26/RC/93

environment SOUTHLAND REGIONAL COUNCIL
Te Taiao Tonga

The Hearing Commissioner

17 November 2026
1.30 pm

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-20211024
Sean Ellis & Maria Kuster

Compiled by Ryan Hodgson, Senior Consents Officer

Applicant: **Sean Ellis & Maria Kuster**

Application Number: **APP-20211024**

Location: **Fiordland Coastal Marine Area**

Activities for Consent: A Coastal Permit is sought for commercial surface water activities within the Fiordland Coastal Marine Area (excluding Patea/Doubtful Sound), as detailed in the table below. A consent term until 6 August 2036 is sought.

Notification: The application was limited notified on 14 July 2021 and two submissions were received.

Hearing: The hearing is to commence at 1.30 pm on 17 November 2026 in the Council Chambers, Environment Southland, corner of Price Street and North Road, Waikiwi, Invercargill.

Table 1: Consents Sought

Consent Type	Purpose	Location
Coastal Permit	Commercial surface water activities	Within the Fiordland Coastal Marine Area (excluding Patea/Doubtful sound) from Yates Point to Puyegur Point

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 proposal is not inconsistent with the relevant planning documents.

1.2.2 There will be no increase in commercial vessels in the Fiordland Coastal Marine Area (FCMA). This is because, upon granting of a new permit the Applicant will surrender AUTH-20202563 which authorises commercial surface water activities in Fiordland of a 17m vessel for up to 17 passengers including crew. This permit expires on 6 August 2036 and represents the consented baseline.

1.2.3 The activities applied for are largely within the consented baseline of AUTH-20202563 other than the increase in the size of the vessel from 17m long to 27m long and the addition of one extra tender craft.

1.2.4 The increase in the scale of commercial surface water activities in the FCMA will be limited to a larger vessel and an additional tender craft which will not result in any adverse cumulative effects that are more than minor when compared to the existing consented baseline.

2. The application

2.1 The proposed activities

2.1.1 Consents have been sought as follows:

Applicant: Sean Ellis & Maria Kuster

Application Number: APP-20211024

Activities consent is sought for: **Coastal Permit**
A Coastal Permit is sought for commercial surface water activities within the Fiordland Coastal Marine Area, as detailed in table 1 above. A consent term of 10 years is sought.

Abbreviations

RCP	Regional Coastal Plan (2013)
NZCPS	NZ Coastal Policy Statement)
RMA	Resource Management Act 1991
TTT	Te Tangi a Tauira (Iwi Management Plan)
FCMA	Fiordland Coastal Marine Area
TAMI	Te Ao Marama Inc.
DOC	The Department of Conservation
FMG	Fiordland Marine Guardians

2.2 Summary of the Proposal

2.2.1 The Applicant has applied for a coastal permit to undertake surface water activities in Fiordland. It is proposed to operate a vessel (MV Wakakura) of approximately 27 meters, with up to 17 passengers including crew for up to 300 days per year. The application includes the use of two tenders including outboard motors, eight kayaks, and four paddleboards. Details of the proposed new vessel are outlined in table 2 and figure 1 below.

Table 2: Vessel details

Vessel name	MV Wakakura
Description:	Ex New Zealand Navy Vessel converted into an expedition vessel
Length / beam / draft:	27m / 6.1m / 2.4m
Max displacement	119t
Hull:	Steel
Engines:	2 x Cummins KT-1150-M, auxiliary 2 x Cummins 42kw
Cruising speed:	9kts (max 12 kts)
Berths:	17 passengers including crew
Launched:	1985



Figure 1 MV Wakakura is the same size, shape and specifications as MV Flightless, and will be painted the same colours

2.2.2 The Applicant currently has an identical activity operating under an existing Coastal Permit (AUTH-20181624-02) for the vessel 'MV Flightless'. This coastal permit expires on 1 November 2038.

2.2.3 On 10 June 2026 the Applicant submitted an amended application (Attachment 5) to ensure there will be no increase in commercial surface water activities in Fiordland. The Applicant has proposed to surrender another authorised commercial surface water activity permit (AUTH-20202563) they own prior to exercising their new permit if consent is granted. AUTH-20202563 authorises the use of a 17m vessel (MV Takaroa) for up to 17 passengers including crew for commercial surface water activities throughout Fiordland (excluding Doubtful Sound). As the expiry date sought is the same as the expiry date of AUTH-20202563, the proposed activity is largely within the consented baseline apart from some differences such as the increased vessel size and additional tender craft. A comparison summary of the changes was provided within the addendum and is repeated below.

Table 3: Amended application and consented baseline comparison

Aspect	Original application APP-20211024	Permitted baseline as authorised under AUTH-20202563	Amended application for APP-20211024
Vessel	27 m vessel (as a new surface water activity)	17 m vessel (no new surface water activity as this consent would be surrendered upon granting of **APP-20211024)**	27 m vessel (no additional surface water activity - **AUTH-20202563** would be surrendered upon granting of APP-20211024).
Activity	Commercial surface-water activity, including ancillary activities	Commercial surface-water activity as described in AUTH-20202563, and including ancillary activities	Commercial surface-water activity, including ancillary activities
Ancillary activity	Two tenders including outboard motors, eight kayaks, and four paddleboards	Not specified in the consent wording, but one tender is included in the application form which forms part of the consent. Ancillary activities were not required to be specified when this consent was issued so there was no restriction on other ancillary activities such as kayaks etc.	Two tenders including outboard motors, eight kayaks, and four paddleboards
Passengers	Up to 15 people including crew	Up to 17 people including crew - as authorised under AUTH-20202563	Up to 17 people including crew
Area of operation	Yates Point to Puysegur Point	Yates Point to Puysegur Point	Yates Point to Puysegur Point
Duration / frequency	Up to 365 days per year	Up to 300 days per year	Up to 300 days per year
Additional vessels	One additional vessel to what was already consented for Fiordland	No additional vessels in Fiordland – this coastal permit would replace existing coastal permit AUTH-20202563	No additional vessels in Fiordland – this coastal permit would replace existing coastal permit AUTH-20202563
Proposed term:	20 years	Expiry date of 6 August 2036 (10 year term)	Expiry date of 6 August 2036 (10 year term)

2.2.4 Charters will start and finish in all areas of Fiordland depending on the requirements of the client. The main concept is that there is no schedule and every trip is unique. The frequency, length and location of activities vary widely as every charter is customised for the clients and is also dependent on the weather and tides on the day. As such, it is not possible to determine a typical day within the operation in terms of activities, locations and timings. The applicant seeks to have the ability to charter for up to 300 days of the year as per AUTH-20202563 which represents the consented baseline.

2.2.5 The charters will vary in duration from one night to two months however the most common duration is expected to be three to seven days.

2.2.6 No commercial trips will take place in Doubtful Sound due to its full allocation status.

2.2.7 Most of the charter's passengers will be flown in and out of Fiordland using helicopters. When this occurs, the helicopter lands at one of the existing helicopter landing pads in Fiordland, and the authorisation for helicopter movements are the responsibility of the helicopter operators. Alternatively, the activity will occasionally utilise Deep Cove in Doubtful Sound as a thoroughfare to drop off or pick up clients as well as to refuel as provided for[1] by the Regional Coastal Plan. The applicant will continue to utilise recognised anchorages as well as suitable moorings where possible.

2.2.8 The proposed activity seeks to offer a wide range of activities including hunting, kayaking, paddle boarding, fishing, free & SCUBA diving, sightseeing, relaxing, walking, bird watching as well as taking part in conservation projects. All activities are subject to briefings and are undertaken in line with industry standards as well as relevant rules and regulations. Where no formal training is required, extensive on-board briefings are conducted due to the remoteness of the operational area, the sensitivity of local ecosystems such as china shops or marine reserves below the surface, as well as rat free islands and other sensitive areas on land.

2.3 Regional Planning Framework

2.3.1 Resource consents for the above activities are required under the Regional Coastal Plan (RCP).

2.3.2 An application for resource consent was lodged with Environment Southland in accordance with the requirements of the RCP (Attachment 1) at the time of lodgement. Since then, there has been a plan change (Plan Change 5), and then a change to the application (Attachment 5).

2.3.3 I note that the application and s95 notification report assessed the proposed activity under rule 16.2.1(7) which is a discretionary activity. However, this rule has since been amended under Plan Change 5 (PC5) where any increase in the scale of lawfully established commercial surface water activities as at 18 July 2022 will be treated as a non-complying activity under new rule 16.2.1(8). Because the application was lodged prior to PC5 section I note that section 88A(1A) of the RMA states the that the application can continue to be processed, considered, and decided as an application for the type of activity that it was for, or was

[1] Policy 16.2.9 of the Regional Coastal Plan provides for commercial surface water activities to use Patea / Doubtful Sound as thoroughfares where necessary

treated as being for, at the time the application was first lodged (as a discretionary activity). The amended application however has given regard to PC5 as required by section 88A(2) and section 104(1)(b).

2.3.4 Overall, the application is a discretionary activity. Under Section 104B the Council may grant or refuse consent for a **discretionary 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 under section 92(1) was requested from the Applicant on 3 February 2021 (see Attachment 2). The s92(1) questions and responses are now largely out of date due a change in the application to essentially replace an existing consent (rather than have an additional vessel). The remaining relevant matter from the s92(1) was to do with noise levels of the proposed new vessel. This is detailed below:

I will need the information requested below to understand your proposal before I can make a recommendation on notification.

1. *Noise level testing results for the new vessel to demonstrate compliance with Rules 5.3.4 and 5.3.6 of the Regional Coastal Plan. I am requesting this information because no data was provided in the application indicating compliance with the noise limits.*

2.4.2 The Applicant provided the following response on 9 February 2021:

"Noise level testing results were not supplied with the application as the vessel is not yet refitted and with that testing is not able to be undertaken.

However, the proposed vessel will be appropriately muffled to ensure excessive noise is not an issue and any noise emitted by the vessel is compliant with Rule 5.3.6 of the Coastal Plan; allowing ships in motion to emit noise provided that such noise does not exceed a sound exposure level of 90 dB(A) in and single drive by at any position beyond a line situated 25 meters back from the line of travel.

As stated in the application there will be no sound system or speakers fitted leaving only conversational noise besides the engine sound and occasional outboard motor as it is in our best interest to keep any noise to a minimum for our client's sake.

The tenders are to be used to transfer hunters, volunteers and walkers to and from shore as well as to support kayaking, paddle boarding, diving, freediving and conservation activities which is mostly done at idle or with the outboard shut off.

We'll be able to demonstrate compliance with Rules 5.3.4 and 5.3.6 of the Regional Coastal Plan once the refit is completed should consent be granted."

2.4.3 On 9 February 2021 the Applicant also sought to correct an error in the original application later explaining the activity will be for 17 passengers including crew (not 15). This correction occurred just after the notification decision was made (the same day on 9 February 2021), as discussed further below. This correction was passed on to the affected parties and was reflected in the written approval responses.

2.5 Written approvals, Notification and Submissions

2.5.1 The application was limited notified on 14 July 2021, for the following reasons:

a. It was considered that 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

b. written approvals had not been received from two of the four identified affected parties.

2.5.2 The above decision to limited notify the application was made under Section 95B(9) of the RMA.

2.5.3 Two submissions were received. I note these were received before amendments were made to the Application in 2026. The submission from Te Ao Mārama Inc. was received a day late on the morning of 12 August 2021. At the time it was determined that the submission being a day late did not unfairly prejudice the application and the late submission was accepted. The submissions are included in Attachment 4, and are summarised in the table below:

Table 4: Summary of submissions

Submitter	Oppose/ Support	Reasons	Decision Sought
Fiordland Marine Guardians	Oppose	• Expresses concerns towards the ever-increasing pressure on the Fiordland Marine Area (FMA) from surface water consent holders, particularly through the southern fiords from an increase in private and commercial vessels vising in recent years. • Have made a position to not support any new applications for surface water activities until sufficient information to fully assess cumulative effects of the proposed activities on remoteness, isolation, wilderness and natural character of the internal waters of Fiordland is available. • Expressed concerns regarding public access and navigational safety. This is due to the adverse cumulative effects from an additional vessel specifically on the finite number of anchorages available to seek safe haven in adverse weather conditions. • The remoteness values in the Southern Fiords have eroded over time due to passenger charters operating throughout the year placing increased pressure in areas of high historical interest. • Continual fishery pressure in the inner areas of the fiords is having an impact on several iconic fish species depleting stocks. • The consent term of 20 years applied for is inappropriate given the current review of the Regional Coastal Plan. • The geographic extent of the activities should be reduced as a precautionary measure to the core operational area in order to better assess and manage cumulative effects. • Similarly, the operational days should be reduced to 250 days per year. • 365 days in operation with trips up to two months is not transitory as claimed in the AEE due to the near constant presence of the vessel in the FMA causing constant cumulative pressure. • The proposition that the identical vessel will result in less impact is preposterous. Such an argument could mean doubling all vessels in the FMA with a sister ship will have little impact with respect to carrying capacity and limits in the FMA. • Positive impacts of conservation do not outweigh negative impacts due to net effect of additional vessel with 17 passengers and crew undertaking *hunting, kayaking, paddle boarding, fishing, free & SCUBA diving, sightseeing, relaxing, walking and bird watching* not being less than minor.	• Decline: the application

Te Ao Mārama Inc. on behalf of Te Rūnanga o Ōraka-Aparima	Oppose	• Deeply concerned that the mauri of the Fiordland area is being negatively impacted by increased activity and pressure. • Rūnunga are concerned by the inability of the Regional Coastal Plan (RCP) to deal with cumulative effects of SWA's on remoteness, isolation, wilderness, and natural character. • Concerned about cumulative effects and the carrying capacity of the FMA and the amount of commercial activity in the area. The values of the area are at risk of being degraded should consents continue to be granted without the needed information to inform these decisions. • Will not support SWA applications until the right information is available to assess cumulative effects. • That the assessment of Te Tangi a Tauira, 2008 (Iwi Management Plan) is insufficient and has missed specific references to particular issues and/or policies related to commercial surface water activities. • Granting consent prior to the appropriate information being available in order to assess the impact is effectively making decisions for future generations.	• Decline the application

2.5.4 Submissions in opposition raised issues that include:

2.5.4.1 The proposal will increase pressure on the Fiordland Marine Area (FMA), areas of high historical interest, and the mauri of the FMA.

2.5.4.2 There is insufficient information around cumulative effects on remoteness, isolation, wilderness and natural character of the internal waters of Fiordland which the Coastal Plan does not adequately address.

2.5.4.3 The proposal will place pressure on fish stocks.

2.5.4.4 The additional vessel, the geographic extent, and year-round nature of the activity will increase cumulative pressure on the FMA and it's carrying capacity.

2.5.4.5 The inadequate assessment of Te Tangi a Tauira, 2008 (Iwi Management Plan).

2.5.5 The submitters indicated that they wish to be heard at the hearing.

2.5.6 On 12 July 2021 the Applicant provided written approval from CRA8 and the Department of Conservation (DOC). To gain written approval from DOC, the Applicant agreed to adopt a suite of proposed consent conditions (see section 4.3.3 of this report). In particular, these agreed conditions had a focus on mitigating discharges and effects on wildlife and specific environments.

2.5.7 On 10 June 2026 the Applicant provided supplementary information and a new assessment of environmental effects (Attachment 5), effectively amending their application to help address the concerns raised in the two submissions received. The main change is the fact that the Applicant will surrender another commercial surface water activity permit (AUTH-20202563) if this one was granted, and to align the consent term to the expiry date of the surrendered permit (6 August 2036). This was to ensure there will be no increase in commercial surface water activities in the FCMA.

2.5.8 Since the amendment to the application, I consider the written approvals from DOC and CRA8 can still be relied upon as the amended activity will have a lesser impact than the original proposed activity. This is because the amended activity will not add to the commercial vessel fleet currently operating and instead will replace an existing 17m vessel with a 27m vessel.

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:*
  - *(ia) a wastewater environmental performance standard:*
  - *(ib) a stormwater environmental performance standard:*
  - *(ic) an infrastructure design solution:*
  - *(ii) other regulations:*
  - *(iii) a national policy statement:*
  - *(iv) a New Zealand coastal policy statement*
  - *(v) a regional policy statement 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:

- description of the receiving environment;
- assessment of the actual and potential effect of the activity on the environment;
- relevant provisions of the Regional Coastal Plan;
- relevant provisions of the Southland Regional Policy Statement;
- relevant provisions of the New Zealand Coastal Policy Statement;
- 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 Southland Regional Policy Statement and the Regional Coastal Plan 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 site includes the Fiordland Coastal Marine Area (FCMA) from Yates Point to Puyegur Point. The area is remote with high wilderness values and a distinctive landscape. The land adjacent to the FCMA is Fiordland National Park, designated a UNESCO World Heritage Site of international significance and outstanding natural beauty. Fiordland National Park land is managed by the Department of Conservation.

3.2.2 Section 3.2.4 of the Regional Coastal Plan describes the landscape of the area between Awarua Point to Big River as virtually unmodified with extremely high natural character values. Section 3.2.4 states that *"together with the extremely high natural character of the adjoining land, the natural character of the coastline and coastal waters creates a coastal environment of outstanding and unparalleled quality internationally."* Section 3.2.7 states that *"fiords are probably the most significant coastal landform in this region and are outstanding natural features. Fiords mammals and birds, ecosystems, flora and fauna habitats, scenic values, historic values and coastal landforms are relatively rare worldwide but the New Zealand fiords are unique as a result of the environment within which they are located, particularly the high inflow of fresh water."*

3.2.3 The Fiords are described within Appendix 4 Landscape Unit 19 in the Regional Coastal Plan (RCP). The Fiords are allocated a Naturalness Rating of 5 on a scale between 1 and 5, where 5 is characterised as a natural environment with high inherent value and where original

characteristics of the landscape are still completely intact. All human elements (huts) and activities (tramping) are subservient in the wider context. The following general key landscape elements are provided for in this landscape unit:

- Intricate coastline with long narrow sounds.
- Inhospitable outer coast with stacks and reefs.
- U-shaped fiords with steep sea cliffs, hanging valleys with fast flowing streams and waterfalls cascading into the sounds.
- Mixture of luxuriant vegetation hanging on tenuously to the rock walls.
- Sheltered coves at the end of the sounds.

3.2.4 The proposed activities may also occur within Milford Sound (Landscape Unit 20) which has a naturalness rating of 4+. Key landscape elements include:

- Classic U-shaped fiord.
- Has a narrow and enclosed appearance, except near the Cleddau River delta, which widens out to form tidal mudflats.
- Mixture of vegetation and mosses that hang on tenuously to the rock walls.
- Spectacular waterfalls cascading into the sounds.

3.2.5 Appendix 5 of the RCP identifies the fiords as an ACVS (Area Containing Significant Values). The following significant values are identified for the fiords: Māori cultural values, historic values, and scenic values.

3.2.6 While the fiords are recognised as having a high natural character and wilderness value, Fiordland is, to some extent, recognised for commercial fishing and tourism activities. The application refers to other charter vessels and cruise ships operating throughout Fiordland. There are also private, non-commercial vessels present in the fiords. The Regional Policy Statement refers to the ports within Fiordland (Deep Cove, Freshwater Basin and Deepwater Basin) as a harbour area for fishing, tourism and recreational users.

3.2.7 Fiordland is home to a number of native marine mammals such as Fiordland Crested Penguins, Southern Fur Seals and a population of Bottle Nosed Dolphins that are unique to the Fiordland area.

3.2.8 The site is within Te Mimi O Tū Te Rakiwhānoa - Fiordland Coastal Marine Area, which is a Statutory Acknowledgement under Schedule 102 of the Ngāi Tahu Claims Settlement Act 1998. Te Ao Mārama Inc. have been informed of the application, and Te Ao Mārama Inc. has submitted in opposition on behalf of Papatipu rūnanga.

3.2.9 The Statutory Acknowledgement reflects the importance of the area to Ngāi Tahu. Traditional creation stories describe the landscape features, and more recently the area contains important historical sites and a location for significant natural and physical resources. There are many recorded archaeological find sites within Fiordland.

3.2.10 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 must be disregarded (Section 104(2))

3.3.1 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. The use of recognised anchorages listed in the RCP is a permitted activity.

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

3.3.2 When considering the actual and potential effects on the environment I have also taken into consideration the consented baseline of AUTH-20202563. I note that this permit is proposed to be surrendered upon the granting of the proposed new activity. Therefore, where the effects of the proposed activity are the same as what is currently authorised by AUTH-20202563, there will be no additional effect on the environment. To help determine where there is a difference between AUTH-20202563 and the proposed activity where there will be an actual and potential effect on the environment, I have compared to existing consent with the proposed activity in the below table.

Table 5: Consented baseline comparison

Aspect	Existing activity AUTH-20202563 (to be surrendered)	Proposed activity	Change?
Consent term	Expires on 6 August 2036	Seeking expiry date of 6 August 2036	No
Vessel	17m vessel	27m vessel	Yes – larger vessel
Activity	Commercial surface water activities, including ancillary activities	Commercial surface water activities, including ancillary activities	No
Ancillary activities	Not specified in consent although one tender is mentioned in the application and there were no restrictions on other ancillary activities such as kayaks and paddleboards.	Two tenders including outboard motors, eight kayaks, and four paddleboards	Yes – one extra tender
Passengers	17 people including crew	17 people including crew	No
Area of operation	Yates Point to Puysegur Point	Yates Point to Puysegur Point	No
Doubtful Sound limits	A maximum of 35 nights per year and a maximum of 5 nights in any one month to access Doubtful Sound for pickups/dropoffs, refuelling and supplies. No commercial day trips	A maximum of 35 nights per year and a maximum of 5 nights in any one month to access Doubtful Sound for pickups/dropoffs, refuelling and supplies. No commercial day trips	No
Duration / frequency	300 days per year	300 days per year	No

3.3.3 Given the only changes sought to the consented baseline is a larger vessel and an additional tender, the assessment of effects for the proposed activity can be reasonably limited to the differences between the existing and proposed activity.

3.3.4 Potential adverse effects of the proposed activities may include effects related to:

- Noise
- Public access
- Navigational safety
- Wildlife, habitats and ecosystems
- Biosecurity
- Wake effects
- Pollution
- Cultural and heritage value
- Natural character, landscape, remoteness and wilderness values, including visual and amenity values
- Cumulative effects

Noise

3.3.5 The permitted baseline for noise levels from the vessel to be used is stipulated in the Coastal Plan under Rules 5.3.4 and 5.3.6.

3.3.6 The noise levels that will be generated by the new vessel are anticipated to adhere to the noise level requirements set in the Regional Coastal Plan (RCP). This is based on the use of a wet exhaust system with modern engine mounts which will reduce above and below-water sound. Additionally, speed restrictions will apply to further minimise underwater noise exposure. Therefore, I consider adverse effects from noise is likely to be no more than minor.

Public access

3.3.7 The proposal will not affect public access beyond what is already authorised by AUTH-20202563. There will be no increase in passenger numbers or any increase in visit frequency or use of anchorages and moorings. The Applicant has a consent for the exclusive occupation of the CMA at three mooring sites as authorised by AUTH-20211363 which will continue to be used.

3.3.8 The proposed activity will enable public access to remote fiords and the coastal marine area. Therefore, adverse effects on public access are anticipated to be less than minor.

Navigational safety

3.3.9 The proposal will not affect navigational safety beyond what is already authorised by AUTH-20202563. Whilst the new vessel will be larger than the current authorised vessel, the MV Wakakura is an internationally surveyed vessel, carrying lifesaving, medical and safety equipment that meets or exceeds maritime requirements for operations in the area. As it is the same size as the Applicant's other vessel "Flightless", the increased vessel size is not anticipated to add additional pressure to existing moorings that may have limits to the weight of vessels that can use them. I note the 27m vessel is a commonly sized vessel being slightly above the average size (26m) of consented vessels in the FCMA.

3.3.10 In addition to the above, the harbourmaster has confirmed that he has no concerns with the proposed activities with respect to navigational safety (Attachment 2).

3.3.11 Given the consented baseline, the fact that the vessel isn't any larger than the Flightless, and because the harbourmaster has confirmed he has no navigational safety concerns, I consider potential adverse effects on navigational safety to be less than minor.

Wildlife, habitats, and ecosystems

3.3.12 Fiordland supports an array of wildlife including protected marine mammals and seabirds as well as notable benthic communities. The Applicant will adhere to their Marine Mammel viewing Permit (Permit number 97413-MAR), as well as the Marine Mammal Code of Management and the existing consent's and Dolphin Avoidance Protocol. All practicable steps will be taken to ensure no mammals, birds, or other wildlife are disturbed or otherwise affected by the proposed operations.

3.3.13 Similarly, ancillary craft (tenders, kayaks, paddle boards) will operate under the same wildlife approach protocols such as minimum approach distances, speed controls, and immediate cessation of activity if wildlife shows disturbance behaviour.

3.3.14 The Applicant operates a number of conservation initiatives in Dusky Sound including pest control and monitoring operations on Indian, Long and Pigeon Islands and Pickersgill Harbour.

3.3.15 Operations will continue to use recognised anchorages and existing moorings in historically used locations. No new anchorages or moorings are proposed. These locations already accommodate vessels of similar or larger sizes so adverse effects on benthic communities from the proposal will not change.

3.3.16 The increased size of the vessel and inclusion of an additional tender craft will not cause any increase in effects on wildlife, habitats, and ecosystems. Therefore, I consider adverse effects on wildlife, habitats, and ecosystems to be less than minor.

Biosecurity

3.3.17 The vessel will operate with a 'Clean Vessel Pass' in line with the Fiordland Marine Pathways Management Plan. If the vessel departs Fiordland, it will be inspected for biofouling prior to re-entry into Fiordland. The vessel is to be slipped in accordance with the survey schedule for reapplication of anti-fouling at least biannually.

3.3.18 All other watercraft and on-board equipment will be cleaned monthly and visually inspected prior to any use. They will also be inspected and cleaned before any re-entry following a period outside of the Fiordland Marine Area.

3.3.19 Client equipment will be cleaned prior to use and after any period outside the FCMA. Regularly checked bait-stations and kill traps on-board the vessel will ensure rodent control.

3.3.20 With the applicant seeking to follow best practice in line with the Fiordland Marine Pathways Management Plan as well as the Fiordland National Park Management Plan, I consider the potential biosecurity risks to be less than minor.

Wake effects

3.3.21 As the Applicant will adhere to speed limit restrictions, I consider the effects of wake produced by the vessel on the surrounding landforms, flora, fauna, structures or vessels is likely to be no more than the effects produced by natural wave action. The increase in the vessel size is not likely to result in a material change in wake effects due to adherence to the same speed limit restrictions to what is authorised by AUTH-20202563. Consequently, I consider any change in wake effects when compared to the consented baseline are likely to be less than minor.

Pollution

3.3.22 The MV Wakakura is fitted with modern engines using a wet exhaust system which will significantly reduce visible exhaust emissions. Modern engines also lower particulate and NOx emissions relative to older systems. Compared to the consented baseline, emissions are therefore likely to be improved.

3.3.23 All rubbish is to be accumulated aboard and taken back to shore as per the current operation. Additionally, the Applicant employs waste reduction measures to minimise any potential adverse effects. Any rubbish that is accumulated on board is stored and taken back to shore as per the current operation. The additional space of the larger vessel will provide additional storage further aiding waste management. Given there will be no change to what is currently consented in terms of passenger numbers, the volume of rubbish generated will remain unchanged.

3.3.24 There is a risk of potential contaminant spills into the FCMA as a result of commercial surface water operations. Best-practice spill prevention, onboard containment and response capacity (onboard spill kits and crew training) will remain in place along with compliance with marine pollution regulations.

3.3.25 Given the above measures, I consider potential adverse pollution effects are likely to be less than minor.

Cultural and heritage value

3.3.21 The proposed surface water activities are to be undertaken within the Tū Te Rakiwhānoa (Fiordland Coastal Marine Area), which is a statutory acknowledgement area under Schedule 102 of the Ngāi Tahu Claims Settlement Act 1998, and local rūnanga may therefore be affected by the proposed activities. Te Ao Mārama Inc. was identified as an affected party for the purposes of notification and have made a submission on the application. Te Ao Mārama Inc., on behalf of Te Rūnanga o Ōraka Aparima, raised concerns about how the mauri of the Fiordland area is being negatively impacted by increased activity and therefore pressure. Specifically, the submission opposes the application due to it being inconsistent with Te Tangi a Tauira, 2008 (Iwi management plan) and the inability of the Regional Coastal Plan to deal with cumulative effects of surface water activity applications.

3.3.22 I note that the Applicant has since provided an amended application that sought to address the concerns raised by the submission. The primary amendment is to ensure there will be no increase in activity and pressure on the mauri of the Fiordland area and adverse cumulative effects. To do this, the Applicant has proposed surrendering another of their permits (AUTH-20202563) that largely authorises the same activities upon the granting of a new permit for the vessel MV Wakakura. Consequently, there will be no change to the number of vessels

and people in the FCMA, there will be no change or frequency to locations visited, or the engagement with cultural values. Furthermore, the term of consent will be reduced to ensure the same expiry date of AUTH-20202563 will apply for any new permit granted (6 August 2036).

3.3.23 The Applicant has also assessed their updated proposal against the provisions of the Murihiku Iwi Management Plan – Te Tangi a Tauira illustrating that the new proposal will meet these provisions.

3.3.24 Given the changes made to the proposal, I consider that the amended proposal is not likely to have a greater impact on cultural and heritage values beyond what is already authorised, and adverse effects are likely to be no more than minor.

Natural character, Landscape, remoteness and wilderness, including visual and amenity values

3.3.25 The key difference between the amended proposal and the existing environment (AUTH-20202563 consented baseline) is the increased size of the vessel to be consented (increasing from 17m in length to 27m), and the provision of an additional tender craft. There will be no overall increase in commercial vessels or passenger numbers, and no change to the frequency or locations of existing commercial surface water activities currently authorised until 6 August 2036 by AUTH-20202563 (the consented baseline). As such there will be no change to remoteness and wilderness values.

3.3.26 Regarding effects on natural character, landscape, visual and amenity values, only the difference between the consented baseline and the proposed activity needs to be assessed. Matters relating to the larger vessel and additional tender craft are discussed below.

3.3.27 Moving from a 17m to a 27m vessel will marginally increase the vessels visual scale when viewed against the steep fiord backdrop of the FCMA. I note that the 27m size is not dissimilar to many other commercial tourist operators in the area so would not be out of place.

3.3.28 It is noted that the MV Takaroa was white in colour so stood out more against the Fiordland backdrop. By contrast, the MV Wakakura will have a dark blue coloured hull (same as Flightless) which will reduce the visual impact of the consented vessel, slightly improving the visual impact against the natural dark backdrop.

3.3.29 The addition of another tender craft is not likely to result in a significant change in effects. This additional ancillary vessel is only used when required and passenger numbers are not changing. Therefore, effects from the additional tender craft are likely to be no more than minor.

3.3.30 The Applicant commissioned a professional landscape assessment which was conducted on 29 September 2026 following a site visit on 8 September 2026 by Mr Skelton from Patch. In his report he concluded that the increase in vessel length and use of ancillary craft will result in no more than very low adverse effects on the landscape character of the coastal area given the scale, complexity, and overall amenity of the fiord complex. Furthermore, as there will be no increase in commercial vessels, the proposal will make no cumulative contribution to vessel presence in the fiords. Overall, Mr Skelton considers the adverse landscape, natural character, and visual amenity effects of the proposal to be very low, which can be characterised as less than minor.

3.3.31 In summary, I accept Mr Skelton's expert opinion and consider that increasing the vessel size from 17m to 27m and having an additional tender craft does have some potential adverse effect on natural character and landscape values, however this effect is assessed as less than minor.

Cumulative effects

3.3.32 Cumulative effects were a key consideration in the submissions. I consider that these concerns have largely been addressed by a change in the application where AUTH-20202563 will be surrendered if consent is granted for the 27m vessel. This means there will be no additional vessels operating in the FCMA, no additional passenger numbers, no change in vessel activity or frequency of visitation. As such, there will be no increase in commercial intensification within the FCMA and therefore no cumulative pressure on the fiords.

3.3.33 The only potential cumulative effect will be the incremental cumulative effect of a larger vessel and additional tender craft. I consider the cumulative effects from these changes to be minimal in the context of pressure from an increase in activity in the FCMA and is therefore a less than minor cumulative effect.

Positive effects

3.3.34 The new vessel will have reduced engine noise and emissions compared to the current consented vessel. There will also be more space on the new replacement vessel which will help with sewage and rubbish management. This additional space will also likely have a positive effect on the amenity values for clients aboard the vessel improving their experience of the fiords.

Effects conclusion

3.3.35 No changes are sought to locations, frequencies or passenger numbers compared to the consented baseline. Furthermore, the proposal will not result in an increase in commercial surface water vessels operating in the FCMA due to the proposed surrender of AUTH020202563. The actual and potential effects on the environment arising from increasing the size of a vessel from 17m to 27m is likely minimal in the context of the size and scale of the Fiords. There will also be a slight visual amenity improvement as the new vessel will have a dark hull against the dark backdrop of the Fiords as opposed to the existing white hull of the current vessel. The additional tender craft is likely to have a negligible impact as the passenger numbers will remain the same as the current consented baseline.

3.3.36 Overall, I consider the amended proposal is likely to have no more than minor adverse effects on the environment.

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, I consider that the application is likely to be 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 are likely to 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. In my view, the amended application and consented baseline approach is sufficient to ensure that any potential adverse effects of the activities will be avoided, remedied or mitigated which will be consistent with the purpose and principles of the Act, as set out in Section 5.

3.4.4 Section 6 lists matters of national importance that must be recognised and provided for. Of those, Section 6(a), *'the preservation of natural character of the coastal environment (including the costal marine area)…and the protection of them from inappropriate subdivision, use, and development'*, is particularly important in this instance. The submitters have referred to the increasing pressure and cumulative effects of commercial surface water activities in Fiordland. However, the amended proposal has sought to address this concern by ensuring there will be no increase in vessel activity and passengers and therefore pressure on the Fiordland Coastal Marine Area.

3.4.5 Regarding Section 7, the most relevant provisions are (a) and (aa), kaitiakitanga, and the ethic of stewardship, (b), 'the efficient use and development of natural and physical resources', (c) 'the maintenance and enhancement of amenity values' and (g), 'any finite characteristics of natural and physical resources'. The amended application will ensure there is minimal change compared to the existing environment (consented baseline) with no increase in vessels, vessel activity or passenger numbers. The slight increase in the size of the consented vessel and the additional tender is not likely to cause noticeable adverse effects on amenity values, particularly given the size and scale of the Fiordland backdrop, and the darker hull of the proposed vessel blending into the background colour of the surrounding landscape.

3.4.6 Regarding Section 8, I note that the Applicant consulted with Te Ao Mārama Inc. prior to and after lodging the application, and Te Ao Mārama Inc. has submitted on the application. Despite this engagement, I consider that consideration of Te Tangi a Tauira is appropriate for the purposes of Sections 6(e) and 7(a).

3.4.7 Overall, I consider the application will 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 including positive effects (Section 104(1)(a) and (ab))

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

3.5.2 I have had regard to the measures proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to mitigate or offset any adverse effects that will or may result from allowing the activity. These are

- The applicant will surrender AUTH-20202563 upon granting of the new permit to ensure there will be no increase in commercial surface water activities in the Fiordland Coastal Marine Area.
- Passenger numbers, frequency of trips, and activity locations will not change from what is currently consented by AUTH-20202563.
- The hull of the new vessel will be painted a dark hue to better blend in with the Fiordland backdrop as opposed to the white colour of the current consented vessel in AUTH-20202563.
- The increased size of the vessel including fuel and rubbish storage will limit unnecessary trips and access through Doubtful Sound for servicing requirements.
- The maintenance of existing best practice measures for marine mammal viewing, navigational safety, pollution management, biosecurity measures, vessel speed, and noise.

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 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))

3.8.1 New Zealand Coastal Policy Statement 2010 (NZCPS) – As amended in 2025

3.8.1.1 The following are the key provisions of the NZCPS 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. I also note that none of the amendments made in the 2025 amended version of the NZCPS are relevant for this application.

Objective 1: *To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, ..*

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 ..*

Objective 4: *To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment by:*

- *recognising that the coastal marine area is an extensive area of public space for the public to use and enjoy;…*

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 *(1) …*

(2) Recognise that the coastal environment includes:

(f) elements and features that contribute to the natural character, landscape, visual qualities or amenity values.

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:*

…

(e) take into account any relevant iwi resource management plan and any other relevant planning document recognised by the appropriate iwi authority or hapu and lodged with the council, to the extent that its content has a bearing on resource management issues in the region or district; and

(i) …

(ii) …

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) …

Policy 4 *Provide for the integrated management of natural and physical resources in the coastal environment, and activities that affect the coastal environment. This requires:*

(a) …

(b) …

(c) particular consideration of situations where:

(i) …

(ii) public use and enjoyment of public space in the coastal environment is affected, or is likely to be affected; or

(iii) …

(iv) …

(v) significant adverse cumulative effects are occurring, or can be anticipated.

Policy 5 *(1) Consider effects on land or waters in the coastal environment held or managed under:*

- *(a) the Conservation Act 1987 and any Act listed in the 1st Schedule to that Act; or*
- *(b) other Acts for conservation or protection purposes; and, having regard to the purposes for which the land or waters are held or managed;*
- *(c) avoid adverse effects of activities that are significant in relation to those purposes; and*
- *(d) otherwise avoid, remedy or mitigate adverse effects of activities in relation to those purposes.*

Policy 6 *(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…;*
- *(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:*

- *(a) avoid adverse effects on:*
  - *(i) indigenous taxa[2] that are listed as threatened[3] or at risk in the New Zealand Threat Classification System lists;*
  - *(ii) taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened;*
  - *(iii) indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare[4];*
  - *(iv) habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;*
  - *(v) areas containing nationally significant examples of indigenous community types; and*
  - *(vi) areas set aside for full or partial protection of indigenous biological diversity under other legislation;*
- *(b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:*
  - *(i) areas of predominantly indigenous vegetation in the coastal environment;*
  - *(ii) habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;*

[2] Taxa: Named biological classification units assigned to individuals or sets of species (e.g. species, subspecies, genus, order, variety)

[3] Examples of taxa listed as threatened are: Maui's dolphin, Hector's dolphin, New Zealand fairy tern, Southern New Zealand dotterel.

[4] Naturally rare means - Originally rare: rare before the arrival of humans in New Zealand

(iii) *indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;*

(iv) *habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;*

(v) *habitats, including areas and routes, important to migratory species; and*

(vi) *ecological corridors, and areas important for linking or maintaining biological values identified under this policy.*

Policy 13: *(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; and

(b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment….

(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) …;

(d) …;

(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) …
(e) …

Comment

3.8.2 Policies 13 and 15 are particularly relevant to this application. I note the proposal seeks to preserve the natural character and protect natural landscapes from inappropriate use by ensuring the effects of the activity are no different from the existing consented baseline. Additionally, the Applicant sought a landscape assessment from Stephen Skelton, which suggested that adverse landscape, natural character, and visual amenity effects of the proposal would be very low, which can be characterised as less than minor. The words "preserve", "protect" and "avoid" are strict, however in the context of a very low level of effect and against a background of non-commercial vessels also in the area, I do not believe that the proposal conflicts with these policies.

3.8.3 Policy 11 is a relevant consideration for adverse effects on marine mammals, particularly the dolphin population. The Applicant will continue to adhere to their Marine Mammel viewing Permit (Permit number 97413-MAR), as well as the Marine Mammal Code of Management and the existing consent's and Dolphin Avoidance Protocol. All practicable steps will be taken to ensure no mammals, birds, or other wildlife are disturbed or otherwise affected by the proposed operations. Therefore, I do not believe that the proposal conflicts with this policy.

3.8.4 Policy 5 of the NZCPS supports consideration of the effects of the proposal on the purpose for which the adjacent land is managed which, in this case, is the Fiordland National Park. As such, I have referred to the Fiordland National Park Management Plan later in this report.

3.8.5 I have referred to Policy 2 as it supports consideration of Te Tangi a Tauira, the iwi resource management plan for Murihiku.

3.8.6 In my view, 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))

3.9.1 Southland Regional Policy Statement 2017 (SRPS)

3.9.1.1 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.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.1 *Treaty of Waitangi - Consult with, and enhance tangata whenua involvement in local authority resource management decision-making processes, in a manner that is consistent with the principles of the Treaty of Waitangi/Te Tiriti o Waitangi.*

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

Policy TW.4 *Decision making - When making resource management decisions, ensure that local authority functions and powers are exercised in a manner that:*

a. recognises and provides for:
(i) traditional Māori uses and practices relating to natural resources (e.g. mātaitai, kaitiakitanga, manaakitanga, matauranga, rāhui, wāhi tapu, taonga raranga);
(ii) the ahi kā (manawhenua) relationship of tangata whenua with and their role as kaitiaki of natural resources;
(iii) mahinga kai and access to areas of natural resources used for customary purposes;
(iv) mauri and wairua of natural resources; (v) places, sites and areas with significant spiritual or cultural historic heritage value to tangata whenua;
(v) Māori environmental health and cultural wellbeing.
b. recognises that only tangata whenua can identify their relationship and that of their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga.

Comment

3.9.2 Policies COAST.2 and 3 and LNF.4 will be met as the proposal will not result in further intensification of commercial surface water activities in the coastal marine areas ensuring adverse effects on natural character and landscapes, including cumulative effects are avoided. I also note Objective Coast.2 provides for the expansion of use of the coastal environment where appropriate. The increased size of the vessel will provide efficiencies in use of the coastal marine environment with regards to additional storage for fuel and rubbish collection, reducing the need to access Doubtful Sound for resupply. I also note that changing the colour of the hull (for the replacement commercial vessel) to a darker hue (as opposed to the existing white hulled vessel – AUTH-20202563) will meet LNF.4(e) as it will reduce the visual impact of the vessel against the dark Fiordland backdrop, mitigating adverse landscape effects.

3.9.3 Policy COAST.2 also seeks to maintain or enhance public access when providing for use and development. As the proposal will not result in any increase in commercial surface water vessels, existing public access to moorings and anchorages would not change. Similarly, the

proposal will not change existing effects related to protecting indigenous biodiversity, historic heritage, and intrinsic, ecological and cultural values.

3.9.4 The extent to which Fiordland's outstanding natural landscape and features would be modified or damaged including duration, frequency, magnitude or scale of the proposal is likely to be low (Policy LNF.4(b)). This is because the proposal will not increase commercial vessels in the area or passenger numbers when compared to the consented baseline. Furthermore, vessel activity and tourism numbers are transitory, so any adverse effects on the landscape from commercial operations can be reversed (Policy LNF.4(c)).

3.9.5 The proposal is generally consistent with the landscapes and natural features section of the SRPS. The provisions of Te Tangi a Tauira are considered later 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

3.10.1 The proposal is a **discretionary activity** under rule 16.2.1 of the Coastal Plan.

3.10.2 I consider that the following provisions of the plan are relevant to the determination of this application. I have grouped the objectives and policies by topic.

<u>*Surface water activities on the internal waters of Fiordland from Yates Point to Puysegur Point*</u>

Objective 16.1.1 *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*.

Objective 16.1.2 *To preserve the remoteness and wilderness values of the Fiordland coastal environment.*

Objective 16.1.3 *To ensure that commercial and private recreational surface water activities do not adversely affect the intrinsic values of the Fiordland coastal environment.*

Policy 16.2.1

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.*

Policy 16.2.7 *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 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.*

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.*

Policy 16.2.9 *Provide for commercial surface water activities to use Patea / Doubtful Sound and Te Awa-o-Tū / Thompson Sound as thoroughfares where it is necessary to:*

1. *embark or disembark passengers to or from shore;*
2. *access services including maintenance, repairs and vessel refueling;*
3. *access wharves, moorings, launching areas or slipway;*
4. *travel from one arm of Patea / Doubtful Sound to another in the case of commercial backcountry activities and day trip activities;*
5. *off-load cargo, waste or wastewater (sewage) and uplift supplies; and*
6. *carry out activities associated with the construction and maintenance of the Manapouri Power Scheme and tailrace.*

Policy 16.2.10 *Monitor the scale, geographic scope and distribution of surface water activities, including ancillary activities, and their effects on visitor perceptions and the physical environment.*

Policy 16.2.11 *(1) Use the Fiordland National Park Management Plan review process as a means of achieving the sustainable integrated management of the coastal environment; and*

(2) Require resource consent applications to consider adverse effects on Fiordland National Park by having regard to the Fiordland National Park Management Plan.

Policy 16.2.13 *Consider the cumulative effect of commercial surface water activities by ensuring the adverse effects of activities that are "spawned" by or ancillary to the principal surface water activity are considered and if necessary restricted when assessing resource consent applications.*

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 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.*

Natural Character, Landscapes, and Amenity values

Objective 5.1.1 *To preserve the natural character of the coastal marine area*.

Objective 5.2.1 *To protect outstanding natural features and landscapes in the region's coastal marine area from the adverse effects of use, development, and subdivision.*

Policy 5.3.1 *Protect amenity values of the coastal marine area.*

Objective 5.3.2 *Maintain and enhance open space values of the coastal marine area.*

Policy 5.3.1 *Where practicable, enhance the amenity of the coastal marine area as opportunities arise.*

Moorings

Objective 11.7.7.2 *To ensure that adequate anchorages remain available for all mariners*.

Objective 11.7.7.3 *To ensure that the rat-free status of offshore islands is not compromised by use and development of the coastal marine area.*

Objective 11.7.7.4 *To ensure that safe navigation of coastal waters is not unnecessarily put at risk by inappropriate use and development within the coastal marine area.*

Policy 11.7.7.1 *Maintain the anchorage value of coves and embayments that are recognised anchorages.*

Policy 11.7.7.3 *Avoid, where practicable, remedy or mitigate the adverse effects of ships using moorings that are incompatible with the size of the ship and the prevailing coastal processes.*

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.*

<u>*Navigational safety*</u>

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

<u>*Cultural and spiritual values*</u>

Policy 5.2.3 *Consult with the tangata whenua and take into account tangata whenua cultural, traditional and spiritual values in relation to issues affecting landscapes and natural features.*

Policy 5.6.1 *Have particular regard to the concept of kaitiakitaka in relation to managing the use, development and protection of natural and physical resources in the coastal marine area.*

<u>*Consultation*</u>

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.*

<u>*Periods or timing of restrictions*</u>

Objective 4.3.1 *To ensure that the adverse effects of an activity attributable to its timing, frequency, duration and regularity of operation are avoided, remedied or mitigated.*

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.*

3.10.3 Key definitions from the RCP:

Amenity Values – *those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.*

Anchorage – *means an area of the coastal marine area which has been set aside or is used for the anchoring of a ship by beans of that ship's anchor.*

Ancillary activities – *(to a commercial surface water activity): Means activities, which are part of the overall commercial surface water activity, but is not the main ship. For example, the use of kayaks, tender craft, or aircraft and paddleboards, which are secondary to the main surface water activity.*

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.*

Intrinsic Values – *in relation to ecosystems, means those aspects of ecosystems and their constituent parts which have value in their own right, including –*

a. their biological and genetic diversity; and
b. the essential characteristics that determine an ecosystem's integrity, form, functioning, and resilience.

Landscape – *reflects the cumulative effects of physical and cultural processes. It combines the visual expression of physical, biological and cultural processes and the way that people experience and perceive the phenomena or elements or configurations of elements arising from those processes in the environment.*

Natural Character – *the qualities of the environment that give it recognisable character. Embraces ecological, physical, spiritual, cultural, intrinsic and aesthetic values, and includes modified and managed environments.*

3.10.7 The proposal will meet the objectives and policies of chapter 16 as it will maintain existing levels of activity within the FCMA. This is because there will be no increase in commercial surface water activities including frequency and locations visited beyond what is currently consented, and there will be no change in passenger numbers due to the proposed surrender of AUTH-20202563. Maintenance of the existing consented baseline will be maintained as the proposal will adopt similar conditions to those within the surrendered permit including the existing expiry date (6 August 2036).

3.10.8 The key provision of relevance is Policy 16.2.2 which seeks to avoid adverse effects on the significant values of Fiordland by (2): "not granting resource consent for new or intensifying… commercial surface water activities, including ancillary activities, where adverse effects on those matters (identified in section 1 of the policy) will increase". I believe that it is intended that the wording of Policy 16.2.2 be interpreted in a strict manner. Therefore, Policy 16.2.2 is to not allow any increase in adverse effects. Based on the information provided, the key change (intensification) from the existing consented baseline is to increase the size of the consented vessel from 17m to 27m and to have an additional tender craft. There will be no change in passenger numbers, vessel numbers, or number of trips. The proposal is therefore slightly intensifying the commercial surface water activity. The intensification effect is the size or bulk of the larger vessel, and the use of an additional tender craft (based on the application for AUTH-20202563 which forms the consented baseline). The net effects of these changes on the international, national, and regionally significant values of the Fiordland coastal environment are somewhat negligible and sufficiently mitigated. I note that 27m vessels are the approximate average size of consented vessels in Fiordland, and a vessel of this size would not stand out or be out of place in the context of the existing consented environment. I note that the new vessel will be identical to the Applicant's other vessel "flightless" and it will have a darker hull which might help it blend in with the surrounding environment, as opposed to the white hull of the existing consented 17m vessel (AUTH-20202563). The additional tender craft when compared to the current consented activity is not likely to add to existing ancillary vessel activity as there will be no change in passenger numbers for the primary commercial activity. Consequently, I do not consider the proposal will result in an increase in adverse effects on the matters outlined in Policy 16.2.2(1).

3.10.9 For the same reasons, I consider the activity will also be consistent with Policies 16.2.7, and 16.2.8 and other relevant natural character, landscape and amenity value policies. Again, this is because the change in vessel size and inclusion of an additional tender will not result in an increase in passenger numbers, trip frequency or the extent of existing commercial operations. The operation is highly flexible and allows adaptation to weather, conditions, wildlife and the presence of other vessels. This will enable them to actively avoid popular or sensitive areas and maintain isolation, natural quiet and minimal human presence. Additionally, there will be improvements in quieter noise and reduced emissions with a wet exhaust system and ongoing conservation work by the Applicant. The hull of the new vessel will also be a darker hue when compared to the white hull of the existing consented 17m vessel. This will help it blend into the surrounding environment reducing the visual impact of the larger 27m vessel.

3.10.10 The activity will be consistent with Policy 16.2.9 as Patea/Doubtful Sound is sometimes used on occasion as a thoroughfare for refuelling runs. The larger vessel however means that refuelling and restocking often takes place in Bluff instead. This will constitute an improvement, reducing pressure and use of Patea/Doubtful Sound as a thoroughfare.

3.10.11 As the proposal will not result in an increase in commercial vessels, passengers and operations in the FCMA, the proposal will not reduce public access or increase pressure on existing moorings and anchorages and will not cause navigational safety risks beyond the existing consented baseline. Furthermore, no navigational safety concerns have been raised by the harbourmaster in their navigational safety assessment (Attachment 2). The objectives and policies of chapters 5.5, 11.7.7 and policy 11.8.2 will therefore be met.

3.10.12 The Applicant has engaged with affected parties prior to and during this consent process, achieving Objective 4.9.2 and Policy 11.7.7.2. Written approval was received by the Department of Conservation and CRA8. It is noteworthy that since these written approvals were received for the original application, the Applicant has proposed to also surrender AUTH-20202563 to ensure there will be no increase in commercial surface water activities in Fiordland. However there remains two outstanding submissions from Te Ao Mārama Inc. and Fiordland Marine Guardians who opposed the original application.

3.10.13 The proposed commercial operation meets Objectives 5.10.1 and Policy 5.10.1 which recognises the social and economic utilisation of the coastal marine area. Additional positive benefits such a larger more spacious vessel to enjoy the FCMA, reduced need to use Patea/Doubtful Sound as a thoroughfare due to greater fuel/rubbish storage, and ongoing conservation work by the applicant and conservation education provides further positive benefits.

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 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.

3.11.2 The specific policies relevant to this application are:

Section 3.3: Fiordland

Policy 3.3.5(3) *Ensure that the natural character of the Fiordland environment is protected for future generations. The effects of visitors and other tourism development on the environment must be managed in a way that ensures that the values of Fiordland are not compromised*

Policy 3.3.6(2) *Require that commercial operators take advantage of new technology, as it becomes available; to better manage the eff ects of tourism activities on the environment (e.g. waste discharge from boats, noise suppression on aeroplanes).*

Policy 3.3.6(3) *Require that the cultural and natural values of Fiordland are not compromised for recreation or tourism opportunities.*

Section 3.6: Southland's Coastal Environment

Policy 3.6.3(1) *Any activity within, adjacent to or that may potentially impact of Statutory Acknowledgement areas, ..will require consultation ..*

Policy 3.6.3(9) *Encourage operators to take advantage of new technologies to better manage the effects of commercial tourism development on the environment (e.g. waste discharge from boats).*

Policy 3.6.6(2) *Strongly discourage discharges of human sewage and ballast water into coastal waters from commercial vessels and ships.*

Policy 3.6.6(6) *Carefully monitor the nature and number of concession applications for commercial recreation and tourism operations, to ensure that such activities are not compromising the natural character, beauty or ecology of the region.*

Policy 3.6.6(11) *Require that, where possible, commercial boat operators use existing moorings to avoid setting the anchor as this is better for the seabed environment.*

3.11.3 The moorings are existing and allows the Applicant to avoid setting anchor (3.6.6.11).

3.11.4 The values of the Fiordland environment will not be compromised as a consequence of the proposal due to improved onboard storage and technology, the more appropriate colour scheme of the vessel to blend into the environment, and the surrendering of AUTH-20202563 to ensure the proposal will not add additional effects when compared to the existing baseline.

3.11.7 Overall, I consider the proposal to be generally consistent with the policies of Te Tangi a Tauira.

Fiordland National Park Management Plan

3.11.1 The Department of Conservation's Fiordland National Park Management Plan (FNPMP) is discussed here to give effect give effect to Policy 5 of the New Zealand Coastal Policy Statement. The FNPMP is relevant and reasonably necessary to the determination of this application because of the proximity and association with the Fiordland National Park. Provisions of relevance to this application are outlined below.

Section 3.1: Te Wāhipounamu – South West New Zealand World Heritage Area

Objective 3.1.1 - *To maintain the ecological and landscape integrity of the Te Wähipounamu – South West New Zealand World Heritage Area.*

Objective 3.1.2 - *To develop a co-ordinated approach to the management and servicing of visitors to the Te Wähipounamu – South West New Zealand World Heritage Area.*

Section 4.8: Island Management

Objective 4.8.1 - *To eradicate animal and plant pests from islands where possible and practical. Where eradication is not possible or practical at present, to control them if the natural values of the islands are threatened.*

Objective 4.8.2 - *To manage, or advocate for the management of the islands to ensure that the significant natural values of Fiordland National Park are maintained.*

Objective 4.8.3 - *To avoid the further spread of introduced animal and plant pests among islands on the Fiordland coast.*

Objective 4.8.4 - *To manage access to the islands of Fiordland National Park where necessary so as to protect the indigenous biodiversity of these islands.*

Section 4.9: Marine Mammels

Objective 4.8.1 - *To protect, conserve and manage marine mammals within Fiordland National Park.*

Section 5.1: Visitor Management

Objective 5.1.1 - *To ensure the preservation of Fiordland National Park's natural characteristics, including the iconic status of Fiordland National Park, values and historical features while meeting the needs and aspirations of visitors.*

Objective 5.1.2 - *To allow for a range of both commercial and non-commercial recreational activities within Fiordland National Park managed in accordance with the range of visitor settings.*

Section 5.3: Visitor Settings

Objective 5.3.5.1 - *To provide a range of wilderness recreation opportunities for the long term by maintaining areas which are pristine in their naturalness and where there is minimal evidence of human activity. Key attributes defining wilderness include:*

a) Solitude, peace and natural quiet;
b) No recreation facilities, except occasional facilities on the borders of the areas;
c) Users should be self-reliant and highly experienced; and
d) Users should not expect to encounter more than one visitor group per week.

Objective 5.3.6.1 - *To manage all remote visitor settings for low impact recreation opportunities distant from high use areas; while protecting the areas' other national park values. The following key attributes will be protected:*

a) A predominance towards self-reliance;
b) Few encounters with other visitors (not more than one encounter with other visitor groups per day) and small group sizes;
c) Relatively free of recreation facilities;

d) Access is generally non-mechanised; and
e) Visitors expect to be away from sights and sounds of human influence.

Section 5.6: Boating and Facilities

Objective 5.6.3 - *To ensure commercial boating activities in Fiordland National Park are consistent with the visitor setting objectives in section 5.3 Visitor Settings.*

Objective 5.6.6 - *To protect indigenous species and high value habitats from the impacts of boating or access to boating facilities both within the lakes and rivers of Fiordland National Park and through advocacy to Southland Regional Council for the internal waters of the fiords.*

3.11.2 To a large extent these provisions are similar to policies from the Regional Policy Statement and the Southland Regional Coastal Pan, in that they seek to maintain natural character, landscape, amenity values, remoteness and wilderness experiences for visitors, to protect marine mammals and protect indigenous species from the spread of pests. As discusses, the proposal is consistent with these values as it will maintain existing commercial surface water activities. The Applicant has already been through the Department of Conservation's concession process ensuring it aligns with the National Park management expectations and appropriate conditions for cultural, environmental, and operational stewardship.

3.11.3 The activity does involve landings at established sites which are undertaken under the relevant concession with adherence to DOC's island access requirements. The Applicant runs ongoing predator-control and biodiversity monitoring programmes which actively contribute to the objectives of section 4.8.

3.11.4 The proposal aligns with the marine mammal protection objectives of section 4.9 via adherence to the Marine Mammel Protection Regulations, the Marine Mammel Code of Management, and the Applicant's Marine Mammel Viewing Permit. Vessel technology, waste-storage practices, and compliance with the Fiordland Clean Vessel Pass further supports the preservation of natural character, wildlife, natural quiet and ecological integrity within the fiords.

3.11.5 The proposal is also consistent with the visitor management and boating objectives as the activity is low impact, uses existing moorings and anchorages, and is compatible with remoteness and wilderness values due to its small-scale visitor experience.

3.11.6 Overall, I consider the proposal to be consistent with the Fiordland National Park Management Plan.

4. Conclusion

4.1 Whether to grant

4.1.1 The activities applied for have been considered together, and as such the most stringent test applies. The application is therefore considered as a **discretionary activity**. Under Section 104B the Council may grant consent, and if it grants the application, it may impose conditions under Section 108 of the RMA.

4.1.2 I consider that the adverse effects of the proposal are likely to be no more than minor and the proposal is not contrary to the objectives and policies of the relevant planning provisions (as discussed).

4.1.3 The submissions raised several issues related to the original proposal where there was going to be an additional primary vessel over and above the consented baseline. As the application has since changed and AUTH-20202563 will be surrendered as part of the proposal, the activity is now largely similar to the existing consented baseline. Importantly, the proposal will not increase vessel movements and the number of trips in the FCMA. The key remaining issues are around the change to the vessel size and the use of an additional tender craft. In particular, the effects these changes will have on natural character, landscape values, and visual amenity.

4.1.4 The change in size of the vessel my increase its bulk and presence within the FCMA. However, with a darker hull colour against the Fiordland backdrop, I consider this will make a meaningful difference in natural character, landscape values, and visual amenity when viewed from a distance as this part of the vessel will blend in better than the white hull of the current vessel. The larger bulkier vessel could have a greater visual impact when viewed up close, particularly when moored in a small anchorage. My understanding of vessel movements in Fiordland is that generally, they try to avoid each other, limiting the 'up close' impact.

4.1.5 I acknowledge the evidence provided by Stephen Skelton who has concluded that adverse landscape, natural character, and visual amenity effects of the proposal will be very low. I agree that the change in size of the vessel when viewed against the scale and complexity of the landscape will not act to reduce natural character or visual amenity. Also, given the lack of fixed viewing areas, the transient and infrequent nature of activities in the area, I agree that the effect of the increased vessel size is not likely to result in an adverse effect on others experiencing the landscape. Finally, as the proposal is simply replacing an existing consented vessel with no increase in activity, the proposal will not make a cumulative contribution to activity in the Fiords that would affect wilderness, remoteness, and natural quietness values.

4.1.6 In my view the proposal is not inconsistent with the relevant planning documents, as discussed in the sections above. I note the objectives and policies do not provide direct guidance on a capacity threshold for the size of vessels.

4.1.7 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 for the commercial surface water activity be granted. The reasons for these recommendations are:

- regarding Section 104(1)(a) of the RMA, the proposal is likely to have minimal adverse effects such that they are likely to be less than minor.
- the adverse effects will be adequately mitigated through conditions of consent. Proposed conditions of consent will ensure there will be no increase in activity other than the increased size of the vessel and specifying the use of tenders and kayaks.
- in regard to Section 104(1)(b) the activity is not inconsistent with the provisions of the relevant planning documents.
- the application meets the relevant provisions of Part 2 of the RMA.

Consent duration

4.1.8 The Applicant has requested a term in accordance with the permitted baseline of AUTH-20202563 being an expiry date of 6 August 2036. A condition of consent will ensure that AUTH-20202563 is surrendered prior to the exercise of the new consent, effectively transferring the existing consent term over to the new permit. I see no reason to alter this existing consent term as this term will ensure there will be no increase in commercial surface water activities that could result in a different level of adverse effects. An Applicant is entitled to as much security of term as is consistent with sustainable management[5], 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.

4.1.9 I consider the impact of potential adverse effects is likely to be less than minor however these matters will need to be fully addressed at the hearing. Submitters have raised various concerns about the original proposal where there was going to be an additional vessel, however this is no longer the situation for this amended application. The original submissions by Fiordland Marine Guardians and Te Ao Mārama Inc. on behalf of Ōraka-Aparima Rūnaka both request that the application be declined. The amended application may alter the original views of the submitters so any new evidence the submitters bring to the hearing will need to be carefully considered.

4.1.10 Regarding the consent period, I recommend a consent term until 6 August 2036 to align with the Applicant's existing commercial surface water activity (AUTH-20202563) for a 17m vessel which will be surrendered prior to the exercise of the new permit.

4.2 Points of clarification

4.2.1 The submitters may be able to clarify their position on the amended application noting the alignment with the permitted baseline, and that there will no longer be an increase in the number of commercial vessels operating in Fiordland (this consent will replace an existing commercial vessel). The key differences of this amended application to the consented baseline are the increased vessel size from 17m to 27m and the use of an additional tender craft.

4.3 Draft consent conditions

4.3.1 The Applicant promotes conditions that largely reflect the conditions of their existing consented activity (AUTH-20202563). These same conditions include limiting the frequency of commercial surface water activities to a maximum of 300 days a year, limiting passengers and crew to 17, and maintaining the existing authorised consent term for the new permit. Importantly, the Applicant promotes a condition to surrender AUTH-20202563 prior to the exercise of their new permit. This will ensure there will be no increase in the amount of consented commercial surface water activities operating in Fiordland.

4.3.2 The Applicant promotes the following resource consent condition:

Condition X – Surrender of existing consent AUTH-20202563

[5] The statutory purpose of the Act

The consent holder shall, prior to exercising this consent, provide written confirmation to Environment Southland that Coastal Permit AUTH-20202563 has been formally surrendered under section 138 of the Resource Management Act. 1991.

For the purposes of this condition, "prior to exercising this consent" means before any surface-water activities authorised by this permit are undertaken.

Advice note: The purpose of this condition is to ensure that there is no net increase in the number of vessels authorised to operate within the Fiordland Coastal Marine Area and to maintain the consented baseline relied on in the assessment of environmental effects.

4.3.3 In 2021, the Applicant also proposed draft conditions after engagement with the Department of Conservation (who then provided written approval). The following draft conditions were promoted (including highlights):

1. *This consent authorises the undertaking of commercial surface water activities, in the coastal marine area adjacent to Fiordland National Park from Yates Point to Puysegur Point, with:*

   (a) <u>The name of vessel, being</u> one vessel of 27 metres, registered length, with up to 17 passengers including crew;
   (b) Up to 8 kayaks and 4 paddle boards; and
   (c) Two tender crafts.

   for the purpose of undertaking backcountry trips, as described in the application for resource consent dated XXXX and further information received XXX.

2. *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 continuous period of two years or more.*

Operational Restrictions

3. *The Consent Holder may operate backcountry trips for a total of 365 days in any calendar year.*

4. *The Consent Holder must not undertake any trips within:*

   (i) Hall Arm; or
   (ii) First Arm.

5. *The consent holder shall operate commercial surface water activities (backcountry trips only) in the general area of Doubtful Sound, in any one year, as follows:*

   (i) Crooked Arm - two occasions in any calendar year to pick up passengers walking the Narrow Neck Track from Dagg Sound to Haulashore Cove;
   (ii) Bradshaw Sound - two days in any month;
   (iii) Thompson Sound - two days in any month;

(iv) Doubtful Sound, two days in any month; and
(v) Deep Cove - limited access to pick up or off-load passengers and uplift stores

6. Notwithstanding Condition 5 above, The Consent Holder may only transit within Doubtful Sound, Thompson Sound, and Deep Cove as a thoroughfare for the purpose of, and to the extent necessary to:
(a) pick up or off-load passengers to or from shore;
(b) access services (including wastewater disposal), wharves and launching areas; and
(c) off-load cargo and uplift stores.

7. The Consent Holder shall limit the travel speed of the main vessel, tender vessels, and kayaks to 5 knots within 200 metres of the shoreline.

8. The Consent Holder shall avoid marine bird and marine mammal nesting and breeding areas as follows:
(a) passengers or crew shall not land on any foreshore; and
(b) neither the main vessel, tender vessels nor kayaks operating pursuant to this Consent shall moor or anchor or otherwise stop;

within 50 metres of New Zealand fur seal colonies, seabird colonies or penguin colonies.

9. The Consent Holder shall limit the travel speed of the main vessel, tender vessels and kayaks to 5 knots within 500 metres of a seal or penguin colony.

10. The Consent Holder shall not anchor within china shop areas or other areas with significant benthic/biodiversity values, including the following:
(a) Clio Rock in Bligh Sound;
(b) the area at the intersection of Acheron Passage and Wet Jacket Arm between Breaksea and Dusky Sounds;
(c) Nine Fathoms Passage, off Cooper Island, Dusky Sound; ~~and~~
(d) Narrow Bend from Adam Head to Sandy Point in Long Sound;
(e) Pendulo Reach;
(f) Harrison Cove at depths less than 60m;
(g) East and south-east of Entry Island at depths less than 50m; and
(h) Between Anchor Island, Fixed Head, Useless Islands and Passage Islands.

11. Except as provided for in Condition 12, the Consent Holder shall not anchor within 400 metres of rat-free/pest-free islands, including the following:
(a) Breaksea Island Group, including Wairaki Island and the island approximately 700 metres generally west thereof, and Hawea Island and the island approximately 700 metres east thereof;
(b) Entry Island;
(c) Thrum Cap;
(d) Passage Islands; ~~and~~
(e) Chalky Island (Te Kakahu-O-Tamatea);
(f) Pig Island;
(g) Anchor Island;

(h) Bauza Island;
(i) Coal Island; and
(j) Steep-To Island.

12. The Consent Holder shall not go ashore or allow passengers to go ashore at any pest-free islands, aside from where provided for by the Consent Holder's corresponding concession from the Department of Conservation.

Rubbish Disposal and Sewage Discharges

13. Discharges of any contaminant, or any article or substance of a dangerous or offensive nature into the coastal marine area from the main vessel, tender vessels, kayak(s) or any other vessel operating under this Consent shall not occur within the internal waters of Fiordland.

14. Discharges of any contaminant, or any article or substance of a dangerous or offensive nature into the coastal marine area from the main vessel, tender vessels, kayak(s) or any other vessel operating under this Consent may only occur at least 500m offshore while outside of the internal waters of Fiordland. ~~may only occur in accordance to the Resource Management (Marine Pollution) Regulations 1998, or any subsequent version.~~

Contaminant Spills

15. (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 approval of the Consent Authority.

Noise

16. The Consent Holder shall ensure that the activity complies with the noise standards set out in Rules 5.3.4 and 5.3.6 in the Regional Coastal Plan for

Southland 2013 (or the relevant standards in any subsequent version).

Biosecurity

17. 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 main vessel, tender vessels and kayaks:

(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 main vessel, tender vessels, kayaks, 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 15(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.

18. The Consent Holder shall:

(a) maintain the main vessel, tender vessels, and kayaks 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 main vessel at all times;

(c) inspect the main vessel, tender vessels, and kayak compartments, 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.

Marine Mammals

19. The Consent Holder shall comply with the Dolphin Avoidance Protocol attached at Appendix B, until such a time that a Marine Mammal Viewing Permit is obtained from the Department of Conservation.

Reporting Requirements

20. *The Consent Holder shall maintain a log of all operations, including:*
    (a) *the location of sewage discharges;*
    (b) *a log of all backcountry trip activities, including the following details:*
        (i) *departure date and return date for each backcountry trip;*
        (ii) *location(s) travelled to for each backcountry trip, <u>including any moorings or anchorages used;</u>*
        (iii) *number of passengers aboard the vessel for each backcountry trip; and*
        (iv) *the purpose of all activities, including use of the vessel and any ancillary activities such as: fishing, diving, and kayaking; <u>and the purpose and location of the use of the vessel or kayaks to go ashore for activities such as: visiting historic locations, walking and hunting.</u>*
    (c) *the results of inspections for pests, unwanted organisms, or hull fouling organisms on the vessels, kayaks and equipment, in accordance with Conditions 15 and 16 of this consent.*

    A copy of the entries in this log shall be provided to the Consent Authority every three months in accordance with the following schedule:

Quarter Finish	*Due Before*
31 March	*30 April*
30 June	*31 July*
30 September	*31 October*
31 December	*31 January*

Review of Consent Conditions

21. *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.*

4.3.4 I note the existing authorised consent does not specify the number of ancillary craft however the application for that consent did. At the time the existing permit was granted it was not

required to specify the number of ancillary craft, however as it was specified in the application it still forms part of the consented baseline. If granted, the new consent will need to specify the maximum number of ancillary craft where the only difference will be the addition of another tender craft from the existing baseline level of activity.

4.3.5 I have proposed a full set of draft conditions which is attached at Attachment 7. These conditions largely align with the proffered conditions by the Applicant as described above. The main differences are filling in the blanks, adjusting conditions to account for the amended proposal, removing matters already restricted by the Regional Coastal Plan or other regulations (but highlighted in the notes of the consent), and other minor additions, wording and layout changes to align with modern commercial surface water consents where appropriate.

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 Fiordland Discovery 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 Ryan Hodgson. I am a Senior Consents Officer employed by the Southland Regional Council. I have been employed by the Council as a consents processing officer since November 2019. I hold the qualifications of a Masters and Bachelor of Landscape Architecture from Unitec, and a Graduate Diploma of Environmental Management from the Southern Institute of Technology. I am an associate member of the New Zealand Planning Institute, and I have been a member since 2021.

5.2.2 I have been involved with the application since it was limited notified and submissions were received. In 2022 I visited Beach Harbour and the surrounding areas of Bradshaw Sound and Dusky Sound in relation to a separate consent application.

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:

- resource consent application and assessment of environmental effects, prepared by Sean Ellis and Maria Kuster and dated 25 January 2021;

- the supplementary information and assessment of effects (amended application), prepared by Vanessa Horwell;
- the landscape assessment by Mr Skelton;
- further information requested and received under Section 92(1) of the RMA;
- the submissions on the application;
- technical comments on the application provided by:
  - Ian Coard, Deputy Harbourmaster & Maritime Officer;
- 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: The original application for resource consent, dated 25 January 2021;
Attachment 2: Further information provided, dated 29 January 2021, 9 February 2021, and 11 May 2021;
Attachment 3: Deputy Harbourmaster navigational safety assessment, dated 1 February 2021;
Attachment 4: Submissions received;
Attachment 5: Supplementary information and assessment of effects (amended application), dated 10 June 2026;
Attachment 6: The landscape Assessment, dated 2 October 2026; and
Attachment 7: Draft consent conditions



Ryan Hodgson
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

The original application for resource consent

Dated 25 January 2026

Consent Manager
Environment Southland
Private Bag 90116
Invercargill 9840

18th of January 2021



To whom it may concern,

Seán Ellis & Maria Kuster - application for a Coastal Permit to carry out commercial surface water activity

I – Introduction

Please find attached our application for Coastal Resource Consent to carry out commercial surface water activities, in the coastal marine area adjacent to Fiordland National Park from Yates Point to Puysegur Point, for a vessel of approximately 27 metres, length over all (LOA), with up to 15 passengers including crew for backcountry trips.

We currently operate the commercial vessel M.V. Flightless as part of Pure Salt NZ Ltd under Coastal Permit AUTH-20181624-02 which *authorises the undertaking of commercial surface water activities, in the coastal marine area adjacent to Fiordland National Park from Yates Point to Puysegur Point, with:*

(a) one vessel of up to 27metres,registered length, with up to 17 passengers including crew;

(b) up to 8 kayaks and 4 paddle boards; and

(c) two tender crafts;

for the purpose of undertaking backcountry trips as described in the application for resource consent dated 10 August 2018 and further information received 17 September 2018 and 2 October 2018.

The current Coastal Permit is attached for reference in Appendix IV.

It is proposed to undertake further commercial backcountry trips throughout Fiordland through mirroring current activity with a sister ship to provide for an increase in the social enterprise and conservation activities of the business Pure Salt NZ Limited, operated by Seán Ellis & Maria Kuster. As a social enterprise, we're applying commercial strategies to maximise improvements in not just financial but social and environmental well-being.

Mirroring current activity would allow the operation to substantially increase funding and on the ground support of the Tamatea Dusky Sound Restoration project - aiming to ***restore Tamatea Dusky Sound to one of the most intact ecosystems on earth, and New Zealand's largest 'bio bank' – a source of endangered native species that can be sent to pest free locations throughout the country.*** Ecosystem restoration above water, below water and between people. (Please reference current efforts on www.puresalt.co.nz/conservation and Appendix V for relevant community agreements)

A Coastal Permit is sought for a term of 2O-years.

Back country trips are a discretionary activity, pursuant to Rule 16.2.1(7) of the Regional Coastal Plan (RCP) which the new Coastal Permit seeks to comply with.

Copies of the statutory application forms A, B as well as the Harbour Master Technical comment form are attached in Appendix I.

II Description of Activity

We are proposing to mirror the undertaking of commercial surface water activities, in the coastal marine area adjacent to Fiordland National Park from Yates Point to Puysegur Point, for a vessel of approximately 27 meters, with up to 15 passengers including crew, as permitted under current AUTH-20181624-02.

The new vessel is suggested to be the sister ship to M.V. Flightless (MNZ 133815), a 26.8-meter steel ex-Navy patrol craft which is now converted into an internationally surveyed expedition vessel governed under the Maritime Operator Safety System (MOSS) which has been and currently is operating under the permit AUTH-20181624-02.

Two tenders including outboard motors will be carried in line with survey requirement as well as to support client activities. In terms of surface water activities there would also be eight kayas as well as four paddleboards supplied for client use.

Charters will continue to start and finish in all areas of Fiordland, depending on the requirements of the client and in line with our current consent conditions.

Charters focus on visiting remote Fiordland for many different reasons depending on the client. We grant mainly national tourists (even pre COVID) access to remote Fiordland to experience its unique wilderness aspects as well as to educate them on the importance of preserving it for future generations.

The commercial charter operation functions as a social enterprise with a conservation component giving back to the operational area as part of the Tamatea Restoration project in conjunction with the Department of Conservation as well as annual underwater clean-ups, education around biosecurity and sustainable fishing. Current efforts can be viewed on www.puresalt.co.nz/conservation. To increase the connection, awareness, funding and work on the ground is the main driver behind this application.

The main concept behind our charters is that there is no schedule and every trip is as unique as the people on board. The frequency, length and location of activities vary widely as every charter is customized for the clients as much as it is dependent on the weather and tides on the day. With that it is not possible to determine a typical day within the operation in terms of activities, locations and timings.

The charters we offer also vary in duration from one night to two months; however, the most common duration is three to seven days.

For most of our charters passengers are flown in and/or out of Fiordland using helicopters. When this occurs, the helicopter lands at one of the existing helicopter landing pads in Fiordland. The authorization for helicopter movements are the responsibility of the helicopter operators.

Alternatively, we will occasionally utilize Deep Cove in Doubtful Sound to drop off or pick up clients as well as to refuel. Deep Cove and Doubtful Sound is to be utilised for occasional supply, loading and thoroughfare only.

The vessel will utilize recognized anchorages as well as suitable moorings where possible.

Our clients determine the Fiords that our charters visit. Throughout the year our charters focus on visiting the Southern fiords, particularly Dusky Sound, Breaksea Sound, Chalky inlet and Preservation inlet. We also visit the Northern Fiords at different times of the year at the request of our clients.

There is a wide range of activities on offer for all clients which commonly include hunting, kayaking, paddle boarding, fishing, free & SCUBA diving, sightseeing, relaxing, walking, bird watching as well as part taking in conservation projects. All activities are subject to briefings and are undertaken in line with industry standards as well as relevant rules and regulations. Naturally we also require proof of relevant training from the participants. Where no formal training is required extensive onboard briefings are conducted due to the remoteness of the operational area as well as the sensitivity of local ecosystems such as china shops or marine reserves below the surface as well as already rat free islands and other sensitive areas on land.

We also choose to carry an extra crew member beyond the requirements of Maritime New Zealand in order to provide the needed extra support with all activities and ensure Health and Safety considerations are adhered to in excess to legal obligations.

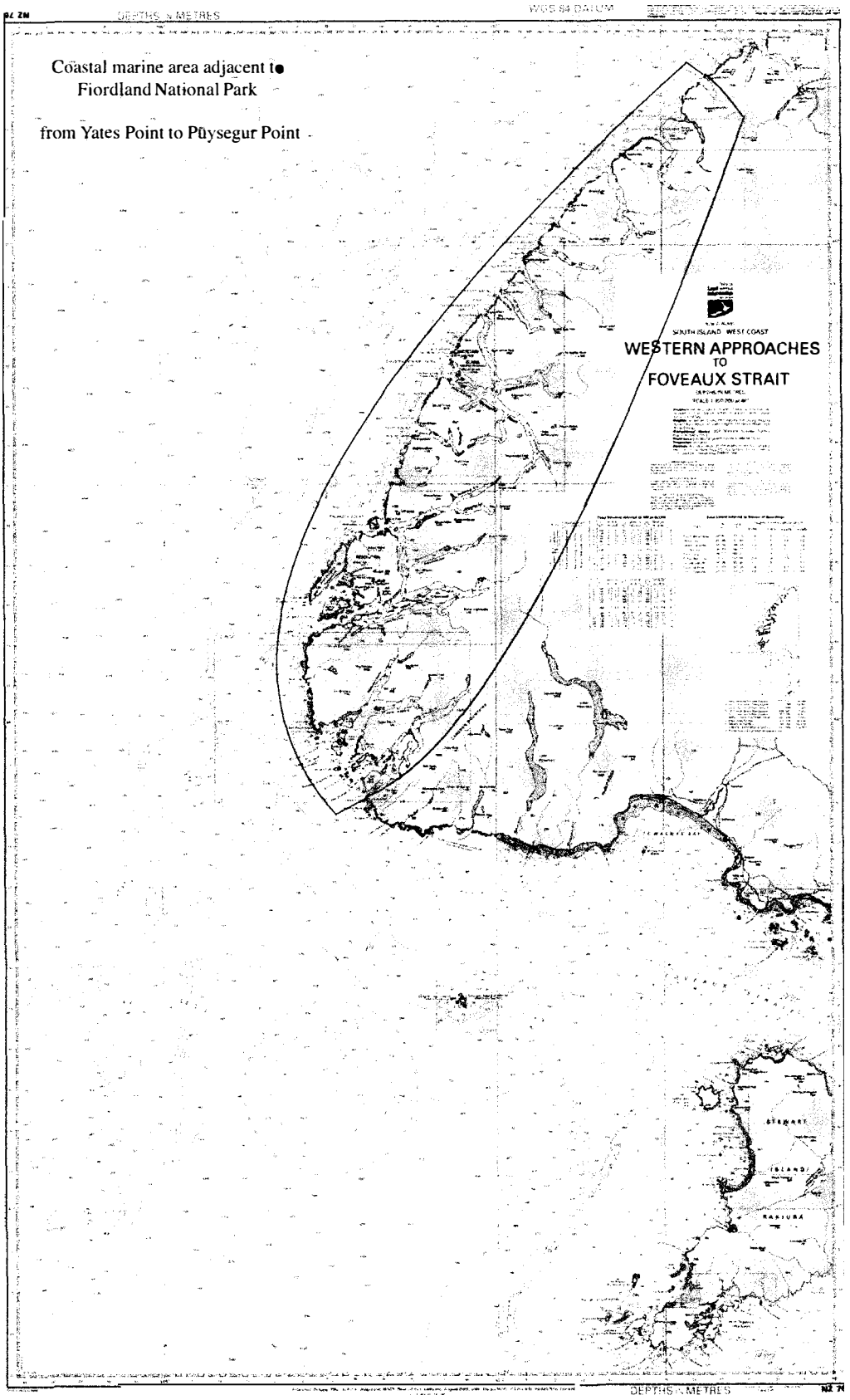
Subject to weather conditions and accessibility to the area, the charters are available all year-round. The number of trips per year is difficult to predict, as the length of trips booked, and the demand for our service varies from year to year. We therefore wish to mirror the ability to charter for up to 365 days of the year.

We have notified Te Rūnanga a Ngai Tahu identified as iwi group having applied for Customary Marine Title for the Fiordland Coastal Marine Area under The Marine and Coastal (Takutai Moana) Act 2011 and 'seeked their views' on this proposed application as well as to recognise Tangata Whenua under Resource Management Act provisions *to recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi (wahi) tapu, and other taonga (taoka) (Section 6), to have particular regard to kaitiakitanga (kaitiakitaka) (Section 7), and to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) (Section 8).*

Contact was made by phone call followed by email through Rachel Brown listed on the council website and Ronnie Cooper, principle manager – policy – Te Whakaariki (Stategy&Influence) for Te Rūnanga o Ngāi Tahu replied via email that they have *no comment to make regarding your mahi at this time. Engagement processes between mana whenua and councils (which are quite separate from the application by Te Rūnanga under the Takutai Moana legislation) will allow mana whenua to make comment if appropriate.*

The full email chain is attached in Appendix III

We are not aware of the need for any further resource consents in relation to the proposed activity.


Coastal marine area adjacent to
Fiordland National Park
from Yates Point to Pūysegur Point
WESTERN APPROACHES
TO
FOVEAUX STRAIT
DEPTHS IN METRES

III Assessment of Environmental Effects

According to the Resource Management Act, section 88, an assessment of environmental effects should include –

(a) *A description of the proposal.*

(b) *Where it is likely that an activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity.*

(c) *Repealed.*

(d) *An assessment of the actual or potential effect on the environment of the proposed activity.*

(e) *Where the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment, which are likely to arise from such use.*

(f) *Where the activity includes the discharge of any contaminant, a description of –*

(i) The nature of the discharge and the sensitivity of the proposed receiving environment to adverse effects; and

(ii) Any possible alternative methods of discharge, including discharge into any other receiving environment.

(g) *A description of the mitigation measures (safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect.*

(h) *Identification of the persons affected by the proposal, the consultation undertaken, if any, and any response to the views of any person consulted.*

(i) *Where the scale or significance of the activity's effect is such that monitoring is required, a description of how, once the proposal is approved, effects will be monitored and by whom.*

An assessment of effects on the environment for the purposes of section 88 must include, in a case where a recognised customary activity is, or is likely to be, adversely affected, a description of possible alternative locations or methods for the proposed activity (unless written approval for that activity is given by the holder of the customary rights order).

Subject to the provisions of any policy statement or plan, any person preparing an assessment of the effects on the environment should consider the following matters:
(a) Any effect on those in the neighbourhood and, where relevant, the wider community including any socio-economic and 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, 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.

We have prepared this assessment of environmental effects on the basis of all information currently available. All of the above is taken into account where relevant and consideration is also given to the Regional Coastal Plan for Southland, Southland Regional Policy Statement, New Zealand Coastal Policy, Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan as well as the Fiordland National Park Plan and the Fiordland Marine Conservation Strategy.

Overall, we believe any actual or potential negative effects on the environment will continue to be less than minor. At the same time potential and actual positive effects are believed to increase substantially in line with the achievements of the current operation and its social enterprise component.
As the extend of detail required for an assessment should be relative to the scale and significance of the potential adverse effects the activity may have on the receiving environment, a number of factors in the Fourth Schedule of section 88 of the Resource Management Act 1991 can be omitted.

Section 3 of the Resource Management Act defines the meaning of "effect" as follows.

In this Act, unless the context otherwise requires, the term "effect" includes—

(a) Any positive or adverse effect; and
(b) Any temporary or permanent effect; and
(c) Any past, present, or future effect; and
(d) Any cumulative effect which arises over time or in combination with other effects – regardless of the scale, intensity, duration, or frequency of the effect, and also includes—
(e) Any potential effect of high probability; and
(f) Any potential effect of low probability which has a high potential impact.

In accordance with the above we have identified a number of actual and potential effects on the environment. Any negative effects are perceived to be minor at most.

1. Tangata Whenua O Murihiku, Heritage and Education

Specific values of the coastal marine area ...may require protection. These values are very diverse and include habitats, natural character, amenity, open space, landscape, biodiversity, tangata whenua and other cultural, historical, spiritual or conservation values. These values are the heritage of future generations. To provide that heritage the current generation has a responsibility to pass on the coastal values in a condition at least equal to that it enjoys. (Objective 13.2; Proposed Southland regional Policy Statement).

Through mirroring our current operation and with that aiming to double our current conservation and educational efforts, whilst minimising potential adverse effects, we seek to honour that very responsibility of not just preserving but enhancing the values described.

Having had a solely domestic client base from the very start of our operation, our ethos evolves around increased connection, understanding and active stewardship of this unique coastal marine area for us, our clients and future generations, cumulating to an overall positive effect on the above in line with objective 4.1.2 of the Regional Coastal Plan and Principle 11 of the NZ Coastal Policy Statement.

2. Effluent Discharge

In terms of discharge we will continue to act in accordance with the Resource Management (Marine Pollution) Regulations 1998, or any subsequent version.

3. Contaminant Spills

There are a number of contaminants that could accidently be spilled and have a potential effect on the environment.; such as fuel, sewage, grey- and bilge water. For all spills, we will be adhering to Marine Pollution Regulations, Maritime Transport Operator Plan (MTOP) provisions as well as follow best practice on board any vessel we operate.

Fuelling is to be conducted in line with bunkering procedures stipulated under the current Maritime Transport Operator Plan (MTOP).

All contaminants are to be stored appropriately, training is conducted regularly and due to our international survey, we're required to carry an extensive spill kit

should an accident occur.

4. Rubbish

All rubbish is to be accumulated aboard and taken back to shore as per current operation.

5. Noise

The Coastal Plan provides for protection of *"amenity values of the coastal environment from the adverse effects of artificial noise in the coastal marine area"*, which is reflected in our consent conditions and will continue to be adhered to.

The proposed vessel is to be appropriately muffled to ensure excessive noise is not an issue and any noise is compliant with Rule 5.3.6 of the Coastal Plan; allowing *ships in motion to emit noise provided that such noise does not exceed a sound exposure level of 90 dB(A) in and single drive by at any position beyond a line situated 25 meters back from the line of travel.*

There will be no sound system or speakers fitted leaving only conversational noise besides the engine sound and occasional outboard motor as it is in our best interest to keep any noise to a minimum for our client's sake.

The tenders are to be used to transfer hunters, volunteers and walkers to and from shore as well as to support kayaking, paddle boarding, diving, freediving and conservation activities which is mostly done at idle or with the outboard shut off.

Operation of a sister ship would mirror current operation and with that can be seen as a permitted activity in regard to noise emissions.

6. Wake

There are much larger vessels currently consented and operational in the area without causing any significant erosion of the shoreline. By its nature the Fiordland coastal marine area is rugged and exposed to natural wake action, which has a greater accumulated effect on the shoreline than occasional vessel wakes.

7. Occupation of Coastal Space

Due to the nature of the operation any occupation of coastal space will ever only be temporary and is therefore considered to have a less than minor impact.

8. Natural Character and Landscape Values

The entire coastline from Awarua Point to Big River is virtually unmodified by people and as such, it has extremely high value when measured in terms of natural character. Together with the extremely high natural character of the adjoining land, the natural character of the coastline and coastal waters creates a coastal environment of outstanding and unparalleled quality internationally.

Natural character generally arises from the presence of one or more of the following attributes:

- *visual values, including light;*
- *an absence of unnatural noise;*
- *dynamics of air, water and sediment;*
- *significant areas of indigenous vegetation;*
- *significant habitats of indigenous fauna;*
- *natural landscapes, seascapes and landforms;*
- *natural physical processes;*
- *natural exposures of rock;*
- *characteristics of special spiritual, historical or cultural significance to Maori;*
- *significant places of historic and cultural interest;*
- *natural movement of biota;*
- *natural substrate composition;*
- *natural air and water quality;*
- *natural biodiversity, productivity and biotic patterns;*
- *intrinsic value of ecosystems;*
- *tranquillity.*

Despite the presence of commercial and recreational fisherman, commercial charter vessels, private yachts as well as cruise ships the wider Fiordland area is untouched without evidence of development beyond the occasional mooring and of course Milford Sound township as well as Deep Cove including the Meridian

Power scheme.

As the area can only be reached by sea or air the presence of another vessel is not unexpected. The frequency of any vessel movements is relatively low considering the size of the operational area. Any adverse effects on the natural character and landscape values arising from vessel movements are only ever transient as there is no trace of any activity once the vessel departs.

The operation of a sister ship to M.V. Flightless as well as kayaks, paddleboards and tenders would not add to the perceived encounter rate or concentration of vessels as to the observer they'll appear to be the same vessel.

Given that one such vessel is already present as well as the dominance of the landscape and the lack of any tangible evidence of a vessel's visit, the impact of the commercial surface water activity and the other activities associated with it will have on the landscape and natural character can be seen as less than minor.

9. Benthic Communities

When mooring acknowledged anchorages will be used. These have already sustained damage to the seabed and its benthic communities through decades of use. Particular attention is given to China shops and wherever possible existing moorings can also be utilized.

10. Wildlife

We will continue to follow best practice when interacting with wildlife; i.e. on the wildlife's terms, from a safe distance and in a non-threatening manner.

Any interaction with marine mammals occurs in line with the Marine Mammal Protection Act of 1972 and is not sought but instead only incidental.

The disturbance to marine mammals, birds or the foreshore is therefor considered less than minor.

11. Impact on significant habitats of indigenous fauna

How unique the fiords ecosystems are, is recognized with Fordland's inclusion in the Te Waipounamu – South West New Zealand World Heritage Area.

The Coastal plan states the following in terms of marine mammals, birds as well as the vulnerability of the entire ecosystem:

Fur seal colonies are common along the outer coast with several other significant colonies located on rocky shorelines or islands within fiord entrances.

The bottlenose, common and dusky dolphins can be found throughout the area. Leopard seals, elephant seals, killer whales. Southern Right whales and humpback and sperm whales can also be seen around the coastline.

Fiordland crested penguins (believed to be the world's rarest penguin), can also be found in small numbers throughout the fiord system.

The fiords are the habitat of several endangered, vulnerable, rare and threatened bird species including some that use tidal areas at fiord heads and at river mouths, for example, the blue duck and brown teal, reef heron, white heron and variable oyster catcher. The South Island Saddleback (endangered) is found on Breaksea Island, which is rat and mustelid free. Wairaki (the Outer Gilbert Island) appear to be free of both rats and mustelids but some of these islands are vulnerable to mustelid invasion. Hawea (the inner Gilbert Islands) are not rat free. Chalky Island and Chalky Inlet is rat free but has mustelids, and Entry Island has stoats but no rats.

The vegetative cover of the catchments of the fiords has been minimally modified. The underwater biological communities of the fiord rock walls do not occur elsewhere along the coast of New Zealand, nor do they occur in fiords in other parts of the world. The uniqueness is brought about by the combination of climate, topography, hydrology, oceanography, vegetation and larval recruitment environment. The biological communities within the fiords require a complex set of environmental conditions for their survival and this is dependent on the preservation of the entire ecosystem. They are, therefore, highly susceptible to changing conditions.

The sensitivity of this unique environment is firmly acknowledged. Sharing this in a low impact way with clients to raise awareness and stewardship is one of the main principles behind our operation.

Adverse effects are avoided by following relevant rules and regulations as well

as best practise and continued education of all crew, staff as well as clients.

The impact on significant habitats of indigenous fauna is therefore expected to continue to be less than minor with the continued aim to be positive in future through restauration projects as well as raised awareness.

Please reference current efforts contributing to the Tamatea Restoration Project on www.puresalt.co.nz/conservation.

12. Intrinsic Values

The Coastal Plan describes intrinsic values *"in relation to ecosystems, meaning those aspects of ecosystems and their constituent parts, which have value in their own right, including-*

(a) Their biological and genetic diversity; and
(b) The essential characteristics that determine an ecosystem's integrity, form, functioning and resilience."

We do not believe our operation to have a negative impact on the intrinsic values.

To the contrary we provide people with a different opportunity to appreciate the uniqueness of the Fiordland ecosystems and its intrinsic values which fosters active stewardship and tangible positive impacts on local ecosystems as part of the Tamatea Restoration project.

13. Amenity Values

The principal value of this region is the overwhelming naturalness of the environment and associated factors such as water clarity, open space, peace, quiet, isolation and remoteness, which tend to enhance any recreational experience, whether it be a diving, kayaking, sightseeing, ocean cruising or nature-watching experience.

Amenity values may be derived from natural attributes or those that have been modified.

We're seeking to where practicable, enhance the amenity of the coastal marine area as opportunities arise in line with policy 5.3.7.

14. Public Access, Navigation and Safety

Whilst navigating around the coastal marine area of Fiordland we won't pose any particular navigational or safety issue as we're bound by Maritime law and its resulting navigational rules.

On the contrary by carrying lifesaving, medical and safety equipment well in excess of any vessel solely operating inshore we believe to be an asset in terms of safety within the coastal marine area of Fiordland.

The use of recognised anchorages will have an effect on public access to said anchorages by other vessels. However, such anchorages are used at a first in first served basis and with that any recreational vessel would have the same impact. Many of the anchorages are capable of accommodating multiple vessels at any given time and all operators make a conscious effort to avoid each other to further mitigate potential effects on any intrinsic values.

The charters enhance public access to appreciate not only the scenic values of the area but its heritage and ecosystem as well. Access is otherwise limited to flying over or walking into the National Park which poses very different experiences.

15. Bio invasion

The sister ship will generally be based in Fiordland asides from maintenance, survey, emergencies or once of commercial contract work and will operate with a 'Clean Vessel Pass' in line with the Fiordland Marine Pathways Plan.

If the vessel departs Fiordland it will be inspected for biofouling prior to re-entry. The vessel is to be slipped in accordance with the survey schedule for reapplication of anti-fouling at least bi annually.

All other watercraft namely kayaks, paddleboards and tenders are cleaned monthly and visually inspected prior to any use. They will also continue to be inspected and cleaned before re-entry following any period spent outside the Fiordland Marine Area.

Other on-board equipment such as fishing rods and tackle, dive suits, dive cylinders, fins, masks and snorkels are treated in the same manner.

Client equipment brought on-board is also cleaned prior to use within the Fiordland Marine area as well as the Fiordland National Park to avoid the introduction of plants, animals or diseases that do not naturally occur in the area.

Furthermore, we will continue to carry out monthly hull inspections as part of our maintenance schedule. For vessels spending most of the year within the fresh water layers of the fiords we have not found any biofouling beyond a light layer of slime. Any organisms found will be disposed of appropriately and Environment Southland biosecurity staff will be advised of any finds.

Anchoring close to rodent free islands is avoided where possible but some activities may occur around such islands. Rodent control on-board is carried out by the way of bait stations and kill traps which are regularly checked. Before any shore visits client bags are put through an on-board quarantine.

We are acutely aware of the risk of bio invasion associated with vessel movement as well as the potentially devastating impact on the local marine environment as well as the National Park. Hence, we'll continue to follow best practice in line with the Fiordland Marine Pathways Management Plan as well as the Fiordland National Park Management Plan to avoid such introduction. Beyond that a second vessel will allow us to continue and expand our work around biosecurity, awareness and underwater clean-ups.

16. Cumulative effects

Individual activities by themselves may have a minimal impact, but the combined influence of all activities in any given area may give rise to adverse effects.

There is a number of consents allowing similar types of activities around Fiordland as well as recreational vessels and fishing vessels which results in occasional but not very common encounters.

The resulting visual impact is dwarfed by the scale of the environment and generally counteracted by all operators as we actively seek to avoid one another to uphold the remoteness value our clients seek.

Due to the vastness of this wilderness area vessel interactions will generally occur at distance and the cumulative impact, including on the landscape and natural character is minimal.

The impact is further reduced by the new vessel appearing identical to the currently operated vessel resulting in no increase in the perceived number of other vessels encountered by the observer.

The cumulative effects of the current level of activity are considered less than minor as some vessel activity, including commercial vessel activity is considered

a reasonable, appropriate as well as low impact way for people to visit this remote location.

It can be seen to be unreasonable to assume the proposed addition of a sister ship resulting in *a deterioration of existing environmental values* as the drive is to increase the efforts behind the social enterprise to enhance the very same values.

It is reasonable to see the proposed level of activity below 'carrying capacity' and with that remaining within an appropriate level of use for the area.

17. Restoration - Kaitiakitanga

18.4.26 of the Regional Coastal plan ask *where appropriate, applications should include a description of any restoration or rehabilitation proposed.*

While the Plan focuses on the sustainable management of the coastal marine area, it also recognises that management issues do not stop at administrative boundaries. It also recognises that *together with the extremely high natural character of the adjoining land, the natural character of the coastline and coastal waters creates a coastal environment of outstanding and unparalleled quality internationally.*

With a sense of guardianship and responsibility our operation wholeheartedly supports the Tamatea Restoration plan in conjunction with the Department of Conservation and Ngāi Tahu aiming to ***restore Tamatea Dusky Sound to one of the most intact ecosystems on earth, and New Zealand's largest 'bio bank' – a source of endangered native species that can be sent to pest free locations throughout the country.***

Pure Salt is currently funding, planning and carrying out predator control work on Mamaku Indian Island to support conservation efforts outlined in the Tamatea/Dusky Sound Restoration Plan and wider Fiordland National Park. We have a signed Community Agreement with DOC (DOC-5890214) and a Variation specific to the activities on Long Island to undertake this work (DOC-5923247).

The network of traps on Mamaku Indian Island was established in only 8 months with tracking of rats dropping from 30% – 3% since implementation and work on Long Island being well underway to reduce stoat numbers and with that tangibly increase the health of local ecosystems through three charitable

conservation charters annually.

A further week is committed to our TamateaBLUE project looking to educate around sustainable fishery, biosecurity as well as carry out underwater clean-ups which have taken place over the past couple of years and will continue to be carried out involving local fisherman as well as hopefully other operators down the line.

Yet a further week is committed to TamateaLEARNZ around education and inspiration for the future generation around ecosystem restoration. A collaboration between the Department of Conservation, Ministry of Education, CORE Education and Pure Salt funded between the ministry and ourselves. Now carried on by Pure Salt as an annual feature (https://www.learnz.org.nz/expeditionfiordland203 or www.puresalt.co.nz/learnz)

We believe in social enterprise, applying commercial strategies to maximise improvements in financial, social and environmental well-being.

A mirroring of our current operation would allow for a doubling of the efforts above and with that have a significant positive impact on local ecosystems, amenity and wilderness values, education, heritage, habitats, natural character and biodiversity.

18. Summary

In conclusion, the main effect of an additional vessel as part of our operation is the presence of the vessel herself which will not be perceived as an addition to already operating vessels but instead be perceived as another sighting of the same vessel and with that pose no perception of an increase in number of vessels in total.

The Fiordland Coastal Marine Area is open to any private vessel with the Coastal Plan placing controls on certain commercial activities in order to prevent overuse alongside the at times prohibitive weather and sea conditions placing natural limits on access.

As existing consent holders, we're seeking continue to provide high quality experiences in a safe and environmentally conscious way with the main drive to increase our efforts to support the Tamatea Restoration project aiming to ***restore Tamatea Dusky Sound to one of the most intact ecosystems on earth, and New***

Zealand's largest 'bio bank' – a source of endangered native species that can be sent to pest free locations throughout the country.

We're very aware of the privilege of operating within Fiordland and act in line with the Coastal plan to protect the diverse values including habitats, *natural character, amenity, open space, landscape, biodiversity, tangata whenua and other cultural, historical, spiritual or conservation values. These values are the heritage of future generations. To provide that heritage the current generation has a responsibility to pass on the coastal values in a condition at least equal to that it enjoys.* Which is what we're aspiring to.

Overall, we believe the potential and actual negative effects of our operation on the environment will continue to be less than minor and on the contrary aim for any effects to be positive.

IV Consideration of Statutory Documents

Within this application the statutory documents considered are the Resource Management Act 1991, Fiordland National Park Management Plan and the Fiordland Coastal Plan. No detailed analysis of the New Zealand Coastal Policy Statement (NZCPS), Regional Policy Statement (operative and proposed), Fiordland Marine Conservation Strategy or Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan are provided, as they are dealt with in more detail within the Regional Coastal Plan, which cannot be inconsistent with either of these higher-level documents.

A. Provisions of the Environment Southland Regional Coastal Plan

Both the operative and the proposed plan support enhancing public access while protecting those values of the coast that are more important in any particular location.

A number of provisions are relevant to this application, which are assessed and set out below.

Policy 4.1.1 - Identify the values of the coastal marine area, which require

protection: the degree of protection of each value to be commensurate with the significance of the value.

Objective 4.1.1 - To avoid, wherever practicable, remedy or mitigate any adverse effects from the use and development of the natural and physical resources within the coastal environment.

Objective 4.1.2 - To identify and protect significant conservation values within the coastal marine area.

Objective 5.1.1 - To preserve the natural character of the coastal marine area.

Objective 16.1.1 - To maintain the essential characteristics of the pristine coastal marine area environment adjoining the Fiordland National Park that contribute to a range of high quality experiences in a natural coastal environment.

Objective 16.1.2 - To preserve the remoteness and wilderness values of the internal waters of Fiordland.

Objective 16.1.3 - To ensure that commercial and private recreational surface water activities do not adversely affect the intrinsic values of the Fiordland coastal environment.

We provide visitors with a high-quality experience of the unique Fiordland marine coastal area and its intrinsic values without giving rise to persisting adverse effects. It is also in our interest to protect the natural character as well as the wilderness and remoteness values to ensure future generations continue to have a reason to visit. We seek to particularly underpin the above through client education, underwater clean ups, biosecurity measures and sustainable fishing efforts by only collecting for the table and practising full utilisation of anything and everything collected. With that we believe to be operating in line with the key objectives and policies of the Coastal plan stated above.

The coastal plan also seeks to ensure that the intensity of use of the marine area does not exceed an appropriate level, which is provided for in the following.

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.

Policy 16.2.2 - Limit the extent and number of commercial activities that occur within the coastal marine area of Fiordland to a level which does not reduce natural character, landscape and amenity values, specifically remoteness and tranquillity values.

Vessel access can be considered to be one of the less intrusive means of visiting Fiordland as no trace is left upon their departure; having a very low impact on ecosystems and above values.

Objective 4.2.1 - To ensure that only those activities and developments that have a functional need to be located in the coastal marine area or for which there is no practicable alternative location outside the coastal marine area are situated there.

The need for a second vessel to be situated within the coastal marine area is self-evident as the existing client base and business is structured around the remoteness values and solitude the Fiordland Coastal Area offers and the intent is to increase the efforts towards the Tamatea Restoration Project above and below water which the additional vessel would allow for not just in funding but also in education and connection of our clients as well as needed access to carry out the conservation work in this remote setting.

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.

Objective 4.7.1 - To avoid, remedy or mitigate cumulative adverse effects.

Objective 4.7.2 - To obtain a level of use which is appropriate in the coastal marine area, particularly in areas where remoteness, wilderness and tranquility are significant components of the environment. Explanation - Natural character and amenity values of remote coastal marine areas are easily adversely affected by the number and types of activities that may occur there. Each area has a level or "carrying capacity" where the number and type of activities and the number of people participating in those activities do not adversely affect the sustainability of the existing environmental values. Once an area reaches its carrying capacity, the addition of any further activities, any increase in the extent of activities already present, or any increase in the number of people participating in those activities would result in a deterioration of existing environmental values. It is therefore important to strike an appropriate level of use for the area (which could include "no use") so that the coastal values of all users are largely protected.

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

The outcome of the above is the enforcement of set limits on the commercial activities that can be undertaken within the coastal area. We're seeking to operate where our operation is already present and seek to mitigate cumulative adverse effects through the operation of a sister ship to not exceed perceived carrying capacity.

The proposed addition of a sister ship is no more likely that the presence of a further recreational vessel to have *a deterioration of existing environmental values*. Furthermore the drive is to increase the efforts of our social enterprise to enhance the very same values the Plan seeks to protect.

It is therefore reasonable to see the proposed level of activity below 'carrying capacity' and with that remaining within an appropriate level of use for the area.

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.

Providing access to remote Fiordland is important for the social and cultural aspects of society in particular with the majority of clients being kiwi. Beyond that there is the continued economic benefit for our current operation as well as all its dependents whilst continuing to provide an environmentally conscious choice for the access to Fiordland that at the same time, being a social enterprise, has a built-in mechanism to enhance the environment it operates in.

The coastal plan provides for the protection of amenity values, open space values as well as noise levels in the following.

Policy 5.3.1 - Protect amenity values of the coastal marine area.

Objective 5.3.1 - To ensure that the use and development of the resources of the coastal marine area will not have significant adverse effects on amenity values, nor on the safety of the public, nor on the enjoyment of the coast by the public.

Amenity values are defined as *"those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes". These qualities and characteristics could include natural character, safety, values worthy of special protection, landscapes of importance, open space, values of adjoining areas, high water quality and people. Amenity values may be derived from natural attributes or those that have been modified."*

Objective 5.3.3 – To recognize, maintain and enhance the contribution that open space makes to the amenity values in the coastal environment

Objective 5.3.7 – To ensure that the effects of noise in the coastal marine area do not adversely affect people's health and well-being, natural character and amenity values.

Operation of a vessel in the marine area has a less than minor impact on amenity values, as its movements are transient. Hence any potential effects are temporary unlike those of a structure. Nothing permanent remains from a visit.

Due to the nature of our operation it's in our best interest to protect and enhance the natural environment our clients and other users of the area seek to enjoy. Our committed support of the Tamatea Restoration Project and Fiordland ecosystem restoration as a whole is aiming to have a positive effect on amenity values by enhancing natural qualities and characteristics and people's appreciation of such.

The coastal plan asks for protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna and the intrinsic values of ecosystems seeing it as *desirable to protect ecosystems from the adverse effects of introduced living organisms, plants, and contaminants whether organic or inorganic, and from unnecessary disturbance. Ecosystems should not be unnecessarily modified. Protecting the intrinsic value of ecosystems also helps to maintain natural biodiversity.*

This is further underpinned by the Resource Management Act *requiring those exercising functions and powers under it (territorial authorities and regional councils, Ministers of the Crown, and their departments) to recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi (wahi) tapu, and other taonga (taoka) (Section 6), to have particular regard to kaitiakitanga (kaitiakitaka) (Section 7), and to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) (Section 8).*

Kaitiakitaka includes an obligation on people to use resources in ways which respect and preserve other resources in the environment. Kaitiaki has the function of alerting people to the obligations of compliance with the tenets of this relationship.

Kaitiaki, and the exercise of their responsibilities, kaitiakitaka, are a part of Maori culture and spiritual belief, rooted in the values of Maori society; it implies a relationship between people and the environment; a sense of stewardship, guardianship and responsibility.

> *Objective 5.4.1. - To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna within the coastal marine area.*
>
> *fulfilment of Sections 5 including 5(2)(b), 6(c) and 7(d) of the Resource Management Act and embodies elements of Policy 1.1.2 and Principles 6 and 11 of the New Zealand Coastal Policy Statement. What is of significance could be related to:*

- *uniqueness;*
- *quality;*
- *quantity;*
- *diversity;*
- *physical characteristics which afford an opportunity;*
- *distinctiveness;*
- *natural character;*
- *cultural and social values;*
- *the life supporting capacity of ecosystems.*

Areas could be of significance locally, regionally or nationally. Cumulatively, areas of

local significance may be of regional or national importance.

Objective 5.4.1.2 - To protect the intrinsic values of ecosystems in the coastal marine area.

Policy 5.4.1.2 - Protection of habitats of important species

Policy 5.4.1.4 - Promoting understanding of ecosystem interactions

Policy 5.6.1 - Kaitiakitaka – Having a particular regard to the concept of kaitiakitaka in relation to managing the use, development and protection of natural and physical resources in the coastal marine area.

The concept of Kaitiakitaka naturally runs through how we see the world around us and run our operation within it.

It is the very drive behind wanting to mirror our current operation in order to double our positive effects by supporting the protection of the intrinsic values of ecosystems, the significant indigenous vegetation and habitats of significant indigenous fauna within the coastal marine area in line with the objectives and policies of Section 5.4 as well as install a sense of stewardship in every client.

Overall our operation is a discretionary activity under Rule 16.2.1(7) so long as areas listed in the non-complying rule aren't entered. The proposal is consistent with the

Regional Coastal Plan which provides for activities such as ours as long as they don't have any significant adverse effects on the environment.

Our current operation is seen as consistent with both the operational as well as proposed Regional Coastal Plans and we believe an extension to a second vessel would remain in line with both posing no significant adverse effects to the environment. Instead we're seeking to pose tangible positive effects for the local ecosystems as part of the Tamatea Restoration Project and beyond.

B. Provisions of the Fiordland National Park Management Plan

The boundary of the National Park follows the mean high-water springs of the Fiords and therefor the provisions of the Fiordland National Park Management Plan do not apply to surface water activities. However special care needs to be taken to also protect he significant natural, historical, cultural and recreational values of the park. Therefore, we've also given consideration to a number of sections as part of this application.

Section 5.6

> *The areas below mean high water mark are outside of Fiordland National Park and surface water activities are managed by Southland Regional Council through the Southland Regional Coastal Plan and the resource consent processes of the Resource Management Act 1991. The Department of Conservation's advocacy position regarding use of the coastal waters adjoining Fiordland National Park will be based on providing for a range of different intensities and kinds of use, that are consistent with the adjacent visitor settings within the Fiordland National Park wherever practical. In particular, some parts of the coastal waters adjoining Fiordland National Park should remain completely free from commercial and motorized use to protect the existing remote boating opportunities, while growth in visitors should be provided for in other areas.*

For boating and facilities, the following objectives are set out.

> *1. To provide recreational boating and Fiordland National Park access by boat in the front country and backcountry visitor settings of Fiordland National Park providing adverse effects can be minimized and to ensure it is compatible with the national park values for which the surrounding land is managed.*
>
> *2. To provide recreational boating and Fiordland National Park access by boat in the other visitor settings, but only to an extent that does not compromise indigenous biodiversity values or the other recreation opportunities that these areas are managed for.*

3. To ensure commercial boating activities in Fiordland National Park are consistent with the visitor setting objectives in section 5.3 Visitor Settings.

4. To avoid conflicts between different types of boat use and other water-based activities or with other recreational activities in general.

5. To consider the establishment of appropriate shoreline facilities consistent with visitor settings and national park values to meet boating needs.

The relevant provisions are as follows.

5) The speed and route of commercial vessels should be managed to minimize the wake effects on the shoreline and shoreline vegetation and wildlife.

8) Advocate to Southland Regional Council through the Resource Management Act 1991 or other processes the following:

a) Maintain a level of use on the whole of Doubtful Sound / Patea complex including Thompson and Bradshaw Sounds that is significantly less than Milford Sound / Piopiotahi and reflects the remote visitor setting of the adjacent land area;

b) Within the Doubtful Sound / Patea complex, maintain some areas such as parts of Hall Arm, Crooked Arm, First Arm and Bradshaw Sound as having no motorised use and low or no levels of commercial use;

c) In the fiords south of Doubtful Sound / Patea maintain levels of use that are relatively low and significantly less than Doubtful Sound / Patea;

d) Retain extremely low levels of commercial use on some of the fiords between Milford Sound / Piopiotahi and Doubtful Sound / Patea (Caswell, Charles and Nancy Sounds);

e) Retain some of the fiords along the coast between Milford Sound / Piopiotahi and Doubtful Sound / Patea with no commercial use, possibly those adjacent to the Glaisnock Wilderness Area (Sutherland and Bligh Sounds);

h) Seek the protection of significant wildlife and its habitat in the waters and foreshore of Fiordland, including marine mammals;

i) Ensure boating activities and the access they provide to the islands of Fiordland National Park do not adversely affect the biodiversity and recreation values on these islands (refer to section 4.8 Island Management);

The potential effects of wake as stated earlier can be considered minor while the cruising speed is naturally kept low to allow visitors to take in their surroundings.

Operation of a sister ship would mirror current operation and with that can be seen as compliant with the above whilst actively seeking to increase biodiversity and protect significant wildlife and its habitats backed by existing track record.

5.3.6 Remote Visitor Setting

1. To manage all remote visitor settings for low impact recreation opportunities distant from high use areas; while protecting the areas' other national park values. The following key attributes will be protected:

a) A predominance towards self-reliance;

b) Few encounters with other visitors (not more than one encounter with other visitor groups per day) and small group sizes;

c) Relatively free of recreation facilities;

d) Access is generally non-mechanised; and

e) Visitors expect to be away from sights and sounds of human influence.

We believe that we seek to protect the same attributes that are to be protected in the FNPMP. Our ethos is to create lasting memories, whilst aiming to not just maintain but increase ecosystem values for now and future generations.

C. Provisions of Part II of the Resource Management Act

The RMA is the backdrop for the above. Its purpose is "*to promote the sustainable management of natural and physical resources. Where sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*

(a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Mirroring our current consent issued under this Act is perceived to be compliant with its purpose. Mirroring our operation constitutes a comparatively minor increase in the use of the resource that is the Fiordland coastal marine area whilst actively seeking to enhance it proposing significant positive effects on the ecosystems the RMA seeks to safeguard. Any adverse effects are dealt with in the above and considered less than minor.

Section 8 of the Resource Management Act 1991 requires that "*in achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)".*

The principles of the Treaty of Waitangi (Te Tiriti o Waitangi being sovereignty and kawanataka, exclusive possession and rangatiratanga [rangatirataka], partnership, and active protection.

Ngāi Tahu recognise that recreational, commercial and domestic use of the coastal marine area should be available for the good of all society. However, any use and management must respect the rights of Manawhenua Ngai Tahu and take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). Ngai Tahu see the consultation process as the most appropriate avenue for these principles to be addressed and have been engaged prior to starting the application process as per communication in Appendix III.

With regards to achieving the purpose of the Act, Section 6 Matters of national importance ask "*persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:*

(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:
(b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:

(c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:
(d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:
(e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:
(f) The protection of historic heritage from inappropriate subdivision, use, and development:
(g) The protection of protected customary rights.

The expansion of our operation poses a minor increase in development or perceived use compared to current operation. It is believed to have minimal effect on the natural character of the coastal marine area and the transient nature of both sister ships operation meets the intent of the above. There will be no negative impact on public access; instead there'll be an enhancement of public access to an otherwise hard to reach wilderness area.

Furthermore section 7 Other matters ask that "*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.

In the expansion of our operation we seek to be consistent with the matters above. With particular regard to the ethic of stewardship the amenity and intrinsic values of the unique ecosystems as well as the quality of the environment will be sought to not only be maintained but improved.

Lastly section 104 (2A) asks *when considering an application affected by section 124 or 165ZH(1)(c), the consent authority must have regard to the value of the investment of the existing consent holder.*

Starting an operation within such a remote environment results in naturally large investment with equivalently large overheads.

Firstly, the original lease cost and then purchase of our vessel M.V. Flightless as well as the proposed purchase of her sister ship. Besides the lease and purchase costs are large sums of maintenance, refit, insurance and survey costs.

Secondly, the training of staff as well as set up of office space and ongoing associated costs as well as the purchase and upkeep of all charter relevant equipment.

There is also a substantial investment in marketing activities over the years as well as the good will built up around our operation.

Finally, our operation currently provides full time employment to six individuals and an additional vessel would add further full-time permanent positions within the tourism sector in Southland, currently hard hit economically.

D. Fiordland Marine Conservation Strategy

This integrated approach to managing Fiordland's fisheries and marine environment so *that the quality of Fiordland's marine environment and fisheries, including the wider fishery experience, be maintained or improved for future generations to use and enjoy.* The intend we firmly believe to operate in line with as we're only collecting and catching for the table actively promoting, acting and educating around sustainable fishery, biosecurity, underwater clean ups as well as full utilisation. Section five of the Fiordland Marine Conservation Strategy deals with the major risks to the marine environment which have been considered and already addressed as part of this application and are therefore not relisted here.

E. Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan

Section 8 of the Resource Management Act 1991 requires that "in achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)".

The principles of the Treaty of Waitangi (Te Tiriti o Waitangi) are outlined below; these being sovereignty and kawanataka, exclusive possession and rangatiratanga [rangatirataka], partnership, and active protection.

Those principles should be imbedded within the Regional Coastal Plan, which cannot be inconsistent with the RMA being a higher-level document which has already been addressed in detail as part of this application.

Ngai Tahu recognise that recreational, commercial and domestic use of the coastal marine area should be available for the good of all society. However, any use and management must respect the rights of Manawhenua Ngai Tahu and take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). Ngai Tahu see the consultation process as the most appropriate avenue for these principles to be addressed.

The kaupapa of the above plan is Ki Uta Ki Tai – From the Mountains to the Sea with the *idea that if the realms of Tāwhirimatea (god of the winds), Tāne Mahuta (god of all living things), Papatūānuku (mother earth) and Tangaroa (god of the sea) are sustained, then the people will be sustained.*

The kaupapa reflects the knowledge that resources are connected, from the mountains to the sea, and must be managed as such. Furthermore the kaupapa reflects that we belong to the environment and are only borrowing the resources from our generations that are yet to come. It is considered our duty to leave the environment in as good or even better condition than received from our tūpuna.

We could not stand behind those principles and expressions of kaitiakitanga more strongly genuinely aiming for our operation to play a tangible role in ensuring *the protection, restoration and enhancement of the productivity and life supporting capacity of mahinga kai, indigenous biodiversity, air, water, land, natural habitats and ecosystem, and all other natural resources valued by Ngāi Tahu ki Murihiku.* Whilst encouraging *a sense of belonging and social responsibility with respect to the surrounding environments* through our operation as we believe humans to be a part of nature as supposed to apart from it.

We don't see ourselves as tourism operators as for us it is all about place and people.

With all of us having a responsibility for our footprints whether it is your first now, one reaching back to the beginnings of time or one yet to be placed. All of us carrying that responsibility together. All of us needing to act together in the spirit of the above kaupapa.

V Consultation

The Resource Management Act stipulates in clause 1(h) that persons affected by the proposal are to be identified and consultation to be undertaken.

We have notified Te Runanga a Ngāi Tahu identified as iwi group having applied for Customary Marine Title for the Fiordland Coastal Marine Area under The Marine and Coastal (Takutai Moana) Act 2011 and 'seeked their views' on this proposed application as well as to recognise Tangata Whenua under Resource Management Act provisions *to recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi (wahi) tapu, and other taonga (taoka) (Section 6), to have particular regard to kaitiakitanga (kaitiakitaka) (Section 7), and to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) (Section 8)*.

Contact was made by phone call followed by email through Rachel Brown listed on the council website and Ronnie Cooper, principle manager – policy – Te Whakaariki (Stategy&Influence) for Te Rūnanga o Ngāi Tahu replied via email that they have *no comment to make regarding your mahi at this time. Engagement processes between mana whenua and councils (which are quite separate from the application by Te Rūnanga under the Takutai Moana legislation) will allow mana whenua to make comment if appropriate*.

We were advised that Environment Southland will identify any further potentially affected parties for us to attain written comment from upon lodging of this application.

VI Conclusion

Within this assessment we have taken into account relative provisions of the Resource Management Act, the Fiordland National Park Management Plan, the Regional Coastal Plan, the Fiordland Marine Conservation Strategy as well as the Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan.

Overall, we believe an additional Coastal Permit to mirror our current operation to be consistent with the provisions of those documents.

Any negative effects potentially arising from our activity are transient by the nature of the operation. Therefore, any actual or potential negative effects on the environment can be seen to continue to be less than minor.

At the same time potential and actual positive effects are to increase substantially in line with the achievements of the current operation and its social enterprise component.

It's therefore submitted that the application can be processed by non-notification, and granted subject to appropriate conditions.

Yours sincerely,

Seán Ellis & Maria Kuster

Appendix I

Application Forms

Application for Resource Consent (PART A)

environment SOUTHLAND REGIONAL COUNCIL Te Taiao Tonga

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

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

Full name, address and contact details of applicant *(in whose name consent is to be issued)*

Name: Seán Ellis and Maria Kuster

Address: 253D Ramparts Road

Te Anau 9679

Email: maria@puresalt.co.nz

Phone: 02102201170 *Preferred* 0221007710 *Additional* Fax:

Date(s) of birth: Seán Ellis 27/06/1982 Maria Kuster 19/05/1984

Consultant contact details *(if different from above)*

Contact name/agent: N/A

Address:

Email:

Phone: *Preferred* *Additional* Fax:

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

Land Use

- [ ] Bore/well
- [ ] New or expanded dairy farming
- [ ] Effluent storage
- [ ] Cultivation
- [ ] Tree planting
- [ ] Gravel extraction
- [ ] Feed-pad, wintering pad, calving pad or silage pad
- [ ] Riverbed activity
- [ ] Bridges and culverts

Discharge

- [ ] To air
- [ ] To water
- [ ] To land

Water

- [ ] Take and use surface water
- [ ] Take and use groundwater
- [ ] Dam water
- [ ] Divert water

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

1 Are there any **current** or **expired** consents relating to this proposal? ☐ Yes ☒ No

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

2 Are any other consents required from Environment Southland or **other authorities**? ☐ Yes ☒ No

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

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

To carry out commercial surface water activities, in the coastal marine area adjacent to Fiordland National Park from Yates Point to Puysegur Point

4 **Location** of proposed activity

Address: Coastal marine area adjacent to Fiordland National Park from Yates Point to Puysegur Point

Legal Description: Coastal marine area adjacent to Fiordland National Park from Yates Point to Puysegur Point

Map Reference (NZTM 2000): 1101021 E 4876984 N

5 The name and address of the **owner /occupier**: (if other than the applicant)

Name: The Crown (NZ Government) Phone: +64 4 460 0110

Address:

Street address:
Level 7
Radio New Zealand House
155 The Terrace
Wellington 6011

Postal address:
PO Box 5501
Wellington 6145

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

7 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.

8 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.

9 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.

10 How much will it cost to process my application?

The cost of a consent depends on the complexity of the activities. Staff time is charged out at a rate of $145/hr and vehicle use for site visits is charged at $0.73/km (inclusive of GST).

The fees shown below under section two are **deposits to be paid at the time of application**. Due to the complexity of these activities, this deposit will not usually cover the full cost of processing the application. **Further costs may be incurred** relating to staff time, disbursements, legal charges, consultation fees, and hearing commissioner fees. 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.

The Council's user charges are fixed under Section 36 of the Resource Management Act 1991. Our fee schedule is:

1. Fixed fee:	
Bores and wells	**$303**
Whitebait stand	**$230**
2. Deposit:	
All other non-notified applications including: • Certificates of compliance • Changes to consent conditions (variations) • Change of lapse date	**$1,500**
Applications that require notification or limited notification	**$2,000**

How to pay

Environment Southland accepts payment in the forms of cash, Eftpos, cheque, 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.

User Charges

Please note that additional Annual User Charges will apply to all consents. These are payable in advance on the first day of July each year. Tables 4, 5 and 6 of the Environment Southland User Charges and Fees Schedule outlines the fees associated with Annual Administration Charges and Annual Consent Monitoring and Inspection Charges. Table 7: Annual Research and Monitoring Charges applies only to surface and groundwater takes and comprises the following:

- **Surface water takes (per consent, for volumes up to 50,000 m^3/day):**
  - A charge of **$2.08** per year per cubic metre authorised as a maximum daily take.
  - Minimum of **$138**, maximum of **$8,363.00**.
- **Surface water takes (per consent, for volumes over 50,000 m^3/day):**
  - **$0.0031** per cubic metre authorised as a maximum daily take.
- **Groundwater takes (per consent):**
  - A charge of **$0.98** per year per cubic metre.
  - Minimum of **$162**, maximum of **$1,965.00**.

Municipal and stock water discount (of 50%) no longer applies.

11 Checklist: Have you included the following?

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

Note:

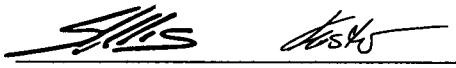
(a) If your application does not contain the necessary information and the appropriate fee, Environment Southland must return the application.

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 ELLIS AND MARIA KUSTER

Signed  **Date** 18/01/2021

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

Application for a Coastal Permit (PART B)

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

environment SOUTHLAND REGIONAL COUNCIL
Te Taiao Tonga

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

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
- [x] 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? 20 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.**

See the Assessment of Environmental Effects

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

1st of July 2021

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

Contracting company name: Pure Salt NZ Ltd

Contact person: Maria Kuster

Phone number: 02102201170

Existing Environment

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)?	✓	
(c) Wetlands, wildlife habitats or bird nesting habitats (e.g. swamp areas)?	✓	
(d) Other activities occurring in the area (e.g. commercial activity, fishing, swimming, boating)?	✓	
(e) Areas of particular aesthetic, cultural, heritage or scientific value (e.g. archaeological sites)?	✓	
(f) Waste discharges, water takes and/or monitoring sites?		✓

See the Assessment of Environmental Effects

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 the Assessment of Environmental Effects

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 the Assessment of Environmental Effects

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 the Assessment of Environmental Effects

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

See the Assessment of Environmental Effects

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 the Assessment of Environmental Effects

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 the Assessment of Environmental Effects

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

See the Assessment of Environmental Effects

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

See the Assessment of Environmental Effects

(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 the Assessment of Environmental Effects

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

See the Assessment of Environmental Effects

(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 the Assessment of Environmental Effects

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 the Assessment of Environmental Effects

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

See the Assessment of Environmental Effects

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 the Assessment of Environmental Effects

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

Staff are able to advise whether this is required, as it is dependent on the location, scale and complexity of your proposal. We invite you to come in for a pre-application meeting with Environment Southland consents staff to discuss this. The first half hour of assistance on any application or proposal is free of charge, with subsequent assistance being charged according to the Environment Southland Fees and Charges schedule.

END OF FORM

Coastal Permit Technical Comment

For all consent applications that may affect navigational safety

environment SOUTHLAND REGIONAL COUNCIL Te Taiao Tonga

Activities in coastal waters or on rivers and lakes may affect navigational safety or other areas of interest to the Harbourmaster. The Harbourmaster also assists the Consents Division by providing expert input into assessments of consent applications, where necessary.

Comments from the Harbourmaster assist with prompt decision making on consent applications.

This form should be completed and included with any consent application for an activity in a navigable water body that affects, or may affect, navigational safety. This includes applications for the installation, extension or removal of a structure in a navigable water body, any reclamation, and any commercial surface water activity in any navigable water body.

Section 1: Applicant to complete

Name: Seán Ellis & Maria Kuster

Address: 253D Ramparts Road Te Anau 9679

Proposed activity: To carry out commercial surface water activities, in the coastal marine area adjacent to Fiordland National Park from Yates Point to Puysegur Point with a vessel of approximately 27m LOA

Location: 1101021E 4876984N

Use NZTM2000 or otherwise identify the location accurately

Type of consent sought: Coastal consent for commercial surface water activity

e.g. Land use consent for works in a river bed; coastal permit for occupation of coastal space

Consent sought:

- ☑ A new consent for a new activity, or
- ☐ A new consent for an existing activity
- ☐ A change to a condition of an existing consent

Section 2: Harbourmaster or the Deputy Harbourmaster to complete

In my assessment, the following has been taken into account by the applicant when assessing adverse effects of their proposed activity (tick all that apply):

	Yes	No	N/A
Effects of the activity on navigational safety/bylaws	☐	☐	☐
Oil transfer sites and oil transfers	☐	☐	☐
Oil / fuel spill risk	☐	☐	☐

Other *(Comment)*: _____

In my assessment the following variables have been taken into account when assessing the adverse effects of the proposed activity (tick all that apply):

	Yes	No	N/A
Suitability of depth of water	☐	☐	☐
Vessel size suitability for the proposed area	☐	☐	☐
Integrity of holding ground for the anchor/mooring	☐	☐	☐
Sufficiency of the swing room for the vessel to rotate around the anchor/mooring without collision	☐	☐	☐
Other vessels are able to safely navigate in the area	☐	☐	☐
The structure, if existing, is well maintained, is safe and poses no hazard in itself	☐	☐	☐
Effect on other users of the area(s)	☐	☐	☐
Adequacy of anchorage size	☐	☐	☐

Other (*Comment)*: _____

Further comments:

Insert general comments about the application, other factors which were considered if not listed and outline any concerns here

Section 3 Harbourmaster or the Deputy Harbourmaster to complete

I do / do not believe the activities proposed will cause adverse effects on navigational safety.

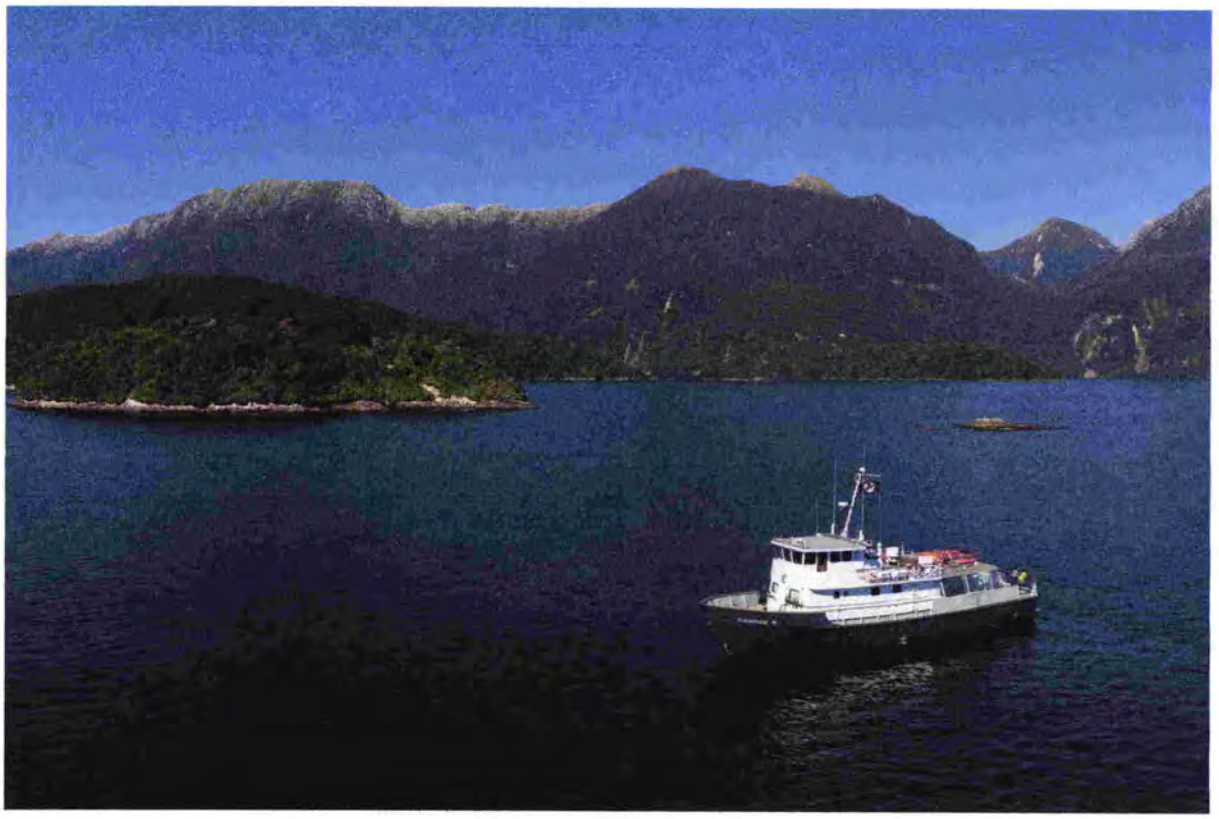
Signed: _____ Date:

Harbourmaster / Deputy Harbourmaster

(Disclaimer: The completion of this technical comment does not declare support for, or guarantee the granting of a resource consent application.)

Appendix II

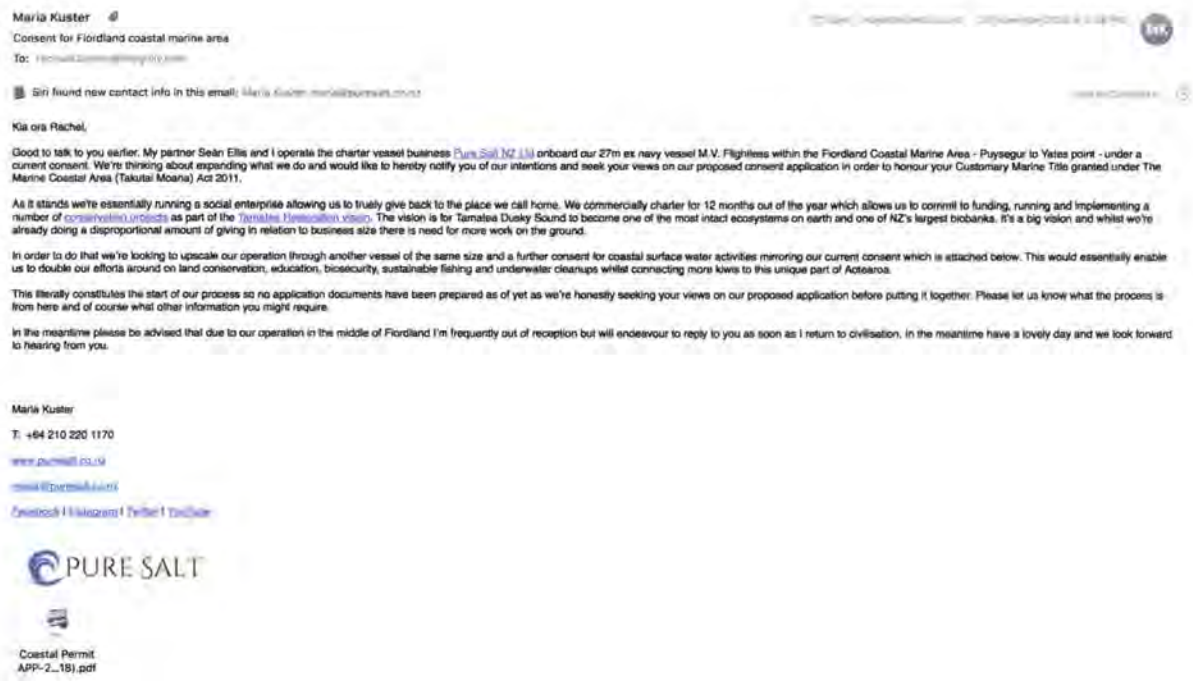
Image of M.V. Flightless



Appendix III

Te Rūnanga o Ngāi Tahu correspondance

After a clarifying phone call with Bruce Halligan from Environment Southland and Rachel Brown listed on the council website we have notified Te Rūnanga a Ngāi Tahu identified as iwi group having applied for Customary Marine Title for the Fiordland Coastal Marine Area under The Marnine and Coastal (Takutai Moana) Act 2011 and 'seeked their views' on this proposed application as per email chain below.



Maria Kuster

Consent for Fiordland coastal marine area

To:

Siri found new contact info in this email:

Kia ora Rachel,

Good to talk to you earlier. My partner Seán Ellis and I operate the charter vessel business Pure Salt NZ Ltd onboard our 27m ex navy vessel M.V. Flightless within the Fiordland Coastal Marine Area - Puysegur to Yates point - under a current consent. We're thinking about expanding what we do and would like to hereby notify you of our intentions and seek your views on our proposed consent application in order to honour your Customary Marine Title granted under The Marine Coastal Area (Takutai Moana) Act 2011.

As it stands we're essentially running a social enterprise allowing us to truely give back to the place we call home. We commercially charter for 12 months out of the year which allows us to commit to funding, running and implementing a number of conservation projects as part of the Tamatea Reinvigoration vision. The vision is for Tamatea Dusky Sound to become one of the most intact ecosystems on earth and one of NZ's largest biobanks. It's a big vision and whilst we're already doing a disproportional amount of giving in relation to business size there is need for more work on the ground.

In order to do that we're looking to upscale our operation through another vessel of the same size and a further consent for coastal surface water activities mirroring our current consent which is attached below. This would essentially enable us to double our efforts around on land conservation, education, biosecurity, sustainable fishing and underwater cleanups whilst connecting more kiwis to this unique part of Aotearoa.

This literally constitutes the start of our process so no application documents have been prepared as of yet as we're honestly seeking your views on our proposed application before putting it together. Please let us know what the process is from here and of course what other information you might require.

In the meantime please be advised that due to our operation in the middle of Fiordland I'm frequently out of reception but will endeavour to reply to you as soon as I return to civilisation. In the meantime have a lovely day and we look forward to hearing from you.

Maria Kuster

T: +64 210 220 1170

www.puresalt.co.nz

Facebook | Instagram | Twitter | YouTube

PURE SALT

Coastal Permit APP-2...18).pdf

George Dawson

RE: Consent for Fiordland coastal marine area [BG-B.FID986668]

To: [redacted] Cc: Rachael Brown

Siri found new contact info in this email: George Dawson george.dawson@bellgully.com

Kia ora Maria

Thank you for your email, which I am replying to as I assist Rachael with this work. We have passed it on to Te Rūnanga o Ngāi Tahu.

Ngā mihi

George

George Dawson Solicitor
BELL GULLY
DDI +64 4 915 6806
171 Featherston Street, Wellington, New Zealand

From: Maria Kuster <maria@puresalt.co.nz>
Sent: Tuesday, 24 November 2020 4:38 PM
To: Brown, Rachael REB <rachael.brown@bellgully.com>
Subject: Consent for Fiordland coastal marine area

CAUTION: This email is from outside of the firm.

Kia ora Rachel,

Good to talk to you earlier. My partner Seán Ellis and I operate the charter vessel business Pure Salt NZ Ltd onboard our 27m ex navy vessel M.V. Flightless within the Fiordland Coastal Marine Area - Puysegur to Yates point - under a current consent. We're thinking about expanding what we do and would like to hereby notify you of our intentions and seek your views on our proposed consent application in order to honour your Customary Marine Title granted under The Marine Coastal Area (Takutai Moana) Act 2011.

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Maria Kuster

T: +64 210 220 1170

www.puresalt.co.nz

maria@puresalt.co.nz

Facebook | Instagram | Twitter | YouTube

Ronnie Cooper

Takutai Moana

To: [redacted] Cc: [redacted]

Kia ora Maria

Thank you for your email., which has been forwarded on to me from Bell Gully.

Te Rūnanga o Ngāi Tahu have no comment to make regarding your mahi at this time. Engagement processes between mana whenua and councils (which are quite separate from the application by Te Rūnanga under the Takutai Moana legislation) will allow mana whenua to make comment if appropriate.

If you wish further information you should contact Te Ao Marama Inc, the environmental management entity for the Murihiku papatipu rūnanga, at 03-931-1242 or [redacted]

Nga mihi, Ronnie Cooper

[redacted]

Te Rūnanga o Ngāi Tahu

"E tahe a runga, e riro a raro"

CAUTION: This email and any attachment(s) contains information that is both confidential and possibly legally privileged.
No reader may make any use of its content unless that use is approved by Te Rūnanga o Ngāi Tahu and its subsidiary companies separately in writing.
Any opinion, advice or information contained in this email and any attachment(s) is to be treated as interim and provisional only and for the strictly limited purpose of the recipient as communicated to us.
Neither the recipient nor any other person should act upon it without our separate written authorization of reliance. If you have received this message in error, please notify us immediately and destroy this message.

Appendix IV

Current coastal consent APP-20181624

AUTH-20181624-02

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 **Sean Ellis & Maria Kuster** of P.O Box 115, Te Anau, Southland 9640 from **1 November 2018.**

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 commerical surface water activities in Fiordland.
Location	- site locality	In the coastal marine area adjacent to Fiordland National Park, from Yates Point to Puysegur Point
	- map reference	NZTM 2000: 1101021E 4876984N
Legal description at the site:		Marine and Coastal Area
Expiry date:		1 November 2038

History of Transfers and Changes

- Consent corrected on 09 November 2018

Schedule of Conditions

1. This consent authorises the undertaking of commercial surface water activities, in the coastal marine area adjacent to Fiordland National Park from Yates Point to Puysegur Point, with:

   (a) one vessel of up to 27 metres, registered length, with up to 17 passengers including crew;
   (b) up to 8 kayaks and 4 paddle boards; and
   (c) two tender crafts;

for the purpose of undertaking backcountry trips, as described in the application for resource consent dated 10 August 2018 and further information received 17 September 2018 and 2 October 2018.

2. 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 continuous period of two years or more.

Operational Restrictions

3. The Consent Holder may operate backcountry trips for a total of 365 days in any calendar year.

4. The Consent Holder must not any undertake trips within:
   (i) Hall Arm; or
   (ii) First Arm.

5. The consent holder shall operate commercial surface water activities (backcountry trips only) in the general area of Doubtful Sound, in any one year, as follows:

   (i) Crooked Arm - two occasions in any calendar year to pick up passengers walking the Narrow Neck Track from Dagg Sound to Haulashore Cove;
   (ii) Bradshaw Sound - two days in any month;
   (iii) Thompson Sound - two days in any month;
   (iv) Doubtful Sound, two days in any month; and
   (v) Deep Cove - limited access to pick up or off-load passengers and uplift stores

6. Notwithstanding Condition 5 above, the Consent Holder may only transit within Doubtful and Thompson Sounds as a thoroughfare for the purpose of, and to the extent necessary to:
   (a) pick up or off-load passengers to or from shore;
   (b) access services, wharves and launching areas; and
   (c) off-load cargo and uplift stores.

7. The Consent Holder shall limit the travel speed of the main vessel, tender vessels, and kayaks to 5 knots within 200 metres of the shoreline.

8. The Consent Holder shall avoid marine bird and mammal nesting and breeding areas as follows:
   (a) passengers or crew shall not land on any foreshore; nor
   (b) shall either the main vessel, tender vessels or kayaks 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 shall limit the travel speed of the main vessel, tender vessels and kayaks to 5 knots within 500 metres of a seal or penguin colony.

10. The Consent Holder shall not anchor within china shop areas, including the following:
   (a) Clio Rock in Bligh Sound;
   (b) the area at the intersection of Acheron Passage and Wet Jacket Arm between Breaksea and Dusky Sounds;
   (c) Nine Fathoms Passage, off Cooper Island, Dusky Sound; and
   (d) Narrow Bend from Adam Head to Sandy Point in Long Sound.

11. The Consent Holder shall not anchor within 400 metres of rat-free islands, including the following:

(a) Breaksea Island Group, including Wairaki Island and the island approximately 700 metres generally west thereof, and Hawea Island and the island approximately 700 metres east thereof;
(b) Entry Island;
(c) Thrum Cap;
(d) Passage Islands; and
(e) Chalky Island (Te Kakahu-O-Tamatea).

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 main vessel, tender vessels, kayak(s) or any other vessel operating under this Consent may only occur in accordance to the Resource Management (Marine Pollution) Regulations 1998, or any subsequent version.

Contaminant Spills

13. (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 approval of the Consent Authority.

Noise

14. The Consent Holder shall ensure that the activity complies with the noise standards set out in Rules 5.3.4 and 5.3.6 in the Regional Coastal Plan for Southland 2013 (or the relevant standards in any subsequent version).

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 main vessel, tender vessels and kayaks:
(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 main vessel, tender vessels, kayaks, 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 15(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 main vessel, tender vessels, and kayaks 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 main vessel at all times;

(c) inspect the main vessel, tender vessels, and kayak compartments, 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

17. The Consent Holder shall maintain a log of all operations, including:

(a) the location of sewage discharges;

(b) a log of all backcountry trip activities, including the following details:

(i) departure date and return date for each backcountry trip;

(ii) location(s) travelled to for each backcountry trip;

(iii) number of passengers aboard the vessel for each backcountry trip; and

(iv) the purpose of all activities, including use of the vessel and any ancillary activities such as: fishing, diving, and kayaking.

(c) the results of inspections for pests, unwanted organisms, or hull fouling organisms on the vessels, kayaks and equipment, in accordance with Conditions 15 and 16 of this consent.

A copy of the entries in this log shall be provided to the Consent Authority every three months in accordance with the following schedule:

Quarter Finish	Due Before
31 March	30 April
30 June	31 July
30 September	31 October
31 December	31 January

Review of Consent Conditions

18. 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.

Reissued 09 November 2018 following correction to Condition 1.

for the **Southland Regional Council**



Joanna Gilroy
Team Leader Consents

Notes

1. The definition of a 'commercial backcountry trip' is found within the Appendix 1 'Glossary of Terms' of the Regional Coastal Plan.

2. The boundaries of Doubtful Sound are defined in Rule 16.2.1 of the Regional Coastal Plan. The boundaries of Crooked Arm, First Arm, Hall Arm, and Bradshaw Sound are defined in Appendix 1 'Glossary of Terms' in the Regional Coastal Plan.

3. The anchoring or placement of moorings in china shop areas outlined in Condition 10 is also outlined in Rule 11.7.7.13 and maps 2-6 in Appendix 3A of the Regional Coastal Plan.

4. Mooring and anchoring near rat free islands in compliance with Condition 11 is a permitted activity. Mooring and anchoring within 400 metres of rat free islands is a discretionary and requires resource consent under Rule 11.7.7.2 of the Regional Coastal Plan.

5. The Southland Regional Council Navigation Safety Bylaws 2009 must be followed by the Consent Holder at all times.

6. Unless otherwise provided for in the Regional Coastal Plan, the generation of noise and the noise from a ship in motion are permitted activities, provided the criteria set out in Rule 5.3.4 and Rule 5.3.6 are complied with.

7. An activity log template can be downloaded from the Council's website at: http://www.es.govt.nz/document-library/forms-and-fees/Pages/Compliance-forms-and-permits.aspx

8. 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.

9. 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.

10. 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.

11. 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.

Appendix A - *Protocol in the event of a discovery, or suspected discovery, of a site of cultural importance (Waahi Taonga/Tapu)*

1. ***Kōiwi tangata accidental discovery***

If Kōiwi tangata (human skeletal remains) are discovered, then work shall stop immediately and the New Zealand Police, Heritage New Zealand (details below) and Te Ao Marama Inc (Ngai Tahu (Murihiku) Resource Management Consultants) shall be advised. Contact details for Te Ao Marama Inc are as follows:

Te Ao Marama Inc
Murihiku Marae, 408 Tramway Road, Invercargill
P O Box 7078, South Invercargill 9844
Phone: (03) 931 1242

Te Ao Marama Inc will arrange a site inspection by the appropriate Tangata Whenua and their advisers, including statutory agencies, who will determine how the situation will need to be managed in accordance with tikanga māori.

2. ***Archaeological Sites***

Archaeological sites are protected under the Heritage New Zealand Pouhere Taonga Act (2014), and approval is required from Heritage New Zealand before archaeological sites can be modified, damaged or destroyed.

Not all archaeological sites are known or recorded precisely. Where an archaeological site is inadvertently disturbed or discovered, further disturbance must cease until approval to continue is obtained from Heritage New Zealand. As stated above, the New Zealand Police and Te Ao Marama Inc also need to be advised if the discovery includes kōiwi tangata /human remains.

Heritage New Zealand c/o Dr M. Schmidt, Regional Archaeologist Otago/Southland
PO Box 5467, Dunedin
Phone: (03) 470 2364 Mobile 027 240 8715 mschmidt@heritage.org.nz

3. ***Taonga or artefact accidental discovery***

If taonga or artefact material (e.g. pounamu/greenstone artefacts) other than kōiwi tangata is discovered, disturbance of the site shall cease immediately and Southland Museum and Te Ao Marama Inc. shall be notified of the discovery by the finder or site archaeologist in accordance with the Protected Objects Act 1975. All taonga tuturu are important for their cultural, historical and technical value and are the property of the Crown until ownership is resolved.

4. ***In-situ (natural state) pounamu/greenstone accidental discovery***

Pursuant to the Ngai Tahu (Pounamu Vesting) Act 1997, all natural state pounamu/greenstone in the Ngai Tahu tribal area is owned by Te Runanga o Ngai Tahu. Ngai Tahu Pounamu Management Plans provide for the following measures:

- any *in-situ* (natural state) pounamu/greenstone accidentally discovered should be reported to Te Runanga o Ngai Tahu staff as soon as is reasonably practicable. Te Runanga o Ngai Tahu staff will in turn contact the appropriate Kaitiaki Papatipu Runanga;
- in the event that the finder considers the pounamu is at immediate risk of loss such as erosion, animal damage to the site or theft, the pounamu/greenstone should be carefully covered over and/or relocated to the nearest safe ground.

The find should then be notified immediately to the Programme Leader – Ohanga, at Te Rūnanga o Ngāi Tahu. Their details are as follows:

Te Rūnanga o Ngāi Tahu, c/o Programme Leader - Ohanga
Te Whare o Te Wai Pounamu
15 Show Place, P O Box 13-046, Otautahi/Christchurch 8021
Phone: (03) 366 4344 Web: www.ngaitahu.iwi.nz

Appendix V

Exerts from agreements with Department of Conservation with regards to conservation work undertaken

Department of Conservation
Te Papa Atawhai

COMMUNITY AGREEMENT

(pursuant to section 53(2)(i) Conservation Act 1987)

AGREEMENT NAME: Indian Island Rat Control and the Coastal Lines of the Tamatea Peninsulas Predator Trapping

This agreement is made this 4th day of March 2019

PARTIES:

1. **PURE SALT CHARTERS NEW ZEALAND ('Pure Salt)**

2. **THE DIRECTOR-GENERAL OF CONSERVATION ('the Director-General')**

PREAMBLE

A. The Department of Conservation Te Papa Atawhai (**'DOC'**) is responsible for managing and promoting conservation of the natural and historic heritage of New Zealand on behalf of, and for the benefit of, present and future New Zealanders. It also has a responsibility under Section 4 of the Conservation Act 1987 to interpret and administer the conservation legislation to give effect to the principles of the Treaty of Waitangi to the extent that it applies to this conservation activity.

B. To perform its functions, the Department seeks to collaborate and work with others recognising that New Zealanders want to connect with, and contribute their expertise to restore and protect their unique natural environment, historic and cultural heritage.

C. Pure Salt operate multiday voyage charters in Fiordland. They have a strong connection to Tamatea/Dusky Sound, operating throughout the South West Fiords down to Rakiura/Stewart Island. Pure Salt are committed to promoting and advocating for the environmental and ecological values of New Zealand.

D. Pure Salt wish to fund and directly contribute to restoration projects within Tamatea/Dusky Sound, with the intention of inspiring further support for conservation efforts in the area.

E. The parties have entered this Agreement in a spirit of collaboration to make a difference for conservation. Under section 53(2)(i) of the Conservation Act 1987, the Director-General has the power to enter into agreements with community groups to carry out conservation activities on public conservation land.

F. The parties have common aspirations regarding the protection of Fiordland National Park. The parties wish to work together, initially, focusing on the rat control on Mamaku/Indian Island and supporting the Tamatea Peninsulas Predator Trapping Project of the wider Tamatea Restoration Project.

G. The parties wish to record the terms and conditions of their collaborative working relationship in this Agreement and its Schedules. Pure Salt will carry out the activity subject to the terms, conditions and Schedules of this Agreement.

Schedule 1

SPECIFICS OF AGREEMENT

Section A
Intent:

To support conservation efforts outlined in the Tamatea Restoration Plan and the wider Fiordland National Park.

Section B
The Site:

Tamatea/Dusky Sound restoration project
A Tamatea/Dusky Sound restoration plan within Fiordland National Park has been developed with the ambitious goals of eradicating pests, re-introducing missing species and filling biodiversity information gaps in the area. The project area includes Breaksea Sound, Acheron Passage, Wet Jacket Arm, and Dusky Sound itself, including over 700 islands, including New Zealand's fifth largest island, Resolution Island. In order to help protect the islands from re-invasion efforts to trap neighbouring mainland sites is also a priority. The vision is for Tamatea/Dusky Sound to be one of the most intact ecosystems on Earth, and New Zealand's largest 'bio bank' – a source of endangered native species that can be sent to pest free locations throughout the country.

Section C (Refer clause 2 Schedule 2)
Agreement term:

5 years and 0 months

Commencing on: 4th March 2019
Expires on: 4th March 2024

Right of renewal subject to full compliance with the terms of this Agreement: YES

Final expiry date: 30 January 2029

Section D
Special Conditions (including specific exclusions):

Special Conditions for this Agreement are contained in Schedule 3 (including any specific health and safety matters).

The parties have agreed to work together as follows:

Section E (Refer clause 1 Schedule 2)
Activity:

E.1 The parties have common aspirations regarding the protection of Fiordland National Park and the restoration of New Zealand's native fauna and flora. The parties wish to work together, initially, on re-establishing rat control on Indian Island. Pure Salt is also taking fundraising activities to support the coastal sections of the Tamatea Peninsulas Predator Trapping network.

E.2 In addition to the above mentioned two projects, the parties may identify and co-operate with one-another in order to deliver additional conservation projects during the term of this agreement, with a particular focus on the Tamatea/Dusky Restoration Plan objectives.

E.3 The parties will develop separate Delivery Plans for each conservation project they intend to co-operate on. The Delivery Plans will outline each project's details, the contributions each party will make and how the project will be monitored.

E.4 This agreement creates a framework for the parties' ongoing relationship. The parties acknowledge that their obligations to one-another in relation to individual projects will crystallise if/when they agree (in writing) to a Delivery Plan for that/those project(s).

E.5 The agreed scope of works to be carried out by Pure Salt is:

a. The funding, installation and maintenance of the Indian Island Rat Control Project (Schedule 4 – Project Delivery Plan), which will include track cutting, trap installation, up-keep and monitoring activities.

b. When practical, Pure Salt will check the DOC 200 traps along the coastal sections of the Tamatea Peninsulas, Acheron Passage, on a regular basis.

c. A trap line of A24s will be established next to the coastal traps managed by DOC on the Tamatea/Dusky Sound area.

d. Pure Salt will advocate for the Tamatea/Dusky Sound Restoration Project to their audiences, with the intention of driving further support for the Tamatea Peninsulas Predator Trapping Project (refer to Appendix 1 - DOC-5558256). Donations for the trapping network will be administered via the New Zealand National Parks and Conservation Foundation.

E.6 Pure Salt's obligations:

a. Maintain all assets relating to the Activity in good repair, as deployed by Pure Salt for the work.

b. Where the parties have agreed on a Delivery Plan for a specific project, Pure Salt will honour its commitments made in the Delivery Plan(s), including meeting minimum trapping standards, agreed timeframes and reporting obligations.

c. In the event a contractor is employed to carry out any of the work on the Site, Pure Salt will provide the contractor's health and safety plans to DOC for review and acceptance prior to the contractor undertaking any work.

d. In the event a contractor is employed to carry out any of the Activities on site, Pure Salt will track and evaluate if the work being done by the contractor is achieving planned outputs and outcomes, as per the relevant Delivery Plan.

e. Pure Salt will seek early consultation with DOC if any changes to the scope of the Activities in the Delivery Plans or new projects are proposed.

f. Pure Salt acknowledges that their contributions to the Tamatea/Dusky Restoration Plan are part of a wider collaborative approach. Pure Salt also understands that authorisation to conduct the

Activities, outlined in the Delivery Plan(s), does not translate to exclusive rights to related projects at those sites.

g. It is explicitly acknowledged that this agreement provides authorisation for Pure Salt's staff (including contractors and non-paying volunteers) to conduct the Activities outlined in the Delivery Plan(s). However, it does not supersede any conditions outlined in Pure Salt's commercial concession.

h. Pure Salt will seek prior written approval from DOC before:

- Making any statement publicising a project under this Agreement;
- Making any statement regarding its relationship with DOC, including showing images relating to DOC; and/or
- Using DOC logos and/or brand.

E.2 DOC's obligations:

a. Work with Pure Salt to prepare agreed Delivery Plan(s), including annual outcomes and outputs and facilitate an annual meeting to review progress against these.

b. Provide technical advice to Pure Salt to achieve the scope of work detailed in the Delivery Plan(s).

c. Brief Pure Salt on relevant DOC Standard Operating Procedures (SOPs) and standards to support Pure Salt's development of a safety plan.

d. Work with Pure Salt to tell the story of the Activity through the DOC website, joint projects and other opportunities as they may arise.

e. Provide operational support (e.g. chainsaw operator) if requested, at the discretion of the Director-General.

f. DOC will seek prior approval from Pure Salt prior to:

- Making any statement publicising a project under this Agreement where reference is made to Pure Salt; and/or
- Using Pure Salts' logos and/or brand.

Section F
Consultation with iwi, hāpu and whānau:

F.1 Pure Salt is mindful that iwi, hāpu and whānau have a role as kaitiaki of natural and cultural resources on public conservation land and waters and will be guided by the Director-General as to when consultation might be appropriate.

F.2(a) The Director-General will advise Pure Salt where there are specific provisions under a Treaty of Waitangi Partnership or Accord or where there are Treaty settlement obligations under a Deed of Settlement or Deed of Recognition with implications for the Activity.

F.2(b) The Director-General will consult with the relevant post Treaty settlement governance entity where applicable.

F.2(c) The Director-General will provide advice and support to Pure Salt to consult with iwi, hāpu and whānau as appropriate.

Section G (Refer clause 5 Schedule 2)
Operating procedures, guidelines, standards:

G.1 Pure Salt must either follow the Director-General's Standard Operating Procedures, guidelines or standards communicated to it by the Director-General or may follow its own operating procedures that have been accepted by the Director-General.

G.2 (a) The Director-General will provide to, and discuss with, Pure Salt the relevant sections of the Director-General's Standard Operating Procedures (SOPs), guidelines and standards that apply to the conduct of the Activity, including any new and updated SOPs, guidelines and standards during the term of this Agreement.

G.2 (b) The following operating procedures, guidelines or standards apply to the Activity being undertaken by Pure Salt on the Site.

- Operational planning for animal pest operations SOP (specifically, best practice 'Kill trapping for rat control') http://www.doc.govt.nz/Documents/conservation/threats-and-impacts/pest-control/SOPs/operational-planning/operational-planning-sop.pdf .
- Archaeological site preservation manual http://www.doc.govt.nz/our-work/heritage/heritage-publications/caring-for-archaeological-sites/ .
- Track construction and maintenance guidelines http://www.doc.govt.nz/get-involved/run-a-project/our-procedures-and-sops/track-construction-and-maintenance-guidelines/ .
- Chainsaw Use SOP (Appendix 2).
- Accidental discovery protocol for Fiordland Island Projects (Appendix 3).

Section H (Refer clause 6 Schedule 2)
Health and Safety:

H.1 The Director-General and Pure Salt are committed to working together to ensure, so far as reasonably practicable, that safety hazards and risks related to the Activity are identified, assessed and managed.

H.2(a) Pure Salt has agreed to comply with the Director-General's safety requirements to provide, as far as reasonably practicable, a safe working environment for its members and other participants while carrying out the Activity.

H.2(b) Pure Salt must notify the Director-General of any adverse natural events, hazards or activities on the Site or the surrounding area of which it becomes aware during the term of this Agreement which may affect the (Group's/Organisation's] activities or public safety on the site.

H.3(a) The Director-General will identify and specify in the Special Conditions in Schedule 3 any:

(i) place within the Site that may be outside the scope of this Agreement;

(ii) equipment or tools that cannot be used unless otherwise agreed in writing by the Director-General.

H.3(b) The Director-General will advise Pure Salt of any adverse natural event or hazards on the Site that the Director-General becomes aware of, or any planned activity relating to the Site that may affect/impact on the [Group's/Organisation's] activities or safety on the Site.

Section I (Refer clause 7 Schedule 2)
Insurance:

I.1 (a) Where Pure Salt can be covered by the insurance cover under the Director-General's General Liability Policy for third-party personal injury and property damage it agrees to accept that cover and abide by the conditions outlined in this Agreement.

I.2 The Director-General agrees to insure Pure Salt under the General Liability Policy held by the Director-General to carry out the Activity on the Site, subject to conditions as outlined in this Agreement.

Section J
Monitoring and reporting:

J.1 The Director-General and Pure Salt will meet on a yearly basis around May to review progress with achieving the agreed outcomes and informally as agreed with both parties.

J.2(a) In each year during the term of the Agreement, Pure Salt will keep a record of the number of volunteers and workday equivalents (8 hours including travel) involved in undertaking the Activity and will share the data collected with the Director-General.

J.2(b) Pure Salt will also provide the following information requested by the Director-General:

Refer to each project's Delivery Plan.

J.3 The Director-General will use the information supplied under this provision by Pure Salt in a report to Government on voluntary contributions to conservation.

Section K
Communications:

K.1 The Director-General and Pure Salt have appointed the following persons to communicate on their behalf on all matters relating to this Agreement:

For Pure Salt Charters NZ:

Name: Maria Kuster
Position: Owner
Phone contact: 021 022 01170
Postal Address: 55 Fergus Square, Te Anau
Email: maria@puresalt.co.nz

For the Director-General:

Name: Peter McMurtrie
Position: Ranger Biodiversity
Phone contact: 0272029349
Postal Address: DOC, Te Anau Office, PO Box 29, Te Anau 9640
Email: pmcmurtrie@doc.govt.nz

Department of Conservation
Te Papa Atawhai

VARIATION OF MANAGEMENT AGREEMENT

THIS VARIATION OF A MANAGEMENT AGREEMENT is made this 27th day of May 2019

PARTIES:

1. **Director-General of Conservation ("the Director-General")**

2. **Pure Salt**

BACKGROUND:

A Tamatea/Dusky Sound restoration plan within Fiordland National Park has been developed with the ambitious goals of eradicating pests, re-introducing missing species and filling biodiversity information gaps in the area. The project area includes Breaksea Sound, Acheron Passage, Wet Jacket Arm, and Dusky Sound itself, including over 700 islands, including New Zealand's fifth largest island, Resolution Island. In order to help protect the islands from re-invasion efforts to trap neighbouring mainland sites is also a priority.

The vision is for Tamatea/Dusky Sound to be one of the most intact ecosystems on Earth, and New Zealand's largest 'bio bank' – a source of endangered native species that can be sent to pest free locations throughout the country. Pure Salt currently have a Community Agreement (DOC CM 5624998) which enables them to source conservation funding, install and maintain trapping lines across Indian Island Rat. As specified in E.2 the parties (DOC and Pure Salt) can identify and co-operate with one another in order to deliver additional conservation projects during the terms of this agreement. All additional conservations projects require a Delivery plan and review of the existing Safety plan.

The term of the existing Community Agreement is for 5 years from 01st February 2019.

The Group has requested a variation of the terms and conditions of the Agreement to change the details of the groups undertaking this work and the Director-General has agreed to a variation.

NOW BY THIS VARIATION the parties agree as follows:

Variation of conditions

The Agreement is varied as follows:

The agreed scope of work to be carried out by the Group is:

Predator control on Long Island as per the activities outlined in section E.2 of the Community Agreement, standard operating procedures outlined in section J.2 and the Long Island operational plan. (As per detailed maps below). In the first stage of work, Pure Salt will establish and maintain a series of A24s onto the below grid. DOC will remove all existing bait stations and traps once A24s established.

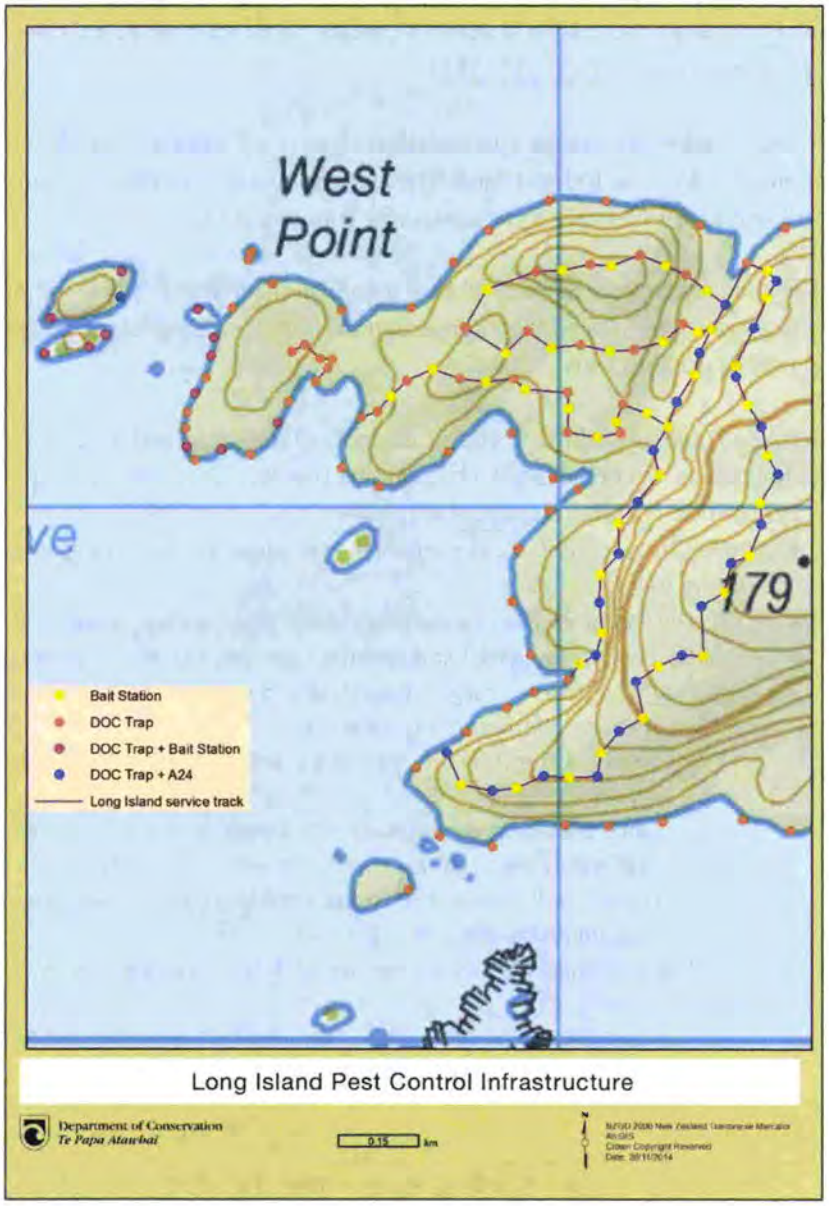
Long Island Predator Control Delivery Plan

Project Name	**Long Island Predator Control Project**
Funding Source	Pure Salt Charters New Zealand ('Pure Salt')
Context	In 2019, Pure Salt began predator control work on Indian Island to support conservation efforts outlined in the Tamatea/Dusky Sound Restoration Plan and wider Fiordland National Park. They have a signed Community Agreement with DOC (DOC-5890214) and a Variation specific to the activities on Long Island to undertake this work (DOC-5923247). Pure Salt undertakes three conservation charter voyages a year to maintain the trapping network on Indian Island. These trips involve volunteers, clients and staff checking/re-baiting traps and maintaining trapping tracks. In less than a year Pure Salt was able to establish the Indian Island trapping network and are looking to expend their conservation support to Long Island (1899ha) which is currently possum free. The overall objective of the predator control network is to reduce pest numbers to very low levels on Long Island to help native species thrive and allow the potential re-introduction of threatened native species.

Project Description	• Pure Salt will maintain the internal DOC series trapping lines already existing on the island.
	• DOC will maintain the coastal DOC series traps already existing on the island.
	• Pure Salt will fund, install and maintain predator control network of self-resetting A24 traps to target mustelids and rodents. This will include track cutting, trap installation, up-keep and monitoring.
	  ○ Firstly, a trapping line will be established along the spine of the island.
	  ○ Once the spine is complete, the trapping network will expand, preferably through the establishment of 100 trap blocks as funding is acquired. This will continue until the whole island predator trapping network is established.
	• Pure Salt will ensure the trapping network is checked every 6 months at a minimum.
	• Pure Salt will follow the obligations outlined in Schedule 1 E.6 in the Agreement to ensure work standards are consistent between the two island sites.

Primary Deliverables/Outputs	• Establishment of A24 trapping line across the spine of island • Establishment of A24 trapping network across whole of island
Reporting	A brief trip report will be supplied by Pure Salt to the DOC after each trip summarising the project work. Reports can include: • Results of tracking tunnel monitoring • GPS location of each trap checked, installed and/or rebaiting • Trap line marked/cut • CHIRPs data output which can be shared through the app/emailed to DOC.

	Reporting should ensure both Pure Salt and DOC are aware of where each trap is and when it was last checked. DOC will continue to supply the Tamatea/Dusky Sound pest control report and include trip/CHIRPs data from Pure Salt.



Map 1: Internal DOC series trap lines already existing on the western end of Long Island.

As at 8:24PM, Tuesday 19 January 2021

Payment Successful

A payment has been made with the following details:

To:	01-0961-0018998-00
From Account:	12-3165-0037884-00 (Pure Salt)
Amount:	$1,500.00

Details to appear on their statement: Consent Application Kuster Ellis

Attachment 2

Further information provided

Dated 29 January 2021, 9 February 2021 and 11 May 2021

From: Ryan Hodgson
To: "maria@puresalt.co.nz"
Cc: Ian Coard
Subject: FW: Navigational Safety
Date: Friday, 29 January 2021 3:49:00 pm

Hi Maria

I am currently processing your resource consent application for your commercial surface water activity involving a new vessel. As you are aware, this activity requires the Harbourmaster to approve the activity where navigational safety is involved (see the Coastal Permit Technical Comment form in your application). Could you please provide information on the new vessel you intend to use for your activity so the Harbourmaster can provide a technical comment on navigational safety.

If you could please provide this information by Wednesday next week (3 February 2021) that would be appreciated. Let me know if you need more time and we can discuss further.

Kind Regards,
R

From: Ian Coard
Sent: Friday, 29 January 2021 3:36 PM
To: Ryan Hodgson <Ryan.Hodgson@es.govt.nz>; Lyndon Cleaver <Lyndon.Cleaver@es.govt.nz>
Subject: RE: Navigational Safety

Hi Ryan

Can't give you a technical comment, until they finalise what vessel they intend to use for this activity.

Cheers
Ian

From: Ryan Hodgson
Sent: Friday, 29 January 2021 11:49 am
To: Lyndon Cleaver <Lyndon.Cleaver@es.govt.nz>; Ian Coard <Ian.Coard@es.govt.nz>
Subject: Navigational Safety

Hi Lyndon and Ian

I am seeking a technical comment on navigational safety for this commercial surface water activity in the Fiordland Coastal Marine Area. See attached the application with the navigational safety form on page 49 of the attached PDF. Please let me know at year earliest convenience.

W6146

Cheers,
Ryan

Ryan Hodgson
Environment Southland
Private Bag 90116
Invercargill 9840

04/02/2021

Dear Ryan,

Please find below our response to your request for further information under Section 92(1) of the Resource Management Act 1991 with regards to APP-20211024 - Seán Ellis & Maria Kuster - application for a Coastal Permit to carry out commercial surface water activity.

Response to further information request

1. *Noise level testing results for the new vessel to demonstrate compliance with Rules 5.3.4 and 5.3.6 of the Regional Coastal Plan. I am requesting this information because no data was provided in the application indicating compliance with the noise limits.*

Noise level testing results were not supplied with the application as the vessel is not yet refitted and with that testing is not able to be undertaken.

However, the proposed vessel will be appropriately muffled to ensure excessive noise is not an issue and any noise emitted by the vessel is compliant with Rule 5.3.6 of the Coastal Plan; allowing *ships in motion to emit noise provided that such noise does not exceed a sound exposure level of 90 dB(A) in and single drive by at any position beyond a line situated 25 meters back from the line of travel.*

As stated in the application there will be no sound system or speakers fitted leaving only conversational noise besides the engine sound and occasional outboard motor as it is in our best interest to keep any noise to a minimum for our client's sake.

The tenders are to be used to transfer hunters, volunteers and walkers to and from shore as well

as to support kayaking, paddle boarding, diving, freediving and conservation activities which is mostly done at idle or with the outboard shut off.

We'll be able to demonstrate compliance with Rules 5.3.4 and 5.3.6 of the Regional Coastal Plan once the refit is completed should consent be granted.

---

2. *Clarification of how the two vessels will operate in tandem, will they be in the same area at the same time? And how can cumulative effects be mitigated from the operation of two vessels. I am requesting this information because it was unclear to me how each vessel will operate in relation to one another and if it might result in adverse cumulative effects.*

Policy 4.7.1 of the Regional Coastal Plan asks for cumulative effects to be avoided, remedied or mitigated with a level of use that is appropriate in the coastal marine area to be achieved.

As part of Objective 4.7.2 in the Regional Coastal Plan an appropriate level of use is explained as each area having *a level or "carrying capacity" where the number and type of activities and the number of people participating in those activities do not adversely affect the sustainability of the existing environmental values. Once an area reaches its carrying capacity, the addition of any further activities, any increase in the extent of activities already present, or any increase in the number of people participating in those activities would result in a deterioration of existing environmental values.*

Naturally the very presence of any additional vessel within the Fiordland Coastal Marine Area will result in some cumulative effects on natural character, landscape, amenity, remoteness, tranquillity and wilderness values in conjunction with the total number of vessels already present.

The Regional Coastal Plan has placed limits on the level of discretionary activity in Doubtful Sound but limits have not been placed on the number of consents or activities outside of Doubtful Sound.

As there are no limits placed on the level of use for the proposed operational area the appropriate level of use is a subjective issue and perceptions will vary.

When operating a second vessel mirroring our current operation we'll seek to avoid the other vessel just like we're currently avoiding other operators, fishing and recreational vessels in the best interest of natural character, landscape, amenity, remoteness, tranquillity and wilderness values our clients and any visitors to Fiordland seek. For the avoidance of any doubt there is no intention to physically operate alongside one another.

Vessel interactions, be it commercial, fishing or recreational vessels, are expected and will generally occur at a distance resulting in minimal cumulative effects whilst the transient nature of any interactions further mitigates and visual impacts.

However, as we understand that the *ability of areas to absorb or assimilate use is limited* we seek to mitigate any perceived adverse cumulative effects further through proposing the very use of a sister ship instead of simply a further vessel. With that for any observer it would appear to simply be another sighting of the same vessel instead of an additional vessel sighting resulting on less than minor cumulative effects on natural character, landscape, amenity, remoteness, tranquillity and wilderness values.

In addition we also seek to mitigate and remedy any perceived adverse cumulative effects through the increased efforts of our social enterprise activity as described in the application working to *safeguard the life-supporting capacity of local ecosystems* and enhancing the very same values the Resource Management Act seeks to protect; aiming for positive cumulative effects as supposed to any *deterioration of existing environmental* values.

Overall we believe the proposed level of activity to be below 'carrying capacity' and with that remaining within an appropriate level of use for the area whilst aiming to mitigate and remedy any perceived negative cumulative effects in line with Policy 4.7.1 through efforts described above as well as in our application document.

We very much hope the further information supplied will help to better understand our proposal before making a recommendation on notification.

Have a lovely day and please don't hesitate to contact us with any further queries.

Seán Ellis & Maria Kuster

From: Maria Kuster
To: Ryan Hodgson
Subject: Re: Affected parties and request for written approvals - APP-20211024
Date: Tuesday, 9 February 2021 2:47:33 pm
Attachments: PastedGraphic-18.tiff

Warning! This message was sent from outside your organisation and we were unable to verify the sender.

Hi Ryan,

Thank you for sending that through and we've also now contacted Cra8 and will let you know as soon as we hear back. One detail I just noted after reading over the application over and over is that the passenger numbers should be 17 including crew as per our current consent.. it was a simply typo so let me know how we can alter that.

I'm on land all of this week so feel free to get in touch anytime. In the meantime have a lovely day and we'll talk to you soon.

Maria Kuster

T: +64 210 220 1170

www.puresalt.co.nz

maria@puresalt.co.nz

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On 9/02/2021, at 1:57 PM, Ryan Hodgson < Ryan.Hodgson@es.govt.nz> wrote:

Tēna koe kōrua Maria and Sean

Thank you for applying for resource consent to undertake surface water activities in the Fiordland Coastal Marine Area.

For every application for resource consent we must decide if the activity will cause adverse effects on any person. If these adverse effects will be minor or more, then that person is considered to be an "affected party".

From our assessment of your application and the likely adverse effects, a decision has been made that the following parties are affected:

- **The Department of Conservation** , Private Bag 4715, Christchurch Mail Centre, Christchurch 8140. kmurray@doc.govt.nz/teanauadmin@doc.govt.nz
- **Te Ao Marama Inc** , Murihiku Marae, 408 Tramway Road, Invercargill 9812. stevie@tami.maori.nz/office@tami.maori.nz
- **Fiordland Marine Guardians** , 213, Te Anau 9640. info@fmg.org.nz
- **CRA8 Management Committee** , PO Box 277, Cromwell 9342. cra8@xtra.co.nz

The reasons for this decision and the effects we have identified are outlined in the **attached** report.

This email outlines the possible next steps for your application. **Please read the points below carefully or have someone explain them to you.**

A decision on the application can be made on a "non-notified" basis (without the involvement of other parties) if you are able to supply unconditional written approval from each person.

Otherwise, Council will notify the application to those who have not given their written approval. This is called "limited notification". Limited notification gives these parties (but not the general public) an opportunity to make submissions on the application and they may request to appear at a hearing.

If you wish to avoid limited notification, you may do so by obtaining written approvals from these parties. If written approvals are obtained from all the parties then the application can be decided as a non-notified application. The affected parties are entitled to see a copy of your application and any further information you have supplied to us. There is no obligation for them to sign.

Our timeframe for working on the application is suspended until we receive your response to this email. This means we will not work on your application any further until we hear back from you. If you do not wish to try to obtain the written approvals then please let me know and we will proceed with limited notification. If you are not sure how to proceed in the best way, you are welcome to telephone me to talk through options.

Nāku noa

Ryan Hodgson
Consents Officer
<image002.jpg>

Ryan Hodgson
Consents Officer
Environment Southland *Te Taiao Tonga*

P 03 211 5115
Cnr Price St & North Rd, Private Bag 90116, Invercargill 9840
Ryan.Hodgson@es.govt.nz | www.es.govt.nz | facebook.com/environmentsouthland

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<Written Approval Form.doc> <S 95-95G Recommending Report APP-20211024.pdf>

From: Maria Kuster
To: Antonia Croft
Cc: Ryan Hodgson
Subject: Re: DRAFT Conditions for Ellis and Kluster RC1739
Date: Tuesday, 11 May 2021 1:05:52 pm
Attachments: PastedGraphic-18.tiff
Conditions for Ellis and Kluster RC1739.docx

Warning! This message was sent from outside your organisation and we were unable to verify the sender.

Hi Antonia,

Good to chat to you earlier and I look forward to providing further detail around the concerns we talked about on the phone. I've copied in Ryan from Environment Southland so he is in the picture as well as he is dealing with our application on that end.

Thank you for sending through the draft consent conditions from your RMA planner as attached below. We are more than happy to have those incorporated into our application through Ryan who is happy to add that to the file notes for those extra conditions to be included should consent be issued.

So let us know what additional information you require from us in order for a written approval to be grated by the department.

In the meantime have a lovely day and I'm sure I'll talk to you soon.

Maria Kuster

T: +64 210 220 1170

www.puresalt.co.nz

maria@puresalt.co.nz

Facebook | Instagram | Twitter | YouTube

On 7/05/2021, at 3:30 PM, Antonia Croft <acroft@doc.govt.nz> wrote:

Hello Maria,

I have not had a chance to talk to our RMA planner yet (to talk to the yellow highlighted sections), I will try again on Monday in the hope she will get back to me then.

Regards

Antonia Croft
Acting Supervisor, Community
Department of Conservation—*Te Papa Atawhai*
M: 027 559 3824
Fiordland District Office
Lakefront Drive, PO Box 29, Te Anau 9640
T: +64 3 2490200 | F: +64 3 249 0257

Caution - This message and accompanying data may contain information that is confidential or subject to legal privilege. If you are not the intended recipient you are notified that any use, dissemination, distribution or copying of this message or data is prohibited. If you received this email in error, please notify us immediately and erase all copies of the message and attachments. We apologise for the inconvenience. Thank you.

Pursuant to Section 104B of the Resource Management Act 1991, a resource consent is hereby granted by the Southland Regional Council to **XXXX** from **XXXX.**

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 Fiordland.
Location - site locality	In the Coastal Marine Area adjacent to Fiordland National Park, from Yates Point to Puysegur Point
Legal description at the site:	Coastal Marine Area
Expiry date:	15 years from date of issue

Schedule of Conditions

1. This consent authorises the undertaking of commercial surface water activities, in the coastal marine area adjacent to Fiordland National Park from Yates Point to Puysegur Point, with:

   (a) The *name of vessel*, being one vessel of 27 metres, registered length, with up to 17 passengers including crew;
   (b) Up to 8 kayaks and 4 paddle boards; and
   (c) Two tender crafts.

   for the purpose of undertaking backcountry trips, as described in the application for resource consent dated XXXX and further information received XXX.

2. 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 continuous period of two years or more.

Operational Restrictions

3. The Consent Holder may operate backcountry trips for a total of 365 days in any calendar year.

4. The Consent Holder must not undertake any trips within:

   (i) Hall Arm; or
   (ii) First Arm.

5. The consent holder shall operate commercial surface water activities (backcountry trips only) in the general area of Doubtful Sound, in any one year, as follows:

   (i) Crooked Arm - two occasions in any calendar year to pick up passengers walking the Narrow Neck Track from Dagg Sound to Haulashore Cove;
   (ii) Bradshaw Sound - two days in any month;
   (iii) Thompson Sound - two days in any month;
   (iv) Doubtful Sound, two days in any month; and
   (v) Deep Cove - limited access to pick up or off-load passengers and uplift stores

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6. Notwithstanding Condition 5 above, The Consent Holder may only transit within Doubtful Sound, Thompson Sound, and Deep Cove as a thoroughfare for the purpose of, and to the extent necessary to:
   (a) pick up or off-load passengers to or from shore;
   (b) access services (including wastewater disposal), wharves and launching areas; and
   (c) off-load cargo and uplift stores.

7. The Consent Holder shall limit the travel speed of the main vessel, tender vessels, and kayaks to 5 knots within 200 metres of the shoreline.

8. The Consent Holder shall avoid marine bird and marine mammal nesting and breeding areas as follows:
   (a) passengers or crew shall not land on any foreshore; and
   (b) neither the main vessel, tender vessels nor kayaks operating pursuant to this Consent shall moor or anchor or otherwise stop;

   within 50 metres of New Zealand fur seal colonies, seabird colonies or penguin colonies.

9. The Consent Holder shall limit the travel speed of the main vessel, tender vessels and kayaks to 5 knots within 500 metres of a seal or penguin colony.

10. The Consent Holder shall not anchor within china shop areas or other areas with significant benthic/biodiversity values, including the following:
   (a) Clio Rock in Bligh Sound;
   (b) the area at the intersection of Acheron Passage and Wet Jacket Arm between Breaksea and Dusky Sounds;
   (c) Nine Fathoms Passage, off Cooper Island, Dusky Sound; ~~and~~
   (d) Narrow Bend from Adam Head to Sandy Point in Long Sound;
   (e) Pendulo Reach;
   (f) Harrison Cove at depths less than 60m;
   (g) East and south-east of Entry Island at depths less than 50m; and
   (h) Between Anchor Island, Fixed Head, Useless Islands and Passage Islands.

11. Except as provided for in Condition 12, the Consent Holder shall not anchor within 400 metres of rat-free/pest-free islands, including the following:
   (a) Breaksea Island Group, including Wairaki Island and the island approximately 700 metres generally west thereof, and Hawea Island and the island approximately 700 metres east thereof;
   (b) Entry Island;
   (c) Thrum Cap;
   (d) Passage Islands; ~~and~~
   (e) Chalky Island (Te Kakahu-O-Tamatea);
   (f) Pig Island;
   (g) Anchor Island;
   (h) Bauza Island;
   (i) Coal Island; and
   (j) Steep-To Island.

12. The Consent Holder shall not go ashore or allow passengers to go ashore at any pest-free islands, aside from where provided for by the Consent Holder's corresponding concession from the Department of Conservation.

Rubbish Disposal and Sewage Discharges

13. Discharges of any contaminant, or any article or substance of a dangerous or offensive nature into the coastal marine area from the main vessel, tender vessels, kayak(s) or any other vessel operating under this Consent shall not occur within the internal waters of Fiordland.

14. Discharges of any contaminant, or any article or substance of a dangerous or offensive nature

into the coastal marine area from the main vessel, tender vessels, kayak(s) or any other vessel operating under this Consent may only occur at least 500m offshore while outside of the internal waters of Fiordland. ~~may only occur in accordance to the Resource Management (Marine Pollution) Regulations 1998, or any subsequent version.~~

Contaminant Spills

15. (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 approval of the Consent Authority.

Noise

16. The Consent Holder shall ensure that the activity complies with the noise standards set out in Rules 5.3.4 and 5.3.6 in the Regional Coastal Plan for Southland 2013 (or the relevant standards in any subsequent version).

Biosecurity

17. 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 main vessel, tender vessels and kayaks:
        (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 main vessel, tender vessels, kayaks, 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 15(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.

18. The Consent Holder shall:

(a) maintain the main vessel, tender vessels, and kayaks 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 main vessel at all times;
(c) inspect the main vessel, tender vessels, and kayak compartments, 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.

Marine Mammals

19. The Consent Holder shall comply with the Dolphin Avoidance Protocol attached at Appendix B, until such a time that a Marine Mammal Viewing Permit is obtained from the Department of Conservation.

Reporting Requirements

20. The Consent Holder shall maintain a log of all operations, including:
(a) the location of sewage discharges;
(b) a log of all backcountry trip activities, including the following details:
(i) departure date and return date for each backcountry trip;
(ii) location(s) travelled to for each backcountry trip, including any moorings or anchorages used;
(iii) number of passengers aboard the vessel for each backcountry trip; and
(iv) the purpose of all activities, including use of the vessel and any ancillary activities such as: fishing, diving, and kayaking; and the purpose and location of the use of the vessel or kayaks to go ashore for activities such as: visiting historic locations, walking and hunting.
(c) the results of inspections for pests, unwanted organisms, or hull fouling organisms on the vessels, kayaks and equipment, in accordance with Conditions 15 and 16 of this consent.

A copy of the entries in this log shall be provided to the Consent Authority every three months in accordance with the following schedule:

Quarter Finish	Due Before
31 March	30 April
30 June	31 July
30 September	31 October
31 December	31 January

Review of Consent Conditions

21. 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:
(d) 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
(e) ensuring the conditions of this consent are consistent with any National Environmental Standards Regulations, relevant plans and/or Policy Statement; or
(f) amending the monitoring programme to be undertaken; or
(g) adding or adjusting compliance limits; or
(h) 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.

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Notes

1. The definition of a 'commercial backcountry trip' is found within the Appendix 1 'Glossary of Terms' of the Regional Coastal Plan.

2. The boundaries of Doubtful Sound are defined in Rule 16.2.1 of the Regional Coastal Plan. The boundaries of Crooked Arm, First Arm, Hall Arm, and Bradshaw Sound are defined in Appendix 1 'Glossary of Terms' in the Regional Coastal Plan.

3. The anchoring or placement of moorings in china shop areas outlined in Condition 10 is also outlined in Rule 11.7.7.13 and Maps 2-6 in Appendix 3A of the Regional Coastal Plan.

4. Mooring and anchoring near rat free islands in compliance with Condition 11 is a permitted activity. Mooring and anchoring within 400 metres of rat free islands is a discretionary activity and requires resource consent under Rule 11.7.7.2 of the Regional Coastal Plan.

5. The Southland Regional Council Navigation Safety Bylaws 2009 must be followed by the Consent Holder at all times.

6. Unless otherwise provided for in the Regional Coastal Plan, the generation of noise and the noise from a ship in motion are permitted activities, provided the criteria set out in Rule 5.3.4 and Rule 5.3.6 are complied with.

7. An activity log template can be downloaded from the Council's website at: http://www.es.govt.nz/document-library/forms-and-fees/Pages/Compliance-forms-and-permits.aspx

8. 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.

9. 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.

10. 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.

11. 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 ofConservation.

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Appendix A - *Protocol in the event of a discovery, or suspected discovery, of a site of cultural importance (Waahi Taonga/Tapu)*

1. ***Kōiwi tangata accidental discovery***

If Kōiwi tangata (human skeletal remains) are discovered, then work shall stop immediately and the New Zealand Police, Heritage New Zealand (details below) and Te Ao Marama Inc (Ngai Tahu (Murihiku) Resource Management Consultants) shall be advised. Contact details for Te Ao Marama Inc are as follows:

Te Ao Marama Inc
Murihiku Marae, 408 Tramway Road, Invercargill
P O Box 7078, South Invercargill 9844
Phone: (03) 931 1242

Te Ao Marama Inc will arrange a site inspection by the appropriate Tangata Whenua and their advisers, including statutory agencies, who will determine how the situation will need to be managed in accordance with tikanga māori.

2. ***Archaeological Sites***

Archaeological sites are protected under the Heritage New Zealand Pouhere Taonga Act (2014), and approval is required from Heritage New Zealand before archaeological sites can be modified, damaged or destroyed.

Not all archaeological sites are known or recorded precisely. Where an archaeological site is inadvertently disturbed or discovered, further disturbance must cease until approval to continue is obtained from Heritage New Zealand. As stated above, the New Zealand Police and Te Ao Marama Inc also need to be advised if the discovery includes kōiwi tangata /human remains.

Heritage New Zealand c/o Dr M. Schmidt, Regional Archaeologist Otago/Southland
PO Box 5467, Dunedin
Phone: (03) 470 2364 Mobile 027 240 8715 mschmidt@heritage.org.nz

3. ***Taonga or artefact accidental discovery***

If taonga or artefact material (e.g. pounamu/greenstone artefacts) other than kōiwi tangata is discovered, disturbance of the site shall cease immediately and Southland Museum and Te Ao Marama Inc. shall be notified of the discovery by the finder or site archaeologist in accordance with the Protected Objects Act 1975. All taonga tuturu are important for their cultural, historical and technical value and are the property of the Crown until ownership is resolved.

4. ***In-situ (natural state) pounamu/greenstone accidental discovery***

Pursuant to the Ngai Tahu (Pounamu Vesting) Act 1997, all natural state pounamu/greenstone in the Ngai Tahu tribal area is owned by Te Runanga o Ngai Tahu. Ngai Tahu Pounamu Management Plans provide for the following measures:

- any *in-situ* (natural state) pounamu/greenstone accidentally discovered should be reported to Te Runanga o Ngai Tahu staff as soon as is reasonably practicable. Te Runanga o Ngai Tahu staff will in turn contact the appropriate Kaitiaki Papatipu Runanga;
- in the event that the finder considers the pounamu is at immediate risk of loss such as erosion, animal damage to the site or theft, the pounamu/greenstone should be carefully covered over and/or relocated to the nearest safe ground.

The find should then be notified immediately to the Programme Leader – Ohanga, at Te Rūnanga o Ngāi Tahu. Their details are as follows:

DRAFT

Te Rūnanga o Ngāi Tahu, c/o
Programme Leader - Ohanga Te Whare
o Te Wai Pounamu
15 Show Place, P O Box 13-046, Otautahi/Christchurch 8021
Phone: (03) 366 4344 Web: www.ngaitahu.iwi.nz

Appendix B – *Dolphin Avoidance Protocol*

Dolphin Avoidance Protocol (Amended following Supplementary Ruling of the Court – Principal Environment Judge R J Bollard (presiding) decision C067/2008)

The operator shall:

1. Not enter no-boat zones as detailed in Appendix 1 attached;

2. Take appropriate action to avoid interactions with any dolphin / dolphin population. If, notwithstanding, any interaction should inadvertently occur, then steps shall forthwith be taken to minimise such interaction;

3. Operate the vessel so as to not disrupt the normal movement or behaviour of any dolphin / pod of dolphins;

4. Take all reasonable steps to assess whether dolphins are present in Crooked Arm (east of Turn Point), prior to entering this area and shall adopt all reasonable steps to avoid dolphins encountered within the Arm, including not travelling into Crooked Arm should any dolphin or pod of dolphins whose presence is apparent;

5. Avoid a course that results in passing through a pod of dolphins, only passing through a pod of dolphins if absolutely essential and then only at a speed that produces no wake to minimise disturbance;

6. Not operate the vessel at a speed of more than 5 knots at any time while in Bradshaw Sound and only travel in Bradshaw Sound to the north of the Sound;

7. Undertake crew training to ensure that any potential disturbance to the dolphin population is minimised; and

8. Note that winter is the most critical season for the environmentally challenged bottlenose dolphin population resident in the Doubtful Sound complex. Boat interactions with this population are to be especially avoided during winter. If, notwithstanding, any interaction should inadvertently occur, then it is especially important that steps be taken forthwith to minimise such interaction.

Should an encounter occur:

9. Move away from any dolphin / pod of dolphins immediately should any sign of disturbance or alarm be apparent;

10. Adopt all reasonable steps to ensure that individual dolphins do not get separated from the pod by the action of the vessel / crew / passengers;

11. Do not use the radio to alert other vessels to the presence of dolphins, where the purpose of the radio call is to enable those other vessels to have a dolphin encounter;

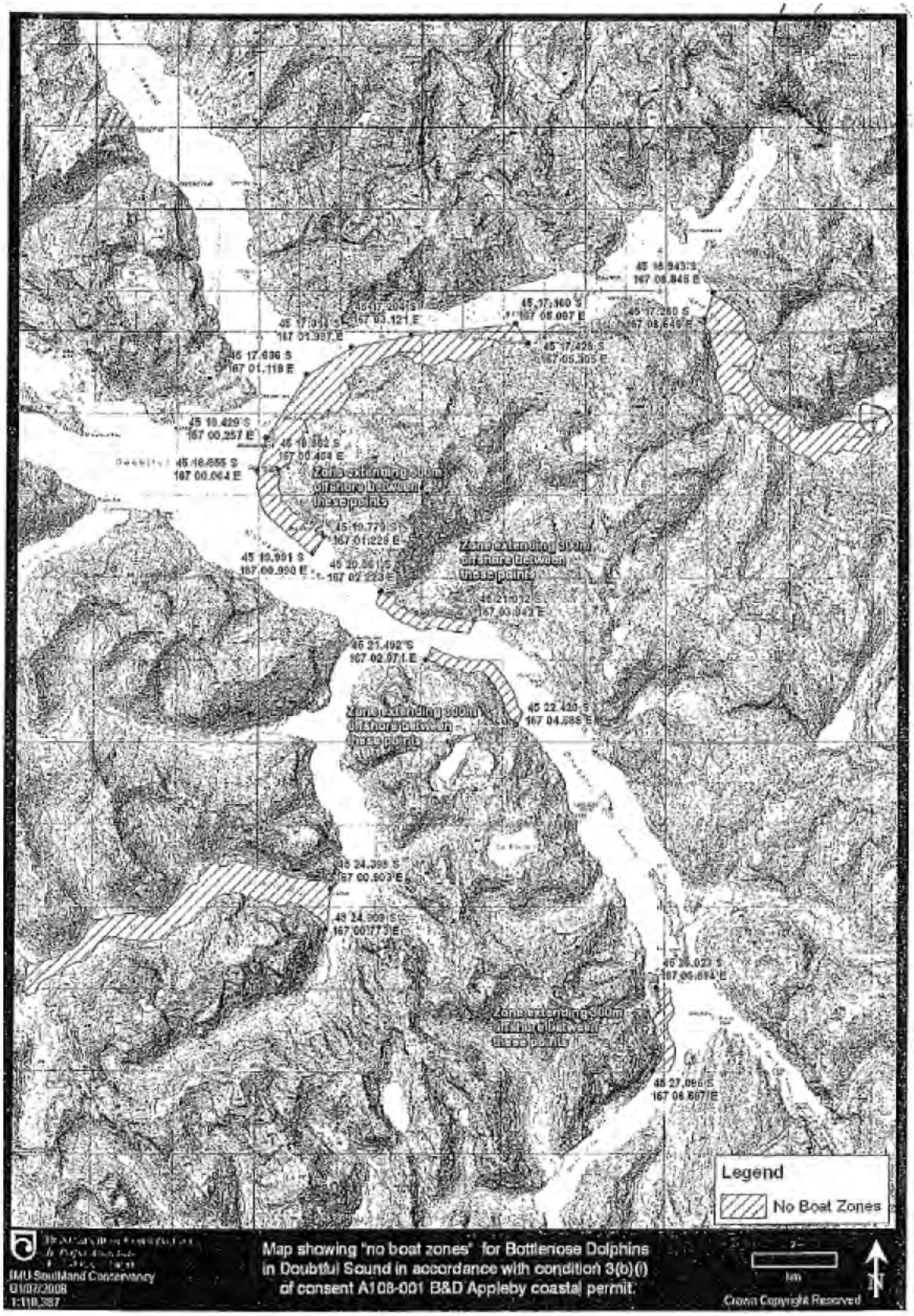
12. When being approached by a dolphin / pod of dolphins, the vessel is to reduce speed to a point at which no wake is produced, allowing the dolphin / pod of dolphins to approach and pass the vessel. If, given the time available between the initial dolphin sighting and the dolphin's or dolphins' approach towards the vessel, it is not possible to reduce speed as to produce no wake, then any wake produced shall be the minimum achievable in the circumstances; and

13. Take all reasonable steps to prevent the crew or passengers from attempting to attract a passing dolphin/pod of dolphins to the vessel, and ensure that no loud noise occurs when in the presence of a dolphin or dolphins.

Note: The purpose of the dolphin avoidance protocol is to ensure that contact with dolphins is minimised and that if and when any interaction occurs it is managed in a manner recommended within the protocol.

DRAFT

Appendix 1 to Appendix B – *No boat zones map*



Attachment 3

Deputy Harbourmaster navigational safety assessment

Dated 1 February 2021

Coastal Permit Technical Comment

For all consent applications that may affect navigational safety

environment SOUTHLAND REGIONAL COUNCIL Te Taiao Tonga

Activities in coastal waters or on rivers and lakes may affect navigational safety or other areas of interest to the Harbourmaster. The Harbourmaster also assists the Consents Division by providing expert input into assessments of consent applications, where necessary.

Comments from the Harbourmaster assist with prompt decision making on consent applications.

This form should be completed and included with any consent application for an activity in a navigable water body that affects, or may affect, navigational safety. This includes applications for the installation, extension or removal of a structure in a navigable water body, any reclamation, and any commercial surface water activity in any navigable water body.

Section 1: Applicant to complete

Name: Seán Ellis & Maria Kuster

Address: 253D Ramparts Road Te Anau 9679

Proposed activity: To carry out commercial surface water activities, in the coastal marine area adjacent to Fiordland National Park from Yates Point to Puysegur Point with a vessel of approximately 27m LOA

Location: 1101021E 4876984N

Use NZTM2000 or otherwise identify the location accurately

Type of consent sought: Coastal consent for commercial surface water activity

e.g. Land use consent for works in a river bed; coastal permit for occupation of coastal space

Consent sought:

- ☑ A new consent for a new activity, or
- ☐ A new consent for an existing activity
- ☐ A change to a condition of an existing consent

Section 2: Harbourmaster or the Deputy Harbourmaster to complete

In my assessment, the following has been taken into account by the applicant when assessing adverse effects of their proposed activity (tick all that apply):

	Yes	No	N/A
Effects of the activity on navigational safety/bylaws	☒	☐	☐
Oil transfer sites and oil transfers	☒	☐	☐
Oil / fuel spill risk	☒	☐	☐

Other (*Comment*): _____

In my assessment the following variables have been taken into account when assessing the adverse effects of the proposed activity (tick all that apply):

	Yes	No	N/A
Suitability of depth of water	☐	☐	☒
Vessel size suitability for the proposed area	☒	☐	☐
Integrity of holding ground for the anchor/mooring	☐	☐	☒
Sufficiency of the swing room for the vessel to rotate around the anchor/mooring without collision	☐	☐	☒
Other vessels are able to safely navigate in the area	☒	☐	☐
The structure, if existing, is well maintained, is safe and poses no hazard in itself	☐	☐	☒
Effect on other users of the area(s)	☒	☐	☐
Adequacy of anchorage size	☐	☐	☒

Other (*Comment*): _____

Further comments:

Insert general comments about the application, other factors which were considered if not listed and outline any concerns here

Section 3 ~~Harbourmaster or the~~ Deputy Harbourmaster to complete

I ~~do~~ / do not believe the activities proposed will cause adverse effects on navigational safety.

Signed: Howard Date: 1/2/2021

~~Harbourmaster~~ / Deputy Harbourmaster

(Disclaimer: The completion of this technical comment does not declare support for, or guarantee the granting of a resource consent application.)

Attachment 4

Submissions received

TE AO MARAMA INC.

12 August 2021

Consents Manager
Private Bay 90116
Invercargill

Tēnā Koe,

RE: Submission on Resource consent application – APP- 20211024

Please find attached a submission lodged, on behalf of Te Rūnanga o Oraka Aparima on Resource Consent applications to undertake commercial surface water activities in Fiordland.

It is acknowledged that the submission is late, due to workload and other commitments. I have attempted to rectify this and submit this as soon as possible. The applicant provided us with a copy prior to lodging the application and we have had good engagement with them. Previously we had declined to provide written approval for the application (as per reasons in our submission) therefore we would be grateful if this submission could be accepted.

We trust the information contained within the submission is sufficient; however, should you wish to discuss any aspect further, please do not hesitate to contact me.

Nāhaku noa nā,

Stevie-Rae Blair
Te Ao Marama Inc.
Kaitohutohu Taiao

TE AO MARAMA INC.

Form 13

To: Environment Southland
Private Bay 90116
Invercargill

1. This is a submission on the application (Resource Consent Application APP- 20211024) to undertake commercial surface water activities in Fiordland by Sean Ellis and Maria Kuster of Pure Salt Limited.

2. Te Rūnanga o Oraka Aparima submission relates to the applications in their entirety (Appendix A). Te Rūnanga o Oraka Aparima is **opposed** to the granting of the application.

3. Te Rūnanga o Oraka Aparima wishes to be heard in support of its submission.

4. If others are making a similar submission, Te Rūnanga o Oraka Aparima will consider presenting a joint case with them at a hearing.

5. Te Rūnanga o Oraka Aparima is not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

6. A copy of this submission has been sent to the applicant.

Signed for and on behalf of Te Rūnanga o Oraka Aparima.



Stevie-Rae Blair
Email: [redacted]

12 August 2021

Appendix A

1. Introduction

1.1. This submission is made on behalf of Te Rūnanga o Oraka Aparima.

Papatipu Rūnaka

1.2. 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 manawhenua of the natural resources within their takiwā boundaries.

1.3. The consent application proposals relate to the commercial surface water activities in Fiordland within the takiwā of Te Rūnanga o Oraka Aparima.

2. General Position and Reasons for the Submission

2.1. Te Tangi a Tauira states:

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. The brothers are now manifested in the highest peaks of Ngā Tiritiri o Te Moana (the Southern Alps). The Fiords at the southern end of the Alps were carved out of the raised side of the wrecked Te Waka o Aoraki (the canoe of Aoraki) by Tū Te Rakiwhānoa, in an effort to make it habitable by humans. The deep gouges and long waterways that make up the Fiords were intended to provide safe havens on the rugged coastline, and stocked with fish, forest, and birds to sustain humans.

It was the richness of pounamu (particularly koko-tangiwai) and mahinga kai resources that attracted Ngāi Tahu to Fiordland. Thus, the area has a network of coastal settlements, pounamu trails, mineral working areas, kāinga, nohoanga, cultivation areas, and fishing grounds. The tūpuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of the lakes, rivers, and coast and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Ngāi Tahu today.[1]

2.2. Ngāi Tahu is supportive of development within its takiwā, provided activities are undertaken in a way that respects the environment where the activity is to be undertaken and do not adversely affect Ngāi Tahu cultural values, customs and their traditional relationship with land and water.

2.3. The coastal and terrestrial Fiordland rohe is a significant cultural landscape to Ngāi Tahu because of historical (as indicated above) and contemporary associations. These associations include the formation of landscape, wāhi ingoa (place names), mahinga kai, wāhi tapū and archaeological sites.

2.4. There are numerous trails through Fiordland with those forming an important network of ara tawhito (trails), that links the area with the Southland Plains and East Coast. This was an important route that supported numerous parties through the availability of mahinga kai resources throughout the area.

[1] Te Tangi a Tauira, 2008.

2.5. Place names along the coast record Ngai Tahu history and point to the landscape features which were significant to people for a range of reasons. For example, in his voyage around the Sounds in the waka Takitimu, Tamatea gave the chiselled terrain the name "Te Rua-o-te-moko", likening the deep gouges adorning the impressive cliff faces of the fiords to the tattoos on a chief's face.[2]

2.6. Tamatea is the Māori name for Dusky Sound in Te Rua-o-Te-Moko (Fiordland). One of the most complex of the many fiords along the coastline, it is also one of the largest. The large island of Mauīkatau (Resolution Island) is located near its entrance, and Taumoana (Five Fingers Peninsula) shelters the mouth of the sound from the northwest. Several large islands lie in the sound, notably Pukenui (Anchor Island), Mamaku (Indian Island), and Ao-ata-te-pō (Cooper Island). [3]

2.7. This cultural, spiritual, historic, and traditional association is recognised by the crown and is a Statutory Acknowledgement (See attachment 1) under the Ngāi Tahu Claims Settlement Act, 1997.

2.8. Te Rūnanga o Oraka Aparima, as kaitiaki, are responsible for protecting the mana and mauri of the Fiordland area. Rūnanga would like to acknowledge the conservation work the applicants have undertaken in the past and continue to do so. However, we are deeply concerned that the mauri of the Fiordland area is being negatively impacted by increased activity and therefore pressure.

2.9. Te Rūnanga o Oraka Aparima **opposes** the application for the following reasons:

- Inability of the Regional Coastal Plan to deal with cumulative effects of SWA applications.
- The application is inconsistent with Te Tangi a Tauira, 2008.

Regional Coastal Plan, 2005

2.10. Rūnanga are concerned the current Regional Coastal Plan is limited in its ability to effectively deal with the cumulative effects of Surface Water Activities (SWA)'s on the essential values of remoteness, isolation, wilderness and natural character of the internal waters of experiences in Fiordland.

2.11. Rūnanga via Te Ao Marama Inc. have raised concerns to Environment Southland regarding the pressure on the Fiordland area and the amount of commercial activity that are working in this area. We have clearly stated that we will not support any future surface water applications until we have the right information to enable us to assess cumulative effects.

2.12. Kaitiaki rūnanga are concerned about cumulative effects and the carrying capacity in the Fiordland Marine Area. We believe that the values that exist for this area are at risk of being degraded should consents for Surface Water Activities continue to be issued without the needed information to inform these.

[2] Statutory acknowledgement, Schedule 102, NTCSA.
[3] https://www.kahurumanu.co.nz/atlas

Te Tangi a Tauira (2008)

2.13. While the application considered Te Tangi a Tauira, there is no specific reference to particular issues and/or policies from the Iwi Management Plan.

2.14. Te Tangi a Tauira, 2008 states that '*a challenge in managing commercial surface water activities is finding a balance between providing an enjoyable experience to Fiordland visitors and avoiding creating an atmosphere of "commercial busyness".*'[4]

2.15. Te Tangi a Tauira also raises issues for commercial surface water activities as noise, cumulative effects on the remoteness, wilderness, intrinsic values, natural character and amenity values of the Fiordland coast arising from the increase in numbers of vessels (increased surface water activities) operating in Fiordland. It also raises the issue of carrying capacity with respect to numbers of boats on the water.

2.16. Policy within Te Tangi acknowledges the need to carefully monitor the nature and number of applications for commercial and tourism operations to ensure that such activities are not compromising the natural character, beauty or ecology of the region.

3. Decision Sought

3.1 It is our opinion that granting this proposal prior to having the appropriate information in front of us to assess the impacts effectively is essentially making decisions for our future generations.

3.2 Te Rūnanga o Oraka Aparima seeks the following decision from the consent authority:

3..2.1. Te Rūnanga o Oraka Aparima is opposed to the application in its current form and seeks that the application be declined.

[4] Te Tangi a Tauira, 2008.

Schedule 102

Statutory acknowledgement for Te Mimi o Tu Te Rakiwhanoa (Fiordland Coastal Marine Area)
Sections 205, 312 and 313

Statutory Area

The statutory area to which this statutory acknowledgement applies is Te Mimi o Tu Te Rakiwhanoa (Fiordland Coastal Marine Area), the Coastal Marine Area of the Te Anau constituency of the Southland region, as shown on SO Plan 11503, Southland Land District, as shown on Allocation Plan NT 505 (SO 19901).

Preamble

Under section 313, the Crown acknowledges Te Runanga o Ngai Tahu's statement of Ngai Tahu's cultural, spiritual, historic, and traditional association to Te Mimi o Tu Te Rakiwhanoa as set out below.

Ngai Tahu Association with Te Mimi o Tu Te Rakiwhanoa

The fiords of this region represent, in tradition, the raised up sides of Te Waka o Aoraki. The waka (canoe) foundered on a submerged reef and its occupants, Aoraki and his brothers, Raraki, Rakiroa and others, were turned to stone. They stand now as the highest peaks of Ka Tiritiri o te Moana (the Southern Alps). The fiords at the southern end of the Alps were hacked out of the raised side of the wrecked waka by Tu Te Rakiwhanoa, in a effort to make it habitable by humans. The deep gouges and long waterways that make up the fiords were intended to provide safe havens on the rugged coastline, and stocked with fish, forest and birds to sustain travellers.

For Ngai Tahu, traditions such as these represent the links between the cosmological world of the gods and present generations, these histories reinforce tribal identity and solidarity, and continuity between generations, and document the events which shaped the environment of Te Wai Pounamu and Ngai Tahu as an iwi.

Particular stretches of the coastline also have their own traditions. The visit of Tamaahua to Piopiotahi (Milford Sound) in search of Poutini, who had absconded with his wife Waitaiki, is linked to the creation of Pounamu further north on Te Tai Poutini (the West Coast). The koko-takiwai which is found in Piopiotahi has its basis in a visit to Piopiotahi by the waka Tairea. A woman, Koko-takiwai, and her children, known as Matakirikiri, were left behind by the Tairea and were turned into varieties of pounamu.

Place names along the coast record Ngai Tahu history and point to the landscape features which were significant to people for a range of reasons. For example, in his voyage around the Sounds in the waka Takitimu Tamatea gave the chiselled terrain the name “Te Rua-o-te-moko”, likening the deep gouges adorning the impressive cliff faces of the fiords to the tattoos on a chief's face. Martins Bay (Whakatipu-waitai or Kotuku) to the north of the fiords was the site of an old settlement, located to control the pounamu resources to be found here. An area of Doubtful Sound is known as Kahui-te-kakapo, while

Dagg Sound had a canoe harbour known as Te Ra. Breaksea Island (within Breaksea Sound — Te Puaitaha) is known as Te Au Moana, referring to the ocean current that sweeps around the inlet. Cape Providence is known as Orariki, a cliff near here is called Taka-o-te-karehu-Tamatea, referring to an episode when some tattooing ink belonging to Tamatea washed over board. Chalky Sound is known as Taiari and a rock in the Sound is known as Te Kakahu-o-Tamatea, a place where Tamatea had his clothes spread out to dry after being drenched by the salt spray. Preservation Inlet has the name Rakituma.

The area was visited mainly by Ngati Mamoe and Ngai Tahu, who had various routes and nohoanga for the purpose of gathering koko-takiwai and manu (birds), particularly the kakapo. The area played a significant role in the history of conflict between Ngai Tahu and Ngati Mamoe, with a number of Ngati Mamoe taking refuge in the isolation of the fiords in order to escape the unforgiving attitudes of some sections of Ngai Tahu. The noted rangatira Tarewai from Otago Heads met his end here at the hands of Ngati Mamoe, having pursued them from the Otago Peninsula to Rakituma. Tarewai and his warriors were successfully ambushed by those they were pursuing, with the result that no one ever returned to Otago from this battle. Te Whare Pa in Rakitimu was the scene of one of the last major battles between Ngati Mamoe and Ngai Tahu.

Another dark piece of history occurred Te Tauraka o te Hupokeka (Anita Bay). Hupokeka and his whanau (family) regularly visited Piopiotahi, travelling from Murihiku to gather koko-takiwai, and staying at a nohoanga in Anita Bay. It was here, in the 1820s, that he and his whanau were slaughtered by sealers in retribution for an incident of which they were quite innocent.

Because of its attractiveness as a place to establish permanent settlements, including pa (fortified settlements), the coastal area was visited and occupied first by Ngati Mamoe and later by Ngai Tahu. Through conflict and alliance these two iwi have merged in the whakapapa (genealogy) of Ngai Tahu. Battles sites, urupa and landscape features bearing the names of tupuna (ancestors) record this history. Prominent headlands, in particular, were favoured for their defensive qualities and became the headquarters for a succession of rangatira and their followers. Notable pa and nohoanga occurred in many areas on the Fiordland coast including: Milford (Lake Marchant) and Caswell Sounds; Kahui-te-kakapo (Doubtful Sound), known as the gathering place of the kakapo, in reference to the gathering of kakapo meat and feathers which was one of the key reasons that Ngai Tahu Whanui regularly travelled to the fiords; Dagg Sound gets the sun all day, and consequently is well known as a nohoanga site, it also has a good canoe harbour known as Te Ra; Rakituma is the site of several pa or nohoanga including one at Matauira and another at Te Whare Pa.

It was the koko-takiwai and kakapo which primarily attracted Ngai Tahu to Fiordland. The koko-takiwai is favoured as a softer type of pounamu, more easily shaped into a finer quality of end product. It was therefore particularly sought-after for the making of ornaments, such as hei-tiki. The area also offered many other mahinga kai to sustain parties on their arduous expeditions, including a range of manu (birds), fish and kaimoana resources.

The tupuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of the area, the relationship of people with the coastline and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Ngai Tahu today.

There are two principal trails linking the Fiordland coast with the rest of Te Wai Pounamu (the South Island). A sea route around the fiords links Piopiotahi to Murihiku, and was the main route by which the koko-takiwai gathered from that end of the fiords was transported. The inland route for transporting koko-takiwai by back pack lay over what is now known as the Milford track, over Omanui (McKinnon Pass), down the Waitawai (Clinton River) to the head of Te Ana-au (Lake Te Anau). From there, the pounamu would be transported by mokihi to the head of the Waiau River, and from there down the Waiau to Te Ara a Kiwa (Foveaux Strait). In addition, a trail from Martins Bay, up the Hollyford Valley and over into the Routeburn Valley to the pounamu source at the head of Lake Whakatipu-wai-Maori, was commonly used by Tai Poutini iwi, who regularly travelled south via this route to obtain koko-takiwai.

Hence tauranga waka (landing places) occur up and down the coast and wherever a tauranga waka is located there is also likely to have been a nohoanga, fishing ground, kaimoana resource, with the sea trail linked to a land trail or mahinga kai resource. The tupuna had a huge knowledge of the coastal environment and weather patterns, passed from generation to generation. This knowledge continues to be held by whanau and hapu and is regarded as taonga. The traditional mobile lifestyle of the people led to their dependence on the resources of the coast.

The fiords are the repository of many koiwi tangata, secreted away in keeping places throughout the region. There are also many other wahi tapu in the area, including examples of rock art in Chalky Sound. Urupa are the resting places of Ngai Tahu tupuna and, as such, are the focus for whanau traditions. Urupa and wahi tapu are places holding the memories, traditions, victories and defeats of Ngai Tahu tupuna, and are frequently protected in secret locations.

The mauri of Te Mimi o Tu Te Rakiwhanoa represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngai Tahu Whanui with the area.

Purposes of Statutory Acknowledgement

Pursuant to section 215 and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

(a) To require that consent authorities forward summaries of resource consent applications to Te Runanga o Ngai Tahu as required by regulations made pursuant to section 207 (clause 12.2.3 of the deed of settlement); and

(b) To require that consent authorities, the Historic Places Trust, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to Te Mimi o Tu Te Rakiwhanoa, as provided in sections 208 to 210 (clause 12.2.4 of the deed of settlement); and

(c) To enable Te Runanga o Ngai Tahu and any member of Ngai Tahu Whanui to cite this statutory acknowledgement as evidence of the association of Ngai Tahu to Te Mimi o Tu Te Rakiwhanoa as provided in section 208 (clause 12.2.5 of the deed of settlement).

Limitations on effect of Statutory Acknowledgement

Except as expressly provided in sections 208 to 211, 213, and 215,—

(a) This statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaws; and

(b) Without limiting paragraph (a), no person or entity, in considering any matter or making any decision or recommendation under statute, regulation, or bylaw, may give any greater or lesser weight to Ngai Tahu's association to Te Mimi o Tu Te Rakiwhanoa (as described in this statutory acknowledgement) than that person or entity would give under the relevant statute, regulation, or bylaw, if this statutory acknowledgement did not exist in respect of Te Mimi o Tu Te Rakiwhanoa.

Except as expressly provided in this Act, this statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

Except as expressly provided in this Act, this statutory acknowledgement does not, of itself, have the effect of granting, creating or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, Te Mimi o Tu Te Rakiwhanoa.

Fiordland
Marine Guardians
Beneath the Reflections

Ryan Hodgson
Senior Consents Officer
Environment Southland
PO Box 1262
Invercargill 9840

esconsents@es.govt.nz

11 August 2021

Dear Ryan,

Re: Limited notification of resource consent application – Coastal Permit – Sean Ellis and Maria Kuster of Pure Salt NZ Limited. APP-20211024

The Fiordland Marine Guardians (the 'Guardians') wish to make the following submission under s95B of the Resource Management Act **in opposition** to the application stated above. We strongly belive that we must oppose this application in order to meet our statutory responsibilities, and obligations under Te Tiriti o Waitangi for the FMA.

The Guardians were formally recognised as a governance group for the Fiordland Marine Area (FMA) with the establishment of the Fiordland Marine Management Act ("the Act") in 2005. Our vision, which guides our mahi, is that *the quality of Fiordland's marine environment and fisheries be maintained or improved for future generations to use and enjoy.*

General Comments

1. We would like to acknowledge the initiative and commitment that the applicant has demonstrated to conservation mahi in the FMA. The applicant has a strong history of environmental education and engagement through a range of participatory experiences for its clients and has set an impressive example of environmental stewardship in the region. The Guardians are grateful for the operator taking a leadership role in this approach, and in particular we acknowledge the multiple underwater clean ups that the applicant has undertaken to deal with historic rubbish in the FMA.

2. Whilst we respect the conservation work and advocacy that the applicant does, it would be remiss of the Guardians not to continue to express our concerns towards the ever-increasing pressure that the FMA is coming under particularly from surface water consent holders. One of the responsibilities of the Guardians is to advise and make recommendations to relevant management agencies and Ministers on the effectiveness of management areas in the FMA, and likely threats to the area. To this end, we have raised our concerns with Council through a range of fora about the increasing pressure on the FMA, particularly throughout the southern fiords, due to the proliferation of private and commercial vessels visiting and working in this area in recent years.

These concerns stem from direct observations by (and experience of) the Guardians, concerns raised by visitors to and operators in the FMA, and our improved understanding of the dearth of information that is currently available to adequately measure, assess, and manage cumulative effects of visitor pressure on the environment. The Guardians have made clear our position that we will not support any applications for new SWA consents in the FMA until such time as we have sufficient information to fully assess the cumulative effects of the proposed activities on the essential values of remoteness, isolation, wilderness and natural character of the internal waters of Fiordland.

We also note recent corespondance from council staff to the Guardians on the 9th August 21, *"Delays in the plan review due to Covid-19 and the resultant financial impacts, has resulted in increased pressure within the CMA from commercial surface water activities, particularly within the Fiordland area but also Stewart Island/Rakiura. There has been an increase in the number of resource consent applications for commercial surface water activities over recent months and the existing plan does not provide a clear framework for managing cumulative adverse effects and effects on natural character and outstanding natural features and landscapes "*

3. Public access, Navigation and Safety: In addition to the cumulative effects outlined above, the Guardians continue to express concern about the potential for navigational safety risk caused by an increasing number of vessels in the FMA. Specifically, there are a finite number of anchorages available to seek safe haven in adverse weather conditions. A collective of five operators of Amateur Charter Vessels who operate in Tamatea/Dusky Sound (including the applicant) raised concerns to this effect in a letter dated 24 June 2021 (appended), expressing their concern that the area has reached its carrying capacity.
   "...we need to urgently address the carrying capacity in Dusky and Breaksea Sounds currently in 2021 and into the future as we believe currently it is at saturation point and cannot continue...". "Given the increased frequency of severe and adverse weather conditions we are experiencing, there is concern that the existing charter vessel operations safety will be compromised (this was highlighted back in early April 20201 when we had 6 different operators/vessels all in Cascade Cove sheltering from a standard NW front)"
   We place significant weight on the views of these operators given they are the people in the area on a daily basis. This additional proposed vessel will add further pressure to the limited anchorages throughout the FMA.

4. We particularly wish to address the notion that activities will be undertaken in the "remote" parts of Fiordland. We consider that the southern part of Fiordland was remote some 20-30 years ago, when vessel encounters were rare other than with the seasonal rock lobster vessels.

   Today however, those engaged in passenger charters operate throughout the year in the southern fiords. Their presence in the Tamatea/Dusky Sound and Te Puaitaha/ Breaksea Sound in particular is placing increasing pressure in areas of high historical interest. Also, continual fishery pressure in the inner areas of the fiords is clearly having an impact on several iconic fish species, with operators continually targeting key areas, leading to the localised depletion of these stocks.

Specific Comments

Term of consent
The application is made for a consent term of 20 yrs. The Guardians consider this inappropriate given the current review of the Regional Coastal Plan. A consent term that expires around the time of implementation of the new coastal plan would be more precautionary.

Geographical and temporal scope of proposed activities
The applicant is requesting the consent to extend from Yates Point to Puysegur Point. We consider it would be precautionary to reduce the scope of geographical extent of consents (to align with the core operational area of the applicant) in order to better assess and manage the cumulative effects of surface water activities in the FMA.

Similarly, a temporal scope of 365 days per year risks significant latent effort accumulating in consented activities. We encourage Council to reduce the scope of consents to circa 250 days to reflect the proposed operations more accurately.

Rationale for less than minor impact.
The applicant states that the impact of the proposed activity will have less than minor impact due to:

1. The transient nature of the activity
2. The identical nature of the vessel to their existing vessel meaning that visitors to the area will not notice there are in fact two vessels in operation
3. The positive impact of the company's conservation efforts outweighing the negative impacts of the activity.

We take issue with each of these points of rationale as follows:

1. The proposed scope of activity is 365 days in operation, with individual trips lasting up to two months in duration. The resulting near constant presence of the vessel in the FMA under these circumstances can hardly be considered transitory in nature. As noted in General Comment (4), the now year-round and cumulative pressure applied by surface water consent operators on this environment is continuous, therefore their effects are a constant and not transient as suggested.
2. The proposition by the applicants that the identical nature of the proposed vessel to their currrent vessel will result in less impact, is simply preposterous. Following this argument, the issues we are currently facing with respect to carrying capacity and limits in the FMA (recently raised by five operators, including the applicant – letter appended) could be avoided, and in fact the number of SWC vessels could be doubled with little impact, provided each new vessel were a sister ship to an existing vessel. It is simply non-sensical.
3. Whilst we acknowledge the commitment to conservation this operator has demonstrated, the Guardians submit that the net effects cannot be less than minor considering the proposed activity involves an additional vessel that is 27m in length carrying 15 passengers and crew undertaking activities of *"hunting, kayaking, paddle boarding, fishing, free & SCUBA diving, sightseeing, relaxing, walking, bird watching as well as part taking in conservation projects"* in the FMA.

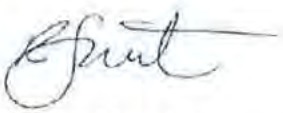
Fiordland
Marine Guardians
Beneath the Reflections

Based on the reasons stated in this submission, we wish for Council to decline this application for a consent for surface water activity in the FMA.

The Guardians wish to be heard in support of this submission.

Please let me know if you require any further information at this stage.

Ngā mihi nui,



Rebecca McLeod

Chair, Fiordland Marine Guardians
PO Box 213, Te Anau 9640
Ph. [redacted]
Email. [redacted]

24 June 2021

To Whom it may concern,

Collectively we represent 5 local charter operators/owners in Dusky, Breaksea Sounds over a very long period of time. We all have a very unique skill set, expertise and engagement across all levels being on and off the water with multiple different operations but a common ground and work with local and central Government agencies. We are expressing our concerns to you on a personal level not a commercial level from our perspective and we need to urgently address the carrying capacity in Dusky and Breaksea Sounds currently in 2021 and into the future as we believe currently it is at saturation point and cannot continue without addressing some key points/issues outlined below.

Key issues/points

1. Increased pressure on Dusky, Breaksea Sound marine area
   - A recently developed commercial charter vessel, voluntary fishing code of conduct has addressed local fish stocks, but no one has addressed the issue of too many vessels by the 3 main agencies - why?

2. The availability of safe anchorages is likely to be diminished as more/larger vessels are granted access.
   - Given the increased frequency of severe and adverse weather conditions we are experiencing, there is concern that the existing charter vessel operations safety will be compromised. (this was highlighted back in early April 20201 when we had 6 different operators/vessels all in Cascade Cove sheltering from a standard NW front)

   - The new vessels arriving (Heritage Explorer/Strannik/Island Passage) where are they proposing to anchor? What moorings do they propose to utilise? No correspondence or engagement with local operators/owners on this. Why?

   - Poor management of structures and moorings (and positions of such) has the potential to compromise the availability of safe anchorages.

3. Diminishing natural remote wilderness values

   - Effects on current users (Us - owners/operators) Where was the consideration or information based on?

     IWI - Where do they sit with more people/larger vessels utilising Dusky, Breaksea Sounds in regards to cultural values and respect. IWI response to more fish species being taken, more noise and visual effects and the natural wilderness values reduced. More visitors visiting historical IWI sites (Eg Indian Cove)

     ES with increase in larger vessels coming into Dusky, Breaksea Sounds which contradict ES Coastal plan (current and proposed draft)

     During the last decade some local operators (Fiordland Charters, Deep Cove Charters, Fiordland Expeditions, Pure Salt) have been raising concerns with ES and FMG indicating that there is too much pressure on the Dusky, Breaksea Sounds area.

With next to no output/response we feel as though it is falling on deaf ears. The lack of action and urgency is of deep concern
DOC National Park plan of low impact tourism keeping in check with remote Wilderness values. Eg Low impact small vessels with no increase in activities

- Is there a documented consistent outline (across all agencies/stakeholders) of the actual capacity of the Dusky, Breaksea Sounds area taking into account the following:

  Commercial charter vessels
  Syndicate vessels
  Recreational vessels

  And if so how is this being monitored?

We support positive and tangible change with place at heart. As responsible, passionate ambassadors of Fiordland Marine Area and our desire to protect the wilderness values which are at the very core of this world class destination, we strongly believe we have the responsibility to send a collective call to action:
the urgency to protect and preserve Fiordland is paramount - where are the values of Kaitiakitanga, Kotahitanga, Manaakitanga

We await your response,

Regards

Paul and Katherine Mitchell - Fiordland Charters
Brian Humphrey and Fiona Lee - Wild Fiordland
Sean Ellis and Maria Kuster - Pure Salt
Richard and Mandy Abernethy - Fiordland Expeditions
Chris and Diane Lemin - Deep Cove Charters

Attachment 5

Supplementary information and assessment of effects (amended application)

Dated 10 June 2026

`

Seán Ellis & Maria Kuster

Supplementary information for coastal permit application APP-20211024

"To operate a commercial surface water activity within the coastal waters of Fiordland/Te Mimi o Tu Te Rakiwhanoa"

Applicants:
Séan Ellis and Maria Kuster

10th June 2026

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1 Purpose and Context

This document provides supplementary information to support the existing resource consent application APP-20211024 lodged on 29 January 2021 by Seán Ellis and Maria Kuster (herein referred to as "the applicants").

It does not alter the original application or proposal in any substantive way. The proposed activity remains as described in the original application and Assessment of Environmental Effects (AEE) as follows:

1. Operation of a 27 m vessel (MV Wakakura) within the Fiordland Coastal Marine Area;
2. Up to 17 people including crew;
3. Use of ancillary craft (two tenders, eight kayaks, and four paddleboards), and
4. Activities including hunting, fishing, diving, kayaking, sightseeing, and conservation work.

However some changes are proposed to align with the consent that will be surrendered, as follows:

5. The Duration/frequency would be reduced to 300 days per year, in line with AUTH-20202563;
6. The proposed duration is changed to ten years to align with the current expiry date of AUTH-20202563 of 6 August 2036.

The purpose of this supplementary information is to:

1. Apply a consented baseline reflecting the applicants' existing Coastal Permit AUTH-20202563, which authorises identical surface-water activities for a 17 m vessel within the same area for up to 17 passengers including crew;
2. Propose a condition on the new coastal permit that AUTH-20202563 will be surrendered once APP-20211024 is granted;
3. Demonstrate that under this approach there will be no increase in the number of vessels operating in Fiordland, therefore the effects of the proposal will be mitigated by surrendering AUTH-20202563, including cumulative effects; and
4. Assess the incremental effects of the modest increase in vessel length (from 17 m to 27 m) against the relevant objectives and policies of the operative and proposed planning frameworks, including the NZ Coastal Policy Statement, Plan Change 5 of the Regional Coastal Plan, the Fiordland National Park Management Plan, the Southland Murihiku Conservation Management Strategy and Te Tangi a Tauira - The Cry of the People Iwi Management Plan; and
5. Address the concerns raised by submitters.

2 Background and consented baseline

2.1 Current Coastal Permits for Surface Water Activities held by the applicant

The applicants currently hold two coastal permits "To operate a commercial surface water activity within the coastal waters of Fiordland", as follows:

1. AUTH-20181624-02: a coastal permit for a 27 m vessel (used for the operation of MV Flightless), expiring 1 November 2038.
2. AUTH-20202563: a coastal permit for a 17 m vessel, expiring 6 August 2036.

There is no change to 1. AUTH-20181624-02 (for MV Flightless), and that consent is not relevant in this application, except in the fact that this application is seeking to authorise the operation of 27m vessel, MV Wakakura - a "sister ship" to Flightless that is identical in size, shape, colours and operations as MV Flightless.

2.2 Activity status, assessment requirements and applying the consented baseline

This application APP-20211024 was lodged prior to notification of Plan Change 5 (PC5) to the Regional Coastal Plan and therefore retains its original activity status under s 88A RMA which is ***discretionary***.

However, the assessment must now consider the objectives and policies of PC5 and the Fiordland National Park Management Plan (FNPMP). The applicants acknowledge that the effects on cultural values were not well addressed in the original application, and the proposal was not assessed against the policies and objectives of Te Tangi a Tauira – the Ngāi Tahu Murihiku Resource and Environmental Management Plan 2008. That assessment is now included in this supplementary information.

Under this supplementary approach:

1. Coastal Permit AUTH-20202563 for a 17 m vessel establishes a consented baseline for a commercial vessel operating in the coastal waters of Fiordland for up to 17 passengers including crew.
2. The proposal under APP-20211024 represents a continuation of that baseline, with a single replacement vessel of similar design but slightly increased length.
3. That AUTH-20202563 (for the 17 m consent) is surrendered prior to, ensuring no net increase in vessel numbers or operational intensity within the Coastal Marine Area.
4. The applicants propose including a condition on coastal permit APP-20211024 as follows:

> ***Condition X – Surrender of existing consent AUTH-20202563***
>
> *The consent holder shall, prior to exercising this consent, provide written confirmation to Environment Southland that Coastal Permit AUTH-20202563 has been formally surrendered under section 138 of the Resource Management Act. 1991.*
>
> *For the purposes of this condition, "prior to exercising this consent" means before any surface-water activities authorised by this permit are undertaken.*
>
> *Advice note: The purpose of this condition is to ensure that there is no net increase in the number of vessels authorised to operate within the Fiordland Coastal Marine Area and to maintain the consented baseline relied on in the assessment of environmental effects.*

2.3 MV Wakakura

The intention is for the coastal permit to be used by the vessel MV Wakakura, which is the sister vessel to MV Flightless, and has the same specifications, as follows:

Vessel name:	MV Wakakura
Description:	Ex New Zealand Navy Vessel converted into an expedition vessel
Length / beam / draft:	27m / 6.1m / 2.4m
Max displacement:	119t

Hull:	Steel
Engines:	2 x Cummins KT-1150-M, auxiliary 2 x Cummins 42kw
Cruising speed:	9kts (max 12kts)
Berths:	17 passengers including crew
Launched:	1985



Figure 1 - MV Wakakura is the same size, shape and specifications as MV Flightless, and will be painted in the same colours.

3 Summary of proposal

Aspect	Original application APP-20211024	Permitted baseline as authorised under AUTH-20202563	Amended application for APP-20211024
Vessel	27 m vessel (as a new surface water activity)	17 m vessel (no new surface water activity as this consent would be surrendered upon granting of **APP-20211024)**	27 m vessel (no additional surface water activity - **AUTH-20202563** would be surrendered upon granting of APP-20211024).
Activity	Commercial surface-water activity, including ancillary activities	Commercial surface-water activity as described in AUTH-20202563, and including ancillary activities	Commercial surface-water activity, including ancillary activities
Ancillary activity	Two tenders including outboard motors, eight kayaks, and four paddleboards	Not specified in the consent wording, but one tender is included in the application form which forms part of the consent. Ancillary activities were not required to be specified when this consent was issued so there was no restriction on other ancillary activities such as kayaks etc.	Two tenders including outboard motors, eight kayaks, and four paddleboards
Passengers	Up to 15 people including crew	Up to 17 people including crew - as authorised under AUTH-20202563	Up to 17 people including crew
Area of operation	Yates Point to Puysegur Point	Yates Point to Puysegur Point	Yates Point to Puysegur Point
Duration / frequency	Up to 365 days per year	Up to 300 days per year	Up to 300 days per year
Additional vessels	One additional vessel to what was already consented for Fiordland	No additional vessels in Fiordland – this coastal permit would replace existing coastal permit AUTH-20202563	No additional vessels in Fiordland – this coastal permit would replace existing coastal permit AUTH-20202563
Proposed term:	20 years	Expiry date of 6 August 2036 (10 year term)	Expiry date of 6 August 2036 (10 year term)

The consented baseline provided for a vessel of 17m length. This application is seeking a vessel size of 27m in length.

This change will have less-than-minor environmental effects because:

- The Wakakura is identical in design, colour and profile to the MV Flightless which is already in operation in this area;
- The increase in vessel length does not materially change noise, wake, or visual effects;
- The vessel, even at the slightly larger size, is dwarfed by the huge landscape in the fiords;
- The operation is transient and dispersed across a vast area; and
- The surrender of the 17 m consent offsets any additional presence, resulting in no increase in cumulative activity.

4 Description of the affected environment

4.1 Marine setting

The consent area covers the coastal marine waters of Fiordland between Yates Point and Puysegur Point. This coast is defined by a series of glacially carved fiords—long, narrow inlets with steep rock walls, hanging valleys and numerous waterfalls. The intricate coastline includes islands, coves and sheltered anchorages within fiords such as Charles, Nancy, Dagg, Doubtful, Breaksea, Dusky, Chalky and Preservation Inlets.

High annual rainfall and frequent low cloud create a distinctive marine environment. Freshwater runoff produces a tannin-stained low-salinity surface layer above denser seawater, influencing light penetration and supporting communities of species such as black corals and sponges at shallower depths than elsewhere. The adjoining land is Fiordland National Park, part of Te Wāhipounamu – South West New Zealand World Heritage Area, recognised for its outstanding natural values. The CMA also contains marine reserves, representative areas and “china shops” (small areas notable for abundant or fragile marine life).

4.2 Existing use

The CMA is subject to both commercial and recreational surface water activities, including fishing, diving, charter operations, and tourism. There are numerous operators authorised to operate in the area with vessels ranging from small water taxis to larger charter and cruise vessels. In addition to this are recreational users whom do not require a resource consent. The existing environment therefore includes the regular presence of vessels of varying size, including those larger than 27m.

A list of current coastal permits for commercial surface-water activities (as at July 2024) is provided in Appendix 1.

4.3 Navigation and Anchorages

Navigation is managed under Maritime New Zealand requirements and the Southland Regional Coastal Plan. Sheltered anchorages are used throughout the fiords, and moorings exist in some locations consistent with plan provisions. The applicants hold a separate consent for exclusive occupation of three swing moorings at Vancouver Arm, Shark Cove and Cascade Cove (AUTH-20211363).

4.4 Wildlife and Biosecurity

The Fiordland CMA supports diverse marine communities including black corals, brachiopods and sponges. Marine mammals observed include bottlenose, common and dusky dolphins and New Zealand fur seals, with occasional visits by whales offshore. Coastal margins and islands provide habitat for tawaki/Fiordland crested penguin and other seabirds and shorebirds.

Biosecurity is a key management focus. The Fiordland Marine Pathways Management Plan seeks to prevent the introduction and spread of marine pests such as Undaria pinnatifida. Several islands within and adjacent to the fiords are pest-free and managed to maintain that status.

4.5 Amenity, Wilderness, and Remoteness Values

The Fiordland coastline is recognised for its outstanding natural character, wilderness and remoteness, which are central to its management under the Fiordland National Park Management Plan and the

Fiordland (Te Moana o Atawhenua) Marine Management Act 2005. The 2013 Regional Coastal Plan Landscape Assessment assigns all fiords other than Milford Sound a naturalness rating of 5 – the highest possible level.

The scale of the landscape dominates human presence. Towering cliffs, mist-shrouded peaks and expansive waterways dominate the landscape, with only minimal and scattered human presence, limited mainly to historic sites, anchorages and Department of Conservation facilities.

These values are reflected in the management objectives of the Fiordland National Park Management Plan and the Fiordland Marine Management Act 2005, both of which emphasise the preservation of wilderness qualities while providing for limited, well-managed use.

The affected environment therefore comprises a large, wild and largely unmodified coastal and marine landscape that already accommodates managed levels of surface-water activity. The adjoining Fiordland National Park, part of the Te Wāhipounamu – South West New Zealand World Heritage Area, is recognised internationally for its outstanding natural beauty and conservation values.

4.6 Cultural and historical context – Ngāi Tahu

The consent area lies within Te Mimi o Tū Te Rakiwhānoa (Fiordland Coastal Marine Area), recognised by a Statutory Acknowledgement in the Ngāi Tahu Claims Settlement Act 1998 (Schedule 102). The Crown acknowledges Te Rūnanga o Ngāi Tahu's cultural, spiritual, historic and traditional association with this area.

According to the Statutory Acknowledgement[1], the fiords represent, in tradition, the raised sides of Te Waka o Aoraki. The waka foundered on a submerged reef and its occupants – Aoraki and his brothers – were turned to stone, now forming the highest peaks of Kā Tiritiri o te Moana (the Southern Alps). The fiords at the southern end of the Alps were shaped by Tū Te Rakiwhānoa to make the land habitable for humans, carving deep waterways to provide safe havens along the rugged coast and stocking them with fish, forest and birds to sustain travellers.

Te Tangi a Tauira (2008) – the Ngāi Tahu ki Murihiku Iwi Management Plan – records that the Fiordland area represents "the raised-up sides of Te Waka o Aoraki" and explains that the region's richness in pounamu (kōko-tangiwai) and mahinga kai resources led to a network of coastal settlements, trails, and fishing grounds. The plan emphasises that the fiords are a significant cultural landscape with place names, tauranga waka, ara tawhito, and wāhi tapu that remain important to Ngāi Tahu today[2].

Both the Statutory Acknowledgement and Te Tangi a Tauira highlight Ngāi Tahu's role as kaitiaki responsible for protecting the mana and mauri of Te Mimi o Tū Te Rakiwhānoa. They identify values of wilderness, remoteness, and the enduring relationship of tangata whenua with their ancestral lands and waters.

This cultural context underpins expectations that activities within the Fiordland CMA respect kaitiakitanga, protect mauri, and maintain both the natural and cultural values of the fiords, consistent with the provisions of Te Tangi a Tauira and the Statutory Acknowledgement.

---

[1] Te Rūnanga o Ngāi Tahu Act 1996, Schedule 102: Statutory Acknowledgement for Te Mimi o Tū Te Rakiwhānoa (Fiordland Coastal Marine Area). https://www.legislation.govt.nz/act/public/1998/0097/latest/DLM431352.html

[2] Te Ao Mārama Inc. (2008). Te Tangi a Tauira – The Cry of the People: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008. Invercargill: Te Ao Mārama Inc.

5 Assessment of Effects of the proposal on the Environment – taking into account the consented baseline

The following supplementary assessment identifies and assesses the types of effects that may arise from the proposal taking into account the consented baseline from existing coastal permit AUTH-20202563.

The original application for AUTH-20202563 includes tender craft and kayaks, but at the time of issue, these were not routinely included in the wording on the consent document.

The effects arising from the increase in vessel length from 17m to 27m, and associated ancillary kayak, paddle board and tender use are not considered significant.

AUTH-20202563 authorises up to 17 passengers, including crew. It is proposed to keep this number of passengers so that it is consistent with sister ship MV Flightless.

The following actual and potential effects on the environment have been assessed:

- Effects on intrinsic values, natural character, and landscape values
- Effects on ecosystems, indigenous flora and fauna, and wildlife (including marine mammals and seabirds)
- Effects of human sewage discharges
- Effects of rubbish and waste management
- Effects on benthic communities and seabed disturbance
- Effects of contaminant discharges and spills (fuel, bilge, greywater)
- Effects on air quality (exhaust emissions)
- Effects on noise and vessel wake/wash
- Effects on cultural and historic values
- Effects on people, communities, and public access
- Effects on navigational safety
- Cumulative effects
- Positive effects

5.1 Effects on intrinsic values, natural character and landscape values

The Fiordland coastal marine area between Yates Point and Puysegur Point holds very high intrinsic and landscape values, with outstanding natural character recognised in the Regional Coastal Plan (RCP). The area is used by commercial fishing vessels, charter vessels, private craft and occasional cruise ships; outside a small number of moorings and facilities, the coastline remains largely unmodified.

Moving from a 17m to a 27m vessel marginally increases the vessel's visual scale when viewed against the backdrop of steep fiord walls. Given that vessel-based access is characteristic of this setting and other vessels of 17–35 m already operate in Fiordland, the incremental change to landscape and natural character values from this vessel length increase is assessed as less than minor.

Pure Salt's operations emphasise low-impact visitation and interpretation that fosters understanding of the fiords' intrinsic values, which helps offset perception effects. The replacement vessel MV Wakakura presents a similar form and livery to the existing Flightless, further reducing any change in visual effects.

In terms of intrinsic values, Pure Salt provides opportunities for people to appreciate the uniqueness of the Fiordland environment, fostering stewardship and awareness. It is unlikely the proposed activity will result in any effects on intrinsic values beyond those already anticipated by Coastal Permit AUTH-20202563. It is noted that a similar application from Real Journeys – AUTH- 20221882 which secured an increase in vessel length from 30 to 36 m and an increase in the number of passengers from 36 to 70. Real Journeys commissioned a landscape assessment by Mr Skelton from Patch. In the Decision document for that consent (which was granted) the Commissioner wrote starting at paragraph 25:

> *"Mr Skelton concluded that "in the context of the broad receiving landscape the Fiordland Navigator appeared dwarfed by the scale, complexity and overall amenity which is available in Doubtful Sound/Patea and did not act to reduce visual amenity." In terms of the high natural character values present in the location, he concluded that these "will not be adversely affected by the proposal".*
>
> *While acknowledging that the surface of the waters will see some intensification of activity, Mr Skelton was of the opinion that this would result in "very low adverse effects on the natural character of the coastal area."*

Further on in paragraph 27 the Commissioner states:

> *"While my site visit confirmed that the new vessel is somewhat larger than the one it will replace, I agree with Mr Skelton that this will make very little difference to the effect on the values of the fiord complex given the scale and complexity of the receiving environment. Mr Skelton considered that there was no effect on visual amenity and that any adverse effect on natural character would be very low. This essentially equates to a de minimus effect, which in legal terms is generally considered so minor as to be undeserving of attention."*

In summary, a slightly larger vessel does have some potential adverse effect on natural character and landscape values, but overall this is assessed as less than minor.

5.2 Effects on ecosystems, indigenous flora and fauna, and wildlife

Fiordland supports a wide range of protected marine mammals and seabirds, and notable benthic species such as black corals and brachiopods.

Pure Salt Ltd strictly follows the requirements of the Marine Mammal regulations 1992 when viewing marine mammals. They have a vessel based and land based Marine Mammal viewing Permit (Permit number 97413-MAR), adhere to the Marine Mammal Code of Management and the existing consent's and the consent's Dolphin Avoidance Protocol. Staff take a precautionary approach when interacting and viewing all wildlife, including penguins, seabirds, etc and will take all practicable steps to ensure no mammals or birds or other wildlife are disturbed or otherwise affected by the proposal, or by their operations.

Ancillary craft (tenders, kayaks, paddle boards) will operate under the same wildlife approach protocols used for tenders, including minimum approach distances, speed controls near wildlife, and immediate cessation of activity if wildlife shows disturbance behaviour. The applicants' Marine Mammal Viewing Permit includes both vessel and land based viewing, and includes viewing from tenders, kayaks and paddleboards.

Below the effects of effluent discharge, rubbish, noise and discharge to air have been considered, which are all relevant to effects on wildlife, flora and fauna.

Pure Salt also operates a number of significant conservation initiatives in Dusky Sound including pest control and monitoring operations on Indian, Long and Pigeon Islands and Pickersgill Harbour. Through the Pure Salt Tamatea / Dusky Sound Restoration Project the applicants contribute to pest control and ecosystem recovery and inspire client support for conservation, extending the integrity of protected networks within the fiords.

The applicants consider the change in vessel length or the specific inclusion of ancillary crafts on the consent document does not increase the effects on ecosystems, indigenous flora, fauna and wildlife, and that effects remain less than minor.

5.3 Effluent discharge

While this supplementary assessment applies a consented baseline, the increase in vessel size from 17 m to 27 m does not increase passenger numbers beyond what is consented, and therefore effluent volumes remain unchanged. The larger vessel provides increased storage for effluent, reducing discharge frequency. This is expected to have a neutral to beneficial effect. All discharges will continue in accordance with the Resource Management (Marine Pollution) Regulations 1998.

5.4 Contaminant Spills

The proposal would not increase the risk of contaminant spills from the current consented baseline.

Best-practice spill prevention, onboard containment and response capacity (including maintained spill kits and crew training) remain in place, alongside compliance with relevant consent conditions and Marine Pollution Regulations. Bilge and greywater systems remain compliant with manufacturer specifications and maritime requirements.

5.5 Rubbish

All rubbish is bagged and removed from the vessel and disposed of appropriately back in town. Pure Salt goes to some lengths to reduce the amount of plastic and rubbish produced on board (e.g. use of powdered milk and yogurt, and soda stream machines to reduce the number of plastic bottles brought on board, bulk provision of eco-shop cleaning supplies etc). These waste management practices will ensure effects on wildlife are minimised. Furthermore, there is no increase in the number of passengers fro the consented baseline so the volume of rubbish will remain unchanged, but there is more storage space on board compared to the 17 m vessel.

In summary, the effects are unchanged from the consented baseline.

5.6 Air quality (exhaust emissions)

The MV Wakakura is being fitted with modern engines using a wet exhaust system, which significantly reduces visible exhaust and noise. Modern engines also lower particulate and NOx emissions relative to older systems. Relative to the consented baseline, emissions effects are improved and considered less than minor and positive.

5.7 Noise and vessel wake/wash

The Regional Coastal Plan seeks to protect amenity values of the coastal environment from adverse effects of artificial noise in the coastal marine area. Wet exhausts and modern engine mounts reduce above and below-water sound. Compliance with speed restrictions and wildlife protocols further minimises underwater noise exposure.

Larger vessels can generate greater wake at a given speed; however, operations will continue to comply with the 5-knot within 200 m of shore speed limit, which materially limits wake energy. The rugged Fiordland coast is already exposed to significant natural wave climates that dominate shoreline processes; ephemeral vessel wake under speed controls is a minor contributor. On that basis, noise and wake/wash effects from the larger vessel size compared to the consented baseline are less than minor.

5.8 Benthic communities and seabed disturbance

The increase in vessel size and addition of ancillary crafts compared to the consented baseline will not change the effect on benthic communities and the seabed beyond what is already consented under AUTH-20202563.

Operations will continue to use recognised anchorages and existing moorings in historically used locations. No new anchorages or moorings are proposed. These locations already accommodate vessels of similar or larger size. The applicants hold a coastal permit for the exclusive occupation of the coastal marine area for three moorings (Vancouver Arm, Shark Cove, and Cascade Cove) via AUTH-20211363.

Consequently, no new areas of seabed will be affected and effects on benthic communities from the proposal will not change.

5.9 Cultural and historic values

The activity occurs within the Ngāi Tahu Statutory Acknowledgement Area Te Mimi o Tu Te Rakiwhanoa (Fiordland Coastal Marine Area). The proposal with a consented baseline does not alter locations, frequencies, or the nature of engagement with cultural values. Operations remain consistent with relevant iwi management plans and existing consent conditions relating to accidental discovery or protection of heritage. Effects on cultural and historic values from the change are less than minor. Please see the Consultation section below which includes a response to Te Ao Marama Inc's submission on the original application, and also the assessment against the Murihiku Iwi Management Plan Te Tangi a Tauira.

5.10 People, communities, and public access

The proposal does not increase passenger numbers or intensify visit frequencies compared to the consented baseline. Continued use of recognised anchorages remains on a first-in, first-served basis, as is customary for all vessels. Many anchorages can accommodate multiple vessels and operators actively avoid crowding. The applicants have installed and maintain their own swing moorings in Shark Cove, Cascade Cove and Vancouver Arm (swing mooring resource consent AUTH-20211363).

The charter activity enhances public access to remote fiords otherwise accessible only by overnight or multi-day tramping. Effects on people, communities and public access from the change are less than minor and include positive access outcomes.

5.11 Navigational safety

There is unlikely to be any additional adverse impact on navigational safety beyond what is already consented. The MV Wakakura is an internationally surveyed vessel, carrying lifesaving, medical and safety equipment that meets or exceeds applicable maritime requirements for operations in the area. The proposal does not introduce new navigation risks beyond those already managed under maritime rules and the consented baseline. Continued adherence to maritime collision prevention, speed restrictions, lighting, and communications protocols will apply. Effects on navigational safety from the

change are less than minor. Furthermore, The application was referred to the Environment Southland Harbourmaster who has advised that he has no concerns regarding navigational safety.

5.12 Biosecurity

Existing biosecurity procedures for the vessel hull and ancillary craft will continue and will be clearly defined in the consent conditions. These procedures include inspection and cleaning of all hulls, tenders and paddlecraft in accordance with the Fiordland Marine Pathways Management Plan.

The vessel will operate with a current Clean Vessel Pass and will be inspected for biofouling prior to any re-entry to Fiordland. The vessel will also be slipped and anti-fouled at least biennially in line with its survey schedule.

Client and operational equipment will be cleaned before use and after any period outside the Fiordland Marine Area, with ongoing rodent control maintained on board.

Adherence to these procedures ensures that biosecurity risk remains at or below existing levels. The potential effects on bio-invasion risk are therefore considered less than minor.

5.13 Cumulative effects

Cumulative effects are a key consideration raised in submissions from the Fiordland Marine Guardians and Te Ao Mārama Inc. Under the consented-baseline approach, the total number of vessels operated by the applicants within the Fiordland CMA will not increase. The existing 17 m vessel consent (AUTH-20202563) will be surrendered once this consent is granted, maintaining the same overall level of authorised activity.

The proposed change therefore does not contribute to additional cumulative pressure within the Fiords. Vessel activity levels, frequency of visitation and overall presence remain within the scope of the existing environment, which already accommodates vessels of similar or larger size. Incremental effects associated with the modest vessel length increase are considered less than minor in this context.

The cumulative effects of the activity are therefore assessed as no greater than those already anticipated in the Fiordland CMA and are less than minor.

5.14 Positive effects

The proposal provides improved environmental performance (reduced engine noise and emissions; increased storage for sewage and rubbish, reducing discharge frequency) compared to the consented baseline provided by the existing 17 m coastal permit AUTH-20202563.

The effect of a larger vessel is likely to have a small positive effect on amenity values, as it will allow more room aboard for clients, and allow clients to access and experience the fiords in comfort. There is no increase in the number of passengers above the consented baseline. Pure Salt NZ Ltd provides a low impact tourism experience, and this activity enhances the amenity value of the Fiords as the area would be largely inaccessible without the tourism activities offered by operators such as Pure Salt.

Pure Salt's ongoing conservation initiatives in Tamatea/Dusky Sound (e.g., pest control on Indian and Long Islands) deliver positive outcomes for indigenous biodiversity and public awareness.

5.15 Conclusion

In accordance with Schedule 4 RMA and the Environment Southland Regional Coastal Plan, the actual and potential effects on the environment arising from increasing the authorised vessel length from 17m to 27m (with up to 17 passengers including crew, up to 8 kayaks, 4 paddle boards and two tender craft) within the coastal marine area from Yates Point to Puysegur Point are assessed as less than minor.

No changes are sought to locations, frequencies or passenger numbers compared to the consented baseline. Compliance will continue with the Resource Management (Marine Pollution) Regulations 1998, Marine Mammals Protection Regulations 1992, existing consent conditions, and applicable maritime regulations. The proposal offers several environmental and operational improvements relative to the current baseline.

The proposal offers several environmental and operational improvements relative to the existing baseline. The applicants are seeking written approval from affected parties, Te Ao Mārama Inc, the Fiordland Marine Guardians and the Department of Conservation. Written approval has already been provided by Cray8, and the Harbourmaster has confirmed he has no concerns regarding navigation safety.

6 Consultation and Response to Submissions

In the notification report (prepared under sections 95–95G of the Resource Management Act 1991), the Consents Planner identified four potentially affected parties:

1. The Department of Conservation
2. Fiordland Marine Guardians
3. Te Ao Marama Inc (acting on behalf of the local Rūnaka)
4. CRA8 Management Committee

The applicants have obtained written approval from CRA8 Management Committee (see Appendix 2). In accordance with section 95E(3) of the RMA, the consent authority must not have regard to any adverse effects on persons who have provided written approval. Accordingly, any adverse effects on and CRA8 are not required to be considered as part of this assessment.

The application was limited-notified to the Fiordland Marine Guardians and Te Ao Mārama Inc, who both opposed the application. It is noted that at the time of notification, the consented baseline was not available to be applied, and therefore the application was for an additional vessel operating in the Fiordland Marine Area. With the subsequent application of the consented baseline, and the applicants' proposal to surrender Surface Water Consent AUTH-20202563, the proposal does not result in an increased number of vessels operating in the Fiordland CMA and therefore does not generate cumulative effects.

The minor increase in vessel size has been addressed in the Assessment of Effects.

The concerns raised in submissions are addressed below and in the Assessment of Effects section.

6.1 Response to Fiordland Marine Guardians' submission

The Fiordland Marine Guardians (FMG) raised concerns relating to cumulative effects, navigation and safety, carrying capacity, consent duration, geographical extent, and landscape and amenity effects.

The applicants acknowledge FMG's statutory role, the pressures experienced in the Fiordland Marine Area, and the value of their long-standing kaitiaki perspective. The applicants share FMG's concerns regarding cumulative effects in the Fiordland CMA and have taken practical steps to avoid contributing to these effects.

6.1.1 Cumulative Effects and the Consented Baseline

To address FMG's concerns and ensure there is no increase in cumulative pressure, the applicants propose to surrender AUTH-20202563. Under the consented-baseline approach:

- The total number of vessels operated by the applicants would remain unchanged (two existing active coastal permits – one for MV Flightless, and this proposal for MV Wakakura).
- The proposal does not add to overall vessel presence, frequency, or intensity of activity.
- The identical appearance of MV Wakakura to MV Flightless means perceived activity levels will not materially change.
- The applicants will continue to adhere to best-practice navigation, anchorage management, and Pathways Plan biosecurity controls.

With AUTH-20202563 surrendered, there is no additional vessel, and the cumulative effects originally identified by FMG are avoided.

6.1.2 Navigation Safety and Pressure on Anchorages

FMG expressed concern about pressure on safe anchorages in the FMA. Since there is no additional vessel, the operational pressure is unchanged.

In addition, the applicants now hold resource consent AUTH-20211363 for exclusive occupation of the CMA with swing moorings in Cascade Cove, Shark Cove and Vancouver Arm. These moorings provide safe, secure, low-impact anchorage options. The applicants have invested significantly to establish these facilities, reducing pressure on communal anchorage sites and supporting safe vessel operations.

Accordingly, matters relating to increased navigational pressure and anchorage demand are addressed.

6.1.3 Term of Consent

FMG requested a shorter consent duration. Since the proposal involves the surrender of AUTH-20202563 and introduces no change to the existing operational duration, the applicants seek to retain the same expiry date of 6 August 2036. There is no change from the currently consented duration, and therefore no need for reduction.

6.1.4 Geographical Extent

FMG sought a reduced geographical extent. The proposal maintains the same geographical extent already authorised by AUTH-20202563; therefore, the effects of activity within this area are already captured within the consented baseline. No additional effects arise from retaining the existing operational area.

6.1.5 Transient Nature of the Activity

FMG disputed the transient character of operations. The applicants note that the flexible, adaptive operational pattern—driven by weather, safety, environmental conditions, and presence of other vessels—allows for dispersion of activity rather than repeat pressure on the same sites. This approach reduces localised effects compared to rigid itineraries. The activity is transient in its operation as the

vessel isn't permanently in one spot but moves around a large area., reducing effects on any one location.

6.1.6 Landscape and Amenity Effects

FMG raised concerns that the proposed vessel may create adverse landscape effects. The applicants consider that:

- MV Wakakura is visually identical in colour, style, and form to MV Flightless. From typical viewing distances, the vessels are indistinguishable. The vessel has a dark colour on the hull, allowing it to blend in with the background.
- The Fiordland landscape is vast, rugged, and has high absorptive capacity; the vessel will be dwarfed by surrounding landforms.
- Tourism vessels are an established component of the environment, and the presence of a vessel visually consistent with existing activity is within the expected character of the area.
- With no additional vessel operating (after surrender of AUTH-20202563), the presence of the vessel is consistent with the existing environment and therefore does not create new adverse effects.

While the vessel is slightly larger (27 m compared with 17 m), the applicants consider that, given the scale of the landscape and the identical appearance of the vessel to MV Flightless, any landscape and amenity effects will be less than minor.

It is hoped this addresses FMG's concerns.

6.2 Response to Te Ao Mārama Inc's submission

Te Ao Mārama Inc (on behalf of Te Rūnanga o Ōraka Aparima) raised matters relating to cumulative effects, cultural values, the protection of mauri, and alignment with Te Tangi a Tauira – The Ngāi Tahu ki Murihiku Iwi Management Plan (2008). The applicants acknowledge and respect the role of Papatipu Rūnanga as kaitiaki and manawhenua for Te Mimi o Tū Te Rakiwhānoa, and value the constructive engagement that has occurred throughout this process.

The applicants also acknowledge and agree with Te Ao Mārama Inc's statement that the original 2021 application did not adequately reference or apply the specific policies of Te Tangi a Tauira. A separate, detailed evaluation has now been completed against the relevant policies of Te Tangi a Tauira, and this is provided in Section 7.5 of this supplementary assessment. The key matters raised in the submission are addressed below.

6.2.1 Cumulative Effects, Carrying Capacity, and Pressure on the FMA

TAMI expressed concern that increasing vessel numbers and commercial activity contributes to cumulative pressure on Fiordland, degrading remoteness, wilderness values, natural character, mahinga kai, and cultural landscapes. The applicants understand and acknowledge these concerns.

To ensure that this proposal does not add to cumulative pressure, the applicants propose to surrender surface water consent AUTH-20202563. This step ensures that:

- there is no increase in the number of vessels operating in the Fiordland Coastal Marine Area;
- the operational footprint remains within the area already authorised under AUTH-20202563; and
- there is no expansion of commercial presence above what is already authorised.

In effect, the proposal represents a replacement of an existing authorised vessel rather than the introduction of a new one. Under the consented-baseline approach, the activity does not increase cumulative effects or pressures on the Fiordland Marine Area.

6.2.2 Mauri, Cultural Values, and Environmental Integrity

Te Ao Marama Inc raised concerns that additional activity within the Fiordland Marine Area (FMA) may erode cultural and environmental values, including the mauri of the FMA. The applicants acknowledge these concerns and recognise the role and responsibility of manawhenua to safeguard the physical and spiritual wellbeing of the moana and its resources.

The applicants consider that the matters raised by TAMI are appropriately avoided or mitigated through the following measures:

- there would be no increase in vessel numbers following or activity intensity as a result of this application, following the surrender of AUTH-2020563, ensuring no additional cultural or environmental pressure above the consented baseline;
- continuation of Pure Salt's long-standing conservation initiatives, including the Tamatea/Dusky Sound Restoration Project, and partnerships with the Department of Conservation;
- active participation in predator control, marine clean-ups, biosecurity practices, and education initiatives;
- operational practices that minimise disturbance to natural and cultural values, avoid sensitive areas, and are adapted in response to environmental conditions within the FMA.

Sustainable fishing practices are integral to operations, including fishing only for immediate consumption, ensuring no kaimoana leaves the vessel, utilising all parts of any kaimoana taken, and educating clients about sustainable harvest practices and pressures on the moana.

Taken together, these measures contribute to maintaining and enhancing the mauri, health, and resilience of the Fiordland environment and are consistent with the principles of kaitiakitanga articulated in Te Tangi a Tauira.

6.2.3 Alignment with Te Tangi a Tauira (2008)

TAMI noted that the original application did not reference specific policies or issues within *Te Tangi a Tauira*. The applicants acknowledge this omission. A detailed and structured assessment against the relevant provisions of Te Tangi a Tauira has now been completed (see Section 7.5).

Key provisions of Te Tangi a Tauira emphasise:

- maintaining natural character, remoteness, and wilderness values;
- ensuring activities do not adversely affect cultural landscapes, taonga species or mahinga kai;
- safeguarding mahinga kai resources; and
- avoiding incremental or cumulative effects that degrade the mana or mauri of Te Mimi o Tū Te Rakiwhānoa; and
- ensuring cultural narratives and interpretations are used appropriately and only with rūnanga approval.

When assessed against these policy directions, and with the consented baseline applied, the proposal is considered consistent with Te Tangi a Tauira for the following reasons:

- there is no increase in vessel numbers or activity intensity following the surrender of AUTH-2020563;
- effects on natural character, wilderness, remoteness, and cultural landscapes remain unchanged from the existing consented activity and are consistent with iwi policy direction;
- best-practice operational measures will continue to be implemented, including navigation protocols, biosecurity controls, waste and effluent management (including increased effluent storage), use of recognised and established anchorages, hull anti-fouling controls, and compliance with the Fiordland Clean Vessel Pass;
- Pure Salt Ltd does not provide cultural narratives or interpretation as part of its tourism offering, and any future cultural interpretation would be developed only in consultation with, and with the approval of manawhenua; and
- the applicants continue to contribute positively to ecological and cultural outcomes through established, long-standing conservation partnerships, including their Tamatea / Dusky Sound Restoration Project.

Accordingly, the proposal is considered consistent with the intent and policy direction of Te Tangi a Tauira, and the concerns raised by TAMI have been addressed through a full policy-level assessment and the application of best-practice management measures.

6.2.4 Regional Coastal Plan and Ability to Assess Cumulative Effects

TAMI expressed concern that the Regional Coastal Plan operative at the time lacked effective tools to assess cumulative effects and therefore cannot adequately protect the essential values of the FMA. While this broader issue sits within Environment Southland's statutory planning function, the applicants acknowledge the significance of this concern for manawhenua. It is noted that Plan Change 5 is now operative and this application has been assessed against the Policies and Objectives of that Plan in Section 7.4.

By surrendering AUTH-20202563 and ensuring no net increase in activity, this proposal avoids adding further cumulative pressure and remains within the envelope of existing, authorised activities.

6.2.5 Noise, Activity Levels, and Operational Presence

TAMI identified concerns regarding noise, increased activity, and the potential erosion of wilderness and amenity values.

These concerns are addressed below:

- noise emissions, activity types, and operational behaviour remain the same as those authorised by AUTH-20202563b so there will be no increase beyond the consented baseline.
- the vessel will be visually consistent with the existing MV Flightless, using muted colours and a form that blends into the existing environment;
- the modest increase in vessel length does not materially alter landscape or amenity effects in the scale of the Fiordland setting, and maintains the cultural or environmental integrity of Te Mimi o Tū Te Rakiwhānoa;
- operational patterns remain weather-dependent and adaptive, reducing localised pressure.

As a result, the proposal does not generate new noise or amenity effects beyond those already present under the existing consent.

6.2.6 Summary

The applicants acknowledge the concerns raised by Te Ao Mārama Inc and Te Rūnaka o Ōraka-Aparima in relation to cultural, environmental, and cumulative effects. In response, the applicants have taken practical and measurable steps to avoid or mitigate potential effects, including the surrender of AUTH-20202563, maintaining alignment with existing consent parameters, and continuing a strong commitment to conservation initiatives and kaitiakitanga-aligned operational practices.

With these measures in place, and based on the reassessment provided (including the detailed analysis against the relevant policies of Te Tangi a Tauira), the proposal is considered to be consistent with iwi management direction. The applicants consider that the activity will not give rise to adverse effects that would compromise the cultural or environmental values, including the mauri, of the Fiordland Marine Area.

6.3 Additional Consultation

The applicants are currently actively consulting Te Ao Marama Inc and Ōraka-Aparima Rūnaka, and seeking written approval based on the proposed changes.

7 Statutory Considerations

7.1 Scope and activity status

This application APP-20211024 was lodged on 29th January 2021, prior to notification of Plan Change 5 (PC5) to the Regional Coastal Plan. The activity status of this activity is assessed against the operative Regional Coastal Plan (RCP) at the time.

A resource consent is required under Rule 16.2.1 (7) of the Regional Coastal Plan (RCP) as the applicants are seeking to undertake a commercial surface water activity in the internal waters of Fiordland from Yates Point to Puysegur Point. Rule 16.2.1 (7) states that this type of activity requires a resource consent as a discretionary activity.

No commercial day trips will occur in Doubtful Sound or any other non-complying area in accordance with Rule 16.2.1.

Overall, the application is considered to be a **discretionary** activity.

7.2 Resource Management Act 1991

Under section 104(1) of the RMA, the consent authority must consider applications "subject to Part 2" of the Resource Management Act 1991 (RMA), specifically sections 5, 6, 7 and 8. To grant a resource consent, Council must be satisfied that by granting the application, Part 2 of the RMA will be achieved.

7.2.1 Section 5

Section 5 of the Resource Management Act promotes the sustainable management of natural and physical resources. This requires enabling social, economic, and cultural wellbeing while sustaining the environment and avoiding, remedying, or mitigating adverse effects.

Applying the consented-baseline approach, the proposal does not increase the number or scale of vessels operating in the Fiordland Coastal Marine Area. The applicants' intention to surrender AUTH-20202563 ensures there is no increase in overall activity or cumulative pressure.

The new vessel replaces an existing authorised vessel and operates within the same geographic extent and activity envelope. As a result, the proposal will generate no more than minor adverse effects on the environment and does not adversely affect cultural values.

Accordingly, the proposal is considered consistent with the purpose of Section 5 of the RMA.

7.2.2 Section 6

Section 6 of the RMA lists the matters of national importance which are to be recognised and provided for.

The Section 6 matters of relevance to this application are:

(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:
(b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:
(c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:
(d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:
(e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:
(f) the protection of historic heritage from inappropriate subdivision, use, and development:

The assessment of effects provided in the application and this supplementary information discusses potential effects of the proposal in relation to these matters. The adverse environmental effects of the proposal in relation to these matters are not considered significant. Notably, the activity provides for access to the Coastal Marine Area in accordance with s6(d), but the effects of the change are no more than the existing consented activity.

An increase in vessel size will have a minimal effect on the natural character of the coastal marine area and the transient nature of the operation meets the intent of the above. There will be no negative impact on public access, but a small improvement with improved conditions on board for passengers.

Overall, the proposal is consistent with the relevant Section 6 matters.

7.2.3 Section 7

Section 7 lists other matters to regard in relation to managing the use, development, and protection of natural and physical resources. Of relevance to this application is:

(a) kaitiakitanga:
(aa) the ethic of stewardship:
(c) the maintenance and enhancement of amenity values:
(d) intrinsic values of ecosystems:
(f) maintenance and enhancement of the quality of the environment:

The proposal is consistent with the maintenance and enhancement of amenity values and maintenance and enhancement of the quality of the environment. The proposal maintains public access and recreational opportunities in the coastal marine area. The proposal will not give rise to any significant effects on amenity values or the quality of the environment. The applicant takes seriously their role as kaitiaki for this beautiful part of Aotearoa, and most clients that have had the opportunity to experience Fiordland in such a manner become guardians in their own right.

The proposal is consistent with the Other Matters listed in Section 7.

7.2.4 Section 8

Section 8 requires that the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) are taken into account. The relevant issues and policies of Te Tangi a Tauira are assessed below. The principles of the Treaty have been accounted for through regard to Te Tangi and consultation.

7.2.5 Summary

The proposal enables continued low-impact access to a nationally significant coastal environment while remaining within the existing consented activity envelope. Existing controls on discharges, noise, biosecurity, navigation and wildlife interactions continue to apply, and modern engines and increased onboard storage reduce potential environmental effects. With the surrender of AUTH-20202563 ensuring no increase in overall vessel activity, the proposal promotes sustainable management and is consistent with Sections 5–8 and Part 2 of the RMA 1991.

7.3 New Zealand Coastal Policy Statement 2010 (NZCPS)

The following objectives and policies in the New Zealand Coastal Policy Statement (NZCPS) are of particular relevance to this application:

- **Safeguarding coastal ecosystems and maintaining water quality** (Objectives 1–2; Policies 5, 11, 21, 23),
- **Preserving natural character and protecting natural features and landscapes** (Objective 2, Policies 13, 14, 15),
- **Recognising tangata whenua values, kaitiakitanga, and the Treaty of Waitangi** (Objective 3, Policy 2),
- **Maintaining and enhancing public access and recreational opportunities** (Objective 4; Policies 18–19).
- **Providing for appropriate use and development in the coastal environment** (Objective 6; Policy 6),
- **Applying a precautionary approach** (Policy 3),
- **Managing harmful aquatic organisms and biosecurity risk** (Policy 12),

- **Managing noise and amenity effects through appropriate controls** (Policies 6, 13, 15).

The proposal maintains the existing scale and intensity of activity when assessed against the consented baseline, and the surrender of AUTH-20202563 ensures no increase in cumulative effects on the coastal marine area. The replacement vessel incorporates improved emissions performance, quieter operation (wet exhaust and modern engines), and continued compliance with the Resource Management (Marine Pollution) Regulations 1998. Existing controls on biosecurity, discharges, navigation and amenity effects remain in place.

On this basis, the proposal is considered consistent with the relevant objectives and policies of the NZCPS 2010.

7.4 Southland Regional Policy Statement 2017

The following SRPS provisions are particularly relevant to this proposal:

Tangata Whenua (Chapter 3 – Objectives TW.1–TW.4; Policies TW.1–TW.4) – These provisions require recognition of tangata whenua values, kaitiakitanga, iwi management plans and the protection of mauri, mahinga kai and cultural landscapes. The proposal has been reassessed against *Te Tangi a Tauira* (see Section 7.6), and the surrender of AUTH-20202563 ensures no increase in activity within Te Mimi o Tū Te Rakiwhānoa. The proposal is not in conflict with these objectives and policies. The applicants seek to avoid additional effects on cultural values and to support iwi outcomes.

Biodiversity & Ecosystems (Chapter 6 – Objectives BIO.2–BIO.3; Policies BIO.3–BIO.5) – These provisions seek to maintain and protect indigenous biodiversity and ecosystem processes. The proposal continues established biosecurity, wildlife-interaction and discharge controls and does not introduce new pressures on coastal ecosystems. Conservation work carried out by the applicants supports ecosystem enhancement consistent with BIO.3 and BIO.5.

Coastal Environment (Chapter 7 – Objectives COAST.1, COAST.3, COAST.4; Policies COAST.2, COAST.3, COAST.5–COAST.7) – These policies address the management of activities in the coastal environment, enabling appropriate use and development while maintaining natural character, water quality, ecosystems, and public access. The proposal maintains activity within the consented baseline, avoids additional cumulative effects through the surrender of AUTH-20202563, and incorporates improved emissions and noise performance. Existing controls on navigation, discharges, biosecurity and amenity remain in place. The activity therefore aligns with the direction for appropriate coastal use and protection of CMA values.

Overall SRPS Consistency – Under the consented-baseline approach, and with the surrender of AUTH-20202563, the proposal does not increase the scale or intensity of activity in the Fiordland CMA. Environmental performance is maintained or improved (noise, emissions, discharges, biosecurity), and additional cumulative effects on natural character, biodiversity, cultural values and coastal water quality are avoided. The activity continues to provide social, cultural (education, conservation engagement), and economic benefits to Southland and Otago communities. Accordingly, the proposal is consistent with the relevant objectives and policies of the Southland Regional Policy Statement 2017.

7.5 Regional Coastal Plan for Southland 2013, as amended by Plan Change 5 (RCP)

The original application included an assessment against the RCP 2013, including relevant policies and objectives.

This supplementary information and proposal with the consented baseline is assessed against the Policies and objectives of the Chapter 16 of the operative plan. Chapter 16 has been amended by PC5. The policies and objectives below are considered relevant to this application:

Section 16 – Surface water activities in the internal waters of Fiordland from Yates Point to Puysegur Point

Objective 16.1.1 - Maintain essential characteristics

The proposal is consistent with Objective 16.1.1 because it maintains the existing level of activity within the Fiordland CMA, avoids any increase in cumulative pressure through surrender of AUTH-20202563, and ensures that the essential characteristics of natural character, remoteness, tranquillity and landscape values that underpin high-quality visitor experiences remain unchanged.

Objective 16.1.2 – Preserve remoteness and wilderness values

The proposal is consistent with Objective 16.1.2 because it does not increase the level of commercial activity beyond the consented baseline and surrenders AUTH-20202563, thereby avoiding any additional presence or intrusion in the internal waters of Fiordland and helping to preserve the wilderness and remoteness values—such as isolation, natural quiet and freedom from human activity—that the objective seeks to maintain.

Objective 16.1.3 - Effects of surface water activities on intrinsic values

The proposal is consistent with Objective 16.1.3 because the applicants maintain activity within the consented baseline and operate with a highly flexible schedule that allows them to adapt quickly to conditions and actively avoid other commercial and recreational vessels, ensuring their low-impact operations do not adversely affect the intrinsic environmental values of Fiordland or the quality of experience sought by other users.

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

The proposal is consistent with Policy 16.2.1 because it does not increase activity beyond the consented baseline and therefore avoids adding pressure to areas of Fiordland that are vulnerable to cumulative effects on natural character, landscape and amenity values; in addition, the applicants' flexible scheduling, low-impact operating approach, and strong kaitiakitanga ethos—including client education, underwater clean-ups, and ongoing conservation and biosecurity initiatives—supports the continued protection of these sensitive areas.

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

The proposal is consistent with Policy 16.2.2 because it maintains activity at or below the consented baseline and therefore avoids additional adverse effects on the internationally, nationally and regionally significant values of the Fiordland coastal environment identified in clause 16.2.2(1), including outstanding natural character and naturalness, outstanding landscape values, amenity values, significant habitats and biodiversity, taonga species, Ngāi Tahu customary values, and wilderness, remoteness and tranquillity values. The change to a 27-metre vessel does not increase passenger numbers, trip frequency or the extent of activity above the consented baseline, and the surrender of AUTH-20202563 ensures no increase in overall commercial surface-water activity in the CMA.

Environmental performance will improve through quieter operations and reduced emissions associated with the wet-exhaust system, supporting the protection of natural quiet and tranquillity. The

applicants' conservation work (including support for taonga species, underwater clean-ups, biosecurity measures and client education) provides further positive contributions to the values listed in clause 16.2.2(1).

In accordance with clause 16.2.2(2), the proposal does not represent a new or intensifying commercial surface-water activity relative to what lawfully existed on 18 July 2022, as Coastal Permit AUTH-20202563 was granted on 6th August 2021 and the surrender of that consent ensures that the overall authorised level of commercial surface-water activity remains unchanged.

As required by clause 16.2.2(3), a precautionary approach has been taken, with confirmation that no adverse effects on the significant values identified in clause 16.2.2(1) will increase and that, in some areas (noise, emissions, biosecurity and conservation outcomes), effects will reduce.

Policy 16.2.3 – Avoid or mitigate adverse effects on marine mammals

The proposed change is consistent with this policy. Pure Salt NZ Ltd holds a Marine Mammal Viewing Permit and adheres strictly to the Marine Mammal regulations, the MMV permit and the conditions of the existing consent.

Policy 16.2.4 - Restrictions on Commercial Day-trips in Patea / Doubtful Sound and Arms thereof

The proposal does not include commercial day trips in Patea / Doubtful Sound. The existing consent authorises access to Doubtful Sound for a maximum of 35 nights per year, with a maximum of five in any one month for the purpose of picking up and dropping off passengers, and picking up fuel and other supplies as necessary. It includes overnight mooring for 35 nights per year in Precipice Cove, Blanket Bay, or First Arm, and otherwise only for the purpose of avoiding adverse weather conditions. This complies with Policy 16.2.4.

Policy 16.2.7 – Protection and maintenance of remoteness, wildness and recreational values in the fiords, inlets and arms

The proposal is consistent with Policy 16.2.7 because it does not increase the authorised level of commercial surface-water activity in any of the fiords and operates within the consented baseline, ensuring that wilderness, remoteness and recreational values across the Fiordland coastal marine area are not further affected. The applicants' programme is highly flexible and allows day-to-day adaptation to weather, conditions, wildlife and the presence of other vessels, enabling them to actively avoid popular or sensitive areas and maintain the isolation, natural quiet and minimal human presence expected in the fiords.

Policy 16.2.8 – Impacts on wilderness and remoteness values

PC5 refocuses Section 16 on protecting wilderness/remoteness and addresses cumulative vessel presence.

Policy 16.2.8 states:

"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:

	Clause wording	Assessment against clause
1.	ship size including increases in ship size from those lawfully established at 18 July 2022;	While it is acknowledged that this proposal is seeking authorisation for a longer vessel, there is no accompanying increase in the number of passengers (from the consented baseline), therefore it is considered that the effects are not intensifying beyond what is already consented. The proposed vessel length is in keeping with what is already consented in Fiordland CMA. See below for further information.
2.	frequency of ship use and type of use (including day trips or backcountry trips);	No change
3.	vessel appearance, including scale, bulk and form of the ship exterior;	The 27m vessel is identical to MV Flightless and will be similar in shape to MV Takaroa (but slightly larger). The colours will be the same as MV Flightless and are the dark hull is chosen to blend in with the landscape. It is noted that the MV Takaroa was white in colour so did stand out more against the backdrop of the mountains compared with MV Wakakura and flightless which have a dark coloured hull.
4.	cumulative effects including increasing number of ships and structures and concentration of these;	No change
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;	Ancillary vessels are not included in the wording of the consent conditions for AUTH-20202563 as that was not required at the time that consent was issued. Ancillary vessels were already present as part of the AUTH-20202563, just not explicitly stated in condition 1. Biosecurity measures in the AUTH-20202563 conditions already refer to tenders and kayaks.
6.	location, landform and scale of the landscape, including its ability to absorb change;	The huge scale of the fjords is such that it is able to absorb minor changes to vessel length - any adverse effect on landscape arising from the change in length will be negligible, and will be further reduced by the change from a white vessel to one with a dark hull.

7. anthropogenic noise; and	This change of conditions will result in a reduction of anthropogenic noise compared with what is currently consented.
8. presence and use of structures, including moorings, required for the commercial surface water activity proposal.	No change. While the vessel will be slightly larger, this shouldn't have a noticeable adverse effect on moorings. The applicants have their own moorings in Shark Cove, Cascade Cove and Vancouver Arm with exclusive use rights on these.

While this application is for a slightly longer vessel than the consented baseline, the number of passengers and trip frequency remains unchanged (from the consented baseline) so it is considered that the proposed change would not be an intensification of activity. Modern engines and adherence to speed limits will reduce noise/wake. Effects on the probability of isolation and tranquillity are therefore maintained as less than minor.

An analysis of existing consented vessels have been undertaken (see Appendix 1). This shows all surface water activities in Fiordland Waters as of July 2024. It includes some small water taxis but excludes kayaks. The average overall length is 26m. Hence the proposed replacement of 27m is almost the same as the average size, and would constitute a minor increase over the currently consented 17m sought.

Policy 16.2.9 - Use of Patea / Doubtful Sound and Te Awa-o-Tū / Thompson Sound as Thoroughfares

While Patea/Doubtful sound is sometimes used for refueling runs, the larger vessel size is more suitable to the external waters of Fiordland, which means that refueling and restocking often takes place in Bluff. This constitutes an improvement to the currently consented smaller vessel, as it will reduce pressure and the use of Patea as a thoroughfare.

Policy 16.2.10 - Monitoring of surface water activities including ancillary activities and their effects

The applicants will provide any data provided by the Council to comply with this policy.

Policy 16.2.11 - Fiordland National Park Management Plan

Applications must have regard to the FNPMP to ensure integrated management across the park/CMA interface.

The proposed change of conditions remains compatible with remote and wilderness settings anticipated by the FNPMP because it does not increase the level of use and reduces acoustic/visual effects per vessel. An assessment of the proposal against the FNPMP is below.

Summary for Chapter 16

The applicants will continue to provide visitors with a high quality experience of the unique Fiordland marine coastal area and its intrinsic values without giving rise to persisting adverse effects. As it is also in the applicants' interest to protect the natural character, as well as the wilderness and remoteness values, to ensure future generations continue to have a reason to visit. With that the applicants will operate in line with the key objectives and policies of the Coastal Plan and proposed Plan Change 5.

7.6 Te Tangi A Tauira – The Cry of the People

Te Tangi a Tauira is the Iwi Management Plan for the Murihiku area. The issues and policies of the Iwi Management Plan, relevant to the activity are listed and considered below.

7.6.1 Section 3.3 - Te Atawhenua – Fiordland

Section 3.3.5 Fiordland Future development

This section of Te Tangi a Tauira recognises Fiordland as largely undeveloped and sets expectations for how future growth and development (including tourism) should be managed so that the relationship of Ngāi Tahu ki Murihiku with their ancestral lands and waters is not compromised.

Nga Kaupapa Policy

Development Pressures

Policy 3.3.5.1 - The relationship of manawhenua with their ancestral lands, water, sites wāhi tapu and other taonga of Fiordland must be recognised and provided for in all decisions relating to development.

Policy 3.3.5.2 - Ngāi Tahu's right to development, as per the Treaty of Waitangi, must be recognised and provided for with respect to future development and commercial activities in Fiordland, including the export of water.

Policy 3.3.5.3 - Ensure that the natural character of the Fiordland environment is protected for future generations. The effects of visitors and other tourism development on the environment must be managed in a way that ensures that the values of Fiordland are not compromised.

Policy 3.3.5.4 - Advocate for keeping future development in areas that are presently modified and that already have infrastructure in place. The preference of Ngāi Tahu ki Murihiku is to leave undeveloped or minimally developed areas of Fiordland in as natural a state as possible.

Policy 3.3.5.5 - 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.

Cumulative Effects

Policy 3.3.5.6 - Planning for future development must recognise and provide for cumulative effects on the land, water, biodiversity and cultural landscape of Fiordland.

Policy 3.3.5.7 - Require that all decisions pertaining to new roading and other access ways in Fiordland be carefully considered in terms of the costs and benefits to Fiordland as a 'wilderness' region.

Comment:

The proposal replaces the currently consented 17 m vessel with MV Wakakura (27 m) while keeping the same operating area, passenger numbers and activity pattern. The applicants propose to surrender the existing coastal permit before operating the new vessel, meaning there is no increase in vessel numbers, frequency or infrastructure within the Fiordland CMA. This directly responds to Policy 6 by ensuring the activity does not add to cumulative pressures on Fiordland's environmental or cultural landscape.

The operation continues to acknowledge the Statutory Acknowledgement for Te Mimi o Tū Te Rakiwhānoa and can incorporate standard Ngāi Tahu conditions, ensuring the relationship of manawhenua with their ancestral waters is recognised (Policy 1). Because the proposal does not

intensify use or introduce new constraints on the resource, it does not limit future opportunities for Ngāi Tahu-led development (Policy 2).

The proposal does not introduce new structures or development into undeveloped areas of Fiordland and relies on existing moorings and anchorages, aligning with Policies 4 and 7. Environmental performance improves through modern engines, wet-exhaust systems, and increased waste-storage capacity, which reduces emissions, noise and discharge frequency. This supports Policies 3 and 5, which seek to protect natural character and promote improved infrastructure and technologies.

Overall, the activity remains within an established consented baseline, improves its environmental footprint, and avoids contributing to cumulative effects or new development pressures. The proposal is therefore generally consistent with the direction of Section 3.3.5 Fiordland – Future Development.

Section 3.3.6 Visitor Management

This section of Te Tangi a Tauira identifies the pressures from increasing visitor numbers and tourism development in Fiordland. It emphasises the need to manage visitor growth so that the natural environment, cultural values, and the Fiordland experience are not compromised.

Ngā Kaupapa – Policy

Visitor Impacts

Policy 3.3.6.1 – Advocate for the concentration of the majority of visitor activities in areas that are presently modified and that already have infrastructure in place. The preference of Ngāi Tahu ki Murihiku is to leave undeveloped, or minimally developed areas of Fiordland, in as natural a state as possible.

Policy 3.3.6.2 – Require that commercial operators take advantage of new technology, as it becomes available, to better manage the effects of tourism activities on the environment (e.g. waste discharge from boats, noise suppression on aeroplanes).

Policy 3.3.6.3 – Require that the cultural and natural values of Fiordland are not compromised for recreation or tourism opportunities.

Cultural Impacts

Policy 3.3.6.6 – Any interpretation or information relating to Ngāi Tahu ki Murihiku history, values, traditions or beliefs is best prepared and delivered by Ngāi Tahu ki Murihiku. Where concessionaires seek to use cultural history (e.g. pūrākau), it is recommended that a kaitiaki rūnanga representative is employed to provide and interpret such information.

Comment

With the existing coastal permit to be surrendered before operating the new vessel, the activity does not increase visitor numbers or extend operations into new or undeveloped areas, which is consistent with Policy 3.3.6.1.

The MV Wakakura incorporates modern engines, a wet-exhaust system, and increased sewage and waste-storage capacity. These improvements reduce noise, emissions and discharge frequency, supporting Policy 3.3.6.2 by using new technology to minimise environmental effects.

The activity continues to operate within an established consented baseline and maintains current best-practice waste, biosecurity and wildlife interaction protocols. These measures ensure that the cultural and natural values of Fiordland are not further compromised, aligning with Policy 3.3.6.3.

Pure Salt Ltd does not provide Ngāi Tahu cultural narratives, interpretation or storytelling as part of its tourism operations. The applicants acknowledge that cultural narratives are held by mana whenua. Accordingly, there is no proposal to include cultural interpretation within the activity, and Policy 3.3.6.6 is respected.

Overall, the proposal maintains existing activity levels, improves environmental performance, and respects cultural values, and is therefore consistent with the relevant policies of Section 3.3.6 (Visitor Management).

Section 3.3.9 Cultural Interpretation

This section highlights the importance of ensuring that cultural narratives, place names and information relating to Ngāi Tahu ki Murihiku are presented accurately and respectfully, and only with rūnanga approval.

Ngā Kaupapa – Policy

Policy 3.3.9.1 – Interpretation and information relating to Ngāi Tahu ki Murihiku history, values, traditions or beliefs (including place names) is not to be provided to any clients as part of any commercial guiding, filming or interpretation activity unless the interpretation and information is agreed to by the appropriate kaitiaki rūnanga as being appropriate and accurate.

Policy 3.3.9.2 – Any interpretation and information relating to Ngāi Tahu ki Murihiku ancestors, ancestral places, history, values, traditions or beliefs is best prepared and delivered by Ngāi Tahu ki Murihiku. Where concessionaires seek to use cultural history (e.g. pūrākau), it is recommended that a kaitiaki rūnanga representative is employed to provide and/or interpret such information.

Policy 3.3.9.4 – Encourage, where appropriate, respect for Ngāi Tahu's association with culturally significant places, including those with Tōpuni or Deed of Recognition provisions, through working with the Department of Conservation to develop educational and interpretative material… including the use of traditional Ngāi Tahu place names.

Comment

The applicants do not provide Ngāi Tahu cultural narratives, pūrākau or interpretation as part of their tourism operations, and if they seek this in the future they will ensure that any cultural information is only provided with rūnanga approval and by the appropriate people.

Pure Salt uses traditional Ngāi Tahu place names where possible, and the activity respects the cultural significance and Ngāi Tahu cultural narratives of the wider Fiordland area.

Section 3.6.6 Fiordland Commercial Surface Water Activities

This section of Te Tangi a Tauira identifies the pressures associated with commercial vessel operations in Fiordland, including water quality, noise, biosecurity, cumulative effects and accurate cultural interpretation.

Ngā Kaupapa – Policy

Policy 3.3.6.1 – Strongly discourage discharges of human sewage and ballast water into coastal waters from commercial vessels and ships.

Policy 3.3.6.2 – Encourage adherence to avoidance measures to prevent the introduction of exotic vegetation and fauna through fouling.

Policy 3.3.6.4 – Ensure that sewage tanks on commercial boats have 24 hours of storage capability.

Policy 3.3.6.5 – Encourage operators to use environmentally friendly products on board.

Policy 3.3.6.6 – Carefully monitor concession applications to avoid compromising natural character, beauty or ecology.

Policy 3.3.6.7 – Concession holders must not discuss Ngāi Tahu history, traditions, culture or spirituality with clients without rūnanga approval; cultural interpretation is subject to Section 3.3.9.

Policy 3.3.6.9 – Encourage the use of new technologies to better manage environmental effects.

Policy 3.3.6.10 – All concession activities are subject to Ngāi Tahu Standard Conditions for Concessions.

Policy 3.3.6.11 – Require commercial boat operators to use existing moorings where possible to avoid anchoring impacts.

Policy 3.3.6.12 – Concession applicants must demonstrate understanding of Fiordland Marine Area regulations, including fishing limits, accumulation limits and marine reserve boundaries.

Comment

The proposal replaces the existing 17 m vessel with the 27m MV Wakakura. The 27m vessel has a larger effluent storage capacity allowing sewage to be held on board for longer and discharged at sea in full compliance with the Marine Pollution Regulations. Environmentally friendly products are already used, supporting Policy 3.3.6.5.

Biosecurity procedures, hull-fouling management and use of recognised anchorages and authorised swing moorings align with Policies 3.3.6.2 and 3.3.6.11. The vessel will continue to be anti-fouled as part of scheduled maintenance and the vessel will maintain a Fiordland Clean Vessel Pass from Environment Southland.

The surrender of the existing coastal permit ensures there is no increase in vessel numbers, supporting Policy 3.3.6.6 by avoiding additional cumulative pressure on Fiordland's natural character.

The applicants do not provide Ngāi Tahu cultural narratives and can incorporate Ngāi Tahu Standard Conditions, meeting Policies 3.3.6.7, 3.3.6.8 and 3.3.6.10. The use of improved engine and exhaust technologies further supports Policy 3.3.6.9. The applicants have demonstrated a clear understanding of the Fiordland Marine Area regulations as part of their existing operations, and operates an ocean to plate policy, gathering only what is needed for the table, treating any catch respectfully and utilising every catch fully, which is consistent with Policy 3.3.6.12. No clients or staff take any kaimoana home/off the boat.

Overall, the proposal maintains existing activity levels, improves environmental performance and respects cultural requirements, and is therefore generally consistent with the relevant policies of Section 3.3.6 Fiordland Commercial Surface Water Activities.

Section 3.6.13 Coastal Ecosystems

This section of Te Tangi a Tauira emphasises protecting coastal habitats, species, mahinga kai, coastal biodiversity, and ecosystem health, while managing biosecurity risks and avoiding activities that may disturb sensitive environments.

Comment

The proposal maintains the existing activity level within the Fiordland Coastal Marine Area and does not involve any structures, seabed disturbance, or activities that directly affect coastal habitats, biodiversity or species. The MV Wakakura operates as a transient vessel within deep-water fiords and does not interact with dune systems, wetlands, estuaries, bird nesting areas or sensitive coastal vegetation. As such, the proposal avoids the types of effects this section seeks to manage.

Environmental performance improves through increased effluent storage, allowing discharges to occur in accordance with the Marine Pollution Regulations well offshore, and the use of environmentally friendly products on board. The vessel meets Pure Salt's existing commitments to the Fiordland Clean Vessel Pass, including hull maintenance and reporting requirements, which helps manage fouling risks and supports the biosecurity intent of this section. Ongoing adherence to the Marine Mammal Code of Management and Pure Salt's separate Marine Mammal Viewing Permit ensures that marine mammals and their habitats are not disturbed.

The use of authorised swing moorings and recognised anchorages avoids anchoring in sensitive seabed areas, and established biosecurity protocols reduce the risk of spreading exotic species. These practices collectively support the policies seeking to avoid adverse effects on marine biodiversity, protect culturally significant species, and manage new bioinvasions.

Overall, the proposal does not introduce new pressures on coastal ecosystems and incorporates best-practice environmental and biosecurity measures. The activity is therefore consistent with the direction of Section 3.6.13 Coastal Ecosystems.

7.7 Southland Murihiku Conservation Management Strategy 2016 (SMCMS)

While the Coastal Marine Waters in Fiordland are outside of the jurisdiction of the Department of Conservation, for completeness I have considered the policies in the Conservation Management Strategy.

Section 2.2 - Fiordland Te Rua-o-te-moko Place

Under Section 2.2 for Fiordland Te Rua-o-te-moko Place, Policy 2.2.6(e) requires that structural development and commercial use within the Fiordland coastal marine area avoid adverse effects on ecological, cultural and landscape values; maintain natural quiet; avoid marine hazards; and prevent the spread of aquatic pests.

Policy 2.2.6 - Work with Ngāi Tahu, relevant agencies (such as Southland Regional Council, Southland District Council, Fiordland Marine Guardians, New Zealand Transport Agency, Civil Aviation Authority and Milford Community Trust), commercial interests and the community to:

e) ensure that structural development and commercial use within the Fiordland coastal marine area:

i) is consistent with the outcome for the Fiordland Te Rua-o-te-moko Place;

ii) avoids adverse effects on the values present, in particular:

A. marine reserves, marine mammal sanctuaries, and marine ecosystems;

B. marine mammals, marine wildlife (including seabirds) and their habitats;

C. natural character, including:

I. gazetted wilderness areas;

II. the extensive areas of natural quiet and the unmodified landscape values of the southern fiords, as well as the northern fiords between Doubtful Sound/Patea and Milford Sound/Piopiotahi; and

III. the relative natural quiet and landscape values of the Doubtful Sound/Patea complex; and

D. wāhi tapu, wāhi taonga and archaeological values;

iii) avoids shipping accidents and/or oil spills; and

iv) avoids the introduction of new aquatic pest organisms, and has adequate surveillance and control procedures in place.

Comment

No new structures or physical development are proposed, and the activity remains consistent with the Fiordland Te Rua-o-te-moko Place outcome and does not alter the existing level of commercial use compared to the consented baseline.

The vessel operates within established deep-water routes and uses recognised anchorages and authorised swing moorings, avoiding sensitive habitats, marine reserves and marine mammal sanctuary areas. Compliance with the Marine Mammal Code of Management and the applicants' separate Marine Mammal Viewing Permit ensures effects on marine mammals, seabirds and their habitats are minimised. Modern engines and wet-exhaust technology reduce noise and visible emissions, helping maintain natural quiet and avoiding effects on the landscape and wilderness values identified in this policy.

The applicants have established methods for oil spills, and the vessel adheres to recognised maritime safety standards, reducing the risk of shipping accidents or spills. Biosecurity management is maintained through the Fiordland Clean Vessel Pass, hull inspection and cleaning, gear checks and established onboard procedures, ensuring risks of introducing new aquatic pests are avoided.

Overall, the proposal maintains the existing level of use, incorporates modern environmental and safety practices, and does not generate new effects on ecological, landscape or cultural values. It is therefore consistent with Policy 2.2.6(e) of the Southland Murihiku Conservation Management Strategy 2016.

Policy 2.2.16 - Continue to advocate to relevant agencies for the protection of marine mammals within the Fiordland Te Rua-o-te-Moko Place, in particular the terehu/bottlenose dolphin populations.

Comment: The applicants have a marine mammal viewing permit for both land based and boat based viewing. The proposal is consistent with Policy 2.2.16 as well as Section 3.12 of the SMCMS.

Conclusion

The SMCMS highlights the high ecological, cultural and scenic values of the Fiordland (Te Rua-o-te-moko) Place and encourages integrated management with agencies, protection of marine mammals and marine ecosystems, and advocacy for biosecurity conditions on coastal permits. Continued compliance with marine mammal protocols, biosecurity measures for hull/tenders/kayaks/paddleboards, and operational improvements (storage, engines) as well as operational practices with regard to spills, rubbish, sewage and wildlife interactions align with these outcomes.

Overall the proposal is considered consistent with the SMCMS.

7.8 Fiordland National Park Management Plan 2007 (FNPMP)

The Fiordland National Park Management Plan is referenced in Plan Change 5 of the Coastal Plan, and also is required to give effect to Policy 5 of the NZ Coastal Policy Statement. The NFPMP is also relevant to this application given the proximity and association of the proposed activity with the National Park.

The relevant policies are listed below.

Section 4.8 – Island Management

Objective 4.8.1 - To eradicate animal and plant pests from islands where possible and practical. Where eradication is not possible or practical at present, to control them if the natural values of the islands are threatened.

Objective 4.8.2 - To manage, or advocate for the management of the islands to ensure that the significant natural values of Fiordland National Park are maintained.

Objective 4.8.3 - To avoid the further spread of introduced animal and plant pests among islands on the Fiordland coast.

Objective 4.8.4 - To manage access to the islands of Fiordland National Park where necessary so as to protect the indigenous biodiversity of these islands.

Section 4.9 – Marine Mammals

Objective 4.9.1 - To protect, conserve and manage marine mammals within Fiordland National Park.

Section 3.1 - Te Wāhipounamu – South West New Zealand World Heritage Area

Objective 3.1.1 - To maintain the ecological and landscape integrity of the Te Wāhipounamu – South West New Zealand World Heritage Area.

Objective 3.1.2 - To develop a co-ordinated approach to the management and servicing of visitors to the Te Wāhipounamu – South West New Zealand World Heritage Area.

Section 5.1 Visitor Management Planning Rationale

Objective 5.1.1 - To ensure the preservation of Fiordland National Park's natural characteristics, including the iconic status of Fiordland National Park, values and historical features while meeting the needs and aspirations of visitors.

Objective 5.1.2 - To allow for a range of both commercial and non-commercial recreational activities within Fiordland National Park managed in accordance with the range of visitor settings.

Objective 5.1.3 - To work with commercial operators within Fiordland National Park to promote visitor appreciation of the national park and World Heritage values.

Comment: The proposal maintains the existing scale of activity and surrenders the current 17 m vessel permit, ensuring no increase in commercial use. The MV Wakakura improves environmental performance through modern engines, waste-storage systems and adoption of the Clean Vessel Pass biosecurity practices. These measures help protect natural character, natural quiet and wilderness values while still enabling a small-scale commercial visitor experience consistent with the planning rationale.

Section 5.3 – Visitor Settings

5.3.5 - Wilderness visitor setting

Objective 5.3.5.1 - To provide a range of wilderness recreation opportunities for the long term by maintaining areas which are pristine in their naturalness and where there is minimal evidence of human activity. Key attributes defining wilderness include:

a) Solitude, peace and natural quiet;
b) No recreation facilities, except occasional facilities on the borders of the areas;
c) Users should be self-reliant and highly experienced; and
d) Users should not expect to encounter more than one visitor group per week.

5.3.6 - Remote Visitor Setting

Objective 5.3.6.1 - To manage all remote visitor settings for low impact recreation opportunities distant from high use areas; while protecting the areas' other national park values. The following key attributes will be protected:

a) A predominance towards self-reliance;
b) Few encounters with other visitors (not more than one encounter with other visitor groups per day) and small group sizes;
c) Relatively free of recreation facilities;
d) Access is generally non-mechanised; and
e) Visitors expect to be away from sights and sounds of human influence.

Section 5.6 - Boating

Objective 5.6.3 - To ensure commercial boating activities in Fiordland National Park are consistent with the visitor setting objectives in section 5.3 Visitor Settings.

Objective 5.6.6 - To protect indigenous species and high-value habitats from the impacts of boating or access to boating facilities both within lakes and rivers, and through advocacy to Southland Regional Council for the internal waters of the fiords.

Comment:

The Fiordland National Park Management Plan seeks to protect the natural, cultural and biodiversity values of Fiordland National Park and the wider Te Wāhipounamu World Heritage Area, while allowing for carefully managed recreation and commercial activities. The proposal is consistent with these objectives, as it maintains an existing level of vessel use, surrenders the current 17 m vessel consent to avoid any increase in activity, and does not introduce new structures or additional access into

undeveloped areas. The applicants have already been through the Department of Conservation's concession process, ensuring alignment with National Park management expectations and appropriate conditions for cultural, environmental and operational stewardship.

The activity does involve landings at established sites such as Pukenui / Anchor Island, Mamaku / Resolution Island, Long Island and Pigeon Island. These landings are undertaken under the relevant concession and with adherence to DOC's island access requirements. Pure Salt runs ongoing predator-control and biodiversity monitoring programmes on Mamaku Island, Long Island, Pigeon Island and Pickersgill Harbour, which actively contribute to the island management objectives in Section 4.8 by supporting the protection and restoration of indigenous species and habitats.

The proposal aligns with the marine mammal protection objective in Section 4.9, as operations are carried out in accordance with the Marine Mammal Protection Regulations, the Marine Mammal Code of Management and Pure Salt's Marine Mammal Viewing Permit. Vessel technology, waste-storage practices and compliance with the Fiordland Clean Vessel Pass all support the preservation of natural character, wildlife, natural quiet and ecological integrity within the fiords.

The proposal is also consistent with the visitor management and boating objectives in sections 5.1, 5.3 and 5.6. Operations remain low-impact, use recognised anchorages and authorised swing moorings to avoid seabed disturbance, and are compatible with the remote and wilderness visitor settings of the southern and central fiords. The activity provides a small-scale visitor experience that does not compromise national park values or the Fiordland–Te Rua-o-te-moko Place outcomes.

Overall, the proposal is consistent with the Fiordland National Park Management Plan, supporting the protection of biodiversity, cultural values, natural landscapes, wildlife and biosecurity, while enabling well-managed and low-impact commercial visitor use in the fiords.

7.9 Conclusion

Across the NZCPS, the Southland Regional Policy Statement and the Southland Regional Coastal Plan (including Plan Change 5), the proposal to operate a 27-metre vessel for surface-water activity—within the consented baseline established by the existing 17-metre vessel—maintains the existing scale and nature of use, improves environmental performance, and remains compatible with wilderness and remoteness outcomes.

Having regard to the Fiordland National Park Management Plan and the Southland Murihiku Conservation Management Strategy, the proposal supports the protection of natural character, biodiversity, marine mammals and biosecurity, and is consistent with the outcomes sought for Te Rua-o-te-moko / Fiordlan

In the context of Te Tangi a Tauira – The Cry of the People, the proposal avoids additional cumulative pressure, maintains water quality and mauri, respects Ngāi Tahu cultural values and kaitiakitanga, and aligns with the relevant policies for future development, visitor management, cultural interpretation and commercial surface-water activities.

Overall, the proposal will not result in adverse effects that are more than minor and is considered to be consistent with the relevant statutory documents and directions.

8 Section 104 of the RMA

8.1 Consideration of Application (Section 104(1)(a) –(c))

Under section 104(1)(a) when considering an application the consent authority must, Subject to Part 2 of the RMA, have regard to any actual and potential effects on the environment – this includes positive effects.

The activity is consistent with Part 2 of the RMA, as discussed in Section 7.1.

In accordance with section 104(1)(b) of the RMA, relevant objectives and policies for this application have been assessed in Section 7, and the activity is considered consistent with the objectives and policies of the relevant planning provisions.

In accordance with section 104(1)(c) other matters relevant to this application have also been assessed including:

a. Te Tangi A Tauira – The Cry of the People
b. Southland Murihiku Conservation Management Strategy (SMCMS)
c. Fiordland National Park Management Plan (FNPMP)

8.2 Particular restrictions for non-complying activities (s104D)

Not relevant as activity is discretionary.

8.3 Matters relevant to certain applications (Section 105(1))

s105(1) is for discharge permits, therefore is not relevant to this application.

8.4 Restrictions on grant of certain discharge permits (Section 107(1))

Section 107(1) is relevant to discharge permits, therefore is not relevant to this application.

9 Conclusion

This proposal (APP20211024) seeks a coastal permit for commercial surface-water activity for a 27-metre registered-length vessel, carrying up to 17 passengers with associated ancillary craft. When the surrender of AUTH-20202563 is taken into account and the associated consented baseline is applied, the proposal does not give rise to any significant adverse environmental effects that are more than minor. The activity also provides positive social, recreational and economic benefits, and facilitates enhanced public access to remote parts of Fiordland. The proposal avoids any increase in cumulative effects, as overall vessel numbers and the scale of authorised activity will not increase.

The concerns raised by submitters, including those relating to cumulative effects, vessel size, cultural values, wildlife and biosecurity, have largely been addressed through the surrender of the existing consent, the environmental improvements associated with the MV Wakakura, and the adoption of best-practice operational measures.

The proposal is consistent with the relevant RMA planning and policy documents, including the NZCPS, Southland Regional Policy Statement and Southland Regional Coastal Plan (including Plan Change 5), as

well as Te Tangi a Tauira – The Cry of the People, the Southland Murihiku Conservation Management Strategy, and the Fiordland National Park Management Plan.

Overall, the proposal is consistent with the sustainable management purpose of the Resource Management Act 1991. Accordingly, it would be appropriate to approve this application under section 104B of the Act.

Appendices

Appendix 1 – All current surface water activities in Fiordland Waters (July 2024)

Copy of all current surface water consents issued to operate within Fiordland waters of currently consented activity. Provided by Environment Southland 31/7/24, REQ-24251676. (Summary table by Beth Masser)

Consent / Vessel	Permit No.	length (m)	Total pax	
Tutoko	20202007	21	20	
Jewel	20222686	24	23	
Pilot vessel	205503	12	8	
Milford Discovery	207052	16	52	
Mitre Peak Cruises	207132	20	85	
Dive Queenstown Ltd	300912	6	8	
Cruise Milford Sound	20146746	20	153	
Sean Ellis & Maria Kuster	20181624-02	27	17	
Cruising Milford Sound	202505-V2	25	306	
Real Journeys	203307-V3			sea kayaking
Shadowland Expeditions	206961	19	14	
Real Journeys	300538-V1	20	53	
Southern Discoveries	301928-V1	17	80	
McCracken	20146999	16	20	
Southern Discoveries	20168717			sea kayaking
Seabird Charters	20169686	22	15	
Shadowland Expeditions	20169909–V1	24	36	
" "	" "	10	12	
Cruising Milford Sound	20169926	29	245	
SEA Ltd	20169967	22	18	
JW Excell	20171061	20		
Cruise Milford Sound	20171193	25	150	

MV Pembroke Holdings	20171246	18	10	
Discovery Ltd	20171370	49	49	
Revolution Dairies Ltd	20171387	22	19	
Simone Schreck & Lance McKirdy	20171460	9	14	
Milford Sound Tourism Limited	20171474	6.6		
Fiona Lee	20181542	20	15	
Fiordland Discoveries	20181745	35	153	
Real Journeys	20181939-V1	40	161	
Revolution Dairies Ltd	20191048	25	18	
Totally Tourism Ltd	20191120	18.3	64	
Fiordland Expeditions, Tutoko	20202542	17	15	
Sean Ellis & Maria Kuster	20202563	17	17	
Heritage Expeditions	20211023	30	26	
Real Journeys	20211164	30	200	plus crew
Real Journeys	20211395	37	422	
Real Journeys	20211580	35	408	
Real Journeys - Sovereign	20211585	36	416	
Real Journeys	20211612	19	99	
Southern Discoveries	20211758	25	306	plus crew
Southern Discoveries	20211781	21	100	plus crew
Southern Discoveries	20211783	34	400	plus crew
Real Journeys	20221882-V1	36	70	plus crew
Real Journeys - Milford Wanderer	20221947	30	43	
Real Journeys	20221951	30	150	Plus crew
" "	" "	37	150	plus crew

Affinity Sailing Ltd - Affinity	20222716	20	20	
University of Otago	20222454	22		Research
" "	" "	10		Research
Legacy Fishing Charters	20191595	20	14	
Real Journeys	20201878	44	90	plus crew, plus kayaks
Fiordland Outdoors Company	20202162	7	10	water taxi
DOC - Southern Winds	206048	22	20	conservation, plus other smaller vessels
Tourism Milford	20222298	15	59	plus crew
	Average	26	145	

Appendix 2 – Written Approvals - CRA8

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

To: Environment Southland
Private Bag 90116
Invercargill 9840

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: Sean Ellis and Maria Kuster

Application Number: APP-20211024 Officer in Charge: Ryan Hodgson

Type of Resource Consent: Commercial Surface Water Activity

Proposed Activity(ies): Commercial surface water activities, in the coastal marine area adjacent to Fiordland National Park from Yates Point to Puysegur Point, for a vessel of approximately 27 metres, length over all (LOA), with up to 17 passengers including crew for backcountry trips

Location: Coastal marine area adjacent to Fiordland National Park from Yates Point to Puysegur Point

To be completed by the person giving approval:

Name: Malcolm Lawson Chief Executive Officer

and/or Organisation: CRA8 Rock Lobster Industry Assn Inc.

Street/Road Address: P.O. Box 277 Cromwell 9342

*I am the owner/occupier of the following property and have authority to sign on behalf of all other owners/occupiers of the property: *Delete if not applicable*

I/~~we~~ have studied the application for resource consent and give ~~my~~/our written approval to the proposed activity/activities.

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.

M Lawson 16/2/21
(Signature) (Date)

(Signature) (Date)

Notes: 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.

Environment Southland is the brand name of the Southland Regional Council

Appendix 3 – Existing Surface Water Consent for 17m vessel AUTH-20202563

AUTH-20202563

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 **Sean Liam Ellis & Maria Kuster** of **253D Ramparts Road, RD 1, Te Anau 9679** from **6 August 2021.**

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 operate a commercial surface water activity within the coastal waters of Fiordland/Te Mimi o Tu Te Rakiwhanoa
Location - site locality	Fiordland/Te Mimi o Tu Te Rakiwhanoa - Fiordland – Yates Point to Puysegur Point
Legal description at the site:	Marine and Coastal Area
Expiry date:	**6 August 2036**

History of Changes and Transfers

- Transferred from **W R & L R Ayto** to **S L Ellis & M Kuster** on 1 September 2021.

Conditions

1. This consent authorises the undertaking of commercial surface water activities, in the coastal marine area adjacent to Fiordland National Park from Yates Point to Puysegur Point, with one vessel of 17 metres registered length, with up to 17 passengers including crew for the purpose of undertaking commercial backcountry activities, as described in the application for resource consent dated 7 December 2020 and further information received 1 February 2021.

Restrictions On Operations

2. The consent authorises access to Doubtful Sound for a maximum of 35 nights per year, with a maximum of five in any one month for the purpose of picking up and dropping off passengers, and picking up fuel and other supplies as necessary. It includes overnight mooring for 35 nights

per year in Precipice Cove, Blanket Bay, or First Arm and otherwise only for the purpose of avoiding adverse weather conditions.

3. This consent does NOT authorise commercial day trips as defined in the Regional Coastal Plan for Southland, nor does it authorise access to Hall Arm and/or Crooked Arm.

4. The total number of days on which commercial surface water activities are undertaken shall not exceed 300 days in any calendar year.

5. Passengers or crew of the vessel shall not land on, nor shall the vessel moor adjacent to:

   (a) the foreshore of Shelter Island or Nee Islets at the mouth of Doubtful Sound;
   (b) the foreshore of Seymour Island, Doubtful Sound;
   (c) the foreshore of the Breaksea Island group, at the mouth of Breaksea Sound; and
   (d) any foreshore within 50 metres of New Zealand fur seal colonies.

6. The Consent Holder shall limit the travel speed of the vessel to:
   (a) no more than 5 knots within 200 metres of the shoreline;
   (b) no more than 5 knots within 200 metres of a seal or penguin colony

7. The Consent Holder shall avoid marine bird and marine mammal nesting and breeding areas as follows:

   (a) passengers or crew shall not be landed on any foreshore within 50 metres of New Zealand fur seal colonies, seabird colonies or penguin colonies.

   (b) no vessel operating pursuant to this Consent shall moor or anchor or otherwise stop within 50 metres of New Zealand fur seal colonies, seabird colonies or penguin colonies.

Note: See Condition 11 for Dolphin Avoidance Protocol and Marine Mammal Viewing Permit requirements

Contaminant Spills

Add-ins

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 hulls of all vessels operating under this Consent, including the main vessel, tender vessels and kayaks:

(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 9(a) the Consent Holder shall inspect the main vessel, tender vessels, kayaks, 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 marine area on each occasion; and

(d) ensure that, as much as practicable, any food is stored in rodent proof containers.

Marine Mammals

11. (a) Except in the circumstances described in (b), the Consent Holder shall comply with the Dolphin Avoidance Protocol attached at Appendix A;

(b) The consent holder may operate otherwise than in accordance with the Dolphin Avoidance Protocol attached as Appendix A where both:

(i) the consent holder holds a Marine Mammal Viewing Permit under the Marine Mammals Protection Regulations; and
(ii) the Consent Holder has notified the consent authority (email: escompliance@es.govt.nz) that it holds such a permit and will operate in accordance with the Marine Mammal Viewing Permit rather than Appendix A.

(c) The notice required by (b)(ii) shall refer to the resource consent (AUTH-20202563) and Marine Mammal Viewing Permit reference numbers.

Reporting Requirements

12. The Consent Holder shall maintain a log of all operations, including:

(a) a log of all backcountry trip activities, including the following details:

(i) departure date and return date for each backcountry trip;
(ii) the total number of days activities are undertaken in the calendar year in accordance with Condition 4;
(iii) location(s) travelled to for each backcountry trip, including any moorings or anchorages used;
(iv) number of passengers aboard the vessel for each backcountry trip; and
(v) the purpose of all activities, including use of the vessel and any ancillary activities such as: fishing and diving; and the purpose and location of the use of the vessel to go ashore for activities such as: visiting historic locations, walking and hunting.
(vi) The resource consent number AUTH-20202563

(b) In the event of inadvertent interaction with dolphins as described in 2(a) or 2(b) of Appendix A, a log of the incident, including the date, location, and the measures that were taken to minimize the interaction.

(c) the results of inspections for pests, unwanted organisms, or hull fouling organisms on the vessels and equipment, in accordance with Conditions 9 and 10 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:

Quarter Finish	Due Before
31 March	30 April
30 June	31 July
30 September	31 October
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

13. 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

for the **Southland Regional Council**



Bruce Halligan
Acting Consents Manager

Notes

1. *The Consent Holder's operation is subject to the Southland Regional Council Navigation Safety Bylaws 2009.*

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. *Anchoring in the following areas is prohibited by Rules 11.7.7.7 and 11.7.7.13 of the Regional Coastal Plan for Southland:*
   - *Clio Rock in Bligh Sound/Hāwea;*
   - *the area at the intersection of Acheron Passage and Wet Jacket Arm between Breaksea Sound/Te Puiataha and Dusky Sound/Tamatea;*
   - *Nine Fathoms Passage, off Cooper Island/Ao-ata-te-pō, Dusky Sound/Tamatea;*
   - *Narrow Bend from Adam Head to Sandy Point in Long Sound/Te Awaroa;*
   - *The area between Macdonnell Island and Gardner Head in Bradshaw Sound/Kaikiekie*
   - *Harrison Cove/Te Umukaroro at depths less than 60m*

5. *Anchoring within 400 metres of the following islands is not authorised by this resource consent, so would require a separate resource consent under Rule 11.7.7.2 of the Regional Coastal Plan for Southland:*
   - *Breaksea Island Group, including Wairaki Island and the island approximately 700 metres generally west thereof, and Hāwea Island and the island approximately 700 metres east thereof;*
   - *Entry Island;*
   - *Thrum Cap;*
   - *Passage Islands;*
   - *Chalky Island (Te Kākahu-O-Tamatea);*
   - *Pig Island;*
   - *Little Solander Island*

6. *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*

7. *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*

8. *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 continuous period of 5 years or more.*

9. *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.*

Appendix A
Dolphin Avoidance Protocol

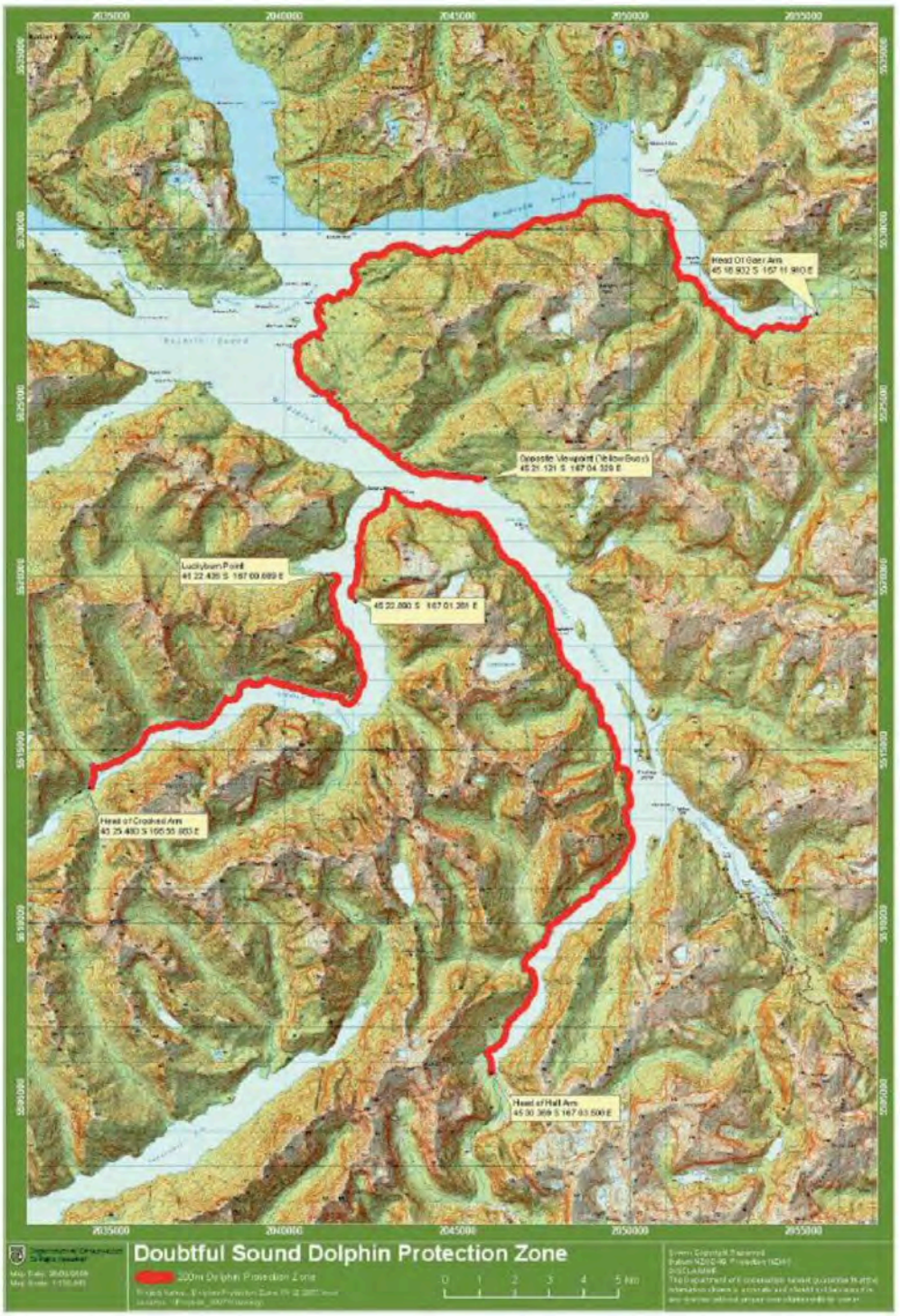
1. The consent holder shall not enter no-boat zones as detailed in Appendix B attached;
2. The consent holder shall take appropriate action to avoid interactions with any individual dolphin or group of dolphins.
   (a) If interaction should inadvertently occur, then steps shall forthwith be taken to minimise such interaction;
   (b) interaction with dolphins is to be particularly avoided during winter (1 June to 31 August).
      (i) If interaction with dolphins should inadvertently occur during winter, then it is especially important that steps be taken forthwith to minimise such interaction.

   Notes: Winter is the most critical season for the environmentally challenged bottlenose dolphin population resident in the Doubtful Sound complex and boat interactions with this population are especially to be avoided during winter.
   Further guidance can be found on the Department of Conservation's website:
   https://dcon01mstr0c21wprod.azurewebsites.net/globalassets/documents/getting-involved/consultations/consultations-results/management-code-dolphins-doubtful-sound.pdf
3. The consent holder shall operate the vessel so as to not disrupt the normal movement or behaviour of any individual dolphin or pod of dolphins;
4. The consent holder shall avoid, as far as practicable, a course that results in passing through a pod of dolphins.
   (a) If absolutely essential to pass through a pod of dolphins and then it shall only occur at a speed that produces no wake to minimise disturbance to the dolphins;
5. Should an encounter with an individual dolphin or group of dolphins occur, the consent holder shall adopt the following measures:
   (a) Move away from any dolphin/pod of dolphins immediately should any sign of disturbance or alarm be apparent;
   (b) Adopt all reasonable steps to ensure that individual dolphins do not get separated from the pod by the action of the vessel/crew/passengers.
6. When being approached by a dolphin/pod of dolphins, the consent holder shall reduce the speed of the vessel to a point at which no wake is produced, allowing the dolphin/pod of dolphins to approach and pass the vessel.
   (a) If, given the time available between the initial dolphin sightings and the dolphin's or dolphins' approach towards the vessel, it is not possible to reduce speed so as to produce no wake, then any wake produced shall be the minimum achievable in the circumstances;
7. The consent holder shall undertake crew training to ensure that any potential disturbance to the dolphin population is minimised;
8. The consent holder shall take all reasonable steps to prevent the crew or passengers from attempting to attract a passing dolphin/pod of dolphins to the vessel and to ensure no loud noise occurs when in the presence of a dolphin or dolphins.

Note 1: The purpose of the dolphin avoidance protocol is to ensure that contact with dolphins is minimised and that if and when any interaction occurs it is managed in a manner recommended within the protocol.
Note 2: During operations in Fiordland waters other than Doubtful Sound the Marine Mammal Protection Regulations or a Marine Mammal Viewing Permit will apply
Note 3: Further guidance can be found on the Department of Conservation's website:
https://www.doc.govt.nz/nature/native-animals/marine-mammals/sharing-our-coasts-with-marine-mammals/
https://dcon01mstr0c21wprod.azurewebsites.net/about-us/science-publications/conservation-publications/native-animals/marine-mammals/doubtful-sound-marine-mammal-and-other-wildlife-code-of-management/

Appendix B

Map of Doubtful Sound showing no-boat areas to protect dolphins



Appendix C
Definitions

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.

Commercial Day Trip - means the undertaking of a commercial day trip activity from a point of embarkation and back, with the embarkation and disembarkation of the same passengers (more or less) occurring on the same calendar day.

Commercial Backcountry Activity - means a commercial surface water activity that involves the use of a motorised or wind powered ship from a point of embarkation and back, or, from a point of embarkation to a different point for disembarkation where the activities of embarkation and disembarkation do not occur on the same calendar day.

Crooked Arm, First Arm, Hall Arm, and Bradshaw Sound are defined as:

Bradshaw Sound - means all that part of the coastal marine area east of an imaginary line between the southern extremity of Richards Point and the headland at the approximate NZTM co-ordinates 1,131,925 4,966,871, including Gaer Arm and Precipice Cove.

Crooked Arm - means all that part of the coastal marine area south of an imaginary line drawn between Ranson Head and Kellard Point.

First Arm - means all that part of the coastal marine area south and west of an imaginary line between the northernmost part of Rogers Point and Joseph Point.

Hall Arm - means all that part of the coastal marine area south and west of an imaginary line between Davidson Head and Pridham Point.

Attachment 6

The landscape assessment

Dated 2 October 2026

Landscape and Visual Effects Assessment

Pure Salt

Coastal Permit Application APP-20211024

Fiordland Coastal Marine Area / Te Mimi o Tū Te Rakiwhānoa

29 September 2026



Document prepared by	Stephen Skelton
Document reviewed by	Jessica Zuban
Status	V2 – Application
Issued	29 September 2026

1

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1. INTRODUCTION

1.1. This report provides an assessment of the actual and potential landscape, natural character, and visual amenity effects of a proposal by Pure Salt to operate a 27m vessel within the coastal waters of Fiordland/Te Mimi o Tū Te Rakiwhānoa under coastal permit application APP-20211024.

1.2. The applicants hold an existing coastal permit (AUTH-20202563) which authorises commercial surface water activities with a 17m vessel, carrying up to 17 passengers including crew, within the same area of operation. The applicants propose to surrender that permit before exercising the new consent. The application therefore does not add a vessel to the Fiordland Coastal Marine Area (CMA). The change being assessed in this report is the increase in vessel length from 17m to 27m, and the associated use of ancillary craft (two tender craft, eight kayaks, and four paddleboards).

1.3. This report includes the following:

- Methodology,
- Description of the landscape and wider context,
- Description of the proposal,
- Landscape assessment,
- Statutory assessment, and
- Conclusion.

2. METHODOLOGY

2.1. Patch has undertaken this landscape assessment in accordance with the principles outlined in Te Tangi a te Manu, Aotearoa New Zealand Landscape Assessment Guidelines[1] (the Guidelines), the New Zealand Coastal Policy Statement 2010 (NZCPS), and the Regional Coastal Plan for Southland 2013 as amended by Plan Change 5 (RCP). The assessment applies the consented

[1] NZILA. Te Tangi a te Manu. Aotearoa New Zealand Landscape Assessment Guidelines. July 2022.

baseline established by AUTH-20202563 and assesses the incremental effects of the proposal against that baseline.

Site Visit

2.2. Site access in this part of Fiordland is by sea or air only and is heavily weather dependent. I attempted to visit the site on several occasions prior to the completed visit. This included travelling to Te Anau and waiting out cloud cover that never cleared, with helicopter access from Manapouri unavailable for the duration of my stay. Further attempts to coordinate access with vessel changeover days were also frustrated by weather.

2.3. On 8 September 2026, I undertook a site visit in fine, clear conditions. I flew by helicopter from Manapouri to MV Flightless, which was anchored in Vancouver Arm, Te Puaitaha/Breaksea Sound. On the flight in I observed a private craft on the water in Hall Arm, Patea/Doubtful Sound, which provided a useful reference for the scale and visibility of smaller vessels within the fiords. I spent approximately one and a half hours at Vancouver Arm, during which I:

- viewed the vessel at anchor and its tender craft operating on the water;
- flew a drone to observe the vessel in the context of the wider fiord landscape, including from elevated positions and at a range of distances; and
- observed the movement of the helicopter to and from the vessel.

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2.4. Because MV Wakakura is identical to MV Flightless in dimensions and form, viewing MV Flightless at anchor in the receiving environment provided a direct and accurate understanding of how the proposed vessel will appear and be experienced in the landscape. Images from the site visit are used as figures within the body of this report.

2.5. In addition to the site visit, this assessment draws on the following:

- My previous site investigations within the Fiordland CMA, including field work undertaken on the water in Patea/Doubtful Sound for the RealNZ coastal permit applications (including APP-20221882, which involved a comparable increase in vessel length from 30m to 36m). During that field work I observed commercial vessels of a range of sizes operating within the fiords, including the 102.7m National Geographic Orion, and viewed vessels from tender craft to understand scale, visibility, and context;

- Photographs, video, and drone footage of MV Flightless operating in Tamatea/Dusky Sound and Te Puaitaha/Breaksea Sound supplied by the applicants and from publicly available sources;
- Topographic mapping, nautical charts, and aerial imagery of the Fiordland coast between Yates Point and Puysegur Point;
- The Regional Coastal Plan Landscape Assessment (2013); and
- The description of the affected environment in the application documents.

2.6. The Guidelines describe landscape assessment as reliant on familiarity with the relevant landscape and on the assessor's reasoned judgement. The site visit, together with my previous field work in Fiordland and the material described above, has given me a sound understanding of the receiving landscape, the appearance and scale of the vessel within it, and the nature of the ancillary and associated activities. I am confident this assessment is made on a robust basis.

2.7. The following definitions are informed by *Te Tangi a te Manu* and provide the conceptual basis for assessing landscape and visual effects in a consistent and transparent manner.

Term	**Definition**
Landscape	Natural and physical attributes of land together with air and water which change over time and which is made known by people's evolving perceptions and associations.
Landscape Character	An expression of the landscape's distinct combination of physical, associative, and perceptual attributes.
Physical values	Value derived from both natural and human features, and the action (and interaction) of natural and human processes over time.
Perceptual values	Value derived from both direct sensory experience and broader interpretation through the senses.
Associative values	Value derived from intangible things that influence how places are perceived, such as history, identity, customs, laws, narratives, creation

4

Term	Definition
	stories, and activities specifically associated with the qualities of a landscape.
Landscape effects	The consequence of change to physical elements, patterns, or features within a landscape that may affect its character, integrity, or sense of place, including its mauri**,** mana**,** and identity.
Visual effects	A subset of landscape effects that relate specifically to how a change alters the appearance of a landscape and the amenity, coherence, and legibility of views.
Cumulative effects	The combined effect of change when considered alongside other existing, consented, or approved changes within the same landscape. This may involve: a) the progressive erosion or reinforcement of landscape character, b) a tipping point where incremental changes result in a disproportionate loss or shift in landscape values, or c) an aggregate effect on the experience or coherence of views.

5

Extent of Effects

2.8. In assessing the extent of effects, this report uses the following seven-point scale.[2]



2.9. An effects rating of 'more than minor' can be characterised as 'moderate' or above. 'Minor' adverse effects mean there will be some real effect but of less than moderate magnitude and

[2] NZILA. Te Tangi a Te Manu Aotearoa New Zealand Landscape Assessment Guidelines. July 2022. p. 151.

significance, characterised as 'low' and low-moderate'. 'Less than minor' means insignificant and can be characterised as 'very low' or 'low'.

Statutory Considerations

2.10. The application was lodged prior to notification of Plan Change 5 to the RCP. It is understood the activity retains its original discretionary activity status under the operative RCP 2013. However, the objectives and policies of Plan Change 5, which is now operative, are relevant to the assessment and are addressed in Section 5 of this report.

2.11. The site is within the coastal marine area and the NZCPS applies. Policies 13 (preservation of natural character) and 15 (natural features and natural landscapes) are of particular relevance to this assessment. The consent area adjoins Fiordland National Park, which forms part of the Te Wāhipounamu South West New Zealand World Heritage Area.

2.12. The consent area lies within Te Mimi o Tū Te Rakiwhānoa, which is subject to a Statutory Acknowledgement under the Ngāi Tahu Claims Settlement Act 1998.[3] Effects on cultural values are outside the scope of this assessment and are addressed elsewhere in the application. However, the associative dimension of the landscape, including its significance to Ngāi Tahu, forms part of the landscape description in this report. 6

3. DESCRIPTION OF THE LANDSCAPE

3.1. The consent area covers the coastal marine waters of Fiordland between Yates Point in the north and Puysegur Point in the south. This coastline is defined by a sequence of glacially carved fiords. These are long, narrow, and deeply enclosed arms of the sea with steep rock walls, hanging valleys, and numerous waterfalls. The adjoining land is Fiordland National Park, part of the Te Wāhipounamu South West New Zealand World Heritage Area. The Regional Coastal Plan Landscape Assessment assigns all fiords other than Milford Sound a naturalness rating of 5, the highest possible level.

[3]Ngāi Tahu Claims Settlement Act 1998, Schedule 102: Statutory Acknowledgement for Te Mimi o Tū Te Rakiwhānoa (Fiordland Coastal Marine Area).

3.2. While the consent area extends across the full Fiordland coast, the applicants' operations are focused primarily on Tamatea/Dusky Sound and Te Puaitaha/Breaksea Sound and their surrounds, including Wet Jacket Arm, Acheron Passage, and the waters around Mauikatau/Resolution Island. Operations in Patea/Doubtful Sound are limited to picking up and dropping off passengers, fuel, and supplies. The description below therefore focuses on the Tamatea/Dusky Sound complex, being the part of the receiving landscape where the proposal will be most frequently experienced.

Physical Attributes

3.3. Tamatea/Dusky Sound is the largest and most complex of the Fiordland fiords, extending approximately 40km inland and reaching some 8km across at its widest point. The fiord is a drowned glacial trough. Its walls rise steeply from the water in near continuous cloaks of beech and podocarp forest, broken by rock bluffs, slips, and waterfalls that respond within hours to the region's very high rainfall. Mauikatau/Resolution Island, the largest island on the Fiordland coast, encloses the seaward side of the fiord, with Taumoana/Five Fingers Peninsula sheltering the entrance from the northwest. Acheron Passage runs along the eastern side of Resolution Island and connects Tamatea/Dusky Sound to Te Puaitaha/Breaksea Sound in the north. 7

3.4. Unlike the single-channel form of Milford Sound/Piopiotahi, the inner waters of Tamatea/Dusky Sound are an intricate archipelago. Several large islands lie within the fiord, notably Pukenui/Anchor Island, Māmaku/Indian Island, Long Island, and Ao-ata-te-pō/Cooper Island, together with hundreds of smaller islands, islets, and reefs. This produces a layered sequence of channels, passages, and sheltered coves, including Luncheon Cove, Pickersgill Harbour, Sportsmans Cove, Cascade Cove, Shark Cove, and Supper Cove at the head of the fiord where the Seaforth River enters. The interplay of open water, islands, and enclosing walls gives the fiord a complexity and depth of composition that is not experienced elsewhere on this coast.

3.5. High annual rainfall and freshwater runoff produce a tannin-stained, low salinity surface layer above denser seawater. This influences light penetration and supports marine communities, including black corals and sponges, at unusually shallow depths. The marine environment includes marine reserves and areas of notable and fragile marine life. Frequent low cloud, mist, and rapidly changing weather are defining attributes of the fiord and contribute strongly to its dynamic and often brooding character.

Associative Attributes

3.6. The fiords of Te Rua-o-te-moko/Fiordland hold deep significance for Ngāi Tahu. In tradition, the fiords represent the raised sides of Te Waka o Aoraki, shaped by Tū Te Rakiwhānoa to make the coast habitable, carving safe havens and stocking them with fish, forest, and birds. Tamatea takes its name from the captain of the waka Takitimu. Southern tūpuna travelled to this remote coast on sealing, birding, and fishing expeditions over many centuries, and the fiord retains a dense network of place names, tauranga waka, and wāhi tapu. The area is subject to a Statutory Acknowledgement recognising Ngāi Tahu's enduring cultural, spiritual, historic, and traditional association with Te Mimi o Tū Te Rakiwhānoa.

3.7. Tamatea/Dusky Sound also holds a remarkable concentration of early European heritage. Captain Cook noted the entrance in 1770 and returned in 1773, spending some five weeks in the fiord. The stumps cut for the observatory at Astronomers Point near Pickersgill Harbour remain legible today. Luncheon Cove on Pukenui/Anchor Island is the site of the first European vessel built in New Zealand and the first European dwelling. In the 1890s, Richard Henry's pioneering conservation work on Resolution Island made the fiord the birthplace of island conservation in New Zealand, a legacy continued today through intensive predator control and species translocations on the fiord's islands, to which the applicants actively contribute through the Tamatea/Dusky Sound Restoration Project.

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3.8. The recreational and tourism associations of the fiord are longstanding but low in intensity. There is no road access. Visitors arrive by sea, by air, or on foot via the Dusky Track. Commercial charter operations, fishing vessels, hunters, divers, and kayakers all use the fiord, and their activity, together with the small number of moorings and Department of Conservation facilities, forms part of the existing character of the place.

Perceptual Attributes

3.9. The defining perceptual attributes of the Tamatea/Dusky Sound complex are remoteness, wildness, natural quiet, and immense scale. The enclosing walls rise hundreds of metres directly from the water. The scale of the landscape dominates human presence. Vessels, where present, read as small, transient elements against towering landform and forest, and human activity leaves little or no lasting trace on the scene. At the same time, the intactness of the natural patterns means the landscape is highly sensitive to permanent modification or to intensification

of activity. Its capacity to absorb transient, water-based activity of an established type is high. Its capacity to absorb built structures or a materially greater intensity of use is low.

3.10. These attributes were confirmed during my site visit. From the air and from the water at Vancouver Arm, the dominant impression is of the immense vertical scale of the enclosing landform and the intactness of the forest cover, against which vessels read as small, isolated elements.

Existing Use

3.11. The Fiordland CMA accommodates an established pattern of commercial and recreational surface water activity, including fishing vessels, charter operations, water taxis, and cruise vessels. The schedule of current consents (July 2024) records authorised vessels ranging from 6m water taxis to a 49m vessel, with several vessels of 30m to 44m authorised to operate on this coast. The applicants currently operate the 27m MV Flightless in these waters under a separate coastal permit, and a 17m vessel is authorised under AUTH-20202563. Vessel-based access is characteristic of this setting and is the principal means by which people experience the fiords.

3.12. Helicopter access is also an established feature of the fiords, used for passenger transfer, crew changeover, and servicing of remote operations. During my site visit I observed helicopter movements to and from the vessel at Vancouver Arm. These movements are brief and infrequent, and once complete the natural quiet of the setting quickly reasserts itself.

4. DESCRIPTION OF THE PROPOSAL

4.1. The complete details of the proposal are contained within the application and the supplementary information document (January 2026). In summary, the proposal seeks a coastal permit to operate the 27m MV Wakakura (**Figure 1**) for commercial surface water activities within the coastal waters of Fiordland from Yates Point to Puysegur Point, with up to 17 passengers including crew, on up to 365 days per year, together with ancillary craft comprising two tender craft, eight kayaks, and four paddleboards.

4.2. MV Wakakura is the sister ship to MV Flightless (**Figure 2**), which already operates in these waters. MV Wakakura is a converted ex New Zealand Navy vessel of 27m length, 6.1m beam,

and 2.4m draft, with a steel hull. **Figure 1** shows the vessel in its previous naval service, prior to refit. On completion of the refit, MV Wakakura will be identical to MV Flightless in dimensions, form, profile, and colours, with the same muted palette selected to recede against the fiord landscape. For the purposes of this assessment, MV Flightless therefore shows the proposed vessel as it will appear in the receiving environment.

4.3. The applicants propose a condition requiring the surrender of the existing 17m permit (AUTH-20202563) before the new consent is exercised. The consented baseline for this assessment is therefore a 17m vessel carrying up to 17 passengers including crew, with ancillary craft in practical use, operating across the same area on the same number of days. The changes to be assessed are:

- An increase in vessel length from 17m to 27m, with associated increases in beam and overall bulk; and
- The explicit authorisation of ancillary craft (two tenders, eight kayaks, and four paddleboards) on the face of the consent.

4.4. There is no change to passenger numbers, frequency of operation, area of operation, or the nature of activities. No new structures, moorings, or anchorages are proposed. The applicants hold a separate consent (AUTH-20211363) for three existing swing moorings at Cascade Cove, Shark Cove, and Vancouver Arm, and will continue to use recognised anchorages. Access to Patea/Doubtful Sound remains restricted to passenger transfer and resupply. 10



Figure 1: the MV Wakakura



Figure 2: the MV Flightless

5. LANDSCAPE ASSESSMENT

5.1. This section assesses the effects of the proposal on the landscape, natural character, and visual amenity values of the receiving environment, taking into account the consented baseline. Consistent with the Guidelines, the assessment focuses on the consequences of the proposed change for landscape values, not on change itself.

Landscape and Natural Character Effects

5.2. The physical change proposed is an increase in the length of a single transient vessel from 17m to 27m. The proposal involves no modification to landform, vegetation, or the coastal edge. It introduces no structures. It does not alter the patterns or processes of the fiord landscape. The physical attributes of the landscape will remain unchanged.

5.3. The relevant question is whether the larger vessel, moving through and anchoring within the fiords, will diminish the natural character and landscape values of the setting to a greater degree than the consented 17m vessel. In my opinion it will not, to any material degree, for the following reasons:

- The receiving landscape is vast. The enclosing walls of Tamatea/Dusky Sound rise hundreds of metres directly from the water and the fiord extends some 40km inland. Within this context a 27m vessel, like a 17m vessel, occupies a very small proportion of any view and is dwarfed by the scale, complexity, and overall amenity of the fiord landscape;
- Vessel-based activity is an established and expected attribute of this coast. Vessels between 6m and 49m are authorised to operate here, including several of 30m to 44m. The proposed vessel sits comfortably within the established range and type of activity;
- The presence of the vessel is transient. It moves through the landscape, anchors overnight in sheltered coves, and leaves no trace. Natural character is affected only for the duration of the vessel's presence in any one location;
- MV Wakakura is identical in form to MV Flightless, which already operates in these waters. Observers will not perceive a new or unfamiliar element in the landscape; and
- With the surrender of AUTH-20202563, there will be no additional vessel in the fiords. The proposal substitutes one authorised vessel for another.

5.4. The application notes that the average consented vessel length in the July 2024 schedule is 26m. That average is heavily weighted by the large day vessels operating in Milford Sound/Piopiotahi, which is a different receiving environment from the southern fiords, and I have therefore placed limited weight on it. Instead, I rely on the vessels authorised to operate in the southern fiords themselves. These include the 30m Milford Wanderer, which operates multi-day expedition cruises through Te Puaitaha/Breaksea Sound, Acheron Passage, Tamatea/Dusky Sound, and Preservation Inlet, with tender craft and kayak activities of the same kind proposed here, together with other authorised expedition vessels of 30m and larger. Substantially larger cruise vessels, including the 103m National Geographic Orion, also transit the southern fiords. In that company, a 27m vessel is unremarkable in scale and entirely characteristic of the established pattern of use.

5.5. Set against the highest order natural character of this coast, the increase in vessel length will result in no more than very low adverse effects on natural character and landscape character. The landscape values of the fiord complex, being its physical intactness, its associative depth, and its perceived wildness and remoteness, will not be adversely affected by the proposal.

Visual Effects

5.6. The audiences for the proposal are limited and are themselves on the water or at the water's edge. They comprise passengers and crew of other commercial vessels, recreational boaties and fishers, kayakers, divers, hunters, trampers at the coastal ends of the Dusky Track (including Supper Cove), and Department of Conservation staff working on the islands. There are no roads, settlements, or fixed public viewpoints within the receiving landscape. All views of the vessel are transient, from viewers who are themselves typically moving.

5.7. In near views, such as a shared anchorage or a passing encounter in a channel, the 27m vessel will read as recognisably larger than the consented 17m vessel. During my site visit I viewed the vessel at anchor in Vancouver Arm from the water and from the air. Even in near views, the vessel occupied a very small proportion of the visual field, contained low against the water and enclosed by forested walls rising steeply on all sides. Drone imagery taken during the visit (**Figures 3 and 4**) shows the vessel within the wider fiord context, where the difference between a 17m and a 27m hull is not readily discernible against the scale of the enclosing landform. In



Figures 3 and 4: The MV Flightless in Vancouver Arm looking west (above) and east (below).



the context of the broad receiving landscape, the vessel appears dwarfed by the scale, complexity, and overall amenity of the fiord complex and will not act to reduce visual amenity.

5.8. The flexible and weather-driven pattern of the operation disperses activity across a very large area rather than concentrating it at particular sites. Encounters with the vessel will be occasional and brief. For trampers and hunters ashore, the sight of an expedition vessel at anchor is an established part of the experience of this coast and, for many, the means of their own access to it.

5.9. Overall, I consider the proposal will result in no more than **very low** adverse visual effects, and that visual amenity as experienced within the fiords will be maintained.

Ancillary Activities

5.10. The ancillary craft comprise two tenders, eight kayaks, and four paddleboards. These were included in the original application for the existing 17m consent but were not itemised on the face of that consent, reflecting drafting practice at the time. Their use is nonetheless an established part of how vessels of this type operate in the fiords, and the biosecurity conditions of the existing consent already refer to tenders and kayaks.

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5.11. The ancillary craft are small in scale and low to the water (**Figure 5**). They operate in close proximity to the main vessel, for short durations, and only while the vessel is present in a given location. During my site visit I observed the tender craft on the water adjacent to the vessel. The tenders read as small, low elements, subordinate to the main vessel and visible only at close range. Kayaks and paddleboards are non-mechanised and near silent and are an entirely characteristic means of experiencing the fiords. The tenders are of a size and type indistinguishable from recreational craft already present on this coast. The explicit authorisation of the ancillary craft will not alter the character of the activity as it is actually experienced, and I assess the associated landscape and visual effects as **very low**.



Figure 5: Kayaking off the MV Flightless

Cumulative Effects

5.12. From a landscape perspective, the relevant question with regard to cumulative effects is whether the proposal adds to the overall presence, intensity, or perceived level of vessel activity in the fiords. It does not. With the surrender of AUTH-20202563, the number of vessels the applicants are authorised to operate does not change. Passenger numbers, days of operation, and the area of operation are unchanged. Because MV Wakakura is very identical in appearance to MV Flightless, the perceived level of activity in the fiords will not materially change. The proposal will not contribute to any cumulative erosion of the wilderness, remoteness, or natural quiet values of the Fiordland CMA. 16

Statutory Assessment

5.13. This section addresses the landscape-related provisions of the relevant statutory documents. The planning assessment of the full policy framework is addressed by others.

NZCPS 2010

5.14. Policy 13 seeks to preserve the natural character of the coastal environment by avoiding adverse effects of activities on natural character in areas of outstanding natural character, and avoiding significant adverse effects elsewhere. Policy 15 seeks to protect the natural features and natural landscapes of the coastal environment from inappropriate use and development.

The Fiordland coast is of the highest order in both respects. For the reasons set out in Section 5, the proposal will have no more than **very low** adverse effects on natural character and will not compromise the natural features and landscapes of the coast. The proposal maintains an existing, authorised, and characteristic activity at the same intensity. In my opinion the proposal is consistent with Policies 13 and 15.

5.15. I acknowledge that Policy 13(1)(a) directs the avoidance of adverse effects on natural character in areas of outstanding natural character. The incremental effect of the proposal, assessed against the consented baseline, is of such low magnitude that it is properly characterised as de minimis, that is, so minor as to be undeserving of attention. On that basis I do not consider the proposal engages the avoidance direction, and it is consistent with Policies 13 and 15.

Regional Coastal Plan (including Plan Change 5)

5.16. Objectives 16.1.1 to 16.1.3 seek to maintain the essential characteristics of the Fiordland CMA, preserve its remoteness and wilderness values, and manage the effects of surface water activities on intrinsic values. The proposal maintains the consented level of activity and involves no additional vessel. The essential characteristics that underpin the visitor experience of the fiords, being natural character, remoteness, tranquillity, and landscape values, will remain unchanged.

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5.17. Policy 16.2.8 identifies matters that can impact on the wilderness and remoteness values of the Fiordland coastal environment. The matters of relevance to this assessment are addressed as follows:

- Ship size (clause 1). The vessel length increases from the consented 17m to 27m. For the reasons in Section 5, this increase does not intensify the effects of the activity on wilderness and remoteness values. Passenger numbers and frequency are unchanged;
- Vessel appearance, including scale, bulk, and form (clause 3). MV Wakakura will be identical in appearance to MV Flightless on completion of its refit. Its colours are muted and will blend with the landscape, and the small increase in its length will be well absorbed within the vast scale of the receiving landscape;
- Ancillary activity (clause 5). The ancillary craft reflect the established operation and do not increase activity levels above those lawfully established. Helicopter access for passenger and

crew transfer is likewise an established part of the operation and of the wider Fiordland pattern of use, and is unchanged by this proposal.

- Location, landform, and scale of the landscape, including its ability to absorb change (clause 6). The scale of the fiords is such that the change in vessel length will be negligible in the landscape; and
- Anthropogenic noise (clause 7). It is understood the modern engines and wet exhaust system of MV Wakakura will reduce noise relative to the consented baseline, which is positive for natural quiet, a key perceptual attribute of the setting.

5.18. Policies 16.2.1, 16.2.2, and 16.2.7 direct the protection of natural character, landscape, amenity, wilderness, and remoteness values, including the avoidance of adverse effects on internationally, nationally, and regionally significant values. For the reasons set out in Section 5, the proposal maintains these values. I do not consider the proposal to be a new or intensifying activity in landscape terms, given the consented baseline and the proposed surrender condition.

6. CONCLUSION

6.1. The proposal substitutes a 27m vessel for a consented 17m vessel within the Fiordland CMA, with no change to passenger numbers, frequency, or area of operation, and with the existing 17m permit to be surrendered. The receiving landscape is of the highest natural character on the New Zealand coast, and it is also a landscape of immense scale within which transient vessel activity is an established and characteristic element.

6.2. The increase in vessel length will result in no more than very low adverse effects on the landscape character of the coastal area. The vessel will appear dwarfed by the scale, complexity, and overall amenity of the fiord complex and will not act to reduce visual amenity. The ancillary craft reflect the established operation and will have very low landscape and visual effects. With the surrender of the existing permit, the proposal will make no cumulative contribution to vessel presence in the fiords, and the wilderness, remoteness, and natural quiet values of Te Mimi o Tū Te Rakiwhānoa will be maintained.

6.3. Overall, I consider the adverse landscape, natural character, and visual amenity effects of the proposal to be very low, which can be characterised as less than minor. The proposal is consistent with the landscape-related provisions of the NZCPS and the Regional Coastal Plan,

including Plan Change 5. These findings are informed by my site visit to Vancouver Arm, where I observed MV Flightless, the identical sister vessel, at anchor within the receiving environment.

Prepared by:



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Registered Landscape Architect

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Attachment 7

Draft consent conditions

AUTH-20211024

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 **Sean Ellis and Maria Kuster of 253D Ramparts Road, RD 1, Te Anau 9679** from **XX November 2026.**

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 operate a commercial surface water activity within the coastal waters of Fiordland/Te Mimi o Tu Te Rakiwhanoa,
Location	- site locality	The internal coastal waters from Yates Point to Puysegur Point
	- map reference	NZTM2000 1101021E 4876984N
Legal description at the site:		Coastal Marine Area
Expiry date:		**6 August 2036**

Conditions

1. This Consent Holder shall, prior to exercising this consent, provide written confirmation to the Consent Authority (escompliance@es.govt.nz) that Coastal Permit AUTH-20202563 has been formally surrendered under section 138 of the Resource Management Act 1991.

   For the purposes of this condition, "prior to exercising this consent" means before any surface water activities authorised by this permit are undertaken.

   Advice note: *The purpose of this condition is to ensure that there is no net increase in the number of vessels authorised to operate within the Fiordland Coastal Marine Area and to maintain the consented baseline relied on in the assessment of environmental effects.*

2. This consent authorises the undertaking of commercial surface water activities, in the coastal marine area adjacent to Fiordland National Park from Yates Point to Puysegur Point, with:

   (a) the MV Wakakura, being one vessel of 27 metres, registered length, with up to 17 passengers including crew;

(b) up to 8 kayaks and 4 paddle boards; and
(c) two tender crafts;

for the purpose of undertaking commercial backcountry activities, as described in the application for resource consent dated 25 January 2021[1], the amended application dated 10 June 2026[2], and all subsequent further information responses[3].

3. 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 continuous period of two years or more.

Operational Restrictions

4. This consent does NOT authorise commercial day trips as defined in the Regional Coastal Plan for Southland.

5. The total number of days on which commercial surface water activities are undertaken shall not exceed 300 days in any calendar year.

6. The Consent Holder must not undertake any trips within:

(a) Hall Arm; or
(b) First Arm.

7. The Consent Holder shall operate commercial surface water activities (backcountry trips only) in the general area of Doubtful Sound, in any one year, as follows:

(a) Crooked Arm – up to two occasions in any calendar year to pick up passengers walking the Narrow Neck Track from Dagg Sound to Haulashore Cove;
(b) Bradshaw Sound – up to two days in any month;
(c) Thompson Sound – up to two days in any month;
(d) Doubtful Sound – up to two days in any month; and
(e) Deep Cove – only to pick up or off-load passengers and uplift stores.

8. Notwithstanding Condition 7 above, the Consent Holder may only transit within Doubtful Sound, Thompson Sound, and Deep Cove as a thoroughfare for the purpose of, and to the extent necessary to:
(a) pick up or off-load passengers to or from shore;
(b) access services (including wastewater disposal), wharves and launching areas; and
(c) off-load cargo and uplift stores.

9. The Consent Holder shall limit the travel speed of the main vessel, tender vessel, and kayaks to:

(a) no more than 5 knots within 200 metres of the shoreline;
(b) no more than 5 knots within 200 metres of a seal or penguin colony

10. The Consent Holder shall avoid marine bird and marine mammal nesting and breeding areas as follows:

(a) passengers or crew shall not be landed on any foreshore within 50 metres of New Zealand fur seal colonies, seabird colonies or penguin colonies.

1 Environment Southland electronic filing reference A629281
[2] Environment Southland electronic filing reference A1496805
[3] Environment Southland electronic filing reference A630482, A633671, A633867, A654207, and 1576467

(b) neither the main vessel, tender vessels nor kayaks operating pursuant to this Consent shall moor or anchor or otherwise stop within 50 metres of New Zealand fur seal colonies, seabird colonies or penguin colonies.

11. The Consent Holder shall limit the travel speed of the main vessel, tender vessels and kayaks to 5 knots within 500 metres of a seal or penguin colony.

12. The Consent Holder shall not anchor within china shop areas or other areas with significant benthic/biodiversity values, including the following areas:

(a) Pendulo Reach;
(b) East and south-east of Entry Island at depths less than 50m; and
(c) Between Anchor Island, Fixed Head, Useless Islands and Passage Islands

Note: *these restrictions are to avoid adverse effects on areas that are particularly sensitive to anchoring and mooring, especially sea floor effects.*

13. Except as provided for in Condition 14, the Consent Holder shall not anchor within 400 metres of the following:

(a) Breaksea Island Group, including Wairaki Island and the island approximately 700 metres generally west thereof, and Hawea Island and the island approximately 700 metres east thereof;
(b) Shelter Island or Nee Islets at the mouth of Doubtful Sound;
(c) Seymour Island;
(d) Entry Island;
(e) Thrum Cap;
(f) Passage Islands;
(g) Chalky Island (Te Kakahu-O-Tamatea);
(h) Pig Island;
(i) Anchor Island;
(j) Bauza Island;
(k) Coal Island; and
(l) Steep-To Island

Note: *these restrictions are to avoid spreading rats and other pests to these islands.*

14. The Consent Holder shall not go ashore or allow passengers to go ashore at any of the islands identified in Condition 13, aside from where provided for by the Consent Holder's corresponding concession from the Department of Conservation.

Rubbish Disposal and Sewage Discharges

15. All rubbish shall be removed from the Coastal Marine Area and disposed of at a designated refuse disposal site.

16. 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 at least 500m offshore while outside of the internal waters of Fiordland.

17. Discharges of any other contaminant, or any article or substance of a dangerous or offensive nature not identified in Conditions 15 and 16 above, into the coastal marine area from the main vessel, tender vessels, kayak(s) or any other vessel operating under this Consent shall not occur within the internal waters of Fiordland.

18. Discharges of any other contaminant, or any article or substance of a dangerous or offensive nature not identified in conditions 15 and 16 above, into the coastal marine area from the main vessel, tender vessels, kayak(s) or any other vessel operating under this Consent may only occur at least 500m offshore while outside of the internal waters of Fiordland.

Contaminant Spills

19. (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 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.

Biosecurity

20. 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 main vessel, tender vessels, paddleboards and kayaks:

(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 20(a) the Consent Holder shall inspect the main vessel, tender vessels, paddleboards, kayaks, 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 20(a) and 20(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.

21. The Consent Holder shall:

(a) maintain the main vessel, tender vessels, paddleboards and kayaks 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 main vessel at all times;

(c) inspect the main vessel, tender vessels, and kayak compartments, 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, as much as practicable, any food is stored in rodent proof containers.

Marine Mammals

22. (a) Except in the circumstances described in Condition 22(b), the Consent Holder shall comply with the Dolphin Avoidance Protocol attached as Appendix A;

(b) The Consent Holder may operate otherwise than in accordance with the Dolphin Avoidance Protocol attached as Appendix A where both:

(i) the Consent Holder holds a Marine Mammal Viewing Permit under the Marine Mammals Protection Regulations; and
(ii) the Consent Holder has notified the Consent Authority (email: escompliance@es.govt.nz) that it holds such a permit and will operate in accordance with the Marine Mammal Viewing Permit rather than Appendix A.

(c) The notice required by Condition 22(b)(ii) shall refer to the resource consent (AUTH-20211024) and Marine Mammal Viewing Permit reference numbers.

Reporting Requirements

23. The Consent Holder shall maintain a log of all operations, including:

(a) The location of sewage discharges;

(b) a log of all backcountry trip activities, including the following details:

(i) departure date and return date for each backcountry trip;
(ii) the total number of days activities are undertaken in the calendar year in accordance with Conditions 5 and 7;
(iii) location(s) travelled to for each backcountry trip, including any moorings or anchorages used;
(iv) number of passengers aboard the vessel for each backcountry trip;
(v) the purpose of all activities, including use of the vessel and any ancillary activities such as: fishing, diving, paddleboarding and kayaking; and the purpose and location of the use of the vessel, paddleboards or kayaks to go ashore for activities such as: visiting historic locations, walking and hunting; and
(vi) the resource consent number AUTH-20211024.

(c) In the event of inadvertent interaction with dolphins as described in 2(a) or 2(b) of Appendix A, a log of the incident, including the date, location, and the measures that were taken to minimize the interaction.

(d) the results of inspections for pests, unwanted organisms, or hull fouling organisms on the vessels, paddleboards, kayaks and equipment, in accordance with Conditions 20 and 21 of this consent.

(e) A copy of the entries in this log shall be provided to the Consent Authority every three months in accordance with the following schedule:

Quarter Finish	Due Before
31 March	30 April
30 June	31 July
30 September	31 October
31 December	31 January

(f) 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

24. 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 an adverse effect on the environment arising as a result of the exercise of this permit.

for the **Southland Regional Council**

Lacey Bragg
Consents Manager

Notes

1. *The Consent Holder's operation is subject to the Southland Regional Council Navigation Safety Bylaws 2009 (or any replacement version).*

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. *Anchoring in the following areas is prohibited by Rules 11.7.7.7 and 11.7.7.13 of the Regional Coastal Plan for Southland:*
   - *Clio Rock in Bligh Sound/Hāwea;*
   - *the area at the intersection of Acheron Passage and Wet Jacket Arm between Breaksea Sound/Te Puiataha and Dusky Sound/Tamatea;*
   - *Nine Fathoms Passage, off Cooper Island/Ao-ata-te-pō, Dusky Sound/Tamatea;*
   - *Narrow Bend from Adam Head to Sandy Point in Long Sound/Te Awaroa;*
   - *The area between Macdonnell Island and Gardner Head in Bradshaw Sound/Kaikiekie*
   - *Harrison Cove/Te Umukaroro at depths less than 60m*

5. *Anchoring within 400 metres of the following islands is not authorised by this resource consent, so would require a separate resource consent under Rule 11.7.7.2 of the Regional Coastal Plan for Southland:*
   - *Breaksea Island Group, including Wairaki Island and the island approximately 700 metres generally west thereof, and Hāwea Island and the island approximately 700 metres east thereof;*
   - *Entry Island;*
   - *Thrum Cap;*
   - *Passage Islands;*
   - *Chalky Island (Te Kākahu-O-Tamatea);*
   - *Pig Island;*
   - *Little Solander Island*

6. *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*

7. *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*

8. *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.*

9. *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.*

10. *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.*

Appendix A
Dolphin Avoidance Protocol

1. The consent holder shall not enter no-boat zones as detailed in Appendix B attached;
2. The consent holder shall take appropriate action to avoid interactions with any individual dolphin or group of dolphins.
   (a) If interaction should inadvertently occur, then steps shall forthwith be taken to minimise such interaction;
   (b) interaction with dolphins is to be particularly avoided during winter (1 June to 31 August).
      (i) If interaction with dolphins should inadvertently occur during winter, then it is especially important that steps be taken forthwith to minimise such interaction.

   Notes: Winter is the most critical season for the environmentally challenged bottlenose dolphin population resident in the Doubtful Sound complex and boat interactions with this population are especially to be avoided during winter.
   Further guidance can be found on the Department of Conservation's website:
   https://dcon01mstr0c21wprod.azurewebsites.net/globalassets/documents/getting-involved/consultations/consultations-results/management-code-dolphins-doubtful-sound.pdf
3. The consent holder shall operate the vessel so as to not disrupt the normal movement or behaviour of any individual dolphin or pod of dolphins;
4. The consent holder shall avoid, as far as practicable, a course that results in passing through a pod of dolphins.
   (a) If absolutely essential to pass through a pod of dolphins and then it shall only occur at a speed that produces no wake to minimise disturbance to the dolphins;
5. Should an encounter with an individual dolphin or group of dolphins occur, the consent holder shall adopt the following measures:
   (a) Move away from any dolphin/pod of dolphins immediately should any sign of disturbance or alarm be apparent;
   (b) Adopt all reasonable steps to ensure that individual dolphins do not get separated from the pod by the action of the vessel/crew/passengers.
6. When being approached by a dolphin/pod of dolphins, the consent holder shall reduce the speed of the vessel to a point at which no wake is produced, allowing the dolphin/pod of dolphins to approach and pass the vessel.
   (a) If, given the time available between the initial dolphin sightings and the dolphin's or dolphins' approach towards the vessel, it is not possible to reduce speed so as to produce no wake, then any wake produced shall be the minimum achievable in the circumstances;
7. The consent holder shall undertake crew training to ensure that any potential disturbance to the dolphin population is minimised;
8. The consent holder shall take all reasonable steps to prevent the crew or passengers from attempting to attract a passing dolphin/pod of dolphins to the vessel and to ensure no loud noise occurs when in the presence of a dolphin or dolphins.

Note 1: The purpose of the dolphin avoidance protocol is to ensure that contact with dolphins is minimised and that if and when any interaction occurs it is managed in a manner recommended within the protocol.

Note 2: During operations in Fiordland waters other than Doubtful Sound the Marine Mammal Protection Regulations or a Marine Mammal Viewing Permit will apply

Note 3: Further guidance can be found on the Department of Conservation's website:
https://www.doc.govt.nz/nature/native-animals/marine-mammals/sharing-our-coasts-with-marine-mammals/
https://dcon01mstr0c21wprod.azurewebsites.net/about-us/science-publications/conservation-publications/native-animals/marine-mammals/doubtful-sound-marine-mammal-and-other-wildlife-code-of-management/

Appendix B

Map of Doubtful Sound showing no-boat areas to protect dolphins



Appendix C
Definitions

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.

Commercial Day Trip - means the undertaking of a commercial day trip activity from a point of embarkation and back, with the embarkation and disembarkation of the same passengers (more or less) occurring on the same calendar day.

Commercial Backcountry Activity - means a commercial surface water activity that involves the use of a motorised or wind powered ship from a point of embarkation and back, or, from a point of embarkation to a different point for disembarkation where the activities of embarkation and disembarkation do not occur on the same calendar day.

Crooked Arm, First Arm, Hall Arm, and Bradshaw Sound are defined as:

Bradshaw Sound - means all that part of the coastal marine area east of an imaginary line between the southern extremity of Richards Point and the headland at the approximate NZTM co-ordinates 1,131,925 4,966,871, including Gaer Arm and Precipice Cove.

Crooked Arm - means all that part of the coastal marine area south of an imaginary line drawn between Ranson Head and Kellard Point.

First Arm - means all that part of the coastal marine area south and west of an imaginary line between the northernmost part of Rogers Point and Joseph Point.

Hall Arm - means all that part of the coastal marine area south and west of an imaginary line between Davidson Head and Pridham Point.

Appendix D
Default biosecurity checklist for landings on pest-free islands

Heritage Expeditions biosecurity checklist

New Zealand remains one of the few relatively pristine groups of islands left in the world. The Department of Conservation manages large areas of National Park and off shore Islands; their work ensures these time capsules of natural history are maintained in their natural state. By ensuring that there are no accidental introductions of new pests, plants or pathogens which could dramatically affect the unique fauna and flora of the area, all passengers are taking responsibility for protecting this fragile environment.

To ensure these areas remain pristine it is **very important** that all passengers follow this checklist below; this list identifies how all passengers can take responsibility for their own gear by checking items prior to disembarkation. Please complete and sign this document which covers the duration of your voyage, this document must be returned to the Crew onboard.

ITEM	ACTION	TICK IF IN COMPLIANCE	INSPECTED BY STAFF
Footwear 	All footwear used for landings is scrubbed, no seeds or soil to be present, treads to be thoroughly cleaned. Inspect laces, inside folds/flaps for soil/seeds and lift out inner soles to check underneath. *Note We use Virkon® to clean footwear, if you do not want exposure to this please discuss this with the Cruise Director immediately.*		
Clothing 	All clothing washed and checked especially polar fleece and wool making sure all seeds have been removed. Pay particular attention to pockets and Velcro® as they trap seeds. Check socks/hats and other high risk items for seeds.		
Waterproof/Wind proof Jackets, Trousers and other outer garments 	Thoroughly clean all jackets, trousers and outer garments including gaiters. Clean out all pockets and check for seeds. Check all Velcro®and seams to remove all soil and seeds.		
Containers 	Inspect and clean any containers prior to packing your bag. Check for soil and seeds on items that lay on the ground and they do not contain seed remnants.		
Day Packs, Camera Cases/Tripods 	Inspect daypacks, any camera equipment or and glass cases. Check for soil and seeds on items that lay on the ground and they do not contain seed remnants.		
Hygiene 	Have you or your equipment been in contact with wildlife or captive birds e.g. chickens, parrots within the last three months. *If yes please discuss this with the Expedition Leader*	Yes / No	

I have read and understand the Biosecurity Conditions for landing

Expedition Name:	Departure Date: : / /

Visitor Name: Signature:	Date Inspected: / /
Crew Member: Signature:	Date Inspected: / /