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22 September 2020

The Consents Manager  
Environment Southland  
Private Bag 90116  
Invercargill 9840



Dear Sir/Madam,

***Offspring Travel Limited***

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

**1. Introduction**

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

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

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

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

Consent is sought for a term of 25 years.

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

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

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

## **2. Description of Activity**

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

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

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

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

The applicant proposes to operate the kayaking operation as follows:

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



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

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

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

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

**Table 1:** Proposed number of trips to be undertaken.

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

### **3. Consideration of actual and potential effects on the environment**

#### **3.1 Overview**

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

#### **3.2 Impact on Landscape and Natural Character**

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

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

...

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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



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

### **3.3 Impact on significant habitats of indigenous fauna**

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

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

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

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

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

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

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



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

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

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

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

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



### **3.4 Impact on Public Access, Navigation and Safety**

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

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

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

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

### **3.5 Noise**

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

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



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

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

### **3.6 *Impact of the wake***

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

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

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

### **3.7 *Bio invasion***

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

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

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

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

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

### **3.8 *Rubbish and Waste***

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

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

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

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



### **3.9 Hazardous substances**

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

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

### **3.10 Cumulative effects**

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

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

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

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



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

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

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

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

### **3.11 Compliance History**

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

### **3.12 Summary**

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



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

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

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

#### **4. Consideration of Statutory Documents**

##### **4.1 Overview**

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

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

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



## 4.2 *New Zealand Coastal Policy Statement*

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

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

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

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

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

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

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



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

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

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

#### **4.3 Regional Policy Statement**

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

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

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

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



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

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

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

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



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



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

#### Comment

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

#### **4.5 Regional Coastal Plan for Southland**

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

<b>Objective 4.2.1 - Need for coastal location</b>	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.
<b>Policy 4.2.1 - Justifying coastal location</b>	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.
<b>Policy 4.2.2 - Consideration of alternatives</b>	Where the adverse effects of use or development are more than minor, require alternative sites and methods be considered to determine the option that best avoids, remedies or mitigates the adverse effects of the use and development of the coastal marine area.
<b>Comment</b>	<i>The need for this activity to be in the coastal marine area is self-evident. There are other areas where the proposed activity could be undertaken, however they</i>



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

	<p><i>trips rather than the daily activity. Cumulative effects are considered to be less than minor.</i></p> <p><i>Any cumulative impact is mitigated by the fact that the area within Doubtful Sound is large, with few operators undertaking day trips in these areas.</i></p>
<b>Objective 4.8.1 - Distinguish between commercial and non-commercial surface water activities</b>	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.
<b>Policy 4.8.1 - Commercial activities in the coastal marine area</b>	To distinguish, where appropriate, commercial activities in the coastal marine area from non-commercial activities.
<b>Comment</b>	<i>This activity is a commercial surface water activity. While some recreational vessels visit the area, the remoteness limits the numbers that do so. Fishing vessels are the other type of craft that frequent this remote area. No limits have been put on activities of this type in the Plan, rather it is the significance of potential adverse effects that will eventually create a limit, but it is submitted that that stage has not yet been reached.</i>
<b>Objective 5.3.1 - Protection of amenity values</b>	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.
<b>Objective 5.3.3 - Open space</b>	To recognise, maintain and enhance the contribution that open space makes to the amenity values in the coastal environment.
<b>Objective 5.3.7 – Noise levels</b>	To ensure that the effects of noise in the coastal marine area do not adversely affect people's health and well-being, natural character and amenity values.
<b>Policy 5.3.1 – Amenity values</b>	Protect amenity values in the coastal marine area.
<b>Policy 5.3.3 - Deposition of solid waste</b>	Avoid the deposition of solid waste in the coastal marine area.



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



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



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



	Fiordland National Park that contribute to a range of high quality experiences in a natural coastal environment.
<b>Objective 16.1.2 – Preserve remoteness values</b>	To preserve the remoteness and wilderness values of the internal waters of Fiordland.
<b>Objective 16.1.3 – Effects of surface water activities on intrinsic values</b>	To ensure that commercial and private recreational surface water activities do not adversely affect the intrinsic values of the Fiordland coastal environment.
<b>Policy 16.2.1 – Identify and protect areas at risk of diminished natural character, landscape and amenity values</b>	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.
<b>Policy 16.2.2 – Extent and number of commercial activities</b>	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.
<b>Comment</b>	<p><i>A discretionary limit for commercial surface water activities is specified in the plan, however due to this limit already being exceeded, the proposed activity is to be assessed as a non-complying activity.</i></p> <p><i>The level of activity, based on anecdotal evidence due to no quantitative data being available, has not had an effect on the natural character, landscape and amenity values, specifically remoteness and tranquillity values of the Doubtful Sound complex.</i></p>
<b>Policy 16.2.8 – Remote and Wilderness Values in the Fiords, Inlets and Arms</b>	Protect the opportunity for remoteness and wilderness experiences in all of the principle Arms, Inlets and Fiords of Fiordland apart from Milford Sound.
<b>Comment</b>	<p><i>The activities proposed offer the feeling of remoteness and wilderness in an unmodified environment, therefore it is in the applicant’s interest to protect that environment.</i></p> <p><i>The proposed activities are not in an area where there is already heavy development, nor are they in an area where there is currently no development, or other vessel access.</i></p>



<b>Policy 16.2.9 – Use of Doubtful Sound and Thompson Sound as a Thoroughfare</b>	<p>Provide for commercial surface water activity to use Doubtful Sound and Thompson Sound where it is necessary to:</p> <ol style="list-style-type: none"> <li>1. pick up or off-load passengers to or from shore;</li> <li>2. access services;</li> <li>3. access wharves or launching areas;</li> <li>4. travel from one arm of Doubtful Sound to another in the case of commercial backcountry activities;</li> <li>5. off-load cargo and uplift stores;</li> <li>6. carry out activities associated with the construction and maintenance of the Manapouri Power Scheme and tailrace.</li> </ol>
<b>Comment</b>	<p><i>The applicant will use Doubtful Sound to travel to areas that are safe for the kayaking activity to be undertaken.</i></p>
<b>Policy 16.2.13 – Surface Water Activities that are incidental to a principal commercial surface water activity</b>	<p>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.</p>
<b>Rule 16.2.1 – Commercial Surface Water Activity</b>	<p>...</p> <p>2) Except as provided for by (4) or (6) below, it is a non-complying activity to undertake commercial day trips: a on Hall Arm; b on Doubtful Sound, Thompson Sound or Crooked Arm east of Turn Point.</p> <p>4) Except as provided for by (6) below, it is a discretionary activity to undertake commercial day trips:</p> <p>a) on Hall Arm, provided that within this area the total number of commercial day trips undertaken by all operators does not exceed five on any day;</p> <p>b) on Doubtful Sound, Thompson Sound or Crooked Arm east of Turn Point, provided that within this area the total number of commercial day trips undertaken by all operators does not exceed five on any day.</p>



	<p>5) Except as provided for by (6) below, it is a discretionary activity to undertake commercial backcountry activities:</p> <ul style="list-style-type: none"> <li>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;</li> <li>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;</li> <li>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;</li> <li>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;</li> </ul> <p>provided that no overnight mooring occurs in Hall Arm ...</p> <p>7) Unless provided for by Rules 16.2.1(1)-(6) above or otherwise specified in this Plan, it is a discretionary activity to undertake any commercial surface water activities in the internal waters of Fiordland from Yates Point to Puysegur Point.</p>
<p><b>Comment</b></p>	<p><i>Offspring Travel Ltd currently holds day trip allocation under its current consent for its kayaking operation. Day trip allocation is required for the use of the safety vessel used to accompany kayaking tours to assist kayakers in the event of emergency or adverse weather conditions. The two day trip requires backcountry allocation under the definition of a backcountry trip in the RCP.</i></p>

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

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

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



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

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

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

#### **4.6 *Fiordland National Park Management Plan***

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

#### **4.7 *Fiordland Marine Conservation Strategy***

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

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

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

*104D Particular restrictions for non-complying activities*



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

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

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

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

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

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



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

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

## **6. Consultation**

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

### Customary Marine Title Applicants

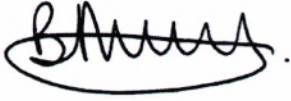
The two listed customary marine title applicants have been sent a copy of the application seeking their comments on the application. Any correspondence received will be forwarded onto the processing officer.

## **7. Conclusion**

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

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

Yours faithfully,



Bridgett Aitken  
**Planner, Bonisch Environmental**



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# ***Statutory Application Form***

## ***Part A***

*Includes certificate of Incorporation*

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

Yes  No

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

AUTH- 203196

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

Yes  No

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

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

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

4 **Location** of proposed activity

Address: Doubtful Sound, Fiordland

Legal Description: \_\_\_\_\_

Map Reference (NZTM 2000): 1144250 E 4847700 N

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

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

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

## 7 Assessment of effects on the environment (AEE)

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

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

You should also include:

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

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

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



**8 Affected Parties**

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

**9 Correspondence from Council when using a consultant**

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

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

**10 Site visit from the Consents Team**

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

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

**11 How much will it cost to process my application?**

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

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

[www.es.govt.nz/fees-and-charges](http://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:

<b>1. Fixed fee:</b>	
Bores and wells	\$297
Whitebait stand	\$225
<b>2. Deposit:</b>	
All other non-notified applications including: <ul style="list-style-type: none"> <li>• Certificates of compliance</li> <li>• Changes to consent conditions (variations)</li> <li>• Change of lapse date</li> </ul>	\$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 m<sup>3</sup>/day):**
  - A charge of **\$1.98** per year per cubic metre authorised as a maximum daily take.
  - Minimum of **\$138**, maximum of **\$7,964**.
- **Surface water takes (per consent, for volumes over 50,000 m<sup>3</sup>/day):**
  - **\$0.0031** per cubic metre authorised as a maximum daily take.
- **Groundwater takes (per consent):**
  - A charge of **\$0.93** per year per cubic metre.
  - Minimum of **\$162**, maximum of **\$1,871**.

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

**12 Checklist: Have you included the following?**

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

**Note:**

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

**Signature of applicant**

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

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

Name (block capitals) BRIDGETT AITKEN

Signed  Date 22/9/2020

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



# Certificate of Incorporation

OFFSPRING TRAVEL LIMITED

1439804

NZBN: 9429035679592

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



Registrar of Companies  
28th day of May 2020



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***Part B Form  
Coastal Permit***

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# Application for a Coastal Permit (PART B)

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



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

To: Environment Southland  
Private Bag 90116  
Invercargill 9840

## 1 What is this application for?

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

2 What duration of resource consent is sought? 25 years

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

Please refer to attached documentation

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

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

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

Contracting company name: \_\_\_\_\_

Contact person: \_\_\_\_\_

Phone number: \_\_\_\_\_

**Existing Environment**

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

- (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 attached AEE



6 contd

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

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

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

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

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

N/A

*Assessment of Effects*

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

Please refer to attached AEE

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

Please refer to attached AEE

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

Please refer to attached AEE



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

Please refer to attached AEE

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

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

Please refer to attached AEE

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

Please refer to attached AEE

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

Please refer to attached AEE

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

Please refer to attached AEE

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

Please refer to attached AEE

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

Please refer to attached AEE



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

Please refer to attached AEE

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

N/A

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

Please refer to attached AEE

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

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

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

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

END OF FORM



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***Coastal Permit Technical  
Comment Form***

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# Coastal Permit Technical Comment



## For all consent applications that may affect navigational safety

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

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

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

### Section 1: Applicant to complete

Name: Offspring Travel Ltd

Address: PO Box 81, Te Anau

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

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

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

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

### Section 2: Harbourmaster or the Deputy Harbourmaster to complete

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

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

Other (Comment): \_\_\_\_\_



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

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

Other (*Comment*): \_\_\_\_\_

**Further comments:**

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

**Section 3** Harbourmaster or the Deputy Harbourmaster to complete

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

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**Harbourmaster / Deputy Harbourmaster**

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

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## ***Compliance History Summary***

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## FULL COMPLIANCE OBSERVATION LISTING

Authorisation: AUTH-203196

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

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



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

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



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

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***Copy of Current Consent***

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**environment  
SOUTHLAND**

**AUTH-203196**

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Invercargill

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## **Coastal Permit**

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

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

### **Details of Permit**

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

### **History of Changes and Transfers**

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

### **Schedule of Conditions**

#### *Term and Purpose*

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

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

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

(a) a full day tour:

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

and

(a) an early day tour:

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

or

(c) a two day tour:

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

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

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

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



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

*Restrictions on Operations*

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

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

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

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

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

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

*Effluent Discharge*

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

*Rubbish Disposal and Contaminant Spills*

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

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

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

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

#### *Noise*

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

#### *Hull Inspections*

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

#### *Other Permits*

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

#### *Council Charges*

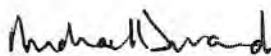
15. The consent holder shall pay to the Southland Regional Council an administration and monitoring charge as set out in Section 36 of the Resource Management Act, in advance, payable on the first day of July each year.

*Review of Conditions*

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

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

for the **Southland Regional Council**



Michael Durand  
**Consents Manager**



## **Appendix 1 Regional Coastal Plan**

### **Rule 5.3.4 General noise limits**

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

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

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

This rule shall not apply to:

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

### **Rule 5.3.6 Noise limits for ships in motion**

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

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

### **Rule 16.2.1 Commercial Surface Water Activity**

1. It is a prohibited activity to undertake commercial day trips on Crooked Arm west of Turn Point, Bradshaw Sound or First Arm.
2. Except as provided for by (4) below, it is a non-complying activity to undertake commercial day trips:
  - (a) on Hall Arm;
  - (b) on Doubtful Sound, Thompson Sound or Crooked Arm east of Turn Point.
3. Except as provided for by (5) below, it is a non-complying activity to undertake commercial back country activities:

- (a) on Crooked Arm west of Turn Point;
  - (b) on Hall Arm;
  - (c) on First Arm;
  - (d) on Bradshaw Sound.
4. It is a discretionary activity to undertake commercial day trips:
- (a) on Hall Arm, provided that within this area the total number of commercial day trips undertaken by all operators does not exceed five on any day;
  - (b) on Doubtful Sound, Thompson Sound or Crooked Arm east of Turn Point, provided that within this area the total number of commercial day trips undertaken by all operators does not exceed five on any day.
5. It is a discretionary activity to undertake commercial back country activities:
- (a) on Crooked Arm west of Turn Point, provided that within this area the total number of Commercial Back Country trips undertaken by all operators does not exceed an average of three per day, measured over the period of each calendar month;
  - (b) on Hall Arm, provided that within this area the total number of Commercial Back Country trips undertaken by all operators does not exceed an average of three per day, measured over the period of each calendar month;
  - (c) on First Arm, provided that within this area the total number of Commercial Back Country trips undertaken by all operators) does not exceed an average of two per day, measured over the period of each calendar month;
  - (d) on Bradshaw Sound, provided that within this area the total number of Commercial Back Country trips undertaken by all operators does not exceed an average of four per day, measured over the period of each calendar month;
- provided that no overnight mooring occurs in Hall Arm.
6. Unless provided for by Rules 16.2.1(1)-(5) above or otherwise specified in this Plan, it is a discretionary activity to undertake any commercial surface water activities in the internal waters of Fiordland from Yates Point to Puysegur Point.

For the purpose of this rule:

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

*Bradshaw Sound* means all that part of the coastal marine area east of an imaginary line between the southern extremity of Richards Point and the headland at the approximate grid reference, NZMS260 B43421289, including Gaer Arm and Precipice Cove.

*First Arm* means all that part of the coastal marine area south and west of an imaginary line between the northernmost part of Rogers Point and Joseph Point.

*Hall Arm* means all that part of the coastal marine area south and west of an imaginary line between Davidson Head and Pridham Point.

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

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

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

*Commercial Day Trip* means the undertaking of a commercial day trip activity from a point of embarkation and back, with the embarkation and disembarkation of the same passengers (more or less) occurring on the same calendar day.

*Commercial Backcountry Activity* means a commercial surface water activity that involves the use of a motorised or wind powered ship from a point of embarkation and back, or, from a point of embarkation to a different point for disembarkation where the activities of embarkation and disembarkation do not occur on the same calendar day.

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

#### **Rule 16.3.4 Noise Limits for Hall Arm**

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

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

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



## **Appendix 2**

### **Guide to matters to be included in Code of Practice**

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