

**BEFORE ENVIRONMENT SOUTHLAND
AT INVERCARGILL**

**IN THE MATTER OF THE RESOURCE MANAGEMENT ACT 1991 AND AN
APPLICATION BY OFFSPRING TRAVEL LIMITED FOR A
COASTAL PERMIT FOR A COMMERCIAL SURFACE
WATER ACTIVITY.**

**REBUTTAL EVIDENCE OF JOHN FRANCIS ENGEL
9 MARCH 2021**

INTRODUCTION

- 1 My full name is **John Francis Engel**.
- 2 This evidence is a print version of the rebuttal evidence given at the hearing of this application on 3 March 2021. It contains no new evidence beyond what was given verbally at that hearing.
- 3 The following matters are addressed:
 - i. the definition of a commercial day trip as provided in the Regional Coastal Plan;
 - ii. the term of any consent granted; and
 - iii. a schedule of conditions based on Environment Southland's standard conditions for this type of activity, but with amendments to reflect what is being applied for.

COMMERCIAL DAY TRIPS

- 4 The relevant definitions are as follows:

Commercial Day Trip Activity - means commercial surface water activity that involves the use of a motorised or wind powered ship from a point of embarkation and back, with the embarkation and disembarkation of the passengers occurring on the same calendar day.

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.

- 5 The 'commercial day trip' definition comprises the following elements:

- i. a commercial day trip activity;

Comment – by definition, this activity involves going from a point and back again, i.e. it is a trip. It is not sufficient to simply get on and off the ship, and not go anywhere;

- ii. a motorised or wind powered ship;
- iii. embarkation and disembarkation onto the motorised or wind powered vessel; and
- iv. the embarkation and disembarkation occurring at the same point, on the same day.

- 6 If one or more of these points are not present, then the activity is simply a 'commercial surface water activity' rather than a 'commercial day trip activity'. Each point in the definition is of equal weight, so Points iii. or iv. on their own do not constitute a commercial day trip, as is suggested by Dr Murchison.
- 7 The application does refer to the wharf as the point of embarkation/disembarkation, but I agree that it can be any point, so long as the embarkation/disembarkation occurs at that same point.
- 8 Dr Murchison also refers to kayakers possibly being taken to and from various points while on the vessel, but that in itself does not constitute a day trip if they embark and disembark at different points.
- 9 It therefore remains my submission that the use of the support vessel in the manner proposed does not constitute a 'commercial day trip activity' or a 'commercial day trip'.

TERM OF CONSENT

- 10 The Reporting Officer submitted that if consent is granted, it should only be for a 10 year duration. Section 113(1)(b) requires reasons to be given when a consent is granted for a shorter duration than what was applied for. The only reason given in the Section 42A report is to align the expiry date with those of other consents.
- 11 I note that the current consent for this activity was granted for 20 years, and that consents for similar activities have been granted to other persons since that time for similarly long terms. I am not aware of any policy or practice by Environment Southland to grant consents for similar activities in the coastal environment with common expiry dates prior to this application.
- 12 It is my submission that the effects of the changes proposed (as modified subsequent to the prehearing), over and above what was previously authorised, are no more than minor. They do not justify granting consent for a shorter duration than what was applied for.
- 13 The applicant is entitled to the security of term applied for in the absence of a sound resource management reasons to reduce it. It is therefore submitted that the 25 year term applied for is appropriate.

CONDITIONS

14 A schedule of conditions is attached to this evidence.



John Engel
Manager, Bonisch Environmental

Dated: 9 March 2021