



Recommendation and decision on notification of resource consent application(s) under sections 95-95G of the Resource Management Act 1991 (RMA)

Summary

I recommend the application is processed on a publicly notified basis. This is because:

- Due to the nature and location of the proposed activity and the uncertainty of the effects, including cumulative effects, I am not satisfied that the effects of the proposed activity will be minor or less than minor;
- The proposal will increase the current level of commercial activity in the Fiordland CMA, including Tamatea/Dusky Sound, Te Rā/Dagg Sound and Te Puaitaha/Breaksea Sound which are areas where growing concerns are being expressed about increases in commercial surface water activity and associated effects; and
- These areas are recognised as having high significance to tangata whenua. I am not satisfied having reviewed the application that cultural effects will be minor or less than minor.

The application

Particulars

Applicant:	Gravity Fishing Limited
Application reference:	APP-20221926
Site address or location:	The Fiordland Coastal Marine Area between Yates Point and Tamatea/Dusky Sound
Resource consents required:	Coastal permit to undertake expedition cruises (backcountry trips) within the Fiordland Coastal Marine Area between Yates Point and Tamatea/Dusky Sound in the form of overnight charter fishing trips with one 17 metre vessel, one tender vessel and a maximum of 7 guests and 1 crew.
New consent(s) for new activity(ies) (s88)	<input checked="" type="checkbox"/>
New consent(s) for existing activity(ies) (s88)	<input type="checkbox"/>
Change to conditions of existing consent(s) (s127)	<input type="checkbox"/>

The proposal

Gravity Fishing Limited (the applicant) has applied for a new coastal permit to carry out commercial surface water activities within the Fiordland Coastal Marine Area between Yates Point and Tamatea/Dusky Sound.

The company proposes to undertake commercial surface water activities in the form of overnight charter fishing trips with the vessel ‘Gravity’ (17 metres) one tender vessel and with a maximum of 7 guests and 1 crew. Typical trips will be for 2-4 nights with no more than one trip per week. According to the application this translates to a theoretical maximum up to 126 days per annum, and trips are proposed to be undertaken between December and June of each year.

The application also described a typical trip which would entail the following components:

- The “Gravity” vessel will be berthed at Milford Sound/Piopirotahi from where all activities will commence
- In the early season fishing lures will be towed south to either Poison Bay or Hāwea/Bligh Sound (Northern Fiords) where guest would overnight on the vessel before returning to Milford Sound/Piopirotahi.
- Late in season lures will be towed further south towards Doubtful & Thomson Sounds. However, no day trips or backcountry trips are proposed within the Doubtful Sound/Patea Complex. During the late season the applicant will overnight further south around Anchor Island in Tamatea/Dusky Sound.
- The vessel will then return to Milford Sound/Piopirotahi.
- No fishing and diving will be undertaken inside the fiords. All diving and fishing activities will be undertaken in the open sea (outside of the Fiordland CMA) and does not form part of the scope of this application.

The vessel will not be operating within any parts of Fiordland where the number of discretionary trips are restricted by a rule in the Coastal Plan. Undertaking commercial surface water activities within the proposed areas of operation is a discretionary activity under Rule 16.2.1(7). Doubtful Sound/Patea and Thomson Sound/Te Awa-o-Tū will only be used as a thoroughfare to occasionally drop off and pick up passengers and access services at Deep Cove which is also a discretionary activity under Rule 16.2.1(7), and is provided for under Policy 16.2.9.

The term sought for the consent is 15 years.

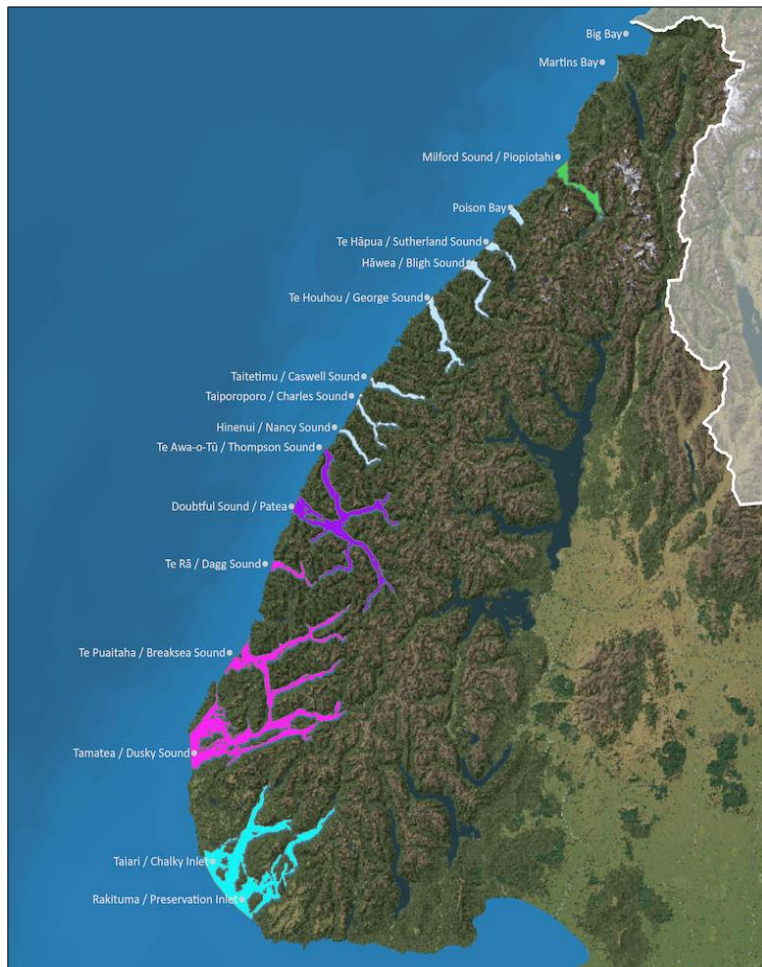


Figure 1: Fiordland Reference Map



Figure 2: The 'Gravity' vessel

Coastal permit	
Relevant rule(s)	Regional Coastal Plan: Commercial Surface Water Activity: 16.2.1 (7) Discretionary

Overall, the application is a **Discretionary** activity.

Public notification consideration

1. Is notification mandatory?

1.1	Has the applicant requested that the application be publicly notified? (s95(3)(a))	<input type="checkbox"/> Yes	Application must be publicly notified. Go to 10.2
		<input checked="" type="checkbox"/> No	Go to 1.2
1.2	Was further information, or commissioning of a report, requested under s92?	<input type="checkbox"/> Yes	Go to 1.3
		<input checked="" type="checkbox"/> No	Go to step 2.1
1.3	If yes, was the request refused, or did the applicant fail to respond or fail to provide the information by the deadline?	<input type="checkbox"/> Yes	Public notification is required by s95C. Go to 10.2
		<input checked="" type="checkbox"/> No	Go to step 2.1

2. Is notification precluded?

2.1	Is each activity subject to a rule or NES that precludes public notification?	<input type="checkbox"/> Yes	Go to 4.1
		<input checked="" type="checkbox"/> No	Go to step 2.2

2.2	Is each activity a controlled activity?	<input type="checkbox"/> Yes	Application must not be publically notified unless special circumstances exist. Go to 4.1
		<input checked="" type="checkbox"/> No	Go to 2.3
2.3	Is each activity a residential activity <u>and</u> a discretionary activity or a restricted discretionary activity?	<input type="checkbox"/> Yes	Application must not be publically notified unless special circumstances exist. Go to 4.1
		<input checked="" type="checkbox"/> No	Got to 3.1

3. Is notification required?

3.1	Are any of the activities subject to a rule or NES that requires notification?	<input type="checkbox"/> Yes	Application must be publicly notified. Go to 10.2
		<input checked="" type="checkbox"/> No	Go to 3.2
3.2	Will the activity have, or is it likely to have, adverse effects on the environment that are more than minor?	<input checked="" type="checkbox"/> Yes	Application must be publicly notified. Complete 3.3 and go to 10.2
		<input type="checkbox"/> No	Complete 3.3 and go to 4.1.

Note: In forming this opinion (a) to (e) apply:

- (a) we must disregard any effects on persons who own or occupy the land on which the activity will occur or any land adjacent to that land (section 95D(a));
- (b) we may disregard an adverse effect of the activity if a rule or NES permits an activity with that effect (subject to Policy 36 of the pSWLP) (95D(b));
- (c) in the case of a restricted discretionary activity, we must disregard any adverse effects that do not relate to the matters over which the rule or NES restricts discretion (95D(c));
- (d) we must disregard trade competition and the effects of trade competition - 95D(d); and
- (e) we must disregard any effect on a person who has given written approval - 95D(e)

3.3 Reasons adverse effects on the environment are more than minor

The existing environment

The proposal is for operations in the coastal marine area within Fiordland. While the Fiordland channels are named as 'sounds' (drowned coastal river valleys), they are actually fiords, created by glaciers, relatively long, narrow channels, often deep, with the land rising steeply on either side.

The fiords are unique estuarine systems. They have a variety of significant ecosystems, flora and fauna habitats, significant marine mammal and bird species and scenic and historic values. The land adjoining the area in which the applicant intends to operate forms part of Fiordland National Park, with largely indigenous vegetation/bush/forest. Fiordland is also recognised internationally as a UNESCO World Heritage Site, as part of the Te Wāhipounamu - South West New Zealand World Heritage Area.

Commercial vessels operate in the fiords, typically for tourism purposes. There are also private, non-commercial vessels present in the fiords.

The fiords are home to a number of native marine birds and mammals such as Fiordland Crested Penguins, Southern Fur Seals and a population of Bottle Nosed Dolphins that are unique to the Fiordland area.

Values of the area:

Section 3.2.4 of the Regional Coastal Plan describes the landscape of the area between Awarua Point to Big River as virtually unmodified with extremely high natural character values. *"Together with the extremely*

high natural character of the adjoining land, the natural character of the coastline and coastal waters creates a coastal environment of outstanding and unparalleled quality internationally.” Section 3.2.7 states that “fiords are probably the most significant coastal landform in this region and are outstanding natural features. Fiords are relatively rare worldwide but the New Zealand fiords are unique as a result of the environment within which they are located, particularly the high inflow of fresh water.”

Appendix 4 of the Regional Coastal Plan includes coastal landscape assessments. The Fiords landscape assessment identifies the fiord landscape as natural with high inherent value, and outstanding wilderness qualities.

Appendix 5 of the Regional Coastal Plan identifies the fiords as an ACVS (Area Containing Significant Values). The following significant values are identified for the fiords: Maori cultural values, estuaries, marine mammals and birds, ecosystems, flora and fauna habitats, scenic values, historic values and coastal landforms.

The coastal marine area of Fiordland/Te Mimi o Tu Te Rakiwhanoa is also a statutory acknowledgement area under Schedule 102 of the Ngāi Tahu Claims Settlement Act. The Crown has acknowledged Ngāi Tahu’s cultural, spiritual, historic and traditional association with the area.

Adverse effects of the proposed activities on the environment

The following aspects and potential adverse effects on the receiving environment associated with the proposal were considered:

Noise effects

The permitted baseline for noise levels from the vessel to be used is stipulated in the Coastal Plan under Rules 5.3.4 and 5.3.6.

The noise assessment undertaken by the applicant has illustrated that the noise levels that will be generated by the vessel is expected to adhere to the noise level requirements set in the RCP, and is therefore expected to be no more than minor.

Public access and navigational safety

The point of embarkation will be from Milford Sound/Piopiotahi where the applicant has an arrangement to share in the use of berth 8A at the Deepwater Basin berthage facility. With a dedicated point of embarkation and the availability of a public boat ramp at Deepwater Basin I do not consider that the proposed activity will restrict public access to the CMA.

The applicant has indicated that the vessel will operate under the Maritime Operator Safety System, and provided a copy of their current Marine Transport Operating Plan. Environment Southland’s Harbourmaster has also reviewed the proposal and did not have any concerns with navigational safety as confirmed on 12 March 2022 Maritime New Zealand also confirmed on 23 March 2022 that they have no navigational safety concerns. Based on these responses I am satisfied that effects on navigational safety will be less than minor.

Wildlife, habitats and ecosystems

The operation will be using a relatively small vessel in comparison to larger cruise vessels already operating within the fiords and will only make use of existing infrastructure. The applicant is also aware of marine reserves, and ‘china shops’ under the Coastal Plan, and will adhere to rules relevant to those protected areas. The application also indicated that applicant will not be operating any tours focused on marine

mammal viewing. I also note that all diving and fishing activities will be undertaken in the open sea, and that no fishing or diving activities will be undertaken inside the fiords.

However, the proposal will increase the current level of commercial activity in the Fiordland CMA, including Tamatea/Dusky Sound, Te Rā/Dagg Sound and Te Puitaha/Breaksea Sound. These are areas where growing concerns are being expressed by a number of agencies and interest groups, including the Department of Conservation about increases in the number of vessels operating in these areas and the associated cumulative effects that the presence of these vessels may have on cultural values, remoteness and wilderness values, and also on the ecological values of these areas.

Therefore, while it is acknowledged that the proposed activity is small in scale compared to some other existing commercial surface water activities operating in these areas, I am not satisfied that the cumulative effects from the presence of an additional vessel on the ecological values of these areas will be minor. Therefore, I consider that cumulative effects of the proposal on ecological values are may be more than minor.

Wake effects

The effects of wake that will be produced by the vessel on the surrounding landforms, flora, fauna, structures or vessels is expected to be less than minor due to speed limitations near shore and the nature of the shorelines. I expect that wake effects will be no more than the effects produced by natural wave action.

Cultural and historical values

The proposed surface water activities are to be undertaken within the Tū Te Rakiwhānoa (Fiordland Coastal Marine Area) which is a statutory acknowledgement area under Schedule 102 of the Ngāi Tahu Claims Settlement Act 1998.

I note that the applicant has included correspondence from Te Ao Marama Inc (TAMI) dated 18 December 2020, in which TAMI considered that the application is not inconsistent with Te Tangi a Taurira, 2008 (Ngāi Tahu ki Murihiku Natural Resource Management Plan), and that rūnanga do not oppose the application proceeding through the non-notified resource consent process.

However, on 24 May 2021 Council received subsequent correspondence from the Fiordland Marine Guardians (FMG) and Te Ao Marama Inc (TAMI) in which they have jointly raised strong concerns about the current level of activities and the number of new proposed activities in the Fiordland CMA, especially in Tamatea/Dusky Sound, Te Rā/Dagg Sound, Te Puitaha/Breaksea Sound and the Southern Fiords. Both FMG and TAMI have indicated that they will not provide further written approval for any applications for new commercial surface water activities until such time as they have sufficient information to fully assess the cumulative effects of these activities. Similar concerns have also been raised during recent hearings for similar and other activities in the Fiordland CMA.

Therefore, given that the proposed activities are to be undertaken in areas where strong concerns have been expressed by TAMI (subsequent to prior correspondence with the applicant) about the cumulative effects from increased vessel numbers on cultural values, I am not satisfied that the cumulative effects from the presence of the proposed additional vessel on cultural values will be minor. Therefore, I consider that cumulative effects of the proposal on cultural values may be more than minor.

Bio-invasion

The operator will comply with the Fiordland Marine Regional Pathway Plan and will hold a Clean Vessel Pass before entering the waters of Fiordland. In addition, the tender craft and gear such as ropes will be cleaned to remove the risk of foreign organisms entering Fiordland waters.

The application also states that the vessel will be maintained in a rodent free state at all times by maintaining at least one bait station or trap on the vessel for the purposes of rodent eradication. The vessel and any cargo will also be inspected for pests, in particular, rodents prior to re-entering the Fiordland coastal marine area on each occasion.

Provided these measures are implemented I am satisfied that potential bio-invasion risks will be no more than minor.

Sewage, wastewater discharge and rubbish

The application discusses sewage and rubbish disposal. All rubbish will be kept on-board until it will be disposed of on to onshore facilities at Deepwater Basin in Milford Sound/Piopiotahi.

The application states that the vessel has sewage holding tank with a capacity of 180 litres. All sewage from vessel will initially be stored in the tank and will later be discharged at sea in accordance with the Marine Pollution regulations. No discharges will occur in the fiords.

Provided these measures are implemented I am satisfied that adverse effects from sewage, waste water discharge and rubbish disposal will be no more than minor.

Natural character, remoteness and wilderness values

Policy 16.2.8 of the Coastal Plan seeks to protect the opportunity for remoteness and wilderness experiences in all of the principle Arms, Inlets and Fiords of Fiordland (apart from Milford Sound). The explanation under this policy provides further context:

'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'.

Policy 4.7.1 of the Coastal Plan also seeks to avoid, remedy or mitigate adverse cumulative effects of activities in the coastal marine area. The explanation under this policy states that:

'At the time of considering development proposals for the coastal marine area, regard needs to be given to the adverse cumulative effects of activities. In order to determine adverse cumulative effects of activities over time, environmental base line studies and monitoring will be required. In some instances, it may also be appropriate to monitor changes to people's perceptions of an area over time'.

In the context of commercial surface water activities in Fiordland one would need to have regard to the existing level of activities in an area, and in that context consider the potential adverse cumulative effects from any new commercial surface water activities to protect the opportunity for remoteness and wilderness experiences. Any increase in activity may compromise those values resulting in adverse

cumulative effects. As such, individual activities by themselves may have a minimal impact, but the combined influence of all activities in any given area may give rise to adverse cumulative effects.

Currently there are sixteen vessels consented to operate backcountry trips between Yates Point and Pusegur Point (i.e. the entire Fiordland CMA). This means they can operate within Dusky Sound/Tamatea, Te Rā/Dagg Sound and Breaksea Sound/Te Puaitahu. In addition to back country trips there are also research, management and pilot vessels consented to operate. The majority of those are consented to undertake backcountry trips and are also consented to use a tender vessel and kayaks to support their activity. A small number of consents also specifically mention that passengers may be picked up or dropped off via helicopter. The following graph shows the number of trips completed in the 2019 year (prior to the Covid pandemic)¹.

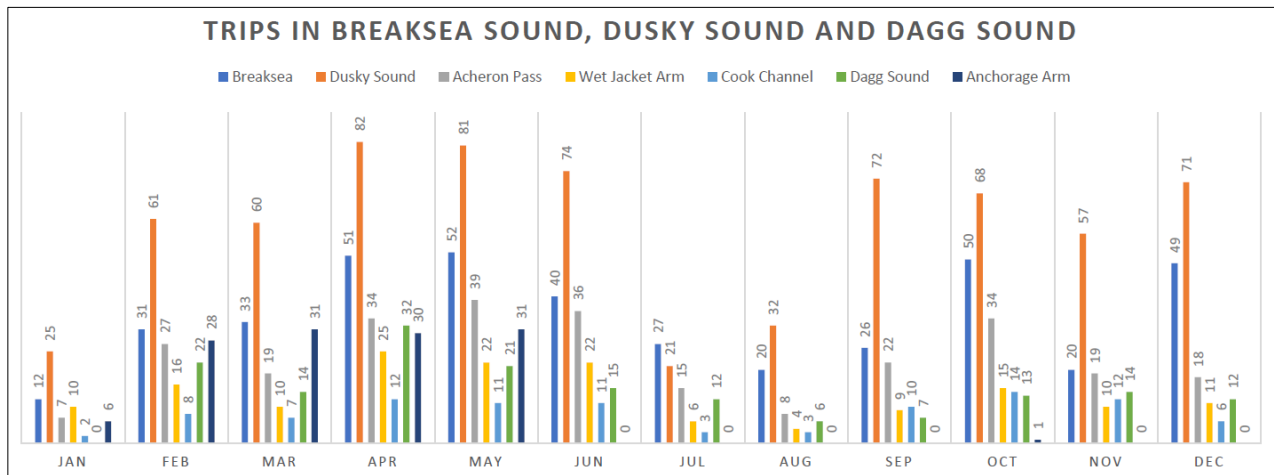


Figure 3: Trips in Breaksea Sound, Dusky Sound and Dagg Sound from 2019 activity returns

I also refer to a recent report by Dr. Kay Booth² that was compiled to inform Council’s current Coastal Plan Review process, in which it was identified that Tamatea/Dusky Sound has experienced the largest increase in use of any fiord as a result of the Covid pandemic, with the increase being associated with the growth in charter trips.

I note that it is the applicant’s assessment that the cumulative effects on the natural character of the proposed areas of operation will be no more than minor due to the ‘light’ footprint of the proposed activities, the temporary and transitory nature of the proposed activities, the dominance of the landscape and its capacity to absorb the presence of the vessel and the maximum operating period of 7 months in any given year.

However, FMG and TAMI have raised strong concerns about the current level of activities, the number of new proposed activities in the Fiordland CMA and the potential cumulative effects on natural character, remoteness and wilderness values of the Fiordland CMA, and Tamatea/Dusky Sound, Te Rā/Dagg Sound and Te Puaitaha/Breaksea Sound in particular. Council is also aware that other agencies hold views as to increased commercial surface water activity in these areas, based on correspondence received over the last 2-3 years.

¹ Robertson R & Graham B (2022), *Fiordland Coastal Waters Context*, SLWP client report prepared for Southland Regional Council.

² Booth, K. (2022). *Wilderness and Remoteness Values of Fiordland Waters*. Prepared for Environment Southland Te Taiao Tonga by Lindis Consulting, New Zealand.

I've requested a further assessment of the proposal against the provisions of Objective 16.1.3 and Policies 4.7.1 and 16.2.8 of the Coastal Plan and the potential cumulative adverse effects on remoteness and wilderness values of Tamatea/Dusky Sound, Te Rā/Dagg Sound, Te Puitaha/Breaksea Sound and the Southern Fiords, preferably with someone qualified in assessment of effects on these values. However, the further information provided by the applicant on 14 July 2022 in my opinion did not appropriately consider the potential cumulative effects from the presence of an additional vessel and its associated activities on the abovementioned values of these areas.

After considering the recognised increase in activity levels in Tamatea/Dusky Sound, the concerns raised by FMG, TAMI and other agencies, the applicant's assessment and further information provided, I am unable to be satisfied that the cumulative effects of the proposed activity on natural character, remoteness and wilderness values of some of the areas where the applicant proposes to operate will be minor or less than minor. Therefore, I consider that cumulative effects of the proposal on these values are likely to be more than minor.

Planning provisions (policies and objectives) relevant to adverse effects

Relevant Regional Coastal Plan for Southland 2013 (RCP)

The following objectives and policies are of particular relevance to this application:

- | | |
|------------------------|--|
| <i>Objective 4.7.1</i> | <i>Avoid, remedy or mitigate cumulative adverse effects.</i> |
| <i>Objective 4.7.2</i> | <i>To obtain a level of use which is appropriate in the coastal marine area, particularly in areas where remoteness, wilderness and tranquillity are significant components of the environment.</i> |
| <i>Policy 4.7.1</i> | <i>To avoid, remedy or mitigate adverse cumulative effects of activities in the coastal marine area.</i> |
| <i>Objective 5.1.1</i> | <i>Preserve the natural character of the coastal marine area.</i> |
| <i>Policy 5.1.1</i> | <i>Adopt the policies contained in Chapter 1 of the New Zealand Coastal Policy Statement in so far as they apply to the coastal marine area.</i> |
| <i>Policy 5.1.2</i> | <i>Protect areas from noise intrusion where the absence of unnatural noise is a significant component of the natural character of the area.</i> |
| <i>Objective 5.2.1</i> | <i>To protect outstanding natural features and landscapes in the region's coastal marine area from the adverse effects of use, development, and subdivision.</i> |
| <i>Policy 5.2.1</i> | <i>Identify and protect outstanding natural features and landscapes within the coastal marine area.</i> |
| <i>Policy 5.2.3</i> | <i>Consult with the tangata whenua and take into account tangata whenua cultural, traditional and spiritual values in relation to issues affecting landscapes and natural features.</i> |
| <i>Objective 5.3.1</i> | <i>To ensure that the use and development of the resources of the coastal marine area will not have significant adverse effects on amenity values, nor on the safety of the public, nor on the enjoyment of the coast by the public.</i> |

<i>Policy 5.3.1</i>	<i>Protect amenity values of the coastal marine area.</i>
<i>Policy 5.3.15</i>	<i>Protect amenity values of the coastal environment from the adverse effects of artificial noise in the coastal marine area.</i>
<i>Objective 5.4.1.2</i>	<i>To protect the intrinsic values of ecosystems in the coastal marine area.</i>
<i>Policy 5.4.1.2</i>	<i>Protect the habitats of species in the coastal marine area which are important for commercial, recreational, traditional or cultural purposes.</i>
<i>Objective 5.5.1</i>	<i>Where appropriate, to maintain and enhance public access by suitable means to and along the coastal marine area.</i>
<i>Policy 5.5.3</i>	<p><i>Maintain and enhance public access to and along, the coast while having regard to the mode of access and the amenities of the area, unless a restriction on access is necessary to:</i></p> <ul style="list-style-type: none"> <i>a. protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna; or</i> <i>b. protect Maori cultural values; or</i> <i>c. protect public health or safety; or</i> <i>d. ensure a level of security consistent with the purpose of a resource consent; or</i> <i>e. protect national security or the temporary use of an area for defence purposes; or</i> <i>f. protect heritage, natural or cultural values; or</i> <i>g. in other exceptional circumstances sufficient to justify the restriction notwithstanding the national importance of maintaining that access.</i>
<i>Objective 5.6.1</i>	<i>To recognise and provide for cultural, spiritual and traditional values and uses of Ngai Tahu in the coastal marine area.</i>
<i>Policy 5.6.1</i>	<i>Have particular regard to the concept of kaitiakitaka in relation to managing the use, development and protection of natural and physical resources in the coastal marine area.</i>
<i>Objective 7.3.2.1</i>	<i>To avoid adverse effects on the amenity of the coastal marine area caused by inappropriate discharge of waste products of marine species from ships in the coastal marine area.</i>
<i>Policy 7.3.2.1</i>	<i>Avoid, remedy or mitigate the adverse effects of the discharge of contaminants into the coastal marine area of Southland.</i>
<i>Policy 7.3.2.12</i>	<i>Strongly discourage discharges of human sewage and ballast water into coastal waters from ships.</i>
<i>Policy 9.1.2</i>	<i>Where occupation is required and deemed necessary, the Council favours preferential occupation over exclusive occupation.</i>
<i>Policy 9.1.4</i>	<i>Limit the area of exclusive occupation to that necessary to undertake the activity for which the right to occupy is needed.</i>
<i>Objective 16.1.2</i>	<i>To preserve the remoteness and wilderness values of the internal waters of Fiordland.</i>

Policy 16.2.2 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 16.2.8 Protect the opportunity for remoteness and wilderness experiences in all of the principle Arms, Inlets and Fiords of Fiordland apart from Milford Sound.

Conclusion: significance of adverse effects on the environment

While it is acknowledged that the proposed activity is small in scale compared to some other existing commercial surface water activities operating in these areas, I am not satisfied that the cumulative effects from the presence of an additional vessel on the on ecological, cultural and natural character, remoteness and wilderness values will be minor. Therefore, the proposal may have cumulative effects that are more than minor.

4. Special circumstances and public notification

4.1 Do special circumstances exist in relation to the application that warrant the application being publicly notified?	<input type="checkbox"/> Yes	Application must be publicly notified. Explain reasons in 4.2 and go to 10.2
	<input checked="" type="checkbox"/> No	Explain reasons in 4.2. and go to 5.1

4.2 Reasons why special circumstances do or do not exist:

I do not consider there to be special circumstances as the activities are not out of the ordinary, the circumstances around the application are not unusual or exceptional and the regional plans provide for the activity.

Affected Parties and Limited Notification

5. Protected Customary Rights Group or Customary Marine Title group

5.1 Is the activity in the coastal environment, within an area where it may adversely affect a protected customary rights group(s) or a customary marine title group(s) (see s95G)?	<input type="checkbox"/> Yes	Go to 5.2
	<input checked="" type="checkbox"/> No	Go to 6.1
5.2 May the activity have adverse effects on a protected customary right carried out in accordance with the requirements of Part 3 of the Marine and Coastal Area (Takutai Moana) Act 2011?	<input type="checkbox"/> Yes	The customary rights group(s) is an affected customary rights group(s). Application must be limited notified on them. Record in 5.3 and go to 6.1
	<input type="checkbox"/> No	Go to 6.1

5.3 Adversely affect a protected customary rights group(s) or a customary marine title group(s)

There are no protected customary right or customary marine title groups at present, although Te Rūnanga o Ngāi Tahu is a customary marine title applicant group for which a decision is yet to be made. A copy of the report was sent to Te Rūnanga o Ngāi Tahu with no response to date.

6. Statutory Acknowledgement Areas

6.1 Is the activity on or adjacent to, or may it affect, a statutory acknowledgement area?	<input checked="" type="checkbox"/> Yes	Go to 6.2
	<input type="checkbox"/> No	Go to 7.1
6.2 Are the adverse effects on Te Rūnanga o Ngāi Tahu minor or more than minor?	<input checked="" type="checkbox"/> Yes	Include TRONT in 8.2 and go to 6.3
	<input type="checkbox"/> No	Go to 6.3

6.3 Reasons why adverse effects on Te Rūnanga o Ngāi Tahu are less than minor, minor or more than minor

The proposed surface water activities are to be undertaken within the Tū Te Rakiwhānoa (Fiordland Coastal Marine Area) which is a statutory acknowledgement area under Schedule 102 of the Ngāi Tahu Claims Settlement Act 1998, and Te Rūnanga o Ngāi Tahu and local rūnanga may therefore be affected by the proposed activities.

7. Is limited notification precluded?

7.1 Is each activity subject to a rule, NES or regulation that precludes limited notification?	<input type="checkbox"/> Yes	Go to 9.1
	<input checked="" type="checkbox"/> No	Go to 8.1

8. Are any people adversely affected?

8.1 Are the adverse effects on a person minor or more than minor (but not less than minor)?	<input checked="" type="checkbox"/> Yes	Go to 8.2
	<input type="checkbox"/> No	Go to 8.3

8.2 Person(s) considered to be adversely affected (complete and go to 8.3)

Person	Reasons why effect is minor or more than minor	Has written approval been provided?
Te Ao Marama Inc	Activity may impact on cultural & spiritual values and affect ability to exercise kaitiakitanga.	No
Te Rūnanga o Makaawhio Inc	Activity may impact on cultural & spiritual values and affect ability to exercise kaitiakitanga.	No
Te Rūnanga o Ngāi Tahu	Activity may impact on cultural & spiritual values and affect ability to exercise kaitiakitanga, particularly as this is within a statutory acknowledgement area, and they are a customary marine title applicant group.	No
CRA8 Rock Lobster Industry Association Inc	Policy 11.7.7.2 requires that the fishermen's association be consulted for applications in areas that are either fished or navigated. CRA8 is the current contact for Fiordland fishermen.	No
Fiordland Marine Guardians	The proposal may affect the effective management of the Fiordland Marine Area.	No

Department of Conservation	The proposal has the potential to affect wildlife, ecosystems and habitat, and interaction with the crown land and national park administered by DOC.	No
----------------------------	---	----

8.3 Reasons why no other person is considered to be adversely affected:

The other commercial surface water activity operators in the area are trade competitors. Trade competition and the effects of trade competition cannot be considered under the RMA. Therefore, I do not consider that the other commercial operators are adversely affected, while also acknowledging that there may be other users of the area that are not consent holders, and which Council is not aware of.

9. Special Circumstances – Limited Notification

9.1 Are there special circumstances that warrant limited notification of any other persons?	<input type="checkbox"/> Yes	Application must be limited notified to those persons and any other affected persons. Go to 9.2
	<input checked="" type="checkbox"/> No	Go to 10

Recommendation and decision

10. Officer's recommendation

10.1 The application be processed non-notified	<input type="checkbox"/>
10.2 Public notification is required/recommended	<input checked="" type="checkbox"/>
10.3 The application be placed on hold while the applicant tries to obtain written approvals from the affected persons	<input type="checkbox"/>
10.4 Limited notification is required. Persons to be served notice are those listed in 8.2	<input type="checkbox"/>



George Gericke
Consents Officer

Date: 14 July 2022

Decision under Delegated Authority

11.1 I agree with the recommendation	<input checked="" type="checkbox"/>
11.2 The application will be processed non-notified	<input type="checkbox"/>
11.3 The application will be publicly notified	<input checked="" type="checkbox"/>
11.4 The application shall be placed on hold while the applicant tries to obtain written approvals from the affected persons	<input type="checkbox"/>
11.5 The application will be limited notified. The parties to be served notice are those listed in section 8.2	<input type="checkbox"/>

This decision is made under delegated authority by:

A handwritten signature in black ink, appearing to read 'Bruce Halligan', with a small dot at the end.

Bruce Halligan
Consents Manager

Date: 14 July 2022