

**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

Fiona Black

Organisation

Realnz Limited

Date

21 January 2024

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:

- Was an Environmental Impact Assessment (EIA) supplied in the application to elucidate potential effects on the existing social environment (other users) of the site? In particular there is no detail in the application regarding mitigation of the effects of this proposal.
- The application holds little detail such as regarding how the restriction of public access and access of users of the Deepwater Basin wharf pens will be efficiently managed with the fence in place.
- Encroachment into the area available to vehicles towing vessel trailers (especially a large vessel such as the “Te Namu”) to manoeuvre when utilising the Deepwater Basin boat ramp when putting vessels into the water. Also, the proposed fence location has the potential to affect the route used by truck and trailer units to turn around to either exit the area or access the helipad or Milford Sound Tourism infrastructure.
- Ensuring there is sufficient space for sea kayak storage on the western side of the public boat ramp as currently provided for in concession # PAC-14-06-18-02.
- Installing the proposed fence should solve the Fiordland Lobster Company safety issues with respect to inappropriate ‘public’ access to their lease area however there is a risk that the installation of the fence will effectively reduce the space available on the Deepwater Basin hard stand and therefore effectively make the area more unsafe for other users.
- The Fiordland Lobster Company should not bear the total burden of managing the H&S of the area, the Department and the District Council still have a part to play.
- Restriction of access to the public toilets in the “White House” and current unavailability of alternative public toilets in Deepwater Basin.
- Is this proposal consistent with the New Zealand Coastal Policy Statement with respect to public access?
- Are Environment Southland supportive of this proposal as at other sites they have required the removal of barriers that have prevented public access to wharves in the Fiordland CMA?

My reasons for my objection or submission are:

Realnz appreciates the challenges and frustrations faced by the Fiordland Lobster Company managing the health and safety of the site leased from the Department of Conservation and that this proposal doubtless represents the “last resort” for the company as the temporary barriers have not proved effective.



Realnz supports further management of the H&S risks at this site, especially as the number visitors travelling to Milford Sound / Piopiotahi increases. Part of the reason small coach parties (tourists) were visiting the site is to fill in time prior to their cruise departure and this was exacerbated by the closure of the Chasm walkway after the February 2020 floods. Moreover, a similar sign to the above should be installed halfway down Deepwater Basin Road to advise visitors that the Deepwater Basin hardstand area is not suitable for tourists to visit, to reduce unnecessary traffic (vehicle and pedestrian) in the area around the lobster company operation. Further some speed bumps close to the terminus of Deepwater Basin Road would address the unacceptable vehicle speeds coming into the area where the Fiordland Lobster Company operate. We appreciate these later measures are not the

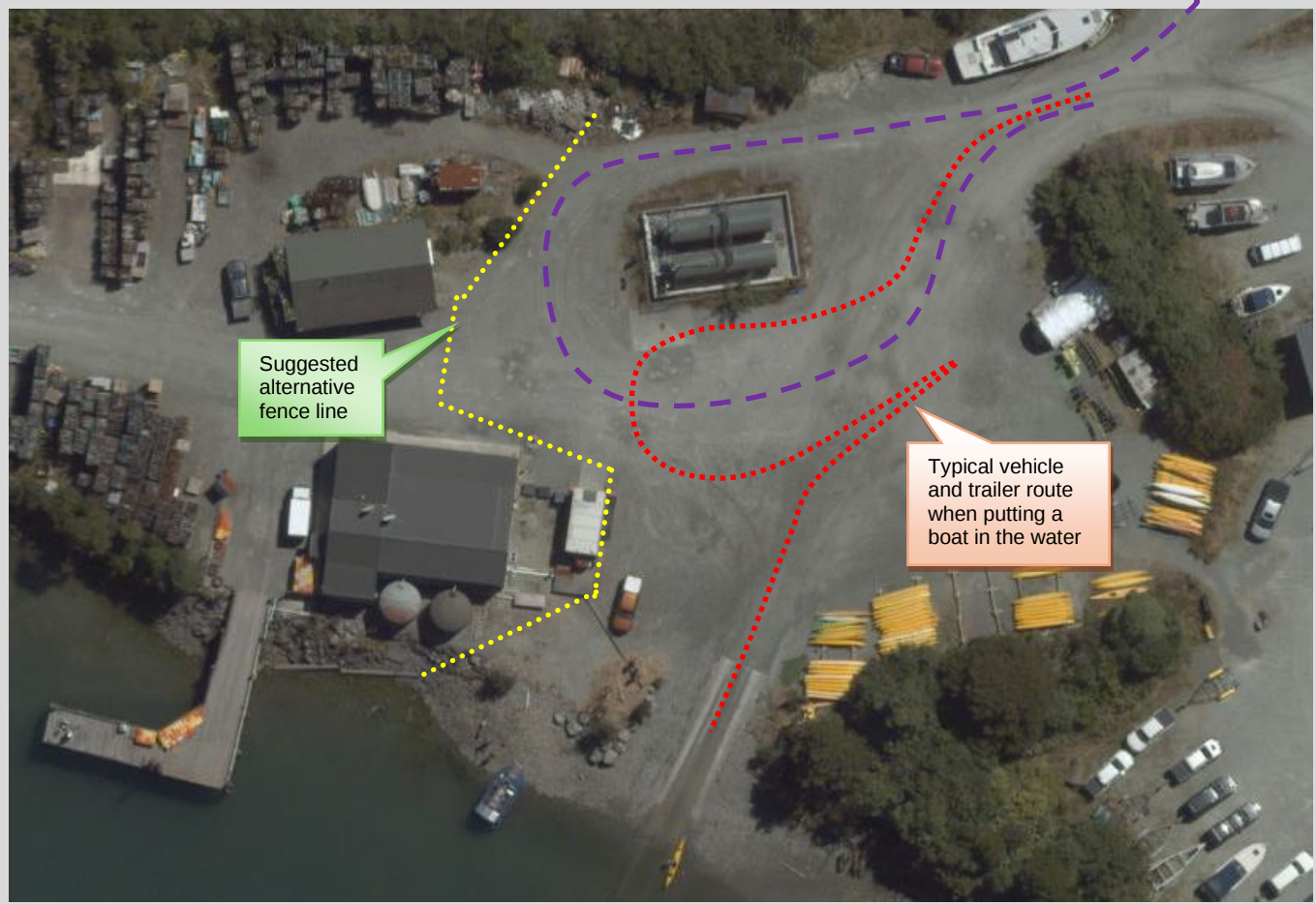
Fiordland Lobster Company's responsibility however these matters should be addressed by the Department and the District Council to assist with managing the safety of the Deepwater Basin hardstand and causeway.

This application does not appear to be in accord with the Departments typical and advocated application process refer <https://www.doc.govt.nz/get-involved/apply-for-permits/application-process/> Where it is recommended that an applicant "Provide as much detail as you can". Also, according to the DOC website "Everyone applying to undertake an activity on public conservation land must provide an EIA with their application".

Of particular concern is the application provides limited information regarding how the proposed fence will affect the existing users and how these effects are to be mitigated and managed. The proposed access to "Access A" is to be via an electronic gate that will be accessible 24/7 through an access key. Does the applicant mean a "physical key" or an access code? A physical key would be impractical. Also, presumably public access to the toilets in the White House will be extinguished by this proposal, however the consequences of this are not considered in this application.

Realnz / Real Journeys is one of the users which require access to the Deepwater Basin pens especially in the "Great Walk" season. Real Journeys / Realnz supplies Launchmasters to skipper the "Te Namu" on behalf of Ultimate Hikes the vessel owner. The "Te Namu" transfers Milford Track Walkers between Sandfly Point and Freshwater Basin and in stormy conditions Deepwater Basin. Realnz has one vessel the "Ulva" (which is a backup vessel for the "Te Namu") in a pen over the summer months, and Ultimate Hikes also have a pen reserved for the "Te Namu". On stormy days when the Cleddau and Arthur Rivers are running fast and high it is safer to transfer the Milford Track walkers to Deepwater Basin rather than Freshwater Basin and in these instances the "Te Namu" needs to be left in Deepwater Basin overnight in a wharf pen. Sometimes the last Milford Track walkers do not come off the track until 7.00pm to 8.00pm at night accordingly our Launchmasters need access to the pens in the evening (after 5.00pm).

Figure 1 – aerial view of the site showing vehicle track and suggested revised location of fence line



When manoeuvring a vehicle towing a trailer carrying a 9m plus vessels typically swing towards the entrance to the Deepwater Basin wharf then drive back towards Rosco Milford Sound kayak shed then reverse down to the public boat ramp to keep clear of the kayakers on the eastern side of the Deepwater Basin hardstand. Consequently, the proposed fence would be more user friendly to other users if the fence had a dogleg in it bringing the fence line closer to the "White House". Refer figure 1 (red line). Also, vehicles such as the fuel tanker and Northern Southland Transport trucks effectively drive around the western side of the Allied Petroleum tanks to either drive back down Deepwater Basin Road to exit the site or to the helicopter pad to deliver supplies (and collect waste) that are then transferred to and from the huts on the Milford Track (refer purple line). Materials for Milford Track maintenance (for the track section west of the divide) are likewise staged from this helipad. Large trucks accessing Milford Sound Tourism (MST) Wastewater Treatment Plant and other infrastructure adjacent to this plant also use the same route.

Figure 2. – Aerial View of Deepwater Basin showing location of kayak storage



Figure 3. – Photo of RealNZ Kayak storage in Deepwater Basin (in a kayak rack)



We understand that it is proposed that "Access B" in the fence will be padlocked and only available for access for the fuel tanker. At the very least both gates, will need to be wider (than indicated in the drawing included in the application) to avoid the tanker and trucks especially with trailers clipping the fence when passing through the fence or being required to reverse when manoeuvring through the gates. In addition, there other parties such as the driver of the Northern Southland truck that need access through this gate hence a padlock is not practical, a further electronic lock with an access code would be more realistic.

Realnz holds concession # PAC-14-06-18-02 which enables sea kayaking trips in Milford Sound Piopiotahi among other things. Although Realnz has not operated Piopiotahi sea kayaking excursions since pre-COVID we want to ensure that sufficient space is still available on the western side of the top of the Deepwater Basin boat ramp to store sea kayaks. As can be seen from the aerial photo above (figure 1) Rosco Milford Sound Kayaks stores his kayaks on the eastern side of the top of the boat ramp accordingly the only appropriate place (close to the boat ramp) to store Realnz kayaks is on the western side as per the figures 2 and 3. Hence, we wish to ensure that the proposed fence is far enough to the west to enable sea kayak storage noting that double sea kayaks are approximately 5.5m long and 0.9m wide.

Realnz is also concerned that the proposed fence will restrict access to the only public toilets in Deepwater Basin. Especially considering there are recreational boats coming and going from the area in predominately in all hours of daylight (from 5.45 am until 9.30pm) and more frequently at weekends and during public holidays. Also, both Rosco Milford Sound Kayaks and Realnz operate evening excursions to and from the Milford Track therefore we have clients wishing to use public toilets after 5.00pm. That is, there needs to be public toilets available 24/7 in Deepwater Basin. This is particular important given most public boat ramp users will have had at least a two-hour drive to get to Deepwater Basin (from Te Anau) and the majority users are out on the water (the fiord or at sea) for part or a whole day (sometimes several days) therefore they need to use a WC before heading out of Milford Sound Piopiotahi after their trip.

It is not practical or safe for vehicles towing trailers to access the public toilets located elsewhere in Milford Sound (when towing a trailer), at the Freshwater Basin Visitor Terminal, and adjacent to the Milford Sound Café. In addition, it is unrealistic to expect self-drive kayak clients to drive towards Freshwater Basin to access these other public toilets rather than driving straight out of Milford Sound.

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.

- For the Department and the District Council to implement further measures to improve the site's safety, despite such measures being outside the scope of this application. Managing public safety of this area should not fall predominately on the Fiordland Lobster Company.
- For the applicant to provide greater clarity regarding how Deepwater Basin wharf users will retain access to the wharf pens with locked gates in place.
- Reconsider the design of the fence; either change the fence line to provide more room for vehicles to manoeuvre when utilising the area or ensure the gates are wide enough to provide for truck and trailer units to drive around the western side of the fuel tanks to drive back towards the east to either exit the area or access the helipad or MST infrastructure. Given how the area is used by the likes of kayakers (pedestrians) it is essential from a safety perspective, that vehicle reversing is avoided, if at all possible. That is, this fence design (including gates) should be such, that there is no cause for fuel tankers or Northern Southland Transport trucks (incl trailers) to reverse when transiting through the Deepwater Basin hardstand area.¹
- Ensure the proposed fence does not impinge on the area available for kayak storage to the west of the top of the public boat ramp.
- Ensure suitable public toilets with 24/7 access are provided in Deepwater Basin, not just temporary portaloos. If an alternative permanent public toilet is not provided, then public access to the White House should remain until such time as alternative public toilet facilities are installed at this site.

¹ <https://www.odt.co.nz/regions/queenstown/fatal-crash-bus-driver-criticises-coroner>

- Ensure emergency services can readily access the fenced off area in the event of medical evacuations or fires such as the September 2020 fishing boat fire refer - <https://www.nzherald.co.nz/nz/burned-vessel-now-submerged-spilling-oil-into-milford-sound/5B4KM5PACNNQBABSIV4VLETDVM/>

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.