

Appendix A

Environment Southland Invercargill Resource Consent Application number s92(1) APP- 20221926 In the matter of an Application by Gravity Fishing Limited

And in the matter of a Request for Further Information by George Gericke, Consents Officer, Environment Southland – Request dated 4th April 2022.

1. Request for a more detailed assessment of Southland Coastal Plan 16.1.3. – Policies 4.7.1 and 16.2.8 of the Coastal Plan – to be addressed are the potential cumulative adverse effects on cultural, ecological and remoteness and wilderness values of
 - Tamatea/Dusky Sound
 - Te Ra/Dagg Sound
 - Te Puitaha/Breaksea Sound
 - Southern Fiords

The original application lodged has not appropriately considered the potential cumulative effects from the presence of additional vessel and its associated activities on the abovementioned values.

Objective 16.1.3 Effects of surface water activities on intrinsic values

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

Policy 16.2.8. – Remote and Wilderness Values in the Fiords, Inlets and Arms

Protect the opportunity for remoteness and wilderness experiences in all of the principle Arms, Inlets and Fiords of Fiordland apart from Milford Sound.

4.7 Cumulative effects

Activities and development undertaken in the coastal marine area can give rise to adverse effects in three ways:

i directly;

ii indirectly, by facilitating activities that then give rise to other adverse effects (e.g. a wharf may facilitate an activity which has more effects than the wharf); and

iii cumulatively, in conjunction with other similar or different activities and developments in the area.

These adverse effects can occur over both short and long term timeframes.

Individual activities by themselves may have a minimal impact, but the combined influence of all activities in any given area may give rise to adverse effects. The ability of areas to absorb or assimilate use is limited, and at some point the intensity of use will give rise to unacceptable impacts. Cumulative adverse effects are difficult to anticipate at times and some form of monitoring will usually be required to ensure that where they do arise action

is taken to remedy or mitigate them. Cumulative adverse effects are also easily overlooked as there is a tendency to think of the effects of an activity in isolation from other similar, different, or future activities.

Policy 4.7.1 Avoid, remedy or mitigate cumulative adverse effects

Issue 4.7.1 Activities and development can give rise to cumulative adverse effects

Objective 4.7.1 Avoid, remedy or mitigate cumulative adverse effects

To avoid, remedy or mitigate cumulative adverse effects.

Explanation – To sustainably manage the coastal marine area, the cumulative adverse effects of activities need to be avoided, remedied, or mitigated.

Applicants comments:

The proposed operation of Gravity will not create a noticeable or significant cumulative adverse effect on the ecological, spiritual, cultural, intrinsic and aesthetic values associated within the CMA. Boating activity is identified as an appropriate use of the CMA in the Regional Coastal Plan for Southland. New Zealanders have an unrestricted right to visit the area. The commercial nature of this extremely low impact proposal will not create a greater impact on the natural character of the place than permitted existing commercial or recreational boating activity.

- a) One of the realities of Fiordland is that you cannot explore the Fiords on foot and only a very small number of people can take their own boat. Most visitors must go with an operator and pay for that opportunity.**
- b) In the various reports considered when preparing this application, particularly Wilderness and Remoteness Values of Fiordland Waters- Kay Booth – Lindis Consulting 2022 and Fiordland Coastal Waters Context – Robertson and Graham -2022, one of the continuing concerns expressed is that generally there are more and more vessels being utilised in Fiordland. And further, that possibly, some type of limit should be placed on vessels entering Fiordland - this limit, if adopted would presumably need to apply not only to commercial vessels but to recreational privately owned vessels as well. However, no accurate study has been undertaken as to actual vessel numbers - whether this relates to commercial vessels or private recreational vessels. Without such a study being undertaken and published, the Applicant maintains that he should not be denied this application on the basis of "too many vessels".**
- c) One of the main concerns noted in the Booth report is that "vessels are getting larger and larger" - the vessel Gravity is not a large vessel at all, it would be in the smallest 10% of the commercial vessels in Fiordland. The Gravity will only carry approx 8 guests.**
- d) In both, the Booth and Robertson/Graham reports it is noted that in virtually all of Fiordland there are concerns being expressed about aeroplane and helicopter noise - the Applicant here has no intention of utilising within the sounds, any aeroplanes or helicopters. The vessel Gravity, being very small, has no ability to accept helicopter or other aircraft landings of any kind.**
- e) This Application if granted will have only minor effects on remoteness and wilderness values. The experience being offered here is quite the opposite to a short 1 1/2-2 hr voyage involving a snack and a drink and a quick look around Milford Sound. The Booth report predicts that large vessels doing very short lunch cruise voyages will be less and less popular in the post Covid**

age. What the Applicant envisages here is a far more in-depth experience involving several days and nights where the guests will be shown the Applicants fishing philosophies - take only a few fish for a feed – fish not to be harvested at all for the home freezer. – catch and bag limits are not a target. – educate guests how to live off the sea for a few days and especially important – target each species in its “prime condition”, season and leave that species alone when not.

2. Two reports commissioned by Environment Southland to inform the current Coastal Plan Review Process – see details below

2.1 Wilderness and Remoteness Values of Fiordland Waters, K. Booth (2022) prepared by Lindis Consulting.

10 CONCLUSION page 91

This study was commissioned by ES and examined aspects of recreation and tourism within the Fiordland CMA to inform the review of the Regional Coastal Plan for Southland 2013, including a potential plan change relating to the management of commercial surface water activities within the Fiordland CMA. Specifically, it sought to understand the wilderness and remoteness values of the fiords.

This study explored these values primarily through a review of the international research literature and by conducting 22 indepth interviews with 27 people, most of whom were commercial tourism or charter operators (and holders of permits for commercial surface water activity).

Objective 1: Describe wilderness and remoteness values for each of the five fiord complexes

Remoteness is a particularly important element of wilderness. The difficulty of access into most of the fiords (with its reliance on motorised transport and commercial trips) drives many aspects of fiord use and influences perceptions of wilderness. The relative ease of access to Milford Sound/Piopiotaahi and Doubtful Sound/Patea (to a lesser extent) set them apart from the other fiords.

Objective 2: Identify effects (if any) from commercial boat activity upon wilderness and remoteness values

The amount and nature of recreation and tourism activity in the fiords is having an impact upon perceptions and experience of wilderness. Impacts relate to seeing other boats (at all, or in numbers beyond their expectations), increased visibility of vessels (related to increased vessel size), more frequent encounters, more boats present in the more remote fiords and staying for longer, increased use of aircraft for access to boats, crowding on moorings and anchorages, and a potential loss of boatie etiquette on the water.

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Allocated but unused permits for commercial boat-based tourism represent a ‘wild card’ that could increase use in an uncontrolled manner, irrespective of decisions made by ES about future applications for permits associated with commercial surface water activity.

Potential next steps could include conducting a carrying capacity assessment for the fiords focused on the visitor experience.

Comment from Applicant: Currently there is no such accurate published research on vessel numbers and vessel sizes operating in Fiordland and no research on the number of operators using their Coastal Permits nor is there proper research on the number of private vessels operating in Fiordland from time to time. Without such research being undertaken and available it would be extremely inappropriate of Environment Southland to deny or limit this Application.

Executive Summary Page i

Fiordland CMA is under pressure from vessel activity and the wilderness and remoteness values of the fiords are at risk of being eroded.

Long-term changes noted in the Booth report include the increasing use use of larger vessels

Comment from Applicant: My Application therefore goes against the trend as it is for a very small vessel.

Many of the interviewees (Booth Report) voiced the need for a balance between protecting wilderness value and enabling people to visit Fiordland.

Executive Summary Page iii

The most common concern is the increasing number of people and boats. This was described in three ways: (1) vessel numbers and visibility, (2) human structures, and (3) people at landing sites.

Cultural Context Page5

The concept of wilderness relies heavily upon the absence of people. Ngāi Tahu Murihiku wish to see the lands, waters and biodiversity of Fiordland managed in a way that is consistent with indigenous concepts of wilderness – whereby humans are a part of nature, as opposed to separate from it, and sustainable customary use is consistent with its protection. Any concept of wilderness that ignores Ngāi Tahu Murihiku people’s long association of use and beliefs within Fiordland is culturally deficient and incomplete.

Comment from Applicant: Humans to be a part of nature as opposed to separate from it is the nub or kernel of my Application – don’t rush in to Fiordland and rush out but instead be here for a few days and get the feel.

Planning Context

Regional Coastal Plan for Southland 2013 (the Plan). The operative Plan seeks to maintain the essential characteristic of the pristine Fiordland CMA including its remoteness and wilderness values. Plan objectives protect the opportunity for remoteness and wilderness experiences and seek to ensure that commercial and private recreational surface water activities do not adversely affect the intrinsic values of the Fiordland coastal environment.

Comment from Applicant: I believe my Application to be very small scale which will give my customers the opportunity to enjoy the CMA whilst preserving and maintaining the essential characteristics of Fiordland including particularly remoteness and wilderness values. Small vessel, small number of clients aboard, low impact. Only overnighting in the Sounds. The overall effect to intrinsic Fiordland values to be extremely minor.

Sound Impacts Booth page 34

Mace et al. (2004) point out that because noise from aircraft, snowmobiles, and other forms of mechanised transportation is likely to be intermittent and, the potential for it to cause stress and annoyance is increased.

Comment from Applicant: Our proposed operation which involves fishing and diving outside the sounds has only a very small potential to cause stress or annoyance – small vessel – small numbers of guests – vessel only inside the sounds for overnighting.

Predictions about use patterns post-Covid Booth page 41 and 42

Mainstream tourism operators talked about the increase in the ‘conscious’ tourist, environmental sustainability and regenerative tourism – that these long-term trends will drive post-Covid tourism trends (lower volume, higher yield products): “not chasing down that buffet lunch, high volume, coming down to eat your lunch and then go again [market]. Actually having people who really want to engage with the geography of the place and everything it’s got.” This will mean tourists who stay longer, perhaps working remotely as they travel. The opportunity this presents is to reset the product for higher yield/spend visitor – a couple of operators called this market ‘high-end exclusive’. This

may translate to longer cruises (say 2 hours rather than 1.5 hours), stronger engagement with guests, more education, and guests more engaged.

Comment from Applicant: We plan to attract the environmentally conscious tourist who intend to engage with the place not at the “high end exclusive” but nonetheless involving quite a lot of financial outlay. This is part of what is being publicly discussed in NZ since Covid came along as “tourism reset”.

Booth interviewees:

“We take our passengers away one week at a time. We always leave from Doubtful Sound and, depending on weather conditions, we’ll visit all the fiords right down to Preservation Inlet. Which takes seven days to do that.

Multi-day cruises in New Zealand are only available in Fiordland or around Rakiura, and very recently, the Bay of Islands.

Comment from Applicant: Large capacity charter boats are offering multiday trips in Fiordland and Rakiura. There are one or two smaller operators offering multiday trips in the Marlborough Sounds. Our Application if successful will be one of only a few small capacity charter boats anywhere in NZ offering multiday trips.

STRIKING A BALANCE Booth page 66

to refer to the need for balance between protecting wilderness value and allowing people to go to the fiords – the dilemma of how you keep it remote and wilderness but still have people experience it.

Comments about ‘balance’ took the form of comments stressing the importance of the public’s (especially New Zealanders) right to visit the fiords:

- *“Got to remember that the fiords are a part of New Zealand and the public have a right to go there, the same as anywhere else in the country. Got to be careful not to become over-zealous in what we perceive to be dramatic changes in the fiords.”*

Comment from Applicant: Agree.

TAMATEA/DUSKY SOUND Booth page 68

The influence of the landscape on wilderness and remoteness values was evident – that the presence of internal waterways and fiord arms provided opportunity for boats to avoid each other thus increasing the sense of wilderness:

- *“In Dusky you can hide yourself away and have a really cool wilderness experience and be right beside another boat – especially Anchor Island or somewhere like that.”*

Comment from Applicant: Agree.

IMPACT FACTORS – WHAT IS IMPACTING WILDERNESS AND REMOTENESS VALUES AND WHY Booth page 71

Increased vessel size has effects:

Increased visibility of boats: “The vessels are huge now. They’re not the [old style boat] small, low-profile things on the horizon, they stand tall.”

Recreational boats have increased in size and number

Increase in air access

Large cruise ships attracted comment:

Overwhelmingly, comments about large cruise ships were negative.

Non-natural noise is impacting on natural quiet

Boat motor noise

To those on the water, the noise of boat motors did not appear to be a significant issue. This might be explained by the comments that:

- *“If your boat’s motor is going, you can’t hear other boats.”*
- *“Some boats are noisier than others, but you generally don’t hear a boat unless it is within 100 metres ... and when you are inside a boat ... you never hear anything.”*

Moorings are a hot issue

Many interviewees believe the issue of non-consented moorings needs management/policy attention:

- One interviewee said that non-consented moorings is the biggest challenge on the Fiordland coast.
- The belief was expressed that if there's going to be more moorings, then control on the number and location is required.

Benefit – protects the environment (seabed floor) from anchoring damage.

Comment from Applicant: Reference the Island Escape Cruises Coastal Permit Environment Southland decision Application Number 20169132 case heard in 2016. The licensed Fiordland and Stewart Island pilot Mr John Henderson considered when giving evidence in the case there were "sufficient sites within the application area for safe anchorage in virtually all situations" He disagreed when a submitter said that some anchorages were not suitable. John Henderson said that congestion in anchorages is not something he experienced in charter and cruise vessels in the application area. While he supported restriction in anchoring in sensitive areas (china shops), he was strongly of the view that restrictions on where the Applicants vessel could anchor were not justified, particularly on safety grounds.

The fact that some anchorages or mooring lines are consented and some are unconsented – I, the Applicant, as a skipper with concerns for the safety of my passengers paramount, do not differentiate between such anchorages or moorings and whether they are consented or otherwise, my sole concern is for the safety of my passengers and I make my decision solely on that basis. I should not be restricted as to where I can anchor as safe anchorages are needed during all possible weather conditions. The decision to where the vessel is anchor should be left to me as a prudent mariner.

- Some discussed commercialisation as a positive; their view was that commercial boats follow the rules, unlike some recreational boaties
- Also that and it is easier to protect the fiords via commercial operations as they can be managed through rules. In comparison, private recreational boaties are not.

Large cruise ships:

That they are: inappropriate and high risk in Fiordland; appropriate in some fiords but not others; alright in small numbers but too many had been allowed in;

Comments on fisheries

Several interviewees commented that "more and more charter trips are sold as the Fiordland experience rather than a fishing experience."

Other comments:

Concerns about commercial operators who take a fish/crayfish 'for the table' to feed guests, because this is outside the rules (it is taking place within Fiordland's internal waters where commercial fishing is prohibited).

One operator commented that while fisheries management is outside the remit of ES, nonetheless ES policy affected the fisheries indirectly, so it needed careful consideration by ES.

COMMERCIAL OPERATORS AND THEIR CLIENTS Booth page80

Summary

Tourism/charter operators moderate their clients' experience of wilderness. Most common is avoidance of other boats in order to minimise encounters, interpretation and education.

Tourism and charter operators exhibit a strong attachment to the fiords and describe the sector as become more environmentally friendly (although a couple of interviewees suggest that the informal on-water code of conduct may be weakening).

VISITOR MOTIVATIONS

Visitors used to come to take out lots of fish: "In the early days, visitors were coming to fish and fill up chilly bins. Now they are coming for completely different reasons."

One tourism operator said: "Our customers pay a real premium but they see it as value. Part of that value is because they're going to somewhere where very few people go."

VISITOR PERCEPTIONS OF BUSYNESS (BOATS, AIRCRAFT)

"[People] are blown away just how remote and wilderness and quiet it is and ... since Covid has hit and the charter boats have got busier ... I have never had one person say that it was busy. That tells me they are still

getting a wilderness and remoteness experience and that tells me that the boats are all working as a team together to give that remote experience.”

OPERATORS’ MANAGEMENT OF THEIR CLIENTS’ EXPERIENCE Booth page 82

By far, the most frequent action taken was seeking to avoid other boats (and aircraft):

The increasing difficulty of avoiding other boats was a theme in some charter operators’ responses, especially those working in Tamatea/Dusky Sound and the Southern fiords: “It’s got harder and harder [to avoid other boats]” and “It’s quite hard to work out where there is no one”. This view was not universally held – some commented that they had no problem finding anchorages/moorings alone – perhaps relating to their route. One way that operators moderate their clients’ perceptions is through **interpretation and education**. This was a common theme:

One charter operator talked about how they saw their role. They were driven by the desire to “connect people to the place, to give back and impart understanding.”

OPERATORS’ BEHAVIOUR AND APPROACH Booth page 83

CONNECTION TO PLACE IS STRONGLY FELT

Place attachment was evident from all interviews with tourism and charter operators:

- Amongst tourism and charter boat operators there was a sense of the importance of having a strong Fiordland connection and understanding of the place – this was seen as desirable and authentic for operators: “What I don’t want to see in 30 years’ time is 50 boats cruising around trying to sell a story they know nothing about.”

WILDERNESS VALUE OF THE FIORDS Booth page 85

- Wilderness value is important (highly valued): many people (but not all) go into the fiords seeking a wilderness experience, and tourism operators market their trips on wilderness.
- Wilderness value is largely defined by the absence of human presence and modification (boats, structures, people at attractions/landing points).
- Remoteness is a key element of wilderness.
- At a national level, Fiordland is one of the few places in New Zealand that provides a setting for multi-day cruises.

Place attachment: Operators held this as an important attribute for all Fiordland operators – having a strong attachment to Fiordland.

Crowding: Conclusions about the impacts upon boat-based fiord users from boat activity is constrained by a research gap. There is little research focused on the impact of perceived crowding upon the experiences of visitors on board boats in coastal and marine wilderness environments. A wealth of research discusses aspects of such impacts, but ultimately little is available to directly guide decision-makers.

Moderating factors: Fiordland tourism and charter operators moderate their clients experience through timing/route scheduling to minimise encounters, telling people what to expect (managing expectations) and giving background information (so people understand why something is as it is).

BOAT ACTIVITY

Provide access – they are a critical means for people to get into the fiords

Host the visit – people experience the fiords from on board vessels. They visit within a group/social microcosm on board.

Moderate the experience through the actions of the operator/host – these actions positively influence the experience of wilderness,

Prioritise safety

Impact factors :

- Seeing other boats/other
- Increased visibility of boats given vessels are bigger.
- More frequent encounters (more boats, travel faster/more movements).

IMPLICATIONS FOR INCREASED BOAT ACTIVITY Booth page89

There are no data on which is base this assessment because such questions are beyond the scope of this study (requires a carrying capacity assessment).

Allocated but unused permits for commercial boat-based tourism – many people raised concern about the number of these permits (believing it to be large).

Displacement is occurring – owing to levels and types of activity, boats are shifting into more remote fiords in order to offer their clients a wilderness experience.

Comment from Applicant: Once again I would comment here that without proper data on boat activity in Fiordland, then it is not good enough to simply say “We have too many boats and too much boat activity in the Fiordland CMA”- it would be most unfair if Applications such as mine were declined on such a lack of proper information – on such a casual and informal fact base.

MANAGEMENT CONSIDERATIONS Booth page90

- *It can be predicted that a new pattern of use will emerge once New Zealand's border re-opens to international visitors. It is unlikely to be the same as the pre-Covid or Covid periods.*

Commercial boat use was positively construed:

- *There was a strong emphasis on letting people (New Zealanders) experience Fiordland. Given the difficulty of access, most people require a commercial operator to get there. The "reality of Fiordland" is that you cannot explore the fiords on foot and very few people can take their own boat. Most visitors must go with an operator and pay for that opportunity.*

Comment from Applicant: My operation will offer the chance for New Zealanders and others to experience Fiordland for a few nights at a time on a safe and capable vessel.

2.2 Fiordland Coastal Waters Context – Robertson R & Graham B (2022)

Management of Fiordland CMA

Coastal Fiordland is a uniquely managed environment. The Fiordland National Park is managed under the Fiordland National Park Management Plan 2007 by the Department of Conservation with the seaward boundary of Fiordland National Park being mean high-water mark; the marine area under the Fiordland (Te Moana o Atawhenua) Marine Management Act 2005 and the Regional Coastal Plan for Southland 2013 (mean high water springs out to 12 nautical miles).

As this report is focused on the management of commercial surface water activities within the internal waters of Fiordland the following section details the current management approach and matters that influence that management.

Southland's CMA extends from the line of mean high water springs out to the 12 nautical mile territorial sea limit from Awarua Point to Brothers Point, and is covered by the Regional Coastal Plan for Southland 2013. The emphasis in the CMA is different to the approach for land-based activities under the RMA. For land, any activity may be undertaken unless it is expressly disallowed in a district plan. For the CMA, the opposite applies - many activities may only be undertaken if expressly allowed⁵. Section 12 of the RMA restricts what can be done in the CMA. Unless certain matters specified in this section are provided for in the Coastal Plan, then they may not be undertaken without a resource consent.

(e.g. taking visitors out into the Fiords on a vessel) requires a coastal permit under the Coastal Plan⁶.

Chapter 16 manages commercial surface water activities within the Fiordland CMA. The chapter seeks to integrate the management of the internal waters

Issue COAST.1 states there is a lack of clear direction on the locations where use is appropriate and inappropriate in the coastal environment.

Issue COAST.2 states there is inadequate protection of the coastal environment from cumulative and precedent effects not being considered.

Objective COAST.2 recognises activities in the coastal environment and the provision and possible expansion of these where appropriate. This provision notes that managing adverse effects needs to address the need of balancing public access with preserving the natural character of the area and protecting indigenous biodiversity. Objective COAST.4 seeks the preservation of natural character as a matter of national importance.

Comment from Applicant: The proposed operation of the Gravity in the CMA will not create an adverse cumulative effect on the intrinsic values of the ecosystems of this place. My proposed operation is in all respects small – no fishing or diving inside the Sounds – my vessel and my clients will only enter the sounds to overnight or to avoid bad weather conditions. Any actual or potential effect on the CMA should not be viewed as more than minor.

3. Environment Southland recommended in the Request for Further Information that the Applicant, Gravity Fishing Ltd consult with the following groups. Those groups being
- **Te Ao Marama**
 - **Fiordland Marine Guardians**
 - **CRA8 Rock Lobster Industry Association Inc.** – a point of contact for the Crayfishing industry in the area. A letter was sent to CRA8 requesting consultation on 20th April 2022.
 - **Te Runanga Makaawhio** – The Applicant has previously consulted with Te Ao Marama Inc who raised no concern or objection to the Resource Consent Application. Te Ao Marama Inc. with Te Runanga Makaawhio have a shared kaitiaki/guardianship role for Milford Sound/Piopiotaahi – reference Policy 3.3.4 (1) of Te Tangi a Taurira. A letter was sent to Te Runanga Makaawhio requesting consultation on 13th April 2022 and a letter of receipt has been received but no substantive reply has been received to date.

Party involved – consulting with.....	Informal response to earlier consultation	A complete set of all documentation including 1) Original Application and evidence from Applicant 2) 2 x completed Environment Southland Forms 3) This Response to a Request for Further Information needed for ES – request dated 4th April 22 4) Written Approval Form
Te Ao Marama	No objection raised – generally appeared supportive	14/7/2022
Fiordland Marine Guardians	No objection raised – generally supportive	14/7/2022
CRA8	No objection raised, in fact CRA8 group “supported” the Application	14/7/2022
Te Runanga o Makaawhio	Still considering as at 15/7/22 no substantive reply received	14/7/2022
Te Runanga o Ngai Tahu, Chch	Not contacted yet	14/7/2022

Dated this 14th day of July 2022

Gravity Fishing Limited Applicant under 20221926

Reply to a request for more information prepared by James Lewis as authorised agent for the Applicant, care of PO BOX 668, Wanaka, jimlewis.nz@outlook.com, 021 300 212