



Consents Hearing 4 March 2021

Offspring Travel Limited – APP-20202433

Appendices

Attachment 1

Application

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22 September 2020

The Consents Manager
Environment Southland
Private Bag 90116
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Dear Sir/Madam,

Offspring Travel Limited

Application for the renewal of coastal permit 203196 to carry out a commercial surface water activity for a guided kayaking operation in the internal waters of Doubtful Sound/Patea, Fiordland.

1. Introduction

Please find attached an application on behalf of Offspring Travel Limited (OTL) for the renewal of an existing resource consent to undertake a commercial surface water activity on the internal waters of Fiordland namely guided kayaking tours.

The kayaking activity, a commercial surface water activity in itself, is a discretionary activity under Rule 16.2.1.7 of the Regional Coastal Plan for Southland (RCP).

The use of the safety vessel to accompany the full day and early day kayaking tours is considered to be a day trip, while the two day tour is considered to be a backcountry trip under the Regional Coastal Plan. While the applicant has day trip allocation to undertake the activity, overall, the discretionary allocation for day trips across all operators is exceeded. Therefore, the activity is a non-complying under rule 16.2.1.2 of the RCP.

The two day tour requires backcountry allocation based on the definitions in the RCP, however the applicant has never held allocation for this tour as the previous consent included it as a day trip. The backcountry activity is a non-complying under rule 16.2.1.5 of the Regional Coastal Plan for Southland (RCP).

Consent is sought for a term of 25 years.

OTL currently operates under consent 203196, which is due to expire in 2023. The applicant intends to upgrade to a larger safety vessel and add an additional double kayak to allow for 5 double kayaks and one single guide kayak per tour. Changes are also proposed for full day and early day tours to allow more tours to be undertaken monthly.

The safety vessel that will be used to exercise this consent will be a new yet to be built vessel. The current vessel will be used in another area of the applicant's businesses. Any vessel operating under this consent will have to comply with all the conditions set out in the consent. The vessel will be MOSS certified with Maritime NZ.

A copy of the statutory application form and the Part B form are appended.

2. Description of Activity

Offspring Travel Ltd has applied to renew an existing coastal permit to carry out a commercial surface water activity, namely, operating guided kayaking tours in the internal waters of Doubtful Sound/Patea with a 18 metre, registered length, safety vessel.

Offspring Travel Ltd is an existing kayaking operation, providing guided kayaking tours in Doubtful Sound/Patea. The kayaking operation has been operating in this location for approximately 25 years. The applicant has a permanent berth for the vessel in Deep Cove, Doubtful Sound.

The overall kayaking operation is for up to 20 clients (ten double kayaks) and two guides (two single kayaks) in total. The operation is split into three different types of tour options, of which a "full day tour" is run in conjunction with either an "early day tour" or a "two-day tour". Very rarely are all three options run on the same day.

All kayaking tours either commence from and return to the applicant's Deep Cove wharf, or from other locations further out depending on weather conditions. Kayaking tours generally operate in one direction, usually with a tail wind or following seas and return via the safety vessel.

The applicant proposes to operate the kayaking operation as follows:

1. a full day tour:
 - consisting of up to five double kayaks (10 clients) and one single kayak (one guide);
 - operating daily during the period August to May each year;

- clients kayak for approximately 2 hours then board the safety vessel for lunch for approximately 1 hour. Clients then continue kayaking with the tour ending onshore after a total of approximately 5 hours. While the kayaking activity is occurring, the safety vessel remains out of sight, only a few minutes away in case of an emergency.
2. an early day tour:
- consisting of up to five double kayaks (10 clients) and one single kayak (one guide);
 - operating daily during the period November to April each year;
 - the early day tour operates very similar to the full day tour, with the early tour commencing approximately 1 hour before the day tour.
3. a two-day tour:
- consisting of up to five double kayaks (10 clients) and one single kayak (one guide);
 - operating up to eight times per month during the period October to April each year;
 - clients camp overnight in either Hall Arm, under Ponytail Falls on the right side under Commander Peak, or Crooked Arm, on the right side next to the Lucky Burn. If there is a major storm or emergency the safety vessel will return clients to Deep Cove where accommodation is available at the Deep Cove hostel; and
 - the safety vessel returns to the wharf at night and returns the next day to assist kayakers. Occasionally during extreme weather conditions, the safety vessel will moor out in the sounds, either on a consented mooring or within a recognised anchorage, so in the event of an emergency it can quickly collect clients.

If any trainee kayak guides are part of the groups, they will be included within the guided kayak group numbers outlined in 1, 2 and 3 above.

For clarity, the numbers of proposed trips and months they will be undertaken is summarised in Table 1 below. Overall, there will be a total increase of 94 tours above what is permitted currently.

	Full Day Proposed	Early Day Proposed	2 Day Tour Proposed	Total Trips Proposed
January	31	15	8	54
February	28	15	8	51
March	31	15	8	54
April	30	15	8	53
May	31	0	0	31
June	0	0	0	0
July	0	0	0	0
August	31	0	0	31
September	30	0	0	30
October	31	0	8	39
November	30	15	8	53
December	31	15	8	54
Total	304	90	56	450

Table 1: Proposed number of trips to be undertaken.

The total values shown in the table above show the theoretical maximum number of trips that could be undertaken; however the actual number of trips will be lower due to weather & client demand.

Overall, the applicant has determined that the annual maximum for all trips will not exceed 250 trips annually and a total of 45 tours per month. It is expected that the maximum totals provided will be reached during the term of the consent. The annual number of trips proposed is slightly above the 210 trips allowed annually (190 full and early day tours, and 20 two day tours) under the current consent.

Offspring Travel Ltd needs the ability to operate for the majority of the year to provide certainty to staff and the business. By allowing for the proposed number of daily tours, it doesn't mean that they will operate every day. The kayaking activity is weather dependent and as a result OTL regularly have to cancel tours and rebook for other days. If an overnight tour gets cancelled, guests may be rebooked onto a day tour activity. While the number of tours proposed may seem high, the applicants are seeking an element of flexibility to work around clients' requirements and unpredictable weather conditions. Overall, the applicants have determined that they will not exceed a total of 250 trips annually and a total of 45 tours per month.

During the peak of the summer months, it may be possible that three separate tours operate on the same day, however this will be rare. The applicant only has one safety vessel and needs to make sure the vessel is readily available for each tour to safely operate.

Based on the definitions in the RCP for commercial surface water activities, the full day tour and early day tour are considered to be day trips while the two day tour is considered to be a backcountry trip. As mentioned above, OTL has never held backcountry allocation to operate this tour.

However, the proposed activities do not fit easily within the definitions of commercial day trips and backcountry activities as outlined in the RCP. The intended use of the safety vessel is to operate in a safety/supervision capacity and not for the sole transport of passengers for an activity such as a sightseeing tour. While the safety vessel may transport passengers to or from areas to undertake the activity, depending on wind and wave conditions, kayakers will either commence or return to the applicant's wharf under their own steam. There will be no embarkation and disembarkation of the passengers from the vessel at the applicant's wharf as typically done on a sightseeing day trip tour. This issue is also the case for backcountry trips with kayakers either commencing/returning (or both) to the applicant's wharf under their own steam, not as passengers on a vessel.

The applicant proposes to use a safety vessel in conjunction with the kayaking tours as follows:

- to transport kayakers on a "full day tour" and "early day tour" from the applicant's Deep Cove wharf;
- as a base to have lunch and for toileting facilities during the "full day tour" and "early day tour";
- to return kayakers on the "full day tour" and "early day tour" to the applicant's Deep Cove wharf, to ensure the kayakers are ready to return over the Wilmot Pass at a set time;
- to retrieve kayakers on any tour at any time if weather conditions become unsuitable; and
- to transport non-kayaking passengers that have a member of their family or group participating in the kayaking activity.

The use of the safety vessel is not to provide a sightseeing platform for clients. Cruising the fiord for sightseeing purposes will not be provided as part of the kayaking operation. Although it is proposed that family members be allowed to travel with the safety vessel, they will not be taken on a specific tour of the Sound as the safety vessel must stay close enough to the kayakers to be able to assist if necessary. However, the family members would embark and disembark from the

applicant's wharf on the same day, which does fit with the definition of a day trip. The inclusion of this provision is in response to requests from clients when not all family members wish to go kayaking but do want to be involved in that part of their tour.

The applicant proposes to operate the guided kayaking tours, including the safety vessel, only within Crooked Arm, Hall Arm, Thompson Sound and the Doubtful Sound thoroughfare. While Thompson Sound is an addition to the previously consented locations, this area is not utilised by other kayak operators. Access to First Arm and Bradshaw Sound is not being sought as part of this application.

The type of operation is very different to other charter operators in Doubtful Sound/Patea that are also providing day and backcountry trips. For both safety and practical reasons, a safety vessel needs to be in the vicinity of the kayakers in order to be able to respond quickly and have the ability to get all kayakers off the water if conditions change.

The vessel that will operate under this consent is a yet to be built. This safety vessel will be approximately 18 metres registered length and will accommodate a total of 40 passengers plus crew. The safety vessel will be painted in a white and blue colour scheme that does not stand out in this environment and is not vastly different to other vessels in the area. Overall the safety vessel is of a similar type and size when compared to other charter and fishing boats that operate in the wider Fiordland area.

The safety vessel will be diesel-powered and will travel at a speed of 5 knots through Hall Arm narrows and Rolla Island to Deep Cove and a speed of up to 14 knots elsewhere. The vessel will be travelling at low speeds when supporting kayaks in the water.

The safety vessel will have approximately 1,000 litres of wastewater storage onboard, with the wastewater being discharged to water in line with the rules set out in the Resource Management (Marine Pollution) Regulations 1998. All solid waste such as rubbish and recycling are taken off board when the vessel is in port for disposal at appropriate land based facilities.

Any vessel used will be appropriate for use in the Fiordland environment and hold the required MOSS certification from Maritime New Zealand.

Subject to weather conditions and accessibility to the area, tours will be available all year round. Even though the applicant has been involved within the tourism industry for a long time and has operated under other consents for a number of years, it is unable to assess the actual demand,

which is likely to vary from one year to the next. The main outcome it is seeking is to have available three trip options that firstly, provide what the clients are seeking, and secondly, provides options if conditions restrict what can be safely carried out. Obviously in very adverse conditions, no trips can be provided.

3. Consideration of actual and potential effects on the environment

3.1 Overview

The most significant impact on the environment of this activity is visual, which affects the natural character of the exceptional landscapes in the Fiordland area. There are additional impacts such as damage or disturbance to significant habitats of indigenous fauna, wake effects from the movement of the vessel, amenity values, in particular noise, and the risk of an incident resulting in fuel spillage, but, in this case, they are more minor in comparison. The positive benefit to this activity is enhanced public access to a remote area.

3.2 Impact on Landscape and Natural Character

The area of Southland's coastline where the activities are going to occur has a naturalness rating of '5' (highest possible rating) in the Coastal Landscape Assessment in the RCP. No specific description of the "Fiords" section of the coastline is provided but in regard to the area from Awarua Point to Big River, the RCP states in Section 3.2:

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

...

Even in Milford Sound, where some reclamation has occurred to provide parking and wharf facilities, and where up to 2,000 people per day traverse the Sound by boat or aircraft, the immensity and naturalness of the landscape is sufficient to produce a feeling of isolation and remoteness in most people.

The diversion of freshwater from Lake Manapouri via the Manapouri Hydro-Electric power scheme into Doubtful Sound has little visual impact on the naturalness of the area, landscape experience or amenity values.”

Although not formally assessed, it is recognised that Fiordland and its associated coastal environment is an outstanding natural landscape. The only development and use of the area as a whole is associated with either power generation, commercial fishing, tourism and recreation, and most of the latter are port infrastructure and vessel activity with some associated air transport. Port development is restricted to Milford Sound/Piopiotaahi and Deep Cove with some minor structures scattered through the area.

A specialist landscape report is not considered to be necessary for the following reasons:

- the activity is existing;
- a vessel's effects on landscape and natural character are not fixed in one location unless berthed at a wharf or mooring for any length of time. The effects only last as long as the vessel is present and there is no residual effect;
- in a landscape of this type, any visible resource management activity will have some effect but for vessels, that effect is at sea level whereas most of the natural character is associated with the scale and grandeur of the environment above that level; and
- some vessel activity has been a part of this environment for many years, although it is acknowledged that the character of modern vessels has changed.

The wider area of Fiordland is regularly used by fishermen, both recreational and commercial, and commercial tourist operators, but not in significant numbers. Commercial fishing, particularly for crayfish, is significantly less than what was occurring in the 1950's and 60's. Although not common, the presence of any vessel is not unexpected in this area and is an accepted means of access as the vessels leave no trace of their visit after leaving.

Actual data on resource consent usage is not available. Anecdotally, there appears to have been a small increase in the number of operators but there has been no conspicuous sign of an increase in the number of trips being carried out. In this case, the activity is already lawfully occurring, there is no cumulative effect from an increased number of vessels but there will be an increase in the number of days the various activities may occur.

The proposed safety vessel, while larger than the current vessel, will not be out of place amongst the other vessels used in Doubtful Sound/Patea. The larger safety vessel will provide sufficient

capacity to transport all kayaks safely onboard, which cannot be done at present. There are other commercial sightseeing vessels in Doubtful Sound/Patea and other parts of Fiordland (excluding Milford Sound) that are up to, and if not over, 40 metres in length. Unless people are familiar with the current safety vessel, the increased length of the new safety vessel will not be noticeable or of any importance to visitors to the area.

During the day, the safety vessel will be travelling to various locations to undertake guided kayaking tours or returning to its base to drop off/pick up passengers. The visual effect of a vessel is transitory as it moves through an area. It leaves no lasting impact on the landscape and natural character of the area.

The frequency of vessel movements in the area is relatively low, but an encounter with another vessel at some stage would not be unexpected. The activities associated with this proposal are unlikely to make a significant difference to that encounter rate. Cumulative effects are still considered to be low.

The RCP has only placed limits on the level of discretionary activity in Doubtful Sound but the Plan does provide for the right of any vessel to navigate to and from the services provided in Deep Cove. Limits have not been placed on consents for activities similar to this proposal outside of Doubtful Sound unless the application is only for a specified number of trips or period of the year. In this case, there is a physical limit to the number of trips that can be carried out, however demand and weather conditions are usually what limit activity.

Unless the vessel is out of the Fiordland area for survey or maintenance work, it will always be somewhere in that area, either undertaking guided kayaking tours or between trips, and will be having some impact on landscape and natural character values. Arguably, the effects may be less in Deep Cove or Milford Sound/Piopirotahi than in more remote areas due to the higher levels of activity.

Kayak numbers would be limited to a maximum of six per tour. This provides for five double kayaks to be used by visitors, accompanied by a guide in a single kayak. Kayaks allow visitors to get in close to the shore and experience the environment in a more personal way. Kayaks are closer to the waterline and not easily seen from medium to long distances. Their impact is considered to be no more than minor for the maximum size of group proposed.

Kayaking activities are not specifically controlled within the Regional Coastal Plan, although in this instance kayaking can be controlled as part of a commercial surface water activity.

Given the low concentration of vessels in the more remote sounds, the dominance of the landscape and the lack of any tangible evidence of a vessel's visit to areas within the Sounds, the impact of the commercial surface water activity including the kayaking activity, on the landscape and natural character of the area is assessed as no more than minor.

3.3 Impact on significant habitats of indigenous fauna

The following information about marine mammals and birds in the coastal marine area adjacent to Fiordland is taken from the RCP:

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

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

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

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

In regard to ecosystems generally, the Plan states as follows:

The vegetative cover of the catchments of the fiords has been minimally modified. The underwater biological communities of the fiord rock walls do not occur elsewhere along the coast of New Zealand, nor do they occur in fiords in other parts of the world. The uniqueness is brought about by the combination of climate, topography, hydrology, oceanography, vegetation and larval recruitment environment. The biological communities within the fiords

require a complex set of environmental conditions for their survival and this is dependent on the preservation of the entire ecosystem. They are, therefore, highly susceptible to changing conditions.

The unique nature of the fiord ecosystems is recognised with its inclusion in the Te Waipounamu - South West New Zealand World Heritage Area. This status, along with the sensitivity of the environment in the fiords is acknowledged by the applicant. The advice and information provided by the Fiordland Marine Guardians, which draws on information from other relevant bodies such as Department of Conservation, Ministry of Fisheries and Environment Southland, will be used to avoid impacts wherever possible. Clients on the safety vessel undertaking activities under this consent will be made aware of the information and their obligations when enjoying this environment.

The Doubtful Sound/Patea complex is home to a number of native marine mammals such as Fiordland Crested Penguins, Southern Fur Seals and a population of Bottle Nosed Dolphins that are unique to the Fiordland area. The Department of Conservation has produced a Marine Mammal Code of Practice that outlines measures to be undertaken by vessel operators, including kayaks, when encountering marine mammals. These measures include no disrupting the normal movement or behaviours of marine mammals, particularly dolphins, with clear instructions as to any encounters being left to chance and on the terms of the animals.

Offspring Travel Ltd is familiar with the requirements of the Marine Mammal Code of Practice, ensuring they adhere strictly to its requirements and currently hold viewing permits as required for commercial operators. Visitors using kayaks are informed of the requirements around marine mammal encounters, with kayak guides ensuring the guidelines are followed. Any chance encounters of native wildlife can provide a trip highlight for visitors, therefore, it is in the applicant's best interests to ensure their operation has no adverse effect on marine wildlife.

Adverse effects will be avoided by complying with relevant rules and regulations relating to sensitive habitats such as "china shops", complying with the rules set by DOC for interacting with marine mammals, and adopting best practices for carrying out commercial activities. The most sensitive areas, some of which are identified on the current consent, will be avoided. The potential impact on significant habitats is therefore assessed as no more than minor.

3.4 Impact on Public Access, Navigation and Safety

As the activity involves a vessel navigating around the Fiordland coast, it will be subject to the normal maritime rules applying to that activity. There are no particular navigation or safety issues that are different to any other vessel operating in the same area. The vessel will have communication and navigation equipment similar to other vessels so can keep in touch with others who may be nearby. The general practice is to avoid sharing the same area in order to provide the remote experience clients will be seeking.

The kayaking activity is kept clear of the main routes followed by larger vessels travelling in and out of Deep Cove. Even with the use of bright colours, kayaks can be difficult to see, particularly if there is some chop on the water. Wherever possible, the kayaks are kept out of the way of larger vessels. However, the risk is mitigated by the fact that skippers operating in the Sound know about the kayaks and the areas they generally use. It is also mitigated by the presence of the safety vessel that is able to monitor the movement of larger vessels in and around the area where the kayaks may be present.

The activity will have a positive effect in regard to public access. Kayak tours of this nature enable visitors to see and experience this impressive environment in a controlled and managed way that will have standards to adhere to in regard to what they do and how they do it. It is likely that many of the clients would not be able to access this area in any other way, except possibly for flying, which does not enable them to get as close to it. Access by vessel and kayak leaves little or no trace of people having been there.

The effect on navigation and safety, is therefore assessed as no more than minor, with the activity having a positive effect on public access

3.5 Noise

The noise created by the safety vessel in Doubtful Sound, and the passengers, will be minimal. It is in the operator's best interests that it provides a high-quality experience, and part of the experience is letting the clients enjoy the surrounding environment on a vessel that is not unduly intrusive in regard to noise.

The safety vessel will not create more noise than any other vessel that can be found in the area. As the vessel will only be operating at low speeds most of the time as it monitors the kayakers, its noise will, in fact, be less than most others. The safety vessel will have an appropriate wet exhaust

and muffler system fitted to reduce the engine noise to comply with the noise limits set out in the RCP. The safety vessel will generally be in motion when the engine is running, so it will not be continually emitting noise in one location for extended periods of time.

The impact of the noise from the safety vessel will be minor and will comply with the standards specified in both Rules 5.3.4 and 5.3.6, the former being general noise and the latter being for the vessel in motion. Policies 16.3.1 and 16.3.5 are particularly relevant to this type of activity. Noise impact is therefore assessed as, at worst, minor, but in most situations, less than minor.

3.6 *Impact of the wake*

The size of the wake from the safety vessel will be relatively small given the size of the proposed vessel and the speed used when transporting and accompanying kayakers the fiords. When transporting kayaking clients to various locations within the fiords, the speed of the safety vessel will be a cruising speed that allows the clients to take in the environment and be low enough that only a minor wake will occur. The safety vessel will travel at much lower speeds when accompanying kayaking clients who are on the water. This low speed will create a much smaller wake than when the vessel is travelling at open water speeds.

Wake from this sized vessel when operating in Fiordland is approximately 30 cm in height when the vessel is travelling within the fiords. A wake of this size has a similar effect to waves that occur naturally. The shoreline in the fiords is generally very robust and not prone to erosion from wave action of any sort. The most shoreline damage in these areas is generally as a result of slips that can occur from time-to-time as a result of natural processes.

The impact from the wake on the surrounding landforms, flora, fauna and any other structures or vessels will be less than minor.

3.7 *Bio invasion*

The safety vessel will be based and operated in Fiordland, and it is not intended that it will be taken out of Fiordland unless it is necessary to do so for maintenance, survey or in an emergency. Due to the size of the vessel, most maintenance activities will be able to be performed on the Deep Cove slipway preventing the need to access facilities elsewhere.

The safety vessel will be inspected regularly as part of an ongoing maintenance programme. As part of this maintenance programme, any unwanted organisms found on the vessels will be

removed and disposed of in an appropriate manner, and Environment Southland biosecurity staff will be advised if anything unusual is found.

There will always be rodent traps or bait stations onboard the vessel to control any pests. For a vessel of this size, there would be a minimum of two.

As the safety vessel will not be moving in and out of Fiordland frequently, and it will be subject to regular inspections, the risk of bio invasion associated with the safety vessel is assessed as no more than minor. However, although the risk is assessed as low, OTL acknowledges the high potential impact from a marine pest incursion. It therefore undertakes to be vigilant and to use best practice to avoid introducing any such pests. Offspring Travel currently adheres to the Fiordland Clean Vessel Pathways rules.

3.8 Rubbish and Waste

Any solid waste will be removed from the safety vessel and disposed at an appropriately authorised land-based facility.

In particular, the vessel will be designed with a 1000 litre tank on the vessel to hold septic wastewater (black & grey) that will be emptied in accordance with the Resource Management (Marine Pollution) Regulations 1998, specifically clause 11(2). This clause states that a discharge of wastewater can only occur:

- 500m seaward from the Mean High Water Spring;
- 500m from a marine farm;
- in water that is deeper than 5m;
- 200m from a marine reserve; and
- 500m from a Mātaitai reserve.

This means that discharge into open waters is allowed provided that the above rules are followed. The onboard storage means that discharges need only occur when the safety vessel is in motion and is outside of the buffer zones specified. There will be sufficient opportunities in this area for any discharge to be carried out in accordance with these regulations.

3.9 Hazardous substances

The safety vessel used under this consent will be refuelled in accordance with the Marine Protection Rules administered by Maritime NZ. The refuelling of the vessel will occur in Deep Cove, at the fuelling station. A spillage in this environment could potentially have a significant effect so the company has in place an appropriate response plan.

Apart from some cleaning products, no other hazardous substances will be held on board.

3.10 Cumulative effects

Cumulative effects arise from a number of activities having the same effects in the same area. This application is for the replacement of an existing consent that includes a larger safety vessel, an additional kayak on the early day tour and two day tour, and to allow for full day tours to operate on a daily basis.

Having a larger safety vessel and an additional kayak has some added impact on visual effects but, compared to the existing activity, the changes are considered to be less than minor.

It is also proposed to increase the number of full day tours to enable them to operate on a daily basis all year round. While this is an increase from what is already authorised by the current consent, as mentioned above, the number of kayaking tours that will be undertaken will be restricted by way of demand, weather conditions and will fluctuate seasonally. It is difficult to assess the actual demand, which is likely to vary from one year to the next. The proposed change does not increase the effects during any day but does increase the number of days the activities may occur. Those additional days are over the late autumn, winter and early spring months, which is normally the least busy time.

While the number of trips proposed appears high, it doesn't mean that they will operate every day. The kayaking activity is weather dependent and, as a result, OTL regularly have to cancel tours and rebook for other days. The applicant is seeking an element of flexibility to work around visitors' requirements and unpredictable weather conditions. During the peak of the summer months, it may be possible that three separate tours operate on the same day, however that will be rare. The applicant only has one safety vessel and needs to make sure the vessel is available to for each tour to safely operate.

As per the current consent, annual limits have been specified by way of consent condition. This allows OTL an element of flexibility within the day to day operation of their business but places a limit on the number of trips that can be undertaken annually.

While there are a number of consents for day and backcountry trips in Doubtful Sound/Patea and surrounds that have the option to undertake kayaking activities, there are none where the sole intention of the commercial surface water activity is centred around the kayaking activity. The safety vessel used as part of the operation is primarily for safety purposes and assisting kayakers in the water. The vessel is also used for transporting kayakers to a sheltered area to undertake the kayaking activity and assisting in kayakers returning back to the applicant's wharf during adverse weather conditions. The safety vessel also provides a safe area for shelter, rest and toilet facilities when required.

While there are a number of consents for charter activities in Doubtful Sound/Patea, however, there are also private vessels and commercial fishing boats operating throughout the fiords from time-to-time. Vessel interactions will occur but generally at a distance and the cumulative impact, including on the landscape and natural character, is minimal due to the vastness of the land and seascapes in the area.

The cumulative impact, at the current level of activity, is assessed as less than minor, though as the issue is subjective, perceptions will vary. Exploring the fiords by kayak and safety vessel is considered to be one of the least disruptive ways of accessing and enjoying this high-quality environment. As the area is open to vessels to access, some vessel activity, including commercial vessel activity, is considered reasonable and an appropriate way for groups of people to visit this remote location.

3.11 Compliance History

The consent was transferred from R B Calder, trading as Adventure Kayak and Cruise, to Offspring Travel Ltd in August 2016. This operation has been fully compliant for the duration of the consent. Commercial surface water activity logs have been provided to Council on a regular basis as required by consent conditions. A copy of this history is appended.

3.12 Summary

The main effect associated with this type of activity in what is considered by some to be a pristine environment, is the presence of the kayaks and safety vessel. For the casual observer, the actual

vessel size in the 25-30m range (as opposed to the large cruise ship type vessels) is irrelevant, as is the passenger numbers when all waste associated with their presence is contained and appropriately disposed of. It is reasonable to assume the operators want to provide a high quality experience and operating in a responsible way is part of achieving that goal.

The fiords are open to any private vessel to navigate but the plan places controls on certain commercial activities in order to protect the area from overuse. The internal waters are a large area, and on the information available, overuse is not an issue at this time. The location and the, at times, turbulent weather conditions naturally limit access and use.

The overall assessment of the actual and potential effects on the environment is that they will be minor at most, but less than minor at most times.

4. Consideration of Statutory Documents

4.1 Overview

For the purposes of this application, the requirements of the Resource Management Act 1991 (the Act) are not re-stated. However, it is noted that the significance of the environment in the fiords and the adjacent Fiordland National Park is such that there are matters of national importance under section 6 of the Act that need to be considered, namely, parts (a) to (e). It is submitted that this proposal will enhance public access (section 6(d)) in an appropriate way that is not inconsistent with the other parts of that section.

Parts of section 7 are also relevant to this application, namely, parts (a), (aa), (c), (d), (f), and (g). Section 3 above, in regard to the consideration of adverse effects, addresses most of these matters. There are finite characteristics (section 7(g)) associated with operating in this location and Section 3.8 above that discusses cumulative effects addresses this point.

The New Zealand Coastal Policy Statement (NZCPS) and Regional Policy Statement are relevant to this activity. The most relevant provisions of those documents are provided below but generally they are given effect to by the RCP, although its provisions are now dated. It is acknowledged that these documents place a strong emphasis on avoiding adverse effects on the coastal marine area, particularly in areas with very high natural values, wherever possible. The importance of public access to the coastal marine area, and for economic activity in it, is also supported in these documents, but it is clear that it should not come at the expense of the environment.

4.2 New Zealand Coastal Policy Statement

The New Zealand Coastal Policy Statement (NZCPS) is a high-level document, the objectives and policies of which are given effect to through the regional planning documents. However, while the matters of more general application are not repeated here, though they are relevant to any application associated with the coastal environment, only the matters of direct relevance are discussed below.

Objective 1 and Objective 2 of the NZCPS both relate to the protection of the coastal environment, including natural features and ecosystems. The commercial surface water activity that is subject to this application will not impact significantly on the natural features of the area, or the ecosystems.

Objective 4 recognises that the CMA provides unique opportunities for recreation. Objective 6 enables people to use the CMA for social, economic and cultural well-being. Both of these objectives relate positively to the application.

Policy 6 recognises that some activities have a functional need to be in the CMA, and that the use of the CMA can impact on peoples cultural, social and economic wellbeing. This application is for an activity that needs to be in the CMA, and the activity is part of a larger tourism industry operating in the wider Fiordland area. The tourism industry is providing economic benefit to the local communities and national economy, as well as providing a service that allows people to experience a unique environment that they may not be able to otherwise access.

Policy 11 relates to protecting Indigenous Biological Diversity. There are some unique marine ecologies in Fiordland that need to be protected. Through the maintenance of the safety vessel as described in the application, and the regulations put in place by the clean vessel pass, the application will not be adversely affecting the biodiversity in the area.

Preservation of natural character is covered by Policy 13. The natural character of Fiordland is not the same as the natural features and landscapes that are found within the area. The natural character of the area is described in the Regional Coastal Plan as follows: *"The entire coastline from Awarua Point to Big River is virtually unmodified by people and as such, it has extremely high value when measured in terms of natural character."*

The ongoing operation of a vessel in the wider Fiordland area will not detract from the natural character of the area. Policy 15 refers to the protection of the natural landscapes and features.

The commercial surface water activity will not impact on the physical landforms throughout Fiordland, however there will be a visual impact on the landscape through its presence. The use of kayaks and a safety vessel within the fiord will not leave any trace once they have moved on.

The above objective and policy both recognise the use of the CMA in providing for people and communities social, economic and cultural well-being. They also both identify that some activities have a functional need to be in the CMA. The above objectives and policies directly provide for this type of activity to be undertaken in the CMA.

The proposed activity is not contrary to any of the other objectives or policies, however they were not considered to be directly relevant to warrant being listed and directly commented upon.

4.3 Regional Policy Statement

There are a number of relevant objectives and policies in the Regional Policy Statement that relate to this proposed commercial surface water activity. The most relevant ones are discussed below.

Objective 2 of the RPS directly allows for the coastal area to be used and developed where appropriate while the adverse effects are managed. This application is not for further development, but rather continued use. As discussed throughout this application, the effects of the activity are being managed to minimise the impact on the environment from the commercial surface water activity.

Objective 3 requires the natural character of the coastal environment to be restored, rehabilitated or preserved. The granting of this consent will not change the effect on the natural character from what is currently authorised. This activity will not further degrade the natural character of the area, but it will not enhance it either. The proposed activity will however allow people to access and experience the natural character of the area, without doing any long-term damage to the character of the area.

Policy COAST.1 of the RPS sets out to identify appropriate locations for activities and use of the CMA. The activity will be undertaken within Doubtful Sound/Patea, Hall Arm, Crooked Arm and in close proximity to Deep Cove where the applicant's wharf is located. A number of vessel movements already occur within in these areas particularly Deep Cove. The locations specified will provide safe areas for the kayaking activity to occur without creating navigational safety issues.

Both Policy COAST.3 and COAST.7 are intended to ensure that activities in the CMA are managed appropriately to avoid adverse effects on the coastal environment. Throughout the assessment of effects section of this application, the effects are described as being no more than minor. To this extent, the effects are considered to be of a level that is consistent with what both of these policies are trying to achieve.

4.4 Te Tangi a Tauria - Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008

The relevant objectives and policies of Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan (Te Tangi a Tauria) are set out below. Only the most relevant objectives and policies have been listed in this document.

Section 3.3.6 – Visitor Management	
Policy 1	Advocate for the concentration of the majority of visitor activities in areas that are presently modified and that already have infrastructure in place. The preference of Ngāi Tahu ki Murihiku is to leave undeveloped, or minimally developed areas of Fiordland, in as natural state as possible.
	<i>This policy is mainly directed at infrastructure. However, the activity is occurring in an area of Fiordland where commercial activity is expected through the use of Deep Cove as a port area. The commercial surface water activity will not have any lasting effects on the wider area, so it will be left in a natural state in accordance with the policy.</i>
Policy 2	Require that commercial operators take advantage of new technology, as it becomes available; to better manage the effects of tourism activities on the environment (e.g. waste discharge from boats, noise suppression on aeroplanes).
	<i>The safety vessel will have an up to date wastewater treatment system, as well as suitably muffled engines. As new technology becomes more accessible, the applicant will be able to look into incorporating it into the vessel. The vessel needs to be kept in a well maintained state as this is what the customers will base their experiences in the area on.</i>
Policy 3	Require that the cultural and natural values of Fiordland are not compromised for recreation or tourism opportunities.
	<i>The cultural and natural values of the area are not being compromised by the commercial surface water activity. By enabling people to experience the region,</i>

	<i>they are experiencing the natural values of the area without any physical disturbance apart from the presence of the kayaks and safety vessel.</i>
Section 3.6.6 – Fiordland Commercial Surface Water Activities	
Policy 1	Strongly discourage discharges of human sewage and ballast water into coastal waters from commercial vessels and ships.
	<i>All human sewage is treated as per the regulations and is discharged in accordance with the Resource Management (Marine Pollution) Regulations 1998.</i>
Policy 2	Encourage adherence to avoidance measures (existing or developed) by vessel or ship operators to ensure the protection of coastal waters from the introduction of exotic vegetation and fauna through fouling
	<i>The maritime biosecurity rules, and the conditions of the consent will prevent the introduction or spread of exotic vegetation and fauna.</i>
Policy 3	Advocate for removal of contaminated effluent to designated land-based sewage and grey water discharge facilities in all areas where commercial vessels operate (e.g. Patea), or where appropriate, the use of technology that avoids discharge of effluent to water
	<i>The vessel has wastewater treatment systems onboard that are recognised in the “Resource Management (Marine Pollution) Regulations 1991”. However, a discharge to land based facilities is not always possible in this remote location. To provide such facilities would require adverse effects of a different type.</i>
Policy 4	Ensure that sewage tanks on the commercial boats have 24 hours of storage capability
	<i>The vessels black and greywater tanks hold up to 1000L. This is considered more than sufficient to contain the amount of sewage produced in a 24hr period.</i>
Policy 8	Concession holders operating commercial surface water activities must ensure that clients do not remove any pounamu
	<i>The applicant is aware of the rules and regulations surrounding pounamu.</i>
Policy 11	Require that, where possible, commercial boat operators use existing moorings to avoid setting the anchor as this is better for the seabed environment.
	<i>Offspring Travel Ltd have their own consented wharf structure at Deep Cove where the safety vessel will be moored when not being used for kayaking tours. If there is ever the need for the vessel to moor out in the Sound, wherever possible, existing moorings will be used. If no moorings are available, the vessel will anchor in a recognised anchorage, which will limit the area of seabed disturbance.</i>
Policy 12	Concession applicants must demonstrate a full understanding of the regulations pertaining to the Fiordland Marine Area, including but not restricted to; daily

	fishing limits within areas, accumulation limits, and the locations and boundaries of the marine reserves
	<i>Offspring Travel Ltd and its sister company Fiordland Cruises Ltd have been operating in Fiordland for a number of years and are well aware of the different rules of the region.</i>

Comment

The above policies are considered to be the most relevant to this application. Overall the values of the Fiordland area are not being compromised by the activity, which is consistent with the objectives and policies outlined in the Iwi Management Plan. While there are no policies directly allowing for the operation of a commercial surface water activities, there are a number which control the management of the activity. This commercial surface water activity is within these objectives and policies.

4.5 Regional Coastal Plan for Southland

The primary document to be considered is the RCP and the most relevant objectives, policies and rules are as follows:

Objective 4.2.1 - Need for coastal location	To ensure that only those activities and developments that have a functional need to be located in the coastal marine area or for which there is no practicable alternative location outside the coastal marine area are situated there.
Policy 4.2.1 - Justifying coastal location	Require that proposals for uses and developments in the coastal marine area justify the functional necessity for that location or demonstrate that there is no practicable alternative location outside the coastal marine area.
Policy 4.2.2 - Consideration of alternatives	Where the adverse effects of use or development are more than minor, require alternative sites and methods be considered to determine the option that best avoids, remedies or mitigates the adverse effects of the use and development of the coastal marine area.
Comment	<i>The need for this activity to be in the coastal marine area is self-evident. There are other areas where the proposed activity could be undertaken, however they</i>

	<i>would be further away from existing infrastructure required to support the activity.</i>
Objective 4.6.1 - Concentrating use and development	To protect areas free from use and development by seeking, wherever practicable, to concentrate use and development into areas where those activities are already taking place.
Policy 4.6.1 - Concentrate compatible activities	Encourage concentration of compatible activities in areas of existing uses and developments, where adverse effects can be avoided, remedied or mitigated, in preference to using undeveloped areas in the coastal marine area.
Comment	<i>The kayaking activity and use of the safety vessel will occur in areas where there is existing infrastructure to support the activity, as well as other commercial operators.</i>
Objective 4.7.1 - Avoid, remedy or mitigate cumulative adverse effects	To avoid, remedy or mitigate cumulative adverse effects.
Objective 4.7.2 - Obtain an appropriate level of use in the coastal marine area	To obtain a level of use which is appropriate in the coastal marine area, particularly in areas where remoteness, wilderness and tranquillity are significant components of the environment.
Policy 4.7.1 - Avoid, remedy or mitigate adverse cumulative effects	To avoid, remedy or mitigate adverse cumulative effects of activities in the coastal marine area.
Comment	<p><i>This application is for the renewal of an existing consent however there are some changes proposed to the frequency of kayak tours and vessel size.</i></p> <p><i>There are a number of consents for charter activities in Doubtful Sound, however there are few where the sole intention of the commercial surface water activity is centred around the kayaking activity. Kayaks generally sit lower in the water making them less visible to other vessels that may be present in the same area.</i></p> <p><i>The cumulative effect of the activity is low with the proposed changes relating to the annual frequency of</i></p>

	<p><i>trips rather than the daily activity. Cumulative effects are considered to be less than minor.</i></p> <p><i>Any cumulative impact is mitigated by the fact that the area within Doubtful Sound is large, with few operators undertaking day trips in these areas.</i></p>
Objective 4.8.1 - Distinguish between commercial and non-commercial surface water activities	To manage surface water activities in the coastal marine area by making a distinction between commercial and non-commercial activities where the cumulative effects of either type of activity will significantly outweigh the other.
Policy 4.8.1 - Commercial activities in the coastal marine area	To distinguish, where appropriate, commercial activities in the coastal marine area from non-commercial activities.
Comment	<i>This activity is a commercial surface water activity. While some recreational vessels visit the area, the remoteness limits the numbers that do so. Fishing vessels are the other type of craft that frequent this remote area. No limits have been put on activities of this type in the Plan, rather it is the significance of potential adverse effects that will eventually create a limit, but it is submitted that that stage has not yet been reached.</i>
Objective 5.3.1 - Protection of amenity values	To ensure that the use and development of the resources of the coastal marine area will not have significant adverse effects on amenity values, nor on the safety of the public, nor on the enjoyment of the coast by the public.
Objective 5.3.3 - Open space	To recognise, maintain and enhance the contribution that open space makes to the amenity values in the coastal environment.
Objective 5.3.7 – Noise levels	To ensure that the effects of noise in the coastal marine area do not adversely affect people's health and well-being, natural character and amenity values.
Policy 5.3.1 – Amenity values	Protect amenity values in the coastal marine area.
Policy 5.3.3 - Deposition of solid waste	Avoid the deposition of solid waste in the coastal marine area.

Policy 5.3.6 - Activities and structures	Limit activities and structures in the coastal marine area to those that: <ol style="list-style-type: none"> a. have a functional need for that location; or b. contribute to the amenities of that area; c. are a necessary and functional part of activities also undertaken on adjoining land.
Policy 5.3.7 - Enhancement of the amenity values	Where practicable, enhance the amenity of the coastal marine area as opportunities arise.
Policy 5.3.12 - Safety of the public	Ensure that activities that take place in the coastal marine area do not endanger public safety.
Policy 5.3.15 - Amenity values	Protect amenity values of the coastal environment from the adverse effects of artificial noise in the coastal marine area.
Policy 5.3.16 - Health and well-being of people	Protect the health and well-being of the public from the adverse effects of noise in the coastal marine area.
Policy 5.3.18 - Noise from ships in motion	Avoid noise from ships in motion that adversely affects the health and well-being of people or degrades amenity values.
Rule 5.3.4 - General noise limits	<p>Excluding Rule 5.3.8, unless subject to other rules in this Plan, it is a permitted activity for any activity within the coastal marine area to generate noise provided that the following noise limits are not exceeded, at any point at the landward boundary of the coastal marine area:</p> <ol style="list-style-type: none"> I between 7:00 a.m. and 10:00 p.m. the L10 shall not exceed 50 dBA; li between 10:00 p.m. and 7:00 a.m. the following day, the L10 noise level shall not exceed 40 dBA; lii between 10:00 p.m. and 7:00 a.m. the following day, the Lmax noise level shall not exceed 70 dBA. <p>Noise shall be measured and assessed in accordance with the provisions of NZS 6801:1991 "Measurement of Sound" and NZS 6802:1991 "Assessment of Environmental Sound".</p> <p>This Rule shall not apply to:</p> <ol style="list-style-type: none"> I the activities specified in Rules 5.3.5, 5.3.6, 5.3.7, 5.11.1, 9.1.3 and 16.3.4;

	<ul style="list-style-type: none"> li noise generated by safety signals or warning devices reasonably required to ensure safety provided that the best practical option for limiting noise emission is applied; and, lii noise generated by an emergency work arising from the need to protect personal safety, or to prevent loss or serious damage to property or the environment.
Rule 5.3.6 - Noise limits for ships in motion	<p>Except as provided for in Rule 5.3.5, it is a permitted activity for ships in motion to emit noise provided that such noise does not exceed a sound exposure level of 90 dB(A) in any single drive by at any position beyond a line situated 25 metres back from the line of travel. Sound levels shall be measured in accordance with the provisions of NZS 6801:1991 "Measurement of Sound".</p>
Comment	<p><i>The activities proposed as part of this application rely on the environment to be preserved to make the venture successful. It is the Fiordland environment that will draw customers to the business, therefore it is in the applicant's best interests to protect and enhance that environment.</i></p> <p><i>The vessel will be appropriately muffled to ensure excessive noise is not an issue. It will also, for the most part, be operating at a very low speed. As with other similar vessels operating in Fiordland, this will be a permitted activity in regard to noise emissions.</i></p>
Policy 5.5.3 – Maintenance and enhancement of public access	<p>Maintain and enhance public access to and along, the coast while having regard to the mode of access and the amenities of the area, unless a restriction on access is necessary to:</p> <ul style="list-style-type: none"> a. protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna; or b. protect Maori cultural values; or c. protect public health or safety; or d. ensure a level of security consistent with the purpose of a resource consent; or

	<ul style="list-style-type: none"> e. protect national security or the temporary use of an area for defence purposes; or f. protect heritage, natural or cultural values; or g. in other exceptional circumstances sufficient to justify the restriction notwithstanding the national importance of maintaining that access.
Policy 5.5.4 – Mode of access	<p>The mode of access to and along the coast is to be appropriate to:</p> <ul style="list-style-type: none"> a. the functional needs of people using it; b. the ecosystems contained in the area; c. the physical characteristics of the area; and d. the well-being of people affected by it.
Comment	<p><i>Access by kayak and safety vessel is considered to be one of the less intrusive means of visiting the fiords as they leave no trace of their visit. Impact on ecosystems is also low because particularly sensitive areas can be avoided.</i></p>
Objective 5.10.1 – Social, cultural and economic reliance on the coastal marine area	<p>To recognise the need for social and economic utilisation of the coastal marine area in a manner that enables people and communities to provide for their social, cultural and economic well-being and for their health and safety.</p>
Policy 5.10.1 – Recognising the social, cultural and economic reliance on the coastal marine area	<p>Recognise the importance of the coastal marine area for social, cultural and economic activities.</p>
Comment	<p><i>This proposal is providing access to a remote part of Fiordland that people would often not be able to access themselves. Access to this area, and other similar areas is important for the social and cultural aspects of society. There is also an economic benefit to this proposal by supporting an existing business and offering a tourism opportunity. This proposal provides some choice for access to the fiords over the services provided by other operators.</i></p>
Objective 16.1.1 – Maintain essential characteristics	<p>To maintain the essential characteristics of the pristine coastal marine area environment adjoining the</p>

	Fiordland National Park that contribute to a range of high quality experiences in a natural coastal environment.
Objective 16.1.2 – Preserve remoteness values	To preserve the remoteness and wilderness values of the internal waters of Fiordland.
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 16.2.1 – Identify and protect areas at risk of diminished natural character, landscape and amenity values	Identify arms or parts of arms of Doubtful Sound and other waters of Fiordland where natural character, landscape and amenity values are vulnerable to the adverse effects of increased use.
Policy 16.2.2 – Extent and number of commercial activities	Limit the extent and number of commercial activities that occur within the coastal marine area of Fiordland to a level which does not reduce natural character, landscape and amenity values, specifically remoteness and tranquillity values.
Comment	<p><i>A discretionary limit for commercial surface water activities is specified in the plan, however due to this limit already being exceeded, the proposed activity is to be assessed as a non-complying activity.</i></p> <p><i>The level of activity, based on anecdotal evidence due to no quantitative data being available, has not had an effect on the natural character, landscape and amenity values, specifically remoteness and tranquillity values of the Doubtful Sound complex.</i></p>
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.
Comment	<p><i>The activities proposed offer the feeling of remoteness and wilderness in an unmodified environment, therefore it is in the applicant’s interest to protect that environment.</i></p> <p><i>The proposed activities are not in an area where there is already heavy development, nor are they in an area where there is currently no development, or other vessel access.</i></p>

Policy 16.2.9 – Use of Doubtful Sound and Thompson Sound as a Thoroughfare	Provide for commercial surface water activity to use Doubtful Sound and Thompson Sound where it is necessary to: <ol style="list-style-type: none"> 1. pick up or off-load passengers to or from shore; 2. access services; 3. access wharves or launching areas; 4. travel from one arm of Doubtful Sound to another in the case of commercial backcountry activities; 5. off-load cargo and uplift stores; 6. carry out activities associated with the construction and maintenance of the Manapouri Power Scheme and tailrace.
Comment	<i>The applicant will use Doubtful Sound to travel to areas that are safe for the kayaking activity to be undertaken.</i>
Policy 16.2.13 – Surface Water Activities that are incidental to a principal commercial surface water activity	Consider and if necessary restrict or provide for as separate activities (trips), activities that are “spawned” by or are incidental to the activity of the principal surface water activity.
Rule 16.2.1 – Commercial Surface Water Activity	<p>...</p> <p>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.</p> <p>4) Except as provided for by (6) below, it is a discretionary activity to undertake commercial day trips:</p> <p>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;</p> <p>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.</p>

	<p>5) Except as provided for by (6) below, it is a discretionary activity to undertake commercial backcountry activities:</p> <ul style="list-style-type: none"> 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; <p>provided that no overnight mooring occurs in Hall Arm ...</p> <p>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.</p>
<p>Comment</p>	<p><i>Offspring Travel Ltd currently holds day trip allocation under its current consent for its kayaking operation. Day trip allocation is required for the use of the safety vessel used to accompany kayaking tours to assist kayakers in the event of emergency or adverse weather conditions. The two day trip requires backcountry allocation under the definition of a backcountry trip in the RCP.</i></p>

	<p><i>This application is seeking an increase in the number of kayak tours to be held each month, resulting in increased use of the safety vessel. Based on the total number of day trips exceeding the levels outlined in the plan, the proposed activity is a non-complying activity. The kayaking activity, a commercial surface water activity in itself, is a discretionary activity under Rule 16 .2.1.7.</i></p>
Policy 16.3.1 – Noise that Compromises Tranquillity and Peacefulness	Avoid noise that compromises the tranquillity and peacefulness which is a characteristic of Fiordland.
Policy 16.3.2 – Loudspeaker noise in the internal waters of Fiordland	Encourage commercial operators to seek alternatives to loudspeaker systems in order to better reflect the natural character and low visitor generated noise values of Fiordland’s internal waters.
Comment	<i>Loudspeaker intercoms are not used with the exception being in the event of an emergency.</i>
Policy 16.3.5 - Noise from commercial and non-commercial ships	Avoid, wherever practicable, or mitigate, the adverse effects of noise from commercial and non-commercial ships.
Comment	<p><i>See Section 3.5 above re noise assessment.</i></p> <p><i>It is in the operators interests to maintain a sense of remoteness and peacefulness for the benefit of the client.</i></p>

The Fiordland coastline and landscape have natural character and landscape values that, for the most part, can be described as pristine so activity in this area does have some impact. However, the current level of vessel activity, commercial fishing and tourist as well as recreational, has historically occurred and is accepted along this coast. It is a relatively low impact method of seeing and experiencing this environment and does not leave any trace of having been there.

Policies 4.7.1 and 16.2.2 are the most relevant in this regard. Based on the assessment of adverse effects and anecdotal information on the level of activity in Crooked Arm, Hall Arm, Thompson Sound and the Doubtful Sound thoroughfare (in the absence of any quantitative data), the threshold for adverse cumulative effects being significant will not be exceeded.

Policy 16.2.9 is given effect to by the rules not restricting the use of Doubtful Sound for the purposes listed. While visits under this proposal will be restricted to the allocation of trips in that area, it is a relatively low level of use under this particular consent.

As outlined above, the proposed activity does not fit easily within the definitions of commercial day trips and backcountry activities as outlined in the RCP and Rule 16.2.1. While safety vessel activity has been assessed as a day trip, there will be no embarkation or disembarkation of the passengers from the vessel at the applicant's wharf as typically done on a sightseeing day trip tour as specified in the definition.

While the proposed activity may be inconsistent with some policy, the activity is not contrary to the objectives and policies in the Plan. The Plan provides for activities of this type but requires that they do not have any significant adverse effects on the environment.

4.6 *Fiordland National Park Management Plan*

While the activity is not located in Fiordland National Park, special care needs to be taken to protect the significant natural, historical, cultural and recreational values of the national park. The FNPMP has been reviewed as part of this application, especially sections regarding Biodiversity and Boating and Facilities. The activities proposed as part of this application are not contrary to or inconsistent with the objectives and implementation strategies in the plan.

4.7 *Fiordland Marine Conservation Strategy*

This document has been compiled by the Fiordland Marine Guardians and it sets out an integrated approach to managing Fiordland's fisheries and marine environment. Section 5 of the FMCS outlines the major risks to the marine environment. This application has considered and addressed all of the relevant risks that are highlighted in Section 5 of this document. They have not been relisted here as they have already been discussed throughout this application.

5. *Non Complying Activities – Section 104 (D)*

Section 104D of the Resource Management Act places certain restrictions on the granting of consents for non-complying activities. The section states as follows:

104D Particular restrictions for non-complying activities

- (1) *Despite any decision made for the purpose of section 95A(2)(a) in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—*
- (a) *the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*
 - (b) *the application is for an activity that will not be contrary to the objectives and policies of—*
 - (i) *the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
 - (ii) *the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
 - (iii) *both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*
- (2) *To avoid doubt, section 104(2) applies to the determination of an application for a non-complying activity.*

For the application to undertake a commercial day trips in the coastal marine area adjacent to Fiordland National Park within Doubtful Sound to be considered, it must pass at least one of the tests in section 104D(1).

The activity is non-complying due to the total number of commercial day trips undertaken by all operators exceeding five on any day, on Doubtful Sound, Thompson Sound or Crooked Arm east of Turn Point.

While the proposed activity will exceed the specified number of day trips, the effects are considered to be minor as described in the assessment in Section 4 above.

While the proposed activity may be inconsistent with some policy, the activity is not contrary to the objectives and policies in the Plan. Fiordland is a vast area with high amenity and landscape values. The scale of the activity proposed is low, particularly when compared to other larger operations that undertake multiple trips in any one day. The use of the safety vessel is secondary to the kayaking activity but still requires consent and day trip allocation to operate.

This coastal activity is not contrary to the objectives and policies in the Plan. The detailed policy analysis is covered in the sections above and therefore is not repeated here. “Contrary to” has a

high threshold in order to be crossed, and it is more than just “inconsistent with”. It is submitted that this level is not reached for this activity. It is also noted that the current consent was granted as a non-complying activity, partly due to the fact that the overall activity was different to what is offered by other operators and safety is a significant issue to be addressed.

It is therefore submitted that the application passes both tests in section 104D(1), although only one needs to be passed, so the application can be considered.

6. Consultation

No consultation has been undertaken. There are other operators, but they are considered to be trade competitors. In regard to the Department of Conservation and Iwi, consultation and a written approval is not considered necessary because the application is replacing an existing consent for the same type of activity albeit with some increase in trips per year. A similar consideration applies to the Fiordland Marine Guardians.

Customary Marine Title Applicants

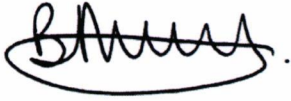
The two listed customary marine title applicants have been sent a copy of the application seeking their comments on the application. Any correspondence received will be forwarded onto the processing officer.

7. Conclusion

The overall assessment is the potential adverse effects of this proposed activity will be no more than minor. The analysis of the relevant statutory documents shows that the proposal is not inconsistent with, or contrary to the RCP, the Fiordland National Park Management Plan or the Fiordland Marine Conservation Strategy. The nature and scale of the activity, and the potential adverse effects, are considered to be no more than minor for much of the time.

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

Yours faithfully,



Bridgett Aitken
Planner, Bonisch Environmental

Statutory Application Form

Part A

Includes certificate of Incorporation



Application for Resource Consent (PART A)



environment
SOUTHLAND
REGIONAL COUNCIL
Te Taiao Tonga

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

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

To: Environment Southland
Private Bag 90116
Invercargill 9840

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

Name: Offspring Travel Ltd

Address: PO Box 81, Te Anau 9640

Email: Clint@teanau.info

Phone: 027 457 2088 *Preferred* Additional Fax: _____

Date(s) of birth: _____

Consultant contact details *(if different from above)*

Contact name/agent: Bonisch Environmental C/- Bridgett Aitken

Address: PO Box 1262, Invercargill 9840

Email: bridgett@bonisch.nz

Phone: 03 218 2546 *Preferred* Additional Fax: _____

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

Land Use	Discharge	Coastal
<input type="checkbox"/> Bore/well	<input type="checkbox"/> To air	<input type="checkbox"/> Whitebait stand
<input type="checkbox"/> New or expanded dairy farming	<input type="checkbox"/> To water	<input type="checkbox"/> Structures/occupation of space
<input type="checkbox"/> Effluent storage	<input type="checkbox"/> To land	<input type="checkbox"/> Removal of natural materials
<input type="checkbox"/> Cultivation	Water	<input type="checkbox"/> Disturb foreshore/seabed
<input type="checkbox"/> Tree planting	<input type="checkbox"/> Take and use surface water	<input type="checkbox"/> Discharge/deposit substances
<input type="checkbox"/> Gravel extraction	<input type="checkbox"/> Take and use groundwater	<input checked="" type="checkbox"/> Commercial surface water activity
<input type="checkbox"/> Feed-pad, wintering pad, calving pad or silage pad	<input type="checkbox"/> Dam water	<input type="checkbox"/> Reclaim/drain foreshore/seabed
<input type="checkbox"/> Riverbed activity	<input type="checkbox"/> Divert water	<input type="checkbox"/> Marine farming
<input type="checkbox"/> Bridges and culverts		<input type="checkbox"/> Other coastal activities

1 Are there any **current** or **expired** consents relating to this proposal?

Yes No

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

AUTH- 203196

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

Yes No

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

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

To undertake a commercial surface water activity for a guided kayaking operation

4 **Location** of proposed activity

Address: Doubtful Sound, Fiordland

Legal Description: _____

Map Reference (NZTM 2000): 1144250 E 4847700 N

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

Name: _____ Phone: _____

Address: _____

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

7 Assessment of effects on the environment (AEE)

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

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

You should also include:

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

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

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

8 Affected Parties

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

9 Correspondence from Council when using a consultant

It is standard practice that both you and your consultant are copied into all correspondence relating to the consent process. This is so that you know what is going on with your application. Please let us know below if you would like us to only contact your consultant. This means you will only hear from us when your application is/is not accepted, when a decision is made or if we feel that you need to be contacted.

I want all correspondence about my application to go to my consultant only Yes No

10 Site visit from the Consents Team

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

I would like a member of the Consents Team to visit my site Yes No

11 How much will it cost to process my application?

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

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

www.es.govt.nz/fees-and-charges

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

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

1. Fixed fee:	
Bores and wells	\$297
Whitebait stand	\$225
2. Deposit:	
All other non-notified applications including: <ul style="list-style-type: none"> • Certificates of compliance • Changes to consent conditions (variations) • Change of lapse date 	\$1,500
Applications that require notification or limited notification	\$2,000

How to pay

Environment Southland accepts payment in the forms of cash, Eftpos, cheque, or electronic transfer. All electronic transfers must include the applicant’s name and “consent application” as a reference. Please make electronic payments to: Environment Southland, 01-0961-0018998-00.

User Charges

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

- **Surface water takes (per consent, for volumes up to 50,000 m³/day):**
 - A charge of **\$1.98** per year per cubic metre authorised as a maximum daily take.
 - Minimum of **\$138**, maximum of **\$7,964**.
- **Surface water takes (per consent, for volumes over 50,000 m³/day):**
 - **\$0.0031** per cubic metre authorised as a maximum daily take.
- **Groundwater takes (per consent):**
 - A charge of **\$0.93** per year per cubic metre.
 - Minimum of **\$162**, maximum of **\$1,871**.

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

12 Checklist: Have you included the following?

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

Note:

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

Signature of applicant

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

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

Name (block capitals) BRIDGETT AITKEN

Signed  Date 22/9/2020

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

Certificate of Incorporation

OFFSPRING TRAVEL LIMITED

1439804

NZBN: 9429035679592

This is to certify that KAIPO HOMAWAY LIMITED was incorporated under the Companies Act 1993 on
the 10th day of November 2003
and changed its name to OFFSPRING TRAVEL LIMITED on the 20th day of December 2011.



Registrar of Companies
28th day of May 2020



***Part B Form
Coastal Permit***



Application for a Coastal Permit (PART B)

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



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

To: Environment Southland
Private Bag 90116
Invercargill 9840

1 What is this application for?

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

2 What duration of resource consent is sought? 25 years

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

Please refer to attached documentation

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

Upon the surrender to expiry of the current consent - AUTH 203196

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

Contracting company name: _____

Contact person: _____

Phone number: _____

Existing Environment

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

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

Please refer to attached AEE

6 contd

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

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

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

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

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

N/A

Assessment of Effects

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

Please refer to attached AEE

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

Please refer to attached AEE

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

Please refer to attached AEE

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

Please refer to attached AEE

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

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

Please refer to attached AEE

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

Please refer to attached AEE

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

Please refer to attached AEE

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

Please refer to attached AEE

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

Please refer to attached AEE

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

Please refer to attached AEE

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

Please refer to attached AEE

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

N/A

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

Please refer to attached AEE

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

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

- (a) New Zealand Coastal Policy Statement, 2010*
- (b) Regional Policy Statement for Southland, 1997 (and any proposed/ subsequent versions)*
- (c) Regional Coastal Plan for Southland, 2013 (and any proposed/ subsequent versions)*
- (d) Any other relevant Resource Management Regulations or National Environmental Standards*

Staff are able to advise whether this is required, as it is dependant on the location, scale and complexity of your proposal. We invite you to come in for a pre-application meeting with Environment Southland consents staff to discuss this.

END OF FORM

***Coastal Permit Technical
Comment Form***



Coastal Permit Technical Comment



For all consent applications that may affect navigational safety

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

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

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

Section 1: Applicant to complete

Name: Offspring Travel Ltd

Address: PO Box 81, Te Anau

Proposed activity: To undertake a commercial kayaking operation in Doubtful Sound.

Location: NZTM 2000: 1144250E 4847700 N
Use NZTM2000 or otherwise identify the location accurately

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

- Consent sought: A new consent for a new activity, or
 A new consent for an existing activity
 A change to a condition of an existing consent

Section 2: Harbourmaster or the Deputy Harbourmaster to complete

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

	Yes	No	N/A
Effects of the activity on navigational safety/bylaws	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Oil transfer sites and oil transfers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Oil / fuel spill risk	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Other (Comment): _____

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

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

Other (Comment): _____

Further comments:

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

Section 3 Harbourmaster or the Deputy Harbourmaster to complete

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

Signed: _____ Date: _____

Harbourmaster / Deputy Harbourmaster

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

Compliance History Summary

FULL COMPLIANCE OBSERVATION LISTING

Authorisation: AUTH-203196

Observation Date	Activity Name	Observation Type	Performance Rating	Authorisation Compliance Status	Condition Compliance Status	Comments
17 Apr 2020	Offspring Travel - Submit Quarterly	Activity log CSWA	1: Full Compliance	Full compliance	Full compliance	Logs provided demonstrate compliance with the reporting and operational conditions of the consent.
30 Jan 2020	Offspring Travel - Submit Quarterly Activity Logs	Activity log CSWA		Full compliance	Full compliance	Logs provided 30 January 2020 in compliance with the reporting conditions of the consent. The logs demonstrate compliance with the operational restrictions of the consent.
30 Oct 2019	Offspring Travel - Submit Quarterly	Activity log CSWA		Full compliance	Full compliance	No activity. logs provided on 30/10/2019
25 Sep 2019	Offspring Travel - Submit Quarterly Activity Logs	Activity log CSWA				Kayaking Activities Report up to August 2019 was received on 28-9-19 showing NIL return since May 2019. Full Compliance.
25 Jul 2019	Offspring Travel - Submit Quarterly Activity Logs	Activity log CSWA		Full compliance	Full compliance	Logs provided monthly. The last logs were provided on 25/7/2019 in compliance with reporting requirements in condition 6 and compliant with condition 2.
18 Apr 2019	Offspring Travel - Submit Quarterly	Activity log CSWA		Full compliance	Full compliance	
31 Jan 2019	Offspring Travel - Submit Quarterly Activity Logs	Activity log CSWA		Full compliance	Full compliance	Full compliance for activity logs provided for the Adventurer 2 and associated kayaking activities for the period June to December 2018.
31 May 2018	Offspring Travel - Submit Quarterly Activity Logs	Activity log CSWA		Full compliance	Full compliance	Full compliance for activity logs provided for the Adventurer 2 and associated kayaking activities for the period August 2017 to May 2018.
07 May 2016	Surface Water Activity CMA -	Activity log CSWA		Full compliance	Full compliance	Adventurer 2 activity log
31 Mar 2016	Surface Water Activity CMA -	Activity log CSWA		Full compliance	Full compliance	CSWA Logs
08 Mar 2016	Surface Water Activity CMA -	Activity log CSWA		Full compliance	Full compliance	CSWA Activity logs

01 May 2015	Surface Water Activity CMA - Submit CSWA Activity Logs	Activity log CSWA		Full compliance	Full compliance	Coastal Surface Water Logs for vessel Adventurer 2 received for period Jan - August 2015. No activities scheduled for May - Aug due to vessel being taken back to Milford No issues observed
18 Mar 2015	Surface Water	Inspection		Full compliance	Full compliance	
14 Jan 2015	Surface Water Activity CMA -	Activity log CSWA		Full compliance	Full compliance	Logs received for vessel Adventurer 2 for October to December 2014 - no issues
30 Apr 2014	Compliance Inspection: Activity log CSWA	Activity log CSWA		Full compliance	Full compliance	CSWA logs for vessel Adventurer II received for months Jan - Sept 2014. Noted that no operations during May - Sept
31 Jan 2014	Compliance Inspection:	Activity log CSWA		Full compliance	Full compliance	CSWA logs for vessel Adventurer II and kayak activity logs received for months Oct, Nov & Dec
07 Jan 2014	Compliance Inspection:	Activity log CSWA				CSWA Kayak Log information received for September - email states nil activity
05 Jun 2013	Compliance Inspection:	Activity log CSWA	Good			CSWA logs received for April 2013 to August 2013.
15 Apr 2013	Compliance Inspection:	Activity log CSWA	Good			CSWA logs received for Jan 2013
15 Apr 2013	Compliance Inspection:	Activity log CSWA	Good			CSWA logs received for Feb 2013
15 Apr 2013	Compliance Inspection:	Activity log CSWA	Good			CSWA logs received for March 2013
31 Jan 2013	Compliance Inspection:	Routine Inspection	Good			Commercial surface water activity logs received for Kayaking for Oct.Nov.Dec 2012.
28 Jun 2012	Compliance Inspection: Activity log CSWA	Activity log CSWA	Nil Activity			Adventurer 2 June, July, August 2012 - nil activity
28 Jun 2012	Compliance Inspection: Activity log CSWA	Activity log CSWA	Nil Activity			Adventure 2 May 2012 - nil activity
28 Jun 2012	Compliance Inspection: Activity log CSWA	Activity log CSWA	Good			Adventure 2 Activity log April 2012 rcvd
28 Jun 2012	Compliance Inspection: Activity log CSWA	Activity log CSWA	Good			Adventurer 2 Activity log January 2012 rcvd

28 Jun 2012	Compliance Inspection: Activity log CSWA	Activity log CSWA	Good		Adventurer 2 Activity log February 2012 rcvd
28 Jun 2012	Compliance Inspection: Activity log CSWA	Activity log CSWA	Good		Adventurer 2 Activity log March 2012 rcvd
30 Apr 2012	Compliance Inspection: Inspection	Inspection	Good		An audit of commercial surface water consent holders was carried out for compliance with consent activity log returns
30 Jan 2012	Compliance Inspection: Activity log CSWA	Activity log CSWA	Good		Adventurer 2 December 2011
30 Jan 2012	Compliance Inspection: Activity log CSWA	Activity log CSWA	Good		Adventurer 2 October 2011
30 Jan 2012	Compliance Inspection: Activity log CSWA	Activity log CSWA	Good		Adventurer 2 November 2011
05 Oct 2011	Compliance Inspection: Activity log CSWA	Activity log CSWA	Good		Adventure Kayak & Cruise July 2011 - not operating
05 Oct 2011	Compliance Inspection: Activity log CSWA	Activity log CSWA	Good		Adventurer 2 September 2011 - not operating
05 Oct 2011	Compliance Inspection: Activity log CSWA	Activity log CSWA	Good		Adventure Kayak & Cruise August 2011 - not operating
24 May 2011	Compliance Inspection: Activity log CSWA	Activity log CSWA	Good		April 2011 Adventurer 2
24 May 2011	Compliance Inspection: Activity log CSWA	Activity log CSWA	Good		May 2011 Adventurer 2
24 May 2011	Compliance Inspection: Activity log CSWA	Activity log CSWA	Nil Activity		June 2011 Adventurer 2 - nil activity

05 Apr 2011	Compliance Inspection: Activity log CSWA	Activity log CSWA	Good			January 2011 Adventurer 2 - day and overnight logs
05 Apr 2011	Compliance Inspection: Activity log CSWA	Activity log CSWA	Good			February 2011 Adventurer 2 - day and overnight logs
05 Apr 2011	Compliance Inspection: Activity log CSWA	Activity log CSWA	Good			March 2011 Adventurer 2
13 Jan 2011	Compliance Inspection: Activity log CSWA	Activity log CSWA	Good			October 2010 Activity logs for Adventurer 2
13 Jan 2011	Compliance Inspection: Activity log CSWA	Activity log CSWA	Good			November 2010 Activity logs for Adventurer 2
13 Jan 2011	Compliance Inspection: Activity log CSWA	Activity log CSWA	Good	Non-compliance	Non-compliance	December 2010 Activity logs for Adventurer 2
29 Oct 2010	Compliance Inspection: Activity log CSWA	Activity log CSWA	Nil Activity			May, June, Sept 2010 Adventurer 2
24 May 2010	Compliance Inspection: Activity log CSWA	Activity log CSWA	Default Rating			Activity logs for Adventurer 2 May - August 2010
28 Apr 2010	Compliance Inspection: Activity log CSWA	Activity log CSWA	Default Rating			Activity logs for Adventurer 2 Jan - March 2010
28 Jan 2010	Compliance Inspection: Activity log CSWA	Activity log CSWA	Default Rating			Activity logs for Adventurer 2 Oct - Dec 2009
23 Oct 2009	Compliance Inspection: Activity log CSWA	Activity log CSWA	Default Rating			Activity log received for months July 2009 to September 2009 Nil return for July and August
23 Oct 2009	Compliance Inspection: Activity log CSWA	Noise Report	Default Rating			Received 18/09/09
09 Jul 2009	Compliance Inspection: Activity log CSWA	Activity log CSWA	Default Rating			Logs for April, May and June (nil return for June) Appears okay based on information provided
05 Mar 2009	Compliance Inspection: Activity log CSWA	Activity log CSWA	Default Rating			Logs for October, November & December 08 Appears okay based on information provided

06 Nov 2008	Compliance Inspection: Activity log CSWA	Activity log CSWA	Default Rating			Logs for Sept 08 received on 23/09/08 Appears okay based on information provided
19 May 2008	Compliance Inspection: Activity log CSWA	Activity log CSWA	Default Rating			Code of Conduct for Marine Mammals received
15 May 2008	Compliance Inspection: Activity log CSWA	Activity log CSWA	Default Rating			Logs for May thru until end of August submitted Not operating for this time Nil returns therefore
30 Apr 2008	Compliance Inspection: Activity log CSWA	Activity log CSWA	Default Rating			Log for Adventurer 2 March April 2008 Consent commenced 20th March 2008 Appears ok on information provided

Copy of Current Consent



**environment
SOUTHLAND**

AUTH-203196

Cnr North Road and Price Street
(Private Bag 90116)
Invercargill

Telephone (03) 211 5115
Fax No. (03) 211 5252
Southland Freephone No. 0800 76 88 45

Coastal Permit

Pursuant to Section 104B and 104D of the Resource Management Act 1991, a resource consent is hereby granted by the Southland Regional Council (the "Council") to **Offspring Travel Ltd** (the "consent holder") of **P O Box 81, Te Anau 9640** from **20 March 2008**.

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 carry out commercial surface water activities, namely to operate guided kayaking trips in the internal waters of Doubtful Sound
Location	- site locality - receiving environment - map reference
	Doubtful Sound Coastal marine area B43:494-164
Expiry date:	20 March 2023

History of Changes and Transfers

- Transferred from **R B Calder, trading as Adventure Kayak and Cruise** to **Offspring Travel Ltd** on 5 August 2016

Schedule of Conditions

Term and Purpose

1. This consent is granted for a period of 15 years. In accordance with Section 125 of the Resource Management Act 1991, this consent shall lapse if not given effect to within two years of granting the consent.

(Note: Pursuant to Sections 123 and 124 of the Resource Management Act 1991, a new consent will be required at the expiration of this consent. The application will be considered in accordance with the plans in effect at that time, and the adverse effects of the proposed activity.)

2. This consent authorises the undertaking of commercial surface water activities, in the coastal marine area adjacent to Fiordland National Park, namely guided sea kayaking tours operating:

(a) a full day tour:

- consisting of up to five double kayaks and a single kayak;
- operating any day per month during the period September to April each year, and up to 10 days per month during May each year, with activity during the period June to August each year prohibited;

and

(a) an early day tour:

- consisting of up to four double kayaks and a single kayak;
- operating up to eight days per month during the period November to April each year, with activity during the period May to October each year prohibited;

or

(c) a two day tour:

- consisting of up to four double kayaks and a single kayak;
- operating up to eight times per month during the period October to April each year, with activity during the period May to September each year prohibited.

Provided that: the consent holder shall not exceed a total of 190 days for the full day tours and early day tours during the period September to May per annum, and a total of 20 two day tours during the period October to April per annum.

Any trainee kayak guides, for the purposes of training, are to be included within the guided kayak group numbers outlined in (a), (b) and (c) above.

3. The commercial surface water activity outlined in condition 2 may include one safety vessel of approximately 10 metres, registered length, for the purposes of transporting kayakers, as described in the application. The use of the support vessel is restricted to supporting guided sea kayaking tours and excludes general passengers not associated with kayaking activities.
4. (a) The consent holder may operate the kayaks and vessel, in the exercise of this consent, only within Doubtful Sound, inside a line from Joseph Point (at the eastern head of First Arm) to Common Head (at the eastern head of Secretary Island) to the southern extremity of Richards Point (at the western head of Bradshaw Sound) and across to the adjacent Bradshaw Sound eastern headland at approximate grid reference NZMS 260 B43:421-289. Access to Crooked Arm (except for west of Turn Point for vessel access) and Hall Arm are included in the consent.

- (b) Kayak and/or vessel access to First Arm, Bradshaw Sound, and other internal waters of Fiordland is prohibited. Vessel access to Crooked Arm west of Turn Point is prohibited.

Restrictions on Operations

(Note: The boundaries of Doubtful Sound are defined in Rule 16.2.1 of the Regional Coastal Plan, appended to these conditions. The boundaries of Crooked Arm, First Arm, Hall Arm, and Bradshaw Sound are defined in Appendix 1 Glossary of Terms in the Regional Coastal Plan and are appended to these conditions.)

5. Passengers or crew of the vessel and kayaks shall not land on, nor shall the vessel moor adjacent to:
- the foreshore of Seymour Island, Doubtful Sound; or
 - any foreshore within 50 metres of New Zealand fur seal colonies.
6. The consent holder shall maintain a log of all operations, including:
- the location of sewage discharges and whether or not the sewage is treated, in accordance with condition 8;
 - timing, location, number of passengers and purpose of all activities; and
 - inspections for hull fouling organisms, in accordance with condition 13 of this consent.

A copy of the entries in this log shall be furnished to the Council's Compliance Manager at the end of each calendar quarter and no later than the end of the following month.

(Note: first quarter end date is 31 March with logs due before the end of April.)

7. Within three months of the commencement of this consent, the consent holder shall provide to the Council's Compliance Manager, a Code of Practice to govern the behaviour of all persons and vessels around marine mammals when carrying out activities authorised by this consent. The Code of Practice shall identify dolphin critical and important areas, and is to be prepared in consultation with the Department of Conservation.

This Code of Practice shall apply to all kayaks and the support vessel operated under this consent, regardless of whether they are operating within or outside of the Dolphin Critical and Important Areas. A guide to the matters that should be included in the Code of Practice is provided in Appendix 2.

Effluent Discharge

8. In accordance with the Resource Management (Marine Pollution) Regulations 1998, sewage shall be treated, or discharged into holding tanks for disposal at least 500 metres seaward from mean high water springs.

Rubbish Disposal and Contaminant Spills

9. This consent shall be exercised in accordance with the application. In particular, all rubbish shall be removed from the coastal marine area and disposed of at an approved refuse disposal site.

10. (a) In the event of any spill of oil or fuel from the consent holder's vessel, the consent holder shall take immediate steps to contain the spill and recover it.
- (b) The consent holder shall immediately notify the Director of Environmental Management, or delegate that a spill has occurred. Notification shall include the type and quantity of oil or fuel spilled and the steps taken to remedy or mitigate any adverse effects.

(Note: This condition requires the consent holder to have available basic oil spill containment equipment, such as a sorbent boom. Compliance with the requirements Safe Ship Management, in particular, the requirement to have an emergency response plans, in this case a pollution response, is relevant to this condition also.)

11. In the event of a spill of any contaminant, no dispersants or degrading agents shall be discharged to water without the approval of the Director of Environmental Management or delegate.

Noise

12. The consent holder shall measure and assess the noise levels emitted by the vessel at anchor, within five metres of the space occupied by the vessel, in accordance with the provisions of NZS 6801:1991 "Measurement of Sound" and NZS 6802:1991 "Assessment of Environmental Sound". The results of such measurement and assessment shall be reported to the Council's Compliance Manager within three months of the commencement of this consent, or replacement of vessel.

Hull Inspections

13. (a) The consent holder shall inspect the hull of the vessel for pests and fouling organisms, in particular *Undaria*, prior to entering the internal waters of Fiordland on each occasion. If such organisms are found the consent holder shall notify the Council's Compliance Manager prior to removal and disposal of the pests or organisms to an approved refuse site on land.
- (b) The consent holder shall inspect the hull of the vessel, including its compartments and any cargo for pests, in particular rodents, prior to entering the internal waters of the Doubtful Sound complex area in Fiordland. The consent holder shall maintain:
 - the vessel in a rodent free state while on the internal waters of the Doubtful Sound complex area in Fiordland; and
 - at least one bait station on the vessel at all times.

Other Permits

14. The granting of this consent does not absolve the consent holder from the responsibility to obtain any approval, permit, licence, concession or consent from any other body, including marine mammal viewing permits issued by the Department of Conservation.

Council Charges

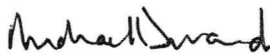
15. The consent holder shall pay to the Southland Regional Council an administration and monitoring charge as set out in Section 36 of the Resource Management Act, in advance, payable on the first day of July each year.

Review of Conditions

16. The Southland Regional Council may, in accordance with Sections 128 and 129 of the Act, serve notice, after five years from the commencement of this consent and subsequently at 12 monthly intervals from the date of commencement of this consent, of its intention to review the conditions of the consent for the purposes of:
- (i) dealing with any adverse effect on the environment which may arise from the exercise of this consent;
 - (ii) dealing with any cumulative effects that it may be appropriate to consider at a later date;
 - (iii) complying with the requirements of a regional plan; or
 - (iv) dealing with any adverse effects on bottlenose dolphins that may arise from this activity and that may only become evident from future research.

The decision to review and the determination after a review may take into account research undertaken subsequent to the commencement of the consent on the effect of the activities on the surface of the water on remote, wilderness and recreational values of the coastal environment.

for the **Southland Regional Council**



Michael Durand
Consents Manager

Appendix 1 Regional Coastal Plan

Rule 5.3.4 General noise limits

Excluding Rule 5.3.8, unless subject to other rules in this Plan, it is a permitted activity for any activity within the coastal marine area to generate noise provided that the following noise limits are not exceeded, at any point at the landward boundary of the coastal marine area:

- (i) between 7:00 am and 10:00 pm the L_{10} shall not exceed 50 dBA;
- (ii) between 10:00 pm and 7:00 am the following day, the L_{10} noise level shall not exceed 40 dBA;
- (iii) between 10:00 pm and 7:00 am the following day, the L_{max} noise level shall not exceed 70 dBA.

Noise shall be measured and assessed in accordance with the provisions of NZS 6801:1991 "Measurement of Sound" and NZS 6802:1991 "Assessment of Environmental Sound".

This rule shall not apply to:

- (i) the activities specified in Rule 7.3.5.4 between the hours of 7:00 am and 10:00 pm and Rules 5.3.5, 5.3.6, 5.3.7, 5.11.1 and 16.3.4;
- (ii) noise generated by safety signals or warning devices reasonably required to ensure safety provided that the best practical option for limiting noise emission is applied; and
- (iii) noise generated by an emergency work arising from the need to protect personal safety, or to prevent loss or serious damage to property or the environment.

Rule 5.3.6 Noise limits for ships in motion

It is a permitted activity for ships in motion to emit noise provided that such noise does not exceed a sound exposure level of 90 dBA in any single drive by at any position beyond a line situation 25 metres back from the line of travel.

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

Rule 16.2.1 Commercial Surface Water Activity

1. 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) 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) below, it is a non-complying activity to undertake commercial back country activities:

- (a) on Crooked Arm west of Turn Point;
 - (b) on Hall Arm;
 - (c) on First Arm;
 - (d) on Bradshaw Sound.
4. 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. It is a discretionary activity to undertake commercial back country activities:
- (a) on Crooked Arm west of Turn Point, provided that within this area the total number of Commercial Back Country 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 Back Country 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 Back Country 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 Back Country 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. Unless provided for by Rules 16.2.1(1)-(5) 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.

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 grid reference, NZMS260 B43421289, including Gaer Arm and Precipice Cove.

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.

Crooked Arm east of Turn Point means that part of the coastal marine area bounded to the south by an imaginary line drawn due south of Turn Point and bounded to the north by an imaginary line drawn between Ranson Head and Kellard Point.

Crooked Arm west of Turn Point means all that part of the coastal marine area west of an imaginary line drawn due south of Turn Point.

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.

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.

Commercial Backcountry Trip means the undertaking of a commercial back country activity within either Hall Arm, Crooked Arm west of Turn point, First Arm or Bradshaw Arm for any purpose, other than using an anchorage and travelling directly to and from that anchorage when conditions prevent the use of anchorages in areas other than those specified.

Rule 16.3.4 Noise Limits for Hall Arm

It is a permitted activity for any activity within the coastal marine area to generate noise in Hall Arm provided that the following noise limits are not exceeded, at the landward boundary of the coastal marine area:

- (i) between 7:00 am and 10:00 pm the L_{10} noise level shall not exceed 40 dBA;
- (ii) between 10:00 pm and 7:00 am the following day, the L_{10} noise level shall not exceed 30 dBA;
- (iii) between 10:00 pm and 7:00 am the following day, the L_{max} noise level shall not exceed 60 dBA.

Noise shall be measured and assessed in accordance with the provisions of NZS 6801:1991 "Measurement of Sound" and NZS 6802:1991 "Assessment of Environmental Sound".

Appendix 2
Guide to matters to be included in Code of Practice

- i. Dolphin critical and dolphin important areas shall be clearly identified on a map.
- ii. No vessel shall proceed through a school of dolphins.
- iii. A vessel shall approach a dolphin from the direction that is parallel to the dolphin and slightly to the rear.
- iv. Vessels should not be operated to disrupt the normal movement or behaviour of any marine mammal.
- v. Contact with a marine mammal shall be abandoned if it becomes or shows signs of becoming disturbed or alarmed.
- vi. No person shall cause a marine mammal to be separated from a group, or cause members of a group to become scattered.
- vii. There shall be no sudden or repeated change in the speed or direction of any vessel.
- viii. When within 300m of a marine mammal, a vessel shall move at the speed of the slowest marine mammal or at idle.
- ix. A vessel leaving the vicinity of any marine mammal shall proceed at idle until at least 300 m. The vessel may exceed idle in order to outdistance the marine mammal but must increase speed gradually.
- x. Due to the narrow confines of the fiord, it is sometimes difficult to avoid approaching the dolphins from head on, which is prohibited in the Marine Mammal Protection Regulations 1992. When this is the case, the vessel should reduce to no-wake speed and stop when within 100 m, allowing the dolphins to approach and pass the vessel.
- xi. Proceeding through a school can be unavoidable if the dolphins are spread out across the narrow part of the fiord. Where this is the case, low or no-wake vessel speed should be used to minimise disruption.

Attachment 2

Request for Further Information

Leny Tambo

From: Stephen West
Sent: Monday, 12 October 2020 3:44 PM
To: Bridgett Aitken (bridgett@bonisch.nz)
Cc: clint@teanau.info
Subject: Request for further information on resource consent application - APP-20202433
Attachments: Doubtful Sound CSWA Allocation -3 August 2020.xls

Tēnā koe Bridgett

Thank you for applying on behalf of Offspring Travel Ltd for resource consent to carry out commercial surface water activities within the coastal marine area of Doubtful Sound/Patea - Thompson Sound/Te Awa-o-Tū. The application has been formally received. However I will need further information from you before your application can progress.

This email outlines the information I am requesting, the reasons for the request, your options and how they affect you. **Please read the points below carefully or have someone explain them to you.**

The following information is requested under Section 92(1) of the Resource Management Act 1991. I will need the information requested below to understand your proposal before I can make a recommendation on notification.

1. Vessel design information (including diagrams) for the proposed support vessel. I am requesting this information so that the navigational safety aspects of the proposal can be assessed by our Harbourmaster.
2. Plans showing the approximate routes of the various tours, in particular the location of Ponytail Falls and Lucky Burn. I am requesting this information because, while these may be known landmarks, they are not apparent on some topographical maps of the area nor are they features marked in plans on the area in the Coastal Plan.
3. An assessment of the effects at the points of embarkation and disembarkation, particularly whether there is a crowding effect cumulatively with other visitors at those points. I have asked about this because of reports of this as an issue in the March-May period when more vessels were allowed to operate in Doubtful Sound in response to the closure of the Milford Road. I wish to understand if it is an issue under more typical conditions.
4. Evidence to back-up the assessment that the cumulative effects, particularly on wilderness and remoteness values, will be no more than minor. I recognize that this is difficult to assess, but the level of allocation means that the activity is a non-complying activity. One option, where the proposal will not increase day trip numbers, is to check how the current level was decided. However, a better method, and one that is necessary for the additional back-country trips, is to carry out assessment of physical factors, such as cumulative noise effects and the number of vessels visible in the area, and assessment of visitor perceptions wilderness and remoteness values. I note that this is a growing problem for applicants and it may be possible for a group approach amongst the consent holders to surveying visitor perceptions.

I have attached a summary of the existing allocation in the Doubtful Sound/Patea - Thompson Sound/Te Awa-o-Tū area.

5. An update on any feedback from the customary marine title applicant groups.

You must, by **2 November 2020**, either:

- Provide the information, or
- Agree to provide the information, or
- Refuse to provide the information.

Please consider what to do carefully. Your decision is important because:

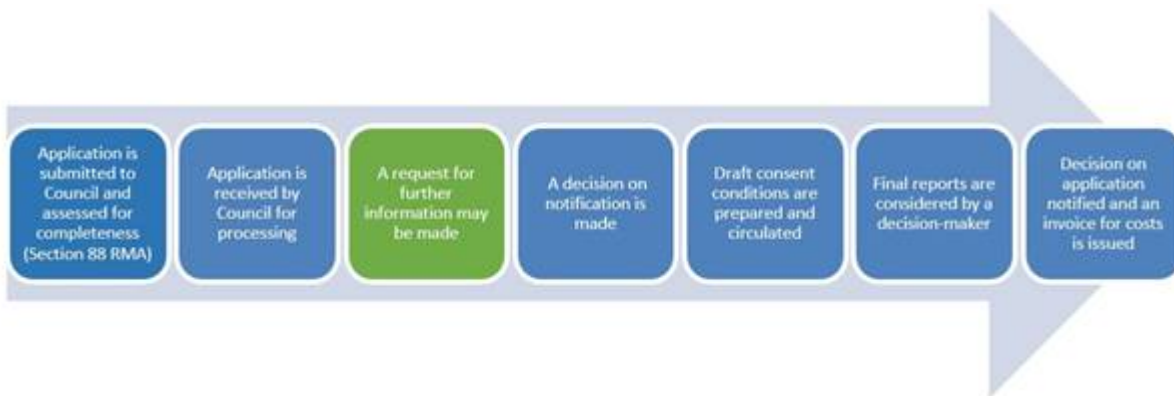
- If you provide the information we will proceed with processing your application.
- If you agree to provide the information we will set a reasonable timeframe for you to provide the information by.
- If you refuse, or do not provide the information before the agreed timeframe we must publicly notify the application. Public notification means the public may make submissions on the application and there may be a hearing to determine it. Additional payments are required for notified applications.
- We can decline the application if we have insufficient information to grant it.

The time taken between this email and our receipt of the information will not be included in our total processing timeframes for the application.

Please contact me if you have any questions. I can be contacted by phone at Environment Southland Monday-Friday 8.00–4.30 on 0800 76 88 45 or this email address. Otherwise, if you need more information:

- go to es.govt.nz/environment/consents or
- go to mfe.govt.nz/rma/rma-processes-and-how-get-involved/resource-consent-processes

Ngā mihi



Attachment 3

Submissions

15 December 2020

Environment Southland
Private Bag 90116
INVERCARGILL
Attention: Stephen West

service@es.govt.nz

Dear Stephen,

**SUBMISSION ON RMA APPLICATION APP-20202433
OFFSPRING TRAVEL LTD FOR GUIDED KAYAK TOURS WITHIN THE DOUBTFUL SOUND/PATEA AND
THOMPSON SOUND /TE AWA-O-TŪ COMPLEX**

I refer to the application by Offspring Travel Ltd for a coastal permit for commercial surface water activity in Doubtful/Patea and Thompson Sounds, Hall Arm and Crooked Arm east of Turn Point.

Please find enclosed a submission by the Director-General of Conservation (D-G) in respect of this application. You will note the submission seeks that the application be declined, due to effects on natural character, indigenous biodiversity, and cumulative effects.

Please contact Murray Brass in the first instance if you wish to discuss any of the matters raised in this submission either on 027 213 3592 or mbrass@doc.govt.nz

Yours sincerely



Annie Wallace
Operations Manager (Te Anau)

CC: Bridgett Aitken, Bonisch Environmental, PO Box 1262, INVERCARGILL 9840 bridgett@bonish.nz

Form 13: Submission on publicly notified application concerning resource consent subject to public notification

Resource Management Act 1991

To: Southland Regional Council

Name of submitter: Director-General of Conservation (D-G)

Applicant: **Offspring Travel Ltd.**

Location: Fiordland

Description of activity: Commercial surface water activity within the Doubtful Sound / Patea and Thompson Sound / Te Awa-o-Tū complex, that involves:

- commercial day trip activities, namely guided kayak tours,
- commercial back-country trip activities, namely guided kayak tours, and
- use of an 18-metre long vessel to support the kayak tours.

Purpose: Commercial Surface Water Activity.

Application number: **APP-20202433**

Trade competition: I am not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

My submission relates to: The whole application

My submission is: I oppose the application in its entirety.

The reasons for my submission are that:

1. The proposed activity exceeds the discretionary allocation for day trips and backcountry trips and so is a non-complying activity under the Southland Regional Coastal Plan rule 16.2.1.

Background Values

2. Fiordland is recognised internationally because of its pristine natural character and its outstanding natural features and natural landscapes. The fiords which are subject to this application are an integral part of this internationally significant area. Their pristine natural character and outstanding natural features and natural landscapes includes its essential characteristics such as wild and scenic values. This wild area is extensive and remote with the land and waterscape shaped by the natural processes of glaciation, earthquakes and heavy rainfall. There is little evidence of change. Road access to Deep Cove is severely limited, as users must cross Lake Manapōuri by a boat. Beyond Deep Cove access to the Tasman Sea is via boat. It is essential that human activity is managed at a level which does not compromise the sense of remoteness and solitude. Solitude values of tranquillity and peacefulness can be compromised by visual intrusion and noise. Scenic values include the coherence, complexity, spatial definition or legibility and mystery. The more activity that occurs in these Sounds, the more the coherence and mystery of this part of Fiordland will be lost. It is essential that the activity does not result in the cumulative loss of these wild and scenic values.

3. The proposed activity will undermine the adjacent remote planning setting in the Fiordland National Park Management Plan, which is a relevant matter under s104(1)(c) of the RMA. The proposed activity could displace existing remote setting activities, including kayakers who use a Department of Conservation camp site in Hall Arm, to other parts of Fiordland.
4. The Sounds have globally unique indigenous biodiversity in both the marine and terrestrial environment, including underwater rock wall and sill communities, and rodent free islands. Parts of Doubtful Sound/Patea are protected as marine reserves. The applicant's proposed biosecurity measures are not sufficient to reduce the risk of introduced species spreading into this part of Fiordland.
5. Islands within the Sounds are a significant habitat of indigenous fauna, including Fiordland crested penguins/*Tawaki* (Threat Status: *Threatened - Nationally vulnerable*).
6. There is also a significant population of bottlenose dolphins within Doubtful Sound/Patea (NZ Threat Classification: *Threatened – Nationally endangered*). The Doubtful Sound pod is a small resident population at one of the southernmost locations for this species, and has been identified as critically endangered on the International Union of Conservation of Nature Red List. Surface water activities can disturb these bottlenose dolphins and adversely affect their behavioural activity budgets. A significant reduction in resting and socialising behaviour has been observed in Doubtful Sound when vessels were present. Female dolphins especially when accompanied by a calf are limited in their ability to avoid vessels and are at the greatest risk of disturbance. Bottlenose dolphins are known to be displaced from their preferred habitat when vessel traffic increases as has happened in Piopiotahi/Milford Sound. Adverse effects can be avoided in part if the proposed activity does not enter the Dolphin Protection Zones as attached in Appendix One. However, targeting of members of this pod by surface water activities will harass these dolphins.
7. The proposed activity will have more than minor adverse effects on these indigenous biodiversity and natural character and natural feature and natural landscape values.

Increase in scale of activity and effects

8. The application would increase the size of the support boat, the number of clients on each tour, the number of tours, and the area covered by the consent. This will lead to a proportional increase in the effects of the activity, including cumulative effects.

RMA Provisions

Part 2

9. The application is contrary to Part 2 of the RMA as it fails to safeguard the life supporting capacity of the Sounds, preserve the outstanding natural character, the outstanding natural features, natural landscapes and significant habitats of indigenous fauna from the cumulative adverse effects of surface water activities.

New Zealand Coastal Policy Statement 2010

10. The SRCP refers to New Zealand Coastal Policy Statement (NZCPS) 1994. This NZCPS has now been superseded by NZCPS 2010. Policies 11 and 13 of the NZCPS 2010 have the test to avoid adverse effects of activities on areas with outstanding natural character, or on outstanding natural features and natural landscapes, or indigenous biodiversity which is threatened or is

a nationally significant example of community type. The D-G considers that the application fails to adequately avoid adverse effects on these values.

Southland Regional Policy Statement (SRPS)

11. The activity is inconsistent with Objective COAST.1 of the Southland Regional Coastal Plan, although completed prior to the approval of the Southland Regional Policy Statement, provides very clear direction on limits on managing the cumulative effects of surface water activities in the Sounds. Granting further surface water activities will create a precedent effect and increase cumulative effects. The activity fails to preserve the natural character of the Sounds and therefore is inconsistent with Objective COAST.4 and Policy COAST.3. Adverse effects on the outstanding natural features and landscapes of the Sounds are not being avoided.

Southland Regional Coastal Plan (SRCP)

12. The proposed application is contrary to the SRCP Objectives and Policies as it fails to;
- a. Preserve the natural character of the coastal marine area including by protecting areas from unnatural noise, where the absence of noise is a significant component of the natural character of the area (Objective 5.1.1 and Policies 5.1.1, 5.1.2); and
 - b. Protect outstanding natural features and landscape from the adverse effects of use (Objective 5.2.1 and Policy 5.2.1); and
 - c. Protect the opportunity for existing users seeking remote and wilderness experiences of solitude, isolation, tranquillity and peacefulness (Objectives 4.7.2, 5.2.1 and Policies 16.2.1, 16.2.2, 16.2.8 and 16.3.1); and
 - d. Protect Hall Arm from the intrusion of unnatural noise (Policy 5.1.2); and
 - e. Protect the significant habitats of indigenous fauna and distinctive communities in the fiords, especially bottlenose dolphins, Fiordland crested penguin / Tawaki (Objectives 5.4.1.1, 5.4.1.2 and Policies 5.4.1.1, 5.4.1.3).; and
 - f. Consider the cumulative adverse effects of the proposed activity on the outstanding values of the fiords and Objectives and Policies of the SRCP; and
 - g. The applicant has not established if the activity breaches the general activity noise limits for Hall Arm (Rule 16.3.4 SRCP); and
 - h. The effects of the activity generally are more than minor.

Other authorisations

13. Travel to/from Doubtful Sound/Patea and the overnight stays are within Fiordland National Park, so authorisation under the Conservation Act 1987 will be required from the Department.

Conclusion

14. The application is for a non-complying activity. Because the activity is contrary to the objectives and policies of the Southland Regional Coastal Plan and the adverse effects of the activity are more than minor, the application fails the s104D Resource Management Act 1991 tests. The application therefore cannot be granted.


I seek the following decision from the consent authorities:

That the application is **declined**

I **do wish to be heard** in support of my submission.

If others make a similar submission, I will consider presenting a joint case with them at a hearing.

I do not request pursuant to section 100A of the Act, that you delegate your functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority.

A handwritten signature in blue ink that reads "Annie Wallace". The signature is written in a cursive style.

Annie Wallace

Operations Manager, Te Anau

Acting pursuant to delegated authority from the Director-General of Conservation¹

15 December 2020

Electronic address for service of submitter: mbrass@doc.govt.nz

Telephone: 027 213 3592

Postal address: PO Box 5244, Dunedin 9054

Contact person: Murray Brass, Senior RMA Planner

¹ Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House / *Whare Kaupapa Atawhai*, 18/32 Manners Street, Wellington 6011

Appendix One:

Doubtful Sound Dolphin Protection Zones for exclusion of motorised activities. These protection zones originally arose in the decision of the Environment Court in B & D Appleby (t/a Affinity Cruises) and Southland Regional Council NZEnvC 081/07 and C067/08. Subsequent further research has refined the areas where viewing of dolphins should be avoided.

<https://www.doc.govt.nz/globalassets/documents/getting-involved/consultations/consultations-results/management-code-dolphins-doubtful-sound.pdf>



Offspring Travel Ltd - APP-20202433.

The Fiordland Marine Guardians (“the Guardians”), were formally recognised as a governance group for the Fiordland Marine Area (FMA), with the establishment of the Fiordland Marine Management Act, Te Moana o Atawhenua (“the Act”), in 2005. Our vision is that the quality of Fiordland’s marine environment and fisheries be maintained or improved for future generations to use and enjoy.

The functions of the Guardians that are relevant to this submission include 13 (1) (a) (ii) “...to advise and make recommendations on likely threats to the FMA.” It is in this context that we would like to make the following submission on Offspring Travel Ltd.’s application.

During the implementation of the strategy that formed the basis for the Act, the Guardians recognised a future potential threat to the FMA being “the uncontrolled expansion of any one group” to the extent that it could undermine the suite of protection measures put in place for the FMA.

The Doubtful Sound/Patea complex inclusive of Thompson Sound/Te Moeanu is recognised in the Southland Regional Coastal Plan as requiring further protection to stop the ‘commercialisation’ that is seen in Milford Sound/Piopirotahi to the north, where high intensity tourism has changed the natural amenity values of this unique landscape that is regarded as a ‘jewel in the crown’ of New Zealand. The history of Milford’s story has demonstrated that once an area is exploited in this manner by such a degree of tourism intensity, it is all but impossible to undo. The closure of our borders to international visitors due the Covid-19 pandemic has provided a temporary reprieve for Milford Sound and has clearly demonstrated why it is vitally important to not allow the rest of the FMA to be exploited in such a manner.

It is the strong view of the Guardians that the commercial surface water (SWA), limits currently set for the Doubtful Sound/Patea complex through the Regional Coastal Plan (RCP), must be adhered to with no exceptions. Allowing individual commercial SWA consent holders to vary their consents and to consequently breach these limits is not acceptable. While the individual surface water activity increases being sought by this and other applicants via consent renewals or amendments may individually be seen as minor, it is the cumulative effects of them in total that is undermining what is currently allowed for in the RCP. The values the Guardians are mandated to protect, are at real risk from this ‘death by a thousand cuts’.

Proposed new vessel.

We consider that the proposed new vessel would have a detrimental effect on the natural character, landscape and amenity values, being specifically remoteness and tranquility values in this area. Our concerns relate to the proposed size, facilities and finishing of the vessel.

We are strongly opposed to the proposed increase in the length of the safety vessel from 10 to 18 meters. We regard the new vessel to be in excess of what is required to support small

groups of kayaking clients. When the length and superstructure of the proposed vessel is taken into account, it is more than double the size of the current safety vessel. The current vessel size of 10 metres is what you would expect of a safety vessel that is utilised for the support of small numbers of kayaking clients.

We note that the plans show onboard accommodation facilities, which are not a requirement for the activity as described. The accommodation would presumably enable the vessel to provide a back-up accommodation platform for backcountry trips. The Guardians strongly oppose the provision for accommodation on this safety vessel being approved as part of this application.

In addition to size, the applicants' current vessel is generally unobtrusive because of several factors. These include the 'seasoning' of the hull and superstructure over the years by weather that together with the smaller size and lower profile of the vessel allows it to more sympathetically blend in with the surrounding environment.

We note that in regard to Doubtful Sound/Thompson Sound limits do apply on the number of commercial SWA's which makes it difficult for new or existing operators to acquire further allocation. This results in the case of this application and others instead applying for an increase in vessel size. In this instance, for the reasons given above we do not believe the effects of this change in vessel are less than minor on the natural character, landscape and amenity values of this area.

Full day tour

Currently this activity consists of 5 double kayaks plus a single kayak guide from September to April. The applicants wish to increase this to 5 double kayaks plus a single kayak guide from August to May. The Guardians reject this aspect of the application as this would allow for an increase of up to additional 62 days/trips which would create a substantial increase in the level of activity.

We would accept Offspring Travel Ltd being able to increase the double kayaks from 4 to 5 in both the 'early day and 2 day tour'. However we reject the balance of the application with regard to the increase in the use of kayaks because of the significant potential for adverse effects on landscape and natural character values in this area.

Early day tour

Currently the activity consists of 4 double kayaks plus a single kayak guide from November to April for 8 days per month. However the applicant wishes to increase this to 5 double kayaks plus guide from November to April for every calendar day creating a potential increase of 133 day trips. This is also completely unacceptable to us for the reasons given in the paragraph above.

The applicants current consent does not allow them to exceed a total of 190 days for the full day and early day tours between the period of September to May per annum and only

allows for a total of 20 two day tours during the period of October to April per annum. They are prohibited to operate outside of these times/days. The Guardians strongly support this current allocation continuing without any further increase in available days.

The Guardians wish to note the following other aspects of this application

- Bottom of pg6. they state, *“tours will be available all year round”* which is at odds with their application and current consent.
- 3.10 Cumulative effects. The applicants *“want to allow for full day tours to operate on a daily basis”* and *“having a larger safety vessel and additional kayak has some added impact on visual effects, but compared to the existing activity the changes are considered to be less than minor.”* We disagree completely with this assumption as this proposed substantial increase in the level of this activity would result in adverse effects of a more than minor nature and especially so when they are proposing to operate on a daily basis all year round.
- It is also proposed to increase the number of full day tours to enable them to operate on a daily basis all year round. As mentioned above this is an increase from what is already authorised by the current consent. Understandably the number of kayaking tours that are able to be undertaken will be restricted by demand and weather conditions and will therefore fluctuate. While it is difficult to assess the actual demand which is likely to vary on a seasonal and yearly basis, council is required to assess the potential for adverse environmental effects based on the total number of trips being applied for.
We are therefore very concerned that a SWA operator is proposing full open access when the only possible restrictions on the operation of their consent would be from the prevailing weather conditions and/or demand for this activity. This clearly does not align with the principles of sustainable management in the FMA.
- Bottom of pg17. *“The importance of public access to the coastal marine area, and for economic activity in it, is also supported in these documents, but it is clear that it should not come at the expense of the environment.”* The Guardians strongly agree with this statement.

Response to Steven West by the applicants

“Attached are indicative plans of the type of vessel we would like to purchase to use as a safety vessel for the kayaking operation, which would not be out of place in this environment. The vessel needs to be large enough to transport the kayaks and kayakers, and provide room for catering for lunches. It needs to be suitable for conditions in the Sound and be able to quickly embark the kayakers if conditions change.”

We note that the plans show onboard accommodation facilities, which are not a requirement for the activity as described. The accommodation would presumably enable the vessel to provide a back-up accommodation platform for backcountry trips. The Guardians strongly oppose the provision for accommodation on this safety vessel being approved as part of this application.

“Option 4 - Kayaking clients commence trip from the Shelter Islands. Mooring of vessel and lunch at Blanket Bay. Clients continue kayaking along the south side of Thompson Sound next to Secretary Island, opposite Deas Cove. Clients and kayaks loaded on vessel and transported back to OTL wharf at Deep Cove.” As it would not be possible to complete this trip in one day this activity would be outside what is being applied for in this consent.

At present all available trips outlined in the RCP are allocated however, this does not mean that all the trips available are being used. There are a number of reasons as to why allocated trips are being unused with weather conditions and visitor numbers having a large bearing on the ability for trips to operate.

Council has advised that currently there is a lack of general environmental monitoring with regard to the perceptions of natural character and wilderness values as required under Policy 16.2.10 of the current Coastal Plan. The council has also advised that natural character perception monitoring information is necessary to reaffirm the current plan’s limits or to set new limits on commercial SWA’s during development of a new Coastal Plan, and to inform resource consent conditions in the future.

This very concerning lack of environmental monitoring information (as required under the current plan), means that council has insufficient information to adequately assess the adverse effects of this activity on natural character and wilderness values.

In conclusion, for all of the reasons outlined in this submission the Guardians strongly oppose the granting of this consent to Offspring Travel Ltd.

If a hearing is to be held the Guardians wish to speak to our submission.

December 15 2020

Consents Manager
Environment Southland
Private Bay 90116
Invercargill
service@es.govt.nz

Tēnā Koe,

**Resource Consent Application – Offspring Travel Limited – Commercial Surface Water Activity APP-
20202433**

Please find attached a submission lodged, on behalf of Te Rūnanga o Oraka Aparima for Resource Consent applications to replace a coastal permit to authorise commercial surface water activities in the coastal marine area within the Doubtful Sound/Patea and Thompson Sound /Te Awa-o-Tū complex in Fiordland.

We trust the information contained within the submission is sufficient; however, should you wish to discuss any aspect further, please do not hesitate to contact me.

Nāhaku noa nā,



Stevie-Rae Blair
Te Ao Marama Inc.
Iwi Environmental Advisor

Te Ao Marama Inc.
408 Tramway Road
PO Box 7078
South Invercargill 9812
Phone: (03) 9311242
office@tami.maori.nz

To: Environment Southland
Private Bay 90116
Invercargill
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This is a submission on the application Resource Consent Applications (APP-20202433) for a coastal permit to authorise commercial surface water activities in the coastal marine area within the Doubtful Sound/Patea and Thompson Sound /Te Awa-o-Tū complex in Fiordland by Offspring Travel Limited.

1. Te Rūnanga o Oraka Aparima submission relates to the applications in their entirety (Appendix A). Ngāi Tahu is **opposed** to the granting of the application.
2. Te Rūnanga o Oraka Aparima wishes to be heard in support of its submission.
3. If others are making a similar submission, Te Rūnanga o Oraka Aparima will consider presenting a joint case with them at a hearing.
4. Te Rūnanga o Oraka Aparima is not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.
5. A copy of this submission has been sent to the applicant.

Signed for and on behalf of Te Rūnanga o Oraka Aparima.



Stevie-Rae Blair
PO Box 7078
South Invercargill,
9844

December 15 2020

Introduction

1. This submission is made on behalf of Te Rūnanga o Oraka Aparima (referred to as Ngāi Tahu).

Papatipu Rūnaka

2. The Te Rūnanga o Ngāi Tahu Act 1996 (the TRoNT Act) and the Ngāi Tahu Claims Settlement Act 1998 (the Settlement Act) give recognition to the status of Papatipu Rūnaka as kaitiaki and manawhenua of the natural resources within their takiwā boundaries.
3. The consent application proposals relate to a coastal permit for a commercial surface water activity within Patea/Doubtful Sound and Te Awa-o-Tū/Thompson Sound that involves:
 - a. Commercial day trip activities, namely guided kayak tours,
 - b. Commercial back-country trip activities, namely guided kayak tours, and
 - c. Use of an 18-metre long vessel to support the kayak tours.

General Position and Reasons for the Submission

4. Te Tangi a Taurira, 2008 states:

...it was the koko-tangiwai and kākāpō that primarily attracted Ngāi Tahu to Fiordland. The koko-tangiwai is favoured as a softer type of pounamu, sought after the making of ornaments such as hei-tiki. The meat and the feathers of kākāpō was one of the key reasons why Ngāi Tahu Whānui regularly travelled to the areas such as Kahui-te-kākāpō (Doubtful Sound), known as the gathering place of the kākāpō.

5. Ngāi Tahu is supportive of development within its takiwā, provided activities are undertaken in a way that respects the environment where the activity is to be undertaken and do not adversely affect Ngāi Tahu cultural values, customs and their traditional relationship with land and water.
6. Te-Mimi-ō-Tūterakiwhānoa is a significant cultural landscape to Ngāi Tahu because of historical (as indicated above) and contemporary associations. These associations include the formation of landscape, wāhi ingoa (place names), mahinga kai, wāhi tapū and archaeological sites.
7. The Fiordland area represents, in tradition, the raised-up sides of Te Waka o Aoraki, after it foundered on a submerged reef and its occupants, Aoraki and his brothers, were turned to stone. The brothers are now manifested in the highest peaks of Ngā Tiritiri o Te Moana (the Southern Alps). The Fiords at the southern end of the Alps were carved out of the raised side of the wrecked

Te Waka o Aoraki (the canoe of Aoraki) by Tū Te Rakiwhānoa, in an effort to make it habitable by humans. The deep gouges and long waterways that make up the Fiords were intended to provide safe havens on the rugged coastline, and stocked with fish, forest, and birds to sustain humans.

8. This cultural, spiritual, historic, and traditional association is recognised by the crown and is a Statutory Acknowledgement (See attachment 1) under the Ngāi Tahu Claims Settlement Act, 1997.
9. Ngāi tahu, as kaitiaki, is responsible for protecting the mana and mauri of Te-Mimi-ō-Tūterakiwhānoa.
10. Ngāi Tahu **opposes** the application for the following reasons:
 1. Effects on ecology, natural character, landscape, amenity, and cultural values as a result of the proposal.
 2. The allocation for activities within the Coastal Plan is fully allocated and this application would result in overallocation of activities within Fiordland. The resource consent application and section 95-95G Recommendation and decision on notification report identified that the activity level is beyond that anticipated by the Coastal Plan.
 3. That the assessment of Te Tangi a Taurira, 2008 (Iwi Management Plan) is insufficient and has missed key sections and policies for the Fiordland takiwā. The application failed to consider section 3.6.6 that relates to Fiordland Commercial Surface Water Activities. Rūnanga are concerned about cumulative effects and carrying capacity of activities in Fiordland. Particularly the following policy:

- a. Section 3.6.6.6 Fiordland Commercial Surface Water Activities

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

Decision Sought

11. Rūnanga are concerned that there is a risk to the mauri of the internal waters in Fiordland in regard to the potential over-allocation of activities.
12. Kaitiaki rūnanga believe this application is contrary to policy within our Iwi Management Plan and has the potential to result in more than minor effects on the environment.
13. We are opposed to the application in its current form and seek that the application be declined.



Attachment 1: Te-Mimi-ō-Tūterakiwhānoa Statutory Acknowledgement

Schedule 102

Statutory acknowledgement for Te Mimi o Tu Te Rakiwhanoa (Fiordland Coastal Marine Area)

Sections 205, 312 and 313

Statutory Area

The statutory area to which this statutory acknowledgement applies is Te Mimi o Tu Te Rakiwhanoa (Fiordland Coastal Marine Area), the Coastal Marine Area of the Te Anau constituency of the Southland region, as shown on SO Plan 11503, Southland Land District, as shown on Allocation Plan NT 505 (SO 19901).

Preamble

Under section 313, the Crown acknowledges Te Runanga o Ngai Tahu's statement of Ngai Tahu's cultural, spiritual, historic, and traditional association to Te Mimi o Tu Te Rakiwhanoa as set out below.

Ngai Tahu Association with Te Mimi o Tu Te Rakiwhanoa

The fiords of this region represent, in tradition, the raised up sides of Te Waka o Aoraki. The waka (canoe) foundered on a submerged reef and its occupants, Aoraki and his brothers, Raraki, Rakiroa and others, were turned to stone. They stand now as the highest peaks of Ka Tiritiri o te Moana (the Southern Alps). The fiords at the southern end of the Alps were hacked out of the raised side of the wrecked waka by Tu Te Rakiwhanoa, in a effort to make it habitable by humans. The deep gouges and long waterways that make up the fiords were intended to provide safe havens on the rugged coastline, and stocked with fish, forest and birds to sustain travellers.

For Ngai Tahu, traditions such as these represent the links between the cosmological world of the gods and present generations, these histories reinforce tribal identity and solidarity, and continuity between generations, and document the events which shaped the environment of Te Wai Pounamu and Ngai Tahu as an iwi.

Particular stretches of the coastline also have their own traditions. The visit of Tamaahua to Piopiotahi (Milford Sound) in search of Poutini, who had absconded with his wife Waitaiki, is linked to the creation of Pounamu further north on Te Tai Poutini (the West Coast). The koko-takiwai which is found in Piopiotahi has its basis in a visit to Piopiotahi by the waka Tairea. A woman, Koko-takiwai, and her children, known as Matakirikiri, were left behind by the Tairea and were turned into varieties of pounamu.



Place names along the coast record Ngai Tahu history and point to the landscape features which were significant to people for a range of reasons. For example, in his voyage around the Sounds in the waka Takitimu Tamatea gave the chiselled terrain the name “Te Rua-o-te-moko”, likening the deep gouges adorning the impressive cliff faces of the fiords to the tattoos on a chief's face. Martins Bay (Whakatipu-waitai or Kotuku) to the north of the fiords was the site of an old settlement, located to control the pounamu resources to be found here. An area of Doubtful Sound is known as Kahui-te-kakapo, while Dagg Sound had a canoe harbour known as Te Ra. Breaksea Island (within Breaksea Sound — Te Puaitaha) is known as Te Au Moana, referring to the ocean current that sweeps around the inlet. Cape Providence is known as Orariki, a cliff near here is called Taka-o-te-karehu-Tamatea, referring to an episode when some tattooing ink belonging to Tamatea washed over board. Chalky Sound is known as Taiari and a rock in the Sound is known as Te Kakahu-o-Tamatea, a place where Tamatea had his clothes spread out to dry after being drenched by the salt spray. Preservation Inlet has the name Rakituma.

The area was visited mainly by Ngati Mamoe and Ngai Tahu, who had various routes and nohoanga for the purpose of gathering koko-takiwai and manu (birds), particularly the kakapo. The area played a significant role in the history of conflict between Ngai Tahu and Ngati Mamoe, with a number of Ngati Mamoe taking refuge in the isolation of the fiords in order to escape the unforgiving attitudes of some sections of Ngai Tahu. The noted rangatira Tarewai from Otago Heads met his end here at the hands of Ngati Mamoe, having pursued them from the Otago Peninsula to Rakituma. Tarewai and his warriors were successfully ambushed by those they were pursuing, with the result that no one ever returned to Otago from this battle. Te Whare Pa in Rakitimu was the scene of one of the last major battles between Ngati Mamoe and Ngai Tahu.

Another dark piece of history occurred Te Tauraka o te Hupokeka (Anita Bay). Hupokeka and his whanau (family) regularly visited Piopiotahi, travelling from Murihiku to gather koko-takiwai, and staying at a nohoanga in Anita Bay. It was here, in the 1820s, that he and his whanau were slaughtered by sealers in retribution for an incident of which they were quite innocent.

Because of its attractiveness as a place to establish permanent settlements, including pa (fortified settlements), the coastal area was visited and occupied first by Ngati Mamoe and later by Ngai Tahu. Through conflict and alliance these two iwi have merged in the whakapapa (genealogy) of Ngai Tahu. Battles sites, urupa and landscape features bearing the names of tupuna (ancestors) record this history. Prominent headlands, in particular, were favoured for their defensive qualities and became the headquarters for a succession of rangatira and their followers. Notable pa and nohoanga occurred in many

areas on the Fiordland coast including: Milford (Lake Marchant) and Caswell Sounds; Kahui-te-kakapo (Doubtful Sound), known as the gathering place of the kakapo, in reference to the gathering of kakapo meat and feathers which was one of the key reasons that Ngai Tahu Whanui regularly travelled to the fiords; Dagg Sound gets the sun all day, and consequently is well known as a nohoanga site, it also has a good canoe harbour known as Te Ra; Rakituma is the site of several pa or nohoanga including one at Matauira and another at Te Whare Pa.

It was the koko-takiwai and kakapo which primarily attracted Ngai Tahu to Fiordland. The koko-takiwai is favoured as a softer type of pounamu, more easily shaped into a finer quality of end product. It was therefore particularly sought-after for the making of ornaments, such as hei-tiki. The area also offered many other mahinga kai to sustain parties on their arduous expeditions, including a range of manu (birds), fish and kaimoana resources.

The tupuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of the area, the relationship of people with the coastline and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Ngai Tahu today.

There are two principal trails linking the Fiordland coast with the rest of Te Wai Pounamu (the South Island). A sea route around the fiords links Piopiotahi to Murihiku, and was the main route by which the koko-takiwai gathered from that end of the fiords was transported. The inland route for transporting koko-takiwai by back pack lay over what is now known as the Milford track, over Omanui (McKinnon Pass), down the Waitawai (Clinton River) to the head of Te Ana-au (Lake Te Anau). From there, the pounamu would be transported by mokihi to the head of the Waiau River, and from there down the Waiau to Te Ara a Kiwa (Foveaux Strait). In addition, a trail from Martins Bay, up the Hollyford Valley and over into the Routeburn Valley to the pounamu source at the head of Lake Whakatipu-wai-Maori, was commonly used by Tai Poutini iwi, who regularly travelled south via this route to obtain koko-takiwai.

Hence tauranga waka (landing places) occur up and down the coast and wherever a tauranga waka is located there is also likely to have been a nohoanga, fishing ground, kaimoana resource, with the sea trail linked to a land trail or mahinga kai resource. The tupuna had a huge knowledge of the coastal environment and weather patterns, passed from generation to generation. This knowledge continues to be held by whanau and hapu and is regarded as taonga. The traditional mobile lifestyle of the people led to their dependence on the resources of the coast.



The fiords are the repository of many koiwi tangata, secreted away in keeping places throughout the region. There are also many other wahi tapu in the area, including examples of rock art in Chalky Sound. Urupa are the resting places of Ngai Tahu tupuna and, as such, are the focus for whanau traditions. Urupa and wahi tapu are places holding the memories, traditions, victories and defeats of Ngai Tahu tupuna, and are frequently protected in secret locations.

The mauri of Te Mimi o Tu Te Rakiwhanoa represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngai Tahu Whanui with the area.



Submission on review of resource consent conditions by consent authority that is subject to public notification or limited notification

To: Environment Southland
Private Bay 90116
Invercargill
service@es.govt.nz

Form 13

Name of submitters: Te Rūnanga o Ngāi Tahu (Te Rūnanga).

1. This is a submission on Resource Consent Applications (APP-20202433) for a coastal permit to authorise commercial surface water activities in the coastal marine area within the Doubtful Sound/Patea and Thompson Sound /Te Awa-o-Tū complex in Fiordland by Offspring Travel Limited
2. The Te Rūnanga submission relates to the whole of the proposal as outlined in **Attachment A**.
3. Te Rūnanga wishes to be heard in support of its submission.
4. Te Rūnanga **opposes** the granting of this application.
5. Te Rūnanga is not a trade competitor for the purposes of [section 308B](#) of the Resource Management Act 1991.
6. A copy of this submission has been sent to the Consent Holder.

Signed for and on behalf of Te Rūnanga o Ngāi Tahu

Aaron Leith
Programme Leader – Puna Mahara
Te Rūnanga o Ngāi Tahu

Date: 15 December 2020.

Address for service:

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1. Introduction

- 1.1. This is a submission on behalf of Te Rūnanga o Ngāi Tahu (**Te Rūnanga**) on application Resource Consent Applications (APP-20202433) for a coastal permit to authorise commercial surface water activities in the coastal marine area within the Doubtful Sound/Patea and Thompson Sound /Te Awa-o-Tū complex in Fiordland by Offspring Travel Limited.

2. Background

- 2.1. Te Rūnanga is statutorily recognised as the representative tribal body of Ngāi Tahu whānui and was established as a body corporate on 24 April 1996 under section 6 of the Te Rūnanga o Ngāi Tahu Act 1996.
- 2.2. Te Rūnanga encompasses eighteen Papatipu Rūnanga who uphold the mana whenua and mana moana of their rohe. Mana whenua are the only people who can describe the values and aspirations for their wāhi tapu and wāhi taonga.
- 2.3. The Charter of Te Rūnanga o Ngāi Tahu constitutes Te Rūnanga as kaitiaki of the collective tribal interests. Te Rūnanga also has a responsibility to ensure the well-being of all those who live in its takiwā in accordance with the tikanga of manaakitanga. Te Rūnanga is responsible for managing, advocating for and protecting the rights and interests inherently held by Ngāi Tahu whānui as mana whenua.¹
- 2.4. The Te Rūnanga o Ngāi Tahu (Declaration of Membership Order 2001) lists the Papatipu Rūnanga that make up Te Rūnanga o Ngāi Tahu and describes their respective takiwā.² Papatipu Rūnanga are the entities with responsibility for resources and protection of tribal interests within the area in question.
- 2.5. *Te Kawenata o Ngāi Tahu*, the Charter of Ngāi Tahu, is clear that the poupu of the House of Tahu are the Papatipu Rūnanga each with their own mana and woven together with the tukutuku of our whakapapa. The tino rangatiratanga of Ngāi Tahu resides in the Papatipu Rūnanga and its collective voice is Te Rūnanga.
- 2.6. Te Rūnanga supports the submissions of the Papatipu Rūnanga: Te Rūnanga o Oraka Aparima.

3. Ngāi Tahu Interests in Relation to Resource Consent Application.

3.1.1 Ngāi Tahu notes the following particular interests in the proposal:

3.1.2 *Treaty Relationship:*

- Ngāi Tahu have an expectation that the Crown will honour Te Tiriti o Waitangi (the **Treaty**) and the principles upon which the Treaty is founded. Canterbury Regional Council, as the delegated representative of the

¹ Te Rūnanga o Ngāi Tahu Act 1996, s 15.

² This Declaration supersedes Schedule 1 of the Ngāi Tahu Claims Settlement Act 1998.

Crown, is required to take into account the principles of the Treaty of Waitangi in exercising its functions.

- Ngāi Tahu are reliant upon Council decision-makers understanding the Treaty context in which they operate, and the need to uphold Crown responsibilities that have been delegated to them. The Productivity Commission summed up this extension of the Treaty relationship in its 2013 report, *Towards Better Local Regulation*:

“If the Crown chooses to delegate to local authorities responsibility for the control of natural resources, it must do so in terms which require local authorities to afford the same degree of protection as is required by the Treaty to be afforded by the Crown. [p179]”

- The Waitangi Tribunal Ngāi Tahu Report 1991 investigated the “nine tall trees” of Te Kerēme (Wai 27, the Ngāi Tahu claim), namely the eight regional purchases of Ngāi Tahu lands over two decades between 1844 and 1864, and Ngāi Tahu claims to mahinga kai resources (the “ninth tree”). This was the culmination of a claims process which unfolded over 140 years. Section 4.7.11 of the 1991 Report records the following excerpt from the Court of Appeal ruling of Sir Robin Cooke:

“the duty of the Crown is not merely passive but extends to active protection of Maori people in the use of their lands and waters to the fullest extent practicable.”³

3.1.2 *Kaitiakitanga*:

- In keeping with the kaitiaki responsibilities of Ngāi Tahu Whānui, Ngāi Tahu has an interest in ensuring sustainable management of natural resources, including protection of taonga species and mahinga kai for future generations.
- Ngāi Tahu Whānui are both users of natural resources, and stewards of those resources. At all times, Ngāi Tahu is guided by the tribal whakataukī: “mō tātou, ā, mō kā uri, ā muri ake nei” (*for us and our descendants after us*).

3.1.3. *Whanaungatanga*

- Te Rūnanga has a responsibility to promote the wellbeing of Ngāi Tahu Whānui and ensure that the management of Ngāi Tahu assets and the wider management of natural resources supports the development of iwi members.

3.1. With regards to the Ngāi Tahu takiwā, Section 5 of the TRONT Act statutorily defines the Ngāi Tahu takiwā as those areas “south of the northern most boundaries described in the decision of the Māori Appellate Court ...” which in effect is south of Te Parinui-

³ *New Zealand Māori Council v Attorney-General [1987] 1 NZLR 641*

o-Whiti on the East Coast and Kahurangi Point on the West Coast of the South Island (see **Appendix Two**). Dusky Sound is within the Ngāi Tahu takiwā.

- 3.2. Statutory Acknowledgements are an instrument included in the Ngāi Tahu Claims Settlement Act 1998 (the **NTCSA**) legislation. Statutory Acknowledgements are areas acknowledged by the Crown of particular significance to Ngāi Tahu that recognise the mana of tangata whenua in relation to specific areas. The acknowledgements relate to 'statutory areas', which include geographic features, lakes, wetlands, rivers, areas of land and coastal marine areas. Statutory Acknowledgments particularly relate to the cultural, spiritual, historical and traditional associations with the area.
- 3.3. The relevant Statutory Acknowledgement in respect of this application is the Te-Mimi-ō-Tūterakiwhānoa (Fiordland Coastal Marine Area)
- 3.4. The NTCSA describes the Ngāi Tahu associations with Te-Mimi-ō-Tūterakiwhānoa (refer to **Appendix Three** for a full description). These associations are material to decision making under the Resource Management Act 1991 (the **RMA**) and to this proposed alternative minimum flow.

4. General Position, Reasons for Submission and Decision Sought

- 4.1. Te Rūnanga supports the submission from Te Rūnanga o Oraka Aparima and adopts it as its own. Te Rūnanga supports and adopts the decision sought by Te Rūnanga o Oraka Aparima that the resource consent application is declined.

APPENDIX ONE: TEXT OF CROWN APOLOGY

The following is text of the Crown apology contained in the Ngāi Tahu Claims Settlement Act 1998.

Part One – Apology by the Crown to Ngāi Tahu

Section 6 Text in English

The text of the apology in English is as follows:

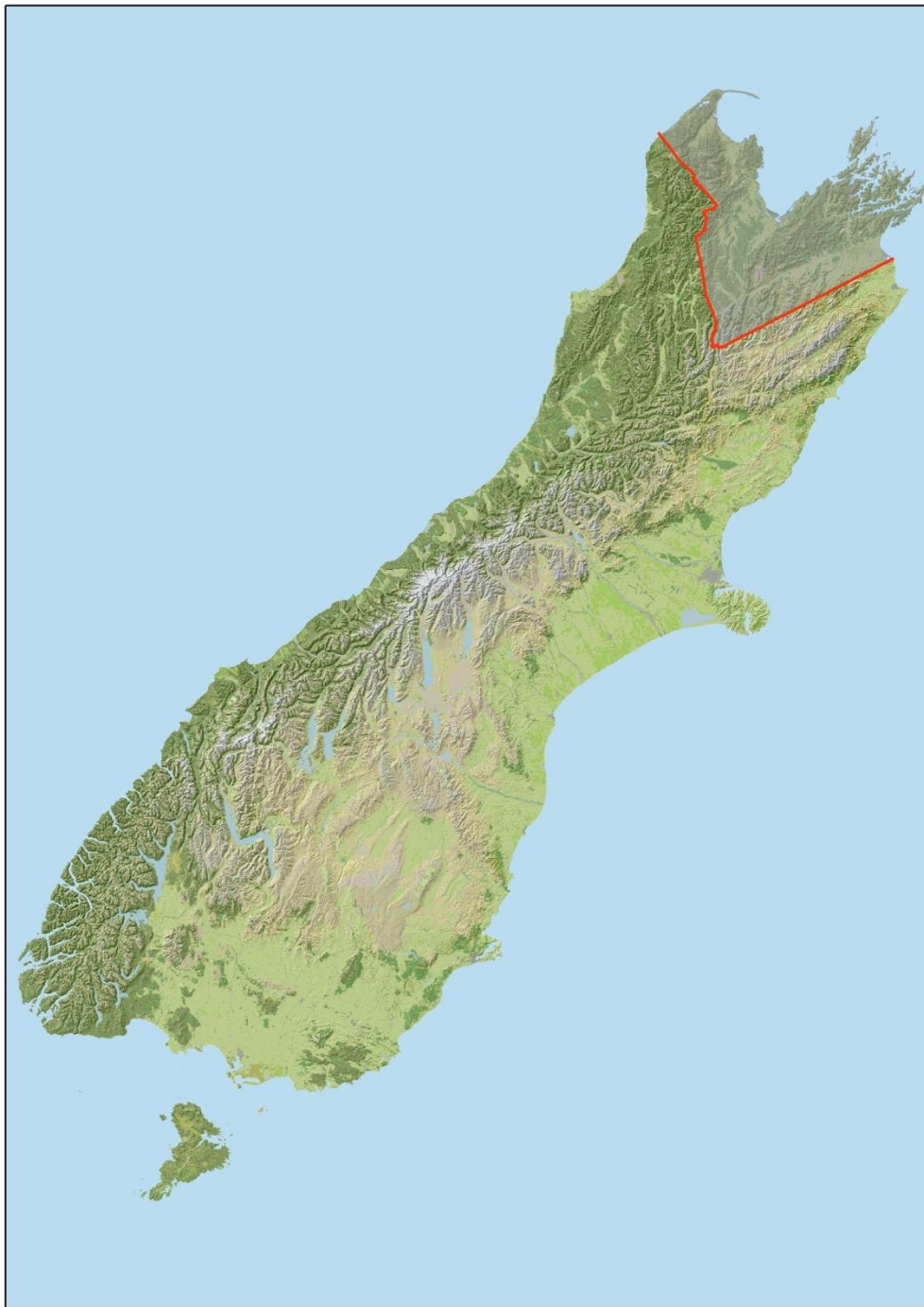
1. The Crown recognises the protracted labours of the Ngāi Tahu ancestors in pursuit of their claims for redress and compensation against the Crown for nearly 150 years, as alluded to in the Ngāi Tahu proverb “He mahi kai takata, he mahi kai hoaka” (“It is work that consumes people, as greenstone consumes sandstone”). The Ngāi Tahu understanding of the Crown's responsibilities conveyed to Queen Victoria by Matiaha Tiramorehu in a petition in 1857, guided the Ngāi Tahu ancestors. Tiramorehu wrote:

This was the command thy love laid upon these Governors ... that the law be made one, that the commandments be made one, that the nation be made one, that the white skin be made just equal with the dark skin, and to lay down the love of thy graciousness to the Māori that they dwell happily ... and remember the power of thy name.

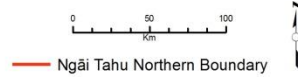
2. The Crown hereby acknowledges the work of the Ngāi Tahu ancestors and makes this apology to them and to their descendants.
3. The Crown acknowledges that it acted unconscionably and in repeated breach of the principles of the Treaty of Waitangi in its dealings with Ngāi Tahu in the purchases of Ngāi Tahu land. The Crown further acknowledges that in relation to the deeds of purchase it has failed in most material respects to honour its obligations to Ngāi Tahu as its Treaty partner, while it also failed to set aside adequate lands for Ngāi Tahu's use, and to provide adequate economic and social resources for Ngāi Tahu.
4. The Crown acknowledges that, in breach of Article Two of the Treaty, it failed to preserve and protect Ngāi Tahu's use and ownership of such of their land and valued possessions as they wished to retain.
5. The Crown recognises that it has failed to act towards Ngāi Tahu reasonably and with the utmost good faith in a manner consistent with the honour of the Crown. That failure is referred to in the Ngāi Tahu saying “Te Hapa o Niu Tireni!” (“The unfulfilled promise of New Zealand”). The Crown further recognises that its failure always to act in good faith deprived Ngāi Tahu of the opportunity to develop and kept the tribe for several generations in a state of poverty, a state referred to in the proverb “Te mate o te iwi” (“The malaise of the tribe”).
6. The Crown recognises that Ngāi Tahu has been consistently loyal to the Crown, and that the tribe has honoured its obligations and responsibilities under the Treaty of Waitangi and duties as citizens of the nation, especially, but not exclusively, in their active service in all of the major conflicts up to the present time to which New Zealand has sent troops. The Crown pays tribute to Ngāi Tahu's loyalty and to the contribution made by the tribe to the nation.

7. The Crown expresses its profound regret and apologises unreservedly to all members of Ngāi Tahu Whānui for the suffering and hardship caused to Ngāi Tahu, and for the harmful effects which resulted to the welfare, economy and development of Ngāi Tahu as a tribe. The Crown acknowledges that such suffering, hardship and harmful effects resulted from its failures to honour its obligations to Ngāi Tahu under the deeds of purchase whereby it acquired Ngāi Tahu lands, to set aside adequate lands for the tribe's use, to allow reasonable access to traditional sources of food, to protect Ngāi Tahu's rights to pounamu and such other valued possessions as the tribe wished to retain, or to remedy effectually Ngāi Tahu's grievances.
8. The Crown apologises to Ngāi Tahu for its past failures to acknowledge Ngāi Tahu rangatiratanga and mana over the South Island lands within its boundaries, and, in fulfillment of its Treaty obligations, the Crown recognises Ngāi Tahu as the tangata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui.
9. Accordingly, the Crown seeks on behalf of all New Zealanders to atone for these acknowledged injustices, so far as that is now possible, and, with the historical grievances finally settled as to matters set out in the Deed of Settlement signed on 21 November 1997, to begin the process of healing and to enter a new age of co-operation with Ngāi Tahu."

APPENDIX TWO: NGĀI TAHU TAKIWĀ



Ngāi Tahu Takiwā



4.2. **Appendix Three: Text of Statutory Acknowledgement Areas from the Ngāi Tahu Claims Settlement Act 1998 – Schedule 102 Statutory acknowledgement for Te Mimi ō Tū Te Rakiwhānoa (Fiordland Coastal Marine Area):**

The text of the schedule describes the Ngāi Tahu association with the Te Mimi ō Tū Te Rakiwhānoa as follows:

“The fiords of this region represent, in tradition, the raised up sides of Te Waka o Aoraki. The waka (canoe) foundered on a submerged reef and its occupants, Aoraki and his brothers, Raraki, Rakiroa and others, were turned to stone. They stand now as the highest peaks of Ka Tiritiri o te Moana (the Southern Alps). The fiords at the southern end of the Alps were hacked out of the raised side of the wrecked waka by Tu Te Rakiwhānoa, in a effort to make it habitable by humans. The deep gouges and long waterways that make up the fiords were intended to provide safe havens on the rugged coastline, and stocked with fish, forest and birds to sustain travellers.

For Ngai Tahu, traditions such as these represent the links between the cosmological world of the gods and present generations, these histories reinforce tribal identity and solidarity, and continuity between generations, and document the events which shaped the environment of Te Wai Pounamu and Ngai Tahu as an iwi.

Particular stretches of the coastline also have their own traditions. The visit of Tamaahua to Piopiotahi (Milford Sound) in search of Poutini, who had absconded with his wife Waitaiki, is linked to the creation of Pounamu further north on Te Tai Poutini (the West Coast). The koko-takiwai which is found in Piopiotahi has its basis in a visit to Piopiotahi by the waka Tairea. A woman, Koko-takiwai, and her children, known as Matakirikiri, were left behind by the Tairea and were turned into varieties of pounamu.

Place names along the coast record Ngai Tahu history and point to the landscape features which were significant to people for a range of reasons. For example, in his voyage around the Sounds in the waka Takitimu Tamatea gave the chiselled terrain the name “Te Rua-o-te-moko”, likening the deep gouges adorning the impressive cliff faces of the fiords to the tattoos on a chief's face. Martins Bay (Whakatipu-waitai or Kotuku) to the north of the fiords was the site of an old settlement, located to control the pounamu resources to be found here. An area of Doubtful Sound is known as Kahui-te-kakapo, while Dagg Sound had a canoe harbour known as Te Ra. Breaksea Island (within Breaksea Sound — Te Puaitaha) is known as Te Au Moana, referring to the ocean current that sweeps around the inlet. Cape Providence is known as Orariki, a cliff near here is called Taka-o-te-karehu-Tamatea, referring to an episode when some tattooing ink belonging to Tamatea washed over board. Chalky Sound is known as Taiari and a rock in the Sound is known as Te Kakahu-o-Tamatea, a place where Tamatea had his clothes spread out to dry after being drenched by the salt spray. Preservation Inlet has the name Rakituma.

The area was visited mainly by Ngati Mamoe and Ngai Tahu, who had various routes and nohoanga for the purpose of gathering koko-takiwai and manu (birds), particularly the kakapo. The area played a significant role in the history of conflict between Ngai Tahu and Ngati Mamoe, with a number of Ngati Mamoe taking refuge in the isolation of the fiords in order to escape the unforgiving attitudes of some sections of Ngai Tahu. The noted rangatira Tarewai from Otago Heads met his end here at the hands of Ngati Mamoe, having pursued them from the Otago Peninsula to Rakituma. Tarewai and his warriors were successfully ambushed by those they were pursuing, with the result that no one ever returned to Otago from this battle. Te Whare Pa in Rakitimu was the scene of one of the last major battles between Ngati Mamoe and Ngai Tahu.

Another dark piece of history occurred Te Tauraka o te Hupokeka (Anita Bay). Hupokeka and his whanau (family) regularly visited Piopiotahi, travelling from Murihiku to gather koko-takiwai, and staying at a nohoanga in Anita Bay. It was here, in the 1820s, that he and his whanau were slaughtered by sealers in retribution for an incident of which they were quite innocent.

Because of its attractiveness as a place to establish permanent settlements, including pa (fortified settlements), the coastal area was visited and occupied first by Ngati Mamoe and later by Ngai Tahu. Through conflict and alliance these two iwi have merged in the whakapapa (genealogy) of Ngai Tahu. Battles sites, urupa and landscape features bearing the names of tupuna (ancestors) record this history. Prominent headlands, in particular, were favoured for their defensive qualities and became the headquarters for a succession of rangatira and their followers. Notable pa and nohoanga occurred in many areas on the Fiordland coast including: Milford (Lake Marchant) and Caswell Sounds; Kahui-te-kakapo (Doubtful Sound), known as the gathering place of the kakapo, in reference to the gathering of kakapo meat and feathers which was one of the key reasons that Ngai Tahu Whanui regularly travelled to the fiords; Dagg Sound gets the sun all day, and consequently is well known as a nohoanga site, it also has a good canoe harbour known as Te Ra; Rakituma is the site of several pa or nohoanga including one at Matauiria and another at Te Whare Pa.

It was the koko-takiwai and kakapo which primarily attracted Ngai Tahu to Fiordland. The koko-takiwai is favoured as a softer type of pounamu, more easily shaped into a finer quality of end product. It was therefore particularly sought-after for the making of ornaments, such as hei-tiki. The area also offered many other mahinga kai to sustain parties on their arduous expeditions, including a range of manu (birds), fish and kaimoana resources.

The tupuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of the area, the relationship of people with the coastline and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Ngai Tahu today.

There are two principal trails linking the Fiordland coast with the rest of Te Wai Pounamu (the South Island). A sea route around the fiords links Piopiotahi to Murihiku, and was the main route by which the koko-takiwai gathered from that end of the fiords was transported. The inland route for transporting koko-takiwai by back pack lay over what is now known as the Milford track, over Omanui (McKinnon Pass), down the Waitawai (Clinton River) to the head of Te Ana-au (Lake Te Anau). From there, the pounamu would be transported by mokihi to the head of the Waiau River, and from there down the Waiau to Te Ara a Kiwa (Foveaux Strait). In addition, a trail from Martins Bay, up the Hollyford Valley

and over into the Routeburn Valley to the pounamu source at the head of Lake Whakatipu-wai-Maori, was commonly used by Tai Poutini iwi, who regularly travelled south via this route to obtain koko-takiwai.

Hence tauranga waka (landing places) occur up and down the coast and wherever a tauranga waka is located there is also likely to have been a nohoanga, fishing ground, kaimoana resource, with the sea trail linked to a land trail or mahinga kai resource. The tupuna had a huge knowledge of the coastal environment and weather patterns, passed from generation to generation. This knowledge continues to be held by whanau and hapu and is regarded as taonga. The traditional mobile lifestyle of the people led to their dependence on the resources of the coast.

The fiords are the repository of many koiwi tangata, secreted away in keeping places throughout the region. There are also many other wahi tapu in the area, including examples of rock art in Chalky Sound. Urupa are the resting places of Ngai Tahu tupuna and, as such, are the focus for whanau traditions. Urupa and wahi tapu are places holding the memories, traditions, victories and defeats of Ngai Tahu tupuna, and are frequently protected in secret locations.

The mauri of Te Mimi o Tu Te Rakiwhanoa represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngai Tahu Whanui with the area.”

Attachment 4

Pre-hearing Meeting Report

Report on pre-hearing meeting- Offspring Travel Limited

Section 99 of the Resource Management Act 1991

From: Allan Cubitt, Independent Chair

To: Commissioner(s) or Committee to hear and determine the application

Date: 1 February 2020

Pre-hearing meeting

1. On **19 January 2021**, Environment Southland (ES), conducting its function as consent authority under the Resource Management Act 1991, accepted a request from Offspring Travel Limited (applicant], who has applied for resource consent, and the submitters on the application, to meet.
2. At that stage the application had been publicly notified on 19 November 2020, with submissions closing on 15 December 2020. A number of the parties submitted on the application and indicated they wished to be heard at a hearing. The requested meeting was therefore a pre-hearing meeting held under section 99 of the RMA.
3. The meeting was convened by ES to clarify and potentially facilitate a resolution of the matters outstanding. The meeting agenda, circulated on 25 January 2021 by ES, outlined the matters for clarification as:
 - a. Effects on natural character, remoteness, tranquillity and wilderness values
 - b. Cumulative effects
 - c. Ecological effects
 - d. Statutory/Policy framework
4. The meeting was held on Friday 29th January 2020 as follows:
Venue: Environment Southland, Invercargill, Kea Room:

Present:

Clint Tauri – Offspring Travel Limited

Bridgett Aitken - Bonisch Consultants Limited

John Engel – Bonich Consultants Limited

Murray Brass – Department of Conservation (via Zoom)

Mark Peychers – Fiordland Marine Guardians (via Zoom)

Rebecca McLeod – Fiordland Marine Guardians (via Zoom)

Stevie-Rae Blair – Te Ao Marama Inc. (via Zoom)

George Gericke – Environment Southland Consents Officer, as processing officer for this application

Leny Tambo – Environment Southland Consents Co-ordinator

Statutory and procedural matters:

Requiring and requesting attendance

5. Section 99(2) allows consent authorities to request an applicant, a submitter or any other person it considers appropriate to attend a pre-hearing meeting. This can be either at the request of the applicant or submitters or on its own initiative.
6. In this case the applicant requested the meeting to be held and for the submitters to attend. ES agreed this was appropriate and advised by email on 15 January 2021 that a meeting was to be held and requested attendance of all submitters.
7. If attendance is requested, as opposed to required, the attendance of the applicant and submitters is optional and their decision to attend can be made without prejudice. The only submitter that did not attend was Te Runanga o Ngai Tahu, although Ms Blair did also represent their interests at the meeting.

Attendance of those delegated to make decisions:

8. Section 99(4) states that an officer of the authority who has the power to make the decision on the application may attend, subject to the agreement of all the parties attending and participating, and if the consent authority is satisfied their presence is appropriate.
9. Such a person's presence at the hearing can be important because section 100 allows the substantive decision to be made without a hearing, if submitters advise they no longer wish to be heard.
10. In this case, no officers with delegation to use section 100 (to avoid the need for a hearing) and delegation to determine a notified application (section 104) were present at the meeting. For the record, as Chair of this meeting I have no decision-making function in relation to this application.

Chairperson to prepare this report

11. Section 99(5) and (6) require the chairperson of the meeting to prepare a report outlining particular matters, and to circulate that report to all of the parties and the consent authority (meaning, the commissioners or hearings panel that will hear and determine the application) no less than 5 working days before the hearing.
12. The report must, for the parties who attended the meeting:
 - a. set out the issues that were agreed; and
 - b. set out the issues that are outstanding
13. However, the report must not include anything communicated or made available at the meeting on a without prejudice basis.
14. In addition, the report may, for all the parties:
 - a. set out the nature of the evidence that the parties are to call at the hearing; and
 - b. set out the order in which the parties are to call the evidence at the hearing; and

c. set out a proposed timetable for the hearing.

15. Commentary on these matters can be found in paragraphs 19 and 20 of this report.

Status of this report and next steps

16. Section 99(6) requires the chairperson to send this report to the consent authority and all the parties so that they have it at least 5 working days before the hearing.
17. At the time of completing this pre-hearing meeting report, no parties have advised that they no longer wish to be heard.
18. Section 99(7) **requires** the consent authority (meaning, the commissioners delegated power of the consent authority by to determine the application) to **have regard to** this report in making the decision on the application.

Summary of Meeting:

19. I opened the meeting, welcoming attendees and asked them to identify themselves. I explained the purpose of pre-hearing meetings generally and explained that as Chair I did not have a decision-making role in relation to this application and was totally independent of all parties. I advised that the processing officer in relation to the application, Mr Gericke, was in attendance and asked whether there was any objection to that. All parties were comfortable with his attendance.

Mr Clint Tauri began the applicant's presentation by outlining the company's 60-year history in tourism in Fiordland. He stated that Offspring caters for small groups of kiwis who don't want large boats. Mr Tauri noted that they only utilise around 90-95% of their allocation due to weather constraints etc. He advised that his company merely wants more flexibility around what they can do given the changes to the industry that have resulted from COVID-19 and want to be able to operate year-round. With respect to the new boat proposed, he advised that the current 10m was no longer adequate for safety purposes, which is a significant issue for the company. Mr Tauri noted that the picture shown in the application was just for illustrative purposes and that they were now only proposing a 14m boat, which was still the smallest boat in Doubtful Sound.

Mr Tauri then discussed their operation in Hall Arm and noted that they very rarely see other boats. He highlighted the significant capital outlay needed for their operation which has prompted the need to add an additional double kayak to their trips. He proposed a number of changes to the application to address concerns of the submitters. These were as follows:

- Not carrying extra passengers on the boat who weren't kayaking
- Thomson's Arm removed from the application
- Options 3 and 4 removed from the application

He also noted that the new boat would not be used for accommodation, the standard 'v' berths up the front of the boat are just used in time of emergency (e.g. if one of the kayakers become ill).

Mr Engel then outlined his view on the status of the application and how the allocation rules worked. He noted that in theory, the applicant had up to 450 trips a year but had limited themselves to 250 a year and 45 a month. In his opinion, kayaking was a 'commercial water surface activity' so the allocation limits don't apply. In his view the activity was now a discretionary activity.

Mr Gericke advised that a hearing last week removed 120 trips from the current allocation levels. He also noted that the safety vessel could be considered to be merely making use of the thoroughfare in the Doubtful Sound. Mr Gericke sought clarification from the applicant around how they are defining their activity in the context of the plan.

There was some discussion around this, with Ms McLeod seeking clarification on the status of people in the boat. Mr Engel considered getting on and off the boat would be a day trip but it's not a day trip where kayakers are not transported. Mr Brass stated that while allocation issue was important, it was the effects that were the priority. He noted that it was the presence of the boat that was important, a view Mr Engel agreed with. Mr Brass had the term of consent clarified (25 years) and discussed the need to surrender the current consent if this application gets approved. In relation to the changes made to the application, Mr Brass noted that the location for the activity is now the same as the current operation and that the reduction in the boat size and removal of Thomson's Arm etc helps mitigate effects although still concern with increase in trip numbers. He asked whether there was a process available for the individual operators to work together.

Mr Tauri outlined that there is very little cross over as companies try to avoid each other and stay in communication around that issue. Mr Engel also confirmed this. Mr Tauri advised that there is a Doubtful Sound Users group, which does discuss these issues. Discussion was had around the difficulty of including a condition requiring users to be part of such a group to manage overlap to mitigate natural character.

Ms Blair also noted a greater degree of comfort with the application given the changes made. The increase in trips remained a concern and she advised she would talk to Ngai Tahu's planners around the definitions discussed.

In response, Mr Engel stated that the trips stay the same with just one additional double kayak but there are extra days. He would circulate an updated table. Ms Aitken noted that there was no change in current overnight trips. The extra trips were generally in the quieter months and winter, during which they currently do not operate. Mr Brass asked what the current monthly limit was but it was confirmed that there is currently only an annual limit. Mr Gericke highlighted the difficulty with a monthly and annual limit as proposed in terms of providing for that within the plan's current allocation limits.

Ms McLeod noted that they did not want Doubtful to become Milford Sound but advised that the changes made by the applicant has largely dealt with their concerns including the cumulative effects issue. Mr Peychers agreed but suggested that they needed to see the new information so they can reassess their position. He confirmed with Mr Tauri the physical length of the boat, which is 14.3m.

Mr Brass then sought clarification on whether the applicants had a concession to view the Bottlenose Dolphins, which Mr Tauri confirmed they do. He also confirmed that they attend the Marine Mammals meetings. Mr Brass also asked about anchorage, to which Mr Tauri advised that they did not anchor but had a mooring. Mr Tauri also advised that they had carried out 3 rescues for other companies.

A way forward was then discussed, which would involve further information being put together that the submitters could take back to their respective groups with a view to agreeing conditions that would enable them to remove their right to be heard at any hearing that may be held.

Conclusion:

20. It was agreed that the following actions would occur:

20.1 To keep processes moving it was agreed that:

1) The applicant will provide a report to ES that includes:

- a description of how they define the activities proposed;
- the changes proposed to the application;
- an updated table on the trips proposed;
- a suite of conditions considered appropriate,

by no later than Friday 5 February. This report will be distributed to submitters immediately upon receipt.

2) That Mr Gericke would provide an updated allocation table by no later than Friday 5 February for distribution to the applicant and submitters.

3) That upon receipt of the information required under 1 and 2 above, the submitters will seek feedback from the members of their organisations as soon as possible and report back to ES so that the next steps in the process can be determined including the agreement on conditions that may lead to the possibility that the submitters may withdraw their wish to be heard.

(It should be noted that this does not commit Environment Southland as consent authority to any particular recommendation or decision on this application.)



Allan Cubitt
Independent Hearings Commissioner

Attachment 5

Additional Information from Applicant following Pre-hearing Meeting

5 February 2021

George Gericke
Environment Southland
Private Bag 90116
Invercargill 9840

Dear George,

APP-20202433- Application for a coastal permit – Offspring Travel Ltd (OTL)

As the result of discussions at the pre-hearing meeting held on the 29 January 2021 at Environment Southland, further information to amend Offspring Travel Ltd's application and clarify the rules relating to what the proposed operation is provided below.

1. Amendments to application

At the meeting, Clint Tauri, on behalf of OTL, agreed to amend the application as follows:

- (i) limit the proposed new support vessel to 14.3m overall length. It would not have any cabins for accommodation; and
- (ii) remove Options 3 (Crooked Arm) and 4 (outer islands and Thompson Sound trip), both being one day activities.

It is agreed that Options 3 & 4 as proposed would constitute a day trip as the kayakers would embark onto the support vessel, get taken to the start of the kayaking area, then return on the vessel to the same point where they embarked. The applicant has therefore decided to remove these trip options from the application to try and resolve the submitters concerns.

As a result of removing trip options 3 and 4, Thompson Sound will no longer be visited as part of this application.

2. Definition of Day Trips

One of the most significant points of discussion was whether or not the proposed activity is classified as a day or backcountry trip under the definitions in the Regional Coastal Plan (RCP). It should be noted that the kayaking activity itself is a commercial surface water activity but cannot be a commercial day or backcountry activity because those activities only apply to motorised or wind-powered ships.

A commercial day trip, as defined in the plan, is “... *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.*”

As outlined in the application, the proposed activities do not fit easily within the definitions. The intended use of the support vessel is to operate in a safety/supervision capacity and not for transporting passengers for an activity such as a sightseeing tour. For the early and full day trips, the vessel may transport passengers either to or from areas to undertake the activity, depending on wind and wave conditions, but not both. The kayakers will either commence from, or return to the applicant’s wharf under their own steam, so they will not embark and disembark from the vessel on the same day at the applicant’s wharf as is done on a sightseeing day trip tour.

The use of the support vessel is therefore a commercial surface water activity but it is not a commercial day trip as it does not fit within the definition, i.e. passengers do not travel on the support vessel “... *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.*” For the most part, the support vessel will only travel in the main thoroughfare of Doubtful Sound but will, on occasions, enter Hall and Crooked Arms, though not past Turn Point in regard to the latter. It may, depending on conditions, carry the kayakers either into Hall Arm or out but not both on the same trip.

No day trip allocation is therefore required for this activity in Doubtful Sound and Hall Arm, and the status of the activity is discretionary under Rule 16.2.1(7).

For the overnight trip in Hall Arm, the situation is much the same, i.e. the kayakers may be transported one way but not both, hence the support vessel use is not a backcountry activity.

In regard to overnight trip in and around Crooked Arm, the use of the support vessel will be within the definition of a backcountry activity. Kayakers will be transported up Doubtful Sound from Deep Cove to a starting point at the head of the Sound, overnight in Crooked Arm, then, later the next day, get picked up and transported back to Deep Cove. The kayakers are therefore transported “... *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.*”

However, because this backcountry activity does not go into either Hall Arm, Crooked Arm west of Turn point, First Arm or Bradshaw Arm, the activity is not a backcountry trip, hence is not constrained by the discretionary limits specified in Rule 16.2.1(5).

In the application, each kayaking trip has been specified as one trip. However, based on discussions at the pre hearing meeting, Environment Southland’s Processing Officer advised that if all of the kayaking

activities were to leave the wharf at the same time, with a single support vessel, the use of the support vessel would be regarded as only one commercial trip activity.

Offspring Travels early and full day tours leave the company’s Deep Cove wharf at the same time with only one vessel supervising/supporting both kayaking groups. Based in the above information, that would constitute one trip, therefore the number of support vessel trips applied for has halved as two kayak groups are supervised by one vessel at the same time (see table below).

3. Kayaking Trips Applied For

	Full Day Current	Full Day Proposed	Early Day Current	Early Day Proposed	2 Day Tour Current	2 Day Tour Proposed	Total trips current	Total Trips Possible	Offspring current allocation as per ES allocation tables
January	31	31	8	15	8	8	47	54	46
February	28	28	8	15	8	8	44	51	46
March	31	31	8	15	8	8	47	54	44
April	30	30	8	15	8	8	46	53	44
May	10	31	0	0	0	0	10	31	20
June	0	0	0	0	0	0	0	0	-
July	0	0	0	0	0	0	0	0	-
August	0	31	0	0	0	0	0	31	-
September	30	30	0	0	0	0	30	30	44
October	31	31	0	0	8	8	39	39	44
November	30	30	8	15	8	8	46	53	46
December	31	31	8	15	8	8	47	54	46
Total	251	304	48	90	56	56	356	450	380

Table 1: Offspring Travel Ltd- Summary of current and proposed kayaking trips

The above table summarises the number of trips that can be undertaken on the current consent and the proposed number of trips. The highlighted areas show where there is an increase from what is currently authorised. No changes are proposed for the 2 day tours.

It is important to note that the total values shown in the table above are the theoretical maximum number of kayak trips that could be undertaken. The actual number of trips will be lower due to weather and client demand and the application is only for up to 45 trips per month and 250 trips annually. This amount is slightly up on the 210 trips annually that is specified on the current consent but, apart from an extra kayak in the group, it does not mean an increase in the level of activity on any particular day.

The above table identifies each kayaking trip as a day trip for the support vessel, however based on the above information from Environment Southland regarding what constitutes a day trip, due to the early and day tours operating at the same time with one vessel supervising/supporting both kayaking groups, it will only be one trip. While there may be two kayak trips in a day, there will only be one support vessel trip on that day.

Based on this information, the total number of early and day tours is 197 trips. With the addition of the 56 two day tours, there is a total of 253 trips annually, which is within the current consented allocation of 380 trips.

In conclusion, with the amendments to the application, and based on the way in which the activities are carried out and the definitions in the RCP, no day or backcountry trips are carried out. No allocation is therefore required in order to carry out this activity.

4. Non-kayaking passengers

Part of the application as lodged is to carry non-kayaking passengers that have a member of their family or group participating in the kayaking activity. The applicant acknowledges the concerns raised by submitters and that the carrying of non-kayaking passengers could be classified as a sightseeing day trip under the RCP. To avoid confusion as to the type of experience that is being offered, and to remove the requirement for some day trip allocation, non-kayaking passengers will not be taken on the vessel.

5. Vessel Size

The current vessel Offspring Travel uses for this operation is the same one it uses for overnight trips for its other company Fiordland Cruises Ltd. In time, when the company is in a position to do so, it intends to purchase a vessel specifically for the kayaking operation. Submitters raised concerns as to the size of the proposed vessel and the accommodation facilities included on the indicative plans included in the response for further information.

Since the indicative plans were provided to Council, the applicant has obtained a design of a vessel that is more suited to the operation. The size of this proposed vessel has an overall length of 14.3m, smaller than the 18m vessel initially proposed. Below is an indicative image of the revised vessel and a short video can be viewed by clicking [here](#).



Photo 1 - Indicative image showing proposed vessel.

5. Consent conditions

Included with this letter as Schedule 1 is a set of draft conditions. They are based on the previous consent, with amendments where necessary.

If you have any questions or queries, or would like to discuss, please do not hesitate to contact me.

Kind regards,



Bridgett Aitken
Planner, Bonisch Environmental

Schedule 1 - Draft Consent Conditions

1. This resource consent shall commence on the surrender or expiry of consent AUTH- 203196.
2. This consent authorises the undertaking of commercial surface water activities, in the coastal marine area adjacent to Fiordland National Park namely guided kayaking tours as described in the application for resource consent dated 22 September 2020 and further information received 29 October 2020.
3. The kayaking tours will operate as follows:

(a) a full day tour:

- consisting of up to five double kayaks and a single kayak;
- operating any day per month during the period August to May each year, with activity during the period June to July each year prohibited;

and

(b) an early day tour:

- consisting of up to five double kayaks and a single kayak;
- operating up to 15 days per month during the period November to April each year, with activity during the period May to October each year prohibited;

or

(c) a two day tour:

- consisting of up to five double kayaks and a single kayak;
- operating up to eight times per month during the period October to April each year, with activity during the period May to September each year prohibited;

provided that the consent holder shall not exceed a total of 250 trips annually.

Trainee kayak guides are to be included within the guided kayak group numbers outlined in (a), (b) and (c) above.

4. The commercial surface water activity outlined in condition 2 may include one support vessel of approximately 14.5 metres to accompany and, if necessary, transport the kayakers, as described in the application. The use of the support vessel is restricted to supporting guided sea kayaking tours and excludes general passengers not associated with kayaking activities.

Operational Restrictions

5. The consent holder may only operate the kayaks and vessel within Doubtful Sound inside a line from Joseph Point (at the eastern head of First Arm) to Common Head (at the eastern head of Secretary Island) to the southern extremity of Richards Point (at the western head of Bradshaw Sound) and across to the adjacent Bradshaw Sound eastern headland at approximate grid reference NZMS 260 B43:421-289. Access to Crooked Arm (except for west of Turn Point for vessel access) and Hall Arm are included in the consent.
6. Kayak and/or vessel access to First Arm, Bradshaw Sound, and Crooked Arm west of Turn Point is prohibited.
6. Passengers or crew of the vessel shall not land on, nor shall the vessel moor adjacent to:
 - the foreshore of Shelter Island or Nee Islets at the mouth of Doubtful Sound; or
 - the foreshore of Seymour Island, Doubtful Sound; or
 - any foreshore within 50 metres of New Zealand Fur Seal colonies.

Effluent Discharge

7. Sewage shall be discharged in accordance with the Resource Management (Marine Pollution) Regulations 1998, and the Resource Management (Marine Pollution) Amendment Regulations 2002. The sewage shall be discharged into holding tanks for disposal at least 500 metres seaward from mean high water springs.

Rubbish Disposal and Contaminant Spills

8. This consent shall be exercised in accordance with the application. In particular, all rubbish shall be removed from the coastal marine area and disposed of at a designated refuse disposal site.
9. The consent holder shall adopt the best practicable option for refuelling to ensure that a discharge of fuel or oil in the coastal marine area is avoided. In the event of any spill of oil, fuel, or other contaminant, including sewage that has not been discharged in accordance with the Resource Management (Marine Pollution) Regulations 1998, and the Resource Management (Marine Pollution) Amendment Regulations 2002, the consent holder shall immediately notify the Consent Authority Compliance Manager, or delegate. Notification shall include the type and quantity of contaminant spilled, and the steps taken to remedy or mitigate any adverse effects.

Note:

The best practicable option is not defined because all of the options are not known. The purpose of the condition is to ensure that the consent holder uses appropriate equipment, and properly

supervises this part of the operation to ensure no discharges occur, and is aware of his liability in the event of an accident

10. (a) A fuel/oil spill kit that is suitable for the operation must be available on the 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; and
 - (iv) absorbent materials for smaller spills on board.
- (b) In the event of any spill of oil, fuel or other contaminant, contaminants shall be removed immediately from the site and mitigation undertaken to adequately contain and recover the spill.
- (c) The Consent Holder shall immediately notify the Consent Authority (ph. 0800 76 88 45 or email escompliance@es.govt.nz) that a spill has occurred. Notification shall include the type and quantity of oil, fuel or other contaminant spilled, and the steps taken to avoid, remedy or mitigate any adverse effects.
- (d) In the event of a spill of any contaminant, no dispersants or degrading agents shall be discharged to water without the approval of the Consent Authority.

Noise

11. The consent holder shall ensure that the vessel does not exceed the noise levels listed in Rules 5.3.4, and 5.3.6, and Rule 16.3.4 of the Regional Coastal Plan for Southland.

To ensure compliance with Rules 5.3.4, 5.3.6 and Rule 16.3.4 of the Regional Coast Plan for Southland the consent holder shall measure and assess the noise levels emitted by the vessel, in accordance with the provisions of NZS 6801:1991 "Measurement of Sound" and NZS 6802:1991 "Assessment of Environmental Sound".

Biosecurity

12. The following biosecurity procedures are to be followed at all times:
- (a) at the last port of call prior to entering the Fiordland marine area, the vessel operating under this Consent;
- (i) must have the hull inspected for pests and fouling organisms, in particular *Undaria*;
 - (ii) clean and dry mooring lines, buoys and any other equipment that has come into contact with coastal waters, in a manner that kills marine pests and unwanted organisms;

- (iii) after cleaning the hull and equipment, have the hull and associated equipment inspected by a suitably qualified person to ensure that there are no visible signs of marine pests and unwanted organisms; and
 - (b) six weeks after the inspection required in Condition 12(a) the Consent Holder shall inspect the vessel mooring lines, buoys and any other equipment that has come into contact with coastal water to check for marine pests and unwanted organisms; and
 - (c) immediately after each inspection required in Condition 12(a) and 12(b), if any marine pests or unwanted organisms are found, the Consent Holder shall notify the Consent Authority and seek advice from a suitably qualified person regarding removal, treatment, and disposal of the pest(s) or unwanted organism(s). Once this advice is received, the Consent Holder shall immediately ensure that the pest(s) or unwanted organism(s) are removed and disposed of in accordance with that advice.
13. The Consent Holder shall:
- (a) maintain the vessel in a rodent free state at all times;
 - (b) maintain at least one bait station or trap for the purposes of rodent eradication, on the main vessel at all times; and
 - (c) inspect the vessel and any cargo, for pests, in particular, rodents, and prior to re-entering the Fiordland marine area on each occasion.

Reporting Requirements

14. A log of all operations shall be maintained, including:
- (a) the location of sewage discharges;
 - (b) a log of all day trip activities, including the following details:
 - (i) departure date and return date for each day trip;
 - (ii) location(s) travelled to for each day trip; and
 - (c) the results of inspections for pests, unwanted organisms, or hull fouling organisms on the vessel and equipment, in accordance with Conditions 12 of this consent.

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

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

Review of Consent Conditions

15. The Consent Authority may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the Consent Holder of its intention to review the conditions of this consent during the period 1 February to 30 September each year, or within two months of any enforcement action being taken by the Consent Authority in relation to the exercise of this consent, for the purposes of:
- (a) determining whether the conditions of this permit are adequate to deal with any adverse effect on the environment, including cumulative effects, which may arise from the exercise of the permit, and which it is appropriate to deal with at a later stage, or which become evident after the date of commencement of the permit; or
 - (b) ensuring the conditions of this consent are consistent with any National Environmental Standards Regulations, relevant plans and/or Policy Statement; or
 - (c) amending the monitoring programme to be undertaken; or
 - (d) adding or adjusting compliance limits; or
 - (e) requiring the Consent Holder to adopt the best practicable option to remove or reduce any adverse effect on the environment arising as a result of the exercise of this permit.

Attachment 6

Draft Conditions

Coastal Permit

Pursuant to Section 104B of the Resource Management Act 1991, a resource consent is hereby granted by the Southland Regional Council to **Offspring Travel Limited** of **PO Box 81, Te Anau 9640** from **Date 2021**.

Please read this Consent carefully, and ensure that any staff or contractors carrying out activities under this Consent on your behalf are aware of all the conditions of the Consent.

Details of Permit

Purpose for which permit is granted:	To undertake commercial surface water activities in Fiordland.
Location - site locality	Doubtful Sound/Patea Complex, Fiordland
Legal description at the site:	Coastal Marine Area
Expiry date:	Date 2033

Conditions

1. This resource consent shall commence on the surrender or expiry of consent AUTH- 203196.
2. This consent authorises the undertaking of commercial surface water activities, in the coastal marine area adjacent to Fiordland National Park namely guided kayaking tours as described in the application for resource consent dated 22 September 2020 and further information received on 29 October 2020.
3. The kayaking tours will operate as follows:
 - (a) a full day tour:
 - consisting of up to five double kayaks and a single kayak;
 - operating any day per month during the period September to April each year, and up to 10 days per month during May each year, with activity during the period June to August each year prohibited;

and

- (b) an early day tour:

- consisting of up to five double kayaks and a single kayak;
- operating up to 8 days per month during the period November to April each year, with activity during the period May to October each year prohibited;

or

(c) a two-day tour:

- consisting of up to five double kayaks and a single kayak;
- operating up to eight times per month during the period October to April each year, with activity during the period May to September each year prohibited;

provided that the consent holder shall not exceed a total of 190 days for the full day tours and early day tours during the period September to May per annum, and a total of 20 two-day tours during the period October to April per annum.

Trainee kayak guides are to be included within the guided kayak group numbers outlined in (a), (b) and (c) above.

4. The commercial surface water activity outlined in condition 2 may include one support vessel not exceeding 14.5 metres in length to accompany and, if necessary, transport the kayakers, as described in the application. The use of the support vessel is restricted to supporting guided sea kayaking tours and excludes general passengers not associated with kayaking activities. The support vessel shall be painted in the colour scheme as outlined in the application.

Operational Restrictions

5. The consent holder may only operate the kayaks and vessel within Doubtful Sound inside a line from Joseph Point (at the eastern head of First Arm) to Common Head (at the eastern head of Secretary Island) to the southern extremity of Richards Point (at the western head of Bradshaw Sound) and across to the adjacent Bradshaw Sound eastern headland at approximate grid reference NZMS 260 B43:421-289. Access to Crooked Arm (except for west of Turn Point for vessel access) and Hall Arm are included in the consent.
6. Kayak and/or vessel access to First Arm, Bradshaw Sound, and Crooked Arm west of Turn Point is prohibited.
6. Passengers or crew of the vessel shall not land on, nor shall the vessel moor adjacent to:
 - the foreshore of Shelter Island or Nee Islets at the mouth of Doubtful Sound; or
 - the foreshore of Seymour Island, Doubtful Sound; or
 - any foreshore within 50 metres of New Zealand Fur Seal colonies.

Effluent Discharge

7. Sewage shall be discharged in accordance with the Resource Management (Marine Pollution) Regulations 1998, and the Resource Management (Marine Pollution) Amendment Regulations 2002. The sewage shall be discharged into holding tanks for disposal at least 500 metres seaward from mean high water springs.

Rubbish Disposal and Contaminant Spills

8. This consent shall be exercised in accordance with the application. In particular, all rubbish shall be removed from the coastal marine area and disposed of at a designated refuse disposal site.

9. The consent holder shall adopt the best practicable option for refuelling to ensure that a discharge of fuel or oil in the coastal marine area is avoided. In the event of any spill of oil, fuel, or other contaminant, including sewage that has not been discharged in accordance with the Resource Management (Marine Pollution) Regulations 1998, and the Resource Management (Marine Pollution) Amendment Regulations 2002, the consent holder shall immediately notify the Consent Authority Compliance Manager, or delegate. Notification shall include the type and quantity of contaminant spilled, and the steps taken to remedy or mitigate any adverse effects.

Note:

The best practicable option is not defined because all of the options are not known. The purpose of the condition is to ensure that the consent holder uses appropriate equipment, and properly supervises this part of the operation to ensure no discharges occur, and is aware of his liability in the event of an accident

10. (a) A fuel/oil spill kit that is suitable for the operation must be available on the 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; and
 - (iv) absorbent materials for smaller spills on board.
- (b) In the event of any spill of oil, fuel or other contaminant, contaminants shall be removed immediately from the site and mitigation undertaken to adequately contain and recover the spill.
- (c) The Consent Holder shall immediately notify the Consent Authority (ph. 0800 76 88 45 or email escompliance@es.govt.nz) that a spill has occurred. Notification shall include the type and quantity of oil, fuel or other contaminant spilled, and the steps taken to avoid, remedy or mitigate any adverse effects.
- (d) In the event of a spill of any contaminant, no dispersants or degrading agents shall be discharged to water without the approval of the Consent Authority.

Noise

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To ensure compliance with Rules 5.3.4, 5.3.6 and Rule 16.3.4 of the Regional Coast Plan for Southland the consent holder shall measure and assess the noise levels emitted by the vessel, in accordance with the provisions of NZS 6801:1991 "Measurement of Sound" and NZS 6802:1991 "Assessment of Environmental Sound".

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12. The following biosecurity procedures are to be followed at all times:
- (a) at the last port of call prior to entering the Fiordland marine area, the vessel operating under this Consent;
- (i) must have the hull inspected for pests and fouling organisms, in particular *Undaria*;

- (ii) clean and dry mooring lines, buoys and any other equipment that has come into contact with coastal waters, in a manner that kills marine pests and unwanted organisms;
 - (iii) after cleaning the hull and equipment, have the hull and associated equipment inspected by a suitably qualified person to ensure that there are no visible signs of marine pests and unwanted organisms; and
- (b) six weeks after the inspection required in Condition 12(a) the Consent Holder shall inspect the vessel mooring lines, buoys and any other equipment that has come into contact with coastal water to check for marine pests and unwanted organisms; and
 - (c) immediately after each inspection required in Condition 12(a) and 12(b), if any marine pests or unwanted organisms are found, the Consent Holder shall notify the Consent Authority and seek advice from a suitably qualified person regarding removal, treatment, and disposal of the pest(s) or unwanted organism(s). Once this advice is received, the Consent Holder shall immediately ensure that the pest(s) or unwanted organism(s) are removed and disposed of in accordance with that advice.
13. The Consent Holder shall:
- (a) maintain the vessel in a rodent free state at all times;
 - (b) maintain at least one bait station or trap for the purposes of rodent eradication, on the main vessel at all times; and
 - (c) inspect the vessel and any cargo, for pests, in particular, rodents, and prior to re-entering the Fiordland marine area on each occasion.

Reporting Requirements

14. A log of all operations shall be maintained, including:
- (a) the location of sewage discharges;
 - (b) a log of all day trip activities, including the following details:
 - (i) departure date and return date for each day trip;
 - (ii) location(s) travelled to for each day trip; and
 - (c) the results of inspections for pests, unwanted organisms, or hull fouling organisms on the vessel and equipment, in accordance with Conditions 12 of this consent.

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

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

Review of Consent Conditions

15. The Consent Authority may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the Consent Holder of its intention to review the conditions of this consent during the period 1 February to 30 September each year, or within two months of any enforcement action being taken by the Consent Authority in relation to the exercise of this consent, for the purposes of:
- (a) determining whether the conditions of this permit are adequate to deal with any adverse effect on the environment, including cumulative effects, which may arise from the exercise

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

Notes

1. The Southland Regional Council Navigation Safety Bylaws 2009 (revised 2015) must be followed by the Consent Holder at all times.
2. Sewage shall be discharged ashore into the Deep Cove Waste Water Treatment Plant unless the plant is undergoing repairs and maintenance then sewage from the vessel holding tanks should be discharged in accordance with the Resource Management (Marine Pollution) Regulations 1998, at least 1000 metres seaward from mean high water springs.
3. Unless otherwise provided for in the Regional Coastal Plan, the generation of noise and the noise from a ship in motion are permitted activities, provided the criteria set out in Rule 5.3.4 and Rule 5.3.6 are complied with.
4. An activity log template can be downloaded from the Council's website at: <http://www.es.govt.nz/document-library/forms-and-fees/Pages/Compliance-forms-and-permits.aspx>
5. 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.
6. The Consent Holder shall not sell this consent, in whole or in part, or any of the rights, powers and privileges conferred by it, without advising the Consent Authority, and the payment of the transfer charges as determined by the Consent Authority.
7. Neither the issuing of this consent nor anything contained in it shall affect the liability of the Consent Holder for any injury caused by the exercise of this consent to any vessel or person through any default or neglect of the Consent Holder.
8. The granting of this consent does not absolve the Consent Holder from the responsibility to abide by any rule or regulation; nor does it absolve the Consent Holder from the responsibility to obtain any approval, permit, licence, concession or consent from any other body, including, but not limited to, marine mammal viewing permits issued by the Department of Conservation.
9. 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 five years or more.

Definitions

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 Trip - means the undertaking of a commercial backcountry activity within either Hall Arm, Crooked Arm west of Turn point, First Arm or Bradshaw Arm for any purpose, other than using an anchorage and travelling directly to and from that anchorage when conditions prevent the use of anchorages in areas other than those specified.

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.

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 grid reference, NZMS260 B43421289, including Gaer Arm and Precipice Cove.

Crooked Arm East of Turn Point - means that part of the coastal marine area bounded to the south by an imaginary line drawn due south of Turn Point and bounded to the north by an imaginary line drawn between Ranson Head and Kellard Point.

Crooked Arm West of Turn Point - means all that part of the coastal marine area west of an imaginary line drawn due south of Turn 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.

Thompson Sound - means all that part of the coastal marine area bounded to the north by an imaginary line drawn between Colonial Head and Shanks Head and bounded to the south by an imaginary line drawn between Common Head and the southern extremity of Richards Point.

Appendix 1: Doubtful/Patea Complex Map

