

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

Ian Carrick

Organisation

Southern Sport Fishing Club

Date

28/01/2025

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).
X 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.
X 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:

Restriction of access to the 'hard' area
 Restriction of access to the wharf
 Restriction of access and potential removal of the white house building

My reasons for my objection or submission are:

The Southern Sport Fishing Club (SSFC) has been in existence since 2000 and prior to this in its previous name, The Fiordland Big Game Fishing Club since 1970. The club is a member of Sport Fishing New Zealand and the International Game Fishing Association.

The SSFC opposes the erection of a permanent fence as proposed by Fiordland Lobster Company (FL).

The Deep-Water Basin hard area and boat ramp is the only driveable access point to the Fiordland National Park for recreational boaties. The area including the wharf and white house building are an essential element for boaties using the area.

FL have outlined their reasons for a permanent fence and are using The Health and Safety at Work Act 2015 – section 36 as a basis for needing change. The FL safety plan management report (Section 2) is not readable in digital form as supplied by Department of Conservation (DOC).

If FL have been concerned with health and safety aspects, why has it taken them 9 years to propose this change?

Nothing has changed over this time, so why now are they wanting change. If FL were serious about their health and safety obligations under the act, they would have addressed their concerns years ago.

FL have told us that they want the white house building removed, and I hope this proposal is not just a further step to allow them to remove the facility.

Section 36 of the act states that "as far as reasonably practical, must take all reasonable steps to ensure safety, considering factors like risk level, cost of mitigation and available technology. We believe FL have over emphasised the risk level in this situation. There is no information provided by FL on the number of notified injury incidents that have occurred since FL took over the responsibility wharf and hard area. These figures would give a true gauge to the perceived problems they believe they have.

Section 36 also outlines that people conducting a business or undertaking (PCBU), must ensure that they have systems for using, handling and storing equipment and that substances are safe. If pots are stored at 7 levels high and are not secured at all (as shown in the photos), then FL are in breach of the act. Maybe they should consider their systems for pot storage and look at ways to make them safe for all, including their employees and commercial fisherman. I don't believe their pot storage is "free of health and safety risk".

FL states that pots are at risk of falling off a forklift while being moved. FL need to look at their own systems and procedures to mitigate the risk. "PCBUs must provide all necessary training and instructions" – if pots are falling off forklifts, then FL should consider if they are complying with adequate training for forklift drivers.

FL have outlined that they have tried to mitigate the risk when forklifts are in operation in and around the hard and wharf area and when commercial boats are at the wharf by putting out some road cones (5 in the photo provided) and having a flashing light. This is a poor effort to control people and vehicle movement. Our members have observed this practice with often 1 or 2 cones in place and no signage. If this is the level of risk avoidance that FL have taken, then it's a poor effort and seriously lacks the required level to meet the requirements of section 36 of the act.

If FL were serious about addressing the concerns they have outlined, I would have thought they would tried to educate the public using the area about safety and using the area when machinery is in operation. They have not contacted our club or made any effort to do so. They have not contacted the Fiordland Recreation and Conservation Trust (a group that the SSFC support). These 2 groups have over 220 individuals supporting them, and educating and enlightening them to FL concerns would minimise their concerns.

Restricting access to the wharf area via the hard would restrict and stop some individuals to have access to a boat. Accessing a boat off a ramp or adjacent shore can be difficult due to the height of the bow or gunnel height.

Any individual with physical limitations or disabilities that cannot get onto a boat prior to launching would be affected and with no access to the wharf, they are significantly affected. The Human Rights Commission clearly states that individuals have a right to equality without discrimination. Restricting wharf access potentially breaches their rights.

The document and photos provided by FL outline that its tourists, that are causing most of the issues. Why then are recreational boaties being targeted when they are not primarily at fault. I would suggest that adequate signage and communication with the tourist operators would go some way to mitigating the issues.

The wharf crane situated on the wharf is owned by the SSFC, and restricting access via the hard would limit the clubs use of the crane. Our club has allowed the commercial sector to use this since it was relocated from Fresh Water Basin. If access was restricted, then the SSFC would have to consider all options about its use by non-club members.

The erection of a fence would cause a significant increase in congestion above the boat ramp and make access to the ramp difficult. Compressing the area further than its current state, with kayak operators, water taxi operators, dive companies, commercial paua and kina divers and recreational boaties, would make the area more dangerous and unworkable. It would create a new set of problems with no solution proposed.

This has been a concern for a long time and documentation has been provided to DOC from the SSFC and the Fiordland Recreation and Conservation Trust regarding the building of a new ramp or a new recreation ramp and wharf facility in the back water area.

Our club has concerns about visiting boaties coming into Deep water Basin and tying up at the wharf. The crew will not be able to get off the boat and access the township via the hard. How is this going to be handled under this proposal?

How will commercial boats based in Deep Water Basin be managed when they are using their boats for recreational purposes. If they are used recreationally, rather than commercially, then they will not have access to the hard area. How will this be managed? Making exceptions would discriminate against other recreational boaties.

The white house building has been used by our members for many years. Individuals use the facility for toilets, showers, kitchen bench, tables, water access and an area to get out of the weather. This is a valuable facility that should be retained. Yes, it has come into some disrepair, and this is due to a failure of the licensor to "maintain the facility in good repair, appearance and condition" as outlined in the head agreement. The issues around the white house building and congestion have been discussed with DOC and more recently with the Milford Opportunities group, over many years, with no progress on this key infrastructure. These have included a new ramp to replace the current ramp, extra parking for boat trailers and vehicles, appropriate signage in the hard area and transferring the white house responsibility to the Fiordland Recreation and Conservation Trust. A proposed marina development, (plans have been drawn up), for the back water area, has also been proposed. No action on any of these has taken place by DOC.

If DOC agrees to alter the head agreement to allow a permanent fence then they must provide alternate facilities such as new ramp with adjacent wharf, loading facilities, adequate parking provision, a new white house building with toilets, showers, water and an undercover area. Reorganising the above ramp hard area to minimise congestion. Ultimately a separate recreation marina in the backwater area would address these issues.

The FL proposal gives DOC an opportunity to sort out the Deep-Water Basin area issues. On going procrastination only causes more annoyance, anger and drives businesses like FL to propose such radical measures.

There are many examples around the country where commercial operators work in and around the public and meet health and safety obligations. The proposal to build a fence to exclude the public shows a failure of FL to instigate and manage an effective health and safety plan. Closing off the area is like using a "sledgehammer to crack a nut".

FL in their introduction letter state "We remain true to our origins, not only in a sole focus on live lobster but also in the conservation of local environments, promotion of sustainable fishing and support of local communities".

Restricting access to the wharf, hard and white house, is contrary to supporting local communities. They are in breach of their own ideals and should look at ways to support their local communities that satisfy all parties.

Additional Submission Information

I received the additional information on 11/02/2025 with final submission date being 25/02/2025. This is only 14 days to consult with members and gather views. This time frame was in the middle of the national fishing champs which run for 8 days which further reduces the consultation time to 6 days. The time frame does not allow adequate consultation and makes a mockery of this process.

It is very unusual to allow additional information to be considered post the original submission date. People who did not submit on the original information may want to, based on the new information, thus you are excluding proper and adequate consultation.

The additional information should have restarted the complete consultation process again. This process is flawed and not fair on potential submitters.

FLC won't consider altering the fence due to forklift access to the freezer. The current fence allows forklift access so why change what's there now. The bait freezer is moveable so why can't it be moved if it's an issue.

Having a telephone to ring and record a message out of hours is impractical. If I want access to the wharf at 6am, or 6pm I have to ring and talk to an answerphone. What time will the message be replied to? How long will I have to stand there waiting? No time frames for response to the answerphone have been supplied.

The document states that the commercial area has been kept to a high level of tidiness and cleanliness. I spent 6 days in Milford from 15th to 22nd February and observed the so-called high levels of cleanliness and tidiness. There is a broken board on the wharf that has been there for 3 weeks. There was nothing in place warning people about this until Wednesday 19th February, when a single road cone was put in place. Another example of sloppy health and safety procedures. The overall level is very poor and FLC should be embarrassed at the current state of their area. I can provide photos if required but most people have seen the state of the area and can attest to this.

The document states that berth holders will have 24/7 access to the area. Is this both commercial and recreational users. How can recreational users with trailer boats be discriminated against compared to those with bigger boats. Do commercial boats being used for recreational purposes have access to the fenced off area. This again is discriminatory. This is not fair.

The document states the wharf area will be closed when commercial boats are using the crane. The crane is owned by the Southern Sport Fishing Club. If this is going to be the case, then the club will have to consider all options regarding ongoing use of the crane.

The additional information imposes unrealistic restrictions and further emphasises the need for FLC to communicate with the groups they are having issues with, and to find a workable solution.

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.

Any alteration to the head agreement should enhance the facilities rather than take amenities away.

The white house building remains with access by recreational users and appropriate maintenance be undertaken and maintained.

Access to the wharf for recreational boaties via the hard with consideration to machinery and commercial operations at the time. Foot traffic access must be maintained in some form.

Improved communication to recreational users of the Deep-Water Basin area about appropriate behaviour when commercial operations are undertaken.

FL look at their own health and safety systems and procedures to minimise risk of harm.

DOC relook at the Deep-Water Basin area, consider the ideas proposed and sort out the issues that have been ongoing for years, that have led to this proposal by FL.

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

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.