



Consents Hearing 26 January 2021

Real Journeys Limited – APP-20201876

Appendices

Hearing Decision – 20 October 2010



**environment
SOUTHLAND**

Te Taiaro Tonga

**Before the Hearing Committee
Environment Southland
Invercargill**

F083-003

In the Matter of the Resource Management Act 1991

and

In the Matter of the hearing of a resource consent application by **Fiordland Wilderness Experiences**, for a coastal permit to use a vessel in a supporting role for day trip kayak groups from areas within the Doubtful Sound complex;

on

Wednesday 29 September 2010, at 9.30 am in the Council Chambers, Environment Southland, corner Price Street and North Road, Invercargill.

Hearing Committee:	Cr D Wilson Cr A Timms Cr M Rodway	(Chair)
Staff in Attendance:	Mr J Engel Ms S Bevin Mrs D O'Donnell	(Consents Manager) (Consents Officer) (Executive Support Secretary)
For the Applicant:	Mr K Hovell Ms F Lees Ms F Black	(Hovell Planning Services) (Fiordland Wilderness Experiences) (Real Journeys Ltd)
Submitters Present:	Mr S Gourlay Mr N Lamb	(on behalf of Fiordland Explorer Charters Ltd) (Fiordland Explorer Charters Ltd)

Decision of Consents Committee

➤ Introduction

The applicant applied for a coastal permit to use a vessel to support the day trip tours to be operated in Doubtful Sound. The applicant proposed to use the vessel to transport kayak groups from Deep Cove to start points within the Sound, and collect groups at the completion of the day trip and return the group back to Deep Cove. The vessel would not shadow the group during the trip and would continue to be available for use in emergency situations, and used for weather monitoring and camp maintenance purposes (these activities are allowed under the existing consent conditions).

The applicant operates an existing guided kayaking activity throughout the Fiordland area. The operation is consented for kayaking trips operating simultaneously out of Doubtful Sound, Milford Sound and the Southern Fiords, being Breaksea/Dusky Sounds and Chalky/Preservation Inlets. This application relates only to the operation within Doubtful Sound.

The applicant intends to use a “Seamaster” vessel of between 9 and 10 metres length. This vessel has an aluminium hull, and a marine Volvo penta engine of approximately 200 horsepower. The applicant considers this vessel is appropriate for the conditions in Doubtful Sound, and enables the transportation of kayaks, while also providing shelter and safety for passengers.

The applicant is currently consented to operate up to four kayak trips on any one day during the months of October–April inclusive, and a maximum of two kayak trips on any one day during the months of May–September inclusive. These trips are made up of multi day trips (3, 4 and 5 day trips), a two day (overnight) trip, and a day trip. The applicant has not previously operated the authorised day trip.

The applicant does not anticipate that sewage effluent facilities will be fitted to the vessel, however if the facilities are fitted, all sewage will be disposed of via the shore based facility at Deep Cove. Rubbish will be removed for disposal at designated sites.

The application was publicly notified on 20 May 2010 and nine submissions were received.

The movement of the vessel in circumstances other than emergencies is considered to fall within the definition of a “commercial surface water activity” and “commercial day trip”, as defined in the Regional Coastal Plan for Southland. Therefore, the allocation limits apply. Day trip allocations within the Doubtful Sound area are either at or over discretionary activity capacity, and therefore this activity has non-complying status under Rule 16.2.1.2 of the Regional Coastal Plan.

➤ The Case for the Applicant

Ms Fiona Lee outlined the history of the applicant company, originally established in 1992, and purchased by the current operators in 2008. Ms Lee stated that the company aims to operate in a safe and responsible manner, minimising environmental impact, provide a quality service within environmental constraints, and engender environmental awareness and appreciation. The company has an unblemished safety record.

At present, Fiordland Wilderness Experiences operates overnight trips within Doubtful Sound, departing Deep Cove, paddling to and camping overnight in Hall Arm, before returning to Deep Cove the following day. The multi day (3, 4 and 5 day) trips offered are more suited to experienced clients.

The current coastal permit authorises a one day trip. This consent authorises a total of four kayak groups of nine persons on Doubtful Sound at any one time during summer. During winter, this is reduced to two groups of nine.

The applicant has not previously considered it necessary that a vessel be permanently on the water at Deep Cove. However, the environment within Doubtful Sound is now altered by the granting of the Meridian Energy Limited consent for the Manapouri Tailrace Amended Discharge (MTAD). This increased discharge, when combined with possible adverse sea and weather conditions, may result in preventing the safe movement of clients to or from Deep Cove. The effects of the discharge and the impact on kayaking are not completely understood at this time. Ms Lee referred to the recent release of the coroners report on the Outdoor Pursuits Centre tragedy, in regards operating under best practice.

Ms Lee discussed evidence submitted as part of the Meridian Energy MTAD application, noting in particular the recommendation to increase the use of support vessels for safety reasons. The currents become stronger as a result of the increased discharge, creating steeper waves, resulting in dangerous conditions for kayakers potentially resulting in swamping and capsizing. Ms Lee considers the requirement to have a vessel and skipper on standby reduced the economic viability of the business, and therefore a change to the way the support vessel is used is required to mitigate this.

Ms Lee confirmed the applicant wished to operate a one day kayak trip every day from September through to May, and infrequently during winter. The vessel would be used to either drop off kayak groups or pick up kayak groups every day. Also, in some cases, the vessel would be used both to drop off and pick up a kayak group on the same day. The requirement for this scenario is unknown, and therefore the applicant requested provision for use of the vessel on one day in three during summer, and on one day in six during winter for this activity.

The applicant had undertaken discussions with the Department of Conservation regarding the exclusion of Hall Arm and the Dolphin Protection Zones as pick up points. The Department also suggested the proposed pick up and drop off points be separated, to further reduce effects. The applicant devised potential trip routes and pick up and drop off points following these discussions. Four trip routes were proposed by the applicant, three of which are located solely within the Doubtful Sound thoroughfare, and the fourth within Hall Arm, but the support vessel would only operate within Doubtful Sound.

Ms Lee listed nine scenarios where the vessel would be utilised, including during strong winds, deteriorating weather, due to sickness or injury, the pick up of a group which has taken shelter, for campsite checks and maintenance, and in support of an on-water emergency. The vessel would also be used to transport a group to a start point when required, pick up a group and return them to Deep Cove when required, and to both drop off and pick up a kayak group on the same day, as required. Ms Lee confirmed the use of the vessel would be minimised, and a log could be supplied if requested.

Ms Lee went on to clarify the issues raised by submitters. Concerns over rodent control can be addressed by installing a rodent trap on the vessel. The applicant does not intend to travel to unauthorised areas – Crooked Arm west of Turn Point, Bradshaw Sound and First Arm. The applicant intends to return to and moor in Deep Cove in between uses of the vessel, as it will not be known when the vessel will next be required.

The applicant has no objection to a condition being placed on any consent granted requiring compliance with the Dolphin Avoidance Protocol, and the Dolphin Avoidance Zones.

Ms Lee also discussed the cumulative effects of this application, noting that there is no requirement in place to monitor recreational use in the area. The increasing numbers of recreational boaters in this area increases the potential for significant negative impacts. Ms Lee noted that the commercial operators within the area have a good reputation for self policing to minimise impacts on respective clients. While they are competitors, the need to work together and communicate with each other is recognised. The applicant has discussed concerns with the application with a submitter, Mr Reg Calder. Ms Lee considers the ongoing dialogue and assessment of operators' activities minimises the impacts on other operators.

The applicant intends to ensure the one day trip departs Deep Cove prior to the arrival of the majority of other operators' clients. The applicant considers this will reduce potential adverse effects on both parties.

Mr Hovell, of Hovell Planning Services, also provided evidence on behalf of the applicant. Mr Hovell confirmed the intent of the vessel is to transport kayak groups to and from selected points within Doubtful Sound. Mr Hovell also confirmed the application was for the operation of the motorised vessel on any day when the one day kayak trips are operating.

Mr Hovell accepted that the potential effects of the application could extend beyond those effects authorised by the current permit, and therefore the use of section 127 is not appropriate, and the application must be considered as a new application. Mr Hovell also noted that it is the difference between effects from the current activities and the proposed activities is what is required to be assessed.

Mr Hovell went on to provide comment on his interpretation of the status of the activity. In his view the dominant activity is the paddling of canoes, with other activities being incidental to it. The applicant considers that the specific use of the vessel to drop off or pick up clients undertaking a kayak day trip is a 'Commercial Surface Water Activity' although it is recognised that in some instances the use of the vessel would not be able to be defined as "offered or used for hire or reward" (emergency use for example). The definition of a "Commercial Day Trip Activity" includes reference to a ship, and therefore a kayak day trip that involves the use of a vessel comes under this definition. Mr Hovell concluded that when passengers embark at one point and disembark at another, this does not constitute a "Commercial Day Trip Activity". The same applies when the vessel is used to transport kayak groups to a point to allow them to make their own way back to the departure point, and also when the vessel picks up the kayak group. In the case of a vessel dropping off a kayak group, then returning to base, before going out to pick up that same group, this is considered a single Commercial Day Trip, as the focus within the definition is what the passengers do, not what the boat does.

Mr Hovell concluded that the use of the vessel to transport members of a kayak group is not a single activity, and the activity must be considered as a package. If the vessel is used to either transport a group to a drop off point OR pick up a group, this is not a "Commercial Day Trip Activity" as defined in the Regional Coastal Plan and the allocation limits do not apply. Furthermore, Mr Hovell considered the use of "allocation" in the staff report as misleading, as the rules relating to commercial day trips refers to the number of trips actually undertaken. For day trips, a maximum of five are allowed to occur on any one day. Consequently, if a discretionary trip is not undertaken on a day, then a trip authorised as a non-complying activity then has discretionary status for that day, as less than five trips are made by authorised consent holders.

In order to effectively assess the status of the activity where day trip kayak groups are both dropped off and picked up by the vessel, Mr Hovell agrees Council needs to know the actual number of trips that are going to occur on a given day. Mr Hovell is aware that not all operators use their allocation every day, and consequently on such days where the vessel drops off and picks up kayak groups, this activity would be discretionary. Should the use of the vessel to drop off and pick up a kayak group constitute a sixth trip for the day, then this is a non-complying activity. In summary, Mr Hovell considers the activity is discretionary for the most part but there may be some instances where a vessel movement constitutes a non-complying activity.

Mr Hovell referred to Section 104 of the Resource Management Act 1991. Specific comments on Section 104(3)(a)(ii) were provided in relation to the requirement to disregard adverse effects on anyone that provides written approval. Mr Hovell tabled a letter from Real Journeys giving the company's approval to the application. In addition, Section 104(2) provides discretion to consider activities permitted by the Coastal Plan. In this case, recreational and fishing vessels are permitted within Fiordland.

Mr Hovell referred to Section 5 of the Act, which refers to the management of resources to enable people to provide for their economic wellbeing and safety. The applicant considers that a previous consent granted by Council now prejudices the viability of an existing kayak tour operator. Action is therefore required in order to protect the applicant's business, and the safety of its kayak clients.

Mr Hovell considers that the adverse effects of this additional vessel are mitigated by limiting its size to 10 metres length, ensuring compliance with the noise rules, and restricting the areas where it operates. Any cumulative effects are mitigated by working with the other operators in the area. Appropriate conditions can also further mitigate adverse effects. Regard should also be given to Policy 16.2.9 which recognises Doubtful Sound as a thoroughfare. The vessel is proposed to be used within this thoroughfare area, only entering other areas in emergencies. The timing of the use of the vessel reduces some of the interaction with other operators that would likely occur. Deep Cove is an already modified environment with mooring and wharf facilities, and vessels moving about the area on a regular basis.

Mr Hovell proceeded to define the categories of effect, from Nil Effects to Unacceptable Adverse Effects. In summary, Mr Hovell considered the effects of the proposed vessel overall to be between less than minor and minor in terms of noise and visual and amenity effects. Compliance with the Coastal Plan noise requirements, and the limited amount of time the vessel would be out on the Sound, assists in mitigating the effects. Overall, the application passes the relevant part of the threshold test set by Section 104D. In terms of the second part of the threshold test in Section 104D, the applicant considers the application is not contrary to the Objectives and Policies of the Regional Coastal Plan. Contrary, in terms of previous case law, is defined as being opposed in nature, different to, opposite, and repugnant and antagonistic. Mr Hovell does not consider the application is contrary to, or indeed repugnant or antagonistic in terms of the relevant Objectives and Policies.

In regards precedent, Mr Hovell noted this application was surrounded by a particular set of circumstances, in that another consent involving increases to water flows in the area could potentially affect the viability of the existing operation. Furthermore, Mr Hovell highlighted the other existing kayak operator, noting that a precedent was set by the granting of consent to this operation.

Mr Hovell agreed with the general idea of the recommended conditions within the staff report, should the Council approve the application. Mr Hovell recommended the proposed conditions be incorporated into the existing permit 203307, as the main activity of the consent holder is not being altered. Mr Hovell suggested an alteration to the suggested condition 3, relating to use of the vessel.

Mr Hovell, Ms Lee and Ms Black also addressed questions asked by the hearing panel. Points of note were:

- clarification of the effects of the increased waves on the kayak itself, in regards swamping and capsizing;
- clarification of the safety vessel currently used for the operation. A tender from one of the Real Journeys vessels is used in any emergency, however these vessels may be some distance away. There is also, at times, a boat stored on a trailer at Deep Cove that is able to be utilised;
- clarification of the amount of time the kayak groups would spend on the water, which is usually between 10.00 am and 2.00 pm;
- confirmation the other commercial vessels usually depart Deep Cove at approximately 10.00 am, although this depends on the transport used across Lake Manapouri to West Arm and whether it is a Real Journeys vessel or a private vessel;
- confirmation that the consent allows up to four groups on Doubtful Sound at any one time during October to April, however the operation of the day trip requires the cancellation of a two day trip, and therefore trip numbers are not increasing overall; and
- clarification over the timing of the application, which was lodged prior to the issue of the Meridian Energy Limited MTAD consent decision, and yet this appears to be the sole reason for the applicant's proposal.

➤ **The Case for the Submitters**

- ***Mr Stephen Gourlay, Commercial Manager of Fiordland Explorer Charters Ltd; and Nigel Lamb, Fiordland Explorer Charters Limited***

Fiordland Explorer Charters Limited objected to the application, and had attended the pre hearing meeting. Neither attendance at this meeting, nor the subsequent additional information supplied by the applicant had resolved or lessened their concerns. Some recent information supplied has heightened the submitters concerns.

Mr Gourlay referred to trade competition as discussed in the staff report. He confirmed they are not motivated by trade competition issues as they offer different experiences within Doubtful Sound. The company's submission was prompted by concerns on the adverse impacts of the proposal on all users of the Doubtful Sound/Patea complex.

Mr Gourlay submitted that the applicant seeks to provide a comfort choice by utilising the one day trip, which has not previously been utilised. The possible effects of MTAD are being used as a means for the applicant to offer a new product. The applicant has operated

successfully under the existing consent conditions. A change in client demographics is not a valid reason for allowing a support vessel.

The submitter acknowledged the safety concerns in relation to the possible implications of the increased water flow. A number of the proposed scenarios for use of the vessel are considered to be for safety use, which is covered under the existing consent conditions. Mr Gourlay noted that the applicant has not had a safety vessel present in Deep Cove, despite operating trips in this area. The applicant has advised that it has an agreement with Real Journeys to use its vessels should the need arise. It appears the applicant has been operating with access to a safety vessel which, by its own admission, is less than ideal. The only change relevant to the applicant is the MTAD decision, and any changes granted should address only the possible impact of MTAD, and nothing else.

Mr Gourlay commented that all of the proposed routes, as shown on the most recent correspondence from the applicant, would require either a vessel pick up or drop off. None of these trips would be able to be completed on a day trip, unless the passengers are transported by a vessel. It is clearly the applicant's intention to utilise the vessel each day, regardless of the MTAD flow. No attempt has been made to restrict the use of this vessel to times of high MTAD flows. The submitter also queried the structure of some of the trip routes, which require the kayak groups to paddle towards Deep Cove to complete the trip, against the MTAD flow, and at a time of day where high winds can occur, and clients are tired.

Mr Gourlay noted Fiordland Explorer Charters Limited had made numerous concessions to kayak operators in the area, including this applicant, to accommodate their need for a remote client experience. The company has voluntarily refrained from operating within Hall Arm, and now finds that the applicant intends to operate three out of four trips within the Doubtful Sound thoroughfare. Approval of trips 1-4 would increase the presence of kayakers within the Doubtful Sound thoroughfare, and increase the area within Doubtful Sound in which they would be present, because if they left from and returned to Deep Cove, this would restrict the area within which the kayak group could travel, due to time constraints.

Mr Gourlay outlined four preferred options for the outcome of the application:

1. **decline the application**, as any adverse effects resulting from the MTAD can be mitigated by use of the authorised safety vessel;
2. **a consent condition restricting use of the safety vessel to days when the MPS discharge is above 510 m³/second**. Reports of the vessel use could be reconciled with Meridian's discharge reporting;
3. **any consent granted should be as a separate classification e.g. Commercial Day Trip – Kayak Support**. The consent should specify the areas that the vessel may operate in (recommended - Hall Arm, and Doubtful Sound up to the top of Elizabeth Island). Travel beyond these areas has a negative impact on the Fiordland Explorer Charters day trip clients, and other users. Mr Gourlay expressed concern that consents issued for support vessels will evolve over time into additional Commercial Day Trips, possibly due to changing client demographics, and this possibility should be excluded from the outset; and
4. **a number of consent conditions should the Committee not wish to adopt any of preferences 1-3**. Conditions should restrict the area of operation (as per preference 3); only one day kayak trip per day should be authorised, with no downsizing of two day trips; non-kayak persons should not be carried i.e. spouses,

children, friends; and the days where the support vessel is used should only be when the MPS outflow is above 510 m³/second. In the submitter's opinion, the Committee should not allow one trip per day, because this is more than is warranted to mitigate the effects of the MTAD.

Mr Gourlay noted that the applicant has not operated any one day trips prior to MTAD, as the trips are not viable due to the short time available to return to Deep Cove. There are limited destinations available for a return trip in the available time. If these trips were viable, they would already be operating. The MTAD may have an effect to a greater or lesser extent, the real effects will become known over time. The applicant is correct to identify the increased safety risks however undue leverage is being obtained from these perceived risks, going beyond mitigation of the risks. The applicant is attempting to provide a vastly different experience. The existing consent allows for a safety vessel to mitigate against both pre-MTAD effects and post-MTAD effects, so there is no need to amend the existing consent.

Mr Nigel Lamb then proceeded to provide some verbal comment to the application. Mr Lamb noted the application appears to have been significantly altered from that which was originally submitted.

Mr Lamb queried the amount of emphasis on MTAD as a reason for the application. He noted that his 21 metre vessel is assisted by the current when leaving Deep Cove, gaining around 1.5-2 knots, and then losing around the same on the return journey. Therefore the effects are balanced out. The current from the discharge is in the central part of the channel, and kayakers therefore stay on the side to keep out of the current. The current is an issue if the kayakers cross to Elizabeth Island.

Mr Lamb considers there is no reason why the kayakers cannot paddle into Hall Arm under the existing consent. The kayaks would only be affected by the current from the point at Rolla Island.

Mr Lamb agreed that high flows cause high waves in the centre of the channel, however high flows are not only caused by the tail race. Rainfall can also cause a significant flow, and Deep Cove can get six metres of rain in a year. Therefore, the effective outflow into Deep Cove can be increased by instances other than the MTAD discharge.

The applicant has previously tried to discourage vessels from entering Hall Arm, and Mr Lamb's company has co-operated with this request. Now, Mr Lamb notes the applicant will be operating the majority of day trips within the Doubtful Sound thoroughfare, where his company operates. Mr Lamb suggested that this would reduce the wilderness experience that the company is aiming for.

Mr Lamb noted that the way the consent has been operated over the past 10 years has changed, and he is concerned about the application. Mr Lamb concluded by noting that while the applicant has supplied a written approval from Real Journeys Limited, he understood that Real Journeys Limited was to be the owner of this company in two days time, and they would be the ones creating the impact.

➤ ***Mr Martin Kessick on behalf of the Director-General of the Department of Conservation***

Mr Kessick provided a written statement on behalf of the Director-General, which was tabled at the hearing, and considered by the Committee. The written statement confirmed that the majority of concerns had been mitigated by the proposed conditions in the hearing report. The Director-General is, however, concerned at the level of commercial surface water activities within the Doubtful Sound complex, particularly relating to effects on wildlife. The Director General is supportive of the inclusion of the Dolphin Avoidance Protocol in the resource consent conditions. Concern was expressed at the inclusion of the proposed non-emergency extra trip. Due to the lack of information, the effects of this proposed activity cannot be assessed.

➤ ***Dr Vivian Shaw, Chair of the Southland Conservation Board***

Dr Shaw provided a written statement which was tabled at the hearing and considered by the Committee. The Board notes that the applicant intends to depart and return the groups to Deep Cove without motorised assistance where possible. The use of a motorised vessel for emergencies is authorised under the current consent, and therefore there is no real need for a new consent to allow pick up and drop off within the Doubtful Sound complex. The potential frequency of vessel use is uncertain at this stage, and it is possible that this could effectively become the standard method of operation for the business. This proposal could potentially double the adverse effects of the motorised activity. Given that allocation in this area is already over-allocated, further additional day trips could seriously compromise the values of the Doubtful Sound complex. In order to preserve the values of the Doubtful Sound complex, the Southland Conservation Board considers it necessary to, at some stage, say “no” to further allocations.

➤ ***Reg Calder and Jo Wilson, Adventure Kayak and Cruise***

Mr Calder and Ms Wilson were unable to attend in person and tabled a written statement at the hearing, which was considered by the Committee. Mr Calder and Ms Wilson understand the impact of the increased discharge from the tailrace, and the possible safety issues related to this. However the proposed use of the vessel is considered a “day trip” and all allocation has been issued and it is not appropriate within the Plan to grant this new consent. Mr Calder and Ms Wilson have no issues with the vessel operating as a safety vessel and being used for campsite checks as authorised by the existing consent.

Mr Calder and Ms Wilson submitted a number of queries in relation to use of the vessel, and the criteria related to weather conditions that warrant use of the vessel. Queries regarding day trip numbers were also highlighted.

Mr Calder and Ms Wilson noted reference to their own business within the staff report, and confirmed they have an existing coastal permit for their business, including use of a support vessel. Mr Calder and Ms Wilson note that the applicant has applied for a new operation that was not in existence at 1997 and therefore does not have existing use rights.

Mr Calder and Ms Wilson considered the granting of this consent would open the door to further applications of a similar nature, both from new operators and existing consent holders. Mr Calder and Ms Wilson considered it appropriate that the use of the vessel for day trips was restricted.

➤ **Concluding Comments by the Applicant**

Mr Hovell provided closing comments on behalf of Fiordland Wilderness Experiences. He acknowledged that this application was triggered by the Meridian Energy Ltd MTAD consent decision, although this was not stated in the original application document. Mr Hovell noted that discussions had taken place with the Department of Conservation and Reg Calder (Adventure Kayak and Cruise). The applicant had amended the proposal following discussions with these parties. The Department of Conservation recommended the proposed drop off and pick up points should be spread out in order to reduce effects resulting from the vessel. Mr Calder requested that not all trips should go up Hall Arm. Mr Hovell accepted that the Adventure Kayak and Cruise is unique.

Mr Hovell also noted the applicant was prepared to accept conditions on timing, however if possible it would prefer this be avoided. If any time restriction was considered appropriate, the applicant requested 11.00 am as the proposed departure time limit.

➤ **Principal Issues and Statutory Considerations**

The principal issues in contention with regard to this application are:

- whether or not those parts of the application that are classified as non-complying can be considered pursuant to Section 104D of the Act;
- whether the adverse effects of the proposed activities are likely to be minor or less than minor;
- whether the activities are contrary to any objectives and/or policies of the relevant planning documents; and
- whether, after consideration of the above issues, consent should be granted, and if so, what conditions should be applied.

The Committee has taken into account:

- the provisions of Section 104 of the Resource Management Act, including Part 2 of the Resource Management Act, the applicant's assessment of effects on the environment, and the submissions to the application;
- the Section 42A report;
- the provisions of Section 104D of the Resource Management Act;
- the general principles and Policies 1.1.1-1.1.5, 3.1.1, 3.2.2 and 3.5.1 of the New Zealand Coastal Policy Statement 1994;
- Objectives 1.2, 13.1-13.5, 13.7 and 13.9; and Policies 1.2, 13.2, 13.3, 13.7, 13.10, 13.18 and 13.25-13.27 of the Regional Policy Statement for Southland;
- Objectives 4.1.1, 4.2.1, 4.3.1, 4.5.1, 4.7.1, 4.7.2, 5.1.1, 5.2.1, 5.3.1, 5.3.7, 5.5.1, 16.1.1-16.1.3 and 17.1; Policies 4.2.1, 4.2.2, 4.3.1, 4.3.2, 4.7.1, 5.3.1, 5.3.6, 5.3.15, 5.5.4, 7.3.2.12, 7.3.2.13,

16.2.1-16.2.3, 16.2.6, 16.2.8-16.2.10, 16.3.1-16.3.3 and 16.3.5; and Rules 5.3.4, 5.3.6 and 16.2.1 of the Regional Coastal Plan for Southland; and

- Policies 3.6.6.1-3.6.6.5, 3.6.6.9 and 3.6.6.11 of Te Tangi a Taurira.

➤ **The Decision**

Having considered the information provided prior to and during, the hearing, it is the Committee's decision that this application be granted in part, as a non-complying activity. Consent has not been granted for the use of the motorised vessel in the manner applied for. Consent is granted subject to the conditions at the end of this decision.

The following are significant issues that the Committee gave consideration to when making its decision:

➤ ***The actual and potential effects on the environment of allowing the activity***

When considering adverse effects for commercial surface water activities, it is the Committee's view that it needs to consider the visual effects as well as the effects on natural character and wilderness values. In regard to this application, the Committee accepts that the Meridian Energy Ltd consent for the MTAD application has a potential effect on this kayak activity within Deep Cove. The Committee noted that without a dedicated support vessel, the applicant's operation may not have been as safe as it needs to be, a point that was made at the hearing for Meridian's MTAD project.

Operating commercial surface water activities within Doubtful Sound has adverse effects, whether or not a vessel is used only to pick up and drop off passengers, or to carry passengers for day or overnight trips. The applicant operates (and intends to continue operating) throughout Fiordland, including Doubtful Sound and its various arms, with multi day kayak trips. Day trips are also currently authorised however these have not been operated previously. The activity was established in the area since 1992, and changed ownership in 2008.

The previous consent was granted in 2008, covering one day and multi-day kayak trips within Milford Sound, Doubtful Sound and Dusky/Breaksea Sound. The use of a vessel within Doubtful Sound was restricted to emergencies only, weather monitoring, and camp maintenance purposes.

Submitters were not opposed to the operation as it was previously authorised, specifically the use of a vessel in safety/emergency circumstances, and for weather monitoring and camp maintenance purposes. The submitters did not oppose the increase in vessel size to 10 metres, as this size of vessel is appropriate for the proposed use. However, the submitters were opposed to the use of a vessel for purposes other than those currently authorised, as any use other than those currently authorised is considered a commercial surface water activity and due to previous allocations is a non-complying activity.

The Committee recognised that the recently granted MTAD consent potentially results in increased use of the vessel for safety purposes, and considered that these uses were covered by the existing consent condition relating to vessel use.

The Committee is satisfied that it can grant those parts of the application that are not in contention. The remainder of this part of the decision focuses on the matters that were disputed.

In regard to the use of the use of the vessel to transport kayak groups out of and back to Deep Cove, the Committee was reluctant to grant the applicant approval for increased use of a motorised vessel within Doubtful Sound. The Committee queried the need to create more “busyness” in Doubtful Sound, as compared to the existing operation. Any new consent granted would result in a vastly different operation, particularly regarding day trips. The Committee also queried the need to increase traffic within the Doubtful Sound thoroughfare, especially since parts of Hall Arm had been set aside for use by kayak groups.

The Committee considered that the use of the vessel proposed in the application enables a different form of day trip and is not what was envisaged by the original consent. The use of a vessel to transport kayak groups out of Deep Cove to a starting point, due to high flows from the tailrace, is considered appropriate as the applicant should not be unfairly prejudiced due to the MTAD consent. The other uses of the vessel as proposed in the application are considered to enable an expansion of the current business and are therefore inappropriate.

While some mitigation is proposed in terms of the proposed kayak routes and proposed drop off and pick up points, the possible kayak route options supplied by the applicant provide a framework only, with each trip adjusted according to conditions at the time. The Committee considered imposing a condition restricting departure times and pick up times to further mitigate adverse effects of the vessel. After discussion, this was not considered to be the best option to mitigate effects.

The Committee discussed the potential extent of vessel movement while transporting a kayak group out of Deep Cove to begin the trip, due to flow conditions within Deep Cove. The Committee decided to impose a condition restricting the drop off location to a specific point as this would assist in mitigating the effects of the vessel movement. Discussion took place and it was considered that either point “T1” and “T4” closest to Deep Cove as shown on the applicant’s Plan titled “Fiordland Wilderness Experiences day trips proposed drop off and pick up location”. This location reduces the travelling time of the vessel, minimising the adverse effects of the vessel. Restricting the vessel to within the vicinity of Deep Cove also reduces adverse effects from the presence of the vessel as it is more usual to see vessels moving about within this area.

As the application results from the changed environment at Deep Cove following the MTAD consent, the Committee considers it appropriate to tie the use of the vessel in with the instances of increased discharge. Therefore, the Committee considers it appropriate to impose a condition restricting use of the vessel to occasions where the outflow from the Manapouri Power Scheme tailrace discharge is greater than 485 cubic metres per second. This flow is the previous maximum setpoint fixed by Meridian Energy Ltd to ensure compliance with its consent prior to the MTAD project and is the appropriate level above which the applicant can use a support vessel.

➤ ***Relevant Regulations***

The Resource Management (Marine Pollution) Regulations 1998 and the Resource Management (Marine Pollution) Amendment Regulations 2002 were examined when considering the application. The provisions of these regulations relate to the

discharge of sewage and grey water from the operations of ships and the applicant will comply with these regulations.

While it is not confirmed that the vessel will have effluent containment facilities fitted, the Committee is satisfied that the adverse effects of effluent discharge will be minor, with the applicant intending where possible to dispose of effluent via the sewage discharge facilities at Deep Cove.

➤ ***New Zealand Coastal Policy Statement***

The Committee gave due consideration to the New Zealand Coastal Policy Statement (NZCPS), in particular, the national priorities for preservation of the natural character of the coastal environment. It also considered policies that stated the adoption of a precautionary approach to activities with unknown but potentially significant adverse effects. The more obvious effects, such as those on amenity and aesthetic values, can be readily assessed (albeit in a subjective manner), but the impact on ecological values is less certain. The Committee did not regard this uncertainty as sufficient grounds to decline the application, however conditions restricting vessel use and location have been imposed to mitigate the potential adverse effects.

➤ ***Relevant policies of the Regional Coastal Plan***

The Committee considered the policies and rules of the Regional Coastal Plan applying to this application, in particular those policies in Section 16, Policy 16.2.3 and Rule 16.2.1.

The Committee considered the applicant's proposal in relation to the limits set in Rule 16.2.1 of the Regional Coastal Plan and the fact that any use of the vessel other than in emergencies or when safety is compromised, and for weather monitoring and camp maintenance, is an additional and non-complying activity (see below for discussion relating to the requirements for non-complying activities). The applicant does not intend to carry out sightseeing activities in Hall Arm, Crooked Arm or the thoroughfare within Doubtful Sound (although that will occur simply as a consequence of the vessel transporting the clients within these locations). Rather, he wishes to use the vessel to transport kayakers out of and/or back to Deep Cove as part of the one day tour, and to retrieve kayakers should weather and/or tailrace flow conditions become unsuitable.

The Committee accepts that the use of the vessel for safety/emergency purposes is appropriate, however in regard to the applicant's request to be able to use the vessel to transport kayak groups out of and/or back to Deep Cove in general and at any time when required, is inappropriate as the potential effects may be more than minor. Any use of the vessel in circumstances other than safety/emergencies, should be tied to the MTAD outflow rate. The Plan is clear in its intent to limit commercial surface water activities within Doubtful Sound in order to mitigate adverse effects on natural character, remoteness and wilderness values, and amenity values.

On the basis of the advice in the section 42A report, and the confirmation of that advice by the applicant's representative, the Committee accepts that the test set out in Section 104D of the Act is met, and it can grant those parts of the activity that are non-complying, and does so. This decision is supported by Policy 16.2.13.

The Committee considered submissions asserting that the cumulative effect of the vessel use in Doubtful Sound would be more than minor, and agreed that the effects could be

more than minor however it was difficult to determine this for certain due to the lack of information provided by the applicant in relation to actual use of the vessel. The extent to which the vessel is required cannot be determined until the Meridian Energy MTAD consent is given effect to. Therefore the Committee considered the use of the vessel should be determined by the tailrace discharge flows from the MTAD consent.

In all other respects, the Committee is satisfied that the application is not contrary to the Regional Coastal Plan.

➤ ***Relevant Regulations***

The Resource Management (Marine Pollution) Regulations 1998 and the Resource Management (Marine Pollution) Amendment Regulations 2002 were examined when considering the application. The provisions of these regulations relate to the discharge of sewage and grey water from the operations of ships and the applicant will comply with these regulations.

The Committee is satisfied that the adverse effects of effluent discharge will be minor, with the applicant complying with these regulations. However, the Committee has recognised this requirement in the consent conditions. It does encourage the applicant to make use of the sewage discharge facilities at Deep Cove whenever possible.

➤ ***Any other matter the consent authority considers relevant and reasonably necessary to determine the application***

The Committee considered it appropriate that the term of this consent is consistent with the term of the existing permit, Consent No 203307, which expires on 10 March 2028. The applicant did not apply for any specific term of consent.

To the extent that the consent conditions meet the concerns of the submitters, their submissions are upheld. In all other respects, the submissions are dismissed. The Committee considered the submissions made on the applicant's behalf in regard to trade competition. It is satisfied that the submissions made did not address matters relating to trade competition, nor has it considered any effects on trade competition in its decision.

During the hearing, different interpretations of the rule, and the associated definitions of commercial activities, in Section 16 of the Plan were put forward. The Committee accepted that there is some uncertainty in this matter that needs to be addressed but believes that the interpretation used in this consent is acceptable and within the rule. Any review of the Plan will look to address this matter.

Resolution

The Committee therefore resolves, pursuant to Sections 104B and 104D of the Resource Management Act 1991, to grant a consent to Fiordland Wilderness Experiences to carry out commercial surface water activities in the internal waters of Doubtful Sound/Patea complex area, using a 10 metre vessel. The consent is granted subject to the conditions listed below.

This resolution is made in accordance with Section 104 of the Act and the matters to be considered therein.

Term and Purpose

1. **This consent shall expire on 10 March 2028.**
(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, within the Doubtful/Thompson Sound complex area, namely the use of a motorised vessel to support guided sea kayaking tours, as authorised by consent no 203307.**
3. (a) **The commercial surface water activity outlined in condition 2 may include one vessel of a maximum of 10 metres registered length, for the purposes of retrieving kayakers in emergencies or when group or individual safety is compromised, within the Doubtful Sound area, as described in the application. The vessel may also be used for weather monitoring and camp maintenance, and excludes carriage of passengers not associated with kayaking activities.**
- (b) **The vessel shall be used solely for the purposes of transporting kayak groups from Deep Cove to a point at approximate Map Reference NZMS 260 C43: 517-134 (NZDG49: E167 8.303, S45 26.490) where kayak activities can be safely commenced, and shall be undertaken only during times when the discharge from the Manapouri Power Scheme tailrace exceeds 485 cubic metres per second.**

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.)

4. **Persons using the kayaks and/or 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;**
 - **the foreshore of Seymour Island, Doubtful Sound;**
 - **the foreshore of the Breaksea Island group, at the mouth of Breaksea Sound;**
 - or**
 - **any foreshore within 50 metres of New Zealand fur seal colonies.**

(Note: Mooring or anchoring shall be at least 400 metres from the foreshore of the Breaksea Island group.)

5. (a) **Any guided sea kayaking groups operating under the authority of this consent shall not at any time depart from the mainland at night and then land on any offshore island at night.**
(Note: Full moon guided sea kayaking trips departing from the mainland at night, and returning to the same location on the mainland that night, can occur. No landing on any offshore island can occur during these trips.)

- (b) Any guided sea kayaking groups operating under the authority of this consent shall not at any time land at night, or camp, on Anchor Island or Chalky Island.

6. The consent holder shall maintain a log of all operations, including:

- (a) the location of sewage discharges and whether or not the sewage is treated, in accordance with condition 7;
- (b) timing, location, number of passengers and purpose of all activities; and
- (c) inspections for hull fouling organisms, in accordance with condition 12 of this consent.

A copy of the entries in this log shall be furnished to the Council's Compliance Manager 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

(Note: An activity log template can be downloaded from the Council's website at www.es.govt.nz/compliance/compliancemonitoring/forms)

7. The activity shall be undertaken in accordance with the Department of Conservation's Marine Mammal (and Other Wildlife) Code of Practice, and the Dolphin Avoidance Protocol.

Effluent Discharge

8. This consent does not authorise any discharges to coastal water. Discharges may only occur pursuant to the Resource Management (Marine Pollution) Regulations 1998, or any subsequent version. The requirements of the current regulations are attached in Appendix 1.

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 a designated 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(s) operating under the authority of this consent, at anchor, within five metres of the space occupied by the vessel(s), 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, purchase of vessel, or replacement of the vessel(s).

Hull Inspections

13. (a) The consent holder shall inspect the hull of any vessel operating pursuant to this consent for pests and fouling organisms, in particular *Undaria*, prior to entering the internal waters of Fiordland on each occasion, and again after a six week period to check for new growth. 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 a designated refuse site on land.

To comply with this condition, the consent holder shall prior to entering the internal waters of Fiordland on each occasion ensure all buoys are thoroughly dried prior to use, with all mooring ropes and other equipment that may have come into contact with coastal waters immersed in a 5% solution of bleach or acetic acid (i.e. vinegar) for 24 hours, to kill any unwanted organisms.

- (b) The consent holder shall maintain:
- (i) the vessel in a rodent free state while operating in the internal waters of Fiordland; and
 - (ii) at least one bait station on the vessel at all times.

In particular, the consent holder shall inspect the vessel operating pursuant to this consent, including its compartments and any cargo, for pests, in particular, rodents, on each occasion of operating, and prior to re-entering the coastal waters of Fiordland on each occasion.

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 1991, 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 :**
- (a) dealing with any adverse effect on the environment which may arise from the exercise of this consent;**
 - (b) dealing with any cumulative effects that it may be appropriate to consider at a later date;**
 - (c) complying with the requirements of a regional plan; or**
 - (d) 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.

Appendix 1

Resource Management (Marine Pollution) Regulations 1998

Regulation 11 Discharge of sewage in coastal marine area

On or after 1 July 2000, no person may discharge sewage in the coastal marine area from a ship or offshore installation unless that discharge occurs –

- (a) more than 500 metres (0.27 nautical miles) seaward from mean high water springs; and**
- (b) more than 500 metres (0.27 nautical miles) from a marine farm; and**
- (c) in water depths greater than 5 metres; and**
- (d) more than 200 metres (0.108 nautical miles) from a marine reserve; and**
- (e) more than 500 metres (0.27 nautical miles) from an area that the Minister of Fisheries has declared by notice in the *Gazette* to be a mataitai reserve under regulations made under section 186 of the Fisheries Act 1996.**

Regulation 12 Discharge of Grade A treated sewage in coastal marine area

Any person may discharge Grade A treated sewage in the coastal marine area from a ship or offshore installation, but must not discharge it within 100 metres of a marine farm.

Regulation 12A Discharge of Grade B treated sewage in coastal marine area

Any person may discharge Grade B treated sewage in the coastal marine area from a ship or offshore installation, but must not discharge it –

- (a) within 500 metres (0.27 nautical miles) of a marine farm; or**
- (b) within 500 metres (0.27 nautical miles) of an area that the Minister of Fisheries has declared by notice in the *Gazette* to be a mataitai reserve under regulations made under Section 186 of the Fisheries Act 1996.**

Appendix 2

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 a.m. and 10:00 p.m. the L10 shall not exceed 50dBA;
- (ii) between 10:00 p.m. and 7:00 a.m. the following day, the L10 noise level shall not exceed 40 dBA;
- (iii) between 10:00 p.m. and 7:00 a.m. the following day, the Lmax 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 Rules 5.3.5, 5.3.6, 5.3.7, 5.11.1, 9.1.3 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 dB(A) 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.

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.

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.

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.

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.

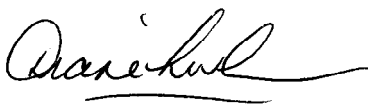
Commercial Backcountry Trip means the undertaking of a commercial back country activity within either Hall Arm, Crooked Arm west of Turn Point, First Arm or Bradshaw Sound for any purpose, other than using an anchorage and travelling directly to and from that anchorage when conditions prevent the use 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 a.m. and 10:00 p.m. the L10 noise level shall not exceed 40 dBA;
- (ii) between 10:00 p.m. and 7:00 a.m. the following day, the L10 noise level shall not exceed 30 dBA;
- (iii) between 10:00 p.m. and 7:00 a.m. the following day, the Lmax 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”.



D Wilson
Chairman
Hearing Committee
20 October 2010

Application

Application for Resource Consent (PART A)

ENVIRONMENT SOUTHLAND

08 JAN 2020



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: Real Journeys Limited

Address: Level 1, 70 Town Centre, Te Anau, 9600
PO Box 1, Te Anau, 9640

Email: fblack@realjourneys.co.nz

Phone: 03 249 9033 027 491 2087 Fax: _____
Preferred Additional

Consultant contact details (if different from above)

Contact name/agent: Fiona Black

Address: 14 Captain Roberts Road, Te Anau, 9600

Email: fblack@realjourneys.co.nz

Phone: 03 249 9033 027 491 2087 Fax: _____
Preferred Additional

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"/> Hill country burning	<input type="checkbox"/> Dam water	<input type="checkbox"/> Reclaim/drain foreshore/seabed
<input type="checkbox"/> Riverbed activity (incl streams/creeks and stopbanks)	<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:

Coastal Permit Number 97049 - To carry out a commercial surface water activities in the coastal marine area adjacent the Fiordland National Park from Yates Point to Puysegur Point.

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.)

Commercial tourism cruises in the coastal marine area adjacent the Fiordland National Park from Yates Point to Puysegur Point.

4 **Location of proposed activity**

Address: The coastal marine area of Fiordland from Yates Point to Puysegur Point.

Legal Description: Coastal Marine Area

Map Reference (NZTM 2000): 1144250 E 4847700 N

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

Name: The Crown Phone: _____

Address: C/o - Crown Property, Land Information New Zealand, PO Box 5501,
Wellington 6140

6 Please attach a map or a coloured aerial photograph, showing at a minimum, the location of the proposed activities. Please refer to the Assessment of Environmental Effects

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	\$290
Whitebait stand	\$220
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 \$1.89 per year per cubic metre authorised as a maximum daily take.
 - Minimum of \$138, maximum of \$7,585.
- **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 \$0.89 per year per cubic metre.
 - Minimum of \$162, maximum of \$1,782.

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>) Please provide an invoice for payment
<input checked="" type="checkbox"/>	Written approval from all potentially affected parties (<i>forms available from the Environment Southland website</i>)
<input checked="" 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:

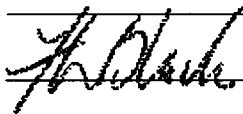
(a) *If your application does not contain the necessary information and the appropriate fee, Environment Southland must return the application.*

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) FIONA BLACK

Signed  Date 08/01/2020

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

Application for a Coastal Permit (PART B)

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



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 the Assessment of Environmental Effects for this Coastal Permit application.

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

The commencement of this Coastal Permit application would be from the date of issue to the expiry of the Coastal Permit.

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

Contracting company name: Real Journeys Limited

Contact person: Fiona Black

Phone number: (03) 249 9033

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.

- (a) Signs of marine life (e.g. fish, mammals, native birds, shellfish, invertebrates)?
- (b) Areas where food is gathered from (e.g. watercress, eels, wildfowl)??
- (c) Wetlands, wildlife habitats or bird nesting habitats (e.g. swamp areas)?
- (d) Other activities occurring in the area (e.g. commercial activity, fishing, swimming, boating)?
- (e) Areas of particular aesthetic, cultural, heritage or scientific value (e.g. archaeological sites)?
- (f) Waste discharges, water takes and/or monitoring sites?

Yes No	
✓	
✓	
✓	
✓	
✓	
✓	

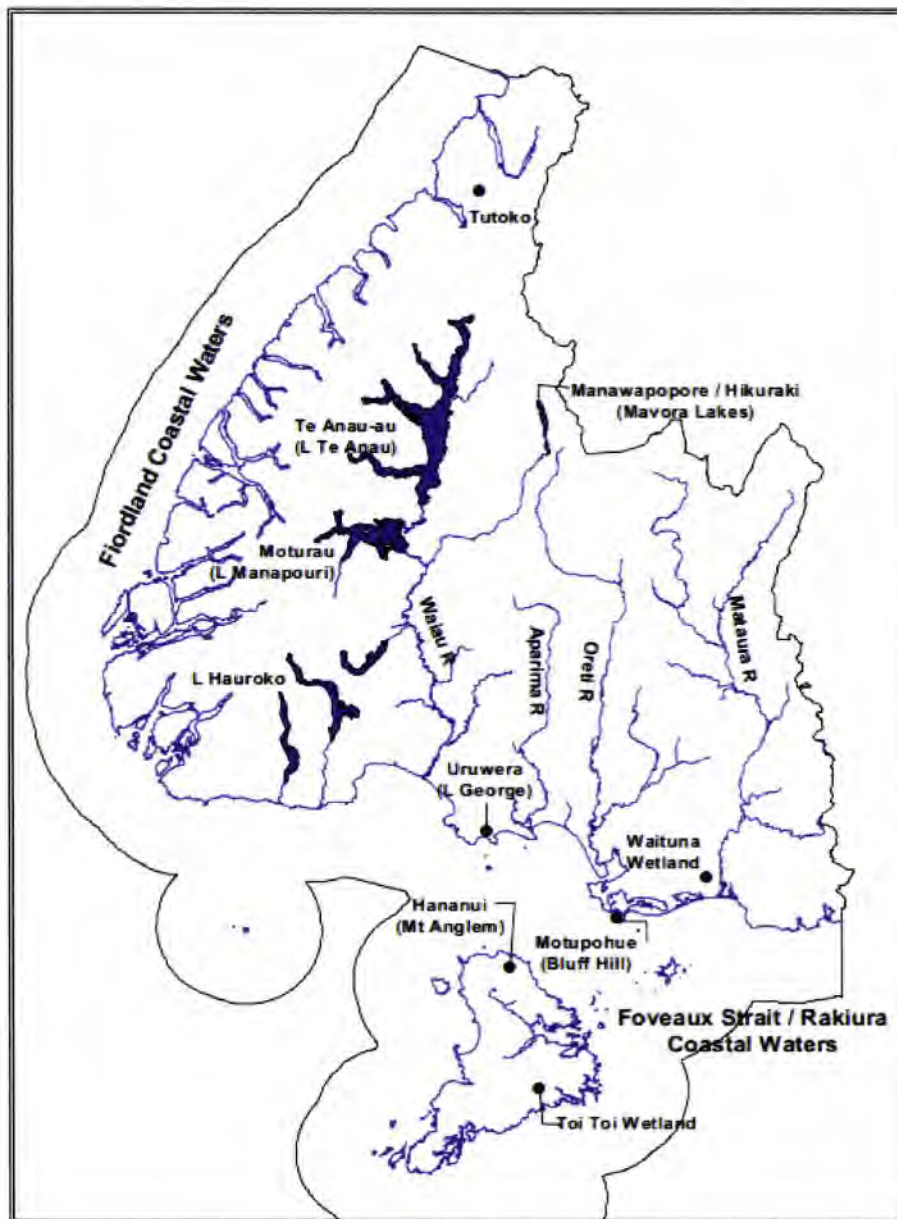
Please refer to the Assessment of Environmental Effects for this Coastal Permit application for further details on the above.

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.

The proposal will operate in the coastal marine area of Fiordland. This area is managed by Environment Southland. The land surrounding this coastal marine area is the Fiordland National Park. This is managed by the Department of Conservation. Please refer to the Assessment of Environmental Effects for this Coastal Permit application for further details.

Map Showing the Location of the Coastal Marine Area of Fiordland and Rakiura¹



¹ Regional Coastal Plan for Southland

Map Showing the Location of the Coastal Marine Area from Yates Point to Puysegur Point²



² <http://www.topomap.co.nz>

Map Showing the Location of the Doubtful Sound Complex³



Map Showing the Doubtful Sound Complex in detail⁴



³ <http://www.topomap.co.nz>

⁴ <http://www.topomap.co.nz>

Map Showing the Location of Habitats under the Coastal Marine Waters of the Doubtful Sound Complex⁵



Map Showing the Location of other Wildlife Habitats within the Coastal Waters of the Doubtful Sound Complex⁶

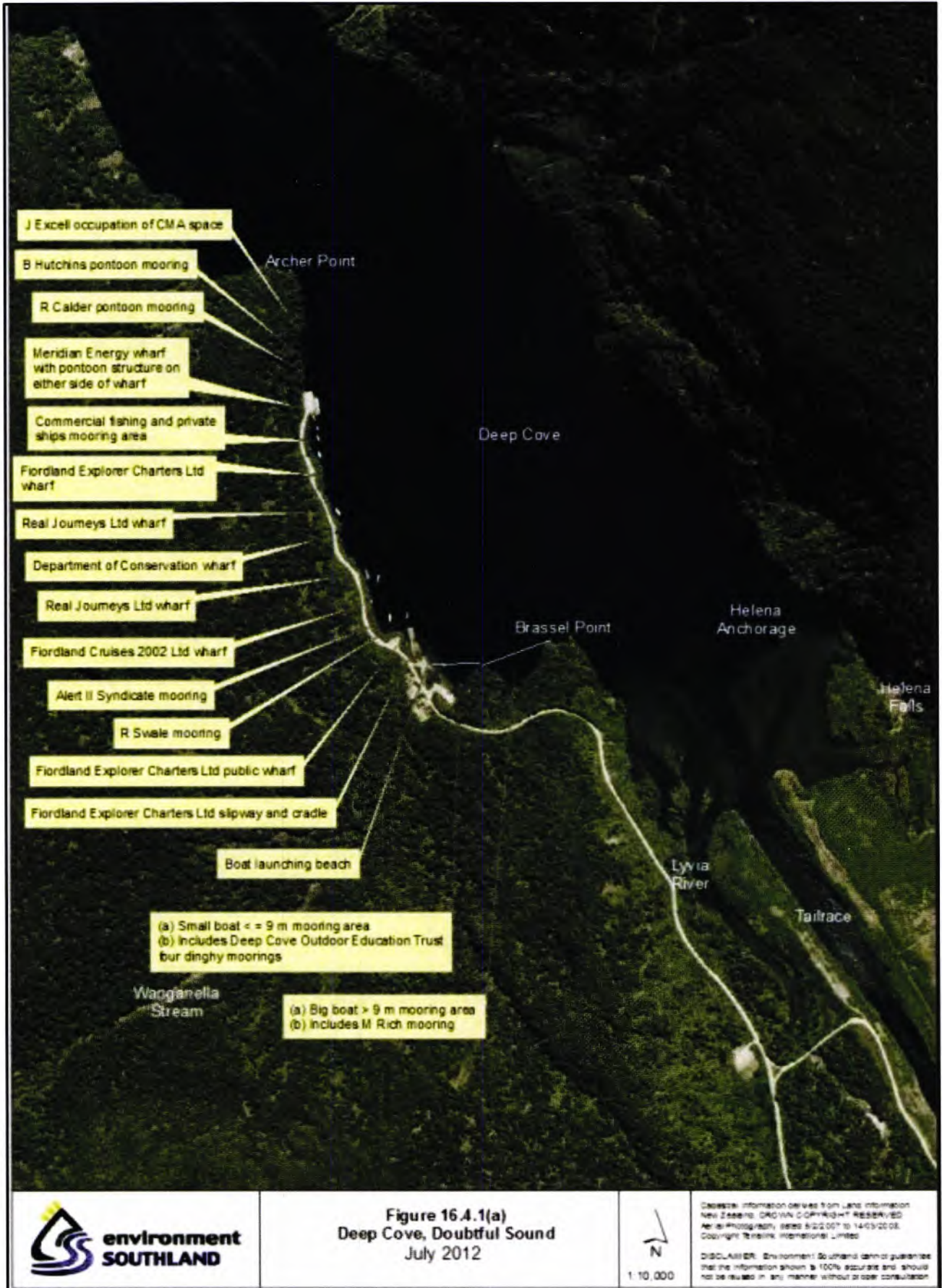


Note// Tawaki nest in various places in the Doubtful Sound Complex: not just the Shelter Islands.

⁵ Fiordland Marine Conservation Strategy, Guardians of Fiordland's Fisheries & Marine Environment Inc, Laurel Teirney, 2003

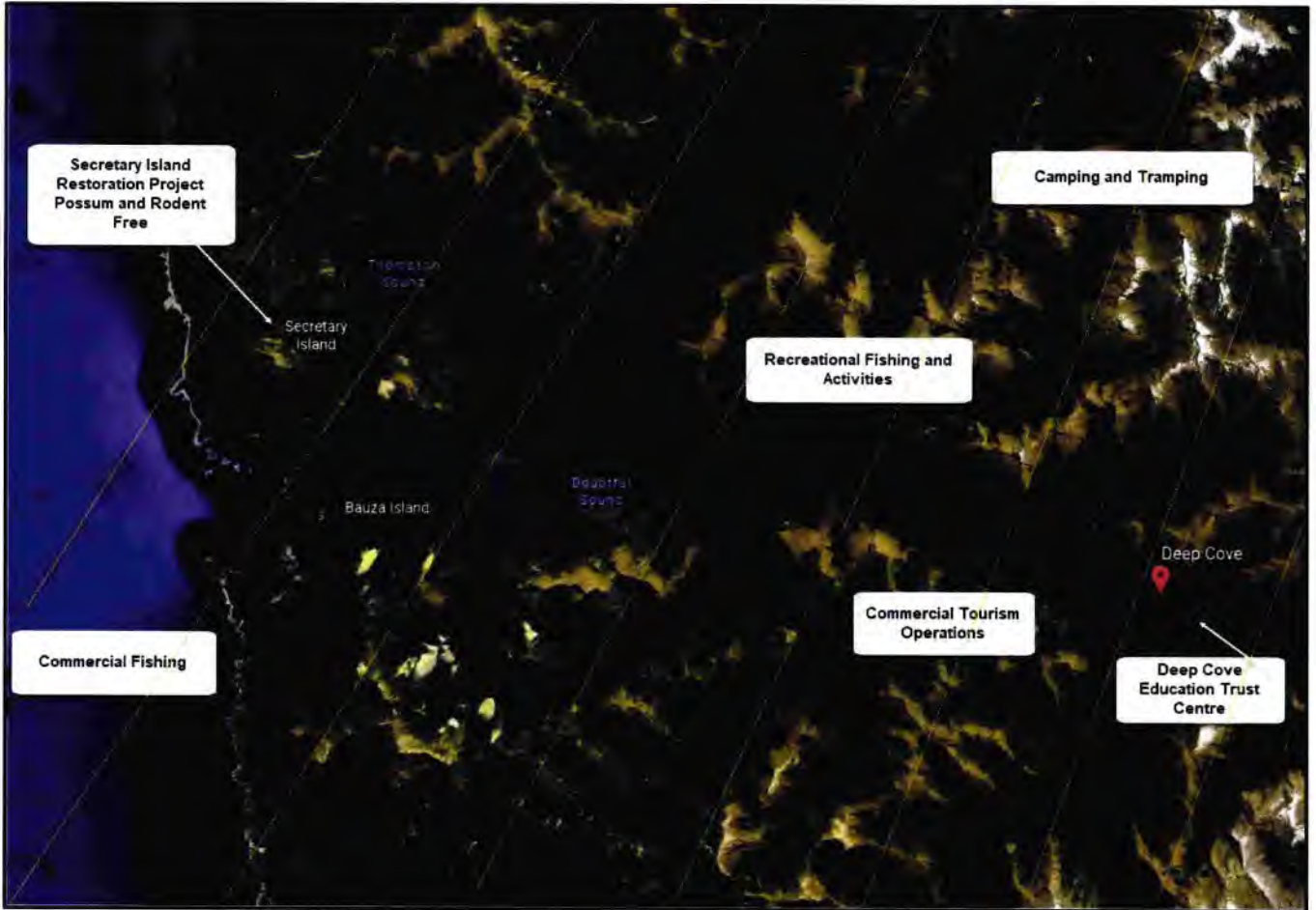
⁶ <http://www.topomap.co.nz>

Map showing the Location Coastal Structures in Deep Cove, Doubtful Sound ⁷



⁷ Regional Coastal Plan for Southland

Map showing the Activities that occur throughout the Doubtful Sound Complex ⁸



Note// Commercial Tourism Operations include but are not limited to: Day cruises on vessels, overnight cruises on vessels, charter cruises, commercial kayaking operations, charter fishing operations.

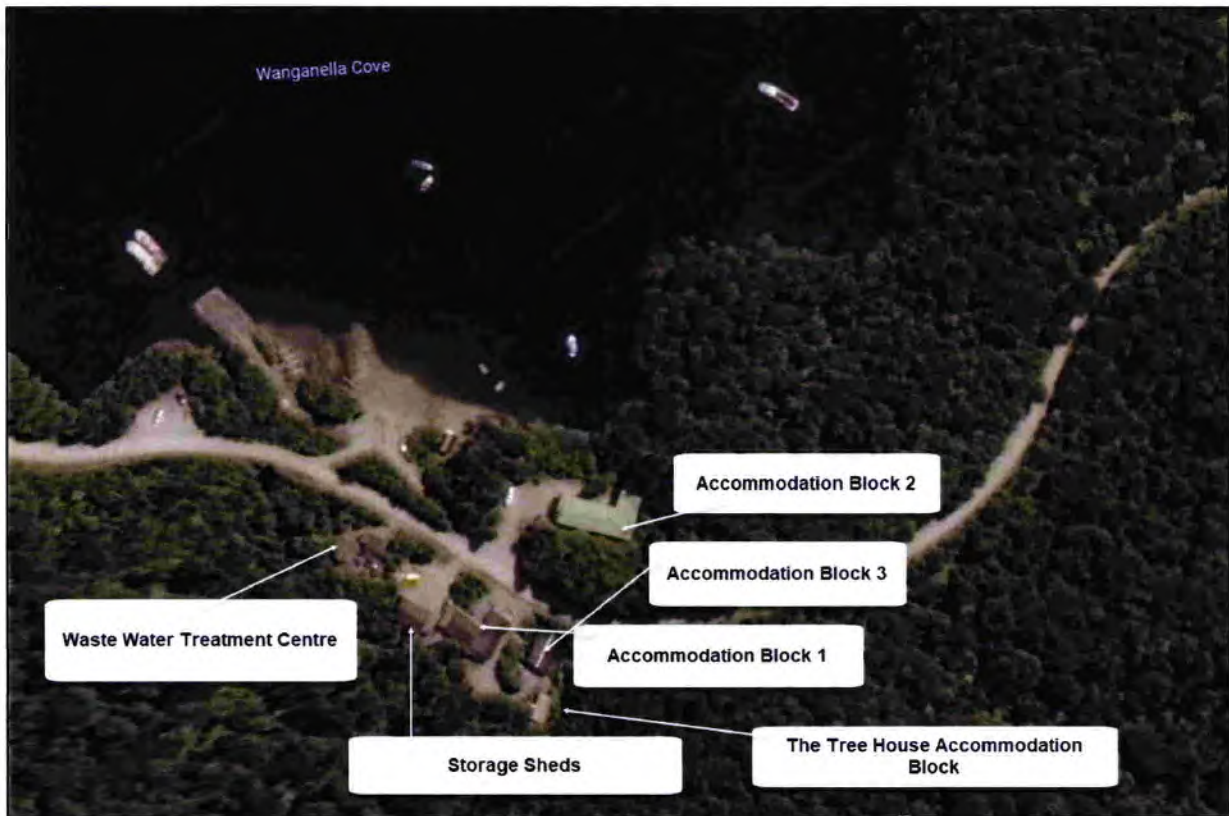
Map Showing the Manapouri Power Station in relation to Deep Cove Doubtful Sound⁹



⁸ Google Earth

⁹ Google Earth

Map Showing the Buildings Associated with the Deep Cove Outdoor Education Trust Centre¹⁰



¹⁰ Google Earth

Map Showing Significant Sites in the Coastal Marine Area of Fiordland ¹¹



¹¹ Regional Coastal Plan for Southland

Legend



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? **No**
- What is the nature of the seabed (i.e. muddy, sandy, silty, rock etc)? **Mud**
- In what way has the foreshore/seabed been altered as a result of other activities occurring in the area?

The shoreline was altered in the 1960s when the Meridian Energy Deep Cove Wharf was installed, and the Wilmot Pass Road was constructed by creating a bench above high tide level along the side of the Fiord. This road construction also included bridging streams or detouring streams through culverts under the road. Consequently, some of these waterways are no longer following their natural course into the Fiord. Moreover, some of the rock drilled out creating the Manapouri Power Station tail race was deposited on the foreshore on the eastern side of the tail race, building up the height of the small delta at the head of Deep Cove.

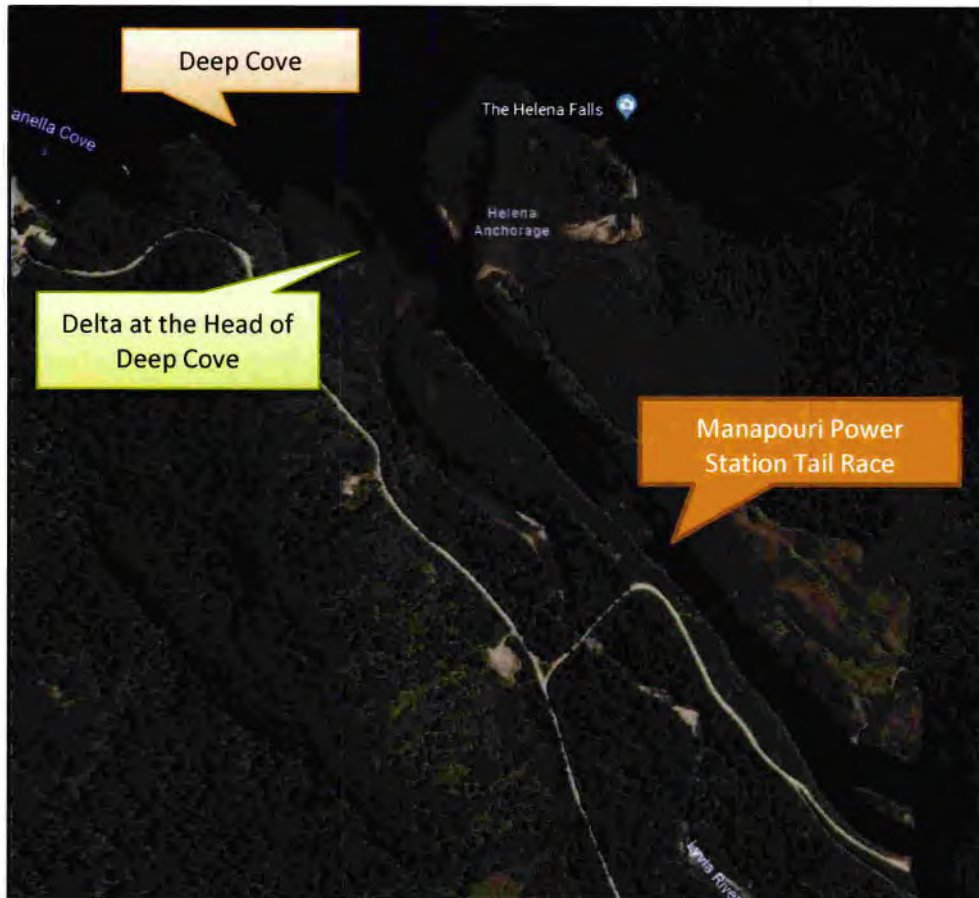
The Fiords in the coastal marine area of Fiordland have been carved out of metamorphic rock, because of this there are no significant beaches in the area. Correspondingly there is no 'typical' beach aggradation or degradation occurring in this coastal marine area.

Fiordland's geology consists of coarsely grained metamorphic rocks such as, granite, diorite and gneiss. The sea bed of the Doubtful Sound complex is rock based with mud identified in areas of the Fiords. Because the landscape consists of metamorphic rock there is a low rate of erosion due to wave action and wake effect. Correspondingly, there are minimal signs of shoreline erosion in this coastal marine area. Some signs of erosion can be seen on the coastal cliffs of Doubtful Sound as wave action has worn away vegetation to the mean high water mark. However, the landslides evident on these cliff faces are due to excessive rainfall or earthquakes, such as the 2003 and 2009 Fiordland earthquakes.

First Arm, Hall Arm and Bradshaw Sound have river deltas, where the rivers flow leaves its mouth and enters slower-moving water. Here the rivers deposit the sediment that can no longer be transported by the river. At the end of Gaer Arm an estuary is present. There are no prominent signs of fluvial erosion on these areas.

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

Map Showing the Location of the Manapouri Power Station Tail Race in Deep Cove¹²



¹² Google Earth

Chart Showing the Narrows of the Sealed in Deep Cove and Hall Arm, Goubtli's Sound¹³

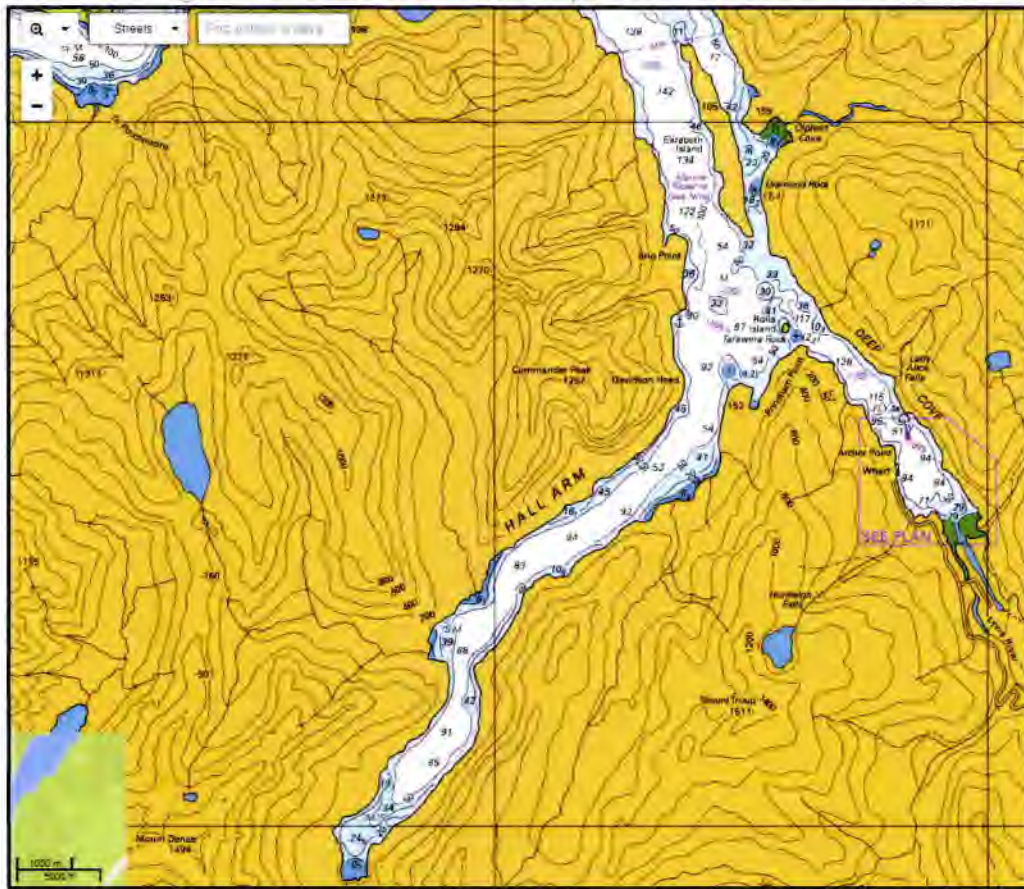
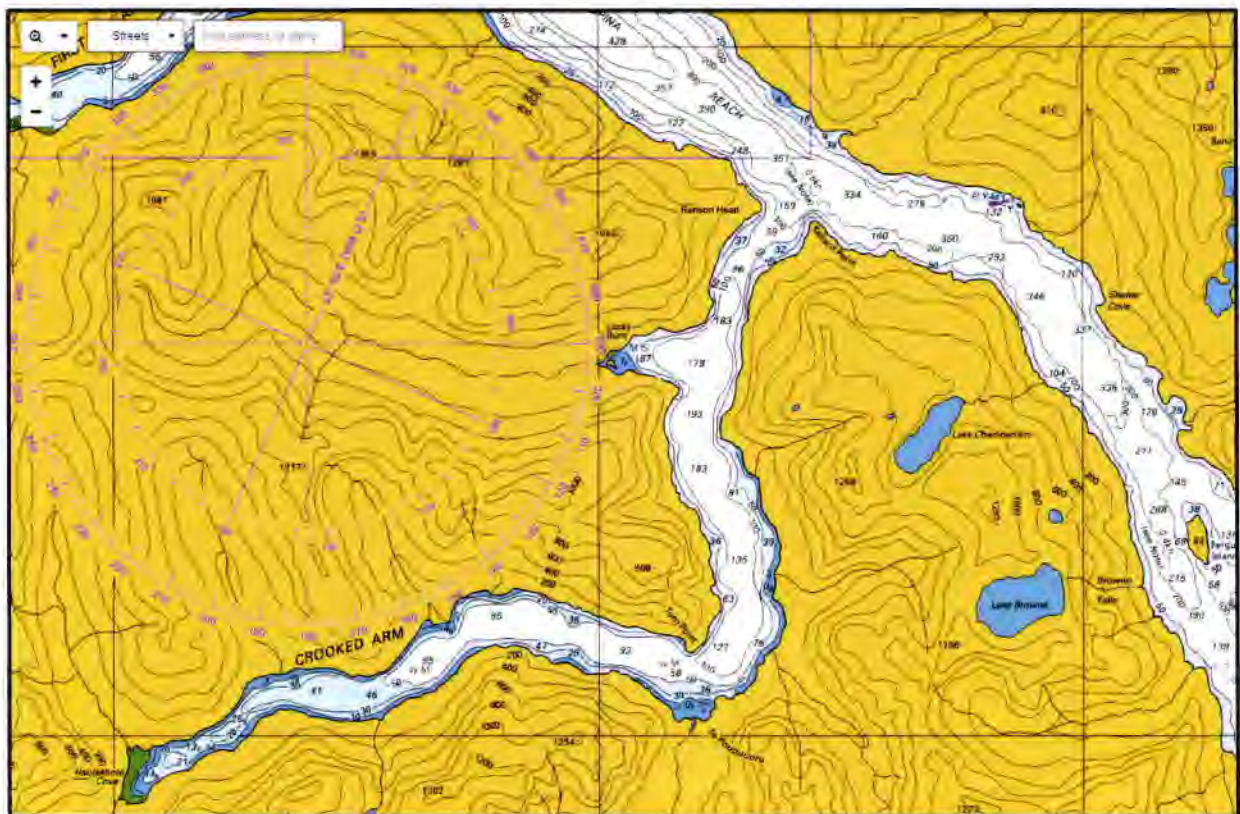


Chart Showing the Narrows of the Sealed in Crooked Arm, Goubtli's Sound¹⁴



¹³ <https://data.linz.govt.nz>

¹⁴ <https://data.linz.govt.nz>

Chart Showing the nature of the seabed in First Arm, Unalutful Sound

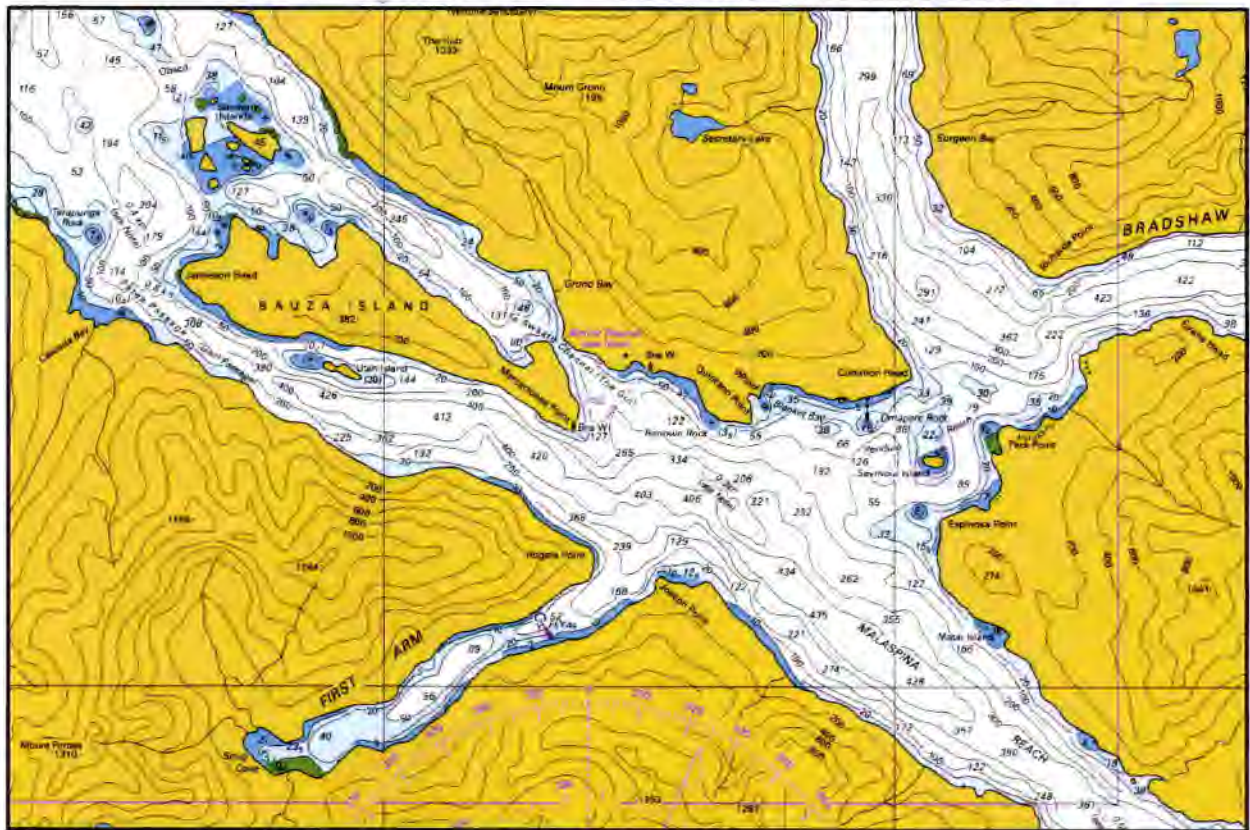
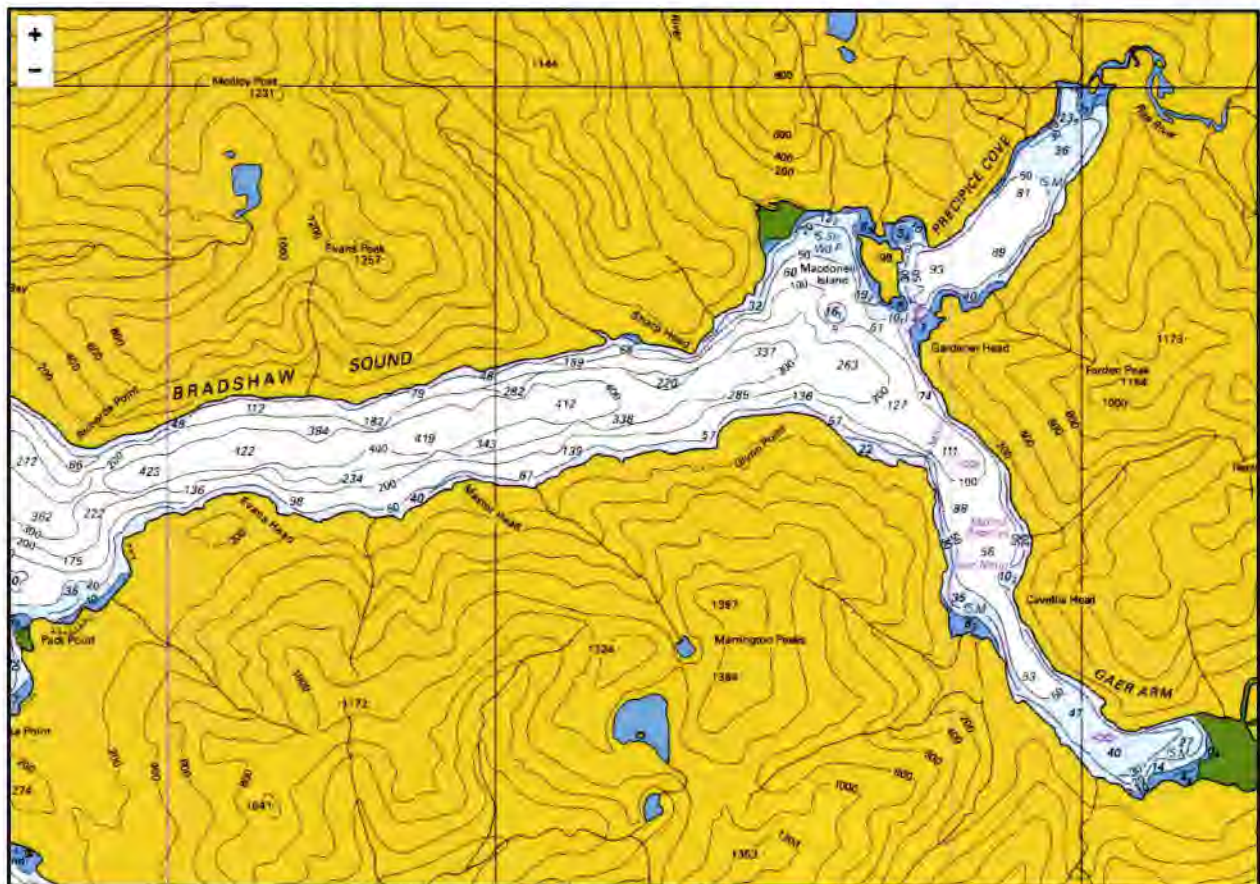


Chart Showing the nature of the seabed in Bradshaw Sound, Precipice Cove and Gaer Arm in Unalutful Sound



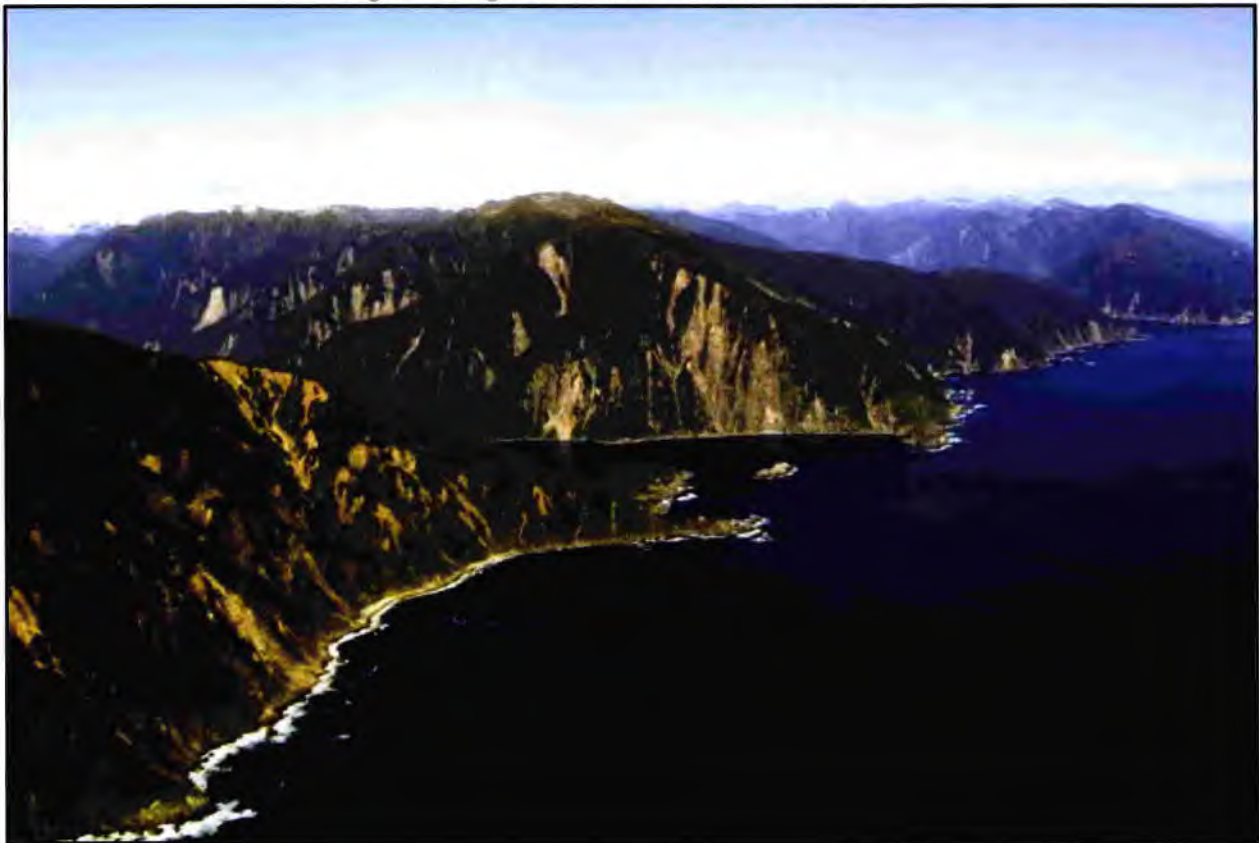
¹⁵ <https://data.linz.govt.nz>

¹⁶ <https://data.linz.govt.nz>

Google Earth Images Showing the Location of the Deltas and Estuary in the Doubtful Sound Complex



Image Showing the Fiordland-Coastline's Landslides¹⁷



¹⁷ <https://teara.govt.nz/en/photograph/6339/fiordland-coastline>

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?**

The proposed operation of the *Fiordland Navigator* in the coastal marine area of Fiordland (CMA) will at most have a minor short-term effect on the coastal environment. This proposed operation does not require any construction, nor will any sea bed disturbance be required.

The proposed operation of the *Fiordland Navigator* in the CMA will not influence coastal erosion. The wake effect that is created by the *Fiordland Navigator* traversing through the water has a less than minor effect on the erosion of the landscape. This is due to the *Fiordland Navigator's* wake being no greater than normal wave action in the coastal marine area. Fiordland's geology consists of coarsely grained metamorphic rocks such as, granite, diorite and gneiss. Because of this rocks density there is a low rate of erosion due to wave action and wake. Deep Cove, First Arm, Hall Arm and Bradshaw Sound have river deltas, where the rivers flowing from the mountains above the fiord meets the waters of the fiord. At the end of Gaer Arm an estuary is present. As the proposed operation of the *Fiordland Navigator* would rarely traverse past these places and due to the proposed *Fiordland Navigator's* wake effect being no greater than wave action, any potential effect because of erosion on these places should only be viewed as minor.

In the CMA there are a variety of ecosystems. These include but are not limited to: China Shops, Representative Areas / Marine Reserves and marine mammals' habitats. The proposed operation of the *Fiordland Navigator* would primarily be traversing through the water. The vessel would not directly interact with any of the ecosystems stated above and all measures will be taken by Real Journeys Limited to reduce any potential impact on the ecosystems of this area. This concept is detailed in the Assessment of Environmental Effects. Correspondingly, any short-term effect on ecosystems within Doubtful Sound should only be viewed as minor.

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

Real Journeys Limited acknowledges that the presence of a tourism operation in a coastal marine area, will have some long-term effect on the coastal environment. However, Real Journeys Limited operates in a sustainable manner, which ensures that the coastal marine area of Fiordland is preserved and protected for future generations. Therefore, it is in Real Journeys Limited's view, that the proposed operation of the *Fiordland Navigator*, will have at most, a minor long term effect on the environment

10

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

The land adjoining the coastal marine area of Fiordland is the Fiordland National Park, this is managed by the Department of Conservation. Near Deep Cove, the most inland point of the fiord, the Deep Cove Outdoor Education Trust (DCOET) has established an Education Trust Centre for school children and Otago University Marine Science students. The purpose of this establishment is to allow students to experience, research and learn from the natural environment of the national park and adjoining coastal marine area. The proposed operation of the *Fiordland Navigator* will have a positive effect on the groups visiting the area. This is because Real Journeys Limited offers discounted trips to Southland and Otago schools. Because of this, the school groups that utilise the Deep Cove Education Trust Centre, will also get to experience the natural environment of the fiords. Moreover, Real Journeys has gone into partnership with the Department of Conservation to offer natural heritage education to school groups staying at the DCOET hostel as part of Real Journeys nature guide (incl *Fiordland Navigator* nature guides) mentoring program.

The Department of Conservation has camp sites in Doubtful Sound for recreational users and commercial kayak groups, such as the boat only accessible campsite at Hall Arm. As recreational boat access is restricted because of the areas location, recreational boating and camping occurs on a minor scale in the fiord. Hence, the proposal will not significantly affect these users.

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.

Yes, there are structures established in Deep Cove, Doubtful Sound which is where the proposed operation of the *Fiordland Navigator* would embark and disembark its passengers. These structures are located at the head of Doubtful Sounds fiord. The structures in this area primarily include: Roads, buildings, a tail race, moorings, wharfs, pontoons, walkways and gangways.

Real Journeys Limited leases a section of the Meridian Energy Deep Cove Wharf. Attached to this Real Journeys Limited has a boarding structure to embark and disembark passengers. There is also a Meridian Pontoon structure attached to this wharf.

Image showing the location of structures attached to the Meridian Energy Deep Cove Wharf



At times commercial fishing crayfish pots may be placed within the fiords for storage during the off season. Real Journeys Limited is also aware of a mooring within the First Arm, a fishing depot at Blanket Bay and NIWA mooring buoys which are used for collecting environmental data throughout Doubtful Sound. These structures are shown below.

Map showing the location of NIWA mooring sites in Doubtful Sound Fiordland¹⁸

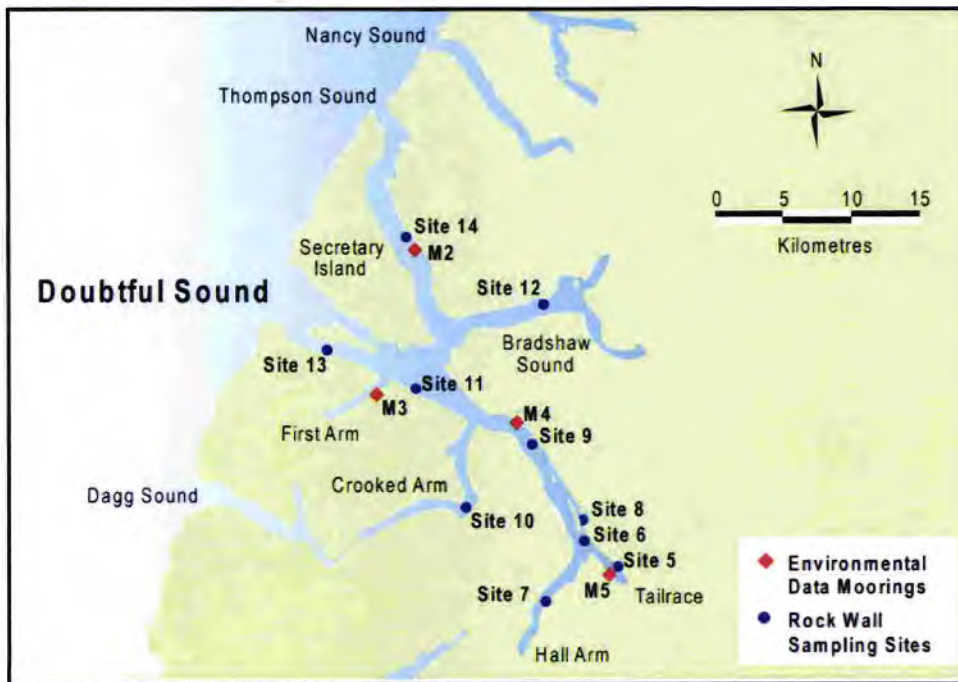


Image Showing the Fishing Depot at Blanket Bay Doubtful Sound



¹⁸ <https://www.niwa.co.nz>

The structures in place at Deep Cove and within the Doubtful Sound complex are in place to support and monitor the commercial and recreational activities that occur in the coastal marine area of Fiordland. As such, the proposed operation of the *Fiordland Navigator* in this area will not have a negative effect on these structures.

- 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:

Please refer to the Assessment of Environmental Effects for this Coastal Permit Application

- (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

- 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 the Assessment of Environmental Effects for this Coastal Permit Application

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

No construction work is required in this proposal.

- 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 the Assessment of Environmental Effects for this Coastal Permit Application

- 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 refer to the Assessment of Environmental Effects for this Coastal Permit Application

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

Assessment of Environmental Effects

“Fiordland Navigator”



APPLICATION FOR RESOURCE CONSENT

PURSUANT TO SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991 (RMA)

To: Environment Southland
Private Bag 90116,
Invercargill 9840

From: Real Journeys Limited
PO Box 1
Te Anau 9640

1. Real Journeys Limited is applying for the following resource consents:

RMA Section	Resource Consent	Duration of Consent
12(3)(a)	commercial surface water activities	25 years

Please refer below for further background as to the reasons for seeking Resource Consent for the proposed activity.

2. The activity to which this Resource Consent relates is:

The operation of the "Fiordland Navigator" (or replacement vessel); undertaking commercial surface water activities, in the coastal marine area adjacent to the Fiordland National Park from Yates Point to Puysegur Point.

3. The site to which this application relates is located at:

Location: Coastal Marine Area of Fiordland
Grid Reference: Deep Cove 1144250 E 4947700 N
Legal Description: Crown Land within the Coastal Marine Area.

4. No other Resource Consents are required for this activity other than those sought in this application. A Concession is required from the Department of Conservation to cross Lake Manapouri and to use the Wilmot Pass Road to access Deep Cove, this is authorised under Concession Number PAC 14-06-02-02.

5. Included in this application for the proposed activity is an assessment of:
 - a) the actual and /or proposed potential environmental effects (AEE) as required by the Forth Schedule of the RMA. The AEE corresponds to the scale and significance of the potential effects on the environment;
 - b) the proposed activity against the matters set out in Part 2 of the Resource Management Act 1991; and
 - c) the proposed activity against any relevant provisions of a document referred to in section 104(1)(b) of the Resource Management Act 1991, including the information required by clause 2(2) of schedule 4 of that Act.

6. This resource consent application is subject to section 124 of the Resource Management Act 1991. The activity is currently authorised under Coastal Permit Number 97049.

7. The information, as required by the relevant Coastal Plan, and other applicable planning documents, is contained in the attached document.

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1. Introduction

This Coastal Permit application is seeking authorisation for the *Fiordland Navigator* to carry out commercial surface water activities in the coastal marine area of Fiordland (CMA) from Yates Point to Puysegur Point. The proposal is for the continued operation of Real Journeys Limited's day (commercial day trips), overnight (commercial backcountry trips) and charter cruises within this area of the CMA. This report has been prepared in accordance with the relevant provisions of the Resource Management Act 1991 (RMA) and the Regional Coastal Plan for Southland. The Assessment of Environmental Effects (AEE) has been prepared on the basis of currently available information.

1.1 Background

Coastal Permit Number 97049 provides for the undertaking of commercial surface water activities in the CMA from Yates Point to Puysegur Point, for one vessel of approximately 44 metres registered length with:

- (i) up to 72 passengers plus crew for backcountry trips; and
- (ii) up to 90 passengers plus crew for day trips, except when the Milford Road is closed or when the vessel consented under 200125 is not available; on these occasions the authorised number of passengers for day trips is 150.

Coastal Permit Number 97049 includes the use of up to 30 kayaks and two tender craft vessels within specified areas of the Doubtful Sound / Patea Complex¹.

The *Fiordland Navigator's* Coastal Permit is due to expire 3 November 2020. Consequently, this application is seeking authorisation for the continued operation of the *Fiordland Navigator* in the CMA from Yates Point to Puysegur Point. Under section 127(3) of the Act, for passenger safety and operational reasons this resource consent application is seeking alterations to the conditions set in Coastal Permit Number 97049, for the areas the *Fiordland Navigator* can utilise within the Doubtful Sound / Patea Complex during backcountry trips.

¹ Doubtful Sound Complex includes; Doubtful Sound, Hall Arm, Crooked Arm, Thompson Sound, Bradshaw Sound, Gaer Arm, Precipice Cove.

1.2 Resource Consents Required

- In the Regional Coastal Plan for Southland any commercial surface water activities in the internal waters of Fiordland from Yates Point to Puysegur Point are a **Discretionary Activity** in accordance with Rule 16.2.1(7).
- In the Regional Coastal Plan for Southland commercial day trips on Hall Arm, Doubtful Sound and Crooked Arm east of turn point are a **Discretionary Activity** in accordance with Rule 16.2.1(4) provided that within this area the total number of commercial day trips undertaken by all operators does not exceed five on any day.
- In the Regional Coastal Plan for Southland commercial backcountry activities on Crooked Arm west of Turn Point, Hall Arm, First Arm and Bradshaw Sound are a **Discretionary Activity** in accordance with Rule 16.2.1(5) provided that within this area the total number of commercial backcountry activities undertaken by all operators does not exceed the frequencies stated in this rule on any day.

Real Journeys Limited's coastal permit application may be considered a Discretionary Activity however, as the total number of commercial day trips and backcountry activities approved by Environment Southland within the Doubtful Sound / Patea Complex is unknown, Real Journeys Limited is approaching this coastal permit application as a **Non-Complying** activity in accordance with Rule 16.2.1(2) and Rule 16.2.1(3) of the Regional Coastal Plan for Southland.

The following resource consents are required and applied for under the Regional Coastal Plan for Southland;

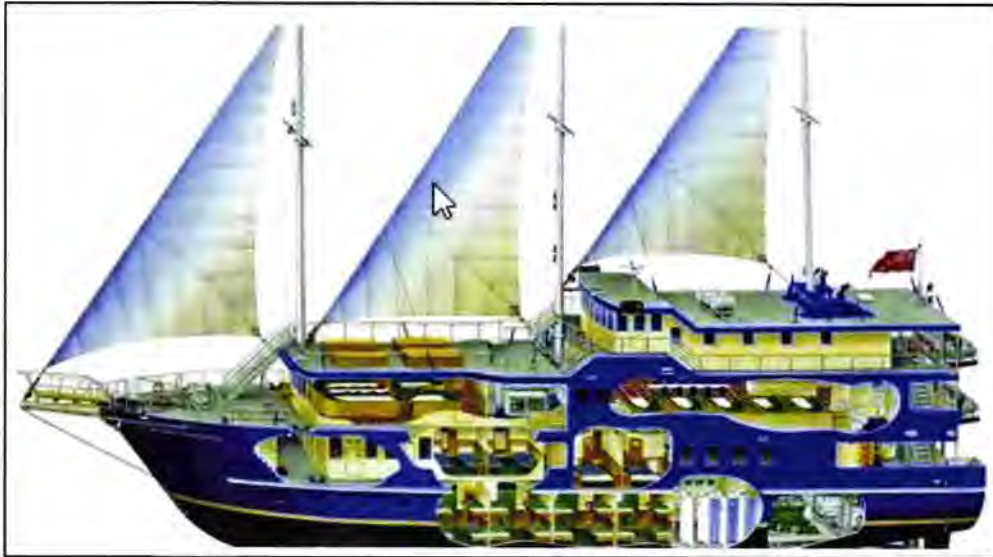
- **Discretionary Activity** in accordance with Rule 16.2.1(7);
- **Non-Complying** activity in accordance with Rule 16.2.1(2); and
- **Non-Complying** activity in accordance with Rule 16.2.1(3).

Accordingly, under the Regional Coastal Plan for Southland, the proposal is overall a **Non-Complying** activity.

1.3 The “Fiordland Navigator”

The *Fiordland Navigator* was launched in October 2001. It is 40 metres in registered length, and it has a cruising speed of 11 knots. The vessel is surveyed to carry 150 passengers in enclosed waters for day trips and 85 passengers in inshore limits for overnight trips. The vessel has 30 kayaks and two tender craft on board, these are stored at the rear of the vessel. The *Fiordland Navigator* has a lower, main, upper and bridge deck. Refer drawing below;

Drawing of the *Fiordland Navigator*



Passenger accommodation on board the *Fiordland Navigator* is located within the lower and main decks of the vessel. This includes; eighteen cabins with ensuite bathrooms, eighteen cabins with twin single beds which can be made into double beds. There are also nine quad-share bunk style compartments with shared bathroom facilities. Refer images below;

Images of the Accommodation on Board the *Fiordland Navigator*



There is a commercial kitchen (galley), bar and dining saloon within the upper deck of the vessel where passengers dine. The upper deck and saloon create an opportunity for passengers to interact. Refer image below

Image of Passengers in the Dining Saloon on Board the *Fiordland Navigator*



The bridge deck is an observation platform, this enables passengers to engage with the surrounding natural environment of the CMA. Refer image below;

Image of Passengers on the *Fiordland Navigator's* Observation Platform



A day trip on the *Fiordland Navigator* begins in Manapouri where passengers travel across Lake Manapouri from Real Journeys' Manapouri Visitor Centre to the West Arm of the lake. Here they are taken by coach over the Wilmot Pass Road into Deep Cove, Doubtful Sound. In Deep Cove passengers embark (and disembark) the *Fiordland Navigator*, usually at the Meridian Energy Limited wharf via the gangway and pontoon authorised under Resource Consent No AUTH-20181697. When the Meridian Energy wharf is being used for the transfer of freight for Meridian Energy, passenger transfer will occur at Real Journeys' Deep Cove wharf authorised under Resource Consent No 301155. A day trip may include a 2-hour, 3 hour or 3-and-a-half-hour cruise within the Doubtful Sound / Patea Complex.

During the summer months the *Fiordland Navigator* typically undertakes a two-hour day cruise which usually travels past Elizabeth Island, the vessel turns back towards Deep Cove before Fergusson Island and then ventures down Hall Arm, before returning to Deep Cove. In Hall Arm passengers on board the vessel often experience the 'Sound of Silence'. This is when the Launch Master turns off the vessel engines (mains and generators), so that the natural ambience of the fiord can be experienced.

The three-hour day cruise generally travels to Crooked Arm. Here the vessel enters the mouth of the arm and turns around, before returning to Deep Cove via an excursion down Hall Arm. Refer map below;

Map Showing the Approximate Route for a Day Cruise on the *Fiordland Navigator*



At times the weather in Doubtful Sound / Patea may require an alternative route to the ones mentioned above. The day cruise's routes are decided by the vessel's Launch Master on a daily basis.

The *Fiordland Navigator* may operate in place of another vessel; especially in winter months when the "Patea Explorer" is undergoing annual maintenance. When the *Fiordland Navigator* is operating day trips in the place of the vessel consented under Coastal Permit Number 200125, she cruises out to the entrance of Doubtful Sound / Patea and does not cruise into any of the arms. This trip's duration is three and half hours.

² <http://www.topomap.co.nz>

When clients undertake a Doubtful Sound overnight trip, they embark the *Fiordland Navigator* from the Meridian Energy Limited wharf at approximately 2.30pm and cruise down the fiord towards the Tasman Sea. The aim is to head to the entrance of Doubtful Sound / Patea; however, the route of the trip is determined by the Launch Master of the vessel on the day. The trip route chosen on a given day is based on the amount of available daylight and weather conditions predicted for and experienced during each trip.

Map Showing the Approximate Route for the Overnight Cruise on the *Fiordland Navigator*³



If the weather is coming from a south westerly direction, First Arm is the preferred place to anchor for the evening as First Arm is the most sheltered location in these conditions. In southerly weather conditions kayaking and tender craft activities are usually undertaken in Crooked Arm. Because of Crooked Arm's close proximity to Deep Cove, this enables kayaking and tender craft trips to be completed safely in daylight hours during the shorter days and/or in very overcast conditions. Tender craft activities involve passengers and a Nature Guide exploring the area to provide more in-depth environmental interpretation. One tender craft is also used as a safety support vessel for the kayakers, this is an integral aspect of the activity because most passengers aboard the vessel have not been in a kayak before. Refer images below;

Images of Tender Craft and Kayaking Activity in the Doubtful Sound Complex



³ <http://www.topomap.co.nz>

In north westerly weather conditions Precipice Cove is the preferred place to moor for the evening as it provides the most shelter in these weather conditions. When mooring at Precipice Cove, kayaking and tender craft activities occur within the Cove. Real Journeys Limited has installed a mooring in Precipice Cove principally for use by the *Fiordland Navigator*, this is consented under Coastal Permit Number AUTH-20157864.

On occasion the *Fiordland Navigator* is chartered, these charter cruises can be up to five days duration. On such occasions the vessel's trip route is decided in conjunction with the charter group and can occur within the wider authorised limits between Yates Point to Puysegur Point.

Maintenance is undertaken on the *Fiordland Navigator* annually either in "in water" in Milford Sound or "out of water" in Bluff. The *Fiordland Navigator* typically travels to Bluff for survey every 24 months, however Maritime New Zealand now allows ships survey to be completed 36 months from the date the Certificate of Survey was issued, accordingly in the future the *Fiordland Navigator* is likely to be slipped every three years in Bluff.

The *Fiordland Navigator* has been operating under Coastal Permit Number 97049 since 2008 and during this time the vessel has been compliant with the terms of this Consent.

2. The Proposed Activity

This Coastal Permit application proposes to maintain the current size and scale of the activity authorised under Coastal Permit Number 97049. To improve operational practice and health and safety, this application is seeking authorisation to alter some of the areas the commercial surface water activities operate within during backcountry trips.

This Coastal Permit application is seeking authorisation to; undertake commercial surface water activities in the coastal marine area adjacent to the Fiordland National Park from Yates Point to Puysegur Point, for one vessel of approximately 44 metres registered length with:

- (i) up to 74 passengers (including two infants) plus crew for backcountry trips; and
- (ii) up to 90 passengers plus crew for day trips; and
- (iii) the use of two tender craft and 30 single kayaks.

With the exception to (ii) that during a Milford Road closure when Milford Sound passengers are diverted to Doubtful Sound / Patea or when the vessel is operating under Coastal Permit 200125, or a replacement Consent is not available. During these occasions the number of passengers for day trips is authorised up to 150 plus crew.

Real Journeys Limited has clients traveling and undertaking overnight experiences with infants (0 - 2years). If this occurs, the infant sleeps in a cot in the parent's room. Because of this change in clientele, Real Journeys Limited is requesting two infants be permitted as additional passengers on each overnight trip. That being; this proposal is requesting to align the *Fiordland Navigator's* Coastal Permit with the vessel's survey capacity of up to 85 passengers and crew within inshore limits for an overnight trip. The authorisation of two infants on each overnight trip is within the surveyed carrying capacity of the vessel.

On occasion the *Fiordland Navigator* is chartered for cruises. This proposal is seeking authorisation for the vessel to travel between Yates Point to Puysegur Point for charter cruises.

As stated above, the *Fiordland Navigator* annually travels to either Milford Sound or Bluff to undergo annual maintenance and survey. Accordingly, this proposal is seeking authorisation for vessel transfer to Bluff or Milford Sound for maintenance purposes. Note on occasion the *Fiordland Navigator* travels to Bluff to effect repairs outside the scheduled maintenance program, usually when a vessel prop is damaged by log strike.

For day trip purposes in the Doubtful Sound / Patea Complex, the proposal is seeking authorisation to operate one trip in total each day of the calendar month which includes;

- A. Deep Cove to embark or disembark passengers - without restriction;
- B. Doubtful Sound – one trip per day;
- C. Hall Arm – one trip per day; and
- D. Crooked Arm east of Turn Point – one trip per day.

Section 127 of the Resource Management Act 1991 provides for Coastal Permit holders to be able to change existing conditions on Coastal Permits. Part 2 (7)(i) of the Act, states that Council shall have particular regard to the effects of climate change. The predicted effects of climate change on Fiordland's Coastal Marine Environment have prompted Real Journeys Limited to review vessel operations in this area. To be able to operate within the changing climate of

the CMA, commercial surface water activities will need to be conducted in sheltered environments. To respond and adapt to the actual and potential effects of climate change, Real Journeys Limited is seeking authorisation to alter aspects of the conditions set in Coastal Permit Number 97049 for overnight trips. The requested conditions for this Coastal Permit application are stated below and the reasons for these requested conditions are detailed in section 3.2.13 of this AEE.

For overnight trip purposes in the Doubtful Sound / Patea Complex the proposal is seeking authorisation to operate one backcountry trip each day of the calendar month which includes:

- A. Deep Cove to embark or disembark passengers without restriction;
- B. Doubtful Sound including Hall Arm – up to 31 times each calendar month;
- C. Thompson Sound – twice each calendar month;
- D. Bradshaw Sound (including Precipice Cove and Gaer Arm) – up to 31 times each calendar month;
- E. Crooked Arm east of turn point - up to 31 times each calendar month;
- F. Crooked Arm west of turn point - up to 31 times each calendar month; and
- G. First Arm - up to 31 times each calendar month.

The proposal is seeking authorisation to operate the 30 kayaks and 2 tender craft each day of the calendar month in one of the following areas:

- A. Bradshaw Sound (including Precipice Cove and Gaer Arm);
- B. In Crooked Arm – **not** within the area between 2km west of Turn Point to 2.5 km from the head of the arm;
- C. First Arm;
- D. Doubtful Sound; and
- E. Hall Arm

On occasion adverse weather conditions result in overnight trips having to stay within the Doubtful Sound / Patea Complex for two nights. On such an occasion the proposal is requesting authorisation to conduct kayaking and tender craft activities twice within a day.

2.1 Proposed Conditions

Real Journeys Limited is proposing the following conditions for the *Fiordland Navigator's* Coastal Permit;

The consent holder shall not operate associated activities, such as kayaks and tender vessels, during day or overnight trips as follows;

1. *In Hall Arm, inside a line from Davidson Head to Prindham Point;*
2. *In Crooked Arm in the area between 2km west of Turn Point to 2.5km from the head of the arm;*
3. *Within the Doubtful Sound Dolphin Protection Zones;*
4. *Only the head of Gaer Arm shall be used for kayaking and tender craft activities, and for no more than four days per calendar month;*
5. *No mooring or overnight anchoring in Hall Arm, other than the anchorage at the mouth of Hall Arm and position 45 26' 42" S 167 06' 85" E;*
6. *At Shelter Islands, there is to be no kayaking at any time of year. Support vessels are not permitted to within 50m of the shore, one hour before sunset until 1 hour after sunrise during the period of July through to March (inclusive); and*
7. *Passengers or crew of the vessel shall not land on, nor shall the vessel moor adjacent to;*
 - i. *The foreshore of Shelter Island or Nee Islets at the mouth of Doubtful Sound; or*
 - ii. *The foreshore of Seymour Island, Doubtful Sound; or*
 - iii. *Any foreshore within 50 metres of New Zealand fur seal colonies.*

3. Effects on the Environment

3.1 Site Description

Map Showing the Location of the Coastal Marine Area from Yates Point to Puysegur Point⁴



⁴ <http://www.topomap.co.nz>

Map Showing the Location of the Doubtful Sound Complex⁵



The Coastal Marine Area from Yates Point to Puysegur Point is located on the West Coast of the South Island, in the geographic region of Fiordland. It is located adjacent the Fiordland National Park. The Fiordland National Park is part of Te Wāhipounamu, a UNESCO World Heritage site.

Fiordland's mountains consist of metamorphic basement rocks which predominantly contain gneiss, diorites and granite. The tertiary rock layer contains the sedimentary rocks of sandstone, mudstone and limestone. These mountain ranges were carved out into fiords by glaciers during the ice age 70,000 to 10,000 years ago.

The prevailing wind in Fiordland is westerly, this combined with the high mountain ranges forms orographic rainfall on the west coast of Fiordland. As a result, approximately 6 metres of fresh water is deposited into the fiords each year. This creates a unique marine environment as the base water layer in the fiords is the dense saltwater from the Tasman Sea, while the less dense layer that floats on top consists of the fresh water created by orographic rainfall and runoff. The runoff comes from the water that drains through the Fiordland National Park forest; this becomes stained with tannins from the leaf litter and it turns the freshwater layer that sits on top of the saltwater dark in colour.

A consequence of the dark fresh water layer is that it limits the amount of light that can reach the water's depths, inhibiting the growth of kelp. This results in the inner fiord areas having species (normally found at significant depths) colonised on the steep fiord walls between the surface and approximately 40 meters in depth. These species are living close to the surface to get their energy source from sunlight and off the debris that flow into the fiord from the surrounding Fiordland National Park forest.

The CMA's outer coastal area environments are not subject to limited light effects on the tannin stained freshwater layer, therefore in these areas kelp and other marine species are located at "normal" depths in the ocean. When comparing the inner and outer fiord communities of Fiordland, the inner fiord communities do not appear to be as

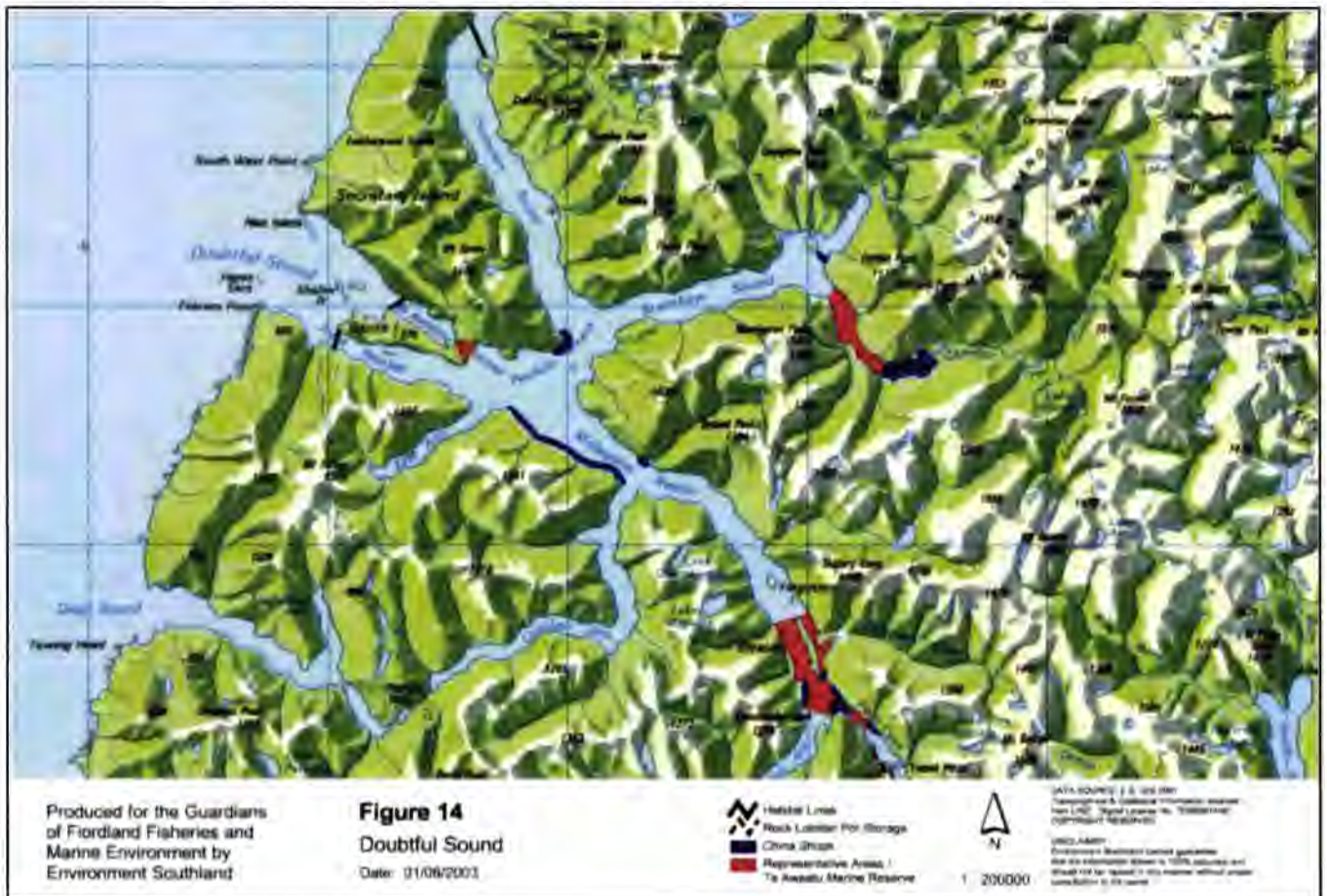
⁵ <http://www.topomap.co.nz>

productive as the outer coastal area communities. It is thought that this is likely to be due to the inner fiord communities lack of food source⁶.

The fauna species found in the inner fiord environments, such as the Doubtful Sound / Patea Complex include: Blue Cod, Rock Lobster, Groper, Paua, Scallops, Jock Stewart, Kina. Red and black coral are located within the fiords along with bright yellow glass sponges that have only ever also been found in the waters off Jamaica. As well as invertebrates and seaweeds, the Doubtful Sound / Patea Complex is also the habitat of Bottlenose Dolphins, Fiordland Crested Penguins, migratory whale species (Humpback and Southern Right), New Zealand Fur Seals and other wildlife.

There are Representative Areas,⁷ China Shops⁸ and Marine Reserves located within the inner coastal marine areas of Fiordland. In the Doubtful Sound Complex there are three Marine Reserves, these include; Kutu Parera at Gaer Arm, Te Awaau Channel near Secretary Island and Taipari Roa near Elizabeth Island. These are also identified as Representative Areas by the Fiordland Marine Guardians as they have benthic communities of significance. There are several China Shops located within the complex, refer to the map below;

Map showing the Location of China Shops and Representative Areas in Doubtful Sound⁹



⁶ Fiordland Marine Conservation Strategy, Guardians of Fiordland's Fisheries & Marine Environment Inc, Laurel Teirney, 2003.

⁷ Communities of significance that are representative of the Fiordland Marine Environment.

⁸ Pockets of significant fragile marine life located within the Fiords

⁹ Fiordland Marine Conservation Strategy, Guardians of Fiordland's Fisheries & Marine Environment Inc, Laurel Teirney, 2003.

The Fiordland Coastal Marine Area is susceptible to pest invasion. The Asian seaweed *Undaria pinnatifida* (*Undaria*) has established in many parts of New Zealand over the last 20 years. *Undaria* is a threat to Fiordland's unique marine environment and the fishing and tourism economies it supports. This plant has been found in Breaksea Sound. As a result of this incursion, the Fiordland Marine Regional Pathway Management Plan was developed in an endeavour to prevent any further marine pest incursions into Fiordland. Secretary Island is a Sanctuary Island and for it to remain in this state, care must be taken to ensure terrestrial pests do not enter the Island via vessels in the fiord.

The Doubtful Sound / Patea Complex is a modified environment. The most significant modifications are due to the construction of the Manapouri Hydroelectric Power Station in the 1960s and the construction of the second trail race tunnel in the late 1990s. The two tail race tunnels which transfer freshwater from Lake Manapouri to Deep Cove have modified the fiord's hydrographic environment, resulting in up to a threefold increase in the amounts of fresh water entering the fiord compared to what occurs naturally from rainfall alone. This has increased the depth of the fresh water layer throughout the fiord. The Deep Cove Meridian Energy wharf and Wilmot Pass Road was constructed from the West Arm of Lake Manapouri to Deep Cove to facilitate the construction of the Manapouri Power Station. Since the 1960s the Deep Cove wharf infrastructure has expanded to support commercial and recreational fishing, as well as commercial tourism and recreational activity. The Meridian Energy Limited wharf is also designated as a helipad. Moorings have been located within the CMA to support boating activity within the area. The older Deep Cove Outdoor Educational Trust (DCOET) buildings were constructed as part of the Manapouri Power Scheme and transferred to the Trust's ownership in 1971 when the construction of the Manapouri Power Station was completed. The DCOET centre enables school children to have a place to study and learn about this environment and today unplug from their online life. The centre is also utilised by University of Otago Marine Science Students and visitors such as Go Orange kayak clients. Thus, the Doubtful Sound / Patea Complex environment, particularly in Deep Cove, has been modified to include structures to support hydroelectric power generation; education, fishing and boating activities within the CMA.

Today the wider Fiordland Coastal Marine Area can be accessed via Doubtful Sound / Patea by means of the Wilmot Pass Road. However, to do this people are required to travel by boat across Lake Manapouri to the West Arm of the lake. From here vehicle transportation is required over the Wilmot Pass Road into Deep Cove.

The existing environment of an area includes natural resources, physical resources and existing use rights. The coastal marine area of Fiordland's existing environment has significant ecosystems and habitats described as China Shops and Representative Areas / Marine Reserves. The Doubtful Sound / Patea Complex has been modified to include wharfs, moorings, buildings, a helipad, the Wilmot Pass Road and two tail race outlets from the Manapouri Hydroelectric Power Station. The public are permitted to utilise the CMA in recreational vessels. Commercial fishing and tourism ventures are also authorised to operate in the CMA. Therefore, the existing environment of the CMA includes significant ecosystems and habitats, modified environments, permitted public recreation activities, authorised use rights for commercial fishing (when fishing boat crew are engaged in the catching of quota, non quota fish and ancillary activities) and commercial tourism.

The *Fiordland Navigator* is presently authorised to operate in the CMA, consequently a vessel of this size and the scale of the proposed activity is currently part of the existing environment of the CMA. Further, recreational and fishing boat activity is a permitted activity in the CMA. Because of this it is the commercial nature of the proposal that should be considered in this Assessment of Environmental Effects; that being, regular vessel movement within the CMA.

It is relevant that private water craft are "uncontrolled" or "unregulated" (through any resource consent requirement). In comparison Real Journeys Limited's activity will be carefully controlled through a Maritime

Transport Operations Plan, a Shipboard Safety Manual, a Crew Training Manual, a Vessels Operation Manual, Standing Orders and a Carriage of Dangerous Goods and Firearms Manual. The operation is also regulated via Coastal Permit Conditions and Maritime New Zealand. These measures are greater than those undertaken by recreational boat users of the CMA and because of this the proposals operation in this environment should be considered safer than recreational users of the environment.

Real Journeys Limited views that the proposed continued operation of the *Fiordland Navigator* in the CMA will have no more than minor effect on the environment. The assessment of actual and potential effects on the environment for the proposed commercial surface water activities are examined in section 3.2 below.

3.2 Assessment of Actual and Potential Effects on the Environment

3.2.1 Social and Economic Affects

The proposal will have a positive social and economic effect on Southland and Otago communities. Real Journeys Limited is a tourism company that facilitates access to view and experience public spaces that many people cannot see otherwise. Undertaking a cruise on the *Fiordland Navigator* is a way for the public to have a positive social experience within the natural environment of the CMA. The company promotes the opportunity to connect with this environment by providing local discounts; children travel free with fare paying parents during school holiday specials and the company heavily subsidises school groups day cruise experiences (including travel in and out of Deep Cove) in the CMA. This creates a positive social effect as these experiences are an opportunity for people to learn about and connect with the natural environment. As stated by David Attenborough;

“No one will protect what they don’t care about and no one will care about what they have never experienced”

This view is replicated by a Department of Conservation study¹⁰ which found that many New Zealanders have a strong connection to their lands and waters, which are a key component of their national and cultural identity. However, future support for conservation cannot be taken for granted given uncertainty about the effect of increasing ethnic diversity and an aging population in New Zealand in the coming years, and the concentration of the country’s population in places that are distant from many of the areas administered by the Department of Conservation (DoC). Because of this, the opportunities Real Journeys creates for people to connect with and experience the natural environment, will create a positive social effect, at the same time as promoting conservation awareness to people visiting Doubtful Sound / Patea.

Over time Real Journeys Limited has developed to create direct and indirect employment and on-the-job training for people living in Southland and Otago communities. Wherever possible those employed seasonally by Real Journeys Limited are carried over the winter in alternative divisions of the company; for instance, some staff are redeployed to our engineering division in winter. This creates the positive social effect of stability for families and communities alike. A significant number of people employed by Real Journeys Limited reside in Southland and Otago. This creates a positive social flow on effect as an increase in population provides for more goods and services to become available in the area. This improves the quality of life for all of those who reside in these places.

Real Journeys Limited has created a positive economic cumulative effect on the wider economy of Southland. This is because people who come to Fiordland to undertake a *Fiordland Navigator* experience then require other goods and services such as accommodation, transport, food and beverages

Hence, the proposed operation of the *Fiordland Navigator* in the CMA should be viewed as a positive socioeconomic effect on Southland and Otago Communities.

¹⁰ Visitors as Advocates, A review of the relationship between participation in outdoor recreation and support for conservation and the environment, Michael Harbrow, 2019.

3.2.2 Navigational Safety

Real Journeys Limited established its own Safe Ship Company from the inception of the then Maritime Safety Authority's Safe Ship Management System in the mid 1990s. Safe Ship Management was superseded by Maritime New Zealand's (MNZ) Maritime Operator Safety System (MOSS) in 2014. MOSS requires commercial vessels to be operated under a Maritime Transport Operator Plan (MTOP); which is a safety system developed for the organisation as a whole, covering its entire operation both land and marine based. Consequently, Real Journeys' MTOP is a construct of a number of existing plans and processes that are an intrinsic part of business as usual. Hence, responsibility for MTOP compliance is devolved across most of our company operations as per the chart below. That is, from office administration or engineering related paperwork, through to staff working directly on vessels; supervisors; operations managers; and right to the General Manager, all staff have responsibilities under the MTOP and this is outlined in Real Journeys' MTOP.

Chart showing Real Journeys Limited's Responsibilities under the Maritime Transport Operator Plan



Part of Real Journeys Limited's MTOP framework is Real Journeys' Standing Orders which directs launch masters to navigate in accordance with relevant Maritime Rules, Navigation Safety Bylaws and Codes of Practice. Because of this, Real Journeys Limited meets Maritime New Zealand's requirements to operate in accordance with navigational safety regulations. Consequently, its operations within the coastal marine area of Fiordland should be considered compliant.

3.2.3 Public Access and Other Users

Other users of the coastal marine area of Fiordland from Yates Point to Puysegur Point include but are not limited to recreational boaters, kayakers and fishermen, commercial fishing operators, commercial tourism operators, research groups; including Otago University and Meridian Energy Limited. The Fiordland National Park is adjacent the coastal marine area of Fiordland. Users of this area include but are not limited to the Deep Cove Hostel users, trampers and campers at the Hall Arm campsite. There are also Department of Conservation Huts adjacent the Doubtful Sound complex which include; the Gut Hut and Deas Cove Hut. The proposal has been operating on the coastal marine waters of Fiordland since 3 November 2003 without conflict with other users of the area. Because of this the proposal will have a less than minor effect on other users of the place.

The proposal does not inhibit public access to the CMA. Real Journeys Limited leases part of the Meridian Energy Limited wharf at Deep Cove to allow for the attachment of our gangway and pontoon which is used to embark and disembark passengers and freight to and from the vessel. This wharf is available for the public to use when it is not in use by Real Journeys Limited or Meridian Energy Limited. The public usually utilise the public boat ramp in Deep Cove to launch their vessels for personal boating activity. Doubtful Sound / Patea is the thoroughfare for vessels entering and exiting Deep Cove, the proposal will not conflict with other users of this fiord as vessels operating in this area are subject to Maritime New Zealand's requirements to operate in accordance with Part 22 of Maritime Rules: Collision Prevention.

3.2.4 Wildlife, Ecosystems and Habitats

The CMA's most significant benthic wildlife predominantly lives within the inner fiords, these are identified as China Shops, Representative Areas and Marine Reserves. The *Fiordland Navigator* predominantly operates within the Doubtful Sound / Patea Complex, this is habitat to marine mammals, most significantly: Bottlenose Dolphins, Fiordland Crested Penguins and New Zealand Fur Seals.

In response to the flow on effects of the Manapouri Power Station development, much of the wildlife of Doubtful Sound / Patea has been studied and monitored. This research indicates that within the fiords of Fiordland, a significant amount of marine life lives within the 40-meter band; which is from the surface to 40 meters in depth, there is a lot less biodiversity below this band. This is due to the dark freshwater layer in the fiords inhibiting the growth of kelp. As a result of this the marine life has adapted to live in communities closer to the water's surface, on walls, as this enables them to access as much light as possible and to also feed off the debris that are entering the fiords from the adjacent Fiordland National Park. The lack of 'typical' outer coastal food source within the inner fiords is thought to slow the growth of marine communities that reside in the inner fiords. This effect is likely to be more prominent in Doubtful Sound / Patea, due to the increased amount of fresh water it receives from the outfall of the Manapouri power scheme. Many of the communities that live within the 40 metre band have been identified as China Shops in the Fiordland Marine Conservation Strategy.¹¹

¹¹ Fiordland Marine Conservation Strategy, Laurel Teirney, Guardians of Fiordlands's Fisheries

China Shops are not directly affected by the proposed operation of the *Fiordland Navigator* in the Doubtful Sound / Patea Complex; because the China Shops in Doubtful Sound / Patea are either in depths of water in excess of 20 metres deep, close inshore or near rocks which pose a navigational safety risk. The *Fiordland Navigator* cruises at a distance past these wall communities and the resulting vessel wake is no greater than normal wave action. Real Journeys Limited kayaks and tender craft have very shallow draft and travel at no wake speed; accordingly, their activities will not impact on the identified China Shops in the Doubtful Sound / Patea complex.

The Doubtful Sound / Patea complex has three Marine Reserves within its waters: Taipari Roa (Elizabeth Island), Kutu Parera (Gaer Arm) and Te Awaatu Channel (The Gut). The Marine Reserves Act 1971 (2)(d) states that;

“the public shall have freedom of access and entry to the reserves, so that they may enjoy in full measure the opportunity to study, observe, and record marine life in its natural habitat.”

The *Fiordland Navigator* will be traversing through the water in or near the Marine Reserves within the Doubtful Sound / Patea Complex, this is not in conflict with regulations set in the Marine Reserves Act 1971.

The Doubtful Sound / Patea Complex is habitat to Bottlenose Dolphins. To reduce the impact of human use in the area, the Marine Mammal (and other wildlife) Code of Management for Doubtful Sound / Patea has Bottlenose Dolphin avoidance provisions. This includes a Dolphin Protection Zone (DPZ) where vessels are not authorised to traverse when dolphins are present. The proposal in this application is for overnight trips to be able to operate where required in relation to the weather on a given day. This will improve habitat for the Bottlenose Dolphins because the vessel and associated activities will have more options of places to traverse in the fiord, meaning that if dolphins were identified in an Arm, then the vessel will be able to go to another area within the Doubtful Sound / Patea Complex. For example, being authorised to kayak and use tender craft on Bradshaw Sound will mean that in NW winds that the activities could occur on this fiord on the northern side, which is not within the DPZ.

Real Journeys Limited as a holder of a Department of Conservation Permit to Operate Commercial Tours to View Marine Mammals (NHS-12-07-23) we are a member of the Department of Conservation chaired Fiordland Marine Mammal Liaison Group and all our vessels skippers follow the Marine Mammal Protection Regulations 1992, as well as the Bottlenose Dolphin avoidance provisions set out in the Marine Mammal (and other wildlife) Code of Management (COM) for Doubtful Sound / Patea.

As part of compliance with the Doubtful Sound / Patea Marine Mammal Viewing Code of Management, for the past 13 years Real Journeys Limited has completed marine mammal sighting log books. The data from these log books verifies that Real Journeys vessel interactions with Marine Mammals are minimal. In addition, the Department of Conservation verifies our compliance through several “mystery shopper” trips over the summer months. Real Journeys Limited does not operate tours focused on marine mammal viewing. Any marine mammal viewing (other than NZ Fur Seals) is incidental and on most occasions because of our vessel schedules, marine mammal viewing must be curtailed so our vessels get back to the wharf on time at the end of the trip. That is, for most of our operations our vessels spend very little time viewing marine mammals. With respect to New Zealand Fur Seals, weather and sea state permitting, during the longer day trips and backcountry trips the *Fiordland Navigator* cruises out to the Shelter Islands to enable passengers to view the NZ Fur Seal rockery on these rocky outcrops. However, to comply with regulations set by the Department of Conservation, Real Journeys Limited does hold a Marine Mammal Viewing Permit NHS 12-07-2 which is rolling over with its existing conditions. A new Permit was applied for by Real

Journeys Limited in 2015 and the application was publicly notified in 2017; however, Real Journeys Limited is still waiting for the new Permit to be issued.

The Marine Mammal (and other wildlife) Code of Management for Doubtful Sound / Patea also outlines appropriate behaviour around the Fiordland Crested Penguins, Fur Seals and Whales. Real Journeys is a signatory to this Code of Management and takes all practical and precautionary steps to minimise any adverse impacts on marine mammals found in the CMA.

The presence of the *Fiordland Navigator* in the CMA will have a minor impact on the habitats and ecosystems of this environment. This is because the vessel does not directly impact the habitats and ecosystems of this place. However, the proposed amendments to the areas of operation within the Doubtful Sound / Patea Complex will likely decrease the vessels kayaks and tender crafts interactions with Bottlenose Dolphins (which is the aim of the COM) as these activities will be able to occur in locations appropriate for the weather conditions and away from the DPZs.

3.2.5 Intrinsic Values of Ecosystems

Section 7(d) of the Resource Management Act states that in achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to the intrinsic values of ecosystems. The Regional Coastal Plan for Southland, Appendix 1 defines the intrinsic values of ecosystems as;

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

a) their biological and genetic diversity; and

b) the essential characteristics that determine an ecosystem's integrity, form, functioning, and resilience.

The New Zealand Biodiversity Strategy (NZBS) defines an ecosystem as an interacting system of living and non-living parts. Operations in the CMA need to ensure that they do not create an adverse effect on these coastal ecosystems as ecosystem disturbance can impact resilience, form and structure of the ecosystem. The two most significant forms of disturbance to coastal marine environments are sedimentation disturbance from land and marine activities; and physical habitat disturbance.¹²

The proposed operation of the *Fiordland Navigator* in the CMA will not have a more than minor effect on the intrinsic values of ecosystems. This is because the proposal does not significantly increase sedimentation disturbance within the coastal marine waters which has the potential to smother seabed ecosystems. The geology of Fiordland's Coast and seabed is predominantly metamorphic rock. Because of this, sediment is not entering the coastal marine waters via erosion and the depth of the coastal marine waters ensures that a vessel traversing through the water does not increase sediment movement any more than normal wave action. The only areas in the CMA with typical sediment present which would be affected by vessel movement are on the delta plains and estuaries present in the Doubtful Sound / Patea Complex arms. However, the *Fiordland Navigator* will rarely traverse past these areas and if it does it will be at 5 knots or less. This speed creates no wake effect which does not increase erosion in the area above normal wave action.

¹² http://www.rmla.org.nz/wp-content/uploads/2018/04/RMJ_April_2018_FINAL-1.pdf

The *Fiordland Navigator* will have a less than minor effect on physical habitat of the CMA. This is because the vessel typically traverses through the deepest sections of the coastal marine waters. This will minimise any disturbance to habitats as most are either at depth, well below where the proposed vessel will traverse, or on wall communities away from the proposed vessel's route.

The only current physical disturbance to habitats in the coastal marine waters due to *Fiordland Navigator's* activities is caused by anchoring in First Arm. To mitigate this effect if this application is approved, it is proposed that Real Journeys Limited will apply for a Coastal Permit to install a mooring in this Arm to reduce any damage to the benthic communities that reside in First Arm.

Real Journeys Limited takes all practical measures to reduce the potential risk of pest organisms and plant species entering the CMA waterways. The company has measures in place to reduce the risk of contaminants and organic / inorganic matter entering the CMA (refer to section 3.2.10 of this AEE).

The proposed operation of the *Fiordland Navigator* in the CMA will not create an adverse effect on the intrinsic values of the ecosystems of this place. Any actual and potential effect on the intrinsic values of the ecosystems should not be viewed as more than minor.

3.2.6 Bio Invasion

Bio invasion is a threat to the CMA. Currently the most serious threat to this area is *Undaria pinnatifida*, as it is currently present in all New Zealand's major ports and has moved from port to port competing with and replacing endemic benthic flora. *Undaria pinnatifida* is found in the Bluff Harbour, Stewart Island, Breaksea Sound and most recently Chalky Inlet¹³, these locations are often visited by vessels enroute to Doubtful Sound / Patea.

To reduce the risk of bio invasion from species such as *Undaria pinnatifida* into the wider CMA, the Fiordland Marine Regional Pathway Plan has been developed by Environment Southland. It incorporates rules for clean vessels, gear and residual seawater, and requires all vessels entering the coastal marine waters of Fiordland to hold the Fiordland 'Clean Vessel Pass'. The code of practice that has been developed in this plan is followed by Real Journeys Limited. Real Journeys Limited has a Standard Operating Procedure (SOP) for Vessel Movement Between Locations. This details that the company's vessels are to be cleaned and anti-fouled (when required) before re-entering Fiordland's waters. Vessels such as the *Fiordland Navigator* are taken to Bluff usually biennially for maintenance work. Here she is removed from the water (slipped), cleaned, and re-painted with antifouling if required. The vessel is then slipped into the water and moored at Real Journeys mooring in Bluff, before departing back into Fiordland's waters when the weather and sea conditions permit.

As indicated in Real Journeys Limited's SOP Vessel Movement Between Locations, if the *Fiordland Navigator* were to be moored for over 14 days in Bluff Harbour, the hull will be checked again by divers before returning to Fiordland waters.

The Ministry of Primary Industries contracts The Young Fishing Company Limited to complete random vessel inspections in Bluff (from November to April) for pest and weed species, Real Journeys Limited vessels passed all of these random vessel inspections. However, currently hull inspections can only be sourced on request between May to October. Because of this when the *Fiordland Navigator* is delayed in Bluff Harbour after survey, Real Journeys Limited will request a hull inspection prior to returning to the CMA. If this is not possible Real Journeys Limited proposes that such an inspection could involve videoing the hull and running gear while still on the slip and supplying the footage to an Environment Southland Biosecurity Officer for review.

The kayaks and tender craft vessels are used during the *Fiordland Navigator's* overnight trips. The kayaks and tender craft are only used in the Doubtful Sound / Patea Complex's waters and when not in use they are kept out of the water on board the vessel to dry out. During vessel survey the kayaks and tender craft are typically taken off the vessel and inspected, serviced, cleaned and repaired if required. This work is undertaken ashore either at a Real Journeys Limited workshop or, in the case of the tender craft, they are serviced at Stabicraft in Invercargill.

The proposed operation of the *Fiordland Navigator* in the CMA would operate within the vicinity of Secretary Island. This Sanctuary Island is administered by the Department of Conservation. Stoats and Red Deer were the identified pest species present on this Island. The significant ecological values of Secretary Island made it an ideal target for restoration, and the eradication of stoats from Secretary Island commenced in 2005. While eradication has not yet been achieved, stoat numbers on the Island are significantly reduced¹⁴. In August 2014 two of the last remaining deer on Secretary Island were culled by the Department of Conservation's Secretary Island hunting team¹⁵. To

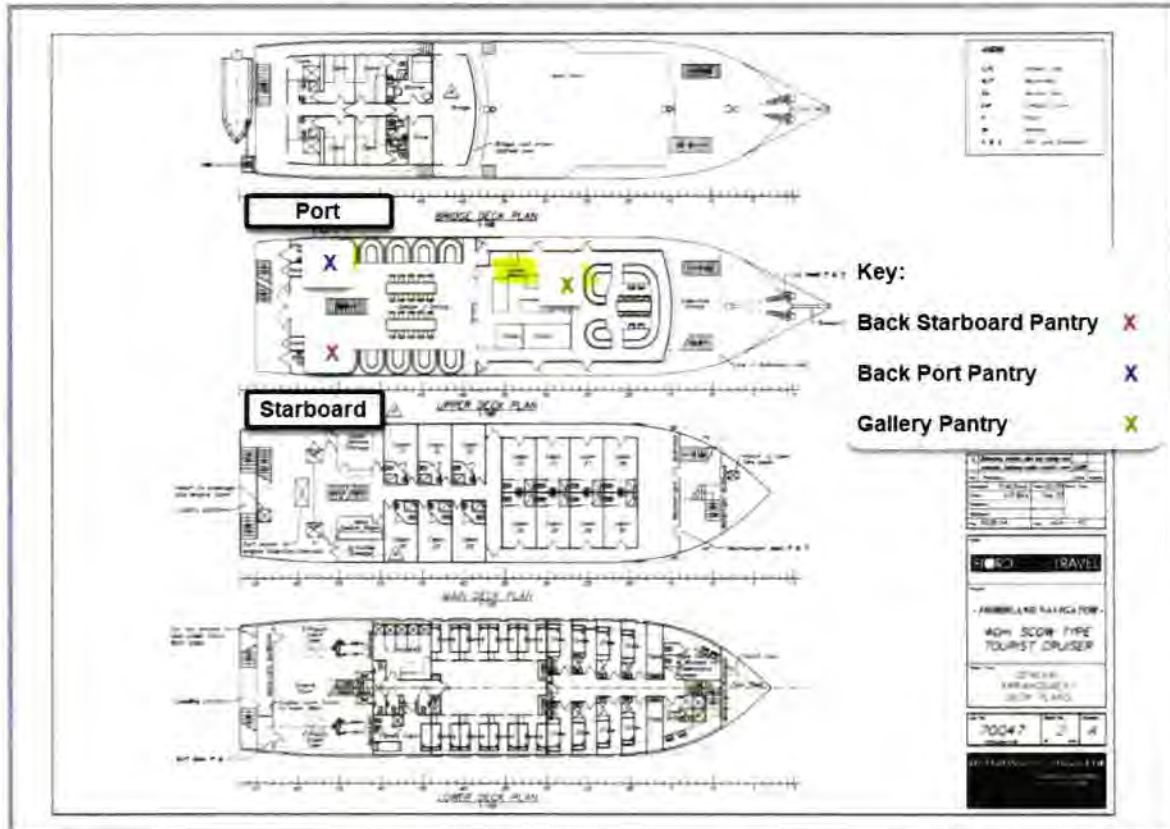
¹³ <https://www.es.govt.nz/council/news-and-notice/Pages/default.aspx?newsItem=id:25wn8435f17q9smk6mml>

¹⁴ Eradication of stoats (*Mustela erminea*) from Secretary Island, New Zealand. 455-460, Mcmurtrie, P & Edge, Kerri-Anne & Crouchley, D & Gleeson, Dianne & Willans, M.J. & Veale, Andrew. (2011).

¹⁵ <https://blog.doc.govt.nz/2014/10/25/last-deer-secretary-island>.

ensure that no pest species are able to gain access to the islands in Fiordland, Real Journeys Limited takes precautionary pest control measures. Food supplies for the *Fiordland Navigator* are stored at Real Journeys' Manapouri Visitor Centre; consequently, to prevent rodent incursions there are rodent traps laced with peanut butter located around the backdoor entrance and catering area. The catering area door includes an additional screen door. This reduces the amount of times it requires to be open as people can communicate and see through the screen. Correspondingly, this reduces the number of opportunities a rodent or pest would have to enter the area and be unknowingly transferred onto a vessel. The *Fiordland Navigator* has rodent traps located in each of the pantries on the vessel. These are laced with peanut butter and are checked daily. Refer to the diagram below;

Diagram Showing the Location of Rodent Traps on Board the *Fiordland Navigator*



Monitoring of pest control for operators in the Fiordland National Park is conducted by the Department of Conservation's Biosecurity Officer. Monitoring includes rodent inspections with a contract rodent dog handler and her rodent detection dog. On 18 May 2017 an inspection was undertaken on the *Fiordland Navigator* in Deep Cove. During this inspection no signs of rodents were detected.

As Real Journeys Limited takes all practical measures to avoid the introduction of pest species into the CMA, the actual and potential environmental effect of the proposal regarding bio security should only be viewed as minor.

3.2.7 Landscape and Visual Amenity Values

In the Regional Coastal Plan for Southland a landscape is defined as one which;

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

Policy 5.2.1 in the Regional Coastal Plan for Southland identifies fiords in the CMA as an Outstanding Natural Landscape. Landscape Unit 19 of this Plan also provides the fiords of Fiordland with the highest naturalness rating of 5.

The presence of the *Fiordland Navigator* in the CMA will not physically change the landscape because the vessel is not permanently affixed to the place and can be removed at anytime. The proposed operation of the *Fiordland Navigator* in the CMA should only be demed to have a minor effect on the landscape values of the CMA. This is because the *Fiordland Navigator's* presence in the CMA will only be a minor visual impact on the landscape, as the vessel's presence is mostly transitory in nature. Further the size and scale of the landscape's fiords have the capacity to absorb the presence of the vessel and the blue and tan hues of the *Fiordland Navigator* cause it to mostly blend in with the surrounding environment. When passengers are undertaking kayaking or tender craft activities, bright coloured kayaks are used and life jackets (activity vests) are worn for safety reasons. These colours will have a minor visual impairment on the place. However, as these activities are of short duration and due to the scale of the fiords, this impact should only be viewed as minor.

Because the *Fiordland Navigator* is a relatively low speed vessel cruising at between 10 and 12 knots (except within 200 metres of the shore when speed is reduced to 5knots), it does not create a significant wake. Refer to the photo below;

Image showing the *Fiordland Navigator's* Wake in the CMA



The wake effect that is created by the *Fiordland Navigator* traversing through the water it is no greater than normal wave action. The CMA's geology consists of metamorphic rock which is very dense and because of this there is a low rate of erosion due to wave action and wake. First Arm, Hall Arm and Bradshaw Sound have delta plains where the river in the mountains above the fiord meets the water. These have resulted in gravel bars. At the head of Gaer Arm is an estuary. The proposed operation of the *Fiordland Navigator* would rarely traverse past these places.

The presence of the *Fiordland Navigator* in the CMA will not create any aderse effect on the landscape as the vessel is transient in nature and the size and scale of the area is able to absorb the presence of the vessel. The wake effect

of the vessel is no greater than normal wave action in the CMA, because of the above any potential effect on the landscape because of the proposal should only be viewed as minor.

3.2.8 Historical, Spiritual and Cultural Values

The Fiordland Coastal Marine Area is significant to Ngāi Tahu. Under section 313 of the Ngāi Tahu Claims Settlement Act 1998, the Crown acknowledges Te Rūnanga o Ngāi Tahu's statement of Ngāi Tahu's cultural, spiritual, historic, and traditional association to Te Mimi o Tū Te Rakiwhānoa (Fiordland Coastal Marine Area). Ngāi Tahu are kaitiaki of the CMA and any activity within the CMA should not be in conflict with Ngāi Tahu's values for this place. Real Journeys Limited have identified Te Ao Marama Incorporated as a Potentially Affected Party in this coastal permit application for feedback on the proposal's impact on Ngāi Tahu's values.

The proposed operation of the *Fiordland Navigator* in the CMA should not affect the historical, spiritual or cultural values associated with this place. Real Journeys Limited takes all practical measures to reduce the impact of vessel operations on the mauri of the CMA. The waste water from the *Fiordland Navigator* will be discharged ashore and treated at the Deep Cove Outdoor Education Trust's Waste Water Treatment Plant. Real Journeys Limited complies with the rules and regulations put in place to mitigate any potential harm that could be caused by the bio invasion of pest species into the area. Furthermore, the company adheres to the regulations in place to protect the marine reserves and marine life in Doubtful Sound / Patea.

Map 3 of the Environment Southland Coastal Plan identifies 3 archaeological sites in the Doubtful Sound / Patea Complex. A site identified on the east of First Arm # 42 (in the coastal plan inventory) is a habitation cave or shelter without art. Another of these sites is found near Blanket Bay # 43. The final site is located near Common Head # 47, it is identified as a dwelling / house / homestead / hut. Refer map below;

Map 3 Environment Southland Coastal Plan showing Archaeological Sites as Triangles¹⁶



The proposed operation of the *Fjordland Navigator* does not involve shore landings, hence no interaction with these identified sites will occur. Hence, any actual or potential impact due to the proposal regarding the history, culture and spirituality of the CMA should only be viewed as minor.

¹⁶ Regional Coastal Plan for Southland

3.2.9 Natural Character of the Coastal Marine Area

Section 6(a) of the Resource Management Act 1991 states that Council shall recognise and provide for the preservation of the natural character of the coastal environment and the protection of them from inappropriate use, and development and the Regional Coastal Plan for Southland defines Natural Character as;

The qualities of the environment that give it recognisable character. Embraces ecological, spiritual, cultural, intrinsic and aesthetic values and includes modified and managed environments

Sections 3.2.4 to 3.2.8 of this AEE detail that the proposed operation of the *Fiordland Navigator* will not create an adverse effect on the ecological, spiritual, cultural, intrinsic and aesthetic values associated within the CMA. Boating activity is identified as an appropriate use of the CMA in the Regional Coastal Plan for Southland and the commercial nature of this proposal will not create a greater impact on the natural character of the place than permitted recreational boating activity.

3.2.10 Pollution

The CMA's natural environment needs to be managed effectively to ensure that pollutants do not create adverse effects on the pristine state of the coastal marine water. The *Fiordland Navigator* has been operating in the CMA since 2002 and to date it has not caused an adverse effect on the surrounding environment. Nonetheless, there are potential pollution risks associated with the operation of a vessel in this location and these are discussed below;

i) Hazardous Substances

The potentially hazardous substances used as part of the proposed operation are oil, petrol and diesel. To mitigate the risk of the proposal using these substances to operate, the vessel will be fuelled at the Real Journeys diesel bowser on the Meridian Energy Limited wharf. The fuelling system at this wharf is operated by a generator which powers the pump to dispense the diesel from the RD Petroleum tank up the Wilmot Pass Road to the Meridian Energy Limited wharf. That is; the diesel is pumped from the storage tank into the *Fiordland Navigator* via an appropriate fuel bowser which is designed to prevent spillage. The launch master of the vessel supervises this process by watching the vessel's fuel tanks gauge to ensure that the tanks do not overflow. The Meridian Energy Limited wharf and *Fiordland Navigator* are equipped with fuel spill equipment to clean up a minor spill. The tender craft are fuelled on board the *Fiordland Navigator*, this is because they are more stable on this platform, which reduces the risk of spillage. Furthermore, the petrol is poured into the tender craft tanks via hand held fuel tanks using an enclosed refuelling system. This ensures that no fuel is spilt.

If an environmental fuel or oil spill occurred, then the *Fiordland Navigator's* Shipboard Oil Pollution Emergency Plan and Oily Waste Handling Plan will be followed. This Shipboard Marine Oil Spill Contingency Plan is approved by Maritime New Zealand which is audited annually.

Fuel and oil could also be spilled as a result of a catastrophic vessel collision. Such an occurrence is managed by adherence to Maritime Rule Part 22 – Collision Prevention. However, because Real Journeys Limited operates well maintained vessels with appropriately trained launch masters, such a collision which would rupture the vessel's fuel tanks is very unlikely.

Real Journeys Limited has been operating in Doubtful Sound / Patea since 1954 and during this time there has not been a significant oil or fuel spill in Doubtful Sound / Patea. There have been very minor spill events at the Meridian

Energy Limited wharf associated with the fuel bowzers. These incidents were rectified promptly by RD Petroleum contractors and they were reported to Environment Southland by Real Journeys Limited, even though we were uncertain of their source.

Therefore, as all practical measures are taken to ensure oil or fuel spillage does not occur, the proposed operation of the *Fiordland Navigator* in the CMA can only be viewed as having a minor effect on the environment in this matter.

ii) Discharge to Air

There potentially could be minor discharges to air from the proposed vessel's activities, however Real Journeys Limited uses modern equipment to minimise discharges and our vessel engines are well maintained to limit this effect. Hence, all practical measures to mitigate any adverse effects from vessel exhausts are taken.

iii) Sewerage

Whenever possible black water and grey water from the *Fiordland Navigator* will be discharged ashore into the Deep Cove Outdoor Education Trust (DCOET) Waste Water Treatment Plant. This will occur when the vessel is at the Meridian Energy Limited wharf via a pump that is on board the *Fiordland Navigator*. This pump is powered by the vessel's generator which pumps ashore to a sullage line that is located under the boarding structure and the shore. The black water from the vessel is pumped out first. The grey water then flows into the black water's tank to rinse the black water tank before being pumped out of the vessel to the DCOET Waste Water Treatment Plant. The treatment plant is located to the north of the Deep Cove Outdoor Education Trust Centre. At the Waste Water Treatment Plant, the black water and grey water are treated and the treated wastewater is returned down a pipeline to be discharged off the Meridian Energy Limited wharf under Discharge Permit Number 203114. On occasion (during extreme weather conditions or when the plant is undergoing significant maintenance) the black water and grey water are unable to be discharged into the Deep Cove Waste Water Treatment Plant. When this occurs the waste from the *Fiordland Navigator* will be discharged into the fiord as per the Resource Management (Marine Pollution) Regulations 1998. These regulations state waste may be disposed of at at least 1000 metres seaward from mean high water springs. For the *Fiordland Navigator* this means that the waste can be disposed of at the mouth of Doubtful Sound / Patea when steaming between the Nee Islets and the south west corner of Bauza Island. If the vessel cannot discharge in this area due to rough seas, then the waste is discharged south of Utah Island. These unforeseen discharges into the fiord are reported to Environment Southland as soon as possible after they occur. Real Journeys Limited takes all practical measures to ensure that untreated black water and grey water does not pollute the CMA. Therefore, the proposal should only be viewed as having a minor effect on the environment regarding sewage.

iv) Rubbish

As part of the passengers' safety briefing, Real Journeys advises passengers to dispose of all rubbish in the bins provided on board, not throw anything overboard, and in windy conditions passengers are advised to not let any food wrappers, paper cups and the like blow over the side into the fiord. Materials that will be used on the *Fiordland Navigator* will be removed as waste and disposed of appropriately in Te Anau and Manapouri. Items such as glass, plastic, cardboard and aluminium will be sorted by crew on board to enable these items to be recycled. All rubbish and recycling that is created as part of the proposal will be removed from the vessel at the Meridian Energy Limited

wharf in Deep Cove. From here it will be transported by vehicle to the West Arm, then via vessel across Lake Manapouri to the wharf at Pearl Harbour for appropriate disposal. At Manapouri Real Journeys has a series of bins for rubbish and the different types of recycling. This process ensures that no rubbish is disposed of within the CMA. The linen, food and other commodities required for the proposal will all be transported in and out of the area utilising Real Journeys Limited's transportation services. This will reduce the actual and potential effect on the environment of this area, as all waste and large-scale laundry will be dealt with in places that are established to effectively process these materials. To reduce the effect of waste on the environment, Real Journeys Limited has undertaken a sustainability initiative to remove unnecessary single use plastic items from its operations. This includes, where practical, using crockery and where not, purchasing products with the lowest carbon footprint and engaging in recycling schemes with the manufacturers of the products the company purchases from. For example, the company has partnered with a coffee cup supplier to trial recycling cups into moulded fibre products. Real Journeys Limited is also working proactively with our suppliers to reduce and manage the disposal of the waste associated with the use of their products, for instance Fonterra is collecting empty milk bottles and taking responsibility for their disposal. Consequently, Real Journeys Limited is ensuring that any rubbish generated by the proposal does not have an adverse effect on the environment of the CMA.

v) Noise Pollution

The *Fiordland Navigator* and the vessel's tender craft noise levels comply with the Regional Coastal Plan for Southland. Because of this Council can disregard noise as an adverse effect on the environment in this application.

Real Journeys Limited contracted Acoustic Engineering Services Limited to undertake noise level tests on the *Fiordland Navigator*. The results show that the vessel's noise levels comply with the Regional Coastal Plan for Southland's Rule 5.3.4 - General noise limits.

Under Rule 5.3.4(ii) between 10:00 p.m. and 7:00 a.m. the following day, the L10 noise level shall not exceed 40 dBA at the landward boundary of the coastal marine area and under Rule 5.3.4(iii) between 10:00 p.m. and 7:00 a.m. the following day, the Lmax noise level shall not exceed 70 dBA at the landward boundary of the coastal marine area. Between these hours the *Fiordland Navigator* is moored at Precipice Cove or anchored at First Arm and only one generator engine is left running. The results of the noise level test state that based on these sound levels at the landward boundary the noise levels would be;

Fiordland Navigator at First Arm (297 metres) – 22 dBA L10

Fiordland Navigator at Precipice Cove (200 metres) – 25 dBA L10

The *Fiordland Navigators* noise level is compliant with Rule 5.3.4 - General noise limits.

The permitted baseline for noise from a ship (including recreational craft) is stipulated in the Regional Coastal Plan for Southland under Rule 5.3.6 as; 90 dB(A) in any single drive by at any position beyond a line situated 25 metres back from the line of travel. The *Fiordland Navigator's* noise level was measured at 79 dBA at cruising speed and 73 dBA at no wake speed, therefore the vessel is compliant with Rule 5.3.6.

A Real Journeys tender craft outboard engine had its sound level measured from a distance of 25 metres. Real Journeys' Nature Guides manoeuvre the tender craft at displacement speed. At this speed the tender craft's noise level was measured at 78 dBA. At cruising speed, the tender craft's noise levels were measured at 71 dBA. These noise levels comply with Rule 5.3.6 of the Southland Regional Coastal Plan as both measurements were under 90db.

Respectively, the noise emitted by the *Fiordland Navigator* and the vessel's tender craft is within the permitted criteria set out in the Regional Coastal Plan. Rule 5.3.8 does not apply to the *Fiordland Navigator* or the tender craft as it is permitted in Rule 5.3.4 and Rule 5.3.6. Because of this Council can disregard noise as an adverse effect on the environment in this application.

vi) Light Pollution

The proposed operation of the *Fiordland Navigator* would utilise lighting after night fall on board the vessel once it is stationary and has anchored or moored for the evening. When at anchor a masthead anchor light must be shown for navigation safety purposes. On board lighting is required to enable passengers to safely move about the vessel at night. These lights will be reduced significantly once passengers have turned in for the evening, however for safety reasons a few hallway lights will be left on overnight. The light spill created by the proposed *Fiordland Navigator's* operation would be minimal and small in scale. Therefore, this is viewed by Real Journeys Limited as a minor effect on the environment.

vii) Cleaning Products

The *Fiordland Navigator* has painted decks and aluminium walkways. The vessel has a water blaster on board which is used to clean the decks daily. However approximately once a week when in the vessel is in use, the deck requires further cleaning. When this occurs, the decks are scrubbed down with approximately a 0.05% solution of "Citro-clean". The decks are then hosed down, which further dilutes the cleaner. Citro-clean is biodegradable and it is used in very low concentrations, in fact it is currently supplied to the vessel in a diluted state to ensure a minimal amount of product is used. Because of this, Real Journeys Limited does not believe that this discharge has a significant impact on the environment. As required a "Wash 'N' Wax" vehicle cleansing and wax gel product from CHEMTECH is used on the vessel. This product is identified as a non-hazardous substance and non-dangerous good. The wax is applied to the super structure of the boat to protect it from spray damage. As it is a wax gel, it repels water and does not enter the coastal marine waters of Fiordland.

The domestic cleaning products that will be used on the *Fiordland Navigator* are from ECOLAB. These products will not enter the coastal marine waters of Doubtful Sound / Patea as all waste water onboard the vessel is collected and stored in the grey water holding tanks, then pumped ashore for treatment.

Hence, the environmental impact on the coastal marine water due to cleaning products used on the *Fiordland Navigator* is small in scale and should not be viewed as more than minor.

3.2.11 Structures

Structures have been established in Deep Cove primarily to support the construction of the Manapouri Power Station. Real Journeys Limited has a Licence Agreement with Meridian Energy Limited for access to their Deep Cove wharf. This wharf provides for the operation of Real Journeys' larger vessels such as the *Fiordland Navigator* and *Patea Explorer*. Passengers embark and disembark Real Journeys vessels using a pontoon boarding structure affixed to the Meridian Energy Limited wharf. By utilising this wharf, Real Journeys Limited is reducing the requirements of further structures to be built in the area.

Any physical damage caused to the coastal marine environment by the pontoon structures being removed and / or installed in this environment is considered minor, as these structures are bolted in place and do not require earthworks. Therefore, the potential physical damage caused to the environment due to structures in CMA should only be viewed as minor.

i) Anchoring

Real Journeys Limited has two Coastal Permits for moorings in the Doubtful Sound / Patea Complex. The first is a mooring at Precipice Cove, Bradshaw Sound under Coastal Permit AUTH-20157864. The second is the Helena Anchorage Mooring, Deep Cove under Coastal Permit AUTH-20147465. Currently when the *Fiordland Navigator* overnights in the First Arm she anchors in this Arm. To reduce the environmental affects due to mooring and anchoring in the fiords, no refuelling will occur while the *Fiordland Navigator* is anchored or moored. Furthermore, no polluting substances such as grey water and bilge water will be discharged into the fiord's waters by the *Fiordland Navigator* when she is moored or anchored. The *Fiordland Navigator's* mooring lines used in Deep Cove and Precipice Cove are new when first used (i.e. not reused from another location). These are checked twice a year for the potential growth of *Undaria pinnatifida*. The moorings are kept in good repair and checked annually to ensure they remain fit for purpose and they are replaced with new lines as required.

Anchoring at First Arm will have some environmental effects on the benthic communities in this area. However, to mitigate this issue Real Journeys Limited is proposing to apply for authorisation to install a mooring in First Arm, if approval is granted to visit First Arm 31 times per month.

Real Journeys Limited will take all practical steps to reduce the potential environmental impacts created by anchoring or mooring within areas in the Doubtful Sound / Patea Complex. Therefore, the environmental impact of these activities should only be viewed as minor.

3.2.12 Risk due to Natural Hazards

The CMA is at risk of landslides, tsunamis, seiche and high winds. To reduce the potential effect of being at risk of a natural hazard, Real Journeys Limited does not operate its vessels in adverse weather conditions. However, as natural hazards are often unpredictable, to reduce the effect of a natural hazard Real Journeys Limited has Health and Safety procedures in place to educate, reduce, respond and reflect on the risks imposed by mother nature.

Real Journeys Limited is involved with the Fiordland Natural Hazard Group and Project *Alpine Fault* Magnitude 8 (AF8). Real Journeys Limited's Environmental Health and Safety Manager has established a Tourism Response and Emergency Events group, to plan along with other tourism operators how to best respond in an emergency event. Further, within the company Real Journeys Limited plan responses to events, then debrief and review after an event. The company's risk due to natural hazards is actively discussed, the risks are critically analysed and evacuation plans are continuously being reviewed.

Accordingly, as Real Journeys Limited cannot decrease the likely occurrence of a natural hazard, the company can only have procedures in place on how to reduce the potential risk and how to respond to such an event.

3.2.13 Climate Change / Coastal Processes

The Intergovernmental Panel for Climate Change (IPCC) has utilised computer modelling to predict the effects on the global environment due to climate change. Part 2 (7)(i) of the Act, states that to achieve the purpose of the Act, Council in managing the use of natural resources shall have particular regard to the effects of climate change. The predicted effects of climate change on Fiordland's Coastal Marine Environment have prompted Real Journeys Limited to review vessel operations in this area. The proposals alternative areas of operation to Consent Number 97049 are measures that will reduce the effect of the predicted changes to coastal processes within the CMA because of climate change.

The predicted effects of Climate Change are generated from the Global Climate Model (GCM) outputs from 1971-2099 under different global warming scenarios. The scenarios are based on the global output of carbon emissions; generally, there is a low emission scenario, a middle of the road scenario and high-level emission scenario. The GCM outputs have been used by the Ministry of the Environment to report on the predicted effects and these outputs have been downscaled by NIWA in their Southland Climate Change Impact Assessment to predict the potential effects on this region. Further, Meridian Energy Limited have scientists forecasting the potential effects of Climate Change within Southland.

New Zealand will need to make radical changes to meet New Zealand's Nationally Determined Contribution (NDC) under the Paris Agreement with a target to reduce emissions 30 per cent below 2005 levels by 2030. Because of such factors, the Ministry for the Environment focuses on the 'middle-of-the-road' A1B scenario. Therefore, the information that Real Journeys Limited is using to evaluate its operations in relation to climate change is based on the middle of the road scenario.

The predicted effects of climate change in Southland are that by 2040 global temperatures and ocean temperatures are going to increase. Because of the thermal expansion of the ocean's waters and an increase in water volume from melt water, sea level will rise. The IPCC projects that mean sea level will rise by at least 18–59 cm by the year 2090.

It is predicted that by 2040 New Zealand's westerly winds will increase by 10% and be the strongest in the winter and spring. This will increase the frequency of heavy swells in Fiordland because it is exposed to prevailing westerlies. Fiordland is subject to orographic rainfall, currently there is a ratio of 6 metres of rainfall on the west of Fiordland to 1 metre of rainfall on the east. Meridian Energy Limited's predictions state that Fiordland is likely to become 10 - 15% wetter as every 1°C rise in temperature means that the air has 7% more moisture carrying capacity.

In summary, the coastal marine area of Fiordland is likely to become subject to; increased and larger storm events, increased levels of westerly winds, heavier and higher swells and increased rainfall.

To be able to continue to operate safely in the CMA, Real Journeys Limited needs to adapt its commercial surface water activities in Fiordland. To do this, Real Journeys Limited is seeking authorisation in this proposal in N / NW winds to operate kayaking and tender craft activities en route to Precipice Cove on Bradshaw Sound. Real Journeys Limited believes that this would improve the safety of passengers in these weather conditions, particularly in the spring and autumn when the days are shorter. Moreover, being able to kayak to the west of Macdonell Island in Little Precipice Cove affords kayakers shelter from westerly winds and provides kayakers a more diverse route when kayaking to and from the *Fiordland Navigator* on its mooring in Precipice Cove.

In times of poor weather conditions, kayaking and tender craft activities may be safe to occur on Gaer Arm. Because adverse weather conditions are predicted to increase, Real Journeys Limited is proposing a *Fiordland Navigator* nature cruise on Gaer Arm as an alternative activity in such weather conditions for overnight passengers if the weather conditions allow kayaking and tender craft activities to occur on this Arm.

It is viewed by Real Journeys Limited that in S-SW weather conditions First Arm is the most sheltered site to anchor overnight, while Crooked Arm is the safest place to conduct kayaking and tender craft activities in. As the direction of wind on any given day is unknown, Real Journeys Limited is requesting to be able to anchor at First Arm 31 days in a calendar month to improve the safety of its current operation; that being the vessel can anchor or moor at the safest location depending on the weather conditions on the day. Being able to anchor overnight more frequently in First Arm has several advantages for Real Journeys: firstly, it would ensure kayaking and tender craft cruising can be undertaken well before dusk.

To mitigate the increased use in First Arm, Real Journeys Limited would like to propose an alteration to its currently permitted 12 trips per month in Thompson Sound to 2 trips per month. The 2 trips per month would allow the *Fiordland Navigator* to use Thompson Sound as an alternative route, when it is on occasion chartered for a two-night expedition.

To be able to operate within the changing climate of Fiordland's coastal marine area, commercial surface water activities need to be conducted in sheltered environments. The weather conditions of each day are unknown and as the predicted effects of climate change will be coming into play within the timeframe of this proposal, to be able to operate safely in the coastal marine area, the *Fiordland Navigator* needs to conduct its activities in the most appropriate location for the wind direction and weather conditions on the day.

This proposal is not requesting to increase the scale or size of the current operation in the CMA but rather it is requesting to be able to operate in the safest location within the CMA depending on the weather conditions on the day.

3.2.14 Alternative Locations

The *Fiordland Navigator* is designed to operate in sheltered waters; accordingly, the only alternative location would be another coastal sheltered waterway. That is the *Fiordland Navigator* could potentially operate in other fiords in Fiordland. However, many of these such as Nancy and Charles Sounds are not easily accessible and would only be readily accessible by the use of helicopters. Real Journeys Limited believes that reliance on helicopters to transfer passengers to and from the *Fiordland Navigator* would have effects on the environment that are more than minor and should be avoided. Furthermore, the Fiordland National Park Management Plan and Te Tangi a Tauira, both advocate for tourism operations to be located in areas where the environment is already modified, and to leave the other places of the Fiordland National Park untouched. Consequently, Real Journeys Limited believes that Doubtful Sound / Patea is the most appropriate location to undertake the proposed commercial surface water activities.

3.2.15 Integrated Management and Conservation

Conservation is part of Real Journeys' heritage and a cornerstone of our modern-day business. The company takes responsibility to protect New Zealand's natural heritage and to preserve the environment seriously.

Real Journeys Limited works closely with both the Department of Conservation (DoC) and the local communities it operates in. The company contributes significant funds and in-kind support towards a variety of projects that support habitats, recovering species and clean up initiatives.

In order to reduce Real Journeys Limited's environmental footprint, the company works to operate within best practice guidelines. This includes regular internal environmental audits and benchmarking reviews to identify areas for assessment and improvement. Real Journeys holds Qualmark Enviro Gold status for the Doubtful Sound / Patea Overnight Cruise, won the inaugural 100% Pure New Zealand Experience Award for the Doubtful Sound / Patea Overnight Cruise, and has been awarded the NZ Tourism Industry Association's Conservation in Action Award. Real Journeys Limited's conservation work includes but is not limited to:

Wilmot Pass Road User Group

Real Journeys as a member of the Wilmot Pass Road User Group works with the Department of Conservation to trap along the Wilmot Pass road corridor. This integrated management approach between government agencies and commercial operators allows preservation projects to occur more regularly than otherwise possible.

Marine Mammal Sighting

Real Journeys completes marine mammal sighting logbooks for the Department of Conservation and the company has done so for at least 13 years.

Leslie Hutchins Conservation Foundation

Every year passengers contribute more than \$50,000 to the Leslie Hutchins Conservation Foundation via a \$1 passenger levy on our Doubtful Sound / Patea operations.

Projects supported by the Leslie Hutchins Conservation Foundation include dolphin research, protection programmes for endangered birds, track and interpretation signage, outdoor education camps and wilding pine eradication.

"Birds of a Feather" Charity Ball

Real Journeys continues its efforts to support important conservation projects.. From the 2016 annual "Birds of a Feather" Charity Ball held at the Colonel's Homestead, Walter Peak, 100% of the proceeds over \$65,000 went to DoC and its Dusky Sound Conservation & Restoration Project. In 2018 the "Birds of a Feather" Charity Ball raised \$85,000 for the Cooper Island Restoration Project and in 2019 \$54,000 was raised to aid New Zealand's Endangered Karearea Falcon. In fact, since its launch in 2015, the Birds of a Feather Charity Ball has raised almost \$340,000 for conservation.

Special Acknowledgement from Department of Conservation for valuable contribution

Real Journeys received special acknowledgment from DoC in Nov 2015 for its valuable contribution to the conservation of New Zealand's natural and historic heritage. The "Certificate of Appreciation" was awarded for three of Real Journeys' Queenstown initiatives: Walter Peak Land Restoration Project, Kākāpō fundraising & awareness projects and Whio (blue duck) relocation support.

Cruise-for-a-Cause & Yellow-eyed Penguins

As a successful applicant for the Real Journeys 'Cruise-for-a-Cause' initiative, the Yellow-eyed Penguin Trust was able to sell tickets to a Doubtful Sound Overnight Cruise in August 2015 and raise \$15,000. In the last twelve years, the number of penguin breeding pairs had almost halved on Codfish Island/Whenua Hou near Stewart Island/Rakiura and the Yellow-eyed Penguin Trust needed to find out why this was occurring on a predator-free island. The Trust can now employ a researcher to find out why the numbers are decreasing near Stewart Island. Last year Wanaka Search & Rescue sold out its Doubtful Sound / Patea 'Cruise for a Cause' raising a record \$39,100 and the Auckland-based KidsCan Charitable Trust Milford Sound 'Cruise for a Cause' took home almost \$14,000.

Fiordland Coastal Clean-Up

As required, Real Journeys Limited provides vessel and personnel support to coastal clean-ups around Fiordland. This is where one of the overnight boats acts as a floating base for accommodation, meals and logistics.

General Conservation Support

Real Journeys Limited also provides logistical support for environmental researchers (transport etc), subsidised travel for children on educational trips and to the school hostel at Deep Cove. In recent years the company has also contributed significant funds to assist DoC to study the rare Stewart Island Harlequin Gecko and the Pekapeka/native bat. Real Journeys has also assisted with bird transfer programmes for the endangered Pateke/Brown Teal and funded pest eradication programmes on Stewart Island.

Environmental Initiatives

Real Journeys Limited aims to use the highest and best technology to minimise the company's carbon footprint when operating its experiences. Below are a few examples of the environmental initiatives the company has undertaken:

- Data logging-system to monitor carbon emission reduction from vessels, coaches and aircraft.
- Waste minimisation and recycling (e.g. packaging review, uniform recycling, waste audit, coffee cup recycling). The company was one of the main initiators of the Milford Recycling Scheme introduced by Milford Sound Tourism.
- Adoption of technical innovations that minimise emissions, wake and noise pollution while boosting fuel efficiency and passenger satisfaction.
- Purchase of Euro V emission rated coaches specifically designed for comfort and viewing on spectacular alpine roads as well as their minimising effect on the company's carbon footprint.
- Use of water-based vehicle paint Envirobase High Performance for its low environmental impact.
- Purchase of 2 Electric Vehicles (EV) and the installation of 5 EV Charging Facilities.

Under section 104(ab) of the Resource Management Act 1991 Council must, subject to Part 2, have regard to the measures Real Journeys Limited undertakes to ensure that the company's utilisation of the natural environment is creating positive effects on the wider natural environment of Southland and Otago through conservation and restoration work.

3.2.16 Monitoring

The natural environment of the CMA is monitored in several ways: voluntary monitoring, government agency monitoring, scientific monitoring and university academic monitoring. Real Journeys Limited vessels record sightings of marine mammals and forward this information to the Department of Conservation for scientific use. There is a voluntary code of practice in place to manage commercial vessel operators' behaviour around the Marine Mammals in Doubtful Sound / Patea. In the Doubtful Sound Code of Management, operators are requested to comply with the regulations set and to self-police the area. Environment Southland requires vessels operating in the CMA to have a Fiordland 'Clean Vessel Pass' and vessels are checked by DoC for rodent incursions. Meridian Energy Limited employs the Cawthron Institute to monitor the marine environment of Doubtful Sound / Patea. This institute also works at times with Otago University's Marine Science Department, which conducts research that is also used to monitor this place. Hence, the CMA's natural environment is monitored appropriately, and no further monitoring is required.

4 Legislative Framework

4.1 The New Zealand Coastal Policy Statement / The Southland Regional Policy Statement 2017

New Zealand Coastal Policy Statement 2010	Southland Regional Policy Statement 2017
<p>Objective 1</p> <p>To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by:</p> <ul style="list-style-type: none"> ▪ maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature; ▪ protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand’s indigenous coastal flora and fauna; and ▪ maintaining coastal water quality and enhancing it where it has deteriorated from what would otherwise be its natural condition, with significant adverse effects on ecology and habitat, because of discharges associated with human activity. 	<p>Objective COAST.3 – Coastal water quality and ecosystems</p> <p>Coastal water quality and ecosystems are maintained or enhanced.</p> <p>Policy COAST.2 – Management of activities in the coastal environment</p> <p>Ensure adequate measures or methods are utilised within the coastal environment when making provision for subdivision, use and development to:</p> <ul style="list-style-type: none"> (a) protect indigenous biodiversity, historic heritage, natural character, and natural features and landscape values. <p>Policy COAST.3 – Protection of the coastal environment</p> <p>Ensure that subdivision, use and development activities:</p> <ul style="list-style-type: none"> a) avoid adverse effects on areas of outstanding natural features and landscapes, and/or outstanding natural character; b) avoid significant adverse effects, and avoid, remedy or mitigate other adverse effects on other natural features and landscapes and/or natural character in the coastal environment; c) protect and provide for nationally significant, regionally significant, and critical infrastructure, including ports and energy projects for the region, including by: <ul style="list-style-type: none"> i) recognising that new development of the National Grid should seek to avoid adverse effects on the values of outstanding natural features and landscapes, and/or areas of outstanding or high natural character located within rural coastal environments. In the coastal environment, in some circumstances, adverse effects on those areas must be avoided.

<p>Comment</p> <p>This coastal permit application is not contrary to the objectives and policies stated above. The proposal will maintain the water quality of the CMA by pumping effluent ashore where it is treated at the Deep Cove Outdoor Education Trust's Waste Water Treatment Plant.</p> <p>To protect and maintain the ecosystems of the CMA, Real Journeys Limited vessels adhere to the regulations set for permitted activities in Marine Reserves and the company follows the conditions set in the Marine Mammal (and other wildlife) Code of Management for Doubtful Sound / Patea. Due to the size and scale of the fiords in the CMA, the proposal will not significantly impact the visual amenity values or the natural character of the place. The effects on the environment relating to the above concepts are detailed in section 3.2 of this AEE.</p>

New Zealand Coastal Policy Statement 2010	Southland Regional Policy Statement 2017
<p><i>Objective 2 -</i> <i>To preserve the natural character of the coastal environment and protect natural features and landscape values through:</i></p> <ul style="list-style-type: none"> • <i>recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution;</i> • <i>identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities; and</i> • <i>encouraging restoration of the coastal environment.</i> 	
<p>Comment</p> <p>This proposal is for the continued operation of an existing activity in the CMA. Boating activity is an appropriate use of the CMA and the proposal will not diminish the natural character or landscape values of this place. This is detailed in section 3.2 of this AEE.</p>	

New Zealand Coastal Policy Statement 2010	Southland Regional Policy Statement 2017
<p>Objective 3 - Kaitiakitanga</p> <p>To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by:</p> <ul style="list-style-type: none"> • recognising the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources; • promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act; • incorporating mātauranga Māori into sustainable management practices; and • recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua. 	<p>Policy BIO.8 – Tangata whenua</p> <p>Recognise the role of tangata whenua as kaitiaki, by providing for:</p> <ul style="list-style-type: none"> a) tangata whenua values and interests to be incorporated into the management of indigenous biodiversity; b) consultation with tangata whenua regarding the means of maintaining and restoring or enhancing habitats identified in accordance with Policy BIO.1 that have particular significance to tangata whenua; c) active involvement of tangata whenua in the protection of cultural values associated with indigenous biodiversity; d) customary use of indigenous biodiversity according to tikanga. <p>Policy COAST.2 – Management of activities in the coastal environment</p> <ul style="list-style-type: none"> b) maintain or enhance amenity, social, intrinsic, ecological and cultural values, landscapes of cultural significance to tangata whenua and coastal dune systems;
<p>Comment</p>	
<p>Doubtful Sound / Patea is historically, spiritually and culturally significant to Ngāi Tahu. Doubtful Sound / Patea has an established statutory advisory body, the Fiordland Guardians, who contribute to the national decision-making process regarding this area via the Minister for the Environment. The Guardians are made up of nominated members of the public who represent the diversity of interests this place attracts. Ngāi Tahu have a member on the Fiordland Guardians, Stewart Bull. This is one way tangata whenua's role as kaitiaki and mātauranga is provided for in this place. This coastal permit application has examined; the Fiordland Marine Conservation Strategy and Te Tangi a Taura which is included in this application under section 4.5. Te Ao Marama Incorporated have been identified by Real Journeys Limited as a Potentially Affected Party in this coastal permit application and will be involved as kaitiaki in this application process.</p> <p>All practical measures to protect the indigenous biodiversity of the CMA are undertaken by Real Journeys Limited. Further, the proposal will not adversely affect the amenity, social, cultural, landscape and intrinsic values of Doubtful Sound / Patea. These values are detailed in section 3.2 of this AEE.</p>	

New Zealand Coastal Policy Statement 2010	Southland Regional Policy Statement 2017
<p>Objective 4 – opportunity for the public to enjoy <i>To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment by:</i></p> <ul style="list-style-type: none"> ▪ <i>recognising that the coastal marine area is an extensive area of public space for the public to use and enjoy;</i> ▪ <i>maintaining and enhancing public walking access to and along the coastal marine area without charge, and where there are exceptional reasons that mean this is not practicable providing alternative linking access close to the coastal marine area; and</i> ▪ <i>recognising the potential for coastal processes, including those likely to be affected by climate change, to restrict access to the coastal environment and the need to ensure that public access is maintained even when the coastal marine area advances inland.</i> 	<p>Policy COAST.2 – Management of activities in the coastal environment c) <i>maintain or enhance public access.</i></p>
<p>Comment The proposed operation of the <i>Fiordland Navigator</i> in Doubtful Sound / Patea offers an opportunity for people to access and experience this public space. Consequently, the proposal is not contrary to the objectives and policy stated above.</p>	

New Zealand Coastal Policy Statement 2010	Southland Regional Policy Statement 2017
<p>Objective 5 To ensure that coastal hazard risks taking account of climate change, are managed by:</p> <ul style="list-style-type: none"> • locating new development away from areas prone to such risks; • considering responses, including managed retreat, for existing development in this situation; and • protecting or restoring natural defences to coastal hazards. 	<p>Policy COAST.2 – Management of activities in the coastal environment d) avoid or mitigate the impacts of natural hazards, including predicted sea level rise and climate change.</p>
<p>Comment This coastal permit application is seeking authorisation to adapt a current commercial surface water activity in the CMA to reduce the risks of this operation identified in the predicted effects of climate change. The predicted effects of climate change for the CMA are detailed in section 3.2 of this AEE.</p>	

New Zealand Coastal Policy Statement 2010	Southland Regional Policy Statement 2017
<p>Objective 6 - economic wellbeing To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:</p> <ul style="list-style-type: none"> • the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits; • some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and 	<p>Policy COAST.1 – Direction on locations for activities Identify in regional and district plans locations within the coastal environment where particular activities and forms of subdivision, use and development:</p> <ul style="list-style-type: none"> a) are appropriate; b) are inappropriate; and c) may be inappropriate without the consideration of effects through a resource consent application, notice of requirement for designation or a Schedule 1 process under the Act.

<p><i>communities;</i></p> <ul style="list-style-type: none"> • <i>functionally some uses and developments can only be located on the coast or in the coastal marine area;</i> • <i>the coastal environment contains renewable energy resources of significant value;</i> • <i>the protection of habitats of living marine resources contributes to the social, economic and cultural wellbeing of people and communities;</i> • <i>the potential to protect, use, and develop natural and physical resources in the coastal marine area should not be compromised by activities on land;</i> • <i>the proportion of the coastal marine area under any formal protection is small and therefore management under the Act is an important means by which the natural resources of the coastal marine area can be protected; and</i> • <i>historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use, and development.</i> 	
<p>Comment</p> <p>Objective 6 of the New Zealand Coastal Policy Statement and Policy COAST.1 of the Southland Regional Policy Statement 2017 recognises that it is appropriate to use the CMA to meet the social and economic needs of a community in appropriate locations of the CMA. This proposal's activity is identified as appropriate in the CMA in the Regional Coastal Plan for Southland.</p>	

New Zealand Coastal Policy Statement 2010	Southland Regional Policy Statement 2017
<p>Policy 1 Extent and characteristics of the coastal environment</p> <p>1. <i>Recognise that the extent and characteristics of the coastal environment vary from region to region and locality to locality; and the issues that arise may have different effects in different localities.</i></p> <p>2. <i>Recognise that the coastal environment includes:</i></p> <ul style="list-style-type: none"> <i>a) the coastal marine area;</i> <i>b) islands within the coastal marine area;</i> <i>c) areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these;</i> <i>d) areas at risk from coastal hazards;</i> <i>e) coastal vegetation and the habitat of indigenous coastal species including migratory birds;</i> <i>f) elements and features that contribute to the natural character, landscape, visual qualities or amenity values;</i> <i>g) items of cultural and historic heritage in the coastal marine area or on the coast;</i> <i>h) inter-related coastal marine and terrestrial systems, including the intertidal zone; and</i> <i>i) physical resources and built facilities, including infrastructure, that have modified the coastal environment.</i> 	
<p>Comment</p> <p>The proposal recognises the environment that it is requesting to operate in. Because this proposal is already an existing operation, Real Journeys Limited is aware of the operational parameters and measures that need to be followed in order to operate in this place. This application is looking towards the future to ensure the safe continued operation of this activity in the CMA.</p>	

New Zealand Coastal Policy Statement 2010	Southland Regional Policy Statement 2017
<p>Policy 2 The Treaty of Waitangi, tangata whenua and Māori heritage <i>In taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), and kaitiakitanga, in relation to the coastal environment:</i></p> <ul style="list-style-type: none"> (a) <i>recognise that tangata whenua have traditional and continuing cultural relationships with areas of the coastal environment, including places where they have lived and fished for generations;</i> (b) <i>involve iwi authorities or hapū on behalf of tangata whenua in the preparation of regional policy statements, and plans, by undertaking effective consultation with tangata whenua; with such consultation to be early, meaningful, and as far as practicable in accordance with tikanga Māori;</i> (c) <i>with the consent of tangata whenua and as far as practicable in accordance with tikanga Māori, incorporate mātauranga Māori in regional policy statements, in plans, and in the consideration of applications for resource consents, notices of requirement for designation and private plan changes;</i> (d) <i>provide opportunities in appropriate circumstances for Māori involvement in decision making, for example when a consent application or notice of requirement is dealing with cultural localities or issues of cultural significance, and Māori experts, including pūkenga², may have knowledge not otherwise available;</i> (e) <i>take into account any relevant iwi resource management plan and any other relevant planning document recognised by the appropriate iwi authority or hapū 1 Mātauranga Māori: as defined in the Glossary. 2 Pūkenga: as defined in the Glossary. 12 New Zealand Coastal Policy Statement 2010 and lodged with the council, to the extent that its content has a bearing on resource management issues in the region or district; and</i> 	<p>Objective TW.1 – Decision-making and partnerships with tangata whenua <i>The principles of the Treaty of Waitangi/Te Tiriti o Waitangi are taken into account in a systematic way through effective partnerships between tangata whenua and local authorities, which provide the capacity for tangata whenua to be fully involved in council decision-making processes.</i></p> <p>Objective TW.2 – Provision for iwi management plans <i>All local authority resource management processes and decisions take into account iwi management plans.</i></p> <p>Objective TW.3 – Tangata whenua spiritual values and customary resources <i>Mauri and wairua are sustained or improved where degraded, and mahinga kai and customary resources are healthy, abundant and accessible to tangata whenua.</i></p> <p>Policy TW.1 – Treaty of Waitangi <i>Consult with and enhance tangata whenua involvement in local authority resource management decision-making processes, in a manner that is consistent with the principles of the Treaty of Waitangi/Te Tiriti o Waitangi.</i></p> <p>Policy TW.2 – Partnerships and relationship agreements <i>Actively foster partnerships and relationship agreements between local authorities and tangata whenua.</i></p> <p>Policy TW.3 – Iwi management plans <i>Take iwi management plans into account within local authority resource management decision making processes.</i></p>

<ul style="list-style-type: none"> (i) where appropriate incorporate references to, or material from, iwi resource management plans in regional policy statements and in plans; and (ii) consider providing practical assistance to iwi or hapū who have indicated a wish to develop iwi resource management plans; (f) provide for opportunities for tangata whenua to exercise kaitiakitanga over waters, forests, lands, and fisheries in the coastal environment through such measures as: <ul style="list-style-type: none"> (i) bringing cultural understanding to monitoring of natural resources; (ii) providing appropriate methods for the management, maintenance and protection of the taonga of tangata whenua; (iii) having regard to regulations, rules or bylaws relating to ensuring sustainability of fisheries resources such as taiāpure, mahinga mātaītai or other non-commercial Māori customary fishing; and (g) in consultation and collaboration with tangata whenua, working as far as practicable in accordance with tikanga Māori, and recognising that tangata whenua have the right to choose not to identify places or values of historic, cultural or spiritual significance or special value: <ul style="list-style-type: none"> (i) recognise the importance of Māori cultural and heritage values through such methods as historic heritage, landscape and cultural impact assessments; and 	<p>Policy TW.4 – Decision making</p> <p>When making resource management decisions, ensure that local authority functions and powers are exercised in a manner that:</p> <ul style="list-style-type: none"> (a) recognises and provides for: <ul style="list-style-type: none"> (i) traditional Māori uses and practices relating to natural resources (e.g. mātaītai, kaitiakitanga, manaakitanga, matauranga, rāhui, wāhi tapu, taonga raranga); (ii) the ahi kā (manawhenua) relationship of tangata whenua with and their role as kaitiaki of natural resources; (iii) mahinga kai and access to areas of natural resources used for customary purposes; (iv) mauri and wairua of natural resources; (v) places, sites and areas with significant spiritual or cultural historic heritage value to tangata whenua; (vi) Māori environmental health and cultural wellbeing. (b) recognises that only tangata whenua can identify their relationship and that of their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga.
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<p><i>(ii) provide for the identification, assessment, protection and management of areas or sites of significance or special value to Māori, including by historic analysis and archaeological survey and the development of methods such as alert layers and predictive methodologies for identifying areas of high potential for undiscovered Māori heritage, for example coastal pā or fishing villages.</i></p>	
<p>Comment</p> <p>Real Journeys Limited recognises Ngāi Tahu as kaitiaki of the coastal marine area of Fiordland. Ngāi Tahu's Iwi Management Plan, Te Tangi a Tauira is examined in section 4.5 of this AEE. Further, Te Ao Marama Incorporated have been identified by Real Journeys Limited as a Potentially Affected Party in this application, therefore, Te Ao Marama Incorporated will be advised of the application and involved as kaitiaki in the processing of this application.</p>	

New Zealand Coastal Policy Statement 2010	Southland Regional Policy Statement 2017
<p>Policy 4 Integration</p> <p><i>Provide for the integrated management of natural and physical resources in the coastal environment, and activities that affect the coastal environment.</i></p> <p><i>This requires:</i></p> <p>(a) <i>co-ordinated management or control of activities within the coastal environment, and which could cross administrative boundaries, particularly:</i></p> <p>(i) <i>the local authority boundary between the coastal marine area and land;</i></p> <p>(ii) <i>local authority boundaries within the coastal environment, both within the coastal marine area and on land; and</i></p> <p>(iii) <i>where hapū or iwi boundaries or rohe cross local authority boundaries; New Zealand Coastal Policy Statement 2010 13 co-ordinated management or control of activities within the coastal environment, and which could cross administrative boundaries, particularly:</i></p> <p>(b) <i>working collaboratively with other bodies and agencies with responsibilities and functions relevant to resource management, such as where land or waters are held or managed for conservation purposes; and</i></p> <p>(c) <i>particular consideration of situations where:</i></p> <p>(i) <i>subdivision, use, or development and its effects above or below the line of mean high water springs will require, or is likely to result in, associated use or development that crosses the line of mean high water springs; or</i></p> <p>(ii) <i>public use and enjoyment of public space in the coastal environment is affected, or is likely to be affected; or</i></p>	

<p><i>(iii) development or land management practices may be affected by physical changes to the coastal environment or potential inundation from coastal hazards, including as a result of climate change; or</i></p> <p><i>(iv) land use activities affect, or are likely to affect, water quality in the coastal environment and marine ecosystems through increasing sedimentation; or</i></p> <p><i>(v) significant adverse cumulative effects are occurring or can be anticipated.</i></p>	
<p>Comment</p> <p>Real Journeys Limited and its forerunner have been operating in Doubtful Sound / Patea since the company's inception in 1954. The company acknowledges the requirement of an integrated management approach to activities in Doubtful Sound / Patea due to the coastal marine waters being located next to the Fiordland National Park and being intrinsically linked to the national park. The proposal will utilise land managed by the Department of Conservation as well as the coastal marine area managed by Environment Southland, of which Ngāi Tahu are kaitiaki of. Real Journeys Limited has a licence to utilise the Meridian Energy Limited wharf located at Deep Cove. To date Real Journeys Limited has worked collaboratively with all parties, this includes recreational users of the CMA. This proposal is not requesting to increase the size or scale of the current activity in the CMA, therefore, this application is not contrary to the policy stated above.</p>	

New Zealand Coastal Policy Statement 2010	Southland Regional Policy Statement 2017
<p>Policy 6 Activities in the coastal environment</p> <p>(1) <i>In relation to the coastal environment:</i></p> <p>(2) <i>Additionally, in relation to the coastal marine area:</i></p> <p>(c) <i>recognise that there are activities that have a functional need to be located in the coastal marine area, and provide for those activities in appropriate places;</i></p>	<p>Objective COAST.1 – Direction on activities within the coastal environment <i>Provide clear direction on appropriate and inappropriate subdivision, use and development activities, the cumulative effect of an activity, and precedent effects of a decision, within the region’s coastal environment.</i></p> <p>Objective COAST.2 – Activities in the coastal environment <i>Infrastructure, ports, energy projects, aquaculture, mineral extraction activities, subdivision, use and development in the coastal environment are provided for and able to expand, where appropriate, while managing the adverse effects of those activities.</i></p> <p>Policy COAST.7 – Management of activities in the coastal marine area <i>Within the coastal marine area, provide a framework to avoid or mitigate adverse effects on the coastal environment for the following activities:</i></p> <p>(a) <i>the allocation, use and occupation of coastal space;</i></p> <p>(b) <i>the use and development of the natural and physical resources of the coastal marine area;</i></p> <p>(c) <i>the emission of noise;</i></p> <p>(d) <i>commercial activities on the water and on the foreshore and seabed.</i></p>
<p>Comment</p> <p>The <i>Fiordland Navigator</i> was purpose-built to operate in the CMA. This proposal is an appropriate activity within the CMA and it does not create an adverse effect on the CMA. The actual and potential effects on the environment relating to the proposal are detailed in section 3.2 of this AEE.</p>	

New Zealand Coastal Policy Statement 2010	Southland Regional Policy Statement 2017
<p>Policy 11 Indigenous biological diversity (biodiversity) <i>To protect indigenous biological diversity in the coastal environment:</i></p> <p>(a) <i>avoid adverse effects of activities on:</i></p> <ul style="list-style-type: none"> (i) <i>indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;</i> (ii) <i>taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened;</i> (iii) <i>indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare;</i> (iv) <i>habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;</i> (v) <i>areas containing nationally significant examples of indigenous community types; and</i> (vi) <i>areas set aside for full or partial protection of indigenous biological diversity under other legislation; and</i> <p>(b) <i>avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:</i></p> <ul style="list-style-type: none"> (i) <i>areas of predominantly indigenous vegetation in the coastal environment;</i> (ii) <i>habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;</i> 	<p>Policy BIO.3 – Protect coastal indigenous biodiversity <i>Protect indigenous biodiversity from adverse effects in the coastal environment as set out in Policy 11 of the New Zealand Coastal Policy Statement 2010.</i></p> <p>Policy BIO.4 – Maintain indigenous biodiversity <i>Manage a full range of indigenous habitats and ecosystems to achieve a healthy functioning state, and to ensure viable and diverse populations of native species are maintained, while making appropriate provisions for lawful maintenance and operation of existing activities.</i></p> <p><i>In giving effect to this policy, regard will be had to the following potential adverse effects.</i></p> <ul style="list-style-type: none"> (i) <i>fragmentation of, or reduction in the extent of, indigenous vegetation or habitats of indigenous fauna;</i> (ii) <i>fragmentation or disruption of connections and linkages between ecosystems or habitats of indigenous fauna;</i> (iii) <i>loss of, or damage to, buffering of ecosystems or habitats of indigenous fauna;</i> (iv) <i>loss or reduction of rare or threatened indigenous species' populations or habitats.</i>

<p>(iii) <i>indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;</i></p> <p><i>habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;</i></p> <p>(iv) <i>habitats, including areas and routes, important to migratory species; and</i></p> <p>(v) <i>ecological corridors, and areas important for linking or maintaining biological values identified under this policy.</i></p>	
<p>Comment</p> <p>The CMA has areas of significant habitats and ecosystems. These areas are described as China Shops, Representative Areas, Marine Reserves and the Dolphin Protection Zone (DPZ). The proposed operation of the <i>Fiordland Navigator</i> will comply with the regulations set to protect these areas; the Marine Reserves Act 1971, the Fiordland Marine Regional Pathway Management Plan and the Doubtful Sound Marine Mammal (and other Wildlife) Code of Management. The proposal will provide further opportunity for the <i>Fiordland Navigator</i> to operate away from the DPZ. Hence, the proposal is not contrary to the policies stated above.</p>	

New Zealand Coastal Policy Statement 2010	Southland Regional Policy Statement 2017
<p>Policy 12 Harmful aquatic organisms</p> <p>(1) Provide in regional policy statements and in plans, as far as practicable, for the control of activities in or near the coastal marine area that could have adverse effects on the coastal environment by causing harmful aquatic organisms to be released or otherwise spread, and include conditions in resource consents, where relevant, to assist with managing the risk of such effects occurring.</p> <p>(2) Recognise that activities relevant to (1) include:</p> <p>(a) the introduction of structures likely to be contaminated with harmful aquatic organisms;</p> <p>(b) the discharge or disposal of organic material from dredging, or from vessels and structures, whether during maintenance, cleaning or otherwise; and whether in the coastal marine area or on land;</p> <p>(c) the provision and ongoing maintenance of moorings, marina berths, jetties and wharves; and</p> <p>(d) the establishment and relocation of equipment and stock required for or associated with aquaculture.</p>	
<p>Comment</p> <p>Real Journeys Limited takes all practical measures to eliminate the introduction of pest species in the CMA. Real Journeys Limited complies with the Fiordland Marine Regional Pathway Management Plan and the company vessels hold Fiordland 'Clean Vessel Passes'. Real Journeys Limited maintains all equipment in good order and repair. All biennial maintenance work conducted on the proposed <i>Fiordland Navigator</i> will be conducted in Bluff under appropriate conditions. Whenever possible all black water and grey water from the <i>Fiordland Navigator</i> is discharged ashore and treated at the Deep Cove Outdoor Education Trust's Waste Water Treatment Plant. Hence, the proposal is not contrary to the policy stated above.</p>	

New Zealand Coastal Policy Statement 2010	Southland Regional Policy Statement 2017
<p>Policy 13 Preservation of natural character</p> <p>(1) To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:</p> <ul style="list-style-type: none"> (a) avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and (b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment; including by: (c) assessing the natural character of the coastal environment of the region or district, by mapping or otherwise identifying at least areas of high natural character; and (d) ensuring that regional policy statements, and plans, identify areas where preserving natural character requires objectives, policies and rules, and include those provisions. <p>(2) Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:</p> <ul style="list-style-type: none"> (a) natural elements, processes and patterns; (b) biophysical, ecological, geological and geomorphological aspects; (c) natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks; (d) the natural movement of water and sediment; (e) the natural darkness of the night sky; (f) places or areas that are wild or scenic; (g) a range of natural character from pristine to modified; and 	<p>Objective COAST.4 – Natural character The natural character of the coastal environment is restored, rehabilitated or preserved.</p> <p>Policy COAST.6 – Natural character In regional and district plans:</p> <ul style="list-style-type: none"> (a) assess the natural character of the coastal environment by identifying areas of high and outstanding natural character using the attributes outlined in Policy 13(2) of the NZCPS; (b) identify areas where preserving natural character requires objectives, policies and rules and include those provisions; (c) identify areas and opportunities for restoration and rehabilitation of natural character; and (d) provide policies, rules and other methods directed at restoration or rehabilitation of the natural character of the coastal environment.

(h) experiential attributes, including the sounds and smell of the sea, and their context or setting.

Comment

The proposed operation of the *Fiordland Navigator* will not change the natural character of Doubtful Sound / Patea, this is because the vessel will be a transitory presence in the landscape. The actual and potential effects on natural character are detailed in section 3.2 of this AEE.

4.2 Regional Coastal Plan for Southland

The Regional Coastal Plan for Southland explains how Council will manage the Coastal Environment of Southland. It outlines permitted activities, activities that require a Coastal Permit and how certain activities may be carried out. The relevant objectives and policies that relate to this coastal permit application are examined below.

3.3.1 Part C Fundamental Principles

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;

The proposal is identified as a commercial surface water activity in the coastal marine area from Yates Point to Puysegur Point.

Objective 4.9.1 - Consultation with territorial authorities' iwi and government agencies

To ensure that territorial authorities are consulted where resource consent applications are in areas of the coastal marine area that either adjoin or are within territorial authority boundaries, iwi or government agency boundaries.

Comment;

The proposal is in the coastal marine area managed by Environment Southland. The surrounding land is a national park and this is managed by the Department of Conservation (DoC). Lake Manapouri and the connecting road from West Arm Lake Manapouri to Doubtful Sound / Patea, the Wilmot Pass, are both on DoC land. Real Journeys Limited has a concession from the Department of Conservation; PAC 14-06-02-02 for the operation of the company's vessels on Lake Manapouri and for the use of Wilmot Pass;

Concession Activity: *Utilise information Centre at West Arm; operate passenger launch service, freight service, charter service, barge towage service, fishing trips on Lake Manapouri and a passenger bus, freight service between West Arm and Deep Cove.*

As the proposal will use areas managed by DoC and Environment Southland, DoC is identified as a Potentially Affected Party in this application. Ngāi Tahu have kaitiaki over the CMA, because of this Te Ao Marama Incorporated are also identified as a Potentially Affected Party in this application and will be involved in the decision-making process for this coastal permit application.

Policy 4.1.4 - Management of Resource Management Act functions in marine reserves and in China Shops within the Fiordland (Te Moana o Atawhenua) Marine Area

Ensure that in considering applications, under the Resource Management Act 1991, for activities within marine reserves and within China Shops in the Fiordland (Te Moana o Atawhenua) Marine Area, the activities are compatible with the values and purposes of these areas.

Comment;

The values and purposes identified for the coastal marine area within the Doubtful Sound / Patea Complex by the Fiordland Marine Conservation Strategy¹⁷ are stated below;

Bradshaw Sound

◆ Precipice Cove

Values: A sill at the entrance makes Precipice Cove a fiord within a fiord. The diverse wall community associated with the sill is of special significance.

Threats: Anchoring on the sill is a threat. However, anchoring within the cove is not considered to be a threat. Precipice Cove is one of the better-known anchorages and subject to high use. Fishing with existing methods does not represent a threat to the wall community.

Measures: There is sheltered anchorage behind Macdonell Island where anchoring can take place away from the sill. A code of practice could be the most effective approach for looking after the wall community.

Comment;

The current operation of the *Fiordland Navigator* utilises a mooring in Precipice Cove when overnighting at this location. This mooring is consented for under Coastal Permit Number AUTH - 20157864. This mooring is not located on the sill. The *Fiordland Navigator* will continue to use this mooring in Precipice Cove. Hence, this application is not in conflict with the values stated above.

◆ Gaer Arm

Values: Graper, tarakihi, other finfish and rock lobster are found up in the estuarine habitat at the head of the sound. Rock lobsters have been observed in coral trees.

Threats: Graper is harvested from syndicate boats in this area and an increase in fishing pressure is predicted. Commercial rock lobster potting also takes place here.

Measures: The Guardians' agreed that this area warranted a no-fishing status. There is an all-weather anchorage in nearby Precipice Cove.

Comment;

It is proposed in this application that overnight activities will be conducted on this Arm as an alternative location during unfavourable weather conditions. The estuarine habitat and China Shop located at the head of the fiord will not be affected by this application because all activities associated with this proposal will occur on the surface of the water in this location. Hence, the proposed commercial surface water activities in Gaer Arm are not in conflict with the values of this place.

¹⁷ Fiordland Marine Conservation Strategy, Guardians of Fiordland's Fisheries & Marine Environment Inc, Laurel Teirney, 2003.

Doubtful Sound

◆ Common Head

Values: Abundant coralline algae and bryozoans - high biodiversity. An area of high currents and associated growth rates. This area is more representative than outstanding. There is a rock identified by a South Cardinal Mark 100 m off shore that is a navigational hazard but otherwise there are no apparent threats.

◆ South wall between First and Crooked Arms

Values: Steep rock walls support high densities of brachiopods and black coral. This is the centre of the productive zone in Doubtful Sound and densities of animals in the wall community reflect this. Best suspension-feeding communities in Doubtful Sound. There are no apparent threats to these values.

◆ Tricky Cove

Values: Tricky Cove is a tiny cove opposite Crooked Arm where all the early research on black coral and inner fiord habitat communities took place. Diverse wall communities are a feature of the cove and the walls of Doubtful Sound 100 m either side of the cove. The cove has both historic value as well as providing important baseline monitoring opportunities.

Threats: The cove provides safe anchorage and attracts visitors and divers who are interested in its historic and other values. Accordingly, anchoring, visitor numbers and divers are all threats to the values of Tricky Cove.

Measures: Anchoring and diving within the cove needs to be managed. If these activities are managed visitor numbers may not be an issue.

Comment;

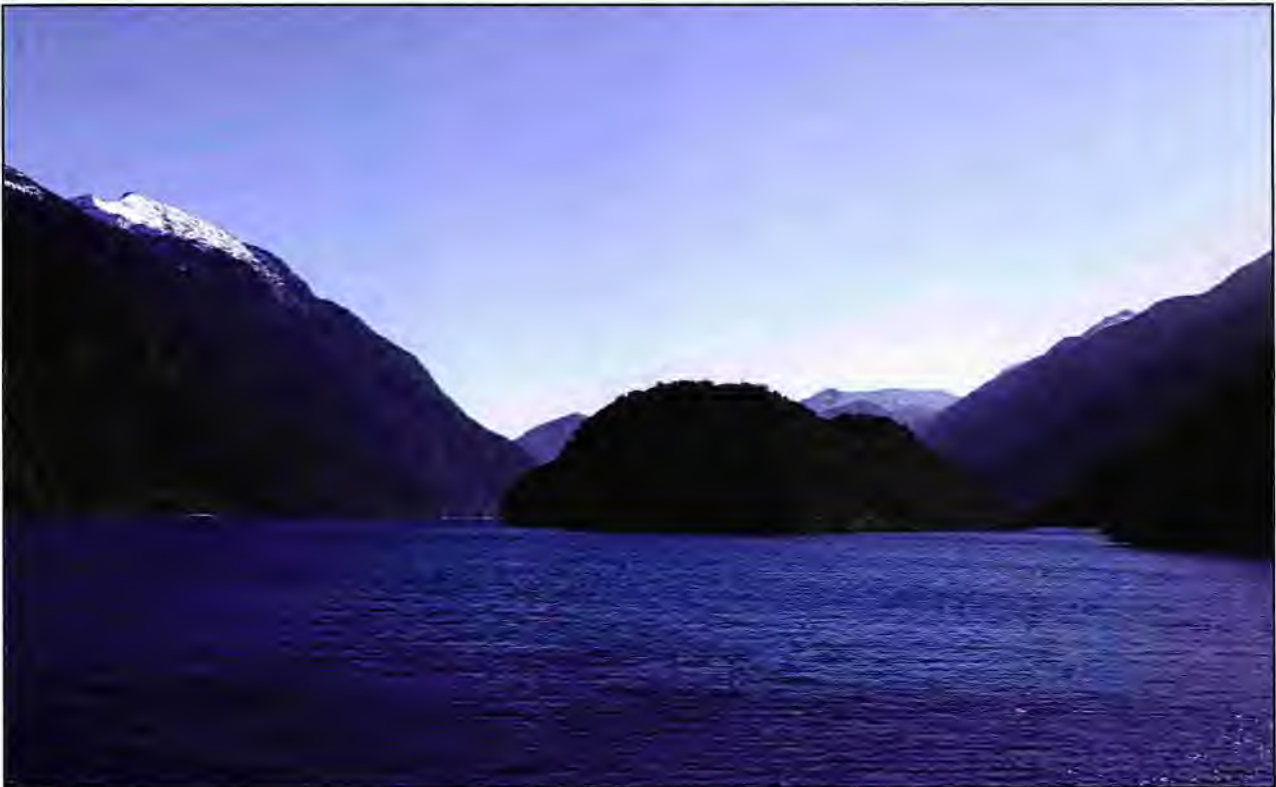
The proposal will be travelling through the water past these points. The wake effect from this vessel will be no greater than the natural process of wave action in a coastal marine area. Because of this there is no threat placed on these areas due to the proposed operation of the *Fiordland Navigator*.

◆ **Area south of Elizabeth Island (5 china shops)**

Values:

- South end of Elizabeth Island - outstanding example of red coral on black sand.
- Unique assemblage of bright yellow glass sponges at 30-35m depth opposite Hall Arm. Apparently the only other place these sponges have ever been seen is in caves in Jamaica.
- Rock wall community and red coral under a large overhang south of Lady Alice Falls.
- Red coral community inside Rolla Island, Tarawera Rock.

Image showing Elizabeth Island in Doubtful Sound



◆ **White coral community in the trench off Brigg Point**

Although these features are located within close proximity, each is found in an otherwise barren environment.

Threats: *Being sheltered and easily accessible from Deep Cove, visitor numbers, diver damage, anchoring and dredging represent real threats to these values.*

Measures: *The area bounding the five sites warrants special significance status. Risks to the china shop values including visitor numbers, diving and dredging must be able to be controlled by whatever management tool is selected. Olphert Cove could provide an appropriate anchorage site. The area could also provide opportunities to study marine biology for schools using the Deep Cove Hostel. A marine reserve may be an appropriate tool as is outlined in Section 4.5 - management considerations.*

Comment;

This area is a designated thoroughfare for vessels entering and exiting Deep Cove. The *Fiordland Navigator's* draft is approximately 1.95 metres below the water and is not a direct threat to the communities that reside at depths at the entrance to the fiord. The *Fiordland Navigator* will only be passing through this space. Hence, the proposal is not in conflict with the values of this place.

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.

Comment;

This proposal is for a commercial tourism boat cruise(s). The vessel was constructed for this location and the primary purpose of this activity is to showcase the coastal marine area of Fiordland. Because of this, the proposal requires the CMA to operate within. Real Journeys Limited has been operating in the CMA since 1954, hence, the company is also historically connected to this place.

3.3.2 Part C – Surface Water Activities on the Internal Waters of Fiordland from Yates Point to Puysegur Point

Objective 16.1.1 - Maintain essential characteristics

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

Objective 16.1.2 - Preserve remoteness values

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

Comment;

The proposed operation of the *Fiordland Navigator* will not change the natural characteristics of the CMA, nor will it alter the marine environment of this area. This is detailed in section 3.2 of this AEE. This proposal is not aiming to increase the current activity in the CMA, this application is for the continued operation of an existing activity. Hence, the proposal is not in conflict with the existing environment's natural character or remoteness values.

Objective 16.1.3 - Effects of surface water activities on intrinsic values

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

Comment;

This proposal will not create an adverse effect on the intrinsic values of ecosystems, this is discussed in section 3.2 of this AEE.

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;

The proposed operation of the *Fiordland Navigator* in the CMA will not diminish the natural character, landscape or amenity values of the place. This is detailed in section 3.2 of this AEE. The proposal is not seeking to increase the size or scale of the current activity. The proposal is requesting to alter some areas of operation to improve the safety of the activity by being able to respond to daily weather conditions. Hence, this proposal is not contrary to the policies stated above.

Policy 16.2.32- Restrictions on Commercial Day-trips in Doubtful Sound and Arms thereof

Exclude commercial day-trip activities from Bradshaw Sound, Gear Arm, First Arm and Crooked Arm west of Turn Point.

Comment;

The *Fiordland Navigator's* commercial day trips do not operate in the areas stated above, nor is a request being made to have access to these places for day trip activities.

Policy 16.2.7 - Fiord Terminology

Advocate that the fiords in Fiordland be correctly referred to.

Comment;

Real Journeys Limited complies with this policy. Nature guides on the *Fiordland Navigator* explain the incorrect use of this terminology during their interpretation on the trip.

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;

Doubtful Sound / Patea is classified as a remote visitor setting in the Fiordland National Park Management Plan (FNPMP) and is acknowledged to be closer to a backcountry visitor setting. A remote visitor setting can expect a few encounters with others each day. The CMA is managed by Environment Southland; however, the integrated management of this place requires the remoteness value to be maintained in the coastal marine waters. The proposed operation of the *Fiordland Navigator* in the CMA is the continuation of a current activity. A request is being made to operate the overnight experiences in different Arms depending on the daily weather conditions, for safety and operational purposes. Real Journeys Limited understands that including its own operation there are approximately 5 primary backcountry trips that operate in this place at various times of the year. Due to the vastness of Doubtful Sound, it is therefore unlikely that all operators are going to be conducting their activities in the

same place at the same time of day. Moreover, vessel skippers mostly communicate with each other to ensure their vessels are cruising on different parts of the fiord throughout the day, to ensure passengers enjoy a remote experience and vessels are not cruising in close proximity to each other. Therefore, the proposed operation of the *Fiordland Navigator* in the CMA is unlikely to have an adverse effect on the remoteness and backcountry values of Doubtful Sound / Patea as set in the FNPMP.

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.

Comment;

The proposed operation of the *Fiordland Navigator* is the continued operation of this activity under Consent Number 97049. The current operation includes the use of 2 tender craft and 30 kayaks. This coastal permit application is seeking the same level of activity in the current Coastal Permit. Hence, Real Journeys Limited's proposal is not contrary to the policy stated above.

Rule 16.2.1 - Commercial Surface Water Activity

- 1 *Except as provided for by (6) below, it is a prohibited activity to undertake commercial day trips on Crooked Arm west of Turn Point, Bradshaw Sound or First Arm.*
- 2 *Except as provided for by (4) or (6) below, it is a non-complying activity to undertake commercial day trips:*
 - a *on Hall Arm;*
 - b *on Doubtful Sound, Thompson Sound or Crooked Arm east of Turn Point.*
- 3 *Except as provided for by (5) or (6) below, it is a non-complying activity to undertake commercial backcountry activities:*
 - a *on Crooked Arm west of Turn Point;*
 - b *on Hall Arm;*
 - c *on First Arm;*
 - d *on Bradshaw Sound.*
- 4 *Except as provided for by (6) below, it is a discretionary activity to undertake commercial day trips:*
 - a *on Hall Arm, provided that within this area the total number of commercial day trips undertaken by all operators does not exceed five on any day;*
 - b *on Doubtful Sound, Thompson Sound or Crooked Arm east of Turn Point, provided that within this area the total number of commercial day trips undertaken by all operators does not exceed five on any day.*
- 5 *Except as provided for by (6) below, it is a discretionary activity to undertake commercial backcountry activities:*
 - a *on Crooked Arm west of Turn Point, provided that within this area the total number of commercial backcountry trips undertaken by all operators does not exceed an average of*

- three per day,
measured over the period of each calendar month;*
 - b on Hall Arm, provided that within this area the total number of commercial backcountry trips undertaken by all operators does not exceed an average of three per day, measured over the period of each calendar month;*
 - c on First Arm, provided that within this area the total number of commercial backcountry trips undertaken by all operators does not exceed an average of two per day, measured over the period of each calendar month;*
 - d on Bradshaw Sound, provided that within this area the total number of commercial backcountry trips undertaken by all operators does not exceed an average of four per day, measured over the period of each calendar month; provided that no overnight mooring occurs in Hall Arm.*
7. *Unless provided for by Rules 16.2.1(1)-(6) above or otherwise specified in this Plan, it is a discretionary activity to undertake any commercial surface water activities in the internal waters of Fiordland from Yates Point to Puysegur Point.*

For the purpose of this rule:

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

Comment;

The proposed operation of the *Fiordland Navigator* in the CMA is potentially a discretionary activity if the allocations set in Rule 16.2.1 (4 & 5) of the Regional Coastal Plan for Southland are not fully allocated or over allocated. Real Journeys Limited is not privy to this information, consequently this application is being approached as a non-complying activity.

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.

Policy 16.3.3 6- Speed of ships in Hall Arm

Limit the speed of ships in the upper part of Hall Arm.

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.

Rule 16.3.27 - Speed Limits in Hall Arm - Prohibited

The operation of any ship in Hall Arm southwest of the Narrows at more than 5 knots, is a prohibited activity.

Rule 16.3.3 - Speed Limits in Hall Arm – Permitted

Unless stated elsewhere, the operation of any ship in Hall Arm, southwest of the Narrows, at a speed less than or equal to 5 knots, is a permitted activity.

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 a.m. and 10:00 p.m. the L10 noise level shall not exceed 40 dBA;*
- ii between 10:00 p.m. and 7:00 a.m. the following day, the L10 noise level shall not exceed 30 dBA;*
- iii between 10:00 p.m. and 7:00 a.m. the following day, the Lmax 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”.

Comment;

The *Fiordland Navigator* is equipped with a Public Address (PA) system. The PA system’s outside speakers can be turned off. This system is utilised to transmit the nature guides’ interpretation commentary throughout the vessel when the vessel is cruising, and the outside speakers are used only when required. That is when passengers are actually on the outside decks. The *Fiordland Navigator*’s Launch Masters comply with the speed limits set in Hall Arm. To enable passengers the opportunity to fully experience the peacefulness of this arm, the “Sound of Silence” is regularly undertaken on this fiord. This is when the vessel’s engines are turned off to allow passengers the opportunity to appreciate the tranquillity that this place offers. The *Fiordland Navigator* does not anchor overnight in Hall Arm. If Hall Arm is used by the vessel, it will be utilised during the hours of 7.00 a.m. and 10.00 p.m. The *Fiordland Navigator* noise level tests show that at 200 metres from the shoreline the noise level of the vessel will be 25 dBA, this is the likely distance of the vessel from the shoreline when in Hall Arm. Therefore, the proposal is not contrary to the policies and rules stated above.

Policy 16.4.9 - Advertising

Discourage advertising on ships and structures in Deep Cove.

Comment;

The *Fiordland Navigator* does not have intrusive Real Journeys Limited advertising on the vessel.

4.3 Southland Murihiku Conservation Management Strategy 2016

The Fiordland coastal marine area

“The interdependence of the indigenous terrestrial and marine ecosystems is acknowledged and recognised. Working closely with Ngāi Tahu, the Fiordland Marine Guardians, relevant agencies, commercial interests and the community, integrated management and protection is achieved across the land and marine interface, and the introduction and establishment of invasive species is prevented. Wild, rugged landscapes dominate, and natural character increases the further south and west people venture, with the southern fiords offering a near-wilderness experience. The marine environment is thriving, with ample opportunities for visitors to observe marine mammals and other marine wildlife from the water, air and land in a way that does not adversely affect the wildlife. Tohorā/southern right whales, terehu/bottlenose dolphins, and tawaki/Fiordland crested penguins are regular sights, with populations stable or increasing. An enhanced representative range of marine ecosystems and species are protected across this environment, and the marine reserves are managed to preserve and improve their natural habitat values. People are aware of and appreciate the importance of the Fiordland coastal marine area and are actively involved in its protection. Structural development within the Fiordland coastal marine area does not detract from the outstanding natural character and natural quiet of this Place, particularly in the southern fiords, where the only modifications are those necessary to support visitor access, scientific research and monitoring, or the fishing industry, and artificial light does not prevent viewing of the night sky. Commercial recreational activities promote the values of the Fiordland coastal marine area and all commercial activities are aware of the need for healthy marine ecosystems, avoiding impacts on important marine habitats or significant species and maintaining and enhancing visitor experiences.”¹⁸

Comment;

The Southland Murihiku Conservation Management Strategy provides for commercial recreational activities in the Fiordland Coastal Marine Area for visitor experiences and acknowledges commercial activities promote the values of the Fiordland coastal marine area, at the same time as understanding the importance of protecting the natural environment.

¹⁸ Southland Murihiku Conservation Management Strategy 2016, page 61

4.4 Fiordland National Park Management Plan

The operation of the *Fiordland Navigator* in the coastal marine area of Fiordland from Yates Point to Puysegur Point occurs next to the adjoining land of the Fiordland National Park. The relevant sections of the Fiordland National Park Management Plan for this application are outlined below.

Map Showing the Location of the Fiordland National Park¹⁹

MAP 2. TE WAHIPOUNAMU - SOUTH WEST NEW ZEALAND WORLD HERITAGE AREA



¹⁹ Fiordland National Park Management Plan, 2007

Part Four: Biodiversity, Landscapes and Historical Management

4.4 Biosecurity

Objectives

1. *To preserve the intrinsic natural values of Fiordland National Park.*
2. *To increase the awareness of biosecurity risks to Fiordland National Park.*

4.5 Introduced Animals

Objectives

1. *To preserve those areas of high natural biodiversity values in Fiordland National Park most at risk from introduced animals.*
2. *To reduce and control introduced animal numbers by all available means to a level that allows for the regeneration of browsed indigenous flora and the recovery of predated fauna. Initial emphasis will be placed on identified priority areas and species.*
3. *To monitor vegetation condition in key areas of Fiordland as well as monitoring the result of introduced animal management programmes.*
4. *To prevent the colonisation by introduced species of new areas within Fiordland National Park and to prevent the establishment of introduced animal species not already present within Fiordland National Park.*
5. *To support habitat management programmes with specific introduced animal control measures.*

4.6 Introduced Plants

Objectives

1. *To control and, where appropriate and practical, eradicate all undesirable introduced plants within Fiordland National Park.*
2. *To prevent the spread of plant pests into weed-free areas of Fiordland National Park.*
3. *To give priority for pest plant control to those park ecosystems, which are actively or potentially threatened, especially those susceptible to irreversible change.*
4. *To give priority for pest plant control to ecological communities which are highly representative of a particular area of Fiordland National Park, or to ecological communities which are locally uncommon within Fiordland National Park.*
5. *To ensure that the source of the weed problem is treated, not just the infestations encountered.*
6. *To undertake control work on pest plants where this is feasible and necessary to protect natural values or otherwise address biosecurity issues.*
7. *To liaise with local authorities and the community to ensure effective coordination of weed control operations across boundaries, and to develop an awareness of the threats weeds pose to Fiordland National Park.*

4.7 Water and Fish

Objectives

1. *To ensure that the freshwater systems within Fiordland National Park maintain their unique, intact, high-quality nature through active management and advocacy.*
2. *To protect indigenous freshwater fish and their habitats including shellfish, fish passage and the marine interface.*
3. *To improve knowledge on the distribution and habitat requirements of indigenous freshwater fish in Fiordland National Park.*
4. *To raise awareness within local communities of the importance of freshwater fish and their habitats and of the risks posed to them by noxious weeds and fish.*
5. *To restore, wherever possible, freshwater fish habitats.*
6. *To seek the protection of inshore marine waters adjoining Fiordland National Park.*
7. *To recognise and provide for the existing recreational salmonid sport fishery in Fiordland National Park within the context of Implementations 4 and 5.*
8. *To prevent the introduction of noxious fish species into Fiordland National Park and to eradicate them if introduction does occur.*
9. *To avoid the further spread of introduced animals and plant pests amongst the waters of Fiordland National Park.*

4.8 Island Management

Objectives

1. *To eradicate animal and plant pests from islands where possible and practical. Where eradication is not possible or practical at present, to control them if the natural values of the islands are threatened.*
2. *To manage, or advocate for the management of the islands to ensure that the significant natural values of Fiordland National Park are maintained.*
3. *To avoid the further spread of introduced animal and plant pests among islands on the Fiordland coast.*
4. *To manage access to the islands of Fiordland National Park where necessary so as to protect the indigenous biodiversity of these islands.*

Map showing Land Management Areas in Doubtful Sound Fiordland²⁰



²⁰ Fiordland National Park Management Plan, 2007

4.9 Marine Mammals

Objectives

1. To protect, conserve and manage marine mammals within Fiordland National Park.
2. To increase the Department of Conservation's and the public's understanding of marine mammal behaviour, ecology and the effects of human activities on them.

Comment;

The objectives above aim to protect and preserve the natural biodiversity of the Fiordland National Park (FNP), increase awareness and educate people about the potential risks to the FNP, eradicate pest species where practical and monitor the environment. These are in place to preserve the intrinsic values of the FNP. To achieve this integrated management is required. Real Journeys Limited complies with the objectives stated above in order to preserve and protect the natural environment of the CMA.

To protect the biosecurity of the CMA, Real Journeys Limited's vessels including the *Fiordland Navigator*, follow the guidelines set in the Fiordland Marine Regional Pathway Management Plan. As part of this plan Real Journeys Limited's vessels obtain and hold Fiordland 'Clean Vessel Passes'. The *Fiordland Navigator* is currently sent to Bluff for maintenance work biennially. Here she is removed from the water, cleaned, re-painted and antifouled if required. As an additional measure if Real Journeys vessels are in water and held up in Bluff for any more than 14 days, the company organises for the vessel's hull to be inspected (via dive) by Young Fishing immediately before its return to Fiordland. If the *Fiordland Navigator* is not scheduled for a biennial inspection at Bluff, in water maintenance is undertaken in Milford Sound (because of the ease of road access) by the Real Journeys Limited Engineering Division.

To protect Fiordland's coastal marine waters from bio invasion, vessels are subject to hull inspections. The Young Fishing Company Limited is contracted to complete vessel inspections at Bluff for pest and weed species. Real Journeys vessels have passed all of these inspections to date. The Fiordland Marine Regional Pathway Management Plan along with hull inspections safeguards the biosecurity of the CMA.

To protect and preserve the biodiversity and wildlife of the CMA Real Journeys Limited complies with the regulations set by the Department of Conservation for this place. Real Journeys Limited complies with the Marine Mammal Protection Regulations and Marine Mammal (and other Wildlife) Code of Management for Doubtful Sound / Patea. These documents set regulations for contact with wildlife in the area. The proposal in this application will enable the vessel to operate away from the presence of dolphins within the Doubtful Sound Complex.

Real Journeys Limited complies with the regulations set for activity in the Marine Reserves by the Department of Conservation in the 'Fiordland Marine Reserves' documentation. Real Journeys Limited's vessels do not directly interact with China Shops.

The proposed operation of the *Fiordland Navigator* will operate in the vicinity of Secretary Island. To shield this Restoration Island, Real Journeys Limited will continue to take precautionary pest control measures on board the vessel. The *Fiordland Navigator* has rodent traps located in each of the pantries on the vessel. These traps are laced with peanut butter. Monitoring of pest control for operators in the Fiordland National Park is conducted by the Department of Conservation's Biosecurity Officer. Monitoring includes rodent inspections with a contract rodent

dog handler and her rodent detection dog. On 18 May 2017 an inspection was undertaken on the *Fiordland Navigator* in Deep Cove. During this inspection no signs of rodents were detected.

Real Journeys Limited’s proposed operation of the *Fiordland Navigator* in Doubtful Sound / Patea is not contrary to the objectives stated above.

5.3.3 Visitor settings

Map Showing the Location of Visitor Settings in the Fiordland National Park²¹

MAP 7. VISITOR SETTING



²¹ Fiordland National Park Management Plan, 2007

5.3.6.4 Doubtful Sound Remote Setting

While this site is situated in a remote zone it is recognised that existing use at this site is more towards the backcountry end of the remote spectrum²²

Objective

1. *To manage the Doubtful Sound remote setting to protect the following key attributes:*
 - a) *The remote experiences of the Doubtful Sound Remote Setting;*
 - b) *As a place that provides a key remote access opportunity for a marine / national park interface; and*
 - c) *As a place where biodiversity values are significant, particularly on the islands in Doubtful Sound / Patea.*

5.3.7 Backcountry Visitor Setting

Recreation Opportunities

Visitors to these areas will need to be reasonably self-reliant with moderate backcountry skills although they may be able to rely on sound basic huts, well-marked tracks and bridges where necessary. Accommodation other than basic huts is generally incompatible with this setting. Motorised access tends to be more readily available. The landscape within this setting is unmodified and natural and is accessible without major physical effort.

Objective

1. *To provide opportunities for a variety of recreation experiences in a natural setting that may be challenging but can be accessed relatively easily; while protecting other national park values. Key attributes defining backcountry include:*
 - a) *Catering for less experienced users who are prepared to experience a degree of risk and discomfort;*
 - b) *Visitors being reasonably self-reliant;*
 - c) *Facilities comprising basic huts and well-marked tracks;*
 - d) *Some reliance on mechanised access; and*
 - e) *Visitors expecting to have regular interactions with others (meeting up to ten groups per day).*

5.6 BOATING AND FACILITIES

Objectives

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

Implementation

General Provisions

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

²² Fiordland National Park Management Plan, 2017, page 128.

- a) *Maintain a level of use on the whole of Doubtful Sound / Patea complex including Thompson and Bradshaw Sounds that is significantly less than Milford Sound / Piopiotahi and reflects the remote visitor setting of the adjacent land area;*
- b) *Within the Doubtful Sound / Patea complex, maintain some areas such as parts of Hall Arm, Crooked Arm, First Arm and Bradshaw Sound as having no motorised use and low or no levels of commercial use;*
- c) *In the fiords south of Doubtful Sound / Patea maintain levels of use that are relatively low and significantly less than Doubtful Sound / Patea;*
- d) *Retain extremely low levels of commercial use on some of the fiords between Milford Sound / Piopiotahi and Doubtful Sound / Patea (Caswell, Charles and Nancy Sounds);*
- e) *Retain some of the fiords along the coast between Milford Sound / Piopiotahi and Doubtful Sound / Patea with no commercial use, possibly those adjacent to the Glaisnock Wilderness Area (Sutherland and Bligh Sounds);*

Comment;

The proposal is not in conflict with the objectives and implementations state above. The proposal will occur in the coastal marine area of Fiordland which is not part of the Fordland National Park. However, the integrated management of this place requires each area to be managed in accordance with other users of the place. The Fiordland National Park land adjacent to the coastal marine area of Fiordland is identified as a remote visitor setting and it is acknowledged to be towards the backcountry end of the remote spectrum. Because of this, vessel use and interactions with others is considered a suitable use of the environment under this Plan.

4.5 Te Tangi a Taurira

Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008

This Iwi Management Plan consolidates Ngāi Tahu values, knowledge and perspectives on natural resource and environmental issues within the Southland environment. The Plan assists Ngāi Tahu in carrying out kaitiaki roles and responsibilities within Murihiku. The policies of Te Tangi a Taurira which relate to this coastal permit application are examined below.

Map showing the Area Murihiku Incorporates²³



²³ Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008

3.1 Huringa Ahua o Te Rangi - Climate Change

Ngā Kaupapa – Policy

7. *Actively understand the vulnerability of Murihiku communities to climate change to ensure communities become more resilient.*
12. *Support further development and improvement of contingency measures to recognise for increased natural hazard risk as a result of sea level rise and unpredictable weather patterns. Ngāi Tahu ki Murihiku will take an active role in the development of contingency measures and education of local communities.*

3.1.2 Economy and Industry

Ngā Kaupapa – Policy

2. *Ensure that Ngāi Tahu ki Murihiku are consulted at all levels to remove uncertainties with respect to the implications of climate change policy.*
3. *Support improvement of existing technologies to reduce emission and discharge levels and support movement toward new and efficient forms of technology as they develop. Support development of more efficient use of renewable energy sources.*
8. *Participate in planning for climate change and its potential risks to ensure industries and communities are well placed (build resilience) to deal with climate change conditions in the future. Such involvement could include building of partnerships with scientists, sharing of information, enhanced community engagement and education, joint management and co management of resources, and enhanced economic development through changing environments and technologies.*
10. *Endorse capacity building among Ngāi Tāhu ki Murihiku to ensure that representation of the Māori world view and values held, help to drive research and development with respect to climate change mitigation and response*

3.1.3 Influences of Climate Change on Society and Health

Ngā Kaupapa – Policy

4. *Recognise that differing regions will be affected differently by climate change. Ngāi Tahu ki Murihiku wish to endorse this issue and ensure policy formed at a national level reflects regional dimensions and the stresses that climate change may have. Research must be reflective of the issues that face Murihiku communities. Policy should therefore be fully informed to recognise for regional divergence.*
5. *Ngāi Tahu ki Murihiku must be involved in risk management analysis that deals with climate change issues*

Comment;

This proposal is not in conflict with the policies above. In this proposal Real Journeys Limited is seeking approval to operate current commercial surface water activities in alternative locations within the Doubtful Sound / Patea Complex of the CMA for overnight trips depending on the weather conditions of the day. This request is being made in response to the predicted effect of climate change on the CMA which will be evident by 2040. This is detailed in section 3.2 of this AEE. This proposal's alternative location for the proposed activities is supported by He Rautaki Mo Te Hurina O Te Ahuarangi, Ngāi Tahu's Climate Change Strategy. Te Kaitiakitana Me Te Tahuhu has the priority of identifying activities that are vulnerable to the effects of climate change and enables the development of alternatives.

Real Journeys Limited is integrating advancing technology as it becomes viable. The company has recently purchased electric vehicles and installed charging points for this technology. It is proposed that within the next 10 years Real Journeys Limited will be operating electric buses on short routes such as the Wilmot Pass Road.

3.6 Te Ākau Tai Tonga - Southland's Coastal Environment

Map Showing the Location of Murihiku's Coastal Environment²⁴



²⁴ Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008

3.6.1 General Policy for Southland's Coastal Environment

Ngā Kaupapa – Policy

1. *Ensure the land, water and biodiversity at the interface of Southland's coastal environment are managed in an integrated way through careful planning and policy instruments which avoid compartmentalising the natural environment.*
2. *Recognise that the degree of connection between the coastal and inland environments is inherent when developing robust systems to address areas of degradation and mitigate for future and potential environmental effects.*
3. *Promote communication and collaboration between groups with an interest in or have links with the coastal environment and its management.*
4. *Understand that the impacts of mismanagement, such as poor urban development, land use intensification and diversion of water affect the cultural health of the coastal environment.*
5. *Understand that the mixing of waters may have adverse effects on river mouth environments as a result in changes of flow, amount and type. Therefore the quality and quantity of freshwater entering lowland catchments of the coastal environment may affect current and future generations from exercising customary rights. The impacts of such activities should be avoided.*
6. *Respect, protect and enhance coastal areas of importance where possible.*
7. *Protect and enhance kaimoana and kaimataitai for future generations.*
8. *Support continued research into coastal erosion processes*

Comment;

Real Journeys Limited; supports, works with and complies with the integrated management of the CMA to protect and enhance the coastal marine water of this place. This is detailed in section 3.2 of this application.

3.6.4 Coastal Access

Ngā Kaupapa – Policy

1. *Ensure that all coastal regions are sustained and protected in perpetuity for all New Zealanders and visitors to enjoy.*
2. *Ensure that access across any private land to coastal areas is in consultation with the landowner.*
3. *Encourage education among tourists and other visitors about the cultural importance of the coastal environment and its links to inland river, lakes and lands.*
4. *Work with stakeholders, local government agencies and others whom have an interest in the coastal environment to promote and provide information relating to values associated with the area and the need to respect the environment through promotion of responsible tourism.*
5. *All Ngāi Tahu Whānui, current and future generations, must have the capacity to access, use and protect coastal environment landscapes, wāhi tapu and mahinga kai sites and the history and traditions that are linked to these landscapes.*
6. *Advocate limits to coastal areas (which may include camping sites, reserves, parks) that are considered under pressure or susceptible to increased demand and do not have adequate facilities to meet pressures.*
7. *Ensure robust consultation with Ngāi Tahu ki Murihiku in respect to aspects of improved access to the coastal environment. This includes the development of structures to facilitate access such as public toilets, upgrading of existing structures, and waste disposal and discharge methods.*

Comment;

Real Journeys Limited complies with access regulations to the CMA. The company has the required coastal permits and concessions to operate within this area. The proposal will not restrict public access to the CMA.

3.6.6 Fiordland Commercial Surface Water Activities

Ngā Kaupapa – Policy

1. *Strongly discourage discharges of human sewage and ballast water into coastal waters from commercial vessels and ships.*
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.*
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.*
4. *Ensure that sewage tanks on the commercial boats have 24 hours of storage capability.*
5. *Encourage all vessel operators to invest in the overall health of coastal Fiordland, through using only environmentally friendly products on board (e.g. soaps and detergents).*
6. *Carefully monitor the nature and number of concession applications for commercial recreation and tourism operations, to ensure that such activities are not compromising the natural character, beauty or ecology of the region.*
7. *Concession holders and/or staff shall not discuss Ngāi Tahu history, traditions, culture and spirituality with clients without first consulting with and obtaining the approval of Ngāi Tahu ki Murihiku to ensure that information is both appropriate and accurate. Any interpretation or portrayal of Ngāi Tahu history or associations is subject to policies for cultural interpretation, as per Section 3.3.9 (Cultural Interpretation) of this Iwi Management Plan.*
8. *Concession holders operating commercial surface water activities must ensure that clients do not remove any pounamu.*
9. *Encourage operators to take advantage of new technologies to better manage the effects of commercial tourism development on the environment (e.g. waste discharge from boats).*
10. *All concession activities with commercial surface water activities are subject to Ngāi Tahu Standard Conditions for Concessions (Appendix 5), and any other special conditions required by Ngā Rūnanga o Murihiku.*
11. *Require that, where possible, commercial boat operators use existing moorings to avoid setting the anchor as this is better for the seabed environment.*
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.*

Comment;

The proposal will continue to mitigate any potential environmental impact caused by its operation. The *Fiordland Navigator* will continue to dispose of and treat black and grey water at the Deep Cove Education Trust's Waste Water Treatment Plant when it is operating. The vessel will continue to be anti-fouled as part of scheduled maintenance and it will maintain a Fiordland 'Clean Vessel Pass' from Environment Southland. Real Journeys Limited will continue to look towards the future in advancements in technology, such as the potential use of electric buses to and from Deep Cove to enhance the overall sustainability of the proposed operation.

Real Journeys has information pamphlets on Doubtful Sound that are available at Real Journeys Visitor Centres and on board the proposed vessel. The pamphlet is titled 'Insider's Guide to Doubtful Sound' and it includes Maori legend on the formation of the fiords. This information is also on interpretation boards at the West Arm Visitor Centre. This interpretation was done in consultation with Ngāi Tahu Runanga, *Te Rūnanga o Ōraka Aparima*.

This application proposes more overnighting in First Arm to be authorised. If approved, the company proposes that it will request authorisation to install a mooring in First Arm to mitigate the impact on benthic communities in this fiord.

3.6.13 Coastal Ecosystems

Ngā Kaupapa – Policy

1. *Avoid coastal activities that may disturb, and have a direct or indirect detrimental impact, on areas of significant vegetation and habitats. Direct impacts may be physical damage while indirect impacts may include effects arising from siltation, deposition or displacement over time.*
2. *Advocate protection of species located in the coastal environments that are of cultural importance to ensure continued cultural well-being.*
3. *Have active involvement in promoting the understanding of ecosystem interactions within the coastal environment and the impacts that changes to water quality and levels of deposition and disturbance may have on each organism and their subsequent role in maintaining ecosystem health.*
4. *Promote the uniqueness of estuarine ecosystems through maintenance and enhancement of their productive nature.*
5. *Provide and recognise for the strong cultural links with coastal landscapes and biodiversity held by Ngāi Tahu ki Murihiku.*
6. *Avoid changes to coastal landscapes and biodiversity which have detrimental impacts on Ngāi Tahu ki Murihiku relationships and associations with coastal land, water, wāhi tapu and wāhi taonga areas.*
7. *Recognise for the importance of coastal wetland areas as mahinga kai communities and, where appropriate, expand or create new coastal wetland areas.*
8. *Advocate and support initiatives for restocking of lagoon and other coastal waterways with indigenous fish species and be actively involved in maintaining these areas as a suitable fishery habitat.*
9. *Ensure Ngāi Tahu ki Murihiku participation in the development of new coastal reserves and/or marine protected areas to ensure an assessment is undertaken with respect to effects of such on areas of cultural importance and continued access.*
10. *Advocate for protection and methods of enhancement of threatened coastal species, particularly those of cultural significance.*
11. *Promote the importance of the health of kaimoana in coastal waters.*
12. *Ensure continued access to coastal areas for customary use and to promote continued support among local authorities to ensure such access is maintained.*
13. *Avoid adverse impacts on vulnerable coastal dune environments as a result of subdivision, residential development, forestry, farming, mineral extraction, tourism and general public access.*
14. *Encourage and support projects for the re-establishment and restoration of indigenous plants in coastal dune environments.*
15. *Discourage use of recreational vehicles or coastal activities whereby dune environments may be damaged and bird nesting areas threatened.*
16. *Support and encourage information sharing between agencies with respect to coastal biosecurity risks.*

17. *Support effective communication among coastal users with respect to risks posed by entry of unwanted organisms to New Zealand marine environments.*
18. *Avoid cleaning of hulls or “lay-ups” whereby indigenous marine biodiversity will be compromised. Agencies should form best practice protocol for such activities and actively implement these among coastal users.*

Comment;

Real Journeys Limited’s proposal is not contrary to the policies stated above. The proposal does not impact directly on the coastal marine area’s habitats, biodiversity or species. The *Fiordland Navigator* will traverse through the water and it will continue to follow the regulations set for this place such as the Marine Mammal (and other Wildlife) Code of Management for Doubtful Sound and Fiordland ‘Clean Vessel Pass’. This is detailed in section 3.2 of this AEE.

3.6.14 Marine Birds

Ngā Kaupapa – Policy

1. *Recognise for Ngāi Tahu kī Murihiku cultural, historical and spiritual association with taonga species. Such associations must be provided for within all management planning documents (Taonga Species as listed under the Ngāi Tahu Claims Settlement Act 1998 are found in Appendix 4)*
2. *Protect coastal environments in which marine birds nest and feed, particularly tītī populations.*
3. *Continue working with local authorities to ensure the protection and education of the public of important marine bird populations.*
4. *Avoid compromising marine bird habitats as a result of inappropriate coastal land use, subdivision or development.*

Comment;

Real Journeys Limited complies with the Marine Mammal (and other Wildlife) Code of Management for Doubtful Sound / Patea. This provides rules and regulations on permitted areas to traverse, along with information on the places and seasons to avoid disrupting species such as the Fordland Crested Penguin. Hence, Real Journeys Limited’s proposal is not contrary to the policies stated above.

3.3.5 Fiordland Future Development

Ngā Kaupapa – Policy

1. *The relationship of manawhenua with their ancestral lands, water, sites wāhi tapu and other taonga of Fiordland must be recognised and provided for in all decisions relating to development.*
2. *Ngāi Tahu’s right to development, as per the Treaty of Waitangi, must be recognised and provided for with respect to future development and commercial activities in Fiordland, including the export of water.*
3. *Ensure that the natural character of the Fiordland environment is protected for future generations. The effects of visitors and other tourism development on the environment must be managed in a way that ensures that the values of Fiordland are not compromised.*
4. *Advocate for keeping future development in areas that are presently modified and that already have infrastructure in place. The preference of Ngāi Tahu kī Murihiku is to leave undeveloped or minimally developed areas of Fiordland in as natural state as possible.*
5. *Advocate for existing infrastructure to be improved to the highest possible standards, and for the utilisation of new technologies that can enable new growth and development while minimising adverse effects.*

Management of cumulative effects

6. *Planning for future development must recognise and provide for cumulative effects on the land, water, biodiversity and cultural landscape of Fiordland.*

Comment;

This proposal will not alter the natural character of the CMA, rather it will be a presence in it. The proposal is for commercial tourism activities which have a primary purpose to provide access to view the natural environment. This proposal is the continuation of a pre-existing activity; therefore, it will not add to the cumulative effect of adding additional activity into Doubtful Sound / Patea. Ngāi Tahu are kaitiaki of the CMA, because of this Te Ao Marama Incorporated have been identified as a Potentially Affected Party in this application to provide feedback if the application is in conflict with the iwi's values.

3.3.6 Visitor Management

Ngā Kaupapa – Policy

Visitor Impacts

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.*
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).*
3. *Require that the cultural and natural values of Fiordland are not compromised for recreation or tourism opportunities.*
4. *Support Department of Conservation upgrades and improvements to huts, toilets and other facilities in order to make use of new technologies and minimise adverse effects on the environment.*
5. *Encourage noise suppression on all commercial and recreational aircrafts operating in high use areas such as Piopiotahi.*

Comment;

The proposal will embark and disembark passengers from Deep Cove. This location was modified to enable the construction of the Manapouri power scheme, which Meridian Energy Limited now owns. As Real Journeys Limited has a Licence Agreement with Meridian Energy Limited to utilise the Meridian Energy Limited wharf, the proposal will use the existing infrastructure in place at Deep Cove to embark and disembark passengers. This proposed operation will therefore be carried out in a presently modified environment and it will use existing infrastructure which is kept in good repair.

As new technology becomes available and is practical to put in place, Real Journeys Limited will apply it to improve the operation of its vessels. Real Journeys Limited has operated in Doubtful Sound / Patea since 1954, to date this operation has not adversely compromised the natural and cultural values of the CMA. Where practical Real Journeys Limited works with the Department of Conservation to enhance the natural and cultural environment; for example, together they have collaborated on restoration projects, and collaborate on infrastructure upgrades. Hence, Real Journeys Limited's proposed operation is not contrary to the policies detailed above.

5. Part 2 Purpose and Principles of the RMA

5.1 Purpose of the RMA – Section 5

The purpose of the Resource Management Act 1991 is to promote the sustainable management of natural and physical resources. Sustainable management means managing the use of the environment in a way that enables people and their communities to provide for their social, economic and cultural wellbeing and for their health and safety, while sustaining and safeguarding the environment. The proposed operation of the *Fiordland Navigator* in the CMA meets the purpose of the Act, as the commercial surface water activities provide for the social and economic wellbeing of the Southland and Otago communities, at the same time as, avoiding any adverse effects on the environment to sustain the CMA for future generations.

5.2 Matters of National Importance and other matters – Section 6 and 7

To achieve the purpose of the Act, matters of national importance and other matters must be recognised and provided for. The matters which relate to this application are below;

6 Matters of national importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- (f) the protection of historic heritage from inappropriate subdivision, use, and development:*
- (g) the protection of protected customary rights:*
- (h) the management of significant risks from natural hazards.*

7 Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- (a) kaitiakitanga:*
- (aa) the ethic of stewardship:*
- (b) the efficient use and development of natural and physical resources:*
- (ba) the efficiency of the end use of energy:*
- (c) the maintenance and enhancement of amenity values:*
- (d) intrinsic values of ecosystems:*
- (f) maintenance and enhancement of the quality of the environment:*
- (g) any finite characteristics of natural and physical resources:*
- (i) the effects of climate change:*

Comment;

As detailed in section 3.2 of this AEE, the proposal is not in conflict with section 6 or section 7 of the Resource Management Act 1991. This application is asking Council to have particular regard to the proposal's request to be able to adapt the current operation of the *Fiordland Navigator* in the CMA during overnight trips, in order to be able to continue operating safely as the predicted effects of climate change begin to take effect.

5.3 Treaty of Waitangi - Section 8

The Resource Management Act 1991 must take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). Ngāi Tahu are kaitiaki of the coastal marine area of Fiordland, thus Te Ao Marama Incorporated have been identified as a Potentially Affected Party in this application for their feedback on the proposed activity in relation to Ngāi Tahu culture and traditions.

6. Consultation

The following parties have been identified as a Potentially Affected Party by Real Journeys Limited;

- Te Ao Marama Incorporated
- Department of Conservation
- The Fiordland Marine Guardians

Potentially Affected Party written approval has been gained from the Fiordland Marine Guardians, the Department of Conservation and Te Ao Marama Incorporated. The applications proposed conditions have been developed in conjunction with these organisations.

This Coastal Permit application has been forwarded as a notification to the groups who have applied for Customary Marine Title under the Marine and Coastal Area (Takutai Moana) Act 2011 in the coastal marine area of Fiordland. This includes;

- Te Runanga o Ngai Tahu
- New Zealand Maori Council (Rahiri Dargaville)
- Customary Marine Title for all Maori (Cletus Maanu Paul)

Email correspondence of this communication will be provided to the Council as an attachment with this application.

7. Value of Investment

Under section 104 (2A) of the Resource Management Act 1991; When considering an application affected by section 124, the Consent Authority must have regard to the value of the investment of the existing Consent holder. The value of the investment of the *Fiordland Navigator's* commercial surface water activities in the Coastal Marine Area of Fiordland is estimated by Real Journeys Limited to be at approximately 20 million dollars. This includes the value of the vessel and investment put into supporting facilities and infrastructure, including our Wilmot Pass coaches and vessels on Lake Manapouri.

8. The Gateway Test

When making a decision on a Non-Complying consent application Council may grant a Coastal Permit if it is satisfied that either; the adverse effects of the activity on the environment will be minor or the application is not contrary to the objectives and policies of the Regional Coastal Plan for Southland. Section 104(2) of the Act also applies to the determination of an application for a non-complying activity;

104(2) When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.

Section 3 of this AEE details that the actual and potential effects of the proposed commercial surface water activities in the coastal marine area of Fiordland are no more than minor, thus meeting the requirements of s 104(D)(1)(a) of the Act. Further, section 4 of this AEE shows that the proposed activity is not contrary to the objectives and policies of the Regional Coastal Plan for Southland, therefore, meeting the requirements of s 104(D)(1)(b) of the Act. Respectively, the proposal meets the requirements of s 104D of the Act and passes the 'Gateway Test'.

In considering s 104(2) of the Act in the Regional Coastal Plan for Southland under Rule 14.1.1, recreational boating activity is the permitted baseline for boating activity within the CMA. Because of this, Council should consider the actual and potential effects on the environment relating to the commercial nature of the proposed activity; that being regular boating activity within the CMA. Section 3.2 of this AEE determines that the *Fiordland Navigators* regular boating activity does not create a greater impact on the CMA than recreational boating activity.

Therefore, under section 104 of the Act, Council may grant a Coastal Permit for this proposed activity.

9. Conclusion

The proposed commercial surface water activities in the coastal marine area of Fiordland will not give rise to any significant adverse environmental effects and they will have positive social and economic effects on the Southland and Otago Communities. This proposal does not conflict with the purpose of the Resource Management Act 1991; the Southland Coastal Policy Statement; the Regional Coastal Plan for Southland; The Fiordland National Park Management Plan; or Te Tangi Te Taura. Therefore, it is considered appropriate to approve the application.

10. Appendix

Cautious explorers, costly roads and powerful forces.

Insider's Guide to Doubtful Sound.

Maori legend

Many hands, many arms

According to Maori legend, the fiords of this area were created by the god Tu-Te-Raki-Whanao for providing refuge from the storming seas nearby.

Tu-Te-Raki-Whanao came from the south and worked his way up the island. Wielding a magical adze, he split the rock open to let the sea rush in.

In Doubtful Sound four young sea gods assisted him using their own magic to carve out the four arms – Pikaia Arm / Taipari-pohu (short), Crumpled Arm / Teapeari-pohu (big), Real Arm / Teapeari-pohu (long) and Deep Cove / Teapeari-pohu (small).

A history of doubt

When Captain James Cook got close to its entrance in 1770, he decided on the name "Doubtful Harbour". That's because, fearing he would not be able to sail the Endeavour back out, he resisted entering the inlet and instead continued on around the island.

Did the captain ever regret not making the push further into the sound? Considering Tahiti Raia only properly charted its geography in 1793, 14 years after Cook was killed in Hawaii, it's doubtful.



www.realjourneys.co.nz

The seal trade

In the early 1800s sealing arrived in New Zealand. In Doubtful Sound's Grono Bay¹⁹¹², a station helped sealers access nearby colonies on the New Islands¹⁹¹³ and Shelter Islands¹⁹¹⁴.

The New Zealand Fur Seal proved valuable for its blubber, which was made into oil for lamps, and for its skin, which was used in clothing. Hundreds of thousands of seals were slaughtered here and shipped back to the London markets.

The frenzied nature of the early trade was not sustainable however, and in 1875 the first steps were made to prevent extinction of the species. In 1946 the hunting of seals was banned, the fur seal finally gained full protection under New Zealand law.

Travelling the Wilmot Pass



There are differing reports as to the exact price of the Wilmot Pass road but, at approximately \$80 per square metre, this was New Zealand's most expensive. It was money well spent.

Construction took two years to climb up and over the 671 metres high pass, in 1965 the unsealed road was completed in time to transport machinery from Doubtful Sound to the Manapouri Power Station.

Now, with the station complete, the road is used for visitors wanting to access this incredible location. The only road on the New Zealand mainland not connected to the rest of the network, it is home to incredible moss gardens, towering waterfalls and absolutely indubitably, simply incredible scenic vistas.

Then & now

From one of the oldest boats to one of the newest...

Captain Cook's Endeavour
Launched: Folkestone, England 1764
Cruising speed: 7 – 8 knots
Length: 32 metres
Capacity: 94
Armament: 24 small cannons
Threats: Death from dysentery, malaria, drowning and murder
Bar: Various barrels of whisky



Real Journeys Patea Explorer
Launched: Hobart, Australia 2005
Cruising speed: 25 knots
Length: 31.6 metres
Capacity: 150
Armament: Many Cannons, Rifles and other firearms
Threats: Sandflies, rain
Bar: Quality local food, wine and beer



Hydroelectricity

With great power...

It was a bold plan, in 1904 Mr H.E. Hay got far beyond a vision for power generation (that involved drilling through 110km of uncompromising Fiandian mountain, flume and viaduct), the landscape made such an idea difficult.

The original plan to 1100m above sea level was to build a dam and a series of smaller dams. The plan was ambitious, to transport either timber or coal to the Wilmot Pass. It could have been so easy if the dam, which could take up to 7 months and the cost of Manapouri to build the dam, could have been paid for. The dam was built, 120 metres below sea level. The dam was built and it was possible to generate power. It was a bold plan, with a lot of money and a lot of time. The dam was built and it was possible to generate power. It was a bold plan, with a lot of money and a lot of time.



The key figures
Project scope: 10 years, 5,000 workers
Tunnel: 2 kilometres, 8 months work
Turbine weight: 100 tonnes
Turbine tunnel: 100 metres

Our environmental efforts

Saving Doubtful Sound

Doubtful Sound is isolated, beautiful and teeming with wildlife. It's also part of a UNESCO World Heritage Site. But these aren't the only reasons why this incredible ecosystem needs protecting.

The modern New Zealand environmental movement began in the late 1960s with the push to protect this unique area.

The original power station plans required Lake Manapouri be raised up to 30 metres. It would have devastated much of the area's famed beauty, and the New Zealand public wasn't happy about it. In 1970, before the times of social media, almost 10% of New Zealand's population signed the Save Manapouri petition.

Two of the leaders of this protest movement were Real Journeys owners, Les and Olive Hutchins.



Manapouri is the place New Zealanders first recognised the importance the greater environment has for the country as a whole.

In 1973, the Government created an independent body – the Guardians of the Lakes. Six were chosen, and Les Hutchins was one of these Guardians. He held the position for the next 26 years.

Nowadays, the Leslie Hutchins Conservation Foundation receives more than \$50,000 annually from Doubtful Sound operations, money used for vital research, protection, education and conservation programmes. Les and Olive's efforts paved the way for the protection of this incredible place. Real Journeys continue their hard work with our efforts to protect, sustain and replenish the unique environment of this region.

Anyone who has travelled here will recognise why the Maori name for Doubtful Sound, Patea, is so appropriate. Translated it means...

"The place of silence."



Real Journeys is a Family owned Business founded in 1954 by Les and Olive Hutchins. We offer experiences in the Lakes, Doubtful Sound, Fiordland, Stewart Island and Queenstown.

FREE ☎ 0800 65 65 01
 contact@realjourneys.co.nz
 www.realjourneys.co.nz



World heritage status

New Zealand has three natural areas listed as UNESCO World Heritage Sites, an island group in the Sub-Antarctic, Tongariro National Park in the central North Island, and Fiordland National Park, known as Te Wāpohāroa – South West New Zealand, within which Doubtful Sound falls.

These areas meet after the 1980s criteria the requirements to judge places of special significance and protection. Fiordland National Park is a UNESCO World Heritage Site, known as Te Wāpohāroa – South West New Zealand, within which Doubtful Sound falls.

Te Wāpohāroa is a Māori name for the area, which includes the Fiordland National Park, Tongariro National Park, and the Sub-Antarctic Islands. It is a UNESCO World Heritage Site, known as Te Wāpohāroa – South West New Zealand, within which Doubtful Sound falls.

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Here comes the rain

The rain of the western coast is so heavy that it is one of the world's southernmost rainforests. The rain is so heavy that it is one of the world's southernmost rainforests. The rain is so heavy that it is one of the world's southernmost rainforests.

Where two worlds collide

The southern forest at the edge of the world is a unique place. It is a place where two worlds collide. The forest is so unique that it is a place where two worlds collide.

The southern forest at the edge of the world is a unique place. It is a place where two worlds collide. The forest is so unique that it is a place where two worlds collide.

What's in the water?

If there's a big fish in the water, it's a big fish. It's a big fish in the water. It's a big fish in the water. It's a big fish in the water.



Bottlenose Dolphin



New Zealand fur seal



Forster's Petrel

Wildlife

Meet the locals

Dolphins

The 60-strong pod of bottlenose dolphins here is one of the world's southernmost. You'll often find these incredible animals riding the boat's bow or in the mood, leaping through the air. Among the largest of their species, this sleek grey and white mammal is built for speed, agility and excitement. Social beings, they use a complex set of clicks and whistles, working in groups to get food and raise calves.

Common name: Dolphins
Lifespan: up to 25 yrs
Length: up to 3.6 m
Celebrity: TV star Ripper, US Navy mine sweeper
Top speed: up to 30 km/h
Diving depth: up to 300 m
Diving time: approx. 7 min.

Seals

Near the sound entrance you'll find New Zealand fur seals resting on the rocks and straggling through the water. With a consistent mating season, there is separation of adult males from coveys and young seals for 10 months each year. While seeming friendly, they're no prissy coveys and defensive when cut off from the water or protecting their young. This seal breed is known as the best for diving depth and time also – they'll go a long way for a good feed.

Common name: Fur seal
Length: up to 2 m
Diet: squid, octopus and fish
Breeding season: October – December
Predators: Orcas, sharks, sea lions
Communication: barks, growls and whistles
Diving depth: up to 360 m
Diving time: up to 15 hrs.

Penguins

One of the world's most rare, the forster petrel penguin has a distinctive yellow stripe over each eye. You'll often see them on the Kōka and Sfeater Islands. During breeding and moulting seasons, they like to nest close to the coastline. There are also blue penguins here, also known as little or fairy penguins. Keep your eyes open though, the world's smallest penguin can disappear beneath the waves quickly. They have been known to travel up to 1.5 kilometres inland to find the perfect nest site. Both species breeding season runs July – November.

Common name: Forster's Petrel
Moari name: Iwaka
Height: up to 70 cm
Average lifespan: 15 – 20 yrs
Weight: up to 4 kg
Blue Penguin:
Moari name: Korua
Height: up to 25 cm
Average lifespan: 6 yrs
Weight: approx. 1 kg

Rebirth and regeneration

A forest falls (and rises)

With little to no soil on the mountains, trees interlock their roots together and cling to the sheer rock walls, relying on moss and lichen for nutrients. This, coupled with the large amounts of rain and snow make 'tree avalanches', a common occurrence. Look at the many only dirt scars on the hills and you'll be forgiven for thinking these are losses to be mourned. However, they are a natural process of checks and balances for this 'catastrophe forest'.

Just as winter later provides fresh growth conditions to dry slopes, so too has the ecosystem adapted to use land slides to pull out the old and grow up the new. After sludges, lichen, moss and other shrubs quickly cover the dirt and rock. This lays the groundwork for the regeneration of the forest and the new year of life through the land.

Tree life

Between Lake Manapouri and Doubtful Sound the Silver Birch (Fuchsia) tree dominates the landscape. Beneath them a number of shrubs and ferns thrive in the cool, wet environment, including the mighty crown fern. The Moss ferns on the Wilmot Pass provide an excellent example of how smaller species can flourish and grow the forest.

Behind the names

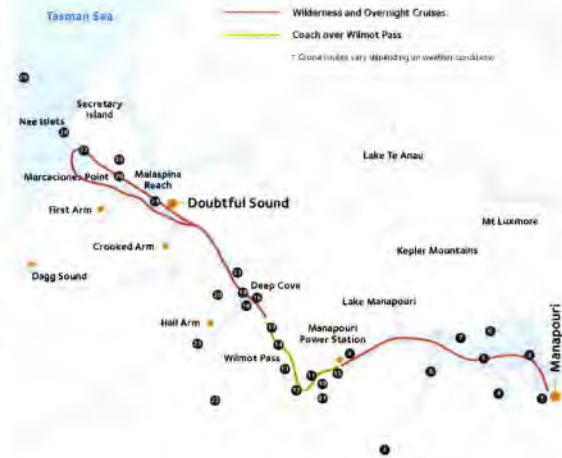
Spanish influences

The first scientific expedition to properly chart the area was led by Alessandro Maesina in 1793. Using a long boat, his ship's hydrographer, Dan Felipe Bazz, explored the far reaches of the Sound.

The map he produced from this journey was acclaimed for its detail and accuracy. No other part of New Zealand has such a collection of Spanish names, with Malaspina Reach, Nees Islets (named after Luis Nees, the ship's botanist) and Marcaciones Point (the site of the first landing) some of the more notable locations.

When is a Sound not a Sound?

Known: When it is a field. Early sealers and whalers renamed Cook's harbour Doubtful Sound. As a post-gauger valley flooded by the sea it should technically be called Doubtful Ford. The second name has stuck however.



Doubtful Sound

18. Lady Alice Falls
19. Rolla Island
20. Commander Peak 3,274 m
21. Mt Danae 3,509 m
22. Mt Crowfoot 3,695 m
23. Elizabeth Island
24. Malaspina Reach
25. Grono Bay
26. Marcaciones Point
27. Shelter Islands
28. Nees Islets
29. Marine Reserve

Wilmot Pass

10. Spay River
11. Mica Burn Bridge
12. Moss Gardens
13. Cleve Garth Falls 365 m
14. Wilmot Pass Lookout
15. Tailrace Tunnel
16. Deep Cove Wharf
17. Wilmot Pass Road 22 km

Lake Manapouri

1. Pearl Harbour Real Journeys Visitor Centre
2. Hunter Mountains 1,768 m
3. Stony Point Light
4. Hope Arm
5. Channel Islands
6. The Beehive
7. Pomona Island
8. South Arm
9. West Arm Power station site



**environment
SOUTHLAND**

Application No: R179-018

Consent No: 97049

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 105(1) of the Resource Management Act 1991, a resource consent is hereby granted by the Southland Regional Council to **Real Journeys Ltd** (the "consent holder") of P O Box 1, Te Anau 9640 from 3 November 2000

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.

History of Transfers

From **Fiordland Travel Ltd** on 7 May 2008. (Issued 3 November 2000).

Details of Permit

Purpose for which permit is granted: To carry out a commercial surface water activity

Location - site locality - Doubtful Sound, Fiordland
- Legal Description - Coastal Marine Area

Expiry date: 3 November 2020

Consent Amended

Conditions amended on 9 June 2009 and on 7 October 2011 and again on 20 December 2012, as follows:

Schedule of Conditions

Term and Purpose

1. This consent expires on 3 November 2020.
2. (a) This consent authorises the undertaking of commercial surface water activities, in the coastal marine area adjacent to the Fiordland National Park from Yates Point to Puysegur Point, for one vessel of approximately 44 metres, registered length, with:

- (i) up to 72 passengers plus crew for backcountry trips; and
- (ii) up to 90 passengers plus crew for day trips.

An exception to condition 2(ii) is during a Milford Road closure when Milford Sound passengers are diverted to Doubtful Sound or when the vessel operating under coastal permit 200125, or a replacement consent, is not available. During these occasions the number of passengers for day trips is up to 150 plus crew.

- (b) The commercial surface water activities may include up to 30 kayaks and two tender vessels as described in the application.

Operations

3. Pursuant to this consent, the consent holder may only operate the vessel within all of Doubtful Sound and Thompson Sound, inside a line from Febrero Point to Southwest Point, Secretary Island, and inside a line from Colonial Head to Shanks Head; and Bradshaw Sound.
4. The consent holder shall advise the Director of Environmental Management that the new vessel has commenced operations, at least one calendar month prior to the first day of its operations.
5. (deleted)
6. (a) Subject to condition 6(b), the consent holder may only operate the vessel in the Doubtful Sound area for day trip purposes, pursuant to this consent, as follows:
 - Deep Cove to embark or disembark passengers – no restriction;
 - Doubtful Sound – one trip per day;
 - Hall Arm – one trip per day; and
 - Crooked Arm east of Turn Point – one trip per day.

The combined number of day trips in these areas shall number one in total.

- (b) This consent is complementary to, and is to be exercised in conjunction with, consent numbers 200125 and 301896. The combined total of day trips under these resource consents for all vessels on any one day shall not exceed four.
7. The consent holder may only operate the vessel in the Doubtful/Thompson/ Bradshaw Sound areas for overnight (backcountry) purposes pursuant to this consent as follows:
 - Deep Cove to embark or disembark passengers – no restriction
 - Doubtful Sound including Hall Arm – up to 31 times each calendar month
 - Thompson Sound – 12 times each calendar month
 - Bradshaw Sound – up to 31 times each calendar month
 - Crooked Arm east of Turn Point – up to 31 times each calendar month
 - First Arm – 12 times each calendar month
 - Crooked Arm west of Turn Point – up to 31 times each calendar month
 - The vessel shall not moor or anchor overnight in any part of Hall Arm, other than the anchorage at the mouth of Hall Arm at position 45° 26' 42" S 167° 06' 85" E.

8. The consent holder shall not operate associated activities, such as kayaks and tender vessels, during day or overnight trips as follows:
- 8.1 In Hall Arm, inside a line from Davidson Head to Prindham Point.
 - 8.2 In Bradshaw Sound including Gaer Arm – but excluding Precipice Cove.
 - 8.3 In Crooked Arm in the area between 2 km west of Turn Point to 2.5 km from the head of the arm.
 - 8.4 At Shelter Islands, there shall be no kayaking at any time of the year. However, support vessels are not permitted to within 50 m of the shore, one hour before sunset until one hour after sunrise during the period July through to March (inclusive) of each year.
9. 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.
10. The consent holder shall maintain a log of all operations, including sewage discharges, timing, number of passengers, purpose of all activities and location of activities, and inspections for hull fouling organisms, in accordance with condition 20 of this consent. A copy of the entries in this log shall be sent to the Manager of Environmental Compliance every three months.

Effluent Discharge

11. In accordance with the Resource Management (Marine Pollution) Regulations 1998, the sewage shall be treated, or discharged into holding tanks for disposal at least 1000 metres seaward from mean high water springs.
12. Treated sewage shall be discharged, under normal operating circumstances, only at the mouth of Doubtful Sound when steaming between the Nee Islets and the south-west corner of Bauza Island. If the vessel is unable to discharge in that area, because of rough weather, than the treated sewage shall be discharged when steaming south of Utah Island.
13. The consent holder shall monitor the effluent discharge every 3 months, for the first 12 months and every six months thereafter, by taking samples immediately prior to the point of discharge and having the samples analysed for faecal coliform, total suspended solids and BOD₅, in accordance with the meaning of “Treated Sewage” as defined in the Resource Management (Marine Pollution) Regulations 1998.
14. Monitoring of the effluent discharge shall conform to the following standards:
- (a) the parameters specified in Condition 13 shall be analysed in accordance with the most recent edition of APHA “Standard Methods for the Examination of Water and Wastewater” or by methods approved in writing by the Council’s Director of Environmental Management;
 - (b) the analyses required by Condition 13 of this consent shall be carried out by a laboratory accredited to ISO guide 25, either by IANZ or by an organisation with a mutual recognition agreement with IANZ, for those analyses; or as agreed, in writing, by the Director of Environmental Management.

15. The results of analyses, for the effluent discharge monitoring conducted in accordance with Condition 13 of this consent, shall be reported to the Council's Manager of Environmental Compliance within 20 working days of the end of the calendar month in which the samples were taken.

Rubbish Disposal and Contaminant Spills

16. 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.
17. In the event of any spill of oil, fuel, or other contaminant, including sewage, which has not been treated in accordance with the Resource Management (Marine Pollution) Regulations 1998, the consent holder shall immediately notify the Director of Environmental Management, or delegate. Notification shall include the type and quantity of contaminant spilled, and the steps taken to remedy or mitigate any adverse effects.
18. 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

19. The consent holder shall measure and assess the noise levels emitted by the vessel at anchor, within 5 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 Manager of Environmental Compliance within three months of the first day of the vessel's commencement of operations.

Hull Inspections

20. The consent holder shall inspect the hull of the vessel for fouling organisms, in particular *Undaria*, prior to entering the internal waters of Fiordland. If such organisms are found the consent holder shall remove and dispose of the organisms to a designated refuse site on land.

Other Permits

21. 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.

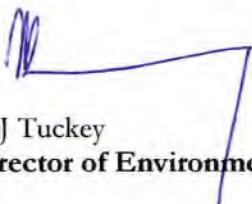
Council Charges

22. 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

23. The consent holder may, in accordance with Section 127 of the Resource Management Act 1991, apply to the Southland Regional Council to cancel or change any condition of this consent at 12 monthly intervals from the date of commencement of this consent.
24. The Southland Regional Council may, in accordance with Sections 128 and 129 of the Act, serve notice, 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; or
 - (ii) complying with the requirements of a regional plan.

for the **Southland Regional Council**



W J Tuckey
Director of Environmental Management

New Zealand Certificate of Survey

Issued under the provisions of Maritime Rule MR44.41 and MR44.42

Ship details

Name of ship	FIORDLAND NAVIGATOR	MNZ number	129413
Primary port	Milford Sound	Port of registry	Invercargill
Total engine power (kW)	970	No of drives	2
Length overall (m)	40.00	Length (m) MR 47, 48	36.48
Beam (m)	10.00 (register)	Gross tonnage (if applicable)	693.00
Ship registration number	875966		

Scope of certification

Categories	Passenger and Non Passenger
Activities	Passenger: Scheduled Tourism Activities. Non Passenger: Relocation Voyages
Maximum cargo capacity (if applicable)	N/A

Operational limits

This ship must not proceed beyond the following operating limits:

Operating Limit	Category	Operating area / Descriptor	Max Pass	Min Crew	Max Persons
Enclosed Waters	Passenger	Milford, Breaksea, Dusky, Charles, Doubtful, Thompson, George & Caswell Sounds, Stewart Island	150	*	165
Inshore	Passenger	Fiordland and Foveaux.	85	*	100
Inshore	Non Passenger	Fiordland and Foveaux and the area within the NZ Territorial Limit from the southern extent of the Fiordland Inshore Limit to the western extent of the Foveaux Inshore Limit and not exceeding 13.2 nautical miles from Centre Island Light where the Territorial Limit passes south along the coast of Stewart Island.	0	*	15

* In accordance with the Minimum Safe Crewing Document

THIS IS TO CERTIFY that the vessel meets the requirements of MR44.41 in all respect for the issuance of a Certificate of Survey and meets all applicable Maritime and Marine Protection Rules. The Ship and its equipment remain sound and serviceable and fit for their intended use but subject to any conditions or restrictions listed on the reverse of this certificate.

This certificate has no (0) conditions.

This certificate is only valid if the conditions of MR19.64 are met.

Survey Certificate Number	DGP218	Date of issue	06 September 2016
Date of survey	09 August 2016	Date of expiry	09 August 2021

Signature of surveyor 

Name of surveyor David Pollard Marine Surveyor number SRV027

All SGS Services are rendered in accordance with the applicable SGS conditions of service available on request and accessible at http://www.sgs.com/terms_and_conditions.htm

New Zealand Certificate of Survey Conditions and Limitations

Expiry dates of other certificates required for this Certificate of Survey

Load line	18/06/2017**	Radio survey	27/11/2018	Compass	08/07/2017
IOPP	18/06/2017				

** Current Valid Certificate, however new certificate being applied for.
Issued Subject to Maritime Rule MR44.41 / MR44.42

Name of ship	<input type="text" value="FIORDLAND NAVIGATOR"/>	MNZ number	<input type="text" value="129413"/>
Survey certificate number	<input type="text" value="DGP218"/>	Date of survey	<input type="text" value="09 August 2016"/>

This certificate of survey is issued subject to the following conditions and limitations. A completion date is required for each entry.

File Ref: AC19099 – 02 – R1

4 June 2019

Ms F. Black
Real Journeys Limited
PO Box 1
Te Anau

Email: fblack@realjourneys.co.nz

Dear Fiona

Re: Sound level measurements of vessels in Milford Sound

As requested, Acoustic Engineering Services undertook sound level measurements of several vessels in Milford Sound to determine whether their noise emissions comply with the relevant noise standards in the Regional Coastal Plan for Southland (the 'Plan').

1.0 NOISE STANDARDS

The noise standards which are relevant to the operation of these vessels are Rules 5.3.4 and 5.3.6 of the Plan as reproduced below.

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 a.m. and 10:00 p.m. the L₁₀ shall not exceed 50 dBA;*
- ii between 10:00 p.m. and 7:00 a.m. the following day, the L₁₀ noise level shall not exceed 40 dBA;*
- iii between 10:00 p.m. and 7:00 a.m. 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 The activities specified in Rules 5.3.6

Rule 5.3.4 is relevant to the operation of Real Journeys vessels which are moored overnight with passengers aboard and one generator running (the Fiordland Navigator and Milford Mariner).

Rule 5.3.6 – Noise limits for ships in motion

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".

Rule 5.3.4 is relevant to vessels operating in the coastal marine area.

2.0 VESSELS MEASURED

Measurements of the Milford Mariner, Milford Haven and Milford Sovereign were undertaken during the course of their scheduled cruises, with passengers aboard. The MV Sinbad and Milford Monarch were operated specifically to measure their noise emissions.

While it typically operates in Doubtful Sound, the Fiordland Navigator was also in Milford Sound to undergo maintenance works and was measured, along with the Ulva tender craft.

These boats were all measured at their cruise speed, which was typically between 10 – 12 knots. The Ulva had a higher cruise speed of 15 knots. We also obtained measurements of each vessel at a slower 'no wake' speed, representative of their speed close to shore.

The noise emissions from the generators on the Milford Mariner and Fiordland Navigator were also measured. We understand that a single generator will run overnight when these vessels are moored with passengers aboard for overnight cruises. The exhaust stacks were observed to be the main noise generating source, and close proximity measurements were obtained. Measurements at a greater distance from a stationary drifting vessel were not practical due to the contribution from ambient noise in the area and the relatively low noise levels from the generators.

3.0 TEST CONDITIONS

Measurements were undertaken in general accordance with NZS 6801:1991 *Measurement of Sound*. The majority of the measurements were from a stationary drifting vessel (the Ulva) where the height of the sound level meter above the water was in the order of 1.5 metres. The Ulva was measured from the Navigator, with a height above water in the order of 3 metres.

During the measurements each skipper attempted to pass the tender craft as close to 25 metres as practical. The measurements at distance have then been adjusted to 25 metres.

The measurement conditions and equipment are outlined below:

<i>Operator:</i>	<i>William Reeve, Acoustic Engineering Services</i>
<i>Measurement periods:</i>	<i>1325 to 1500 hours, 20th May 2019 0915 to 1115 hours, 21st May 2019</i>
<i>Weather:</i>	<i>Light air (SE), clear on 20th of May and low cloud clearing on 21st May, ~14 °C</i>
<i>Equipment:</i>	<i>Bruel & Kjaer Type 2250 Class 1 Sound Analyser (Serial Number 3008199, calibration due 28 April 2020) Bruel & Kjaer 4231 Acoustic calibrator (Serial Number 3011404, calibration due 16 April 2020)</i>
<i>Notes:</i>	<i>Analyser calibrated before and after measurements. No significant variation observed.</i>
<i>Measurement settings:</i>	<i>A-frequency weighting (dBA), fast response</i>

All measurements include a contribution from wave slap on the tender craft. Where this was deemed to influence the measured result this is noted in table 4.1 below.

4.0 MEASUREMENT RESULTS AND DISCUSSION

4.1 Ships in motion

The noise levels from ships in motion at 25 metres were calculated using the formula provided in ISO 2922:2000 *Acoustics – Measurement of airborne sound emitted by vessels on inland waterways and harbours* as summarised in table 4.1.

Table 4.1 – Measured results

Vessel	Sound exposure level at 25 metres (dB LAE)	
	Cruise speed	No-wake speed
Ulva	78	71
Fiordland Navigator	79	73 ¹
MV Sinbad	83	76
Milford Monarch	83	70
Milford Mariner	84	80 ²
Milford Haven	85	78
Milford Sovereign	79	75 ¹
<p>1 – Measurement includes a noticeable contribution from wave slap on tender craft. Actual noise emissions from the craft are likely to be lower.</p> <p>2 – Includes a brief period of increased engine speed towards the end of the measurement.</p>		

The sound exposure level from all measured vessels in motion at 25 metres is less than the 90 dBA limit outlined in the Plan.

No clearly audible tones or noise of a distinctly impulsive character was observed from these vessels with the exception of the Milford Haven. When this vessel travelled at the lower no wake speed it generated a distinctive clanging sound from the exhaust stack rain caps which was not evident at cruise speed. Even if a +5 dB penalty is applied to account for this special character, in line with NZS 6802:1992 (or the later 2008 version), noise emissions from this vessel would still comply with the Plan requirement.

4.2 General noise limits for moored vessels

The sound power from the relevant exhaust stacks has been calculated based on our close proximity measurements of a single generator operating to simulate operation during the night time period as follows:

Fiordland Navigator – 79 dB L_{WA}

Milford Mariner – 74 dB L_{WA}

Based on these sound power levels, SoundPlan computational noise modelling based on ISO 9613¹ has been used to calculate the propagation of noise to the landward boundary closest to the mooring locations for these vessels as follows:

¹ ISO 9613 is a general purpose standard for outdoor noise propagation, and includes consideration of air absorption, terrain effects and metrological conditions. The ISO 9613 method utilised in SoundPlan predicts noise levels likely to occur under conditions favourable to noise propagation, i.e. downwind or under a moderate ground-based temperature inversion that may occur at night. Under down wind conditions the noise model assumes that the wind is 'blowing' from the noise source equally in all directions.

Fiordland Navigator at First Arm (297 metres) – 22 dBA L₁₀

Fiordland Navigator at Precipice Cove (200 metres) – 25 dBA L₁₀

Milford Mariner at Harrisons Cove (117 metres) – 25 dBA L₁₀

The predicted sound emissions from these vessels in these mooring locations therefore comply with the night time Plan requirement of 40 dBA L₁₀ by some margin.

Please do not hesitate to contact me to discuss further as required.

Kind Regards,



William Reeve
BE Hons (Mech) MASNZ
Senior Acoustic Engineer
Acoustic Engineering Services

Kylie Haberfield

From: Tracy Excell
Sent: Wednesday, 28 August 2019 12:16 PM
To: 'mason@phoenixlaw.expert'
Cc: Fiona Black
Subject: Coastal Permit Application Notification - Cletus Maanu Paul
Attachments: Fiordland Navigator Assessment of Environmental Effects.pdf; Assessment of Environmental Effects Commercial Surface Water Activities.pdf

Good afternoon,

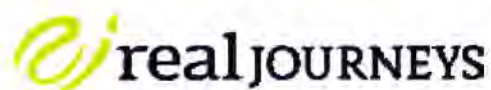
Real Journeys Limited is applying for a Coastal Permit for the *Fiordland Navigator* to be able to carry out commercial surface water activities in the Coastal Marine Area of Fiordland. Go Orange Limited is also applying for a Coastal Permit to carry out commercial surface water activities in the Coastal Marine Area of Fiordland. These commercial surface water activities are currently authorised under Resource Consent Numbers 97049 and 301896. The current Coastal Permits are due to expire in November 2020, hence, the applications are for the continued operation of the activities in the Coastal Marine Area of Fiordland.

Real Journeys Limited and Go Orange Limited are notifying Cletus Maanu Paul of their applications as part of the Marine and Coastal Area (Takutai Moana) Act 2011. The companies have identified Te Ao Marama Incorporated as a Potentially Affected Party in their coastal permit applications, because of this, these applications have also been forwarded to Stevie-Ray Blair at Te Ao Marama Incorporated.

Warm regards,

Tracy Excell

Consents and Concessions Administrator



T +64 3 249 9582
E tracy.excell@realjourneys.co.nz

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Te Anau, 9640, New Zealand
www.realjourneys.co.nz

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i instagram.com/realjourneys

"Exceptional experience. Our overnight cruise on the Milford Mariner was the highlight of our NZ trip" TRIPADVISOR

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Kylie Haberfield

From: Tracy Excell
Sent: Wednesday, 28 August 2019 12:10 PM
To: 'gesharrock@rightlaw.nz'
Cc: Fiona Black
Subject: Coastal Permit Application Notification - Rihari Dargaville New Zealand Maori Council Members
Attachments: Fiordland Navigator Assessment of Environmental Effects.pdf; Assessment of Environmental Effects Commercial Surface Water Activities.pdf

Good afternoon,

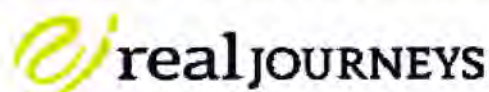
Real Journeys Limited is applying for a Coastal Permit for the *Fiordland Navigator* to be able to carry out commercial surface water activities in the Coastal Marine Area of Fiordland. Go Orange Limited is also applying for a Coastal Permit to carry out commercial surface water activities in the Coastal Marine Area of Fiordland. These commercial surface water activities are currently authorised under Resource Consent Numbers 97049 and 301896. The current Coastal Permits are due to expire in November 2020, hence, the applications are for the continued operation of the activities in the Coastal Marine Area of Fiordland.

Real Journeys Limited and Go Orange Limited are notifying Rihari Dargaville of their applications as part of the Marine and Coastal Area (Takutai Moana) Act 2011. The companies have identified Te Ao Marama Incorporated as a Potentially Affected Party in their coastal permit applications, because of this, these applications have also been forwarded to Stevie-Ray Blair at Te Ao Marama Incorporated.

Warm regards,

Tracy Excell

Consents and Concessions Administrator



T +64 3 249 9582
E tracy.excell@realjourneys.co.nz

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i instagram.com/realjourneys

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FIND OUT MORE

Kylie Haberfield

From: Tracy Excell
Sent: Wednesday, 28 August 2019 12:01 PM
To: 'rachael.brown@bellgully.com'
Cc: Fiona Black
Subject: Coastal Permit Application Notification Te Runanga o Ngāi Tahu
Attachments: Fiordland Navigator Assessment of Environmental Effects.pdf; Assessment of Environmental Effects Commercial Surface Water Activities.pdf

Good afternoon Rachael,

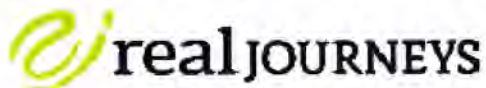
Real Journeys Limited is applying for a Coastal Permit for the *Fiordland Navigator* to be able to carry out commercial surface water activities in the Coastal Marine Area of Fiordland. Go Orange Limited is also applying for a Coastal Permit to carry out commercial surface water activities in the Coastal Marine Area of Fiordland. These commercial surface water activities are currently authorised under Resource Consent Numbers 97049 and 301896. The current Coastal Permits are due to expire in November 2020, hence, the applications are for the continued operation of the activities in the Coastal Marine Area of Fiordland.

Real Journeys Limited and Go Orange Limited are notifying Te Runanga o Ngāi Tahu of their applications as part of the Marine and Coastal Area (Takutai Moana) Act 2011. The companies have identified Te Ao Marama Incorporated as a Potentially Affected Party in their coastal permit applications, because of this, these applications have also been forwarded to Stevie-Ray Blair at Te Ao Marama Incorporated.

Warm regards,

Tracy Excell

Consents and Concessions Administrator



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E tracy.excell@realjourneys.co.nz

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(Private Bag 90116)
Invercargill

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

WRITTEN APPROVAL FORM

To: Environment Southland
Private Bag 90116
Invercargill 9840

Affected person's written approval to an activity that is the subject of a resource consent application

To be completed by the person requesting approval

Applicant: Real Journeys Ltd

Application Number: _____ Officer in Charge: _____

Type of Resource Consent: Coastal Permit - Surface Water Activity CMA

Proposed Activity(ies): The operation of the "Fiordland Navigator" (or replacement vessel); undertaking commercial surface water activities, in the coastal marine area adjacent to the Fiordland National Park from Yates Point to Puysegur Point.

Location: Coastal Marine Area of Fiordland.

To be completed by the person giving approval:

Name: Stevie-Rae Blair

and/or Organisation: Te Ao Marama Inc.

Street/Road Address: 408 Tramway Road Invercargill

*I am the owner/occupier of the following property and have authority to sign on behalf of all other owners/occupiers of the property: _____ *Delete if not applicable

I/we have studied the application for resource consent and give my/our written approval to the proposed activity/activities.

In signing this written approval, I/we understand that the consent authority must decide that I/we am/are no longer an affected person(s), and the consent authority must not have regard to any adverse effects on me/us.

Stevie-Rae Blair 20/12/2019 _____ ____/____/____
(Signature) (Date) (Signature) (Date)

Notes: If you do not understand this form and/or any details regarding the application for resource consent, then you should not provide your written approval.

Environment Southland is the brand name of the Southland Regional Council

Guidelines for Affected Parties

Why has your written approval been requested?

If you have been asked to sign this form, it will be because someone is proposing an activity that requires a resource consent and you have been identified as an affected party. You may have been deemed an affected party simply because you are a neighbour.

What should you do?

1. Study the application for resource consent for the proposed activities. This should help you understand any potential effects.
2. If you are happy with the proposal and wish to give your approval, you may do so by signing the written approval form.

Any questions regarding the proposed activity(ies) should be addressed to the applicant in the first instance. Discussing the proposal may assist with resolving any issues of concern. If you continue to be concerned with the proposal, you do not have to sign the form, however it is important that you let Environment Southland and the applicant know you will not be giving your approval and why.

If the application is notified, your written approval does not constitute a submission as required under Section 96 of the Resource Management Act 1991.

Note:

- By signing the written approval form you still retain the right to contact Environment Southland or lodge a complaint if you become concerned that the applicant is not complying with the requirements of their resource consent.
- This approval may be withdrawn in writing up to the time that the application is considered and determined.

For further assistance contact Environment Southland's Consents Team on 03 211 5115 or 0800 76 88 45



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To: Environment Southland
Private Bag 90116
Invercargill 9840

WRITTEN APPROVAL FORM

Affected person's written approval to an activity that is the subject of a resource consent application

To be completed by the person requesting approval

Applicant: Real Journeys Ltd

Application Number: _____ Officer in Charge: _____

Type of Resource Consent: Coastal Permit - Surface water activity

Proposed Activity(ies): The proposed application for the "Fiordland Navigator" now seeks the same conditions for the use of Crooked Arm as provided for in the current Coastal Permit.

Location: Crooked Arm.

To be completed by the person giving approval:

Name: Stevie-Rae Blair

and/or Organisation: Te Ao Marama Inc.

Street/Road Address: 408 Tramway Road Invercargill

*I am the owner/occupier of the following property and have authority to sign on behalf of all other owners/occupiers of the property: _____ *Delete if not applicable

I/we have studied the application for resource consent and give my/our written approval to the proposed activity/activities.

In signing this written approval, I/we understand that the consent authority must decide that I/we am/are no longer an affected person(s), and the consent authority must not have regard to any adverse effects on me/us.

Stevie-Rae Blair 20/12/2019 _____ ____/____/____
(Signature) (Date) (Signature) (Date)

Notes: If you do not understand this form and/or any details regarding the application for resource consent, then you should not provide your written approval.

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Guidelines for Affected Parties

Why has your written approval been requested?

If you have been asked to sign this form, it will be because someone is proposing an activity that requires a resource consent and you have been identified as an affected party. You may have been deemed an affected party simply because you are a neighbour.

What should you do?

1. Study the application for resource consent for the proposed activities. This should help you understand any potential effects.
2. If you are happy with the proposal and wish to give your approval, you may do so by signing the written approval form.

Any questions regarding the proposed activity(ies) should be addressed to the applicant in the first instance. Discussing the proposal may assist with resolving any issues of concern. If you continue to be concerned with the proposal, you do not have to sign the form, however it is important that you let Environment Southland and the applicant know you will not be giving your approval and why.

If the application is notified, your written approval does not constitute a submission as required under Section 96 of the Resource Management Act 1991.

Note:

- By signing the written approval form you still retain the right to contact Environment Southland or lodge a complaint if you become concerned that the applicant is not complying with the requirements of their resource consent.
- This approval may be withdrawn in writing up to the time that the application is considered and determined.

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WRITTEN APPROVAL FORM

To: Environment Southland
Private Bag 90116
Invercargill 9840

Affected person's written approval to an activity that is the subject of a resource consent application

To be completed by the person requesting approval

Applicant: Real Journeys Limited

Application Number: _____ Officer in Charge: _____

Type of Resource Consent: Commercial Surface Water Activity

Proposed Activity(ies): The operation of the "Fiordland Navigator" (or replacement vessel); undertaking commercial surface water activities, in the coastal marine area adjacent to the Fiordland National Park from Yates Point to Puysegur Point.

Location: Coastal Marine Area of Fiordland

To be completed by the person giving approval:

Name: Mark Peychers

and/or Organisation: Fiordland Marine Guardians

Street/Road Address: _____

I am the owner/occupier of the following property and have authority to sign on behalf of all other owners/occupiers of the property: _____ **Delete if not applicable*

I/we have studied the application for resource consent and give my/our written approval to the proposed activity/activities.

In signing this written approval, I/we understand that the consent authority must decide that I/we am/are no longer an affected person(s), and the consent authority must not have regard to any adverse effects on me/us.

[Signature] 11/9/19 _____ ____/____/____
(Signature) (Date) (Signature) (Date)

Notes: If you do not understand this form and/or any details regarding the application for resource consent, then you should not provide your written approval.

Environment Southland is the brand name of the Southland Regional Council

DOC-RC 000345

Date: 19/11/2019

Ms Tracey Excell
Real Journeys Limited
14 Captain Roberts Road
Te Anau, 9640

Dear Tracey

Request for Approval: s95E Resource Management Act 1991

**Application for the operation of the "Fiordland Navigator" (or replacement vessel);
undertaking surface water activities, in the coastal marine area adjacent to the Fiordland
National Park from Yates Point to Puysegur Point.**

I have considered your request for approval in terms of s95E of the RMA and am pleased to advise that I grant my approval as an affected person.

My approval is granted on the basis that the proposal is as described, is for the purposes described, and will have the effects on the Department of Conservation (Department)'s interests as described in the application dated 14/11/2019.

This approval is limited to the likely adverse effects of the proposal on the Department's interests and should not be construed as approval to effects on the environment generally.

This approval is specific to the above application and is for the purposes of s95E of the RMA only. It is not indicative of any associated concession or other statutory approval which may be required from the Department in regard to this proposal.

This approval will be rendered null and void if the proposal to which it refers is changed between the date of this approval and its consideration by the consent authority without referral back to me for my further assessment.

Please be advised that the original of this letter has been sent to the consent authority for their records. If you have any questions regarding this approval, please contact Olivia Brandt on obrandt@doc.govt.nz

Yours sincerely



Nedra Burns
Operations Manager
Te Anau Office
Pursuant to delegated authority.

cc Manager Consents, Environment Southland

Department of Conservation Te Papa Atawhai
Te Anau Office
Lakefront Drive, Te Anau 9600
www.doc.govt.nz

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: Real Journeys Limited

Address: Level 1, 70 Town centre, Te Anau, 9600 / PO Box 1, Te Anau, 9640

Proposed activity: To carry out a commercial surface water activity in the coastal marine area adjacent the Fiordland National Park from Yates Point to Puysegur Point

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

Type of consent sought Commercial Surface Water Activity
e.g. Land use consent for works in a river bed; coastal permit for occupation of coastal space

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

Section 2: Harbourmaster or the Deputy Harbourmaster to complete

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

	Yes	No	N/A
Effects of the activity on navigational safety/bylaws	<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.)



COMPANIES OFFICE

Certificate of Incorporation

REAL JOURNEYS LIMITED

154923

This is to certify that FIORDLAND TRAVEL LIMITED was incorporated under the Companies Act 1933 on the 15th day of September 1950 and was reregistered to become a company under the Companies Act 1993 on the 9th day of May 1997 and changed its name to REAL JOURNEYS LIMITED on the 30th day of May 2006.

Neville Hami



Registrar of Companies
21st day of June 2012

For further details relating to this company check
<http://www.business.govt.nz/companies/app/ui/pages/companies/154923>
Certificate generated 21 June 2012 03:34 PM NZST

Further Information



29 January 2020

Environment Southland
Private Bag 90116
INVERCARGILL 9840

Email: George Gericke <George.Gericke@es.govt.nz>

Attention: George Gericke

Dear George,

RE: FURTHER INFORMATION REQUEST FOR COASTAL PERMIT APPLICATION

(APP-20201876)

Thank you for your letter dated 24 January 2020 requesting further information under Section 92(1) of the Resource Management Act 1991 (RMA) for:

- An assessment under Section 104D of the RMA to illustrate that the adverse effects of over allocation of commercial surface water activities within Hall Arm, Doubtful Sound, Thompson Sound and Crooked Arm east of Turn Point (for day trips), and First Arm (for back country trips) on remoteness, tranquillity values and wilderness experiences will be no more than minor; or
- Illustrate that over allocation will not be contrary to the objectives and policies of the Regional Coastal Plan under Section 104D.

The proposed commercial surface water activity's effect on remoteness, tranquillity values and wilderness experiences will be no more than minor and the over allocation of commercial surface water activities within Hall Arm, Doubtful Sound, Thompson Sound and Crooked Arm east of Turn Point (for day trips), and First Arm (for back country trips) is not contrary to the objectives and policies of the Regional Coastal Plan.

Section 104D of the RMA states;

104D Particular restrictions for non-complying activities

- (1) *Despite any decision made for the purpose of notification 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.*

104(2) When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.

Under the RMA remoteness, tranquillity values and wilderness experiences are interpreted as amenity values. The Act defines amenity values as:

***amenity values** means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its **pleasantness**, aesthetic coherence, and cultural and recreational attributes*

The proposal is compatible with the amenity values of the coastal marine area (CMA) of Fiordland and the proposed activity within Hall Arm, Doubtful Sound, Thompson Sound and Crooked Arm east of Turn Point (for day trips) and First Arm (for backcountry trips) will not create a more than minor effect on the pleasantness (remoteness, tranquillity values and wilderness experiences) of these areas.

Coastal Permit 97049 was granted on 3 November 2000. The proposal is for an existing activity in the CMA and the application is not seeking to alter any of the consent conditions for day trip activities.

The over allocation of commercial surface water activities in the Doubtful Sound Complex¹ has occurred because when the activity levels were originally set for the Doubtful Sound Complex in the Regional Coastal Plan for Southland, some historic operators activities were not accounted for and were authorised to continue operating in the CMA under s10A of the RMA. Because of this, when the Regional Coastal Plan for Southland became operative a portion of the commercial surface water activities in this area effectively became non-complying activities under this Plan.

The receiving environment of the Doubtful Sound Complex includes all of the lawfully established consented activity within Hall Arm, Doubtful Sound, Thompson Sound and Crooked Arm east of Turn Point. As demonstrated by the current Coastal Permit, the proposal will not have a more than minor effect on, any remoteness, tranquillity values and wilderness experiences in the CMA because there will be no increase in the size or scale of lawfully established activity. Accordingly, the receiving environment [of Hall Arm, Doubtful Sound, Thompson Sound and Crooked Arm east of Turn Point (for day trips)] upon which the proposed activity may have effects; already experiences the current level of the proposed activity and the proposal will not create a greater effect compared to what currently occurs in the receiving environment.

The proposed increased activity at First Arm (for backcountry trips) will not significantly impact the probability of all authorised operators utilising this Arm for anchorage on any given night. Commercial surface water operators within the Doubtful Sound Complex communicate with each other to ensure vessels anchor or moor away from each other as much as practical. Although the proposal is to enable anchoring (and water activities) in First Arm up to 31 times per month this frequency of activity is unlikely to occur as First Arm is a fine weather only anchorage. It is only likely in La Niña² summers (which occur irregularly, typically every two to seven years) when we experience prolonged periods of settled weather, that it will be possible to anchor close to 31 times per month. The proposal is simply requesting to alter some areas of operation to improve the safety of the activity by being able to respond to daily weather conditions; reduce vessel cruising time to make optimal use of the Fiord and daylight hours. Because of the communication amongst operators and the intent of the application's proposal, we contend that the proposal will not create a greater effect on remoteness and tranquillity values on the receiving environment of First Arm.

Wilderness experiences are not expected within the Doubtful Sound Complex this is explained in the sections below.

Remoteness, tranquillity values and wilderness experiences are not specifically defined in the Regional Coastal Plan for Southland and these values are not examined in Section 3 Values of the Coastal Marine

¹ Doubtful Sound, Hall Arm, Crooked Arm, First Arm, Thompson Sound, Bradshaw Sound (including Precipice cove and Gaer Arm).

² <https://niwa.co.nz/climate/information-and-resources/elnino/elnino-impacts-on-newzealand>

Area in the Plan. However, Remoteness, tranquillity values and wilderness experiences are mentioned in the explanations of Section 16 Policies in the Regional Coastal Plan for Southland (RCPS). Policy 16.2.8's explanation notes that the isolation people should expect in Doubtful Sound and Milford Sound are less than what they should expect in other fiords of the CMA and that Doubtful Sound and Thompson Sound are thoroughfares for the CMA and should expect vessel activity. Refer below;

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.

Explanation - *Apart from Milford Sound, all of the principle arms, inlets and fiords in Fiordland offer significant remoteness values. In these areas there is an expectation of a greater degree of isolation than can be expected in Milford Sound and Doubtful Sound, principally because they are difficult to get to. Notwithstanding this difficulty, the amount of activity in these areas is increasing, some being attributable to people utilising more remote areas in an effort to find a place that offers the same degree of isolation once found in what are now more frequently visited areas. The effect of such activity is a matter of concern to people who value the remoteness of these parts of Fiordland. While some remoteness values remain in Milford Sound, it is considered that the physical limitations of the area itself will largely limit future development. Remoteness and Wilderness values in Doubtful Sound are more specifically addressed by Policies 16.2.9, 16.2.10, and Rules 16.2.2, 16.2.3.*

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:

- 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.*

Explanation - *Doubtful and Thompson Sounds are important thoroughfares for a range of ships wanting access to facilities or the road end at Deep Cove. They also provide access to anchorages or bases within the sounds themselves, for example, Blanket Bay and Deep Cove. Such access is necessary, but is largely incidental to the principal surface water activity of the ship. Access is also required for picking up and off-loading passengers, and for activities associated with the Manapouri power scheme. This policy seeks to minimise the presence of*

other commercial vessels in Doubtful Sound and Thompson Sound so as to protect the amenity of the area.

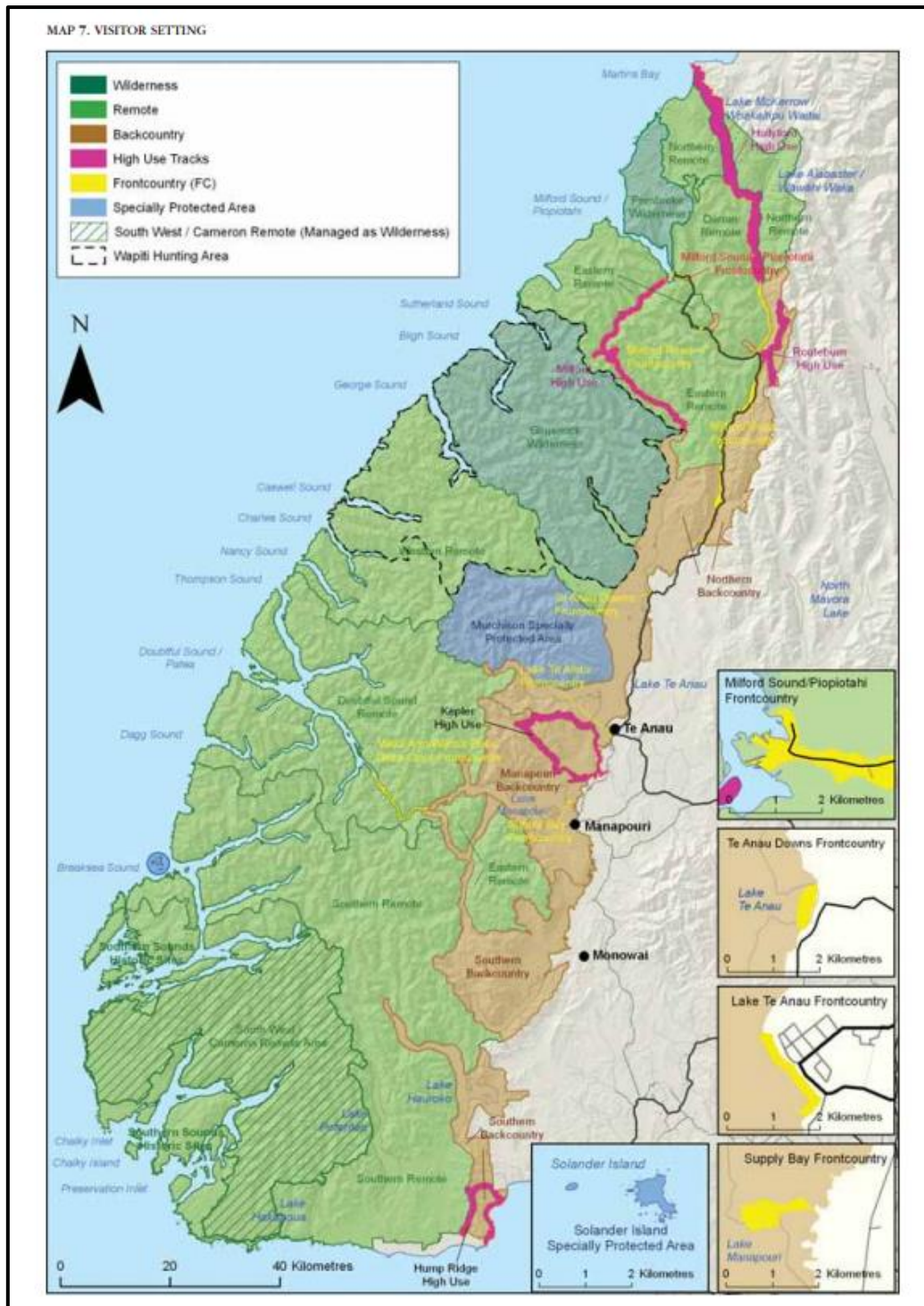
Policy 16.2.2 - Extent and number of commercial activities

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.

Explanation - *Too much activity can diminish the values that initially attracted people to an area. People then start seeking areas elsewhere which still offer the values they originally found in the now more popular area. The growth in activity can be both commercial and private, but in Fiordland it is commercial tourism activity that has the most significant effect, notwithstanding some private activities being of a similar effect and scale to commercial activities. The sustainable management of Fiordland's natural character, landscape and amenity values, particularly remoteness values, requires restrictions on the activities that occur in some areas. These restrictions will apply to the type or nature and number of activities. In some cases, the protection of specific values necessitates the exclusion of particular activities.*

Due to the integrated management of the Doubtful Sound Complex to gain a deeper comprehension of the values 'remoteness', 'tranquillity' and 'wilderness' the Fiordland National Park Management Plan (FNPMP) has been examined. The Department of Conservation has detailed the Fiordland National Park (FNP) visitor setting zones as shown on the map below:

Figure 1 – Map showing the visitor settings for the Fiordland National Park³



The Department of Conservation expects that the following type of visitor will want to experience each visitor setting within the FNP:

³ Fiordland National Park Management Plan, 2007, Map 7.

Table 1 – Visitors to the Fiordland National Park⁴

VISITOR MANAGEMENT SETTING	VISITOR GROUP
Wilderness Areas	Remoteness Seekers
Remote Experience Areas	Remoteness Seekers, Backcountry Adventurers
Backcountry Areas	Backcountry Adventurers
High Use Track Corridors	Backcountry Comfort Seekers
Frontcountry Areas	Short Stop Travellers, Day Visitors and Overnights

On the land adjacent the Doubtful Sound Complex remoteness seekers and backcountry adventures are the expected visitor group in this region. These visitors are defined as:

- *Backcountry Adventurers are self-reliant trampers, hunters, mountaineers and kayakers who want a remote experience.*
- *Remoteness Seekers are self-reliant trampers, hunters and mountaineers who want a true wilderness experience with very few interactions with other visitors, and no facilities.*

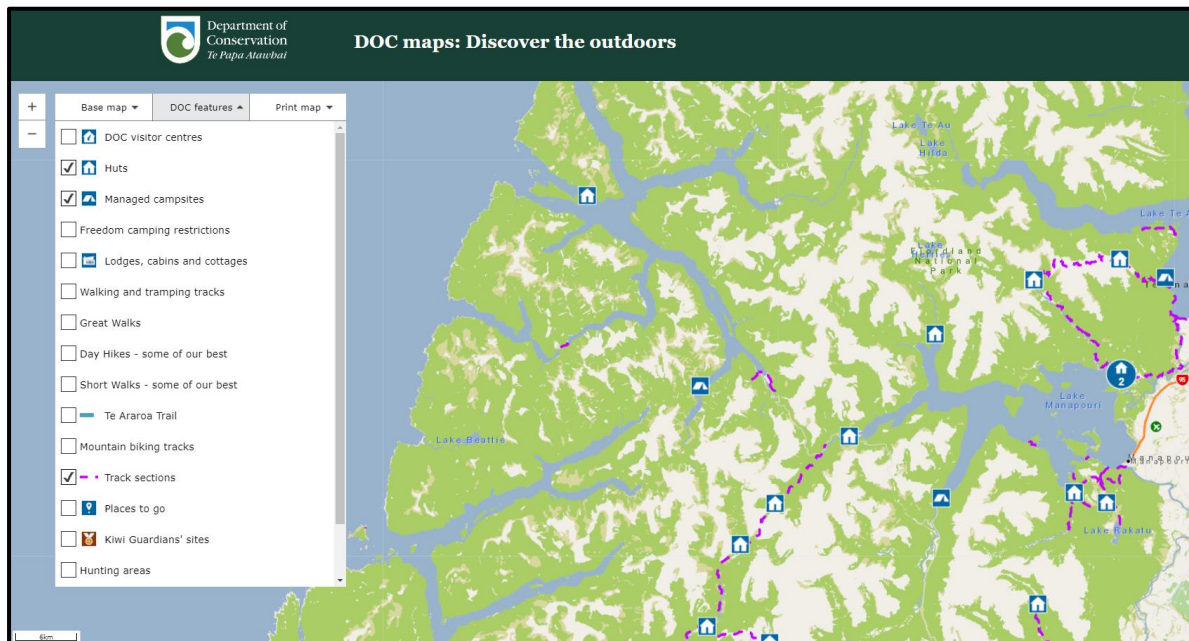
The locations of the coastal marine area that further information has been requested for are adjacent an area defined in the FNPMP as a Remote Visitor Setting. On land these areas are to expect:

- i) a reasonable expectation of isolation from sights, sounds and activities of other people;*
- ii) interaction with few other groups; and*
- iii) considerable self-reliance on backcountry skills.*

In the FNP there are no walking tracks, campsites or huts near First Arm. There are also limited huts, camping grounds and walking tracks on the other sections of the fiord. Refer map below:

⁴ Fiordland National Park Management Plan, 2007, Table 4.

Figure 2 – Map showing the location of Department of Conservation facilities adjacent the Doubtful Sound Complex⁵



The FNPMP states that remote visitor seekers are to expect interaction with a few other groups, thus observing another boat pass by within the area is not in conflict with this value. In considering wilderness experiences these are expected to be experienced in the CMA south of the Doubtful Sound Complex as shown on Figure 1.

Policy 16.2.8 of the Regional Coastal Plan for Southland supports the FNPMP view of wilderness visitor settings being away from the Doubtful Sound Complex in the policy’s explanation. Refer below;

“Apart from Milford Sound, all of the principle arms, inlets and fiords in Fiordland offer significant remoteness values. In these areas there is an expectation of a greater degree of isolation than can be expected in Milford Sound and Doubtful Sound, principally because they are difficult to get to.”

The proposal’s impact on tranquillity within the Doubtful Sound Complex can be considered less than minor as the proposals noise levels comply with the regulations set in the Regional Coastal Plan for Southland with respect to noise limits, accordingly the proposed activities will not impact the quietness or peacefulness of the Doubtful Sound Complex.

The proposed commercial surface water activity on Hall Arm, Doubtful Sound, Thompson Sound and Crooked Arm east of Turn Point (for day trips) and First Arm (for backcountry trips) will not create a

⁵ <http://maps.doc.govt.nz/>

more than minor effect on the pleasantness of these areas. The areas are not located in a wilderness area in the FNPMP. In accordance with the FNPMP and the Regional Coastal Plan for Southland (RCPS) the proposed activity is an appropriate level of activity for a remote visitor setting and the proposal's level of noise generation is compliant with the Plan and will not create an impact on tranquillity.

Regarding potential perceptions of overcrowding and congestion effecting remoteness values in the CMA Booth⁶ states that;

“Most authors now recognise that there are no set or standard capacity values for natural resource areas (Latu and Everett, 2000; McCool and Lime, 2001). Rather, carrying capacity varies depending on place, season and time, user behaviour, facility design, patterns and levels of management, and the dynamic nature of the physical setting.”

In the “Fiordland Navigators” coastal permit application the proposed day trip activity is not seeking any amendments to the currently authorised activity and Real Journeys is not aware of any complaint made regarding the operations effect on remoteness and / or tranquillity values. Customer feedback on Real Journeys experiences in Doubtful Sound via TripAdvisor recommend the trip to others and comment on the remoteness and tranquillity of the area.⁷ The proposed amendment to the overnight activity in First Arm will not occur on a regular schedule and thus the “Fiordland Navigator” will not be a constant presence in this Arm. Further, any actual or potential effects on amenity values associated with the proposal are temporary in nature and will not permanently reduce the amenity values associated with thin CMA. This is because as soon as the vessel moves from one location to another or is removed from the CMA the effects of its presence disappear.

The proposed commercial surface water day trip activity is currently part of the receiving environment and the over allocation of commercial surface water activities has been a part of the receiving environment of this area since the Plan became operative. Thus, the proposals effect on Hall Arm, Doubtful Sound, Thompson Sound and Crooked Arm east of Turn Point (for day trips) will not have a more than minor effect on remoteness, tranquillity values and wilderness experiences and is not in conflict with s 104D(1)(a).

The proposed increased activity in First Arm will not significantly affect the probability of authorised users anchoring in this Arm as use of this Arm is still weather dependent. Moreover, the commercial surface water operators in this area communicate with each other to ensure vessels cruise and anchor

⁶ Managing Human Activity in Fiordland: A Carrying Capacity Method Prepared for Environment Southland Kay Booth and Stephen Espiner Social Science, Parks, Recreation and Tourism Group Lincoln University Canterbury, New Zealand 18 August 2006, page 9.

⁷ https://www.tripadvisor.co.nz/AttractionProductReview-g255124-d11447020-Doubtful_Sound_Overnight_Cruise-Te_Anau_Fiordland_National_Park_Southland_Region_S.html

/ moor away from each other. Vessel interactions are expected in a remote visitor setting and the proposed activities noise levels are compliant with the Plan. Because of the aforementioned the proposed backcountry activity in First Arm will not have a more than minor effect on the receiving environment of this Arm. Hence, the proposed increased activity in First Arm is not in conflict with s 104D(1)(a).

Policy 3 of the New Zealand Coastal Policy Statement 2010 states that when the effects on the coastal environment are uncertain, unknown, or little is understood regarding these concerns a precautionary approach is undertaken. This means that the actual and potential effects of the proposed activity should be avoided, remedied or mitigated. Values are subjective and can be interpreted differently by different persons, however, typically remoteness and tranquillity values can be affected by overcrowding and noise. Real Journeys Limited will avoid overcrowding in First Arm by continuing to communicate with other operators in the area to ensure that the Arm does not have multiple users anchoring within this fiord at any given time. Real Journeys Limited will also primarily use this location as a fine weather over night trip location to anchor / moor within. Noise that may affect tranquillity will be avoided by Real Journeys Limited continuing to be compliant to the Rules for noise set in the RCPS.

Real Journeys Limited notes that there is currently discussion around the increased use of the CMA⁸ and that this increase in use is being directed towards recreational vessels and commercial fishing vessels that are not directly controlled by the Council. Real Journeys Limited is a reputable tourism operator in Fiordland and will adhere to Council's regulations in order to avoid, remedy and mitigate the effects of their activity on the CMA. As such, because the company is approaching this coastal permit application in a precautionary manner to avoid potential effects, the proposal will not have a more than minor effect on the CMA environment and it is not in conflict with s 104D(1)(a).

In considering s 104 (1)(b) the proposal is not in conflict with the objectives and policies of the RCPS that relate to remoteness, tranquillity values and wilderness experiences. The Doubtful Sound Complex is located in an area considered a remote visitor setting and regular vessel interactions are expected in this area because of the fiords accessibility and use as a thoroughfare for vessels in the CMA. Refer to the relevant objectives and policies below:

⁸ The Future of Charter Fishing in Fiordland, 8 August and 9 August, 2019, Te Anau Club, Corner Pop Andrew Drive & Jackson Street, Te Anau

Objective 16.1.1 - Maintain essential characteristics.

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

Objective 16.1.2 - Preserve remoteness values

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

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.

Policy 16.2.3- Restrictions on Commercial Day-trips in Doubtful Sound and Arms thereof

Exclude commercial day-trip activities from Bradshaw Sound, Gear Arm, First Arm and Crooked Arm west of Turn Point.

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.

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:

- 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.*

The proposals noise levels are not contrary to the relevant policies in the RCPS and are compliant with the rules set (Rule 5.3.4, Rule 5.3.6 and Rule 16.3.4) for noise levels in the CMA;

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 16.3.5 - Noise from commercial and non-commercial ships

Avoid, wherever practicable, or mitigate, the adverse effects of noise from commercial and non-commercial ships.

Because of this Council can disregard noise as an adverse effect on the environment in this application.

Wilderness experiences are not expected in the Doubtful Sound Complex, these are expected in the SW section of the FNP. Therefore, in considering the over allocation of commercial surface water activities effect on amenity values the proposal is not in conflict with the relevant objectives and policies in the RCPS. The proposal is not seeking to increase the size or scale of the current activity and because of the prevailing weather conditions within the Doubtful Sound Complex it is unlikely the “Fiordland Navigator” will be able to anchor in First Arm 31 times each calendar month. This proposal is simply requesting to alter some areas of operation to improve the safety of the activity by being able to respond to daily weather conditions. Hence, the proposal is not contrary to the policies stated above and it meets the criteria of Section 104(1)(a) and Section 104(1)(b) of the Act, as such it is considered appropriate for the Council to award consent for the proposed activity.

I trust that the information above clarifies your request for further information. Please do not hesitate to contact me if you require further clarification.

Yours sincerely



Fiona Black

Manager Concessions and Consents

Submission

**Chisholm
Associates**

67 Selwyn Street, Leeston, Canterbury 7632

Ph (027) 221-4739
e-mail: bill@chisholm.co.nz

24th February 2020

SUBMISSION

The Chief Executive Officer,
Environment Southland,
Price Street, Waikiwi,
Invercargill.

**SUBMISSION TO ENVIRONMENT SOUTHLAND ON BEHALF OF WILLIAM
PATRICK CHISHOLM, ON APPLICATIONS FOR RESOURCE CONSENT BY
REAL JOURNEYS LTD**

My submission is on the application [reference APP-20201876] for the following resource consents to authorise the following proposed activities:

A Coastal Permit for commercial surface water activities within the coastal marine area of Fiordland from Yates Point to Puysegur Point, including Doubtful Sound as follows:

- operation of a 44 metre vessel
- undertake day trips, overnight (backcountry) trips and charter cruises
- to allow for tender craft and kayaking activities

Purpose: Commercial Surface Water Activities.

Location: The coastal marine area of Fiordland from Yates Point to Puysegur Point, including Doubtful Sound.

I WOULD LIKE TO BE HEARD ON THIS SUBMISSION.

The address for service is: Attn: Bill Chisholm, 67 Selwyn Street, Leeston, Canterbury 7632. Ph (027) 2214739; email bill@chisholm.co.nz

My submission **OPPOSES** the grant of this consent, for the following reasons:

1. Non-complying activity

The application is for a non-complying activity. The activity is classified in the Southland Regional Coastal Plan as non-complying because of the significant adverse effects that commercial surface water activities have on landscape, visual amenity, wilderness and related values. To preserve these values, the Southland Regional Coastal

Plan places strict limits on the nature and extent of commercial activities in Doubtful Sound. This application seeks to circumvent them. The applicant justifies this as “*To respond and adapt to the actual and potential effects of climate change.*”

The applicant states:

Part 2 (7)(i) of the Act, states that Council shall have particular regard to the effects of climate change. The predicted effects of climate change on Fiordland's Coastal Marine Environment have prompted Real Journeys Limited to review vessel operations in this area. To be able to operate within the changing climate of the CMA, commercial surface water activities will need to be conducted in sheltered environments. To respond and adapt to the actual and potential effects of climate change, Real Journeys Limited is seeking authorisation to alter aspects of the conditions set in Coastal Permit Number 97049 for overnight trips.

This argument fails in four ways:

1. The applicant contends that their activity meets the purpose of the RMA, as stated in S 2 (7) (i). This is incorrect. Section 2 (7) (i) is primarily concerned about the effects of their activity on climate change, not the effects of climate change on their activity.
2. The quoted “evidence” (NIWA’s Southland Climate Change Impact Assessment) is speculative at best. It does not provide a concrete basis for approving a non-complying activity. NIWA’s predicted climate changes have not yet manifested themselves and may never do so. If they did start occurring, the applicant then has the opportunity to apply for consent variation. The RMA provides for consent applications/variations to be lodged at any time, as a result of demonstrated changes in circumstances (including climate). “Predicted climate change” does not provide a credible basis for approving a non-complying activity.
3. All commercial cruise operators should be invited to participate when changes are proposed to the current restrictions on Doubtful Sound commercial surface water activities outlined in the Southland Regional Coastal Plan. Because there are restrictions on individual submissions from trade competitors, this is best done through a Plan Change, not a resource consent application. By excluding trade competitors, the resource consent process imposes an unfair trade advantage to the applicant.
4. There is no real analysis of the actual and potential effects on landscape, natural character, visual amenity and wilderness values on the affected areas. This is confirmed by the letter dated 24/01/2020 from George Gericke, Environment Southland, requesting further information. It appears that no response from the applicant has been provided (it is not on the Environment Southland website).

In addition, the applicant states that the total number of commercial day trips and backcountry trips that have been approved by Council within the Doubtful Sound / Patea

Complex is unknown. The is irrelevant. The Southland Regional Coastal Plan is clear that some parts of Doubtful Sound will not suffer from surface water activities, and others will. It then clearly states those areas that need additional restrictions and provides the precise extent of those restrictions. The applicant seeks to circumvent these restrictions with scant justification, through a process which is essentially unfair.

2. Sewage discharge

The applicant proposes to pump grey water to a land-based treatment facility, which will then discharge to Doubtful Sound via the Deep Cove Outdoor Education Trust waste water treatment plant, which has an existing consent. No information is provided on whether this extra discharge had been anticipated in the Deep Cove Outdoor Education Trust's application for this discharge consent. No information is provided on the effects of this extra discharge to the natural and physical resources of inner Doubtful Sound. No information is provided on fail-safe or contingency plans if there are any leaks or pump failures while transferring the discharge from the vessel to the waste water treatment plant.

The applicant also proposes to discharge treated sewage directly from the vessel into the outer sound under certain circumstances. This is not acceptable for ecological and cultural reasons. There is no information provided on how often these discharges have happened in the past or might happen in the future. Therefore, the applicant's contention that "*the proposal should only be viewed as having a minor effect*" cannot be properly assessed.

3. Landscape and visual amenity effects

The AEE considers these to be minor because of the transitory nature of the main vessel, tender vessels and kayaks. However, 30 kayaks and 2 tender vessels operating all at the same time will have a significant effect on visual amenity and wilderness values.

The applicant does not consider the viewing audience in its assessment of effects on landscape and visual amenity. In particular, trampers arriving at huts at Catherine Cove (George Sound) and Supper Cove (Dusky Sound) will be adversely affected if the main vessel, tender vessels and/or kayaks are operating there.

4. Mooring/anchoring

There is no assessment of the effects of anchoring on other users (e.g. recreational users and commercial fishermen) of Doubtful Sound. Parking a 44 metre long vessel in some of the smaller anchoring areas would prevent their use by other vessels, especially smaller vessels which might be in more need of shelter.

5. Use of helicopters

The applicant states “*Real Journeys Limited believes that reliance on helicopters to transfer passengers to and from the Fiordland Navigator would have effects on the environment that are more than minor and should be avoided.*”

I disagree with this statement. The use of helicopters in Fiordland is closely regulated by the Civil Aviation Authority and the Department of Conservation (through their concessions processes via the Fiordland National Park Plan). If helicopter transfers were used, then the number of possible alternative locations for undertaking day trips and backcountry cruises are virtually unlimited (or limited only by the pocketbooks of Real Journeys’s customers).

6. Relief Sought

I would like this application (reference APP-20201876) to be **declined** by Council.

Yours faithfully



W.P. Chisholm BSc, Msc (Hons)
Certified Environmental Practitioner

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 **Real Journeys Ltd** of **P O Box 1, 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. (a) This consent authorises the undertaking of commercial surface water activities, in the coastal marine area adjacent to Fiordland National Park from Yates Point to Puysegur Point, for one vessel of approximately 44 metres registered length with:
 - i. Up to 85 passengers plus crew for backcountry trips; and
 - ii. Up to 90 passengers plus crew for day trips; and
 - iii. The use of two tender craft and 30 single kayaks.

for the purpose of undertaking commercial day trips, backcountry trips and charter cruises, as described in the application for resource consent dated 8 January 2020¹ and further information received on 7 February 2020².

¹ Environment Southland electronic filing references A535744

² Environment Southland electronic filing reference A544632

- (b) An exception to condition 2(a) is during a Milford Road closure when Milford Sound passengers are diverted to Doubtful Sound or when the vessel operating under coastal permit 200125, or a replacement consent, is not available. During these occasions the number of passengers for day trips is up to 150 plus crew.

Operational Restrictions

4. (a) Subject to condition 4(b), the consent holder may only operate the vessel in the Doubtful Sound/Patea Complex for day trip purposes, as follows:

Area	Trips(s)/day
Deep Cove to embark or disembark passengers	No restriction
Doubtful Sound	1
Hall Arm	1
Crooked Arm east of Turn Point	1

The combined number of day trips in these areas shall number one in total.

- (b) This consent is complementary to, and is to be exercised in conjunction with, consent number 200125 and AUTH-20201878. The combined total of day trips under these resource consents for all vessels on any one day shall not exceed four.
5. The consent holder may only operate the vessel in the Doubtful/Patea Complex for backcountry trip purposes as follows:

Area	Trips/month
Deep Cove to embark or disembark passengers	No restriction
Doubtful Sound including Hall Arm	31
Thompson Sound	2
Bradshaw Sound (including Precipice Cove and Gaer Arm)	31
Crooked Arm east of Turn Point	31
Crooked Arm west of Turn Point	31
First Arm	12

6. The consent holder shall not operate associated activities, such as kayaks and tender vessels, during day trips or backcountry trips as follows:
- (a) In Hall Arm, inside a line from Davidson Head to Prindham Point.
- (b) In Crooked Arm in the area between 2 km west of Turn Point to 2.5 km from the head of the arm.
- (c) Within the Doubtful Sound Dolphin Protection Zones.
- (d) In Gaer Arm except for the head of Gaer Arm which may be used for kayaking and tender craft activities, and for no more than four days per calendar month.
- (e) No mooring or overnight anchoring in Hall Arm, other than the anchorage at the mouth of Hall Arm at position 45° 26' 42" S 167° 07' 15" E.
- (f) At Shelter Islands, there shall be no kayaking at any time of the year. Support vessels are not permitted to within 50 m of the shore, one hour before sunset until one hour after sunrise during the period of July through to March (inclusive).

7. 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.
8. The consent holder shall maintain a log of all operations, including sewage discharges, timing, number of passengers, purpose of all activities and location of activities, and inspections for hull fouling organisms, in accordance with condition 12 of this consent. A copy of the entries in this log shall be sent to the Consent Authority every three months.

Rubbish Disposal and Contaminant Spills

9. All rubbish shall be removed from the coastal marine area and disposed of at a designated refuse disposal site.
- 10.
- (a) A fuel/oil spill kit that is suitable for the operation must be available on the main vessel at all times. This spill kit shall contain, at a minimum:
 - (i) oleophilic booms, pads and pillows;
 - (ii) personal protection equipment;
 - (iii) plastic bags; 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.

Biosecurity

11. 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 hulls of all vessels operating under this Consent, including the main vessel, tender vessels and kayaks:
 - (i) be inspected for pests and fouling organisms, in particular *Undaria*;
 - (ii) clean and dry mooring lines, buoys and any other equipment that has come into contact with coastal waters, in a manner that kills marine pests and unwanted organisms;
 - (iii) after cleaning the hull and equipment, have the hull and associated equipment inspected by a suitably qualified person to ensure that there are no visible signs of marine pests and unwanted organisms; and
 - (b) six weeks after the inspection required in Condition 12(a) the Consent Holder shall inspect the main vessel, tender vessel, kayaks, mooring lines, buoys and any other equipment that has come into contact with coastal water to check for marine pests and unwanted organisms; and
 - (c) immediately after each inspection required in Condition 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.

12. The Consent Holder shall:
- (a) maintain the main vessel, tender vessel, and kayaks in a rodent free state at all times;
 - (b) maintain at least one bait station or trap in each of the pantries on the vessel at all times for the purposes of rodent eradication; and
 - (c) inspect the main vessel, tender vessel, and kayak compartments, and any cargo, for pests, in particular, rodents, and prior to re-entering the Fiordland marine area on each occasion; and

Reporting Requirements

13. 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;
 - (iii) number of passengers aboard the vessel for each day trip; and
 - (iv) the purpose of all activities, including use of the vessel and any ancillary activities such as: kayaking.
 - (c) the results of inspections for pests, unwanted organisms, or hull fouling organisms on the vessels, kayaks 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

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

