BEFORE THE SOUTHLAND REGIONAL COUNCIL

IN THE MATTER	of the Resource Management Act 1991
AND	
IN THE MATTER	an application for resource consent to operate a commercial surface water activity within the coastal waters of Fiordland/Te Mimi of Tu Te Rakiwhanoa.
BY	**SEÁN LIAM ELLIS AND MARIA KUSTER** Applicants

BRIEF OF EVIDENCE OF VANESSA HORWELL

November 3rd 2026

Introduction

1. My full name is Vanessa Claire Horwell.

2. I am an environmental and planning consultant.

3. I hold a Bachelor of Science with First Class Honours in Chemistry and a Bachelor of Arts in Chinese Language from the University of Otago, and a Graduate Certificate in Antarctic Studies with Distinction from the University of Canterbury.

4. Although I do not hold a formal planning qualification I have undertaken a variety of resource management planning work, including resource consenting, since 2012. From August 2012 to November 2015, I was employed by Environment Canterbury as a Consents Planner. I received Environment Canterbury's in-house training for resource consent planners and was responsible for processing and assessing resource consent applications under the Resource Management Act 1991.

5. My role included assessing applications and assessments of environmental effects, liaising with applicants, technical specialists, tangata whenua and other stakeholders, undertaking statutory and effects assessments, and preparing recommendations and decision reports for resource consent applications. The applications I worked on included coastal permits, water takes and discharges, stormwater discharges, erosion and sediment control, earthworks and excavation, hazardous substance storage, wastewater and rural activities. I also have previous experience presenting a resource consent application at a hearing in my capacity as an Environment Canterbury Consents Planner.

6. Since leaving Environment Canterbury, I have undertaken environmental management and planning work on a consultancy basis. My resource consent work has included coastal permits for swing moorings in Fiordland, resource consent applications associated with the Fiordland Trails Trust Lake2Lake Trail, and land use consent applications within the Southland District. I have also undertaken work for the applicants on concession applications and Marine Mammal Viewing permits.

7. My wider environmental management experience includes working as Project Director for the Hollyford Conservation Trust and, since 2021, managing the Te Waiau Mahika Kai Trust. These roles have involved environmental restoration, pest and weed control, health and safety and regulatory compliance, stakeholder and tangata whenua engagement, consideration of resource consent applications and the development and implementation of environmental restoration programmes.

8. I have been involved with APP20211024 on behalf of Seán Ellis and Maria Kuster, including reviewing the original application and submissions, preparing the supplementary information, assessing the proposal against the relevant statutory and non-statutory planning documents, considering the consented baseline and cumulative effects, and developing the proposed approach of surrendering the existing coastal permit for the 17 m vessel.

9. In preparing my evidence for this application, I have drawn on my previous experience as a resource consents planner, my subsequent resource management and environmental work, and my detailed knowledge of the application and the Fiordland operating environment.

10. I have visited Tamatea/Dusky Sound, Te Puaitaha/Breaksea Sound, Pātea/Doubtful Sound and Taiari/Chalky Sound, and have firsthand familiarity with these

environments. I have undertaken three trips aboard the applicants' vessel, Flightless, as a volunteer assisting with conservation projects on Mamaku and Long Islands. I have also travelled aboard another vessel, Pembroke, in Tamatea/Dusky Sound and Te Puaitaha/Breaksea Sound, and have visited Pukenui/Anchor Island by helicopter. These experiences have provided me with firsthand knowledge of the receiving environment and vessel-based activities within Fiordland.

Code of conduct

11. Although this is a council hearing, I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and agree to comply with it. Except where I state that I rely on the evidence of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

Scope of evidence

12. My evidence covers:

    (a) the proposal as amended, compared with the original application and the existing consent;

    (b) the history of this application and of the existing coastal permit for a 17 m vessel;

    (c) the existing environment and the consented baseline;

    (d) activity status and the scope of the amended application;

    (e) the actual and potential effects of the proposal;

    (f) the relevant statutory and planning documents, and Part 2 of the Resource Management Act 1991 (RMA);

    (g) submissions, consultation and the section 42A report; and

    (h) conditions.

13. In preparing this evidence I rely on:

    (a) the evidence of Mr Stephen Skelton, landscape architect, on landscape, natural character and visual effects; and

    (b) the evidence of Ms Maria Kuster on the applicants' operations, the vessel and their conservation work;

Summary of evidence

14. Seán Ellis and Maria Kuster (the applicants), who operate Pure Salt through Pure Salt NZ Limited, seek a coastal permit for commercial backcountry activities using a vessel of up to 27 m, presently intended to be MV Wakakura, in Fiordland/Te Mimi o Tū Te Rakiwhānoa between Yates Point and Puysegur Point. They first applied for consent in January 2021, for what would be an additional 27m vessel. As amended on 10 June 2026, the application is still for a 27m vessel, but they now propose to surrender their existing authorisation for a 17 m vessel (AUTH-20202563), so there is

no increase in vessel numbers (but there is an increase in vessel size and numbers of ancillary craft.

15. Table 1 compares the original application, the existing consent and the application as amended. It is based on the table in section 3 of the supplementary information, with the row on Pātea/Doubtful Sound added.

Aspect	Original application APP-20211024 (January 2021)	Consented baseline AUTH-20202563	Amended application APP-20211024 (June 2026)
Vessel	New 27 m vessel, as an additional surface water activity	17 m vessel	27 m vessel (MV *Wakakura*), replacing the 17 m vessel
Activity	Commercial surface water activity, including ancillary activities	Commercial backcountry activities as described in AUTH-20202563, including ancillary activities	Commercial surface water activity, including ancillary activities
Ancillary craft	Two tenders with outboard motors, eight kayaks and four paddleboards	Not specified in the consent. One 3.5m tender is described in the application, which forms part of the consent. Biosecurity condition 9 refers to tender vessels and kayaks	Two tenders with outboard motors, eight kayaks and four paddleboards
People on board	Up to 17, including crew	Up to 17, including crew	Up to 17, including crew
Area of operation	Yates Point to Puysegur Point	Yates Point to Puysegur Point	Yates Point to Puysegur Point
Patea/Doubtful Sound	Crooked Arm – two trips/year to pick up passengers walking the Narrow Neck from Dagg Sound Bradshaw Sound – 2 days in any month Thompson Sound – 2 days in any month Doubtful Sound – 2 says in any month Deep Cove – limited access to pick up or off-load passengers and uplift stores	No more than 35 nights a year and five nights in any month, for passenger transfers and resupply; including 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. no day trips; no access to Hall Arm or Crooked Arm	No more than 35 nights a year and five nights in any month, for passenger transfers and resupply; including 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. no day trips; no access to Hall Arm or Crooked Arm
Days of operation	Up to 365 days a year	Up to 300 days a year	Up to 300 days a year
Number of vessels	One additional vessel	—	No additional vessel. AUTH-20202563 surrendered before the new consent is exercised
Term	20 years	Expires 6 August 2036	Expires 6 August 2036 (about 10 years)

Table 1: Comparison of the original application, the consented baseline and the amended application

16. In short, the amended proposal does not add a vessel, and does not increase the number of people carried, the days of operation or the area of operation over what

AUTH-20202563 already authorises. The changes are the increase in vessel length from 17 m to 27 m, and the express authorisation of ancillary craft.

17. The proposed replacement consent is intended to preserve the existing Pātea/Doubtful Sound authorisation: a maximum of 35 nights per year and five nights in any one month for picking up and dropping off passengers and obtaining fuel and supplies, including overnight mooring in Precipice Cove, Blanket Bay or First Arm, and otherwise only for avoiding adverse weather conditions. No commercial day trips or access to Hall Arm or Crooked Arm are sought. Table 5 of Mr Hodgson's section 42A report identifies the same 35-night/five-night allowance as both the existing and proposed position, although his draft conditions do not reproduce it. I address this discrepancy below.

18. I acknowledge that the proposed vessel is larger than the 17 m vessel authorised under AUTH-20202563 and that additional ancillary craft are expressly provided for. These changes in the physical scale and description of the activity require assessment; they do not, of themselves, establish an increase in adverse effects. I rely on Mr Skelton's specialist evidence that the proposal will not increase adverse effects on the landscape, natural character, visual amenity, wilderness and remoteness values he has assessed. Taking that evidence into account alongside the consented baseline and proposed conditions, I consider the overall adverse effects to be less than minor. I agree with Mr Hodgson's recommendation to grant consent, subject to appropriate conditions.

Background and history

19. **The existing 17 m consent.** AUTH-20202563 began as the consent for MV *Takaroa*, a 17 m steel motor-sailing vessel operated by William and Lynley Ayto, trading as Takaroa Adventure Cruises. The Aytos operated *Takaroa* in Fiordland under existing use rights from 1993, and then under coastal permit A121-001 from 10 February 2006 to 9 February 2021.

20. On 7 December 2020 the Aytos applied to replace that consent (APP-20202563). Environment Southland granted AUTH-20202563 on 6 August 2021, with an expiry date of 6 August 2036. The Council's record of the consent shows that it was transferred from W R & L R Ayto to S L Ellis & M Kuster on 1 September 2021.

21. The principal terms of AUTH-20202563 are:

    (a) one vessel of 17 m registered length, carrying up to 17 passengers including crew, for commercial backcountry activities between Yates Point and Puysegur Point (condition 1);

    (b) access to Pātea/Doubtful Sound for a maximum of 35 nights per year, with a maximum of five in any one month, for picking up and dropping off passengers and obtaining fuel and supplies, including overnight mooring in Precipice Cove, Blanket Bay or First Arm, and otherwise only to avoid adverse weather conditions (condition 2);

    (c) no commercial day trips, and no access to Hall Arm or Crooked Arm (condition 3);

    (d) no more than 300 days of activity in any calendar year (condition 4);

(e) restrictions on landing and mooring near islands and wildlife colonies, and a 5 knot limit within 200 m of the shoreline and of seal and penguin colonies (conditions 5–7);

(f) spill response, biosecurity and rodent-control requirements, which apply to the main vessel, tenders and kayaks (conditions 8–10);

(g) a dolphin avoidance protocol or Marine Mammal Viewing Permit (condition 11); and

(h) quarterly reporting of all trips, and a review condition (conditions 12 and 13).

22. The applicants also hold coastal permit AUTH-20181624-02, under which they operate the 27 m MV *Flightless* (expiring 1 November 2038), and AUTH-20211363 for three swing moorings at Cascade Cove, Shark Cove and Vancouver Arm.

23. **This application.** The applicants lodged APP-20211024 on 25 January 2021, originally seeking an additional vessel of approximately 27 m, operating up to 365 days per year. The original application referred to 15 passengers including crew; the applicants subsequently clarified that the intended maximum was 17 passengers including crew (See Appendix 1). The proposal has since been materially amended to what is in essence a replacement consent, with the existing authorisation to be surrendered, a 300-day limit and an expiry of 6 August 2036.

24. The Council issued their s95 notification report on 9th February 2021, which recommended the application (for what was then an additional vessel) be processed on a non-notified basis on the condition that the applicant obtain written approvals from affected parties. This decision was based on the assessment that:

(a) The proposed activities will not have more than minor adverse effects on the receiving environment and is not inconsistent with the relevant planning requirements.

(b) The applicant is not seeking allocation for back country and day trips in the Doubtful Sound/Pātea complex.

25. The affected parties were identified as the Department of Conservation, Fiordland Marine Guardians, Te Ao Marama Inc, and Cra8 Management Committee. The application was placed on hold while the applicants sought written approval.

26. The CRA8 Management Committee gave its written approval, and the Council's Harbourmaster advised that he had no concerns about navigational safety. The Department of Conservation gave its written approval, subject to the applicant amending their application to include a proposal for additional conditions on the consent.

27. The application was subsequently limited notified to the Fiordland Marine Guardians and Te Ao Mārama Incorporated (on behalf of Te Rūnaka o Ōraka-Aparima),who both opposed it. Their principal concern was the cumulative effect of adding another vessel to the Fiordland coastal marine area.

28. While pursuing this new application, Ms Kuster and Mr Ellis were also looking for existing vessels and consents, and on 1 September 2021 purchased the MV Takaroa which came with Coastal Permit AUTH-20202563. Due to this, the application APP-20211024 was put on hold on 26th August 2021.

29. The MV Takaroa turned out to be unsuitable for the applicants' intended purpose, and was returned to the previous owner via mediation, but the coastal permit was retained. The applicants purchased the MV Wakakura in May 2022.

30. Plan Change 5 to the Regional Coastal Plan (**PC5**) was notified on 18 July 2022 and became operative on 18 October 2024.

31. I was engaged in August 2025 to look at ways to progress a coastal permit for the MV Wakakura as a sister vessel to the existing and consented Flightless. On 10 June 2026 I provided supplementary information for APP-20211024 on behalf of the applicants. It:

    (a) applies AUTH-20202563 as the consented baseline;

    (b) proposes a condition requiring AUTH-20202563 to be surrendered before the new consent is exercised;

    (c) reduces the days of operation from 365 to 300 a year, in line with AUTH-20202563;

    (d) reduces the term so that the consent expires on 6 August 2036, the same date as AUTH-20202563;

    (e) responds to the submissions of the Fiordland Marine Guardians and Te Ao Mārama; and

    (f) assesses the proposal against PC5, Te Tangi a Tauira and the other relevant documents.

32. The Council's Senior Consents Officer, Ryan Hodgson, replied the same day. He said the supplementary information clearly demonstrated the proposed adjustments and how the new proposal compared to the status quo, and that he was comfortable with the information provided. He asked to be kept informed of consultation and of whether the submitters would give written approval, so that the need for a hearing could be decided.

33. The draft supplementary information was sent to Te Ao Marama Inc in February and to Ms Kasmira Peterson from Ōraka-Aparima Rūnaka on 24th April 2026 for comment before finalising it. There were a number of conversations via phone with staff from TAMI and Ōraka Aparima Rūnaka. A hui between the applicant and Ms Peterson and Mr Ron Bull of Ōraka-Aparima Rūnaka was arranged for July 2026. At this hui, Mr Bull explained that Ōraka-Aparima Rūnaka was not in a position to provide written approval, as they were holding the line against any intensification in the Fiordland Marine Area, including any increase in length no matter the size. On 22nd October 2026, TAMI sent a letter advising they could not provide written approval (See Appendix 2).

34. Ms Rebecca McLeod of the Fiordland Marine Guardians was emailed on 16th February 2026 outlining the amendments to the consent application to mitigate cumulative and other adverse effects by applying the consented baseline, and to request written approval. Ms McLeod advised in her email dated 2nd March 2026 (which can be found in Appendix 3) that:

    "the Guardians are not able to support the proposal, as the net result would be an increase in the size of a vessel (by 10 m) in the consented fleet. This is in conflict with Plan Change 5 of the Southland Regional Coast Plan."

35. Mr Skelton prepared a landscape and visual effects assessment in 2026 and has provided expert evidence for the hearing. Mr Hodgson's section 42A report was issued on 27 October 2026.

Existing environment and consented baseline

36. Under section 104(1)(a) of the RMA, the effects of the proposal are assessed against the existing environment. I understand that the existing environment includes lawfully established activities and granted resource consents that are likely to be implemented.

37. AUTH-20202563 is a granted consent held by the applicants, with a stated expiry of 6 August 2036. It is appropriate to take its authorised activity into account as the consented baseline for this assessment, particularly given the proposed condition requiring its surrender before any activities under the replacement consent are undertaken. I have assessed the changes in vessel dimensions and expressly authorised ancillary craft against that baseline, drawing on Mr Skelton's specialist conclusions as to their effects.

38. The existing environment also includes *Flightless* and the activities of other operators. Environment Southland's July 2024 schedule of current consents records authorised vessels ranging from 6 m to 49 m, with several vessels of length between 27 m and 49m authorised to operate in this area. I agree with Mr Skelton that the proposed vessel length of 27 m sits comfortably within the established range and type of activity.

Activity status and scope

39. Section 88A of the RMA provides that, where the type of activity for which an application is made is altered by a plan change after the application was first lodged, the application continues to be processed as an application for the type of activity it was at lodgement. APP-20211024 was lodged on 25 January 2021, before PC5 was notified. Its activity status is therefore determined under the RCP as it stood in January 2021.

40. The activity status of APP-20211024 when it was lodged was under Rule 16.2.1 at the time. Rule 16.2.1 of the Coastal Plan (PC4) was as follows:

Rule 16.2.1 – Commercial Surface Water Activity

1 *Except as provided for by (6) below, it is a prohibited activity to undertake commercial day trips on Crooked Arm west of Turn Point, Bradshaw Sound or First Arm.*

2 *Except as provided for by (4) or (6) below, it is a non-complying activity to undertake commercial day trips:*

- *a. on Hall Arm;*
- *b. on Doubtful Sound, Thompson Sound or Crooked Arm east of Turn Point.*

3 *Except as provided for by (5) or (6) below, it is a non-complying activity to undertake commercial backcountry activities:*

- *a on Crooked Arm west of Turn Point;*
- *b on Hall Arm;*
- *c on First Arm;*

d *on Bradshaw Sound.*

4 *Except as provided for by (6) below, it is a discretionary activity to undertake commercial day trips:*

a *on Hall Arm, provided that within this area the total number of commercial day trips undertaken by all operators does not exceed five on any day;*

b *on Doubtful Sound, Thompson Sound or Crooked Arm east of Turn Point, provided that within this area the total number of commercial day trips undertaken by all operators does not exceed five on any day.*

5 *Except as provided for by (6) below, it is a discretionary activity to undertake commercial backcountry activities:*

a *on Crooked Arm west of Turn Point, provided that within this area the total number of commercial backcountry trips undertaken by all operators does not exceed an average of three per day, measured over the period of each calendar month;*

b *on Hall Arm, provided that within this area the total number of commercial backcountry trips undertaken by all operators does not exceed an average of three per day, measured over the period of each calendar month;*

c *on First Arm, provided that within this area the total number of commercial backcountry trips undertaken by all operators does not exceed an average of two per day, measured over the period of each calendar month;*

d *on Bradshaw Sound, provided that within this area the total number of commercial backcountry trips undertaken by all operators does not exceed an average of four per day, measured over the period of each calendar month;*

provided that no overnight mooring occurs in Hall Arm.

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

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

Notwithstanding this provision, the commercial surface water activity shall operate in accordance with the other provisions specified in this Plan, except (1)-(5) above.

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

Notwithstanding this provision, the commercial surface water activity shall operate in accordance with the other provisions specified in this Plan, except (1)-(5) above.

7 *Unless provided for by Rules 16.2.1(1)-(6) above or otherwise specified in this Plan, it is a discretionary activity to undertake any commercial surface water activities in the internal waters of Fiordland from Yates Point to Puysegur Point.*

For the purpose of this rule:

- *Doubtful Sound means all that part of the coastal marine area bounded to the west by an imaginary line drawn from Febrero Point to the western extremity of the Hares Ears thence to the western extremity of Secretary Island, and bounded to the south and east by an imaginary line from Brig Point to the southern extremity of Elizabeth Island and the extension thereto excluding Thompson Sound, Bradshaw Sound, First Arm and Crooked Arm.*

41. Under Rule 16.2.1 (clause 7), at the time of lodgement, the activity was a discretionary activity.

42. Environment Southland has accepted the supplementary information as part of APP-20211024. Compared with the application as lodged, the amendments reduce the days of operation, the term and the number of vessels. The number of people on board remains the same at 17 including crew.

43. Although the relevant rule is the one at time of lodgement of the application, the objectives and policies of PC5 are relevant under section 104(1)(b), and as they are now operative, I give them full weight.

Assessment of effects

44. My assessment considers the replacement of the authorised 17 m vessel with a vessel of up to 27 m, and the express authorisation of two tenders, eight kayaks and four paddleboards. The number of authorised vessels, maximum persons aboard, operating area and 300-day annual limit would remain unchanged. The change in vessel dimensions and ancillary craft warrants assessment, but a change in physical scale does not necessarily mean an increase in adverse effects.

45. **Landscape, natural character and visual effects.** Mr Skelton has assessed the larger vessel and ancillary craft and concludes that the additional adverse landscape, natural character and visual amenity effects would be very low (less than minor). He recognises that the larger vessel will be appreciably larger in close views, but considers that its transient presence, subdued appearance and the scale of the receiving landscape limit the effect. Mr Hodgson expressly accepts Mr Skelton's assessment and observes that a dark hull would be less visually prominent against the Fiordland backdrop than the existing white-hulled 17 m vessel. I rely on their technical assessments for my planning conclusion.

46. Historically, ancillary craft were not generally specified separately on coastal permits for commercial surface water activities, as is the case with AUTH-20202563. The original application for that consent identified one 3.5 m tender, while the consent's biosecurity conditions also refer to tenders and kayaks. The previous planning framework did not expressly identify ancillary activities in the same manner as Plan Change 5, which now specifically includes them within the assessment of commercial surface water activities. The current application seeks to expressly authorise two tenders, eight kayaks and four stand-up paddleboards. Mr Skelton notes that these craft are small, sit low in the water and operate in association with the main vessel. He assesses their adverse landscape and visual effects as very low (less than minor). I accept and adopt his professional assessment.

47. **Wilderness, remoteness and natural quiet.** These values are sensitive to vessel size and appearance, frequency of use, ancillary activities and noise. The proposed surrender of AUTH-20202563 will ensure no net increase in the number of authorised commercial vessels, while the 300-day operating limit, maximum number of people aboard and geographic area of operation remain unchanged. Ms Kuster describes an operation without fixed itineraries, responsive to weather, tides and the presence of other vessels. Activities are dispersed across a large area, and the applicants communicate with other operators to avoid areas where vessels are already present, where practicable. These practices help minimise encounters with other users and associated effects on wilderness and remoteness values. Mr Skelton concludes that the incremental adverse landscape and visual effects, including effects on wilderness and remoteness values, will be very low. I agree with his assessment, while acknowledging that Wakakura will be larger and more visually apparent at close range than the 17 m vessel authorised under the existing consent.

48. **Noise.** Rule 5.3.6 of the Regional Coastal Plan sets permitted noise limits for ships in motion. MV Wakakura is currently undergoing refurbishment, and acoustic testing cannot be undertaken until the refit is complete. Ms Kuster has advised that a wet exhaust system is proposed, which is expected to assist in reducing engine noise. The applicants intend to undertake acoustic testing once the refit is complete to confirm compliance with the permitted noise limits. While the noise characteristics of Wakakura have not yet been verified, I consider that, subject to compliance with the applicable noise limits, adverse noise effects are likely to be less than minor.

49. **Wake.** The proposed operation will remain subject to the existing speed restrictions, including the 5-knot limit within 200 m of the shoreline and seal and penguin colonies. While the larger vessel may generate different wake characteristics, Mr Hodgson notes in paragraph 3.3.21 of his section 42A report that wake effects are likely to be no greater than those produced by natural wave action, and that the increase in vessel size is unlikely to result in a material change in wake effects given the continued application of the same speed restrictions. He concludes that any additional wake effects compared with the consented baseline are likely to be less than minor. I agree with his assessment and conclusion.

50. **Discharges, rubbish and spills.** Discharges from vessels are subject to the Resource Management (Marine Pollution) Regulations 1998 and applicable coastal plan provisions. The maximum number of people aboard remains unchanged at 17. The applicants' supplementary information confirms that rubbish is retained on board for disposal ashore and that the larger vessel will provide additional storage capacity for waste and wastewater. In paragraphs 3.3.22–3.3.25 of his section 42A report, Mr Hodgson acknowledges these measures, together with the existing spill-prevention and response procedures, and concludes that adverse pollution effects are likely to be less than minor. I agree with his assessment and support retaining appropriate spill-prevention and response conditions consistent with AUTH-20202563.

51. **Seabed and benthic communities.** The vessel will use the applicants' own moorings and recognised anchorages that already accommodate vessels of similar and larger size, and will avoid the areas where anchoring is prohibited by the RCP. No new areas of seabed will be affected, so there is unlikely to be any change in adverse effects.

52. **Wildlife, habitats and ecosystems.** The wildlife protection conditions of AUTH-20202563 are proposed to be carried over to the new consent. The applicants will adhere to the Marine Mammal Code of Management at all times. The applicants currently hold Marine Mammal Viewing Permit 97413-MAR in relation to MV Flightless. The proposed replacement vessel will not increase the frequency or

geographic extent of operations, and the existing wildlife protection measures will continue to apply. On this basis, I consider the adverse effects on wildlife, marine mammals and ecosystems will be less than minor.

53. **Biosecurity.** The existing biosecurity and rodent-control conditions of AUTH-20202563 apply to the main vessel, tenders and kayaks, and I recommend that these requirements be extended to paddleboards. The applicants propose to maintain a current Fiordland Clean Vessel Pass and continue their existing biosecurity practices, including vessel and equipment inspections and onboard rodent control. Mr Hodgson assesses the proposed biosecurity measures and concludes that potential adverse biosecurity effects are likely to be less than minor. I agree with his assessment and consider that the existing conditions, extended to include paddleboards, provide an appropriate basis for managing biosecurity risks.

54. **Cultural values.** The consent area is within the statutory acknowledgement area for Te Mimi o Tū Te Rakiwhānoa under the Ngāi Tahu Claims Settlement Act 1998. I am not a cultural expert and do not purport to assess cultural effects on behalf of mana whenua. The applicants' supplementary information includes an assessment against Te Tangi a Tauira and responds to concerns raised by Te Ao Mārama on behalf of Ōraka-Aparima Rūnaka, including cumulative effects and mauri. The amended proposal provides for the replacement of an existing consented vessel rather than the addition of another vessel, with no increase in the authorised operating days, maximum number of people aboard or geographic area of operation. I consider these changes relevant to the assessment of potential cumulative effects on cultural values.

55. **Public access, navigation and safety.** MV Wakakura is an internationally surveyed vessel and will operate under maritime rules and the Council's navigation safety bylaws. The Harbourmaster has no concerns. Anchorages remain shared on a first-in basis. The activity continues to provide access to remote parts of the coast that are otherwise difficult to reach.

56. **Positive effects.** The applicants fund and carry out substantial predator control and restoration work in Tamatea/Dusky Sound, as described by Ms Kuster. The larger vessel will also provide improved conditions on board without increasing the maximum number of people carried. The operation allows guests to experience parts of Fiordland that would otherwise be difficult to access.

57. **Cumulative effects**. With the surrender of AUTH-20202563, the proposal does not increase the number of consented vessels, days of operation or passengers (17) in the fiords. This directly addresses the main concern raised in the submissions from the Fiordland Marine Guardians and TAMI, which were prepared on the understanding that the proposal would introduce an additional vessel into Fiordland. I acknowledge that the proposed vessel is larger and that additional ancillary craft are expressly provided for. However, I rely on Mr Skelton's professional assessment that these changes will not increase adverse effects on landscape, natural character, wilderness and remoteness values. Taking into account his assessment, the existing consented baseline and the proposed operating limits, I consider that the proposal will not result in an increase in cumulative adverse effects on these values.

58. Overall, I consider the actual and potential adverse effects of the proposal on the environment will be less than minor.

Statutory and planning documents

59. **New Zealand Coastal Policy Statement 2010 (NZCPS).** Relevant provisions include the objectives and policies concerning appropriate coastal use, indigenous biodiversity, marine mammals, natural character and outstanding landscapes, including Policies 6, 11, 12, 13 and 15. I acknowledge the strong protective direction, including the requirement to avoid specified adverse effects. Mr Skelton's assessment addresses the landscape-related matters, while the proposed conditions address operational effects. On that evidence I consider the proposal not inconsistent with the NZCPS, consistent with Mr Hodgson's overall conclusion.

60. **Southland Regional Policy Statement 2017.** Relevant provisions address indigenous biodiversity, coastal values, natural character, landscape, tangata whenua interests and appropriate coastal use. Mr Hodgson identifies, among others, COAST.2, COAST.3, COAST.7 and LNF.4. I agree with his overall assessment that the amended proposal can be accommodated within the direction of the RPS, subject to conditions controlling its incremental effects**.**

61. **Regional Coastal Plan, Chapters 4 and 5.** The relevant objectives and policies recognise Fiordland's high natural character, landscape, amenity and wilderness values and the importance of managing cumulative effects. The proposal does not add an authorised vessel, but does increase vessel dimensions and clarify ancillary craft. I consider the incremental effects have been appropriately assessed, principally through Mr Skelton's evidence, and are compatible with the relevant provisions.

62. **Regional Coastal Plan, Chapter 16.** Objectives 16.1.1–16.1.3 seek to protect the essential characteristics, remoteness, wilderness and intrinsic values of Fiordland's internal waters. I agree with Mr Hodgson that these objectives are central to the assessment. In my opinion, the replacement proposal, considered with the technical evidence and proposed conditions, is broadly consistent with their direction.

Policy 16.2.2.

63. Policy 16.2.2 is a central policy relevant to the assessment of commercial surface water activities in Fiordland. Clause (1) identifies the internationally, nationally and regionally significant values of the Fiordland coastal environment, including natural character, landscape, amenity, wilderness, remoteness and tranquillity values. Clause (2) directs that consent not be granted for new or intensifying commercial surface water activities, above the level that lawfully existed at 18 July 2022, where adverse effects on those values will increase. Clause (3) requires a precautionary approach until allocation limits are established.

64. I acknowledge the increase in vessel length from 17 m to 27 m and the express provision for additional ancillary craft. These changes in the scale of the activity require assessment under Policy 16.2.2(2), particularly whether adverse effects on the values identified in clause (1) will increase. The distinction between a physical change in the activity and an increase in adverse effects is important to my planning assessment. I consider the following matters relevant:

    (a) AUTH-20202563 provides an existing authorisation for commercial backcountry surface water activities in the relevant area, which was lawfully established at 18 July 2022;

    (b) The applicants propose to surrender that authorisation before exercising the replacement consent. There would therefore be no net increase in the

number of authorised vessels, maximum persons aboard (17, including crew), operating days or geographical extent of the activity;

(c) The existing consent does not expressly enumerate all ancillary craft, although its supporting application identified a tender and its conditions refer to tenders and kayaks. The proposed two tenders, eight kayaks and four paddleboards are now expressly identified, enabling their potential effects to be assessed and controlled; and

(d) Mr Skelton has assessed the effects of the larger vessel and ancillary craft on landscape, natural character, visual amenity, wilderness and remoteness values. He concludes that the adverse landscape, natural character and visual amenity effects will be very low (less than minor), having regard to the scale of the receiving environment and the transient nature of the activity.

65. I also note that Mr Hodgson, in his section 42A report, considers Policy 16.2.2 should be interpreted strictly, such that adverse effects on the identified values should not increase. However, he acknowledges that the proposal involves only slight intensification and considers the net effects of the larger vessel and additional tender to be somewhat negligible and sufficiently mitigated.

66. In my planning opinion, the increase in vessel dimensions and the express authorisation of ancillary craft do not, in themselves, establish that adverse effects on the values identified in Policy 16.2.2(1) will increase. I rely on Mr Skelton's specialist conclusion that the proposal will not increase adverse effects on the landscape, natural character, visual amenity, wilderness and remoteness values he has assessed. Taking that evidence together with the surrender of AUTH-20202563 and the retention of the principal operating limits, I consider that the proposal is consistent with Policy 16.2.2(2).

67. In relation to the precautionary approach required by clause (3), I consider that the effects of the proposed changes have been sufficiently assessed and that the proposed conditions provide appropriate controls over the scale and extent of the activity.

68. Overall, while acknowledging the restrictive direction of Policy 16.2.2, I consider the proposal can be reconciled with its protective purpose. The ultimate interpretation and application of the policy are matters for the Commissioner, assisted by counsel.

69. **Policy 16.2.8.** This policy requires consideration of matters that can affect the significant wilderness and remoteness values of the Fiordland coastal environment. I address these matters as follows:

(a) **Ship size (clause 1):** The proposed vessel increases in length from 17 m to 27 m, with associated increases in beam and overall bulk. Mr Skelton considers that the additional landscape and visual effects will be very low, having regard to the scale of the receiving environment and the transient nature of the activity;

(b) **Frequency and type of use (clause 2):** These remain unchanged, with the existing 300-day annual limit carried over to the new consent. The activity will continue to comprise backcountry trips, with no commercial day trips proposed;

(c) **Vessel appearance (clause 3):** Wakakura is a sister vessel to Flightless and will have a dark hull and off-white superstructure. Mr Skelton and Mr Hodgson

consider that its darker hull will assist in reducing its visual prominence against the Fiordland landscape compared with the white hull of MV Takaroa, although this does not remove the effect of its greater dimensions;

(d) **Cumulative effects (clause 4):** The existing consent will be surrendered before the new consent is exercised, meaning there will be no increase in the number of vessels authorised to operate. Passenger numbers, operating frequency and geographic extent also remain unchanged. Although the vessel will be larger and ancillary craft are expressly specified, I rely on Mr Skelton's conclusion that the proposal will not increase adverse effects on the landscape, wilderness and remoteness values he has assessed;

(e) **Ancillary activity (clause 5):** The application for AUTH-20202563 identified one tender, while the consent itself did not expressly specify ancillary craft, although its biosecurity conditions referred to tenders and kayaks. The current proposal seeks to expressly authorise two tenders, eight kayaks and four paddleboards. I acknowledge that this represents an increase in the expressly proposed ancillary activities compared with the documented consented baseline. However, the previous planning framework did not expressly identify ancillary activities in the same manner as Plan Change 5. Mr Skelton has assessed the proposed ancillary craft and concludes that their adverse landscape and visual effects will be very low, noting their small scale, temporary nature and association with the main vessel. Helicopter access has also been an established part of the applicants' operations, although helicopter landings are not expressly addressed in the existing coastal consent. Previously, helicopters have landed onshore or in the coastal marine area under the relevant helicopter operators' authorisations. Wakakura, like Flightless, is equipped to accommodate helicopter landings directly on the vessel. This provides an alternative to shore-based landings and may reduce the need for associated tender movements and disturbance to other users of the National Park. While helicopter movements themselves generate noise and visual effects, I consider that the ability to land directly on the vessel may provide some operational and environmental benefits compared with shore-based transfers;

(f) **Location, landform and scale (clause 6):** The geographic area of operation remains unchanged. Mr Skelton considers that the immense scale of the Fiordland landscape enables it to absorb the larger vessel without materially diminishing wilderness and remoteness values;

(g) Anthropogenic noise (clause 7): A wet exhaust system is proposed for Wakakura, which is expected to assist in reducing engine noise. The applicant has also offered to undertake acoustic testing once the engines are fitted to confirm noise levels. The vessel will be required to comply with the applicable noise rules; and

(h) **Structures, including moorings (clause 8):** No new structures or moorings are proposed. The applicants will continue to use existing consented moorings and recognised anchorages.

70. Overall, I consider that the matters identified in Policy 16.2.8 have been appropriately recognised and assessed. While the proposal involves a larger vessel and additional specified ancillary craft, the principal operating limits remain unchanged. Having regard to Mr Skelton's professional assessment, I consider that the incremental adverse landscape, natural character and visual amenity effects will be very low (less than minor), and that the proposal is generally consistent with Policy 16.2.8.

71. **Other Chapter 16 provisions.** Policy 16.2.3 (marine mammals) is addressed through the proposed consent conditions, including the marine mammal avoidance requirements, together with the applicable marine mammal regulations and viewing permit requirements. Under Policy 16.2.4, no commercial day trips are proposed in Patea/Doubtful Sound, and the existing restrictions on access will be carried over. Policy 16.2.7 (wilderness, remoteness and recreational values) is addressed through the assessment above, particularly Mr Skelton's professional assessment of the effects on these values.

72. Policy 16.2.9 provides for the use of Patea/Doubtful Sound as a thoroughfare for activities including passenger transfers and resupply. AUTH-20202563 authorises access for these purposes for up to 35 nights per year, with a maximum of five nights in any month, including overnight mooring at specified locations. These restrictions, together with the provision for avoiding adverse weather, are proposed to be carried over to the replacement consent.

73. Policy 16.2.10 (monitoring) is supported by the proposed reporting condition, while Policy 16.2.11 requires regard to be had to the Fiordland National Park Management Plan, which I address below.

74. Policy 16.2.13 requires consideration of cumulative adverse effects from commercial surface water activities, including ancillary activities. With the surrender of AUTH-20202563, there will be no increase in authorised vessel numbers, passenger numbers, operating days or geographic extent. The larger vessel and expressly specified ancillary craft have been assessed by Mr Skelton. Relying on his conclusion that the proposal will not increase adverse effects on the relevant landscape, natural character, wilderness and remoteness values, and having regard to the retained operating limits, I consider that the proposal will not increase cumulative adverse effects on those values.

75. **Fiordland National Park Management Plan 2007 (FNPMP).** The National Park boundary is the mean high-water mark, and the Management Plan does not directly regulate commercial surface water activities in the coastal marine area (but there is an overlap with the coastal marine area boundary of mean high water springs). The FNPMP is relevant under Policy 16.2.11 of the RCP. Section 5.6 of the FNPMP sets out the Department of Conservation's advocacy position, including maintaining relatively low levels of use in the fiords south of Patea/Doubtful Sound, significantly below those in Patea/Doubtful Sound. The proposal replaces an existing consented operation, with no increase in the number of vessels, passengers, operating days or geographic extent. While the larger vessel and additional specified ancillary craft represent some intensification, Mr Skelton considers that the additional effects on landscape, wilderness and remoteness values will be very low. In my opinion, the proposal is generally consistent with the Management Plan's direction to maintain low levels of use and protect the remote character of the southern fiords.

76. **Te Tangi a Tauira (2008).** Relevant provisions of the Ngāi Tahu ki Murihiku Iwi Management Plan address engagement with tangata whenua, protection of natural character and cultural values, cumulative effects on the mana and mauri of Te Mimi o Tū Te Rakiwhānoa, and the use of existing moorings in preference to anchoring.

77. Te Ao Mārama, on behalf of Te Rūnanga o Ōraka Aparima, raised concerns about cumulative effects, cultural values and the original application's assessment against Te Tangi a Tauira. The applicants have responded to these matters in their supplementary information, including a more detailed assessment of the relevant policies. They have also confirmed that they do not provide Ngāi Tahu cultural

interpretation as part of their operations, and that any future interpretation would be developed with rūnanga approval.

78. In my planning opinion, the proposal is generally consistent with the relevant provisions of Te Tangi a Tauira. The surrender of the existing consent, retention of the principal operating limits and proposed environmental management conditions are important measures in addressing the matters raised in the plan, particularly in relation to cumulative effects and the protection of natural and cultural values. For the landscape, natural character, wilderness and remoteness matters within his expertise, I rely on Mr Skelton's conclusion that adverse effects will not increase. I acknowledge the concerns raised by Te Ao Mārama and recognise that mana whenua are best placed to speak to cultural values and effects.

79. **Southland Murihiku Conservation Management Strategy 2016.** The strategy applies to public conservation land rather than the coastal marine area, but supports integrated management, protection of marine mammals and biosecurity measures on coastal permits. The proposal is consistent with it.

80. **Part 2.** I understand that the relevant planning instruments give effect to Part 2 of the RMA, and that counsel will address the applicable legal approach. For completeness, I have considered sections 5–8 of the RMA, including the protection of significant natural values, the relationship of Māori with their ancestral waters, and the principles of the Treaty of Waitangi. I acknowledge that my assessment does not replace the views or evidence of mana whenua.

81. **Section 104D.** Mr Hodgson considers that the application remains a discretionary activity under section 88A of the RMA, and I agree with his assessment. Accordingly, I do not consider the section 104D gateway tests to be engaged. I have already assessed the proposal against the relevant objectives and policies of the RCP, including PC5, as set out above.

Submissions

82. The Fiordland Marine Guardians raised cumulative effects, navigation safety and pressure on anchorages, carrying capacity, consent duration, geographical extent, the transient character of the activity, and landscape and amenity effects. It should be noted that these submissions were on the original application before it was amended to take into account the surrender of AUTH-20202563. In summary:

    (a) cumulative effects and carrying capacity: with the surrender of AUTH-20202563, the proposal adds no vessel;

    (b) navigation and anchorages: there is no additional vessel, the applicants now have their own moorings under AUTH-20211363, and the Harbourmaster has no concerns;

    (c) duration: the term has been reduced so that the consent expires on 6 August 2036, the same date as AUTH-20202563;

    (d) geographical extent: the area of operation is the same as that already authorised by AUTH-20202563;

    (e) transient character: the vessel moves around a very large area in response to weather and the presence of other vessels, rather than repeatedly using the same sites; and

(f) landscape and amenity: addressed by Mr Skelton.

83. Te Ao Mārama, on behalf of Te Rūnanga o Ōraka-Aparima, raised cumulative effects and pressure on the Fiordland marine area, mauri and cultural values, the lack of assessment against Te Tangi a Tauira, the limits of the then-operative plan in addressing cumulative effects, and noise and activity levels. In summary:

    (a) cumulative effects: surrendering AUTH-20202563 would avoid an additional authorised vessel, although the increase in vessel dimensions and ancillary craft still requires assessment;

    (b) mauri and cultural values: I acknowledge these concerns and do not claim that cultural effects are eliminated. The supplementary information addresses relevant iwi management provisions, and the proposed operating limits are relevant to the planning assessment;

    (c) Te Tangi a Tauira: a full assessment was provided in the supplementary information;

    (d) cumulative effects under the plan: PC5 is now operative and the proposal has been assessed against it; and

    (e) noise and activity levels: the 300-day limit and maximum persons aboard would remain unchanged. Wakakura's acoustic performance has not yet been measured, and I do not claim that its noise will necessarily be lower.

Section 42A report

84. I have considered Mr Hodgson's section 42A report and agree with his recommendation that consent be granted under sections 104 and 104B of the RMA. In particular, I agree with his treatment of the replacement consent and surrender mechanism, the discretionary activity status preserved by section 88A, his reliance on Mr Skelton's landscape assessment, his conclusion that the incremental effects are limited, and the proposed expiry date of 6 August 2036.

85. Mr Hodgson recognises that the larger vessel and additional tender require assessment. I agree. My conclusion is that the physical changes do not necessarily amount to increased adverse effects, and I rely on Mr Skelton's specialist conclusion that adverse effects on the landscape, natural character, wilderness and remoteness values he assessed will not increase. On that basis, and having regard to the existing authorisation and proposed operating limits, I consider that the relevant planning provisions do not preclude granting consent.

86. There is one important inconsistency between the assessment and the draft conditions in Attachment 7 of the s42A report. Table 5 of the section 42A report identifies the existing Pātea/Doubtful Sound allowance of 35 nights per year and five nights per month as unchanged. Draft conditions 6–8 instead introduce different location-specific restrictions, including two days per month in Doubtful Sound (which came from the original application and the request to mirror the consent held by Flightless), and do not expressly preserve the 35-night allowance or its overnight mooring provisions. In my opinion the final conditions in relation to Pātea should be based on the consented baseline conditions from AUTH-20202563. I acknowledge this wasn't clearly communicated to Council prior to this hearing.

87. I support the purpose of the Council's proposed environmental safeguards, but I do not agree that every condition in Attachment 7 is necessary or appropriately drafted. I address the applicants' alternative conditions below.

Conditions

88. I have reviewed the draft conditions in Attachment 7 of Mr Hodgson's section 42A report. I have concerns about a number of these conditions, particularly their practicality, enforceability and whether the additional restrictions are necessary to manage the effects of the amended proposal. **I recommend the proposed conditions set out in Appendix 5 of my evidence as a more appropriate basis for the consent.**

89. The conditions in Attachment 7 largely reflect those proposed by the Department of Conservation (DOC) in 2021, when the application was for an additional commercial vessel operating in Fiordland. The proposal has since changed materially. The applicants now propose to surrender AUTH-20202563 before exercising the new consent, meaning Wakakura would replace the existing authorised vessel rather than add another vessel to the consented fleet. The proposed annual operating limit has also been reduced from 365 to 300 days, and the proposed expiry date aligns with the existing Takaroa consent.

90. In my opinion, the conditions should reflect the effects of the amended proposal, assessed against the existing consented baseline. Some of the additional conditions in Attachment 7 duplicate matters already regulated under the Regional Coastal Plan, other legislation or separate DOC authorisations. Others impose restrictions on activities, including anchoring in recognised anchorage areas, that go beyond those applying to the existing Takaroa consent. I do not consider that the need for all of these additional restrictions has been demonstrated in the context of the replacement proposal.

91. The applicants were not given an opportunity to discuss the draft conditions in Attachment 7 with Mr Hodgson before the section 42A report was issued. Having reviewed these conditions, I consider that the existing AUTH-20202563 conditions provide a more appropriate starting point, with amendments to reflect the larger vessel, expressly authorised ancillary craft and the requirement to surrender the existing consent. This provides a consistent framework for the replacement activity, while allowing any additional effects to be addressed through specific conditions where necessary.

92. The key conditions I recommend would:

    (a) require formal surrender of AUTH-20202563 before the new consent is exercised;

    (b) authorise one vessel of up to 27 m length, with no more than 17 people including crew, two tenders, eight kayaks and four paddleboards;

    (c) retain the 300-day annual limit and prohibition on commercial day trips;

    (d) preserve the existing Pātea/Doubtful Sound restrictions, including of a maximum of 35 nights per year and no more than five nights per month for passenger transfers and obtaining fuel and supplies, including overnight mooring in Precipice Cove, Blanket Bay or First Arm, and otherwise only to avoid adverse weather conditions;

(e) retain the exclusion of Hall Arm and Crooked Arm; and

(f) maintain appropriate wildlife, spill response, biosecurity, reporting and review.

93. In particular, I consider that the existing Pātea/Doubtful Sound provisions should be retained rather than replaced by conditions 6–8 of Attachment 7. These provisions establish the authorised level and nature of activity in Pātea/Doubtful Sound, and the applicants are not seeking to increase that allowance. Retaining the existing wording provides clarity and consistency with the consented baseline acknowledged in Mr Hodgson's assessment.

94. The proposed approach has been discussed with Mr John Lucas, Operations Manager – Te Anau, DOC, and who has been provided revised draft conditions for consideration. In his email of 2 November 2026, Mr Lucas confirmed:

"We are open to reconsidering these and will look to work through these over the next week with a view to providing written approval for the outlined activity."

95. This correspondence is included in Appendix 4. I acknowledge that DOC has not yet confirmed its agreement to the revised conditions, and discussions are continuing.

96. I do not consider it necessary to include consent conditions that duplicate requirements already imposed by the Regional Coastal Plan, other legislation and regulations (including the Resource Management (Marine Pollution) Regulations), or separate DOC permits and concessions. These requirements apply independently of the coastal permit. In my opinion, additional conditions should only be imposed where they are necessary to manage effects specific to this proposal.

97. Overall, I consider that the applicants' proposed conditions in Appendix 5 provide a more proportionate and practical framework for managing the effects of the replacement vessel. They retain the principal operating restrictions of the existing consent, ensure that no additional vessel is authorised through the replacement, and provide for the larger vessel and ancillary craft within defined limits. In my opinion, this is preferable to adopting the additional restrictions in Attachment 7 without demonstrating that they are necessary to address the effects of the amended proposal.

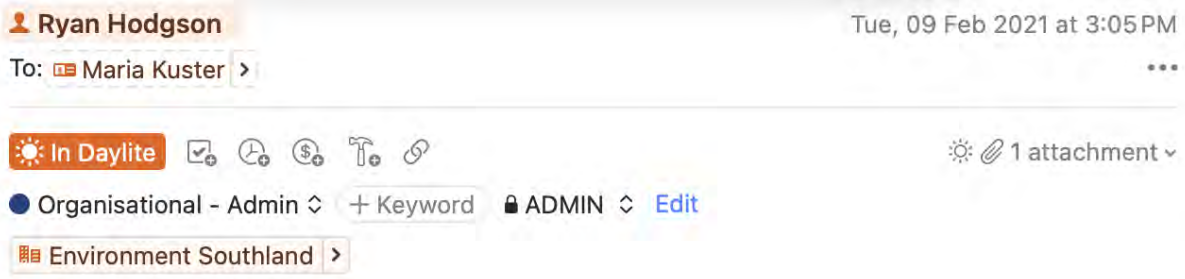
Conclusion

98. The amended proposal would replace an existing 17 m vessel authorisation with consent for a vessel of up to 27 m, with no net increase in authorised vessel numbers, maximum persons aboard, operating days or geographical extent. I acknowledge the increase in vessel dimensions and expressly authorised ancillary craft. In assessing the planning implications of these changes, I rely on Mr Skelton’s specialist conclusion that the proposal will not increase adverse effects on the relevant landscape, natural character, wilderness and remoteness values. I have also considered the other operational effects addressed in my evidence, that of Ms Kuster,, the submissions, the relevant planning instruments and Mr Hodgson’s section 42A report. I consider the overall adverse effects to be less than minor and agree with Mr Hodgson’s recommendation to grant consent under sections 104 and 104B, subject to appropriate conditions, including surrender of AUTH-20202563 before the new consent is exercised and retention of its existing Pātea/Doubtful Sound operating allowance.

Vanessa Horwell

3 November 2026

APPENDIX 2 -CORRECTION OF TYPO FROM 15 PAX TO 17 PAX



Hi Maria

The typo shouldn't become a major issue so long as it is reflected in the written approval responses. Ensure they are providing written approval that specify for 17 passenger numbers along with everything else.

Cheers,
Ryan

From: Maria Kuster [mailto:maria@puresalt.co.nz]
Sent: Tuesday, 9 February 2021 2:47 PM
To: Ryan Hodgson <Ryan.Hodgson@es.govt.nz>
Subject: Re: Affected parties and request for written approvals - APP-20211024

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

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maria@puresalt.co.nz

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APPENDIX 2 – TE AO MĀRAMA CORRESPONDENCE REGARDING WRITTEN APPROVAL

TE AO
MĀRAMA INC.

06 July 2026

Pure Salt
C/- Maria Kuster
maria@puresalt.co.nz

Tēnā koe,

Attention: APP – 20211024

Thank you for contacting us regarding an application to Environment Southland for 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 overall.

Te Ao Mārama Inc. write this letter on behalf of the kaitiaki rūnanga whose takiwā includes the site the application is within.

It is considered that the application is inconsistent with relevant provisions of Te Tangi a Tauira 2008 (Ngāi Tahu ki Murihiku Natural Resource and Environmental Management Plan) and does not align with the Ngā Papatipu Rūnaka ki Murihiku Position Statement on Consent Term for Resource Consent Applications in Te Mimi o Tū Te Rakiwhānoa / Fiordland Coastal Marine Area. Accordingly, the rūnaka are unable to provide written approval for the application and wish to retain affected party status in relation to the proposal.

This reply is specific to the above application and any changes to the above application will require further consultation.

We trust the information contained within this letter is sufficient; however, should you wish to discuss any aspect further, please do not hesitate to contact Kasmira.peterson@orakaaparima.org.nz.

I have authority to sign on behalf of the Rūnanga.

Nāku noa nā,

TE AO
MĀRAMA INC.

CC: Ōraka-Aparima Rūnaka

TE AO MĀRAMA INC. | P. 03 931 1242 | E. office@tami.maori.nz | A. 98 Yarrow Street, Invercargill 9810

APPENDIX 3 – Response from Fiordland Marine Guardians regarding surrender of AUTH-20202563

Subject: Re: Pure Salt consent variation question
From: Rebecca McLeod <Rebecca_J_McLeod@hotmail.com>
Date: 2/03/2026, 7:39 am
To: Maria Kuster | Pure Salt NZ <maria@puresalt.co.nz>
CC: Vanessa Horwell <vanessa@puresalt.co.nz>, FMG Secretariat <info@fmg.org.nz>

Kia ora Maria,

Thanks for your message, good to hear from you. I have taken this proposal to the Guardians for consideration.

Unfortunately, the Guardians are not able to support the proposal, as the net result would be an increase in the size of a vessel (by 10 m) in the consented fleet. This is in conflict with Plan Change 5 of the Southland Regional Coast Plan.
This is consistent with the position that the Guardians have held for quite some time now: no increase in the size of the fleet (individual vessels, activity levels, new vessels/ surface water consents) so probably isn't too surprising to you.

It is frustrating that planning is being held up by the plan pause imposed by central government. We are aware that Environment Southland is working on the underlying components of the future plan (eg. Determination of carrying capacity, anchorages etc.), so expect them to be well placed to proceed quickly once the planning mechanism (the legislation) is in place.

Noho ora mai rā
Rebecca

Rebecca McLeod
Chair, Fiordland Marine Guardians
Ph. 027 3312043

From: Maria Kuster | Pure Salt NZ <maria@puresalt.co.nz>
Sent: Monday, 16 February 2026 2:29 pm
To: Rebecca McLeod <rebecca_j_mcleod@hotmail.com>
Cc: Vanessa Horwell <vanessa@puresalt.co.nz>
Subject: Pure Salt consent variation question

A wonderful Monday Rebecca,

I hope you're having a good start to your week and 2026 is treating you well. I've just returned to civilisation and am picking up from our chat a couple of months ago around all things consents. Vanessa is helping us on on the paperwork side of things as life just seems to get faster by the week. So she has put together an overview of what we're proposing below and I'd be more than happy to jump on a call or join a meeting. Let know what you think and we'll go from there.

In 2021, we lodged a coastal permit application for a commercial surface water activity (APP-20211024) for a 27-metre vessel, which is currently on hold with Environment Southland. The application was publicly notified at the time, and the Fiordland Marine Guardians submitted in opposition due to concerns about increasing surface-water activities in Fiordland.

After lodging that application, we purchased the 17-metre vessel MV Takaroa. While the vessel itself wasn't suitable for our operations, we continue to hold the coastal permit that authorises its use (AUTH-20202563).

Since then, we have purchased the 27-metre MV Wakakura, a sister ship to MV Flightless. The two vessels are identical in size, shape, and colour, share the same engine type, and will operate to the same environmental standards.

We would now like to progress the 2021 application by applying the consented baseline from the existing 17-metre vessel permit we hold (AUTH-20202563). If the new consent is granted for a 27m vessel, we would surrender the existing permit for the 17m vessel.

This approach means there would be no increase in the number of vessels operating in Fiordland, and we fully support Plan Change 5's intent to manage overall vessel numbers within the region. The only change would be a modest increase in vessel length—from 17 metres to 27 metres. AUTH-20202563 authorises up to 17 passengers including crew, and we do not intend to increase that, nor change the locations or frequencies of that consent (attached to this email).

We consider that this change would not increase any impacts on wilderness or remoteness values, and that any landscape effects would be minimal and acceptable given the scale of the receiving environment. The MV Wakakura will be visually identical to the MV Flightless, and we believe the increase in length would not be visually significant when viewed against the dramatic scale and backdrop of Fiordland. Any effects would be no greater than those currently consented under AUTH-20202563, and the vessel would not present a "new" visual impact in the fiords, as an identical sister ship is already operating there.

We can provide a supplementary Assessment of Environmental Effects outlining the effects of the increase in vessel size—and associated ancillary vessels and watercraft—on intrinsic values, natural character, and landscape values, as well as proposed mitigation measures and positive effects. There will also be some positive outcomes to using the MV Wakakura over the Takaroa, including reduced noise and air emissions and increased storage capacity for effluent, rubbish. We adhere to strict environmental and safety standards and protocols.

We remain fully committed to ensuring the wilderness and remoteness values of Fiordland are preserved. As you know, this is a place we care deeply about and are dedicated to protecting.

We value the Guardians' kaitiaki role and would appreciate your thoughts on this proposed approach before we finalise the supplementary Assessment of Environmental Effects and consult with other parties, including Te Ao Mārama Inc.

Have a lovely afternoon and I look forward to chatting soon. I am now on land for a couple of weeks so feel free to give me a call anytime.

Maria Kuster
T: +64 21 0220170
www.puresalt.co.nz
maria@puresalt.co.nz
Facebook | Instagram | Twitter | YouTube

APPENDIX 4 – CORRESPONDENCE WITH DOC ABOUT DRAFT CONDITIONS

Reconsideration and Written approval

Subject: Reconsideration and Written approval
From: John Lucas <jlucas@doc.govt.nz>
Date: 2/11/2026, 5:05 pm
To: Vanessa Horwell <vanessa@puresalt.co.nz>
CC: Maria Kuster | Pure Salt NZ <maria@puresalt.co.nz>, Richard Kinsey <rkinsey@doc.govt.nz>

Afternoon Vanessa

As discussed the Department acknowledges the request to vary conditions from your 2021 approval outlined in your new proposal.
We are open to reconsidering these and will look to work through these over the next week with a view to providing written approval for the outlined activity.

Nga mihi nui

John Lucas
Pou Matarautaki *Operations Manager – Te Anau*
Te Papa Atawhai *Department of Conservation*
Te Anau
M:+64 27 295 7395 | E: jlucas@doc.govt.nz **| W:** doc.govt.nz

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From: Vanessa Horwell <vanessa@puresalt.co.nz>
Sent: Friday, 30 October 2026 5:16 pm
To: John Lucas <jlucas@doc.govt.nz>
Cc: Maria Kuster | Pure Salt NZ <maria@puresalt.co.nz>; Richard Kinsey <rkinsey@doc.govt.nz>
Subject: Re: RE: Written approval

Kia ora John and Rich,

Thanks for the discussion on the phone this morning, John. As discussed, I am following up in writing to explain the background to the proposed consent conditions for Sean and Maria's application (APP-20211024), and to suggest some revised conditions that we think would be more appropriate.

Background to DOC's 2021 written approval

To recap, Sean and Maria applied for a new commercial surface water consent for an additional vessel in January 2021, prior to Plan Change 5 being notified. It was in this context that they approached DOC seeking affected party written approval. Maria tells me that Antonia Croft was dealing with the application at the time.

I've attached your letter dated 5 July 2021, which granted written approval subject to additional conditions that Sean and Maria agreed to at the time.

Having reviewed these conditions, we have some concerns that a number are considerably more restrictive than those on other comparable commercial surface water consents in Fiordland. There are also questions about the practicality, enforceability and necessity of some of the requirements.

In particular:

- Some conditions duplicate matters already regulated through the Regional Coastal Plan, including restrictions on anchoring in china shop areas and within 400 metres of specified pest-free islands.
- Some restrictions appear inconsistent with provisions of the Regional Coastal Plan, including restrictions on anchoring in recognised anchorage areas listed in the RCP.
- Others are already covered by separate legislation, regulations or authorisations, including the Marine Pollution Regulations, the Marine Mammals Protection Regulations, and Pure Salt's DOC concessions and marine mammal viewing permit.
- Some of the restrictions on anchoring and access around islands would also affect locations where Sean and Maria hold DOC concessions or undertake conservation and pest control activities.

Importantly, the proposal has changed considerably since DOC provided its approval in 2021.

Rather than seeking consent for an additional vessel operating in Fiordland, Sean and Maria are now proposing to surrender their existing 17m vessel consent, AUTH-20202563 (MV Takaroa), and replace it with the new consent.

This would mean:

- No additional consented vessel operating in Fiordland, as the Takaroa consent would be surrendered before the new consent is exercised.
- A reduction from the originally proposed 365 operating days to 300 days per calendar year, consistent with the Takaroa consent.
- The same expiry date as the Takaroa consent (6 August 2036), rather than a new 15-year term.
- An increase in the maximum vessel length from 17m to 27m, with the ancillary activities (kayaks, paddleboards and tenders) expressly included.

In essence, the proposal is now broadly equivalent to changing the conditions of the existing Takaroa consent to allow a larger vessel and associated activities, rather than adding another commercial vessel to Fiordland.

Sean, Maria and I have gone through DOC's 2021 conditions and think the simplest approach is to largely adopt the existing Takaroa consent conditions, with amendments where needed to reflect the revised proposal and manage any additional effects. These conditions are generally consistent with those on other commercial surface water consents in Fiordland.

I've attached our proposed draft conditions, including a specific requirement to surrender AUTH-20202563 before the new consent can be exercised.

Would DOC be willing to consider these revised conditions and provide fresh written approval for the amended proposal?

We appreciate that the 2021 approval related to the original application, so the revised proposal needs to be considered by DOC.

If there are particular conditions from DOC's original proposal that you think are still necessary, or anything else that needs to be addressed, please let us know. We're happy to work through these with you.

Our hearing evidence is due by **midday Tuesday 3 November**, so ideally it would be great to reach agreement on the conditions before then. I appreciate that's a pretty tight timeframe! If we can't get agreement by Tuesday, we can provide the proposed conditions to the hearing panel and continue working through any outstanding matters with DOC.

In the meantime, it would be really helpful to get an acknowledgement of this email and an indication of whether DOC is open to reconsidering the 2021 conditions in light of the revised proposal.

Maria is also on shore later next week and I am around and contactable by phone, email or video call, if it would be useful to sit down with yourself and Rich to run through the conditions.

Thanks so much, and we look forward to hearing from you. Have a great weekend!

Kā mihi
Vanessa
021 0255 6918

On Wed, Oct 21, 2026 at 2:35 PM Maria Kuster | Pure Salt NZ <maria@puresalt.co.nz> wrote:

> Hi John,
>
> really good to catch up just now and as you asked here is the follow up email..
> For simplicity I've attached the written approval form for the Coastal permit application. We would need this by the 2nd November at the latest. Ideally by the end of next week in advance of the hearing.

Feel free to give me a call with any questions and I look forward to catching up with your team around the wider Tamatea vision.

Enjoy the rest of your Wednesday and we'll chat soon.

Maria Kuster

T: +64 21 02201170

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maria@puresalt.co.nz

Facebook | Instagram | YouTube

On 15 Jun 2026, at 4:19 PM, John Lucas <jlucas@doc.govt.nz> wrote:

Thanks Maria

Hope your are having a lovely day.
The below should be straight forward from our perspective based on content and what we have discussed.

Cheers

From: Maria Kuster | Pure Salt NZ <maria@puresalt.co.nz>
Sent: Thursday, 11 June 2026 11:53 am
To: John Lucas <jlucas@doc.govt.nz>
Subject: Written approval

A wonderful good day John,

I just wanted to touch base on our conversation around renewing the written approval DOC gave to a proposed new consent application back in 2020 for a new 27m vessel.

In particular, we propose to surrender the existing coastal permit for the 17 m vessel (AUTH-20202563) prior to exercising any consent granted for the MV *Wakakura* (APP20211024). As outlined in the supplementary information, this means the proposal should be considered against the consented baseline established by the existing authorised activity. The proposed 27 m vessel would replace the currently authorised vessel rather than operate in addition to it.

I've attached supplementary information for APP20211024 relating to the proposed coastal permit for the MV *Wakakura*. This forms part of the application for APP20211024.

The supplementary information responds to matters raised through submissions and further consideration of the proposal and includes a proposed amendment/clarification to the application to address these concerns.

I know you've granted written approval on the original and as soon as conditions have changed to now include a consented baseline I'd love for you to review the supplementary information and ask for renewed written approval.

Maria Kuster

+64 21 02201170

www.puresalt.co.nz

APPENDIX 5 – PROPOSED CONDITIONS

These proposed conditions are based on the consented baseline from AUTH-20202563. Where they depart from the wording of that consent, additions are underlined and in bold and italic. Deletions are struck through.

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
Location – 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 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.~~***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 commercial backcountry activities, as described in the application for resource consent dated 25 January 2021, the amended application dated 10 June 2026, and all subsequent further information responses.

Restrictions On Operations

3. 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.

4. 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.

5. The total number of days on which commercial surface water activities are undertaken shall not exceed 300 days in any calendar year.

6. 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.

7. The Consent Holder shall limit the travel speed of ~~the~~***any*** ~~vessel~~***motorised vessels operating pursuant to this consent*** 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

8. 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~~***neither the main*** vessel ***nor any ancillary craft*** 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.

   Advice Note: See Condition ~~11~~***12*** for Dolphin Avoidance Protocol and Marine Mammal Viewing Permit requirements

Contaminant Spills

9.

(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

10. 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~~***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 ~~9(a)~~***10(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 ~~9(a)~~***10(a)*** and ~~9(b),~~***10(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.

11. The Consent Holder shall:

(a) maintain the ~~vessel~~***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 ~~vessel~~***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

12.

(a) Except in the circumstances described in ***Condition*** (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 ***Condition*** (b)(ii) shall refer to the resource consent ~~(AUTH-20202563)~~***(AUTH-20211024)*** and Marine Mammal Viewing Permit reference numbers.

Reporting Requirements

13. 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;~~***5;***

(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, diving, ***paddleboarding*** and ***kayaking*** 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~~***AUTH-20211024.***

(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, ***paddleboards, kayaks*** and equipment, in accordance with Conditions ~~9~~***10*** and ~~10~~***11*** 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

(e) 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~~ ***1 January to 31 December).***

Review of Consent Conditions

14. The Consent Authority may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the Consent Holder of its intention to review the conditions of this consent during the period 1 February to 30 September each year, or within two months of any enforcement action being taken by the Consent Authority in relation to the exercise of this consent, for the purposes of:

(a) determining whether the conditions of this permit are adequate to deal with any adverse effect on the environment, including cumulative effects, which may arise from the exercise of the permit, and which it is appropriate to deal with at a later stage, or which become evident after the date of commencement of the permit; or
(b) ensuring the conditions of this consent are consistent with any National Environmental Standards Regulations, relevant plans and/or Policy Statement; or
(c) amending the monitoring programme to be undertaken; or
(d) adding or adjusting compliance limits; or
(e) requiring the Consent Holder to adopt the best practicable option to remove or reduce an adverse effect on the environment arising as a result of the exercise of this permit.

for the Southland Regional Council

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 between Macdonnell Island and Gardner Head in Bradshaw Sound/Kaikiekie
    - *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;*
    - *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.