

A. Permission Application Number and Name of Applicant

45654-OTH Fiordland Lobster

B. Proposed Activity and Location(s)

Restriction of access via installation of a permanent fence to the commercial port area of Deepwater Basin, Milford Sound Piopiotahi.

C.2 Your name

In placing your name and organisation below, you acknowledge that you are the person or authorised person submitting this objection or submission. You are also acknowledging that your name and organisation will be published.

Printed name of submitter or person authorised on behalf of submitter

Mark Wallace

Organisation

Fiordland Outdoors Company Ltd

Date

29th January 2025

D. Statement of Support, Neutrality or Opposition

☐

I **Support** this Application (I am making a submission)

☐

I am **Neutral** on this Application (I am making a submission).

☒

I **Oppose** this Application (I am making an objection).

E. Hearing Request

☒

I **Do Not** wish to be heard in support of this objection or submission at a hearing.

☐

I **Do** wish to be heard in support of this objection or submission at a hearing

F. Objection or submission

The specific parts of the application that this objection or submission relates to are:

Building a permanent fence in Fiordland National Park.

My reasons for my objection or submission are:

1. Restricting public access and granting exclusive use rights to a section of the Fiordland National Park and Deepwater Basin facilities, including the Wharf and Whitehouse.
2. Unverified health and safety risks that could potentially be mitigated.
3. The impact and unintended consequences on other operators and recreational users of the Deepwater Basin area and the introduction of new health and safety risks to the public.

The outcomes that need to be addressed by this application are:

Give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought if the application is approved.

- Is there any reason the location of the fence can't be altered to still allow boaties to complete a loop around behind the fuel tanks and in front of white house to ensure vehicles are not driving into areas with people situated. This would also ensure access to the Whitehouse for operators, over recreational users and the public to bathrooms until such time as new facilities are available.
- If the fence does go ahead following the process, is there some way recreational boaties can still access the wharf via the fence/gate, potentially during certain hours or with a code?

G. Attachments

If you are using attachments to support your objection or submission clearly label each attachment, complete the table below and send in your attachments with this 'objection or submission form'.

Document title	Document format (e.g. Word, PDF, Excel, jpg etc.)	Description of attachment
Fiordland Outdoors - Objection 45654-OTH	PDF	Details of objection + map of new traffic boat launching at Deepwater Basin

How do I submit my objection or submission?

Complete this form and email to DNSubmissions@doc.govt.nz. You may also mail your objection and submission to: Director-General, c/o Department of Conservation, Ōtepoti / Dunedin Service Centre, Level 1, John Wickliffe House, 265 Princes Street, Ōtepoti / Dunedin 9016.

Opposing based on:

1. Restricting public access and granting exclusive use rights to a section of the Fiordland National Park and Deepwater Basin facilities, including the Wharf and Whitehouse.
2. Unverified health and safety risks that could potentially be mitigated.
3. The impact and unintended consequences on other operators and recreational users of the Deepwater Basin area and the introduction of new health and safety risks to the public.

1 - Restricting public access and granting exclusive use rights to a section of the Fiordland National Park and Deepwater Basin facilities, including the Wharf and Whitehouse.

Erecting a fence restricts public access to part of the Fiordland National Park and grants exclusive use rights to a private entity. Does health and safety (unproven as no evidence of near misses/incidents/accidents has been supplied as part of the application) take priority over New Zealanders' right to access Fiordland National Park. Allowing this fence enables restriction of the public to the Wharf and Whitehouse effectively granting exclusive use rights to Fiordland Lobster. The Head License is not consistent with this, as follows:

- Head license – 4 – Definitions. The hard area is specifically defined as being included in the Fiordland National Park.
- Head license – clause 9.a specifies that no occupation of the hard area is allowed – we believe a fence would qualify as occupation.
- Head license - clause 9.d specifies that public access to the 'hard area' (which includes the area boaties currently use as a vehicle turnaround area) should be maintained. The fence will preclude the public accessing part of the hard area.
- Recreational use of the facilities (assume wharf, whitehouse) is referred to many times in the head license – including providing for no fees clause 14. As recreational users have been provided for, this indicates that DOC intends for recreational users including boaties to have access to facilities in this area, including the wharf, whitehouse).
- Limiting access to the Whitehouse and toilet facilities. Fiordland Outdoors is charged a user fee for the Deepwater Basin area, presumably for this facility. We assume this means these facilities are intended by the DOC for shared use and therefore access. We don't accept that since the DOC 'have the ability to install an additional ablution block near the public launch ramp' that access for other operators, recreation users and visitors should be removed until such time as new facilities are actually built and operational. Restricting access to a basic facilities like bathrooms would have adverse health and safety and environmental consequences for operators, recreational users and the public.
- Restricting access to the wharf. Currently recreational boaties with non-trailerred boats have access to the wharf to load and unload heavy items such as large chilly bins, dive equipment, people etc. These boats cannot use the boat ramp for loading and unloading and are reliant on using the wharf. They also need to access basic wharf

facilities i.e. fresh water generally available at public wharves throughout New Zealand. Head License – clause 3 specifies that ‘parties agree that the wharf shall be open to the public. Building the fence will restrict public access to the wharf, which not consistent with the Head License or with most other wharves around New Zealand.

2 - Unverified health and safety risks that potentially could be mitigated.

- A record of near misses/incident and accidents data for the last 2 years to help establish volume and therefore actual level of risk would have been helpful to support the application.
- Visitors exploring places they shouldn’t and ignoring signage is a Milford-wide challenge not unique to Fiordland Lobster. We would hope the answer is not to put up fences wherever there may be a heightened health and safety risk, but to first exhaust all other remedies available. Perhaps a spotter to monitor the forklift operations and advise people verbally in the area to stay behind the cones.
- Stacking pots 6 meters high, presenting a risk of ‘serious injury or death’, is cited as a reason for building a fence to protect visitors. If this risk is a concern, Fiordland Lobster should consider lowering the height of their pots to also reduce the risk for their workers and fishermen. Tolerance of risk for the public should be consistent with tolerance for their own workers and fishermen.
- Photo example 1 – We believe this image is of a local tour operator, Envy Tours, you can make out their logo on the vehicle. This local operator could be spoken to directly.
- Photo example 2 – We believe this image is of another local tour operator, Fiordland Tours, that again could be spoken to directly.

3 - The impact and unintended consequences on other operators, recreational users and visitors to Deepwater Basin area and the introduction of new health and safety risks to the public.

- Currently trailered boats are towed around the back of the fuel tanks (between the fuel tanks and the white house) past Fiordland Lobster freezer and then backed into boat ramp. This effectively creates a wide turning circle. Building the fence will adversely affect operators and recreational boat users by blocking access to this turning circle and make it far more difficult for vehicles with trailer boats to turn around and launch at the boat ramp. It will force vehicles to approach the boat ramp head on, begin a turn at the top of the boat ramp and they will have no choice but to encroach into Rosco’s Kayaks operational area then back into the boat ramp (see map of new vehicular movements created by the fence). The area vehicles will have to encroach on is the area the kayak guides use to undertake their briefings and those waiting to take our water taxi across to Sandfly Point. At times, good numbers of people are present, listening to a briefing and potentially not being alert to traffic or watchful. Fiordland Lobster may currently encounter some public coming into their space throughout the day but vehicles having

to perform this maneuverer will definitely encounter the public in greater numbers, without the benefit of any signage, temporary road cones or temporary fencing to mitigate any risk present. We believe the unintended consequence of building the fence will at the least, move the risk to other operators, recreational users and visitors, if not increase it.

- Removing wharf access to non-trailered vessels may have risks for those seeking safety and assistance at a remote location at Fiordland Lobster non-operational times of the day.

Potential compromises suggestions:

- Is there any reason the location of the fence can't be altered to still allow boaties to complete a loop around behind the fuel tanks and in front of white house to ensure vehicles are not driving into areas with people situated. This would also ensure access to the Whitehouse for operators, over recreational users and the public to bathrooms until such time as new facilities are available.
- If the fence does go ahead following the process, is there some way recreational boaties can still access the wharf via the fence/gate, potentially during certain hours or with a code?

We do understand that there is a wider and ongoing issue at Deepwater Basin, most of which has been clearly identified in the current Fiordland National Park Management Plan in 2006. The facility is largely unplanned, chaotic and no logical wayfinding. We believe this will be contributing to the confusion with visitors venturing into areas they don't necessarily need to be, including staff accommodation areas. We acknowledge that ideally Fiordland Lobster should have an appropriately designated area in Deepwater Basin, as should all users. However, until there is a better planning and infrastructure in place for Deepwater Basin area, we don't believe other operators and users should be adversely affected until all users can be catered for, otherwise we are choosing to simply shift the chaos and risk to others, not address the root cause.

UPDATE TO SUBMISSION FOLLOWING MORE INFORMATION RECEIVED FROM FIORDLAND LOBSTER

- It is disappointing Fiordland Lobster does not seem prepared to consider a repositioning of the fence or consider any compromises.
- Regarding non-registered berth holder access the wharf, the terms and conditions allows complete discretion of FLC and no certainty for these users. It also restricts access to working hours only which is not when they will likely require access. Generally, these users will want to load and unload early morning or late evening. Again, no compromise or support for general community needs. Also, we believe due to market price the fishing vessels aren't always active and at times there is no one stationed at Milford Sound. Who would then facilitate access?

MAP

Existing vehicular movements launching a boat at Deepwater Basin boat ramp, depicted in yellow.



WITH INTRODUCTION OF FENCE IN GREEN – VEHICLES NEED TO ENCROACH INTO MILFORD SOUND SEA KAYAKS AREA

