helicopter landings and heli skiing are typically issued for periods of ten to twenty years in recognition of the significant capital investment that needs to be made into purchasing and maintaining aircraft.

It is considered that there is nothing different in this case except that instead of aircraft, the capital-intensive investment is the vessel.

- Additionally, Central Government has now, through the Resource Management (Consenting and Other System Changes) Amendment Act, halted the notification of new planning instruments to reduce Council work and allow Councils to prepare for the new resource management system due to come into effect in 2027.

  Accordingly, while work may be continuing to occur 'behind the scenes' on review and replacement of the Coastal Plan, it is highly unlikely that a new Coastal Plan with associated provisions for commercial surface of the water activities in Milford Sound will be in place before the Coastal Permit for MV Mitre Peak I expires in 2029.

  Even if it were operative by that date, given the age of the vessel and the lead in time for construction upon confirming the build contract, waiting until 2027-2029 would put the build of the replacement vessel back by another two to four years minimum pushing the vessels age to close to 30 years.

  Quite simply, a commercial business should not be hamstrung in the ability to replace and upgrade their consents and infrastructure where the environmental effects are appropriate, because changes to statutory documents need to be amended and/or legislative changes are slowing this process down.

It is the applicant's opinion that a ten-year term allows sufficient time to recoup the financial investment of the build costs for replacement and upgrading of the applicant's commercial vessel which is a reasonable undertaking after 26 years in service. It is also noted that previous consents for the activity have been approved on a fifteen-year term and therefore, the proposed ten-year term is a reasonable and balanced request by the applicant.

Taking the above into consideration, it is considered that the proposed consent term of ten years will have less than minor effects especially when taking into account the cumulative and precedent effects that are discussed in detail below.

7.3.8 Cultural Effects

The coastal waters of Southland are statutory acknowledgement areas, and Ngāi Tahu has an acknowledged association with the area, including the waters of Milford Sound. Section 3.6.10 of Te Tangi a Tauira - The Cry of the People (Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008) includes the following statement:

> *"Te Moana o Atawhwneua, Fiordland has always held spiritual significance and been a rich hunting ground for tangata whenua. The importance of resources and the values held by Ngāi Tahu over these areas remain today."*

It is understood that the key issues for Ngai Tahu are sewage disposal, use of existing berthage, protection of pounamu and Ngāi Tahu's cultural and spiritual values.

In this regard, sewage disposal and berthage have been addressed in the previous sections of this assessment. Sewage will not be discharged in the Coastal Marine Area but along with rubbish and sullage, it will be disposed of to an appropriate facility on-shore.

In terms of berthage, MV Mitre Peak III will utilise the berthage presently occupied by MV Mitre Peak I. As such, there will be no new wharves, jetties, or moorings as part of this consent. Should the applicant seek a consent for a mooring in the future, that will be assessed on its merits at the time of application. The applicant seeks flexibility to alter the berthing location should they obtain an alternative mooring during the term of the Coastal Permit.

The proposed activity is not considered to result in any effects on the pounamu resource.

Regarding cultural and spiritual values, the proposal by the applicant is identical to that which has been occurring under the applicant's operations in Milford Sound for the last two decades. The only difference from the applicants existing operations is the scale of the vessel now proposed to be used.

This aspect of the proposal has been assessed above, and it has been concluded that the change in physical dimensions between MV Mitre Peak I and MV Mitre Peak III will have a less than a minor effect in terms of landscape character and amenity, and remoteness and wilderness values.

Given the above, there are no other known spiritual or cultural values that may be affected by this proposal.

Overall, it is considered that the activities effects on cultural values will be less than minor.

7.3.9 Cumulative Effects.

It is noted that a cumulative effect is a gradual build-up of consequences over a period of time and includes a combination of effects from other activities to create an overall effect on the environment that will occur through the implementation of a proposed development.

In this case, the amended provisions of the Regional Coastal Plan following Plan Change 5 direct significant consideration be given to cumulative effects through Policy 16.2.8. Cumulative effects include increased ship size, frequency of use, scale and appearance of vessels, increased number of vessels, and increased ancillary activities.

In this case, the applicant is not proposing any change in the scale, nature, and intensity of operations that are presently occurring under Coastal Permit 20191120 for MV Mitre Peak I other than to increase the size of the vessel and its passenger carrying capacity.

A comprehensive assessment of the differences in scale of the vessel and passenger carrying capacity has been undertaken above. In both cases, it has been concluded that while there is an incremental increase in the scale of the vessel, it will remain subservient to the landscape and other vessels operating in the sound.

Similarly, it has been concluded that the passenger carrying capacity itself is unlikely to create any noticeable effects on landscape character, amenity and the values of remoteness and wilderness as it is the scale of the vessel as opposed to the visibility of individual passengers that will affect people's perception of these values.

Importantly, the proposal is for a new consent to enable the operation of MV Mitre Peak III. It is not in anyway proposed that this new Coastal Permit would be able to operate in addition to the Coastal Permit 20191120 for MV Mitre Peak I.

As outlined in Section 5.0 of this AEE, a condition is volunteered requiring that the Coastal Permit 20191120 is surrendered prior to the commencement of this new Coastal Permit to ensure that both vessels do not operate concurrently.

Accordingly, the potential cumulative effects of the proposal are less than minor.

7.3.10 Precedent Effects.

Section 104(1)(a) of the RMA requires consideration of "any actual and potential effects on the environment. 'Precedent effects' is essentially an argument that approving one application may influence the Council's decision making on future applications and hence, result in future adverse effects on the environment.

In other words, the predominant concern regarding precedent effects is that future similar applications must be treated 'like for like' so if one proposal such as this commercial surface of the water activity is granted, this may be considered to 'open the gate' for a proliferation of similar applications to be sought and subsequently approved.

As such, precedent effects should only necessitate the declining of a proposal where there is an irreconcilable clash with important provisions of the Regional Coastal Plan and where there is a clear proposition that there will be materially indistinguishable and equally clashing resource consent applications to follow that there will be potential for loss of District Plan integrity.

In this case, the assessment of effects has determined that the potential adverse effects on the environment of allowing the proposed Coastal Permit will be minor.

As is illustrated in the proceeding part of this application, the proposal is also considered to be consistent with the relevant Objectives and Policies of the Regional Coastal Plan as amended by Plan Change 5.

This application will not necessarily result in a proliferation of similar applications and further resource consents being approved. As outlined in the discussion on term, there is no common expiry date for the existing commercial surface of the water activities Coastal Permits and therefore it is highly unlikely that there will be a proliferation of renewal/replacement applications such as this should the proposal be approved.

Similarly, as described above, MV Mitre Peak I is 26 years old and nearing replacement age hence the applicant's proposal for replacement of this vessel. It is unlikely that there are a significant number of other vessels that are all coming to the end of their commercial life and for which a proliferation of applications for new vessels will be made.

Further, any future proposals would need to be comprehensively assessed on their own merits in the same manner as this proposal and there is no guarantee that the same conclusions regarding the environmental effects would be met with any other proposal that seeks to replace an existing vessel with a larger vessel.

Specifically, the applicants existing and proposed vessels are at the smaller end of the scale of commercial vessels that operate in Milford Sound. Accordingly, incremental increases in the size of other commercial vessels may not necessarily be found to have the same level of effects in terms of physical dominance and impacts on landscape character, amenity, wilderness and remoteness values as the changes proposed in this application which; it has concluded, will remain subservient to the existing environment.

Accordingly, it is considered that the risk of precedent effects is less than minor.

7.3.11 Positive Effects.

The proposal will enable the applicant to continue operating and show casing Milford Sound to many tourists every year and perhaps most importantly, providing them with a high-quality visitor experience that promotes New Zealand's tourism gem.

Specifically, Mitre Peak Cruises has been giving their customers an up-close and personal experience of Milford Sound for over 30 years. Their vessels are purposely designed for cruising the waters of Milford Sound and the proposed vessel MV Mitre Peak III will be no different.

Built from New Zealand Survey Standard marine alloy, the proposed vessel is being created with the customer in mind by providing large viewing windows and outdoor decks and an improved coverage from adverse weather (common in Milford Sound) than the applicants existing vessels therefore making MV Mitre Peak III an improvement in customer experience on poor weather days.

Granting consent for MV Mitre Peak III will enable the applicant to commence its construction and have it operational by the time that 20191120 for MV Mitre Peak I expires ensuring that this is an efficient transition from the old vessel to the new without having to seek any interim short duration consents to maintain operating.

Further, the modest increases in scale of the vessel and the additional passenger capacity will future proof the applicant's operations for a significant period and provide an economic return on the overall build cost associated with MV Mitre Peak III.

7.4 Hazardous substances

The proposal involves the use of hazardous substances (fuel). Existing conditions 10(a)-(c) on the Coastal Permit 20191120 are proposed to be imposed on the decision for this application and address the requirements should there be a spill of oil or fuel.

7.5 Discharge of contaminants

The proposal does not include the discharge of any contaminants.

7.6 Mitigation measures

The applicant has volunteered a range of consent conditions as outlined through Section 5 of this application.

7.7 Identification of interested or affected persons.

In considering the adverse effects on persons via Section 95E(2), no parties have been deemed an affected party.

However, as outlined above, consultation is required under the Marine and Coastal Area (Takutai Moana) Act 2011 RMA.

Additionally, and as advised through pre-application correspondence with the Council, affected party consultation has occurred with the following parties:

- Te Runanga O Makaawhio - PO Box 225, Hokitika 7842. Makaawhio.Admin@ngaitahu.iwi.nz/Sinead.Riley@ngaitahu.iwi.nz
- Te Ao Marama Inc – Suite 3, 98 Yarrow Street, Invercargill 9810. office@tami.maori.nz
- Te Runanga O Ngai Tahu - PO Box 13046, Christchurch 8141. TTW@ngaitahu.iwi.nz
- Hokonui Rununga. Hokonui - Office hokonui.office@ngaitahu.iwi.nz
- Fiordland Marine Guardians - 213, Te Anau 9640. info@fmg.org.nz
- Department of Conservation – RMA Shared Services, PO Box 3072, Hamilton 3240. RMA@doc.govt.nz
- Milford Sound Tourism (MST) - CMB 23, Milford Sound 9646. admin@milfordsoundtourism.nz
- CRA8 Management Committee - PO Box 277, Cromwell 9342. cra8@xtra.co.nz / ceo@cra8.org.nz

Consultation has been undertaken with the above parties in terms of Section 95 of the RMA and the approvals received are contained in **Appendix [F]**.

As a result of the correspondence received or the lack of communication received, the following parties do not support the application:

- CRA8 Management Committee.

- Fiordland Marine Guardians.
- Hokonui Rununga.
- Te Rununga O Ngai Tahu.
- Te Ao Marama Incorporated

It is expected that Environment Southland will progress the application on at least a limited notified basis and these parties can elaborate on their concerns with the proposal over and above those summarised in the application text and footnotes in Section 5.9 and 5.10.

7.8 Monitoring.

Condition 14 of Coastal Permit 20191120 outlines reporting requirements and maintenance of a log of all operations for discharges, commercial day trip activities including dates, locations, numbers of passengers, results of inspections for pests and unwanted organisms and requires submission of this reporting quarterly.

The applicant volunteers that these requirements be imposed on any resource consent decision for this application.

7.9 Customary rights

The proposed activity will have no effect on any customary rights.

8 Notification

Public and limited notification matters of consideration are detailed below.

8.1 Section 95A: Public Notification

In terms of Section 95A(1), a consent authority must follow the steps set out in Section 95A, in the order given, to determine whether to publicly notify an application for a resource consent. The four steps within Section 95A(1) are addressed below.

Step 1: Mandatory public notification in certain circumstances.

The following matters are noted:

- The applicant is not requesting public notification of the proposal (Section 94A(3)(a)).
- Provided a further information request is reasonable; the applicant is unlikely to refuse to provide information or refuse the commissioning of a report under Section 92(2)(b) of the Act (Section 95A(3)(b)).
- The application does not seek to exchange recreation reserve land under Section 15AA of the Reserves Act 1977 (Section 95A(3)(c)).

Based on the above, mandatory public notification of the application is not required.

Step 2: Public notification precluded in certain circumstance.

The following matters are noted:

- Public notification is not precluded by any rule or national environmental standard (Section 95A(5)(a)).
- The proposal is not a controlled activity, a restricted discretionary/discretionary subdivision or a residential activity, a boundary activity, or a prescribed activity (Section 95A(5)(b)(i)(ii)(iii)(iv)).

Based on the above, public notification of the application is not precluded.

Step 3: If not precluded by Step 2, public notification is required in certain circumstances.

The following matters are noted:

- Public notification of the proposal is not specifically required by a rule or a national environmental standard (Section 95A(8)(a)).

- The consent authority decides, in accordance with Section 95D, that the proposal will have or is likely to have adverse effects on the environment that are more than minor (Section 95A(8)(b)). The assessment included in this application concludes that the effects will not be more than minor.

Step 4: Public notification in special circumstances.

The following is noted:

- It is considered that there are no special circumstances that warrant the proposal being publicly notified (Section 95A(9)). Consideration as to whether limited notification should occur is addressed below.

8.2 Section 95B: Limited Notification.

Section 95B(1) requires a decision on whether there are any affected persons under Section 95E. The following steps set out in this section, in the order given, are used to determine whether to give limited notification of an application for a resource consent, if the application is not publicly notified under Section 95A.

Step 1: Certain affected groups and affected persons must be notified.

Limited notification is not required under Step 1 as the proposal does not affect customary rights groups, customary marine title groups, nor is it on, adjacent to or may affect land subject to a statutory acknowledgement (Section 95B(2)-(4)).

Step 2: If not required by step 1, limited notification precluded in certain circumstances

Limited notification is not precluded under Step 2, as:

- The proposal is not subject to a rule in the District Plan or national environmental standard that precludes limited notification (Section 95B(6)(a)).

- The proposal is not a controlled activity or a prescribed activity (Section 95B(6)(b).

Step 3: If not precluded by step 2, certain other affected persons must be notified.

Limited notification is not precluded under Step 3 as the proposal is not a boundary activity where the owner of the infringed boundary has provided their approval, nor is the proposal a prescribed activity (Section 95B(7)).

Limited notification is not precluded under Step 3 as the proposal falls into the 'any other activity' category and the effects of the proposal are assessed in the application.

The assessment in this application takes into consideration the exclusions of Section 95E(2) and (3), when assessing whether the proposal will have or is likely to have adverse effects on persons that are minor or more than minor (but not less than minor).

Environment Southland has previously advised the applicant of the parties that it deems to be affected, and these have been identified above in Section 5.9 and several have not provided approval. Accordingly, it is considered that Limited Notification on the below parties is the likely pathway for consideration of this application:

- CRA8 Management Committee.
- Fiordland Marine Guardians.
- Hokonui Runanga.
- Te Runanga O Ngai Tahu.
- Te Ao Marama Incorporated

Step 4: Further limited notification in special circumstances.

It is considered that there are no special circumstances that apply to the application which warrants limited notification.

9 Statutory Assessment

Clause 2(1)(g) of Schedule 4 of the Resource Management Act 1991 requires an assessment against any relevant planning documents that are referred to in Section 104(1)(b) of this legislation. Such documents include:

- A national environmental standard
- Other regulations
- A national policy statement.
- A New Zealand coastal policy statement
- A regional policy statement or proposed regional policy statement.
- A plan or proposed plan

9.1 Regional Coastal Plan (as amended by PC 5)

Relevant Objectives and Policies from the Regional Coastal Plan are contained in Chapter 16 – *Surface Water Activities On The Internal Waters of Fiordland from Yates Point to Puysegur Point.*

Objective 16.1.1 - Maintain essential characteristics

To maintain the essential characteristics, including the internationally, nationally and regionally significant values, of the pristine Fiordland coastal environment that contribute to a range of high-quality experiences in a natural coastal environment.

The explanation to this Objective notes that increased use of the southern waters of Fiordland (not just Milford Sound) can erode the "intrinsic values". Such values are described as the very high natural character and the physical and perceptual characteristics of the landscape.

Additionally, aesthetic values and other values, which people attribute to the landscape such as tranquillity, remoteness and lack of intrusion. Along with the biodiversity and geological and historical/cultural values, wilderness/ remoteness values the southern waters of Fiordland are considered "pristine".

In short, Milford Sound holds intrinsic values not only for its unique biodiversity and rich cultural history but also for its unparalleled natural beauty, making it a global treasure in terms of ecological, cultural, and recreational significance. It's a place where nature's majesty is on full display, offering a profound experience for all who visit.

This application will maintain these essential characteristics as required by the Objective, as much as they presently exist in Milford Sound (noting that wilderness and remoteness values in this Sound differ to others in Southern Fiordland).

It has been explained in the AEE that the proposal will not increase the frequency and intensity of trips presently authorised by the existing Coastal Permit for MV Mitre Peak I in terms of daily, seasonal, or annual trips.

The only difference between the consented activity already undertaken by the applicant and that proposed in this application is a modest change in the vessel size which has been described in the AEE as completely subservient to the landscape and natural character values and the passenger capacity which similarly is not a readily perceptible aspect of the scale of commercial activity.

Accordingly, taking the above into account, the proposal will maintain the essential characteristics of Milford Sound and continue to ensure that high-quality visitor experiences are achieved.

The proposal is consistent with this Objective.

Objective 16.1.2 - Preserve remoteness and wilderness values

To preserve the remoteness and wilderness values of the Fiordland coastal environment.

The explanation to this Objective notes that the internal waters of Fiordland offer a range of experiences as does the adjacent Fiordland National Park (**FNP**) in which the adjoining lands to Milford Sound are contained in the wilderness or remote visitor settings of the FNP management Plan.

In order to achieve a wilderness or remote experience in the coastal marine area that is compatible with that of the adjoining land, the explanation outlines that the coastal management regime will need to differ from that applied elsewhere in the coastal marine area.

The explanation continues to explain that for *some* people the wilderness values of the fiords have already been lost, whilst others believe they remain unaffected by changes in use. Management of increasing levels of use is required, to preserve the wilderness and remoteness values of the internal waters of Fiordland and to manage impacts on the recreational experience of Fiordland National Park.

It is important to identify what wilderness and remoteness values are and, in this respect, the Coastal Plan discusses them in the introduction to Chapter 16 as:

> *"The value of wilderness or remoteness is therefore an important additional value to all the other natural values of the area. Wilderness is a condition in which there is an extremely **high probability of experiencing complete isolation** from the sights, sounds and activities of humans. Remoteness is a similar condition, but the probability of experiencing **complete isolation***

from the sights, sounds and activities of humans is reduced from extremely high-to-high.[9]"

Taking the above into consideration, Milford Sound is considered to lack true wilderness and remoteness values by virtue of it being one of NZ's most popular tourist destinations and the infrastructure and commercial and non-commercial activity that lawfully exists in the environment. This is confirmed by the first sentence in the explanation to Policy 16.2.7 which states:

> *"Apart from Piopiotahi / Milford Sound and Patea / Doubtful Sound, all of the principal arms, inlets and fiords in Fiordland offer significant remoteness and wilderness values"*[10].

While these qualities can still be partially experienced, there is an existing human presence in the fiord and any consideration of whether the proposal achieves this objective must take that existing environment into account.

The only difference between the consented activity already undertaken by the applicant and that proposed in this application is a modest change in the vessel size which has been described in the AEE as completely subservient to the landscape and natural character values, and the passenger capacity which similarly is not a readily perceptible aspect of the scale of commercial activity.

It has been explained in the AEE that the proposal will not increase the frequency and intensity of trips presently authorised by the existing Coastal Permit for MV Mitre Peak I in terms of daily, seasonal, or annual trips.

Accordingly, the proposal will not diminish the remoteness and wilderness values currently experienced in Milford Sound.

The proposal therefore achieves this Objective.

Objective 16.1.3 - Effects of surface water activities on intrinsic values

To ensure that commercial and private recreational surface water activities do not adversely affect the intrinsic values of the Fiordland coastal environment.

Intrinsic values refer to the inherent worth of the natural environment and its species, separate from human utility. For Milford Sound, this is considered to include its World Heritage status and biodiversity, which are recognized for their intrinsic value, alongside its stunning natural landscapes like towering cliffs and waterfalls, the unique ecosystems that support rare flora and fauna, and the spiritual significance for local Māori (Mana Whenua).

[9] Environment Southland Regional Coastal Plan, Chapter 16, Section 16.1, Introduction, page 453, paragraph 3.
[10] Environment Southland Regional Coastal Plan, Chapter 16, page 463, Policy 16.2.7, Explanation, first sentence.

The explanation to this Objective is particularly limited, simply noting that private and commercial recreational activities can adversely affect the natural and physical environment and the quality of the recreational experience had by others. The explanation suggests that to protect the environment and the quality of the recreational experience, users should avoid adverse effects on each other and the environmental conditions that attract them to the area. This is very broad and not necessarily helpful.

However, when the proposal is considered against the existing environment and the applicants existing lawful commercial surface of the water activities, it is clear that this proposal will not adversely affect the intrinsic values of Milford Sound.

Specifically, there is no increase in the frequency and intensity of trips offered. These will remain subject to the same daily, seasonal and annual restrictions as which presently exist. The changes in vessel size have been assessed in the AEE and found to be negligible in terms of their effects in terms of detraction from the landscape and natural character values of Milford Sound and that the changes in size are unlikely to be prominent so as to be noticeably different to the scale of commercial operations currently occurring.

The effects of noise emissions have been assessed by AES and will comply with the Permitted noise limits of the coastal plan and therefore not adversely affect the 'natural quiet values' as far as these exist or exacerbate effects on marine life.

The effects of rubbish and wastewater discharge have been addressed by volunteered conditions requiring this to be off-loaded to shore rather than discharged to the environment. Similarly, volunteered conditions will ensure biosecurity checks are undertaken and included in the log of operations.

It has been identified that the applicant currently holds a Marine Mammal Viewing Permit issued by the Department of Conservation and this controls the effects on marine life and ensures their protection whilst enabling a recreational experience. It has been acknowledged that a new permit will be required for MV Mitre Peak III and conditions of consent have been volunteered to provide a copy of this permit to the Council prior to commencing operations.

In regard to cultural effects, other than noting the term is inconsistent with that promoted by Ngā Papatipu Rūnaka ki Murihiku (Te Rūnaka o Waihōpai, Te Rūnanga o Awarua, Te Rūnanga o Ōraka-Aparima and Te Rūnanga o Hokonui) in their position statement, the other key concerns raised in that position statement include:

- Visitor numbers
- Structures
- Number of vessels and associated craft
- Landing and exploring/fossicking withing FNP
- Cumulative effects on remoteness/wilderness/intrinsic values
- Discharge from vessels
- Size of vessels

- Ability for vessels to traverse longer distances.[11]

Visitor numbers, vessel size, and discharges from this proposal have already been discussed and will not adversely affect intrinsic values. This proposal also does not include any new structures or moorings, no associated vessels (tender craft), no visiting the shore, and no change in the commercial route that is already utilised by the applicants existing vessel. Accordingly, the proposal is not considered to adversely affecting cultural values.

As such, the proposal is consistent with this Objective.

Policies

Policy 16.2.1 – Recognise, identify and protect areas at risk of diminished natural character, landscape and amenity values

(a) Recognise that natural character, landscape and amenity values are not uniform across all fiords and some areas are more vulnerable than others to the adverse effects of increased use; and

(b) Identify areas in the fiords where natural character, landscape and amenity values are vulnerable to the adverse effects of increased use.

The explanation to this Policy recognises that the attributes (difficulty of access, activity level, remoteness, human-built infrastructure, natural quiet, type of landscape, extent of connected fiord waterways and proximity to formally protected areas) of the different fiords affect their resilience to increased and change in use.

Landscape and amenity values are recognised as being inherently subjective, although the matters that contribute to these values and people's appreciation of the areas are widely shared and supported.

Perhaps most importantly, the explanation notes that:

> "*This policy requires case-by-case consideration, for example through the resource consent process, of the vulnerability of an area's values to the adverse effects of commercial surface water activities*".

This indicates that there are likely to be *some* proposals, in certain locations that are acceptable in terms of potential adverse effects and that a 'blanket' prohibition on any changes in scale, nature and activity is not what is intended to be achieved.

Considering this proposal on its own merits and recognising that the only real change between the applicants existing operations and this proposal to introduce MV Mitre Peak III is a modest change in scale of the vessel that will still be overwhelmingly subservient and perceptibly

[11] Te Ao Marama Inc, Position Statement on Consent Term for Resource Consent Applications Regarding Coastal Permits, Land Use, & Commercial Surface Water Activities in Te Mimi O Tu Te Rakiwhanoa/Fiordland Coastal Marine Area

indifferent to the existing operations undertaken by MV Mitre Peak I the proposal is considered to protect Milford Sound from further degradation of natural character, landscape and amenity values.

The proposal is consistent with this Policy.

Policy 16.2.2 – Avoid adverse effects on internationally, nationally, and regionally significant values

Avoid adverse effects on the international, national, and regionally significant values of the Fiordland coastal environment, by:

1 recognising that the international, national, and regionally significant values of the Fiordland coastal environment include:

a outstanding natural character values, including wild and scenic values and outstanding naturalness;

b outstanding landscape and natural feature values;

c amenity values;

d significant habitats of indigenous fauna, significant indigenous vegetation and indigenous biological diversity (including marine reserves and habitat of the protected black coral, marine mammals and sea birds);

e spiritual and cultural values, relationships, and beliefs of tangata whenua;

f Ngāi Tahu customary use;

g taonga species present; and

h wilderness, remoteness and tranquility values;

2 not granting resource consent for new or intensifying (above that which lawfully existed at 18 July 2022) commercial surface water activities, including ancillary activities, where adverse effects on those matters identified in Policy - 16.2.2(1) will increase; and

3 using a precautionary approach in the consideration of resource consents for commercial surface water activities, including ancillary activities, to ensure the international, national and regional values of the Fiordland coastal environment are protected, or maintained where values have been degraded;

until allocation, limits are established through the Regional Coastal Plan Review process.

The explanation to this Policy notes that in order to protect the intrinsic values of Fiordland commercial activities across the Coastal Marine Area are to be limited to the consented levels that existed at 18 July 2022 until a comprehensive review of the coastal plan is undertaken.

Interestingly, that statement is not backed up by a Policy direction or a Rule that *prohibits* consent being granted for new or increased activity. Rather the Policy requires avoidance of adverse effects on the significant values of the coastal marine area and part (2) of the Policy only specifies that consents for new or intensifying activities should not be granted *where adverse effects on those matters identified in Policy - 16.2.2(1) will increase.*

It has been demonstrated throughout this AEE and the Objectives and Policies assessment that the only material changes arising from this proposal over and above the existing consent held by the applicant is the modest increase in size of the proposed vessel and the passenger capacity.

Both elements have been assessed in detail in the AEE and found to have less than minor effects on the important values of Milford Sound which broadly cover the points (a) through (f) in this Policy.

Accordingly, while the proposal is partly inconsistent with part (2) of the Policy, it is also considered that the proposals adverse effects on the listed values are less than minor.

As such, the proposal is consistent in part with this Policy.

Policy 16.2.3 – Avoid or mitigate adverse effects on marine mammals

Avoid or mitigate adverse effects from commercial surface water activities on marine mammals including by:

1 *considering the level of underwater noise of the vessel, including ancillary activities, and methods proposed to minimise underwater noise (for example speed restrictions);*

2 *considering speed restriction where this could minimise potential effects on marine mammals;*

3 *where relevant, including conditions in resource consents focused on avoiding adverse effects on habitats that are particularly significant for marine mammals including whales, seals and the endangered bottlenose dolphin populations; and*

4 *advocating for the use and understanding of current measures to avoid or mitigate potential adverse effects on marine mammals as appropriate.*

The noise of the vessel has been assessed by AES, and it is their opinion that the noise from MV Mitre Peak III will comply with the noise limits of the coastal plan and will be commensurate with that of the applicant's existing vessels. As such, the effects of underwater and airborne noise are considered to avoid adverse effects on marine mammals.

In terms of speed restrictions, it is noted that the applicant has a marine mammal viewing permit issued by the Department of Conservation and the cruising and maximum speeds of the vessels are listed in part (K) of the application that forms part of the permit. It has been volunteered that a new permit will be obtained for MV Mitre Peak III and a copy of this will be provided to the Council before commencing operations.

It is considered appropriate that the Department of Conservation controls speed restrictions on marine mammals and the applicant will adhere to any such restrictions that are imposed on them.

Similarly, in regard to (3), the existing and anticipated future Marine Mammal Viewing Permit will contain conditions to avoid adverse effects on marine mammals and their habitats such as limitations on the time in contact with groups of marine mammals, limitations on distance from groups of marine mammals, and restrictions on noise.

Subject to conditions of consent requiring the applicant to obtain, submit to Council, and comply with any Marine Mammal Viewing Permit issued by the Department of Conservation, it is considered that the proposal will be consistent with this Policy.

Policy 16.2.7 - Protection and maintenance of remoteness, wilderness and recreational values in the fiords, inlets and arms

Manage adverse effects of commercial surface water activities, including ancillary activities, in the Fiordland coastal marine area:

1 *to protect wilderness values of Rakituma / Preservation Inlet and Taiari / Chalky Inlet;*

2 *to protect the wilderness values of the northern fiords, between (but not including) Piopiotahi / Milford Sound and Te Awa-o-Tū / Thompson Sound;*

3 *to protect remoteness values of the Tamatea / Dusky Sound complex (including Tamatea / Dusky Sound, Te Puaitaha / Breaksea Sound, Te Rā / Dagg Sound and all associated 'arms') and wilderness values of the Cook and Bowen channels within the Tamatea / Dusky Sound complex;*

4 *to maintain the predominantly remote experiences values of the Patea / Doubtful Sound complex (including all 'arms', Te Awa-o-Tū / Thompson Sound and Kaikiekie / Bradshaw Sound); and*

5 *to maintain the recreational and visitor values of Piopiotahi / Milford Sound and Deep Cove.*

This Policy (and its explanation) make it clear that Milford Sound does not exhibit true wilderness and remoteness values – something that has been identified above in the assessment of Objective 16.1.2.

Accordingly, it is important to recognise that while this Policy seeks protection of those values in most other waters of Fiordland, part (5) that is specific to Milford Sound directs only maintenance of recreational and visitor values.

As noted in the last paragraph of the explanation, the effects of individual ships on wilderness and remote values are generally transient and are unlikely to permanently reduce the naturalness of the area. However, the number, duration and frequency of vessels in one area, particularly if consistently maintained, can make a transitory and temporary effects more permanent, which can lead to greater levels of adverse effects.

Taking this explanatory statement into consideration, this proposal seeks no increase in the number of vessels operating, no increase in the duration of trips offered, and no increase in seasonal frequency and intensity of trips.

The only material changes from the applicants existing operations are the modest increase in vessel size (which has been assessed above to be subservient and perceptibly similar in scale to the current vessels) and passenger capacity which is not considered to be a visually recognisable change in scale.

Accordingly, the proposal is considered to maintain the recreational and visitor values (which are still spectacular) of Milford Sound.

Policy 16.2.8 - Impacts on wilderness and remoteness values

When considering a resource consent for a commercial surface water activity, recognise and consider matters that can impact on the international, national, and regionally significant wilderness and remoteness values of the Fiordland coastal environment including:

1 *ship size including increases in ship size from those lawfully established at 18 July 2022;*

2 *frequency of ship use and type of use (including day trips or backcountry trips);*

3 *vessel appearance, including scale, bulk and form of the ship exterior;*

4 *cumulative effects including increasing number of ships and structures and concentration of these;*

5 *ancillary activity (including helicopters, tenders craft and kayaks) associated with the commercial surface water activity proposal, in particular increases in ancillary activity levels above those levels lawfully established at 18 July 2022;*

6 *location, landform and scale of the landscape, including its ability to absorb change;*

7 *anthropogenic noise; and*

8 *presence and use of structures, including moorings, related to required for the commercial surface water activity proposal.*

As already outlined above wilderness and remoteness values are not prevalent in Milford Sound and this is recognised by the Coastal Plan itself[12].

However, it is still relevant to consider the above points within the context that is Milford Sound. Importantly, the proposal does not seek to change the frequency or type of use of vessels under the applicant's control, materially change the appearance from the physical appearance of their existing vessels, increase the number of vessels, structures, or concentration of vessels or to facilitate any other ancillary activity such as helicopters, kayaks, tender craft. As such the proposal is consistent with points (2) –(5) and (8).

In regard to point (7), the experts at AES have assessed the potential noise emissions of the new vessel and concluded that the noise would comply with the limits specified in the coastal plan and be commensurate with the noise from the applicants existing vessels. As such, there would not be an increase in anthropogenic noise and the proposal would be consistent with part (7).

In regard to points (1) and (6),detailed consideration has been given to the proposed change in size of the vessel between MV Mitre Peak I and MV Mitre Peak III.

The AEE has found that while there is a modest change in size between the two vessels, the difference in scale is still overwhelmingly dwarfed by the scale of the landscape and the different bulk/scale can still be comfortably absorbed into the environment of Milford Sound.

Further, the proposed vessel will be comparably smaller than many of the vessels that enter into and which operate within Milford Sound and therefore the change in scale will not be readily perceptible to visitors so as to detract from the limited wilderness/remoteness values that exist in Milford Sound.

The proposal is consistent with this Policy.

Policy 16.2.15 – Consent term

To protect the intrinsic values of the Fiordland coastal marine area when considering the term of consent for commercial surface water activities consideration will be given (but not limited) to:

[12] Environment Southland Regional Coastal Plan, Chapter 16, page 463, Policy 16.2.7, Explanation, first sentence.

a *the duration sought by the applicant and reasons for the duration sought;*

b *for proposals that did not lawfully exist as at 18 July 2022 whether uncertainty regarding effects / capacity could be addressed through shorter duration;*

c *relevant Ngāi Tahu, mana whenua and mana moana values;*

d *the value, permanence, and economic life of any capital investment and any related infrastructure, of relevance to their application;*

e *the desirability of applying a common expiry date;*

f *the applicant's compliance with conditions of any previous resource consent and requirements to hold a Fiordland Clean Vessel Pass; or*

g *the applicant's adoption, particularly voluntary, of practices, which avoid or if avoidance is not possible adequately mitigate adverse effects.*

As noted above, a term of ten years has been sought. This term is sought to afford the applicant certainty of tenure for a period of time that makes the commissioning of a new vessel a commercially viable exercise. Consent terms that offer limited certainty of tenure are not appropriate for commercial recreation activities where the infrastructure involved has a significant capital outlay.

Over their time operating in Milford Sound, the applicant has seen consent terms dwindle from 15 years to ten years, and now five years. Ten years is the minimum appropriate balance between protecting the values of the area and maintaining commercially viable business. This aligns with the considerations required by (a) and (d).

Importantly, and regarding point (b), this proposal is essentially a replacement of the vessel MV Mitre Peak I and Coastal Permit 20191120 which did exist at 18 July 2022. There is therefore no change in the capacity of vessels within the sound, just a change in size of the vessel which has been comprehensively assessed above as being less than minor.

Consideration has been given to cultural values and input from consultation with Iwi. Iwi have clearly articulated they want a five-year term but the matters raised in their position statement are not considered to result in adverse effects from the granting of this proposal. The proposal achieves (c).

In regard to (e), it has also been assessed in the AEE that there is no common expiry date for all commercial surface of the water consents in Milford. This has been noted as a deficiency in the suggestion for a five-year term as there are multiple operators with multiple consents that all expire at different times. There is no consistency and therefore equality in granting short term consents where there is no common expiry date that would enable all operators to renew consents at the same time under a new Coastal Plan following the

"comprehensive review" that has been promised. As noted in the AEE, this is a common approach taken by the Department of Conservation in areas where there is a "limited supply" situation.

Regarding (f), the writer is not aware of any compliance issues that have been identified with the applicant's performance and compliance history over the course of their operations in Milford Sound.

Regarding (g), there are no voluntary actions that can be offered (beyond the already volunteered conditions of consent for general operations) that would mitigate the effects of the change in vessel scale or passenger capacity. As noted in the AEE, these matters have been found to have less than minor effects.

A ten-year term is therefore appropriate considering this policies direction.

Overall, subject to the imposition of appropriate conditions being the same or similar as those on the existing coastal permit, the proposed activity will be consistent with the abovementioned objectives and policies of the Regional Coastal Plan as amended by Plan Change 5.

10 Purpose and Principles of the Act

The purpose of Act is to promote the sustainable management of natural and physical resources. Sections 6, 7 and 8 also require consideration.

In terms of Section 6, there are two matters of national importance that are relevant to this proposal being:

(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development

(e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:

Regarding (a), the proposal is a straight replacement of an existing Coastal Permit with no intensification in terms of the number of daily, seasonal, and annual trips and only a modest increase in the size of the vessel used for the activity.

Accordingly, and in line with the policy direction of PC5 to 'hold the line' on commercial surface of the water activities until a more comprehensive study of allocation limits is developed through the Coastal Plan review, the proposal is consistent with and will achieve part (a).

Regarding part (e), the relationship of Māori to Milford Sound is recognised and consultation has occurred with the relevant iwi groups in regard to this application. While support has not been obtained from these groups, they will have the opportunity to participate in a notification process and ensure that the effects on their values are appropriately and comprehensively assessed by the Council.

Accordingly, the proposal will appropriately recognise and provide for these matters of national importance.

Section 7 of the Act states that achieving the purpose of the Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to:

(a) kaitiakitanga:

(aa) the ethic of stewardship:

(b) the efficient use and development of natural and physical resources:

(ba) the efficiency of the end use of energy:

(c) the maintenance and enhancement of amenity values:

(d) intrinsic values of ecosystems:

(e) [Repealed]

(f) maintenance and enhancement of the quality of the environment:

(g) any finite characteristics of natural and physical resources:

(h) the protection of the habitat of trout and salmon:

(i) the effects of climate change:

(j) the benefits to be derived from the use and development of renewable energy.

The proposal has had regard to all the relevant matters above in the assessment of effects.

There are no matters under Section 8 of the Act that require consideration with respect to the proposed activity.

For the reasons outlined in the application, the proposed activity is consistent with the purpose and principles of the Act and the associated matters under Part 2 of the Act.

The proposed development will be undertaken in a manner which avoids, remedies, and mitigates potential adverse effects on the environment.

Overall, it is considered that the proposal is consistent with the purpose and principles of the Act and therefore accords with the definition of sustainable management.

AUTH-20191120

environment SOUTHLAND

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Coastal Permit

Pursuant to Section 104B of the Resource Management Act 1991, a resource consent is hereby granted by the Southland Regional Council to **Totally Tourism Limited** of **29 Lucas Place, Queenstown 9348** from **30 October 2019**.

Please read this Consent carefully, and ensure that any staff or contractors carrying out activities under this Consent on your behalf are aware of all the conditions of the Consent.

Details of Permit

Purpose for which permit is granted:		To undertake commercial surface water activities, namely commercial day trips.
Location	- site locality	In the coastal marine area adjacent to Fiordland National Park, within Milford Sound.
	- map reference	NZTM 2000: 1,187,382E 5,051,144N
Legal description at the site:		Marine and Coastal Area
Expiry date:		30 October 2029

Schedule of Conditions

1. This consent authorises the undertaking of commercial surface water activities, in the coastal marine area adjacent to Fiordland National Park within Milford Sound:
   (a) Using one vessel of up to 18.3 metres overall length with up to 60 passengers and up to 4 crew

   for the purpose of undertaking commercial day trips, as described in the application for resource consent dated 6 January 2019, further information received on 25 March 2019 and 13 May 2019 and the amended application dated 10 April 2019[1].

2. In accordance with Section 125 of the Resource Management Act, 1991, this resource consent will lapse if not exercised within 2 years of the date that it was granted.

[1] Environment Southland electronic file system (Objective) references: A454146, A463729, A463730, A463727, A473711 and A468266.

3. In accordance with section 126 of the Resource Management Act, 1991, this resource consent may be cancelled by the Consent Authority if not exercised for a continuous period of 5 years or more.

Operational Restrictions

4. The Consent Holder may operate up to:
   (a) Seven trips per day from 1 October to 30 April; and
   (b) Three trips per day from 1 May to 30 September.

5. The Consent Holder must limit the travel speed of the vessel to 5 knots within 200 metres of the shoreline.

6. The Consent Holder must avoid marine bird and mammal nesting and breeding areas as follows:
   (a) passengers or crew shall not land on any foreshore; nor
   (b) shall the vessel operating pursuant to this Consent moor or anchor or otherwise stop;
   within 50 metres of New Zealand fur seal colonies or penguin colonies.

7. The Consent Holder must limit the travel speed of the vessel to 5 knots within 500 metres of a seal or penguin colony.

8. The Consent Holder must not anchor within any known china shop[2] areas.

Rubbish Disposal and Sewage Discharges

9. Discharges of any contaminant, or any article or substance of a dangerous or offensive nature into the coastal marine area from the vessel or any other vessel operating under this Consent may only occur in accordance with the Resource Management (Marine Pollution) Regulations 1998, or any subsequent version.

Contaminant Spills

10. (a) The Consent Holder shall ensure a fuel/oil spill kit that is suitable for the operation is available on the main vessel at all times. This spill kit shall contain, at a minimum:
   (i) oleophilic booms, pads and pillows;
   (ii) personal protection equipment;
   (iii) plastic bags;
   (iv) ropes; and
   (v) absorbent materials for smaller spills on board.

   (b) In the event of any spill of oil, fuel or other contaminant, the Consent Holder shall remove the contaminants immediately from the site and take immediate, effective steps to contain and recover the spill.

   (c) The Consent Holder shall immediately notify the Consent Authority (ph 0800 76 88 45 or email escompliance@es.govt.nz) that a spill has occurred. Notification shall include the type and quantity of oil, fuel or other contaminant spilled, and the steps taken to avoid, remedy or mitigate any adverse effects.

[2] **China Shop -** means an area identified:
a by a number on Map 1 of Appendix 3A of the Regional Coastal Plan for Southland 2013; and
b as a prohibited anchoring area on Maps 2 to 6 of Appendix 3A of the Regional Coastal Plan for Southland 2013.

(d) In the event of a spill of any contaminant, no dispersants or degrading agents shall be discharged to water without the approval of the Consent Authority.

Noise

11. If any new or other vessel, or tender craft is used in the exercise of this consent, or if any alterations to the engine(s) of the vessel or tender craft occur during the exercise of this consent:

(a) The Consent Holder shall provide to the Southland Regional Council evidence that this activity can meet the noise standards of Rules 5.3.4 and 5.3.6 in the Regional Coastal Plan for Southland 2013 (or the relevant standards in any subsequent version), in accordance with the provisions of NZS 6801:1991 "Measurement of Sound" and NZS 6802:1991 "Assessment of Environmental Sound".

(b) Evidence required by Condition 11(a) shall be provided to Council, in writing, within 20 working days of the first use of the new or altered vessel under this consent.

Biosecurity

12. The Consent Holder shall ensure that the following biosecurity procedures are followed at all times:

(a) at the last port of call prior to entering the Fiordland marine area, the hulls of all vessels operating under this Consent, including the vessel:
  (i) be inspected for pests and fouling organisms, in particular *Undaria*;
  (ii) clean and dry mooring lines, buoys and any other equipment that has come into contact with coastal waters in a manner that kills marine pests and unwanted organisms;
  (iii) after cleaning the hull and equipment, have the hull and associated equipment inspected by a suitably qualified person to ensure that there are no visible signs of marine pests and unwanted organisms; and

(b) six weeks after the inspection required in Condition 12(a) the Consent Holder shall inspect the vessel, mooring lines, buoys and any other equipment that has come into contact with coastal water to check for marine pests and unwanted organisms; and

(c) immediately after each inspection required in Condition 12(a) and 12(b), if any marine pests or unwanted organisms are found, the Consent Holder shall notify the Consent Authority and seek advice from a suitably qualified person regarding removal, treatment, and disposal of the pest(s) or unwanted organism(s). Once this advice is received, the Consent Holder shall immediately ensure that the pest(s) or unwanted organism(s) are removed and disposed of in accordance with that advice.

13. The Consent Holder shall:
(a) maintain the vessel in a rodent free state at all times;
(b) maintain at least one bait station or trap for the purposes of rodent eradication, on the vessel at all times;
(c) inspect the vessel and any cargo, for pests, in particular, rodents, on each occasion of operating, and prior to re-entering the Fiordland marine area on each occasion; and
(d) ensure that any food is stored in rodent proof containers.

Reporting Requirements

14. The Consent Holder shall maintain a log of all operations, including:

    (a) when necessary to discharge to the coastal marine area under the Marine Pollution Regulations or subsequent document, the location of all discharges of sewage undertaken in accordance with Condition 9 of this Consent, including comment as to whether or not the sewage is treated;

    (b) a log of all commercial day trip activities, including the following details:
        (i) departure date and return date for each day trip;
        (ii) location(s) travelled to for each day trip;
        (iii) number of passengers aboard the vessel for each day trip; and
        (iv) the purpose of all activities, including use of the vessel and any ancillary activities such as: helicopter landings within the coastal marine area for the purpose of embarking/disembarking passengers and loading/offloading supplies and rubbish; fishing; diving; and disembarkation of passengers for sightseeing and hunting purposes.

    (c) the results of inspections for pests, unwanted organisms, or hull fouling organisms on the vessel and equipment, in accordance with Conditions 12 and 13 of this Consent.

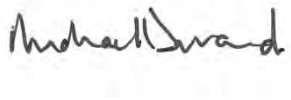
    (d) A copy of the entries in this log shall be provided to the Consent Authority every three months in accordance with the following schedule:

Recording period	Report for the period due before:
1 January to 31 March	30 April
1 April to 30 June	31 July
1 July to 30 September	31 October
1 October to 31 December	31 January

Review of Consent Conditions

15. The Consent Authority may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this consent during the period 1 February to 30 September each year, or within two months of any enforcement action being taken by the Consent Authority in relation to the exercise of this consent, for the purposes of:
    (a) Determining whether the conditions of this permit are adequate to deal with any adverse effect on the environment, including cumulative effects, which may arise from the exercise of the permit, and which it is appropriate to deal with at a later stage, or which become evident after the date of commencement of the permit; or
    (b) Ensuring the conditions of this consent are consistent with any National Environmental Standards Regulations, relevant plans and/or Policy Statement; or
    (c) Amending the monitoring programme to be undertaken; or
    (d) Adding or adjusting compliance limits; or
    (e) Requiring the consent holder to adopt the best practicable option to remove or reduce any adverse effect on the environment arising as a result of the exercise of this permit.

for the **Southland Regional Council**



Michael Durand
Consents Manager

Notes

1. An activity log template can be downloaded from the Council's website at: http://www.es.govt.nz/Document%20Library/Forms-ES/Compliance%20forms/Coastal%20permits/generic-scwa-log.pdf

2. The Consent Holder shall pay an annual administration and monitoring charge to the Consent Authority, collected in accordance with Section 36 of the Resource Management Act, 1991.

3. The Consent Holder shall not sell this Consent, in whole or in part, or any of the rights, powers and privileges conferred by it, without advising the Consent Authority, and the payment of the transfer charges as determined by the Consent Authority.

4. Neither the issuing of this Consent nor anything contained in it shall affect the liability of the Consent Holder for any injury caused by the exercise of this consent to any vessel or person through any default or neglect of the Consent Holder.

5. The granting of this Consent does not absolve the Consent Holder from the responsibility to abide by any rule or regulation; nor does it absolve the Consent Holder from the responsibility to obtain any approval, permit, licence, concession or consent from any other body, including, but not limited to, marine mammal viewing permits issued by the Department of Conservation.

6. Any vessel operating under this consent must be operated in accordance with the noise standards set out in Rule 5.3.4 and 5.3.6 of the Regional Coastal Plan 2013 (or the relevant standards in any subsequent version).

environment SOUTHLAND REGIONAL COUNCIL
Te Taiao Tonga

Cnr North Road and Price Street
(Private Bag 90116
DX YX20175)
Invercargill

Telephone (03) 211 5115
Fax No. (03) 211 5252
Southland Freephone No. 0800 76 88 45

Coastal Permit

Under Section 104B of the Resource Management Act 1991, a resource consent is granted by the Southland Regional Council to **C/- Mitre Peak Cruises Limited** of **Milford Sound Visitor Terminal, State Highway 94, Milford Sound** from **11 February 2025.**

Please read this Consent carefully, and ensure that any staff or contractors carrying out activities under this Consent on your behalf are aware of all the conditions of the Consent.

Details of Permit

Purpose for which permit is granted:		To undertake commercial surface water activities in the coastal marine area of Milford Sound/Piopiotahi.
Location	- site locality	Within the internal waters of Milford Sound/Piopiotahi
	- map reference	NZTM2000 1197756E 5041310N
Legal description at the site:		Coastal Marine Area
Expiry date:		11 February 2030

Conditions

1. This consent authorises the undertaking of commercial surface water activities, within the internal waters of Milford Sound/Piopiotahi inside a line from Stripe Point to Saint Anne Point for:

   (a) one vessel of up to 20 metres registered length with up to 75 passengers plus 10 crew; and

   (b) up to four commercial day trips per day, year-round,

   for the purpose of undertaking commercial day trips, namely operating the vessel *MV Mitre Peak II*, or a replacement vessel in accordance with condition 2, as described in the application for resource consent dated 1 October 2024[1], and further information received on 5 November 2024 and 14 January 2025[2].

[1] Environment Southland Document ID: A1168434
[2] Environment Southland Document ID: A1187896 and A1216164

2. The Consent Holder may use a replacement vessel provided it is a similar type, and no larger than the existing vessel (MV Mitre Peak II) subject to the approval of the Consent Authority.

Operational Restrictions

3. The Consent Holder shall not operate commercial surface water activities outside of Milford Sound/Piopiotahi beyond the line from Stripe Point to Saint Anne Point.

4. Passengers or crew of the vessel shall not land on any foreshore, from Yates Point to Puysegur Point other than the wharfs and launching areas within Milford Sound/Piopiotahi.

5. This consent does not authorise the use of any other vessel for commercial surface water activities other than the *MV Mitre Peak II* or a replacement vessel in accordance with condition 2.

Effluent Discharge

6. Sewage, as defined in the Resource Management Marine Pollution Regulations, shall be retained in holding tanks on board for disposal into shore based sewage facilities or discharged as per the Resource Management Marine Pollution Regulations in the event a shore based wastewater system facility is not available or out of service.

Rubbish Disposal and Contaminant Spills

7. All rubbish shall be removed from the Coastal Marine Area and disposed of at a designated refuse disposal site.

8. (a) The Consent Holder shall ensure a fuel/oil spill kit that is suitable for the operation is available on the main vessel at all times. This spill kit shall contain, at a minimum:

    (i) oleophilic booms, pads, and pillows;
    (ii) personal protection equipment;
    (iii) plastic bags;
    (iv) ropes; and
    (v) absorbent materials for smaller spills on board.

    (b) In the event of any spill of oil, fuel or other contaminant, the Consent Holder shall remove the contaminants immediately from the site and take immediate, effective steps to contain and recover the spill.

    (c) The Consent Holder shall immediately notify the Consent Authority (ph. 0800 76 88 45 or email escompliance@es.govt.nz) that a spill has occurred. Notification shall include the type and quantity of oil, fuel or other contaminant spilled, and the steps taken to avoid, remedy or mitigate any adverse effects.

Biosecurity

9. The Consent Holder shall ensure that the following biosecurity procedures are followed at all times:

    (a) at the last port of call prior to entering the Fiordland marine area, the hull of the vessel operating under this Consent

        (i) be inspected for pests and fouling organisms, in particular *Undaria*;

(ii) clean and dry mooring lines, buoys and any other equipment that has come into contact with coastal waters in a manner that kills marine pests and unwanted organisms; and

(iii) after cleaning the hull and equipment, have the hull and associated equipment inspected by a suitably qualified person to ensure that there are no visible signs of marine pests and unwanted organisms.

(b) six weeks after the inspection required in Condition 9(a) the Consent Holder shall inspect the vessel, mooring lines, buoys, and any other equipment that has come into contact with coastal water to check for marine pests and unwanted organisms; and

(c) immediately after each inspection required in Condition 9(a) and 9(b), if any marine pests or unwanted organisms are found, the Consent Holder shall notify the Consent Authority and seek advice from a suitably qualified person regarding removal, treatment, and disposal of the pest(s) or unwanted organism(s). Once this advice is received, the Consent Holder shall immediately ensure that the pest(s) or unwanted organism(s) are removed and disposed of in accordance with that advice. The Consent Holder shall provide written confirmation (email: escompliance@es.govt.nz) upon completion of the disposal.

10. The Consent Holder shall:

(a) maintain the vessel in a pest (particularly rodent) free state at all times;

(b) maintain at least one bait station, with fresh bait, or set trap for the purposes of rodent eradication, on the vessel at all times;

(c) inspect the vessel, and any cargo, for pests, in particular, rodents, on each occasion of operating, and prior to re-entering the Fiordland Coastal Marine Area on each occasion; and

(d) ensure that, as much as practicable, any food is stored in rodent proof containers.

Marine Mammals

11. The Consent Holder shall operate in accordance with the Marine Mammal Viewing Code of Practice for Milford Sound at all times throughout the duration of this consent.

Reporting Requirements

12. The Consent Holder shall maintain a log of all operations, including:

(a) a log of all commercial day trips activities, including the following details:
(i) date and time for each day trip;
(ii) number of passengers aboard the vessel for each day trip; and
(iii) the purpose of all activities.

(b) the results of inspections for pests, unwanted organisms, or hull fouling organisms on the vessel and equipment, in accordance with Conditions 9 or 10 of this Consent;

(c) any sewage discharges into the Coastal Marine Area.

13. A copy of the entries in this log shall be provided to the Consent Authority every three months in accordance with the following schedule:

Recording period	Report for the period due before:
1 January to 31 March	30 April
1 April to 30 June	31 July
1 July to 30 September	31 October
1 October to 31 December	31 January

(i) The log shall state the total number of days of operation within the coastal waters of Fiordland/Te Mimi o Tu Te Rakiwhanoa during the three-month period and the total for the year (1 July to 30 June).

Review of Consent Conditions

14. The Consent Authority may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this consent during the period 1 February to 30 September each year, or within two months of any enforcement action being taken by the Consent Authority in relation to the exercise of this consent, for the purposes of:

(a) determining whether the conditions of this permit are adequate to deal with any adverse effect on the environment, including cumulative effects, which may arise from the exercise of the permit, and which it is appropriate to deal with at a later stage, or which become evident after the date of commencement of the permit; or

(b) ensuring the conditions of this consent are consistent with any National Environmental Standards Regulations, relevant plans and/or Policy Statement; or

(c) amending the monitoring programme to be undertaken; or

(d) adding or adjusting compliance limits; or

(e) requiring the Consent Holder to adopt the best practicable option to remove or reduce any adverse effect on the environment arising as a result of the exercise of this permit.

for the **Southland Regional Council**

Melanie Wilson
Team Leader Consents

Notes

1. *The Consent Holder's operation is subject to the Southland Regional Council Navigation Safety Bylaws 2009, the Fiordland Marine Pathways Management Plan and the Regional Pest Management Plan.*

2. *This resource consent does not authorise emission of noise that exceeds the permitted activity noise limits under Rules 5.3.4 and 5.3.6 of the Regional Coastal Plan for Southland 2013 (or the permitted activity noise limits of any subsequent version of the Regional Coastal Plan).*

3. *The resource consent does not authorise the discharge of any oil, sewage, noxious liquid, garbage, ballast water into the coastal waters or shores of Fiordland, nor the discharge of contaminants made as part of the normal operations of a ship. Those matters are regulated under the Resource Management (Marine Pollution) Regulations 1998.*

4. *An activity log template can be downloaded from the consent authority's website at: https://www.es.govt.nz/repository/libraries/id:26gi9ayo517q9stt81sd/hierarchy/environment/compliance/compliance-forms/documents/coastal-permits/generic-scwa-log.pdf*

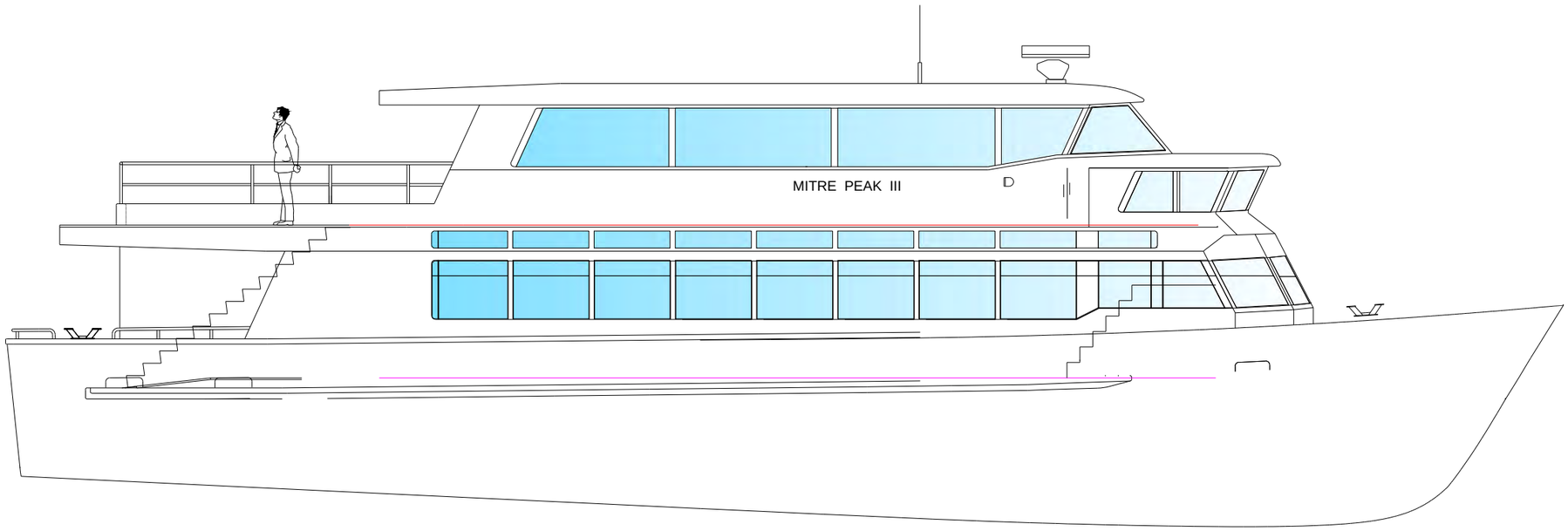
5. *The Consent Holder may transfer this resource consent to another person in accordance with s135 of the Resource Management Act, subject to completion of written notice of transfer being submitted to the Consent Authority, and the payment of the transfer charges as determined by the Consent Authority. The transfer form may be found at: https://www.es.govt.nz/repository/libraries/id:26gi9ayo517q9stt81sd/hierarchy/environment/consents/consent-forms/documents/part-b-by-topic/transfer-a-permit/Transfer%20Coastal%20Permit.pdf*

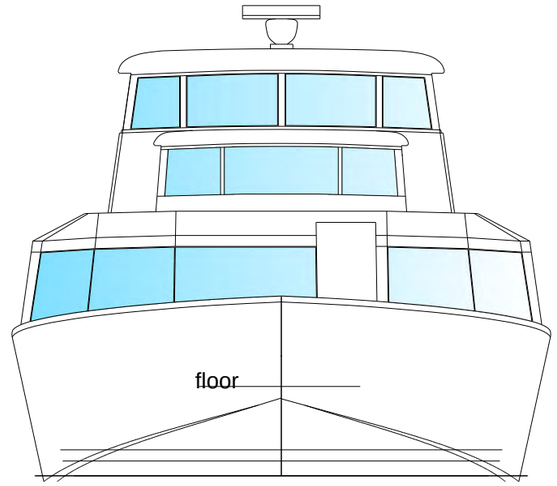
6. *In accordance with Section 126 of the Resource Management Act, 1991, this consent may be cancelled by the Consent Authority if not exercised for a period of 5 years or more.*

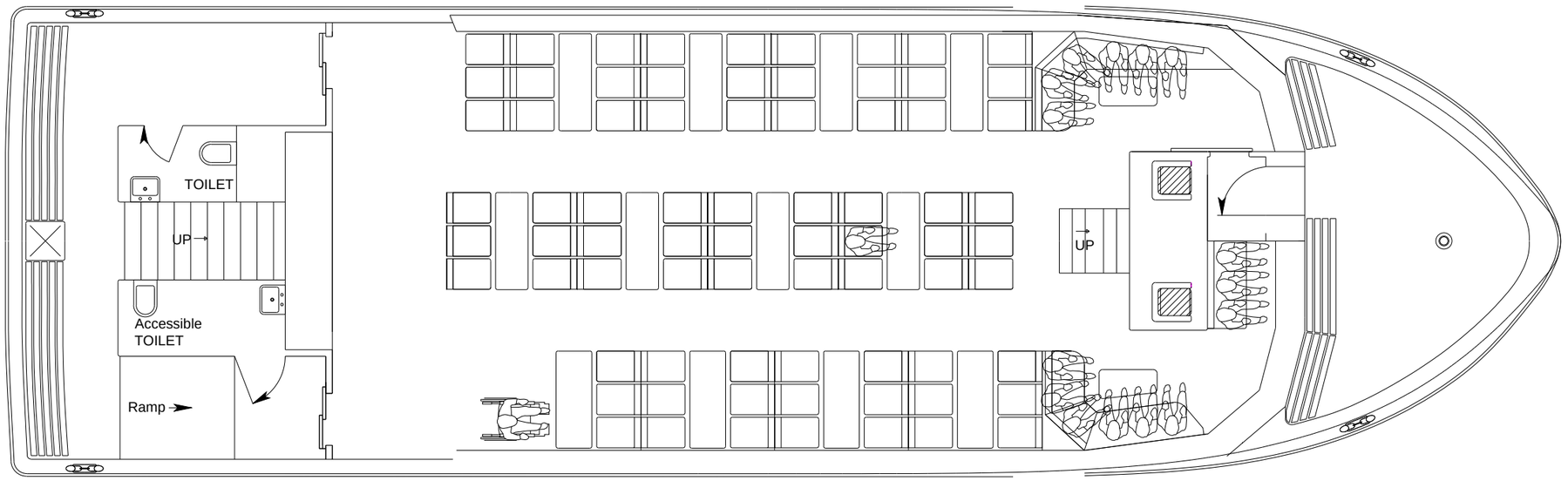
7. *The Consent Holder shall pay an annual administration and monitoring charge to the Consent Authority, collected in accordance with Section 36 of the Resource Management Act, 1991. This charge may include the costs of inspecting the site.*

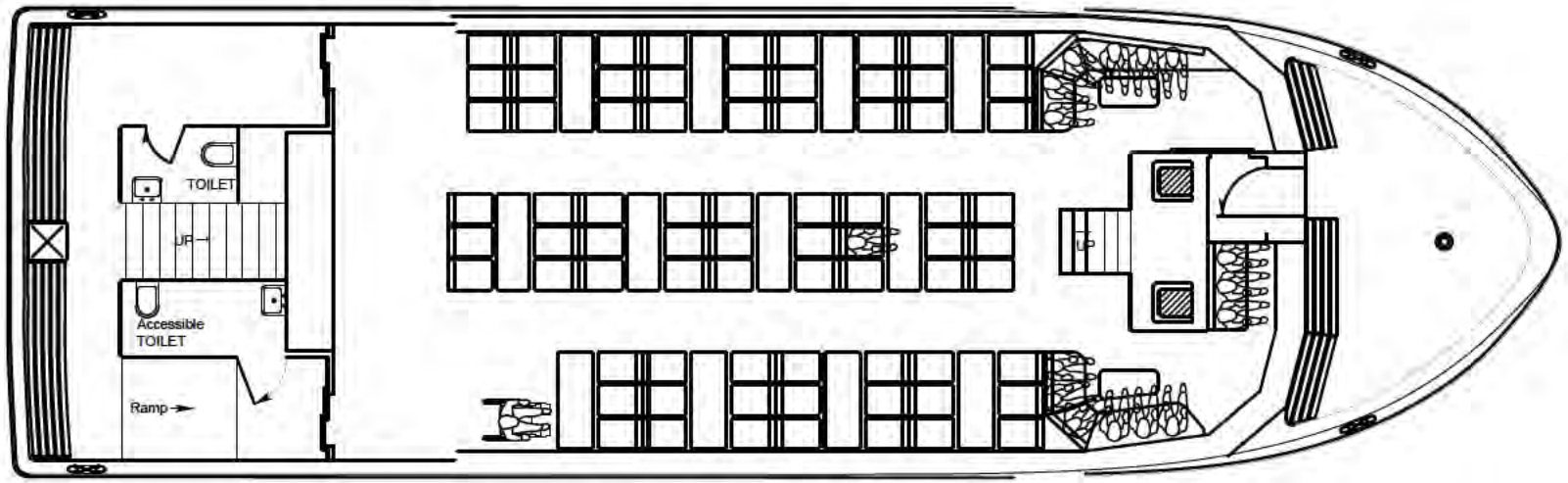
ATTACHMENT [A] – Route Map

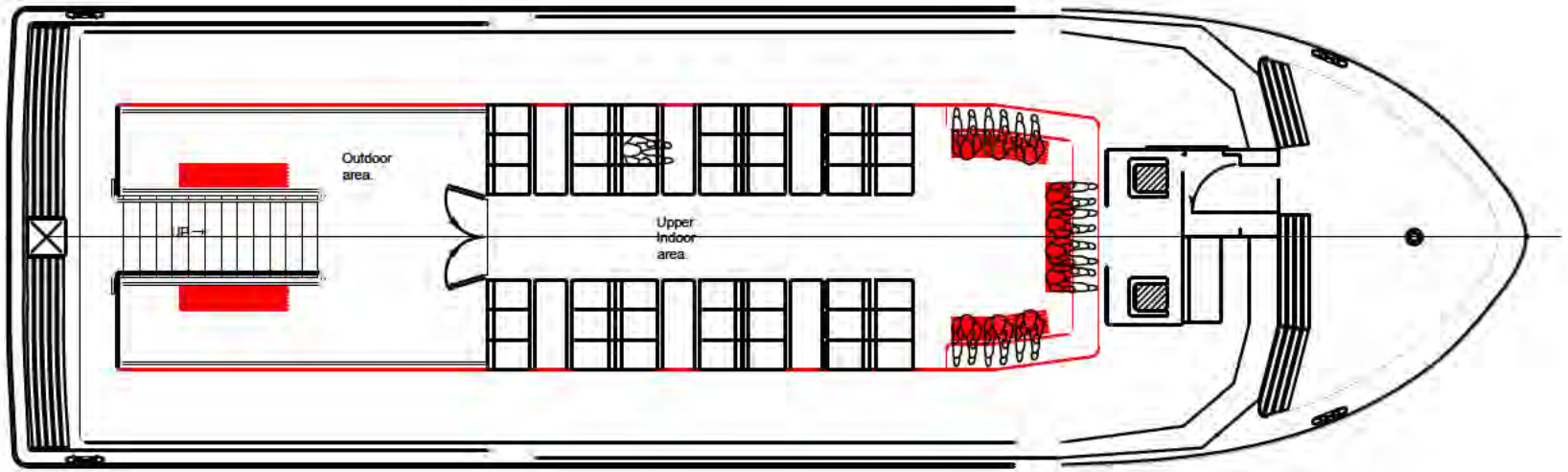



MITRE PEAK III
D


floor


TOILET
UP
Accessible
TOILET
Ramp
UP


TOILET
UP
Accessible
TOILET
Ramp
UP


Outdoor
area.
UP
Upper
Indoor
area.

www.aeservices.co.nz
office@aeservices.co.nz
Auckland +64 9 917 0369
Wellington +64 4 890 0122
Christchurch +64 3 377 8952

File Ref: AC24087 – 02 – R4

15 April 2025

Mitre Peak Cruises Limited
C/- Sean Dent
15D Old Sale Yard Road
Cromwell 9310

Email: sean@southernplanning.co.nz

Dear Sean

Re: Mitre Peak Cruises Limited – Noise assessment for new vessel

We understand that Mitre Peak Cruises Limited (MPC) intends to seek a new resource consent for their presently consented commercial sightseeing trips in Milford Sound. The new consent is proposed to combine the existing consented operations undertaken with the vessels Mitre Peak I and Mitre Peak II and introduce a third, yet to be built vessel, Mitre Peak III. Collectively, all three vessels are proposed to be utilized to carry out the existing consented number of commercial sightseeing trips – no increase in daily trip numbers is sought. As part of the application process, MPC require confirmation about whether noise emissions from the vessels are likely to comply with the relevant noise standards in the Regional Coastal Plan for Southland (the 'Plan').

Since the new vessel (Mitre Peak III) is subject to design and build, this means it cannot be physically tested. Acoustic Engineering Services (AES) have therefore provided an opinion on this matter based on a review of previous measurement data.

1.0 NOISE STANDARD

The noise standard which is relevant to the operation of these vessels operating in the coastal marine area is Rule 5.3.6 of the Plan as reproduced below.

> *Rule 5.3.6 – Noise limits for ships in motion*
>
> *Except as provided for in Rule 5.3.5, it is a permitted activity for ships in motion to emit noise provided that such noise does not exceed a sound exposure level of 90 dB(A) in any single drive by at any position beyond a line situated 25 metres back from the line of travel.*
>
> *Sound levels shall be measured in accordance with the provisions of NZS 6801:1991 "Measurement of Sound".*

2.0 PREVIOUS MEASUREMENTS

AES have previously undertaken measurements of a variety of vessels used for scheduled tourist operations in Milford Sound (nine in total). Our data shows that the range of measured levels was 79 – 85 dB L_{AE} at 25 metres when these vessels were operating at typical cruising speeds of between 10 – 12 knots. Compliance with the 90 dB L_{AE} limit was achieved by at least 5 dB for all vessels. Our measurements also showed that vessels travelling at lower "no wake" speeds are on average 7 dB quieter than at cruising speed.

A review of other vessel measurement data illustrates that Rule 5.3.6 may not be particularly stringent for vessels of this nature (including vessels travelling at higher speeds). To illustrate this, we have high speed pass-by measurements from V8 jetboats that would comply with this limit. The rules intended purpose could be to control excessively loud vessels.

3.0 VESSEL SPECIFICATIONS

The general specifications of the vessels currently operated by MPC are summarised in figure 3.1 below. When comparing vessel size and drive type / power, these vessels appear to fit within the range of those we have previously measured.

Figure 3.1 – Current vessel specifications

Details	Mitre Peak I	Mitre Peak II
Length (m)	18.3	20
Beam (m)	5.76	6.6
Passengers	60	75
Drive	Single shaft drive	Twin shaft drive
Drive Engine(s)	Single Scania DI 13 077M (700 hp @ 2300 rpm)	Two Scania DI 13 078M (each 500 hp @ 2100 rpm)
Aux engine	Two Lombardini (12 kVA)	Single Kohler (12 kVA)

We understand that the Mitre Peak III will be a larger 24-metre-long vessel, with a passenger capacity in the order of 150 passengers and 4 crew and twin engines similar in specification to the Mitre Peak II (although they are a newer technology and more efficient). Details of the Mitre Peak IIII are not yet available, although similar trends in engine technology may also make the drive engines more efficient.

Airborne vessel noise will typically increase with engine power, and speed of the vessel. However, if the vessel speed remains similar, then it would take relatively large changes in vessel design for the engine noise contribution to increase. Since the new vessels will operate in the same manner, and the operator has a standard cruise time of 2 hours, vessel speed is expected to be very similar to the currently operating vessels.

For diesel engines it would typically take a doubling in engine power to increase exhaust and casing radiated noise levels by 3 dB[1]. This assumes all other factors such as the engine location on the vessel, operating rpm, length of the exhaust, muffler design and whether the engine is turbocharged or not remain the same.

4.0 CONCLUSION

A review of our previous measurements of a range of tourist vessel types shows that compliance has been achieved in all cases by a comfortable margin. Our review also demonstrates that there would need to be large changes in vessel speed or engine power / configuration for noise levels to increase markedly – and there to be a risk of a non-compliance. Based on what is currently known about likely vessel design and operating parameters, this appears unlikely. We therefore consider it unlikely that the new Mitre Peak III vessel will exceed Rule 5.3.6 of the Regional Coastal Plan.

[1] Bies and Hansen, "Diesel and gas-driven engines", in *Engineering Noise Control Theory and Practice Third Edition* (2003)

Kind Regards,



William Reeve
BE(Hons) MASNZ
Senior Associate
Acoustic Engineering Services

Written approval form

Affected person's written approval to an activity that is the subject of a resource consent application

To be completed by the person requesting approval

Applicant: Mitre Peak Cruises Limited

Application Number: N/A | Officer in charge: N/A

Type of resource consent: Coastal Permit - Commercial Surface of the Water Activities

Proposed activity(ies): Non-Complying Activity Consent for a commercial surface of the water activity being day trips in Milford Sound using a proposed new vessel MV Mitre Peak III.

Location: Milford Sound

To be completed by the person giving approval:

Name: | Email address:

Type of resource consent: Coastal Permit - Non-Complying Activity

Street/Road address:

*I am the owner/occupier of the following property and have authority to sign on behalf of all other owners/occupiers of the property:

Property address:

**Delete if not applicable*

I/we have studied the full application for resource consent and give my/our written approval to the proposed activity/activities.

Note: You should list or identify **all application documents and plans** which you have viewed in reaching your decision to provide written approval. This is to ensure that Environment Southland understands that you have viewed versions of the documents which correspond with the application as lodged with Environment Southland, and have provided your written approval on that basis.

Document name/s:	AEE (and appendices [A] - [D].)	Document date:	September 2025

In signing this written approval, I/we understand that the consent authority must decide that I/we am/are no longer an affected person(s), and the consent authority must not have regard to any adverse effects on me/us.

(Signature)	(Date)	(Signature)	(Date)

Notes:

1. **I understand that I may withdraw my written approval by giving written notice to the consent authority before the hearing, if there is one, or, if there is not, before the application is determined.**

2. **If you do not understand this form and/or any details regarding the application for resource consent, then you should not provide your written approval.**

Guidelines for Affected Parties

Why has your written approval been requested?

If you have been asked to sign this form, it will be because someone is proposing an activity that requires a resource consent and you have been identified as an affected party. You may have been deemed an affected party simply because you are a neighbour.

What should you do?

1. Study the application for resource consent for the proposed activities. This should help you understand any potential effects.

2. Request that the Applicant explains the proposal clearly and fully to you. It is important that if you do not understand the proposal fully, then you seek additional information from the applicant **before** providing written approval.

3. If you wish to consent to the proposed activity subject to conditions, these should be discussed with the Applicant (or their representative) **directly** and a satisfactory conclusion reached before your consent is given. The Council cannot accept conditional approvals and will not enter into negotiations between parties nor impose conditions to give effect to side agreements.

4. You may wish to take legal advice before signing this form. If so, this would be at your cost and Environment Southland will not reimburse any such costs.

5. If you are happy with the proposal and wish to give your approval, you may do so by signing the written approval form.

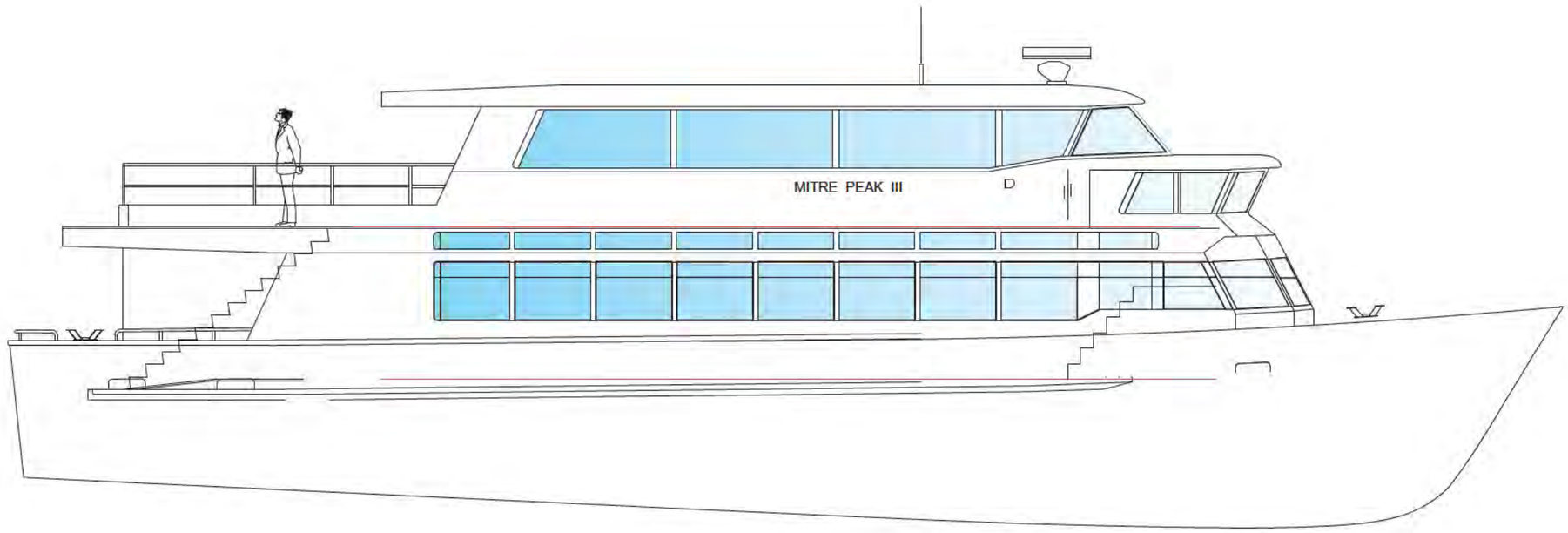
Any questions regarding the proposed activity(ies) should be addressed to the applicant in the first instance. Discussing the proposal may assist with resolving any issues of concern. If you continue to be concerned with the proposal, you do not have to sign the form.

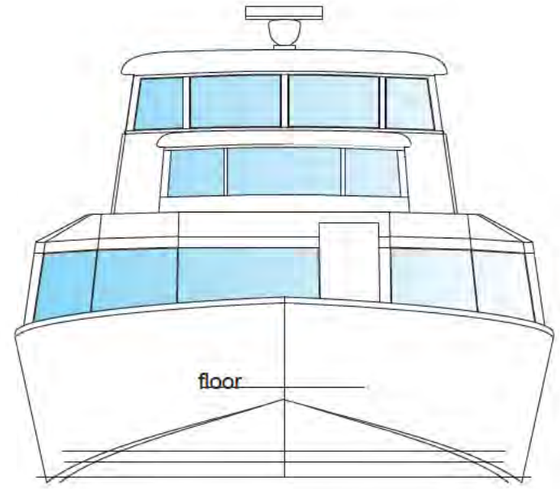
If the application is notified, your written approval does not constitute a submission under Section 96 of the Resource Management Act 1991.

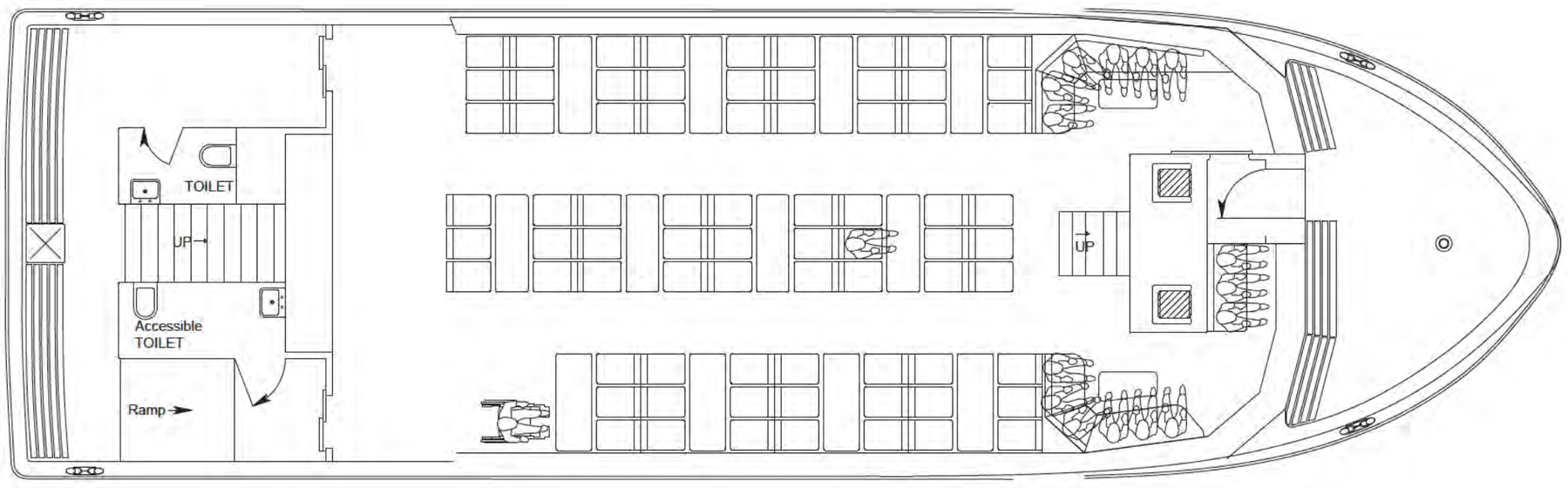
Notes to affected person signing written approval:

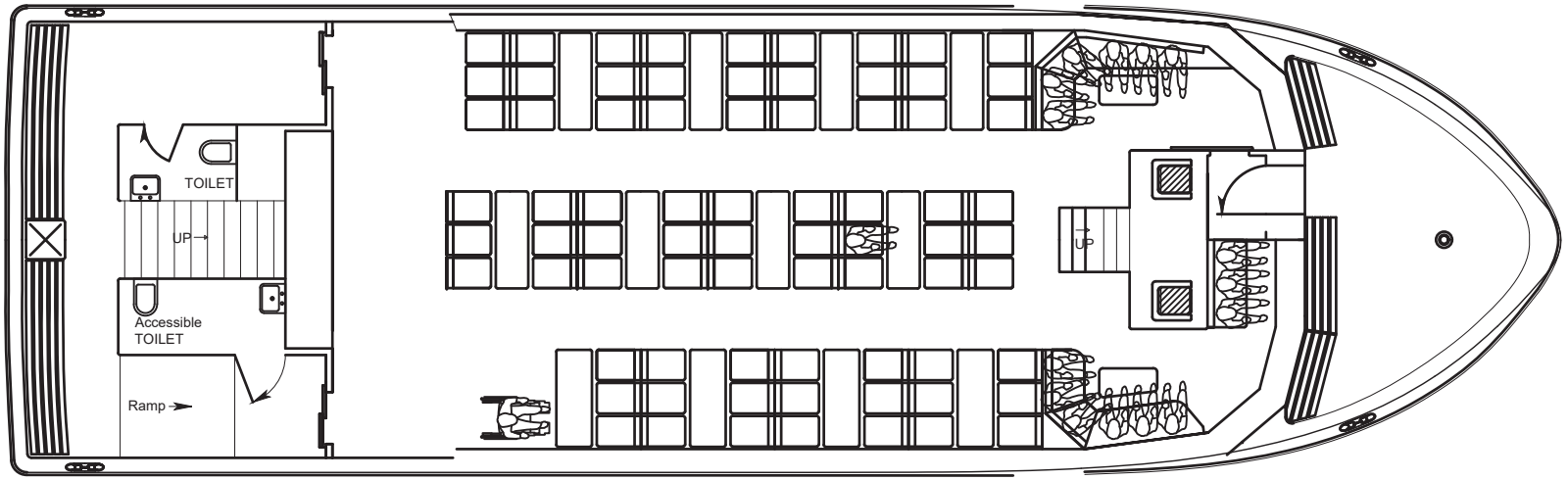
≠ By signing the written approval form you still retain the right to contact Environment Southland or lodge a complaint if you become concerned that the applicant is not complying with the requirements of their resource consent.
≠ This approval may be withdrawn in writing up to the time that the application is considered and determined.
≠ Your written approval may be referred to in the Council's reports and correspondence with regard to this application.
≠ Conditional written approvals **cannot** be accepted.
≠ There is no obligation to sign this form, and no reasons need to be given for declining to sign.
≠ If this form is not signed, the application may be notified with an opportunity for submissions.
≠ If signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.

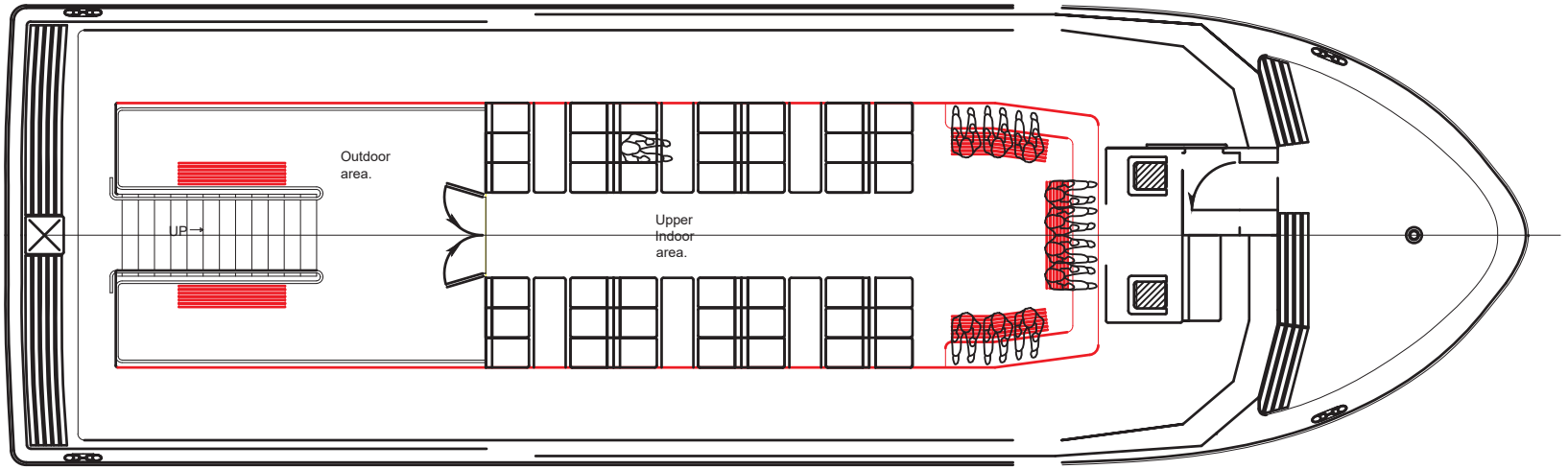
For further assistance, contact Environment Southland's consents team on **0800 76 88 45 or service@es.govt.nz**.


MITRE PEAK III
D


floor


TOILET
UP
Accessible
TOILET
Ramp
UP


TOILET
UP
Accessible
TOILET
Ramp
UP


Outdoor
area.
UP
Upper
Indoor
area.

ATTACHMENT [A] – Route Map



Written approval form

Affected person's written approval to an activity that is the subject of a resource consent application

To be completed by the person requesting approval

Applicant: Mitre Peak Cruises Limited

Application Number: N/A | Officer in charge: N/A

Type of resource consent: Coastal Permit - Commercial Surface of the Water Activities

Proposed activity(ies): Non-Complying Activity Consent for a commercial surface of the water activity being day trips in Milford Sound using a proposed new vessel MV Mitre Peak III.

Location: Milford Sound

To be completed by the person giving approval:

Name: Te Runanga o Makaawhio | Email address: makaawhio.admin@ngaitahu.iwi.nz

Type of resource consent: Coastal Permit - Non-Complying Activity

Street/Road address:

*I am the owner/occupier of the following property and have authority to sign on behalf of all other owners/occupiers of the property:

Property address:

**Delete if not applicable*

I/we have studied the full application for resource consent and give my/our written approval to the proposed activity/activities.

Note: You should list or identify **all application documents and plans** which you have viewed in reaching your decision to provide written approval. This is to ensure that Environment Southland understands that you have viewed versions of the documents which correspond with the application as lodged with Environment Southland, and have provided your written approval on that basis.

Document name/s:	AEE (and appendices [A] - [D].)	Document date:	September 2025

In signing this written approval, I/we understand that the consent authority must decide that I/we am/are no longer an affected person(s), and the consent authority must not have regard to any adverse effects on me/us.

	25.09.25		
(Signature)	(Date)	(Signature)	(Date)

Notes:

1. **I understand that I may withdraw my written approval by giving written notice to the consent authority before the hearing, if there is one, or, if there is not, before the application is determined.**

2. **If you do not understand this form and/or any details regarding the application for resource consent, then you should not provide your written approval.**

Guidelines for Affected Parties

Why has your written approval been requested?

If you have been asked to sign this form, it will be because someone is proposing an activity that requires a resource consent and you have been identified as an affected party. You may have been deemed an affected party simply because you are a neighbour.

What should you do?

1. Study the application for resource consent for the proposed activities. This should help you understand any potential effects.

2. Request that the Applicant explains the proposal clearly and fully to you. It is important that if you do not understand the proposal fully, then you seek additional information from the applicant **before** providing written approval.

3. If you wish to consent to the proposed activity subject to conditions, these should be discussed with the Applicant (or their representative) **directly** and a satisfactory conclusion reached before your consent is given. The Council cannot accept conditional approvals and will not enter into negotiations between parties nor impose conditions to give effect to side agreements.

4. You may wish to take legal advice before signing this form. If so, this would be at your cost and Environment Southland will not reimburse any such costs.

5. If you are happy with the proposal and wish to give your approval, you may do so by signing the written approval form.

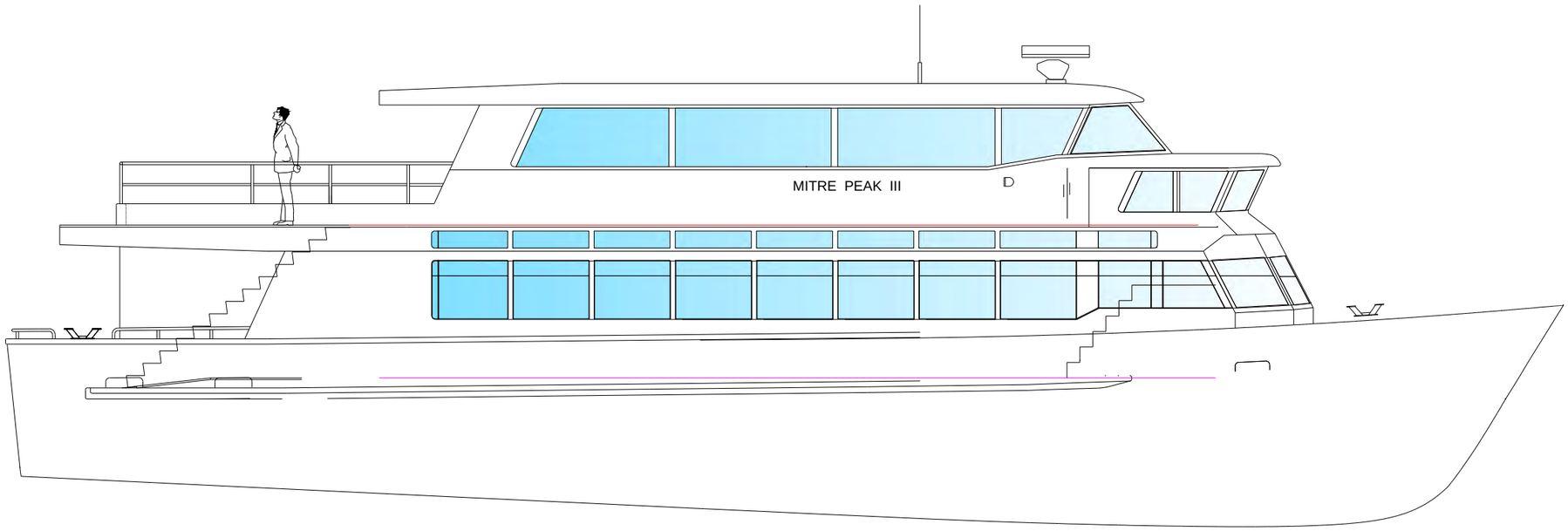
Any questions regarding the proposed activity(ies) should be addressed to the applicant in the first instance. Discussing the proposal may assist with resolving any issues of concern. If you continue to be concerned with the proposal, you do not have to sign the form.

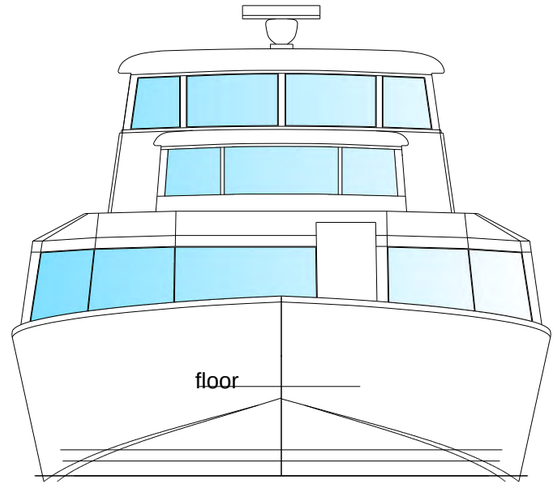
If the application is notified, your written approval does not constitute a submission under Section 96 of the Resource Management Act 1991.

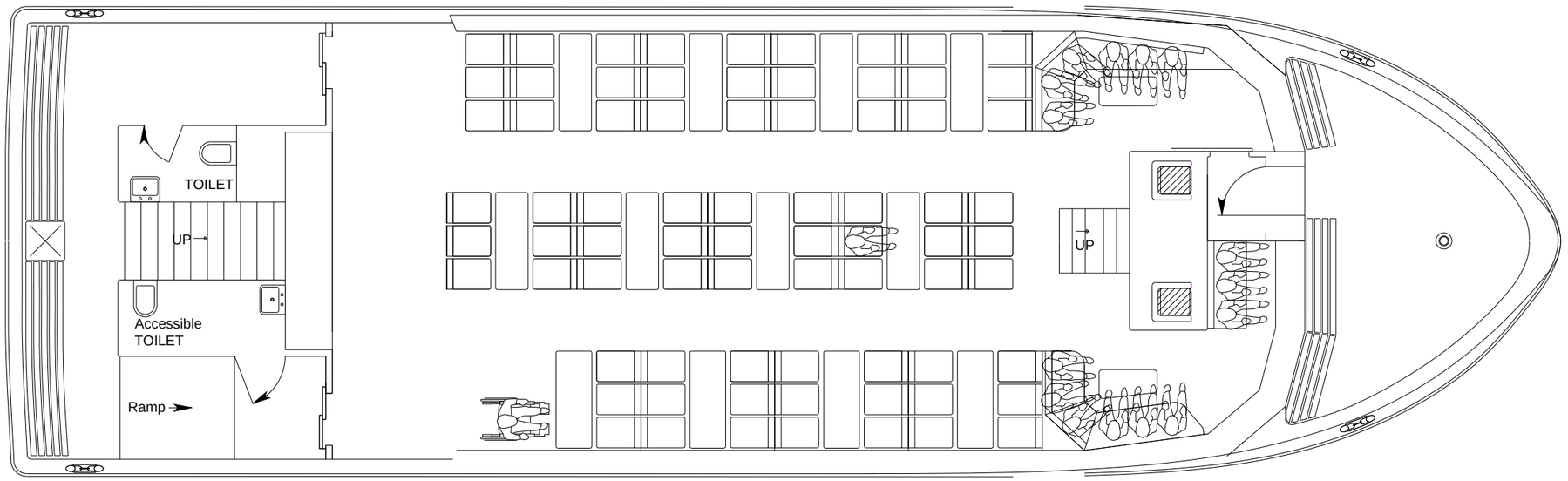
Notes to affected person signing written approval:

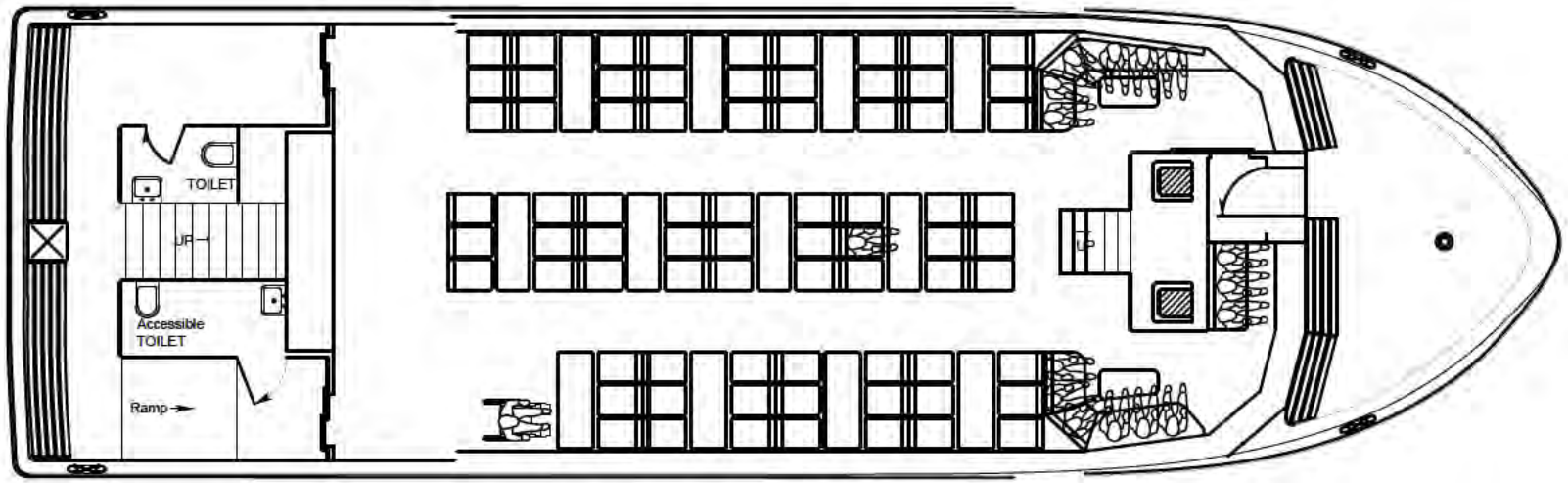
- By signing the written approval form you still retain the right to contact Environment Southland or lodge a complaint if you become concerned that the applicant is not complying with the requirements of their resource consent.
- This approval may be withdrawn in writing up to the time that the application is considered and determined.
- Your written approval may be referred to in the Council's reports and correspondence with regard to this application.
- Conditional written approvals **cannot** be accepted.
- There is no obligation to sign this form, and no reasons need to be given for declining to sign.
- If this form is not signed, the application may be notified with an opportunity for submissions.
- If signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.

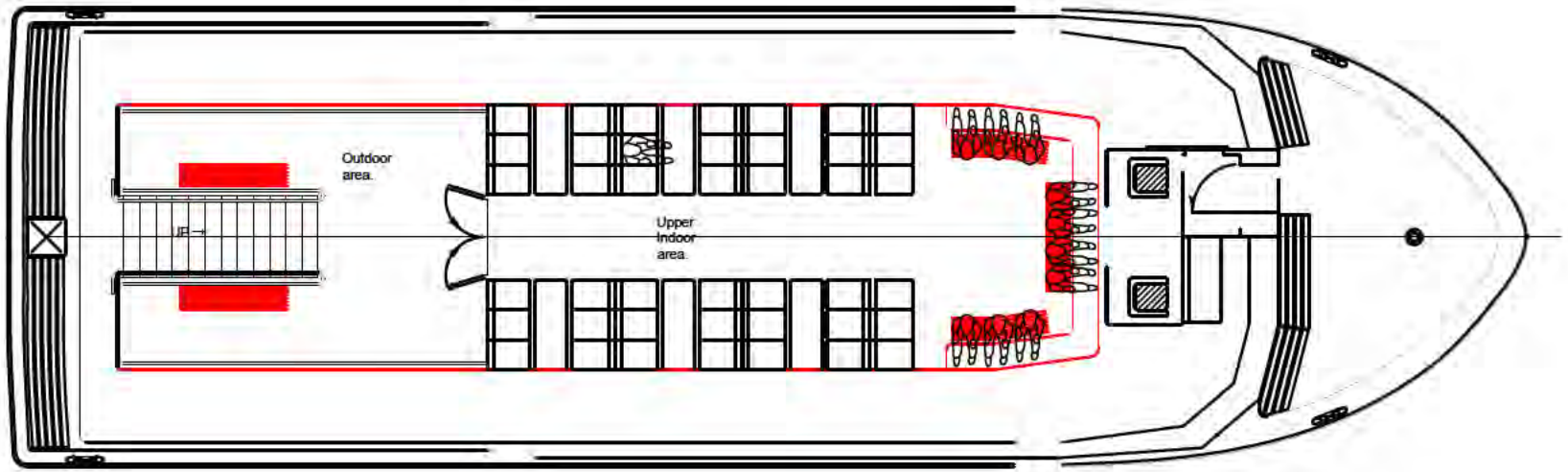
For further assistance, contact Environment Southland's consents team on **0800 76 88 45 or service@es.govt.nz**.


MITRE PEAK III
D


floor


TOILET
UP
Accessible
TOILET
Ramp
UP


TOILET
UP
Accessible
TOILET
Ramp
UP


Outdoor
area.
UP
Upper
Indoor
area.

ATTACHMENT [A] – Route Map



DOC Te Anau Office
PO Box 29, Te Anau
9640
doc.govt.nz

DOC-10502832

Our Ref: RC3592

5 November 2025

Sean Dent
Southern Planning Group

By email: sean@southernplanning.co.nz

Dear Sean

Request for Approval: s95E Resource Management Act 1991
COMMERCIAL SURFACE WATER ACTIVITY, MILFORD SOUND, 23 SEPTEMBER 2025

I have considered your request for approval in terms of s95E of the RMA and am pleased to advise that I grant my approval as an affected person.

My approval is granted on the basis that the proposal is as described, is for the purposes described, and will have the effects on the Department of Conservation (Department)'s interests as described in the Assessment of Environmental Effects dated September 2025, which was emailed to the Department on 23 September.

This approval is limited to the likely adverse effects of the proposal on the Department's interests and should not be construed as approval to effects on the environment generally. This approval is specific to the above application and is for the purposes of s95E of the RMA only. It is not indicative of any associated concession or other statutory approval which may be required from the Department in regard to this proposal. This approval will be rendered null and void if the proposal to which it refers is changed between the date of this approval and its consideration by the consent authority without referral back to me for my further assessment.

Please be advised that the original of this letter has been sent to the consent authority for their records.

If you have any questions regarding this letter, please contact Jane Macleod on jmacleod@doc.govt.nz.

Yours sincerely

John Lucas
Operations Manager, Te Anau
Pursuant to delegated authority

cc Manager Consents, Environment Southland, esconsents@es.govt.nz

Department of Conservation
Te Papa Atawbai

Te Kāwanatanga o Aotearoa
New Zealand Government

TE AO MĀRAMA INC.

24 September 2025

Mitre Peak Cruises Ltd
c/- Sean Dent of Southern Planning Group
sean@southernplanning.co.nz

Tēnā koe,

Attention: Marine and Coastal Area (Takutai Moana) Act 2011 Consultation Requirements

Thank you for contacting us regarding the draft resource consent application by Mitre Peak Cruises Ltd for a coastal permit to undertake a commercial surface water activity in Milford Sound, Fiordland, intended to supersede coastal permit 20191120.

We understand that the applicant is seeking the views of Te Ao Mārama Inc. in accordance with obligations under Section 62 of the Marine and Coastal Area (Takutai Moana) Act 2011. While an application for Customary Marine Title across the Ngāi Tahu Takiwā has been submitted in the name of Te Rūnanga o Ngāi Tahu, it is made on behalf of Ngāi Tahu Whānui and the relevant Papatipu Rūnanga—Awarua, Hokonui, Ōraka-Aparima, and Waihōpai—who are the tangata whenua within their respective takiwā.

Te Ao Mārama Inc. has prepared this response on behalf of Ōraka-Aparima Rūnaka, whose takiwā includes the location of the proposed activity. While we acknowledge your request for comment under the Takutai Moana Act 2011, we also wish to advise that Te Ao Mārama Inc. and Ōraka-Aparima Rūnaka consider themselves to be affected parties in relation to this application, and further engagement will be required during the resource consenting stage.

We recommend the following:

1. That the application is not inconsistent with Te Tangi a Tauira (2008) – the Ngāi Tahu ki Murihiku Natural Resource Management Plan.
2. That if the proposed activity is within or near a Mātaitai Reserve, Taiāpure, or rāhui, the applicant should engage directly with the Tangata Tiaki responsible for that area.

Please note that this response is specific to the current version of the application. Any amendments or changes may require further consultation.

We trust this information satisfies the requirements of Section 62 of the Takutai Moana Act 2011. Should you wish to discuss any aspect further, please feel free to contact me at Kasmira.peterson@orakaaparima.org.nz.

I have authority to sign on behalf of Ōraka-Aparima Rūnaka.

[redacted]

Nāku noa nā,

TE AO
MĀRAMA INC.

CC: Ōraka-Aparima Rūnaka

From: Sean Dent
To: Hokonui - Office
Subject: FW: Mitre Peak Cruises Limited - RMA Approval Request and Marine and Coastal Area (Takutai Moana) Act 2011 Consultation
Date: Friday, 12 December 2025 10:15:00 am
Attachments: image001.png
Appendix [E] - AES Noise Assessment.pdf
Mitre Peak Cruises Limited - AEE.docx
Appendix [A] - Coastal Permit AUTH-20191120.pdf
Appendix [B] - Coastal Permit AUTH-20242682.pdf
Appendix [C] - Route Map.pdf
Appendix [D] - Mitre Peak III Plans.pdf
Affected Party Approval Package.pdf

Good Morning,

I am following up on the correspondence below previously submitted by Mitre Peak Cruises Limited. We are intending to lodge their resource consent application in early January when I return from the Christmas break. Accordingly, if you wish to provide comment in accordance with the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA) and as a potentially affected party under Section 95E of the RMA for their proposal for a replacement vessel for their operations at Milford Sound I would be grateful if we could please receive your responses before the end of the year.

Regards

Sean Dent DIRECTOR

SPG SOUTHERN PLANNING GROUP

M 021 946 955 | F 03 409 0145
15D Old Sale Yard Road,
Cromwell, 9310

Follow us **southernplanning.co.nz**

From: Sean Dent
Sent: Wednesday, 5 November 2025 10:26 am
To: Hokonui - Office <hokonui.office@ngaitahu.iwi.nz>
Subject: FW: Mitre Peak Cruises Limited - RMA Approval Request and Marine and Coastal Area (Takutai Moana) Act 2011 Consultation

Good Morning,

On behalf of Mitre Peak Cruises Limited I am following up on the correspondence below seeking to consult with Hokonui Rununga in accordance with the Marine and Coastal Area

(Takutai Moana) Act 2011 (MACA) and as a potentially affected party under Section 95E of the RMA for their proposal for a replacement vessel for their operations at Milford Sound.

I would be grateful if we could please have your feedback on both aspects of this proposal at your earliest convenience.

Regards

Sean Dent DIRECTOR

SOUTHERN PLANNING GROUP

M 021 946 955 | F 03 409 0145
15D Old Sale Yard Road,
Cromwell, 9310

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From: Sean Dent
Sent: Tuesday, 23 September 2025 3:53 pm
To: Hokonui - Office <hokonui.office@ngaitahu.iwi.nz>
Subject: FW: Mitre Peak Cruises Limited - RMA Approval Request and Marine and Coastal Area (Takutai Moana) Act 2011 Consultation

Good Afternoon,

On behalf of Mitre Peak Cruises Limited, we attempted to consult with you regarding a proposed resource consent application for commercial surface of the water activities in Milford Sound in May 2025. Unfortunately, we never received any response to the correspondence below. Notwithstanding, we were consulting with several other parties at the same time and the feedback received from all other parties consulted with was mixed in terms of opposition and support. Accordingly, the applicant has reconsidered their proposal and amended things.

Specifically, Mitre Peak Cruises Limited no longer propose to operate three vessels at Milford Sound (an increase from their current consents for two vessels) but instead, propose to replace Coastal Permit 20191120 which authorises the use of the vessel MV Mitre Peak I with a new Coastal Permit on the exact same terms but with the proposed new vessel MV Mitre Peak III. The only difference between the existing and proposed permits is that MV Mitre Peak III is a little larger and has a greater passenger carrying capacity.

Full details of the altered proposal are contained in the draft resource consent application that is **attached** (it is in draft form as it will be updated when the affected party correspondence is received). Accordingly, based on this revised proposal we would like to:

1. Consult with Hokonui Rununga in accordance with the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA) consultation requirements and obtain any feedback that you may have on this revised application in regard to the MACA legislation. If you could please provide an individual letter outlining your feedback under this legislation, it would be much appreciated.

2. Consult with Hokonui Rununga as a potentially affected party under Section 95E of the RMA. If you could provide an individual letter confirming whether you would be agreeable to providing affected party approval or otherwise in terms of Section 95E of the RMA, this would also be much appreciated. An affected party approval form and plans is **attached** should you be agreeable to the proposal.

I will look forward to hearing from you in due course and should you have any questions or wish to discuss this proposal further, please don't hesitate to contact me.

Regards

Sean Dent DIRECTOR

SPG SOUTHERN PLANNING GROUP

M 021 946 955 | F 03 409 0145
15D Old Sale Yard Road,
Cromwell, 9310

Follow us southernplanning.co.nz

From: Sean Dent
Sent: Monday, 5 May 2025 2:19 pm
To: Hokonui - Office <Hokonui.Office@ngaitahu.iwi.nz>
Subject: Mitre Peak Cruises Limited - RMA Approval Request and Marine and Coastal Area (Takutai Moana) Act 2011 Consultation

Good Afternoon,

Southern Planning Group act for Mitre Peak Cruises Limited who presently operate two

vessels at Milford Sound for commercial surface of the water day trips. Mitre Peak Cruises Limited proposes to introduce a third vessel to their operations (but not increasing their currently consented numbers of trips per day) and intends to apply for a new resource consent from Environment Southland to operate all three vessels. The proposal is outlined in the **attached** letter and associated documents.

Prior to preparing and lodging this resource consent, Mitre Peak Cruises Limited would like to consult with you as both a potentially affected party pursuant to the RMA but also to consult with and obtain your views on the proposal in accordance with Section 62 of the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA) as Milford Sound is subject to an application for customary marine title.

I trust that the **attached** correspondence sets out the proposal comprehensively, but please do not hesitate to get in contact with me if there are questions/clarifications needed to inform your response. In addition, Mitre Peak Cruises Limited would welcome you to undertake a trip on their existing vessel(s) at no cost so as to gain a full appreciation of their operations and the other existing activities in Milford Sound as part of your consideration of their proposal.

I will look forward to hearing from you shortly.

Regards

Sean Dent DIRECTOR

SPG SOUTHERN PLANNING GROUP

M 021 946 955 | F 03 409 0145
15D Old Sale Yard Road,
Cromwell, 9310

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Te Rūnanga o NGĀI TAHU

19 December 2025

Mitre Peak Cruises Ltd
c/- Sean Dent of Southern Planning Group
sean@southernplanning.co.nz

Tēnā koe Shaun

Re: Marine and Coastal Area (Takutai Moana) Act 2011 Consultation Requirements

Thank you for contacting Te Rūnanga o Ngāi Tahu regarding the draft resource consent application by Mitre Peak Cruises Ltd for a coastal permit to undertake commercial surface water activities in Milford Sound, Fiordland.

We understand that you are seeking the views of Te Rūnanga, as an applicant group seeking customary marine title, pursuant to s 62 of the Marine and Coastal Area (Takutai Moana) Act 2011.

Te Rūnanga supports the views of Papatipu Rūnanga as mana whenua. Namely:

- the preference for a five-year consent term;
- concerns relating to the impact of landing and the increase in visitor numbers exploring withing Fiordland National Park, including cumulative effects; and
- concerns related to the potential for future increases in structures, vessels and associated craft, discharges, and the ability for vessels to traverse longer distances.

We encourage Mitre Peak Cruises to continue engagement with Papatipu Rūnanga, particularly Ōraka-Aparima Rūnaka Office, throughout the consenting process. We reiterate that it is Papatipu Rūnanga who hold and exercise rangatiratanga within their takiwā, and we therefore support their views concerning your resource consent application.

Please note that this letter does not provide comment on wider resource management matters, including proposed affected party status. Te Ao Tūroa, who manage resource consent issues on behalf of Te Rūnanga, will be in contact with you via TTW@ngaitahu.iwi.nz.

If you have any pātai or concerns, please feel free to contact me.

Nāku noa, nā

Jessica Riddell
Kaitohutohu Matua – Chief Advisor (Legal and Policy)
Te Kura Taka Pini (A subsidiary of Te Rūnanga o Ngāi Tahu)

Attachment 2

Further information provided by Sean Dent, Southern Planning Group, on behalf of Mitre Peak Cruises Limited

Dated 16 March 2026

From:	Sean Dent
To:	Alexandra Smith
Cc:	Rosie Hill
Subject:	RE: [External] RE: Request for further information on resource consent application - APP-20262029
Date:	Monday, 16 March 2026 5:08:28 pm
Attachments:	image001.png image002.jpg AC24087_02_R5_6_03_26.pdf Mitre_Peak_Navigational_Safety_Assessment.pdf 1102409_LtrRpt_fin.pdf

Good Evening Alexandra,

In response to the further information request dated 23 February 2026, please find attached to this e-mail the following documents:

1. An updated letter from Acoustic Engineering Services with a new Section 4 which addresses the potential noise effects from passengers on the external decks of the proposed vessel and the noise limits of Rule 5.3.4.

2. A letter from Darran Humpherson, Technical Director of Acoustics at Tonkin and Taylor which addresses the underwater noise generated by the proposed vessel in comparison to the existing vessels operated by the applicant.

3. An assessment of the proposal against the Navigational Safety Bylaw.

In addition to the technical assessment outlined in point (2) above, and with particular regard to Policy 16.2.3, I would like to highlight that the assessment by Tonkin and Taylor confirms that the underwater noise anticipated to be generated by the proposed vessel will be "*essentially equivalent to Mitre Peak II, with no material increase relative to the existing fleet*." Accordingly, with no increase in the frequency and duration of proposed trips or the location of where such trips are to occur, the proposal is not considered to have any adverse effects from underwater noise on marine beyond that which already occurs with the applicants existing vessels.

Further, the Department of Conservation are considered the experts in dealing with the effects of commercial surface of the water activities on marine mammals. In this regard, a marine mammal permit has already been approved for the applicant for their existing vessels and the AEE has specified (at Section 5.4) that upon granting of this Coastal Permit, the applicant will apply to the Department of Conservation for a new Marine Mammal Viewing Permit specifically for the new vessel MV Mitre Peak III. On this basis, the Department of Conservation has provided their affected party approval which was provided at Appendix [F]3 of the AEE.

I trust that this satisfies the RFI request but please don't hesitate to get in touch if further information is needed.

Cheers

Sean Dent DIRECTOR

M 021 946 955 | F 03 409 0145
15D Old Sale Yard Road,
Cromwell, 9310

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From: Alexandra Smith <Alexandra.Smith@es.govt.nz>
Sent: Thursday, 12 March 2026 11:01 am
To: Sean Dent <sean@southernplanning.co.nz>
Subject: RE: [External] RE: Request for further information on resource consent application - APP-20262029

Kia ora Sean,

Thank you for the update, much appreciated. No problem with that timeframe.

Ngā mihi
Alexandra

Alexandra Smith
Senior Consents Officer
Environment Southland *Te Taiao Tonga*

P 03 211 5115 | M 021 226 4480
Cnr Price St & North Rd, Private Bag 90116, Invercargill 9840
Alexandra.Smith@es.govt.nz | es.govt.nz | facebook.com/environmentsouthland
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Environment Southland supports flexible working arrangements. I may have sent this email outside of business hours and I only anticipate a response during your working hours.

From: Sean Dent <sean@southernplanning.co.nz>
Sent: Thursday, 12 March 2026 10:56 am
To: Alexandra Smith <Alexandra.Smith@es.govt.nz>
Subject: [External] RE: Request for further information on resource consent application - APP-20262029

CAUTION: This email originated from outside of the organisation. Do not click on links or open attachments unless you recognise the sender and know the content is safe.

Good Morning Alexandra,

Just writing to let you know that we have engaged two acoustic experts to provide further assessment regarding the acoustic RFI's. AES who prepared the original acoustic assessment have responded on the effects of increased passenger numbers and associated noise emissions. The underwater acoustic assessment that you requested is quite specialised and the applicant has engaged Tonkin and Taylor to prepare this assessment. I anticipate having their assessment by early – mid-next week. I have worked with the applicant to prepare an assessment of the navigational safety bylaw, and this is largely completed.

Considering the progress made to respond to the RFI points, I would be grateful if we could have until next Friday 20th March to provide the full response. Please let me know if there are any issues with this.

Regards

Sean Dent DIRECTOR

M 021 946 955 | F 03 409 0145
15D Old Sale Yard Road,
Cromwell, 9310

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From: Alexandra Smith <Alexandra.Smith@es.govt.nz>
Sent: Monday, 23 February 2026 12:59 pm
To: Sean Dent <sean@southernplanning.co.nz>
Cc: mark.quickfall@totallytourism.co.nz
Subject: Request for further information on resource consent application - APP-20262029

Tēnā kōrua Sean, Mark,

Thank you for applying for resource consent for a Coastal Permit for a commercial surface water activity. The application has been formally received. However, I will need further information from you before your application can progress.

This email outlines the information I am requesting, the reasons for the request, your options and how they affect you. **Please read the points below carefully or have someone explain them to you.**

The following information is requested under Section 92(1) of the Resource Management Act 1991. I will

need the information requested below before I can make a recommendation on the consideration of the application.

1. An assessment of the effects of the proposal on navigational safety, including an assessment of the Navigational Safety Bylaw. I am requesting this information because navigational safety and an assessment of the Navigation Safety Bylaw has not been addressed in the application.

2. An assessment of underwater noise generated through use of the new vessel and airborne noise generated through the maximum additional passengers proposed, including an effects assessment and a policy assessment. I am requesting this information because it will inform the assessment of the proposal under Policy 16.2.3 and Policy 16.2.8(7). Although the application included an acoustic assessment this is limited in scope to airborne noise emitted by the proposed vessel.

You must, by 16 March 2026 either:

- Provide the information, or
- Tell us that you agree to provide the information, and propose a date to do so, along with your reasons for that date, or
- Tell us that you refuse to provide the information.

Please consider what to do carefully. Your decision is important because:

- If you provide the information by 16 March 2026 we will proceed with processing your application.
- If you tell us that you agree to provide the information and propose a date, we will consider whether that date is a reasonable time for you to provide the information, and tell you the date by which you provide the information.
- If you do not respond to this request or provide the information by 16 March 2026, or within the time set by us, we may notify you of our intention to return the application as incomplete.
- If you refuse to provide the information, or you do not provide the information before the timeframes we have set, then we must publicly notify the application. Public notification means the public may make submissions on the application and there may be a hearing to determine it. Additional payments are required for notified applications.
- We can also decline the application if we have insufficient information to grant it.

The time taken between this email and our receipt of the information will not be included in our total processing timeframes for the application.

Please note: The information received in response to this request forms part of your application. Please ensure you provide the relevant request and response information to all parties whom you have been consulting with or seeking approval from.

Please contact me if you have any questions. I can be contacted by phone at Environment Southland on 0800 76 88 45 or this email address. Otherwise, if you need more information:

- go to es.govt.nz/environment/consents or
- go to https://environment.govt.nz/publications/applying-for-a-resource-consent/

Ngā mihi,
Alexandra



Alexandra Smith

Senior Consents Officer

Environment Southland *Te Taiao Tonga*

P 03 211 5115 | M 021 226 4480

Cnr Price St & North Rd, Private Bag 90116, Invercargill 9840

Alexandra.Smith@es.govt.nz | es.govt.nz | facebook.com/environmentsouthland

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Environment Southland supports flexible working arrangements. I may have sent this email outside of business hours and I only anticipate a response during your working hours.

16 March 2026
Job No: 1102409.0000

Mitre Peak Cruises Ltd
Level 6, Forsyth Barr House, 35 The Octagon
Dunedin 9016

Attention: Sean Dent

Dear Sean

Underwater noise comparison
Mitre Peak III (proposed) vs existing vessels

1 Introduction

This report has been prepared by Tonkin & Taylor Limited (T+T) for Mitre Peak Cruises Limited (MPC). It provides a comparison of underwater sound emissions expected from the new Mitre Peak III vessel relative to existing Mitre Peak vessels operating in Milford Sound. The objective of this assessment is to support Environment Southland's understanding of whether the proposed vessel is expected to be broadly comparable to existing operations, based on available operational and vessel configuration data.

Underwater noise from vessels can:

- cause behavioural disturbance or avoidance reactions in marine species
- mask acoustic vocalisations and communication
- in extreme cases, cause physiological harm

For conventional propeller driven vessels (such as the ones considered here), underwater radiated sound typically comes from:

- propeller cavitation - often the main contributor at moderate to high speeds and/or high loading
- machinery and gearbox noise transmitted through the structure to the hull and then reradiated into the water
- flow noise (boundary layer/turbulence) at higher speeds – influenced by hull design
- thrusters (if in use, particularly dynamic positioning or manoeuvring thrusters)

If two vessels operate with similar propulsion systems, similar propeller tip speeds, and similar propeller loading at a given speed, they often have similar cavitation risk and therefore a likelihood that underwater radiated sound levels are comparable. Technical improvements generally see lower levels of radiated sound through the hull and less flow noise on newer vessels of comparable design and dimensions. Similarly, engineering design can reduce re-radiated noise from internal machinery.

Tonkin & Taylor Ltd | Level 2, Awly Building, 293 Durham Street North, Christchurch Central 8013, New Zealand
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2 Limitations

Results and assumptions presented in this report are based on best available information. Any predictions are sensitive to parameters that may not be available, e.g., shaft RPM, propeller detailed geometry, displacement/loading, hull condition, and cavitation performance. Local propagation effects (bathymetry, seabed properties, seawater stratification) also influence sound transmission. These effects have not been modelled because the intent is a source level comparison, not received levels at a specific location.

If a higher confidence is required, the preferred method is a standardised pass-by measurement program[1], conducted for each vessel at common operating speeds. However, the approach adopted is considered sufficient for the intended purposes of this comparative assessment.

3 Operational parameters

Operational data has been provided by MPC and Gough Brothers Marine Engineering. Operations described for the Mitre Peak service are summarised as:

- cruise speed: 11–12 knots approx. 70% of cruise time
- restricted areas: ~5 knots approx. 30% of cruise time
- idling / manoeuvring near key locations: typically up to 10 minutes per event and 4–5 events per cruise
- no dynamic positioning (DP) or bow/stern thrusters.

This operating profile is relevant because underwater sound output generally increases with speed and propeller loading, and manoeuvring can involve transient loading changes. Compared to recreational vessels and small passenger ferries, the operating speeds of MPC's fleet are considered low.

Vessel specific details are provided below:

Table 3.1: Vessel details

	Mitre Peak I	Mitre Peak II	Mitre Peak III
Length	18.3 m	20 m	24 m
Engine	Diesel mechanical, single shaft 1 × Scania diesel, 551 kW (de-rated to 492 kW)	Diesel mechanical, twin shaft 2 × Scania DI 13 078M (6-cylinder), approximately 340 kw each	Diesel mechanical, twin shaft 2 × Scania DI 13 078M (6-cylinder), approximately 340 kw each
Propulsion	4-bladed fixed pitch, 34" × 35" (864 mm × 889 mm)	4-bladed fixed pitch, 750 mm diameter	4-bladed fixed pitch, 750 mm diameter

MPC and Gough Brothers have confirmed that the in-air noise emissions of Mitre Peak III are expected to be very similar to Mitre Peak II; engine room noise similar, however the air intake ducts are different and may represent an improvement.

As can be seen from the above table, Mitre Peak III has identical engines (and gearboxes) and propeller design as Mitre Peak II.

[1] ISO 17208-1:2016, Underwater acoustics — Quantities and procedures for description and measurement of underwater sound from ships — Part 1: Requirements for precision measurements in deep water used for comparison purposes.

Given the identical propulsion machinery, propeller specifications, and operating speeds, the new Mitre Peak III vessel is expected to have similar underwater sound level characteristics to Mitre Peak II. Minor differences may arise from:

- Hull design differences: may alter wake characteristics and propeller inflow, potentially affecting cavitation
- Displacement/loading: different vessel weight may alter propeller loading and shaft RPM for the same speed
- Air intake modifications: client notes different intake ducts; primarily affects airborne noise but may reduce some structure-borne transmission

Mitre Peak III is expected to fall within the Mitre Peak II noise envelope and represent no material increase in underwater sound levels.

Compared to Mitre Peak I, the new vessel's twin-shaft configuration with smaller diameter propellers (but two propellers) operating at the same vessel speeds may result in:

- Lower per propeller loading compared to the single larger propeller of Mitre Peak I
- Potentially lower cavitation if propellers operate below cavitation generation threshold
- Different tonal characteristics due to twin propeller blade rate frequencies versus single propeller

However, the higher total installed power and twin machinery sources could offset propeller benefits, particularly at higher speeds.

Given the modern twin-engine design and similar design to Mitre Peak II, the new vessel is not expected to represent a material increase over existing MPC fleet operations.

4 Qualitative assessment

Without detailed propeller design data (pitch, blade geometry, cavitation bucket), precise numerical source level predictions are not provided. However, based on vessel class and operational parameters, expected broadband sound source levels are:

Table 4.1: Expected source levels

Vessel	Configuration	Source sound level re 1µ Pa @ 1 m
Mitre Peak I	Single shaft fixed pitch, 492 kW	160 – 170 dB
Mitre Peak II	Twin shaft fixed pitch, 686 kW	160 – 170 dB
Mitre Peak III	Twin shaft fixed pitch, 686 kW	160 – 170 dB

An indicative range is shown for similar commercial vessels of the same size and configuration at moderate speed. At reduced speed (5 knots), all vessels are expected to operate in the range of 150 to 160 dB re 1µ Pa @ 1 m (lower propeller loading, reduced cavitation).

This data is derived from a combination of the JOMOPANS project data for marine shipping[2] and source levels for small vessels of around 20-25 m in length[3,4].

[2] Joint Monitoring Programme for Ambient Noise in the North Sea

[3] Parsons, M., Meekan, M. Acoustic Characteristics of Small Research Vessels, Australian Institute of Marine Science, *Journal of Marine Science and Engineering, 2020, 8, 970*

[4] Arranz, P. et al. Whale-watch vessel noise levels with applications to whale-watching guidelines and conservation, Marine Policy 134 (2021) 104776.

To further benchmark the above levels, the empirical relationship derived by Ross[5] has been used to estimate the relative difference of the broadband sound source level (SL) of each vessel. This relationship is suitable for comparative studies and for speeds in the range of 5 -20 knots. While there are newer prediction models, the Ross relationship is considered appropriate for this assessment:

$$SL = 20\log(L) + 60\log(V) + C$$

Where:

- SL = source level (dB re 1 µPa @ 1m)
- L = ship length (metres)
- V = ship speed (knots)
- C = empirical constant depending on ship class/propulsion/operating conditions.

Typical ship constants, C, are shown below.

Table 4.2: Typical ship constants and SLs after Ross

Ship type	Vessel length	C value	Typical SL at 12 knots / re 1 µPa @ 1m
Supertanker	250-415 m	-32	~175 dB
Large merchant	200-400 m	-20 to -10	~180-190 dB
Small merchant	50 – 200 m	0 to +10	~190-200 dB
Fishing vessel	15 – 100 m	+10 to +20	~195-205 dB
Navy quiet	70 – 180 m	-40 to -50	~165-175 dB

As the operational parameters and engineering designs of all three MPC vessels are similar, it can be deduced that the ship constant, C, is identical for each of the Mitre Peak vessels. Therefore, based on the length of each vessel and a common speed of 12 knots, the relative difference from the Mitre Peak I vessel is:

- Mitre Peak II: 1 dB higher
- Mitre Peak III: 2 dB higher

Accordingly, Mitre Peak III is estimated to be 1 dB higher than Mitre Peak II.

These relative source level differences are very small and are within typical measurement uncertainties if underwater sound level measurements were undertaken in accordance with the ISO 17208 series of procedures for measurement of underwater sound from ships.

5 Findings

- Mitre Peak III propulsion machinery is identical to Mitre Peak II (engines, gearboxes, propellers, shaft configuration).
- Operating profile is unchanged: Mitre Peak III will operate at the same speeds and duty cycle as existing vessels.
- Mitre Peak III is expected to generate underwater noise very similar to Mitre Peak II based on machinery and operational similarity.

[5] Ross, D. (1987). Mechanics of Underwater Noise. Peninsula Publishing, Los Altos, CA.

- Mitre Peak III represents no material change from the existing fleet noise envelope. The vessel falls within the operational effects envelope established by the existing vessels.
- Air intake modifications noted by the client may provide airborne/in-vessel noise improvements but are not expected to materially alter underwater radiated noise.
- No thrusters or dynamic positioning systems are fitted to any vessel, eliminating this potential noise source.
- Based on empirical modelling (after Ross), the relative difference between all three vessels is predicted to be no more than 2 dB which is considered small and within typical measurement uncertainties if underwater sound source level measurements were undertaken.

6 Conclusion

Based on the comparative analysis of propulsion systems, operational profiles, and empirical acoustic modelling, Mitre Peak III is expected to produce underwater radiated noise essentially equivalent to Mitre Peak II, with no material increase relative to the existing fleet.

7 Applicability

This report has been prepared for the exclusive use of our client Mitre Peak Cruises Ltd, with respect to the particular brief given to us and it may not be relied upon in other contexts or for any other purpose, or by any person other than our client, without our prior written agreement.

Tonkin & Taylor Ltd

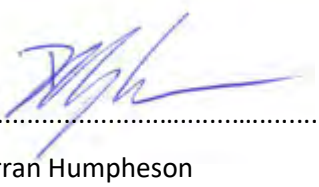
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Assessment of Effects on Navigational Safety
Mitre Peak Cruises Limited – Milford Sound
(Section 104 Resource Management Act 1991 Assessment)

1. Introduction

This assessment responds to Environment Southland's request for further information regarding navigational safety. The assessment considers the Southland Regional Council Navigation Safety Bylaws 2009 (updated 16 December 2015), relevant maritime legislation, and addresses the statutory framework under section 104 of the Resource Management Act 1991 (RMA).

The proposal seeks to replace MV Mitre Peak I with MV Mitre Peak III. There is no increase in trip numbers, duration, frequency, routing, or operational area within Milford Sound.

2. Section 104 RMA Framework

Under section 104(1)(a) of the RMA, the consent authority must have regard to any actual and potential effects on the environment of allowing the activity. Navigational safety is a relevant environmental effect within the coastal marine area.

Under section 104(1)(b), the consent authority must have regard to relevant provisions of planning documents, including the Regional Coastal Plan and Navigation Safety Bylaws.

Section 104(1)(c) allows consideration of other relevant matters, including maritime safety legislation such as the Maritime Transport Act 1994.

3. Maritime Transport Act 1994 and Maritime Rules

The Maritime Transport Act 1994 establishes the overarching framework for maritime safety in New Zealand. Vessel operators must comply with Maritime Rules made under the Act.

Of particular relevance is Maritime Rules Part 22 – Collision Prevention, which requires vessels to maintain a proper lookout, proceed at a safe speed, and take appropriate action to avoid collision.

4. Maritime Transport Operator Plan (MTOP)

Under Maritime Rules Part 19 – Maritime Transport Operator – Certification and Responsibilities, commercial maritime operators must hold an approved Maritime Transport Operator Plan (MTOP).

An MTOP is a documented safety management system approved by Maritime New Zealand. It sets out the operator's procedures for safe navigation, operational limits, crew training, maintenance, emergency response, risk management, and compliance with applicable maritime legislation, including regional navigation safety bylaws.

Mitre Peak Cruises Limited currently operates under an approved MTOP covering its existing vessels. Should consent be granted, MV Mitre Peak III will be formally added to the company's approved MTOP prior to commencing operations. This requires Maritime New Zealand approval and ensures that the vessel's specifications, operational profile, safety procedures, and compliance obligations — including adherence to the Southland Navigation Safety Bylaws and Milford Sound Code of Practice — are incorporated into the certified safety management framework.

Accordingly, navigational safety obligations are embedded within both the regional bylaw regime and the nationally regulated maritime certification system.

5. Assessment Against Southland Navigation Safety Bylaws

Milford Sound Harbour is defined in Schedule 1, clause 1.10. Special Provisions for Milford Sound are contained in clause 7.

5.1 Clause 7.1 – Milford Sound Safety Rules

Clause 7.1 requires vessels operating beyond 100 metres from shore (excluding Freshwater and Deep Water Basins) to proceed clockwise (clause 7.1(a)) and operate at a proper speed no greater than 15 knots (clause 7.1(b)).

The applicant currently complies with this requirement and will continue to do so. Cruising speeds (10–12 knots) remain below the 15-knot maximum.

5.2 Clause 7.2 – Deep Water Basin

Clause 7.2 confirms that section 3.2 operating requirements apply within Deep Water Basin. The proposal does not alter berthing arrangements or movement frequency within this area.

5.3 Clause 3.12 – Collision Prevention

Clause 3.12 requires compliance with collision prevention obligations, consistent with Maritime Rules Part 22. The modest increase in vessel length does not materially affect manoeuvrability or visibility.

5.4 Schedule 10 – Milford Sound Code of Practice

Schedule 10 confirms the Milford Sound Code of Practice developed by the Milford Sound Safety Management Group. The established routing (southern outbound, northern return) will remain unchanged.

6. Cumulative Navigational Effects

The proposal replaces one existing vessel and does not increase vessel numbers, trip frequency, or traffic movements within Milford Sound. Accordingly, it does not contribute to cumulative navigational congestion or increased collision risk.

7. Overall Conclusion Under Section 104 RMA

The proposal represents a like-for-like vessel replacement within an existing, well-managed navigational environment. Compliance with the Southland Navigation Safety Bylaws, Maritime Transport Act 1994, Maritime Rules (including Part 19 and Part 22), and the approved MTOP framework ensures navigational safety risks are appropriately managed.

There is no intensification of vessel activity, no alteration to navigational patterns, and no increase in cumulative traffic effects. Accordingly, the proposal will have no more than minor effects on navigational safety.

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File Ref: AC24087 – 02 – R5

6 March 2026

Mitre Peak Cruises Limited
C/- Sean Dent
Southern Planning Group
15D Old Sale Yard Road
Cromwell 9310

Email: sean@southernplanning.co.nz

Dear Sean

Re: Mitre Peak Cruises Limited – Noise assessment for new vessel

We understand that Mitre Peak Cruises Limited (MPC) intends to seek a new resource consent for their presently consented commercial sightseeing trips in Milford Sound. The new consent is proposed to combine the existing consented operations undertaken with the vessels Mitre Peak I and Mitre Peak II and introduce a third, yet to be built vessel, Mitre Peak III. Collectively, all three vessels are proposed to be utilized to carry out the existing consented number of commercial sightseeing trips – no increase in daily trip numbers is sought. As part of the application process, MPC require confirmation about whether noise emissions from the vessels are likely to comply with the relevant noise standards in the Regional Coastal Plan for Southland (the 'Plan').

Since the new vessel (Mitre Peak III) is subject to design and build, this means it cannot be physically tested. Acoustic Engineering Services (AES) have therefore provided an opinion on this matter based on a review of previous measurement data, and calculations with regard to potential noise from passengers.

1.0 NOISE STANDARDS

The noise standards which are relevant to the operation of these vessels operating in the coastal marine area are reproduced below.

> *Rule 5.3.4 – General noise limits*
>
> *Excluding Rule 5.3.8, unless subject to other rules in this Plan, it is a permitted activity for any activity within the coastal marine area to generate noise provided that the following noise limits are not exceeded, at any point at the landward boundary of the coastal marine area:*
>
> *i between 7:00 a.m. and 10:00 p.m. the L10 shall not exceed 50 dBA;*
>
> *ii between 10:00 p.m. and 7:00 a.m. the following day, the L10 noise level shall not exceed 40 dBA;*
>
> *iii between 10:00 p.m. and 7:00 a.m. the following day, the L_{max} noise level shall not exceed 70 dBA.*
>
> *Noise shall be measured and assessed in accordance with the provisions of NZS 6801:1991 "Measurement of Sound" and NZS 6802:1991 "Assessment of Environmental Sound".*

This Rule shall not apply to .... The activities specified in Rules 5.3.6 ....

Rule 5.3.6 – Noise limits for ships in motion

Except as provided for in Rule 5.3.5, it is a permitted activity for ships in motion to emit noise provided that such noise does not exceed a sound exposure level of 90 dB(A) in any single drive by at any position beyond a line situated 25 metres back from the line of travel.

Sound levels shall be measured in accordance with the provisions of NZS 6801:1991 "Measurement of Sound".

We have assessed passenger noise from the proposed vessel against Rule 5.3.4 and the vessel noise itself against Rule 5.3.6 as required by the Plan.

2.0 PREVIOUS MEASUREMENTS

AES have previously undertaken measurements of a variety of vessels used for scheduled tourist operations in Milford Sound (nine in total). Our data shows that the range of measured levels was 79 – 85 dB L_{AE} at 25 metres when these vessels were operating at typical cruising speeds of between 10 – 12 knots. Compliance with the 90 dB L_{AE} limit was achieved by at least 5 dB for all vessels. Our measurements also showed that vessels travelling at lower "no wake" speeds are on average 7 dB quieter than at cruising speed.

A review of other vessel measurement data illustrates that Rule 5.3.6 may not be particularly stringent for vessels of this nature (including vessels travelling at higher speeds). To illustrate this, we have high speed pass-by measurements from V8 jetboats that would comply with this limit. The rules intended purpose could be to control excessively loud vessels.

Our observation during these measurements was that while travelling, noise from passengers on the vessels is not dominant, although it can be heard at times.

3.0 VESSEL SPECIFICATIONS AND EXPECTED NOISE EMISSIONS

The general specifications of the vessels currently operated by MPC are summarised in figure 3.1 below. When comparing vessel size and drive type / power, these vessels appear to fit within the range of those we have previously measured.

Figure 3.1 – Current vessel specifications

Details	Mitre Peak I	Mitre Peak II
Length (m)	18.3	20
Beam (m)	5.76	6.6
Passengers	60	75
Drive	Single shaft drive	Twin shaft drive
Drive Engine(s)	Single Scania DI 13 077M (700 hp @ 2300 rpm)	Two Scania DI 13 078M (each 500 hp @ 2100 rpm)
Aux engine	Two Lombardini (12 kVA)	Single Kohler (12 kVA)

We understand that the Mitre Peak III will be a larger 24-metre-long vessel, with a passenger capacity in the order of 150 passengers and 4 crew and twin engines similar in specification to the Mitre Peak II (although they are a newer technology and more efficient). Details of the Mitre Peak IIII are not yet available, although similar trends in engine technology may also make the drive engines more efficient.

Airborne vessel noise will typically increase with engine power, and speed of the vessel. However, if the vessel speed remains similar, then it would take relatively large changes in vessel design for the engine noise contribution to increase. Since the new vessels will operate in the same manner, and the operator has

a standard cruise time of 2 hours, vessel speed is expected to be very similar to the currently operating vessels.

For diesel engines it would typically take a doubling in engine power to increase exhaust and casing radiated noise levels by 3 dB[1]. This assumes all other factors such as the engine location on the vessel, operating rpm, length of the exhaust, muffler design and whether the engine is turbocharged or not remain the same.

4.0 PASSENGER NOISE

Based on our correspondence, we understand that the closest point the vessel is likely to travel to the landward boundary is 20 metres at Seal Rock. Other locations where the vessel will pause for commentary and photos include Copper Point, Pixie and Fairy Falls, Sterling Falls and Harrison Cove.

We have confirmed that the maximum number of people likely to be out on the deck at any one point in time is 15 on the foredeck, 40 on the open upper deck, and 10 on the rear lower deck (a total of 65 people).

With half of the passengers conversing at a normal voice effort of 71 dB L_{wA}[2], and located within five meters of the closest edge of the vessel, we calculate a level of 50 dB L_{10} which complies with the daytime limit in Rule 5.3.4. While the specific detail of any loudspeakers used for commentary is not yet available, we understand this will be a distributed array with smaller loudspeakers to reduce noise emissions. We do not expect passengers will be talking continuously at the level assumed above while a commentary is occurring.

Our calculation assumes this level of activity will occur consistently for the assessment duration. This is likely to be conservative, as the assessment duration for this type of noise is typically 10 – 15 minutes under NZS 6801:1991, and the vessel is unlikely to remain at the same location for this length of time. This standard also allows for a form of averaging, giving an example where four fifteen measurements of the same activity are "averaged" (by up to -5 dB), to derive a single figure for comparison with a limit. So – if on occasion there is a group that is louder than normal, this does not mean it represents a non-compliance, as a representative sample is required.

5.0 CONCLUSION

A review of our previous measurements of a range of tourist vessel types shows that compliance with Rule 5.3.6 has been achieved in all cases by a comfortable margin. Our review also demonstrates that there would need to be large changes in vessel speed or engine power / configuration for noise levels to increase markedly – and there to be a risk of a non-compliance. Based on what is currently known about likely vessel design and operating parameters, this appears unlikely. We therefore we consider it unlikely that the MPC vessels will exceed Rule 5.3.6 of the Plan.

We have also considered people noise from the vessel and demonstrated that this can comply with the daytime limit in Rule 5.3.4 of the Plan. This is based on a scenario where the vessel is at Seal Rock, which is expected to be the closest point to the landward boundary.

Kind Regards,



William Reeve
BE(Hons) MASNZ
Senior Associate
Acoustic Engineering Services

[1] Bies and Hansen, "Diesel and gas-driven engines", in *Engineering Noise Control Theory and Practice Third Edition* (2003)
[2] Based on the American National Standards Institute Standard ANSI S3.5 – 1997 *Methods for calculation of the Speech Intelligibility Index* and allowing for a +3 dB conversion between LAeq and L10.

Attachment 3

Submissions received

Kathryn Molloy
Chief Executive Officer
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Invercargill, 9874
+[redacted]
[redacted]

The Consents Team
Environment Southland
Private Bag 90116
Invercargill 9840
service@es.govt.nz
esconsents@es.govt.nz

4 May 2026

Via email: service@es.govt.nz and esconsents@es.govt.nz

SUBMISSION ON RESOURCE CONSENT APPLICATION APP-20262029
Mitre Peak Cruises Limited – Commercial Surface Water Activity, Milford Sound/Piopiotahi

Tēnā koe

CRA8 Rock Lobster Industry Association Inc (CRA8) is an affected party in the above application, as identified in the Notification Recommendation and Decision Report prepared by Environment Southland (ES) under sections 95–95G of the Resource Management Act 1991. We oppose this application and wish to be heard in support of our submission.

1. A Material Discrepancy in the Vessel Size Assessment

Having read both the application by Mitre Peak Cruises Limited and the ES sections 95–95G Recommending Report, CRA8 is concerned by a clear and significant discrepancy in how the size of the proposed new vessel MV Mitre Peak III has been characterised.

The ES Recommending Report states:

> *"MV Mitre Peak III will be 23.75% longer, 20% wider, 2.9% taller and have a 150% increase in passenger carrying capacity when compared to MV Mitre Peak I."*

However, the applicant's own Assessment of Environmental Effects (AEE), at section 7.3.1 (page 23), sets out the following figures calculated directly from the vessel dimensions stated in the application:

> *"Length: The difference is 5.7 meters, or about 31% longer."*
> *"Width: The difference is 1.44 meters, or 25% wider."*
> *"Height above waterline: The difference is only 0.14 meters, or 2.5% taller."*

These are the applicant's own numbers, drawn from the actual vessel specifications: MV Mitre Peak I is 18.3 m long with a beam of 5.76 m; MV Mitre Peak III is proposed at 24 m long with a beam of 7.2 m. The figures in the ES report (23.75% longer, 20% wider) appear to have been calculated as a proportion of the new vessel's dimensions rather than as a percentage increase from the existing vessel. This is a fundamental methodological error that substantially understates the scale of the proposed increase.

The correct figures of 31% longer and 25% wider represent a very significant uplift in the physical scale of the vessel. The ES officer's conclusion that adverse effects are no more than minor was reached on the basis of the lower, incorrect figures. That conclusion must be corrected.

2. The Application's Own Evidence Contradicts its Conclusions

Throughout the application, the effects of the proposed vessel are characterised as "less than minor." Yet in the cumulative effects section of the AEE (page 32), the applicant acknowledges that "the actual dimensional increase is modest." This concession sits in direct contradiction to the repeated assertion elsewhere in the application that the change in scale will be imperceptible and inconsequential.

In CRA8's submission, a vessel that is 31% longer and 25% wider than the vessel it replaces, and which carries 150% more passengers, cannot credibly be described as having effects that are less than minor on an environment of international significance. The internal inconsistency in the application should itself give the consent authority pause.

3. The Plan Change 5 Principles Must Be Upheld

Plan Change 5 to the Regional Coastal Plan was introduced to hold the line on commercial surface water activities in the Fiordland coastal marine area until a comprehensive carrying capacity assessment has been completed. Policy 16.2.2 expressly provides that resource consent should not be granted for new or intensifying commercial surface water activities where adverse effects on the internationally, nationally, and regionally significant values of the Fiordland coastal environment will increase.

The purpose of that policy is precisely to prevent individually marginal consent decisions from incrementally eroding the values of this environment before their cumulative effect is understood. The fact that the Regional Coastal Plan Review has been delayed does not weaken that policy. If anything, the absence of a completed carrying capacity assessment makes it more important, not less, that the precautionary approach mandated by Policy 16.2.2 is rigorously applied.

CRA8 submits that this application should not be granted until the carrying capacity for commercial surface water activities in Milford Sound/Piopiotahi has been properly determined. The principles of Plan Change 5 were put in place for exactly this situation.

4. The Cumulative Effects Argument is Unanswerable

The applicant argues that the precedent effects of approving this application are limited because each future proposal would be assessed on its own merits. CRA8 does not accept that this adequately addresses the cumulative risk.

Consider this: if the proportional increases sought by Mitre Peak Cruises (31% longer, 25% wider, 150% more passengers) were applied across the entire fleet of commercial tourist vessels currently operating in Milford Sound, the combined effect on the environment would be profound. The increased vessel bulk, wake, noise, and the sheer number of additional passengers moving through this fiord would, without any doubt, have significant adverse effects on the wilderness, remoteness, and ecological values that make Milford Sound/Piopiotahi one of the most treasured environments in New Zealand.

That is not a hypothetical concern. It is the very outcome that Plan Change 5 was designed to prevent while carrying capacity limits are established. Granting this consent before those limits are known sets a precedent that is difficult to walk back once established.

5. Decision Sought

CRA8 seeks the following:

(a) That the application be declined on the grounds that the adverse effects of the proposed activity are more than minor and are inconsistent with Policy 16.2.2 of the Regional Coastal Plan; or alternatively,

(b) That the application be deferred until the Regional Coastal Plan Review has been completed and carrying capacity limits for commercial surface water activities in Milford Sound/Piopiotahi have been established; and

(c) That, in any event, the discrepancy in the vessel size figures identified in section 1 above be formally corrected, and the effects assessment be re-evaluated using the correct percentage increase figures as stated in the applicant's own AEE.

6. Hearing

CRA8 wishes to be heard in support of this submission.

Nāku noa, nā



Kathryn Molloy
Chief Executive Officer
CRA8 Rock Lobster Industry Association Inc.

SUBMISSION ON A LIMITED NOTIFIED APPLICATION FOR A RESOURCE CONSENT

TO; The Chief Executive
Environment Southland
Private Bag 90116
DX YX20175
Invercargill

I: Rebecca McLeod for the Fiordland Marine Guardians

Of: PO Box 213 Te Anau 9640

At: [redacted]; [redacted]

With respect to the application of:

- Mitre Peak Cruises Limited
- APP-20262029
- Location: Milford Sound Piopiotahi, Fiordland, at about NZTM2000 1,187,382 E 5,051,144 N

Wish to submit IN OPPOSITION to the application.

Our reasons for our submission are:

The Fiordland Marine Guardians (the Guardians) advocated for Plan Change 5 to the Southland Regional Coastal Plan. In effect this plan change put a hold on expansion of the commercial tourist vessel fleet above that which lawfully existed in July 2022, including factors such as vessel numbers, vessel sizes and the level of vessel activity (eg. Number of trips). When adopting Plan Change 5, the intention was to keep the measure in place until such time as the vessel carrying capacity of the Fiordland Marine Area was assessed and regulatory measures put in place to keep commercial surface water activity at a level that ensures the values of the area are protected.

The most relevant policy in this regard is "Policy 16.2.2 Avoid adverse effects on the international, national, and regionally significant values of the Fiordland coastal environment, by:

2. not granting resource consent for new or intensifying (above that which lawfully existed at 18 July 2022) commercial surface water activities, including ancillary activities, where adverse effects on those matters identified in Policy - 16.2.2(1) will increase"

The Guardians do not see any justification for granting this consent in contradiction to Plan Change 5 and Policy 16.2.2.a. Granting this consent before the assessment of carrying capacity has been completed and the revised Coast Plan (or its equivalent) is adopted risks undermining the goals of the plan with respect to public access, navigational safety and environmental values.

The application seeks to replace an existing coastal permit (AUTH-20191120) with a new consent to undertake commercial surface water activities in the coastal marine area of Milford Sound/Piopiotahi. The constraints of these permits are outlined in the table below, and the difference in the activity quantified. The Guardians consider the increases in vessel length, width and passenger capacity to be significant.

Existing consent (Coastal Permit AUTH-20191120)	**Proposed consent**	**Difference**
Commercial day trips within Milford Sound. • Seven trips per day 1st October to 30 April. • Three trips per day 1 May to 30 September.	Commercial day trips within Milford Sound, • Seven trips per day 1st October to 30 April • Three trips per day 1 May to 30 September	No change
Vessel up to 18.3 m in length Note that Mitre Peak I has a: • beam of 5.76m • max. height above the water line of 5.56m	Vessel up to 24 m in length Proposed Mitre Peak III has a: • beam of 7.2 m • max. height above the waterline of 5.7m	+ 5.7 m in length (+31%) + 1.44 m beam (+25%) +0.14 m max. height (+2.5%)
Capacity for up to 64 passengers (including crew)	Capacity for up to 154 passengers (including crew)	+ 90 passengers (+141%)

We note that the percentage increases have been miscalculated in the S95 report. We question whether this error is consequential in terms of the conclusion drawn that the effects of this activity are considered to be not more than minor.

We wish for the Council to make the following decisions:

1. Decline the application for resource consent for commercial surface water activities in Milford/Piopiotahi
2. Progress assessment of the vessel carrying capacity of the Fiordland Marine Area at pace, to inform the new plan as soon as the legislative reform is complete.

- I, am not a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).
- I, am not directly affected by an effect as a result of the proposed activity in the application that:
    - adversely affects the environment; and

- does not relate to trade competition or the effects of trade competition.

- I, do wish to be heard in support of my submission.
- I, do wish to be involved in any pre-hearing meeting that may be held for this application.

I have served a copy of this submission on the applicant.

Signed: Date: 2 May, 2026



TE AO
MĀRAMA INC.

5 May 2026

Consent Processing Officer

Private Bag 90116

Invercargill
esconsents@es.govt.nz

Tēnā koe

Attention: Limited Notified Resource Consent Application – RM 20262029

Please find attached a submission lodged on behalf of Te Rūnaka o Ōraka Aparima, regarding a coastal permit for commercial surface water activity to use passenger vessel, (MV Mitre Peak III) to undertake commercial sightseeing day trips on the water within the coastal marine area of Piopiotahi, Milford Sound.

We trust the information contained within this letter is sufficient; however, should you wish to discuss any aspect further, please do not hesitate to contact [redacted]

Nāhaku noa nā

TE AO
MĀRAMA INC.

CC: Te Rūnaka o Ōraka Aparima

To: Consent Processing Officer

Private Bag 90116
Invercargill
esconsents@es.govt.nz

1. This is a **neutral** submission for the application **RM 20262029** regarding a coastal permit for commercial surface water activity to use passenger vessel, (MV Mitre Peak III) to undertake commercial sightseeing day trips on the water within the coastal marine area of Piopiotahi, Milford Sound.

2. Te Rūnaka o Ōraka Aparima submission relates to the application in its entirety. Te Rūnaka o Ōraka Aparima wishes to submit a neutral submission on the application.

3. Te Rūnaka o Ōraka Aparima does **not wish** to be heard in support of its submission.

4. A copy of this submission has been sent to the applicant.

Signed for and on behalf of Te Rūnaka o Ōraka Aparima.

TE AO MĀRAMA INC.

PO Box 7078
South Invercargill
9844

DATE: 5 May 2026

Introduction

1. This is a **neutral** submission made on behalf of Te Rūnaka o Ōraka Aparima.

Papatipu Rūnaka

2. The Te Rūnanga o Ngāi Tahu Act 1996 (the TRoNT Act) and the Ngāi Tahu Claims Settlement Act 1998 (the Settlement Act) give recognition to the status of Papatipu Rūnanga as kaitiaki and mana whenua of the natural resources within their takiwā boundaries.

3. The consent application proposals relate to a Coastal Permit for commercial surface water activity that is within the takiwā of Te Rūnaka o Ōraka Aparima.

General Position and Reasons for the Neutral Submission:

- Our whānau have talked about the increasing impact from commercial tourism, including visitor numbers, structures, number of vessels and associated crafts, some of whom have landed within the Fiordland National Park to explore or fossick (either deliberately or accidently). There are concerns in respect of the cumulative effects on the remoteness, wilderness, and intrinsic values of the discharge from vessels, the increasing size of vessels and their ability to traverse longer distances due to increasing technology.

- Te Ao Mārama, on behalf of Ngā Papatipu Rūnaka ki Murihiku, has advocated for Plan Change 5 to the Southland Regional Coastal Plan. A position statement was prepared, endorsed, and signed by all four Papatipu rūnaka representatives on 3 April 2024. This document is available in Appendix 1.

- Although the plan change was suspended due to national direction, Papatipu Rūnaka ki Murihiku considers that retracting the position statement is unnecessary, as the issues addressed remain highly relevant to whānau, hapū and iwi.

We wish for the Council to make the following decisions:

1. Consider and give appropriate weight to the Ngā Papatipu Rūnaka ki Murihiku position statement (3 April 2024), recognising its continued relevance.
2. Have particular regard to the cumulative effects and cultural values identified in that statement.
3. Reflect the intent of the position statement in any conditions of consent and ongoing management of the activity.

APPENDIX 1

03 April 2024

Position Statement on Consent Term for Resource Consent Applications Regarding Coastal Permits, Land Use, & Commercial Surface Water Activities in Te Mimi O Tū Te Rakiwhānoa/Fiordland Coastal Marine Area.

- As kaitiaki of Te Mimi O Tū Te Rakiwhānoa/Fiordland Coastal Marine Area (as detailed in Te Rūnanga o Ngāi Tahu Act 1996) Ngāi Tahu hold responsibility for manawhenua manamoana , the wider community and the coming generations.

- Kaitiakitanga is not a responsibility taken lightly by ngā rūnanga. This is not a passive relationship but an active responsibility that requires our people to act in ways beneficial to Te Mimi o Tū Te Rakiwhānoa.

- Our whānau have talked about the increasing impact from commercial tourism, including visitor numbers, structures, number of vessels and associated crafts, some of whom have landed within the Fiordland National Park to explore or fossick (either deliberately or accidently). There are concerns in respect of the cumulative effects on the remoteness, wilderness, and intrinsic values of the discharge from vessels, the increasing size of vessels and their ability to traverse longer distances due to increasing technology.

- As kaitiaki we believe it is appropriate to endorse a consent term of five years for resource consent applications in Te Mimi O Tū Te Rakiwhānoa/Fiordland Coastal Marine Area due to the risk, both environmentally and culturally, associated with the intensification.

- Ki uta ki tai recognises that all things are connected, nothing should be managed in isolation, therefore we endorse, a consent term of 5 years to relate to all applications for Coastal Permits, Land Use, & Commercial Surface Water Activities.

RATIONALE FOR 5 YEAR CONSENT DURATION:

- As kaitiaki of Te Mimi o Tū Te Rakiwhānoa, Ngai Tahu ki Murihiku seek to exercise their kaitiakitanga over this area and for its benefit – to ensure that it is used and enjoyed in a sustainable manner whilst also protecting its mana and mauri.

- The position of Ngai Tahu ki Murihiku is to take a precautionary approach around the current uncontrolled intensification of Commercial Surface Water Activities and other activities within the Fiordland Coastal Marine Area until such time the Regional Coastal Plan for Southland is reviewed in its entirety.

- A five-year consent duration is considered appropriate as it is expected that a full review of the Regional Coastal Plan for Southland will occur in this timeframe.

- This is an interim measure to “hold the line” before the Regional Coastal Plan Review is completed and a planning framework is put in place that promotes long term sustainable management of natural and physical resources.

- We belong to the environment and are only borrowing the resources from our generations that are yet to come. It is our duty to leave the environment in as good or even better condition than received from our tupuna.

TE AO MARAMA INC.

Position Statement on Consent Term for Resource Consent Applications Regarding Coastal Permits, Land Use, & Commercial Surface Water Activities in Te Mimi O Tū Te Rakiwhānoa/Fiordland Coastal Marine Area.

As kaitiaki of Te Mimi O Tū Te Rakiwhānoa/Fiordland Coastal Marine Area (as detailed in Te Rūnanga o Ngāi Tahu Act 1996) Ngāi Tahu hold responsibility for manawhenua manamoana[1], the wider community and the coming generations.

Kaitiakitanga is not a responsibility taken lightly by ngā rūnanga. This is not a passive relationship but an active responsibility that requires our people to act in ways beneficial to Te Mimi o Tū Te Rakiwhānoa.

Our whānau have talked about the increasing impact from commercial tourism, including visitor numbers, structures, number of vessels and associated crafts, some of whom have landed within the Fiordland National Park to explore or fossick (either deliberately or accidently). There are concerns in respect of the cumulative effects on the remoteness, wilderness, and intrinsic values of the discharge from vessels, the increasing size of vessels and their ability to traverse longer distances due to increasing technology.

As kaitiaki we believe it is appropriate to endorse a consent term of five years for resource consent applications in Te Mimi O Tū Te Rakiwhānoa/Fiordland Coastal Marine Area due to the risk, both environmentally and culturally, associated with the intensification.

Ki uta ki tai recognises that all things are connected, nothing should be managed in isolation, therefore we endorse, a consent term of 5 years to relate to all applications for Coastal Permits, Land Use, & Commercial Surface Water Activities.

RATIONALE FOR 5 YEAR CONSENT DURATION:

- As **kaitiaki** of Te Mimi o Tū Te Rakiwhānoa, Ngai Tahu ki Murihiku seek to exercise their kaitiakitanga over this area and for its benefit – to ensure that it is used and enjoyed in a sustainable manner whilst also protecting its mana and mauri.
- The position of Ngai Tahu ki Murihiku is to take a **precautionary approach** around the current uncontrolled intensification of Commercial Surface Water Activities and other activities within the Fiordland Coastal Marine Area until such time the Regional Coastal Plan for Southland is reviewed in its entirety.
- A five-year consent duration is considered appropriate as it is expected that a full review of the Regional Coastal Plan for Southland will occur in this timeframe.

[1] Traditional/customary authority or title over land, forests, waterways and sea.

TE AO MARAMA INC.

- This is an **interim measure** to "hold the line" before the Regional Coastal Plan Review is completed and a planning framework is put in place that promotes long term sustainable management of natural and physical resources.

We belong to the environment and are only borrowing the resources from our generations that are yet to come. It is our duty to leave the environment in as good or even better condition than received from our tupuna.

Mo tatou, a, mo ka uri a muri ake nei

For us, and our children after us.

Terry Nicholas (Hokonui Rūnanga)

Stewart Bull (Ōraka-Aparima Rūnaka)

Evelyn Cook (Waihōpai Rūnaka)

Gail Thompson (Te Rūnaka o Awarua)

Attachment 4

Draft consent conditions

Attachment 4: Draft Schedule of Conditions

1. This resource consent shall not be exercised until AUTH-20191120 is surrendered or has expired.

2. This consent authorises the undertaking of commercial surface water activities, namely commercial day trips, in the coastal marine area adjacent to Fiordland National Park within Milford Sound as described in the application for resource consent dated 5 February 2026, and further information received on 16 March 2026[9]:
   (a) Primarily with a vessel of up to 24 metres overall length (the M.V. Mitre Peak III);
   (b) The Consent Holder may use a replacement vessel provided it is a similar type and no larger than consented vessel, and the Consent Authority is notified in writing in advance by emailing EScompliance@es.govt.nz.

3. In accordance with Section 125 of the Resource Management Act, 1991, this resource consent will lapse if not exercised within 2 years of the date that it was granted.

4. In accordance with section 126 of the Resource Management Act, 1991, this resource consent may be cancelled by the Consent Authority if not exercised for a continuous period of 5 years or more.

Operational Restrictions

5. The Consent Holder may operate up to:
   (a) Seven trips per day from 1 October to 30 April; and
   (b) Three trips per day from 1 May to 30 September; and
   (c) No ancillary trips.

6. A maximum of 154 passengers and crew, unless a lower maximum number of passengers is recorded on the Certificate of Survey in accordance with Maritime Rules.

7. The Consent Holder must limit the travel speed of the vessel to 5 knots when:
   (a) Within 200 metres of the shoreline; or
   (b) Within 500 metres of a seal or penguin colony.

8. The Consent Holder must avoid marine bird and mammal nesting and breeding areas as follows:
   (a) Passengers or crew shall not land on any foreshore; nor
   (b) Shall the vessel operating pursuant to this Consent moor or anchor or otherwise stop;
   within 50 metres of New Zealand fur seal colonies or penguin colonies.

9. The Consent Holder must use appropriate mooring areas and must not anchor within any known china shop[10] areas.

[9] Environment Southland file references: A1412591, A1446326

[10] **China Shop -** means an area identified:
   a by a number on Map 1 of Appendix 3A of the Regional Coastal Plan for Southland 2013; and
   b as a prohibited anchoring area on Maps 2 to 6 of Appendix 3A of the Regional Coastal Plan for Southland 2013.

10. Prior to first use of this consent the Consent Holder shall obtain a Marine Mammal Viewing Permit from the Department of Conservation and operate in accordance with it. A copy of this permit shall be provided to the Consent Authority on request.

11. The vessel used in carrying out this consent will be always maintained in good repair by the Consent Holder.

Rubbish Disposal and Sewage Discharges

12. Discharges of any contaminant, or any article or substance of a dangerous or offensive nature into the coastal marine area from the vessel or any other vessel operating under this Consent, may only occur in accordance with the Resource Management (Marine Pollution) Regulations 1998, or any subsequent version.

13. All rubbish and waste, including any sullage or wastewater, will be retained on board the vessel and removed to an approved facility onshore.

Contaminant Spills

14. (a) The Consent Holder shall ensure a fuel/oil spill kit that is suitable for the operation is available on the main vessel at all times. This spill kit shall contain, at a minimum:
    (i) Oleophilic booms, pads and pillows;
    (ii) Personal protection equipment;
    (iii) Plastic bags;
    (iv) Ropes; and
    (v) Absorbent materials for smaller spills on board.

    (b) In the event of any spill of oil, fuel or other contaminant, the Consent Holder shall remove the contaminants immediately from the site and take immediate, effective steps to contain and recover the spill.

    (c) The Consent Holder shall immediately notify the Consent Authority (ph 0800 76 88 45 or email escompliance@es.govt.nz) that a spill has occurred. Notification shall include the type and quantity of oil, fuel or other contaminant spilled, and the steps taken to avoid, remedy or mitigate any adverse effects.

    (d) In the event of a spill of any contaminant, no dispersants or degrading agents shall be discharged to water without the prior approval of the Consent Authority.

Biosecurity

15. The Consent Holder shall ensure that the following biosecurity procedures are followed at all times:

    (a) At the last port of call prior to entering the Fiordland marine area, the hulls of all vessels operating under this Consent, including the vessel:
        (i) Be inspected for pests and fouling organisms, in particular *Undaria*;

(ii) Clean and dry mooring lines, buoys and any other equipment that has come into contact with coastal waters in a manner that kills marine pests and unwanted organisms;

(iii) After cleaning the hull and equipment, have the hull and associated equipment inspected by a suitably qualified person to ensure that there are no visible signs of marine pests and unwanted organisms; and

(b) Six weeks after the inspection required in Condition 15(a) the Consent Holder shall inspect the vessel, mooring lines, buoys and any other equipment that has come into contact with coastal water to check for marine pests and unwanted organisms; and

(c) Immediately after each inspection required in Condition 15(a) and 14(b), if any marine pests or unwanted organisms are found, the Consent Holder shall notify the Consent Authority and seek advice from a suitably qualified person regarding removal, treatment, and disposal of the pest(s) or unwanted organism(s). Once this advice is received, the Consent Holder shall immediately ensure that the pest(s) or unwanted organism(s) are removed and disposed of in accordance with that advice.

16. The Consent Holder shall:
(a) Maintain the vessel in a rodent free state at all times;
(b) Maintain at least one bait station or trap for the purposes of rodent eradication, on the vessel at all times;
(c) Inspect the vessel and any cargo, for pests, in particular, rodents, on each occasion of operating, and prior to re-entering the Fiordland marine area on each occasion; and
(d) Ensure that any food is stored in rodent proof containers.

Noise

17. If any new or other vessel, or tender craft is used in the exercise of this consent, or if any alterations to the engine(s) of the vessel or tender craft occur during the exercise of this consent:

(a) The Consent Holder shall provide to the Southland Regional Council evidence that this activity can meet the noise standards of Rules 5.3.4 and 5.3.6 in the Regional Coastal Plan for Southland 2013 (or the relevant standards in any subsequent version), in accordance with the provisions of NZS 6801:1991 "Measurement of Sound" and NZS 6802:1991 "Assessment of Environmental Sound".

(b) Evidence required by Condition 17(a) shall be provided to Council, in writing, within 20 working days of the first use of the new or altered vessel under this consent.

Reporting Requirements

18. The Consent Holder shall maintain a log of all operations, including:

(a) A log of all commercial day trip activities, including the following details:
(i) Departure date for each day trip;
(ii) Location(s) travelled to for each day trip;

(iii) Number of passengers aboard the vessel for each day trip; and

(iv) The purpose of all activities, including use of the vessel and any ancillary activities.

(b) The results of inspections for pests, unwanted organisms, or hull fouling organisms on the vessel and equipment, in accordance with Conditions 15 and 16 of this Consent.

(c) A copy of the entries in this log shall be provided to the Consent Authority every three months in accordance with the following schedule:

Recording period	Report for the period due before:
1 January to 31 March	30 April
1 April to 30 June	31 July
1 July to 30 September	31 October
1 October to 31 December	31 January

Review of Consent Conditions

19. The Consent Authority may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this consent during the period 1 February to 30 September each year, or within two months of any enforcement action being taken by the Consent Authority in relation to the exercise of this consent, for the purposes of:

(a) Determining whether the conditions of this permit are adequate to deal with any adverse effect on the environment, including cumulative effects, which may arise from the exercise of the permit, and which it is appropriate to deal with at a later stage, or which become evident after the date of commencement of the permit; or

(b) Ensuring the conditions of this consent are consistent with any National Environmental Standards Regulations, relevant plans and/or Policy Statement; or

(c) Amending the monitoring programme to be undertaken; or

(d) Adding or adjusting compliance limits; or

(e) Requiring the consent holder to adopt the best practicable option to remove or reduce any adverse effect on the environment arising as a result of the exercise of this permit.

Attachment 5

Table of Coastal Permits

Attachment 5: Table of Coastal Permits

IRISID	Holder	Expiry	CurrentStatus	ActivityArea	VesselLength
AUTH-20181939-V1	Real Journeys Limited	26-Apr-38	Current	Milford Sound	40
AUTH-20221951	Real Journeys Limited	20-Jun-33	Current	Milford Sound	37.36
AUTH-20211585	Real Journeys Limited	11-May-38	Current	Milford Sound	36.3
AUTH-20211580	Real Journeys Limited	16-Jul-39	Current	Milford Sound	35.35
AUTH-20181745	Fiordland Discovery Limited	31-Dec-27	Current	Milford Sound	35
AUTH-20211783	Southern Discoveries Ltd	16-Oct-29	Current	Milford Sound	34
AUTH-20221947	Real Journeys Limited	14-Jun-37	Current	Milford Sound	30
AUTH-20169926	Cruising Milford Sound Limited	25-Sept-34	Current	Milford Sound	29.2
AUTH-20181624	Maria Kuster & Sean Ellis	1-Nov-38	Current	Milford Sound	26
AUTH-20171193	Cruise Milford New Zealand Limited	14-Sept-37	Current	Milford Sound	25
AUTH-202505-V2	Cruising Milford Sound Limited	21-Dec-36	Current	Milford Sound	25
AUTH-20211758	Southern Discoveries Ltd	16-Aug-37	Current	Milford Sound	25
AUTH-20211781	Southern Discoveries Ltd	16-Aug-37	Current	Milford Sound	21
AUTH-20146746	Cruise Milford New Zealand Ltd	25-Sept-34	Current	Milford Sound	20
AUTH-20242682	Mitre Peak Cruises Limited	11-Feb-30	Current	Milford Sound	20
AUTH-20211612	Real Journeys Limited	9-Jun-37	Current	Milford Sound	19
AUTH-20191120	Totally Tourism Limited	30-Oct-29	Current	Milford Sound	18.3
AUTH-301928-V1	Southern Discoveries Ltd	16-Aug-37	Current	Milford Sound	17
AUTH-20202563	Maria Kuster & Sean Ellis	6-Aug-36	Current	Milford Sound	17
AUTH-20222298	Tourism Milford Ltd	19-Oct-37	Current	Milford Sound	15
AUTH-205503	Fiordland Pilot Services Ltd	16-Nov-38	Current	Milford Sound	11.91
AUTH-20171460	Lance McKirdy & Ian Straton	19-Dec-32	Current	Milford Sound	9
AUTH-203307-V3	Real Journeys Limited	11-Feb-30	Current	Milford Sound	8.5
AUTH-20202162	Fiordland Outdoors Company Limited - Mark Wallace	10-Nov-40	Current	Milford Sound	7
AUTH-20171474	Milford Sound Tourism Limited	11-Feb-36	Current	Milford Sound	6.6
AUTH-20202489	Milford Sound Sea Kayaks Limited	31-Dec-27	Current	Milford Sound	6

AUTH-20252018	Te Hou Ora Whanau Services Ltd - Trading as Dive Otago	11-Mar-30	Current	Milford Sound	5.9
AUTH-300912	Lance McKirdy	20-Oct-33	Current	Milford Sound	5.8
	Average	14-Feb-35			20.94
	Median	13-Oct-36			20
	Average (vessels <10 m removed)	13-Oct-35			25.59
	Median (vessels <10 m removed)	14-Jun-37			25
	Proposed	30-Nov-36			24

Attachment 6

Coastal Permit
AUTH-20191120

AUTH-20191120

environment SOUTHLAND

Cnr North Road and Price Street
(Private Bag 90116)
Invercargill

Telephone (03) 211 5115
Fax No. (03) 211 5252
Southland Freephone No. 0800 76 88 45

Coastal Permit

Pursuant to Section 104B of the Resource Management Act 1991, a resource consent is hereby granted by the Southland Regional Council to **Totally Tourism Limited** of **29 Lucas Place, Queenstown 9348** from **30 October 2019**.

Please read this Consent carefully, and ensure that any staff or contractors carrying out activities under this Consent on your behalf are aware of all the conditions of the Consent.

Details of Permit

Purpose for which permit is granted:		To undertake commercial surface water activities, namely commercial day trips.
Location	- site locality	In the coastal marine area adjacent to Fiordland National Park, within Milford Sound.
	- map reference	NZTM 2000: 1,187,382E 5,051,144N
Legal description at the site:		Marine and Coastal Area
Expiry date:		30 October 2029

Schedule of Conditions

1. This consent authorises the undertaking of commercial surface water activities, in the coastal marine area adjacent to Fiordland National Park within Milford Sound:
   (a) Using one vessel of up to 18.3 metres overall length with up to 60 passengers and up to 4 crew

   for the purpose of undertaking commercial day trips, as described in the application for resource consent dated 6 January 2019, further information received on 25 March 2019 and 13 May 2019 and the amended application dated 10 April 2019[1].

2. In accordance with Section 125 of the Resource Management Act, 1991, this resource consent will lapse if not exercised within 2 years of the date that it was granted.

[1] Environment Southland electronic file system (Objective) references: A454146, A463729, A463730, A463727, A473711 and A468266.

3. In accordance with section 126 of the Resource Management Act, 1991, this resource consent may be cancelled by the Consent Authority if not exercised for a continuous period of 5 years or more.

Operational Restrictions

4. The Consent Holder may operate up to:
   (a) Seven trips per day from 1 October to 30 April; and
   (b) Three trips per day from 1 May to 30 September.

5. The Consent Holder must limit the travel speed of the vessel to 5 knots within 200 metres of the shoreline.

6. The Consent Holder must avoid marine bird and mammal nesting and breeding areas as follows:
   (a) passengers or crew shall not land on any foreshore; nor
   (b) shall the vessel operating pursuant to this Consent moor or anchor or otherwise stop;
   within 50 metres of New Zealand fur seal colonies or penguin colonies.

7. The Consent Holder must limit the travel speed of the vessel to 5 knots within 500 metres of a seal or penguin colony.

8. The Consent Holder must not anchor within any known china shop[2] areas.

Rubbish Disposal and Sewage Discharges

9. Discharges of any contaminant, or any article or substance of a dangerous or offensive nature into the coastal marine area from the vessel or any other vessel operating under this Consent may only occur in accordance with the Resource Management (Marine Pollution) Regulations 1998, or any subsequent version.

Contaminant Spills

10. (a) The Consent Holder shall ensure a fuel/oil spill kit that is suitable for the operation is available on the main vessel at all times. This spill kit shall contain, at a minimum:
   (i) oleophilic booms, pads and pillows;
   (ii) personal protection equipment;
   (iii) plastic bags;
   (iv) ropes; and
   (v) absorbent materials for smaller spills on board.

   (b) In the event of any spill of oil, fuel or other contaminant, the Consent Holder shall remove the contaminants immediately from the site and take immediate, effective steps to contain and recover the spill.

   (c) The Consent Holder shall immediately notify the Consent Authority (ph 0800 76 88 45 or email escompliance@es.govt.nz) that a spill has occurred. Notification shall include the type and quantity of oil, fuel or other contaminant spilled, and the steps taken to avoid, remedy or mitigate any adverse effects.

[2] **China Shop -** means an area identified:
a by a number on Map 1 of Appendix 3A of the Regional Coastal Plan for Southland 2013; and
b as a prohibited anchoring area on Maps 2 to 6 of Appendix 3A of the Regional Coastal Plan for Southland 2013.

(d) In the event of a spill of any contaminant, no dispersants or degrading agents shall be discharged to water without the approval of the Consent Authority.

Noise

11. If any new or other vessel, or tender craft is used in the exercise of this consent, or if any alterations to the engine(s) of the vessel or tender craft occur during the exercise of this consent:

(a) The Consent Holder shall provide to the Southland Regional Council evidence that this activity can meet the noise standards of Rules 5.3.4 and 5.3.6 in the Regional Coastal Plan for Southland 2013 (or the relevant standards in any subsequent version), in accordance with the provisions of NZS 6801:1991 "Measurement of Sound" and NZS 6802:1991 "Assessment of Environmental Sound".

(b) Evidence required by Condition 11(a) shall be provided to Council, in writing, within 20 working days of the first use of the new or altered vessel under this consent.

Biosecurity

12. The Consent Holder shall ensure that the following biosecurity procedures are followed at all times:

(a) at the last port of call prior to entering the Fiordland marine area, the hulls of all vessels operating under this Consent, including the vessel:
  (i) be inspected for pests and fouling organisms, in particular *Undaria*;
  (ii) clean and dry mooring lines, buoys and any other equipment that has come into contact with coastal waters in a manner that kills marine pests and unwanted organisms;
  (iii) after cleaning the hull and equipment, have the hull and associated equipment inspected by a suitably qualified person to ensure that there are no visible signs of marine pests and unwanted organisms; and

(b) six weeks after the inspection required in Condition 12(a) the Consent Holder shall inspect the vessel, mooring lines, buoys and any other equipment that has come into contact with coastal water to check for marine pests and unwanted organisms; and

(c) immediately after each inspection required in Condition 12(a) and 12(b), if any marine pests or unwanted organisms are found, the Consent Holder shall notify the Consent Authority and seek advice from a suitably qualified person regarding removal, treatment, and disposal of the pest(s) or unwanted organism(s). Once this advice is received, the Consent Holder shall immediately ensure that the pest(s) or unwanted organism(s) are removed and disposed of in accordance with that advice.

13. The Consent Holder shall:
(a) maintain the vessel in a rodent free state at all times;
(b) maintain at least one bait station or trap for the purposes of rodent eradication, on the vessel at all times;
(c) inspect the vessel and any cargo, for pests, in particular, rodents, on each occasion of operating, and prior to re-entering the Fiordland marine area on each occasion; and
(d) ensure that any food is stored in rodent proof containers.

Reporting Requirements

14. The Consent Holder shall maintain a log of all operations, including:

    (a) when necessary to discharge to the coastal marine area under the Marine Pollution Regulations or subsequent document, the location of all discharges of sewage undertaken in accordance with Condition 9 of this Consent, including comment as to whether or not the sewage is treated;

    (b) a log of all commercial day trip activities, including the following details:
        (i) departure date and return date for each day trip;
        (ii) location(s) travelled to for each day trip;
        (iii) number of passengers aboard the vessel for each day trip; and
        (iv) the purpose of all activities, including use of the vessel and any ancillary activities such as: helicopter landings within the coastal marine area for the purpose of embarking/disembarking passengers and loading/offloading supplies and rubbish; fishing; diving; and disembarkation of passengers for sightseeing and hunting purposes.

    (c) the results of inspections for pests, unwanted organisms, or hull fouling organisms on the vessel and equipment, in accordance with Conditions 12 and 13 of this Consent.

    (d) A copy of the entries in this log shall be provided to the Consent Authority every three months in accordance with the following schedule:

Recording period	Report for the period due before:
1 January to 31 March	30 April
1 April to 30 June	31 July
1 July to 30 September	31 October
1 October to 31 December	31 January

Review of Consent Conditions

15. The Consent Authority may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this consent during the period 1 February to 30 September each year, or within two months of any enforcement action being taken by the Consent Authority in relation to the exercise of this consent, for the purposes of:
    (a) Determining whether the conditions of this permit are adequate to deal with any adverse effect on the environment, including cumulative effects, which may arise from the exercise of the permit, and which it is appropriate to deal with at a later stage, or which become evident after the date of commencement of the permit; or
    (b) Ensuring the conditions of this consent are consistent with any National Environmental Standards Regulations, relevant plans and/or Policy Statement; or
    (c) Amending the monitoring programme to be undertaken; or
    (d) Adding or adjusting compliance limits; or
    (e) Requiring the consent holder to adopt the best practicable option to remove or reduce any adverse effect on the environment arising as a result of the exercise of this permit.

for the **Southland Regional Council**



Michael Durand
Consents Manager

Notes

1. An activity log template can be downloaded from the Council's website at: http://www.es.govt.nz/Document%20Library/Forms-ES/Compliance%20forms/Coastal%20permits/generic-scwa-log.pdf

2. The Consent Holder shall pay an annual administration and monitoring charge to the Consent Authority, collected in accordance with Section 36 of the Resource Management Act, 1991.

3. The Consent Holder shall not sell this Consent, in whole or in part, or any of the rights, powers and privileges conferred by it, without advising the Consent Authority, and the payment of the transfer charges as determined by the Consent Authority.

4. Neither the issuing of this Consent nor anything contained in it shall affect the liability of the Consent Holder for any injury caused by the exercise of this consent to any vessel or person through any default or neglect of the Consent Holder.

5. The granting of this Consent does not absolve the Consent Holder from the responsibility to abide by any rule or regulation; nor does it absolve the Consent Holder from the responsibility to obtain any approval, permit, licence, concession or consent from any other body, including, but not limited to, marine mammal viewing permits issued by the Department of Conservation.

6. Any vessel operating under this consent must be operated in accordance with the noise standards set out in Rule 5.3.4 and 5.3.6 of the Regional Coastal Plan 2013 (or the relevant standards in any subsequent version).