

## Plan Change 5 – Consultation Factsheet and FAQs

### *Why is the Plan Change required?*

The Council is proposing a change to Section 16 of the Southland Regional Coastal Plan. Section 16 manages the surface water activities (vessel use) within the Fiordland coast. Since the Southland Regional Coastal Plan was prepared 15 years ago, water activity use has changed, in both intensity and distribution. Fiordland is one of the jewels of New Zealand. Protecting this unique area is vital to maintaining a thriving Southland, for now and future generations. Surface water activity allows people to access and experience the Fiordland coast. Commercial surface water activities enable people, who may not have been otherwise able to, access and experience the unique Fiordland coast. However, surface water activities can, if not appropriately managed, impact the values of Fiordland which make it so special.

A recent study investigated wilderness and remoteness values of Fiordland which found that <sup>1</sup> there are a range of opinions on whether the wilderness values of the Fiordland coastal marine area are being eroded, with no agreement that there is currently an imbalance. However, it was identified that for some people, the wilderness and remoteness values of the Fiordland coastal marine area have already been eroded. The report also identified there was general agreement about the management problem, being: the need to balance the protection of wilderness values with the opportunity for people to visit Fiordland. The study concluded that an increase in commercial activity will only exacerbate the issue resulting in Fiordland losing its environmental appeal that makes it world renowned.

### *What are the main changes being proposed to Section 16 – Surface Water Activities of the Regional Coastal Plan?*

The Plan Change introduces stricter provisions to increase the management of surface water activities on the Fiordland coast to protect the international, national and regionally significant values present. Key changes proposed are:

- Introduce a new policy which requires the avoidance of adverse effects on the Fiordland coastal environment including by not granting resource consent for new or intensifying commercial surface water activities (above that which currently exist).
- Introduce a new policy which requires the avoidance or mitigation of effects from commercial surface water activities on marine mammals.
- Delete an existing policy which places no limit on the amount of commercial surface water activity occurring within Piopiotahi / Milford Sound.
- Recognition of the cultural significance to mana whenua of the Fiordland coastal environment including using dual place names.
- Introduce a new policy to manage adverse effects of commercial surface water activities on wilderness, remoteness, and other recreational and visitor values.
- Introduce a new policy to identify the matters which can impact on wilderness and remoteness values.
- Enable private companies to undertake pest management work, where it is being undertaken in conjunction with statutory bodies.
- Enable private companies to undertake maintenance of lawfully established structures within the coastal marine area, where this is required because of statutory or resource consent requirements.

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<sup>1</sup> Wilderness and Remoteness Values of Fiordland Waters (2022). Lindis Consulting.

- Introduce a new policy regarding matters to be considered when determining a resource consent term of consent.
- Amend rule to increase the activity of status, from discretionary to non-complying, for new or increasing commercial surface water activities within the internal waters<sup>2</sup> of Fiordland.

The Plan Change is a temporary measure until a long-term integrated management approach is developed through the review of the Southland Regional Coastal Plan, which is due to be completed by the end of 2023.

### *How can I have my say?*

Plan Change 5 – Section 16 Surface water activities on the internal waters of Fiordland from Yates Point to Puysegur Point, is open for public submissions from **Monday 18 July 2022** until **Monday 29 August 2022**. You can make a submission online via our consultation portal by following this [link](#), by email to [consultation@es.govt.nz](mailto:consultation@es.govt.nz) or in hard copy by posting to: Regional Coastal Plan Change, Environment Southland, Private Bag 90116, Invercargill 9840. You can also deliver your submission to Environment Southland's office on the corner of Price Street and North Road, Waikiwi, Invercargill.

### *What happens next?*

Following the close of the public submission period, staff will prepare a summary of the submissions received. The summary of the submissions will then be released for further submissions. The Resource Management Act (RMA) details who can lodge a further submission<sup>3</sup>:

- any person representing a relevant aspect of the public interest,
- any person that has an interest in the plan change greater than the interest of the general public, and
- the local authority itself.

Following the close of the further submission period, the submissions will be reviewed and recommended amendments, where appropriate, will be made to the Plan Change. Following this process, public hearings will be held where any person that made a submission can speak to it.

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<sup>2</sup> - *Internal Waters* - has the same meaning as in Section 4 of the Territorial Sea and Exclusive Economic Zone Act 1977 as follows: Section 4 Internal water - The internal waters of New Zealand include any areas of the sea that are on the landward side of the baseline of the territorial sea of New Zealand.

<sup>3</sup> Clause 8 of the first schedule of the Resource Management Act.

### ***Frequently asked questions***

#### ***How do these changes affect the current Regional Coastal Plan and when do the new objectives, policies and rules take effect?***

In the case of this Plan Change, the rules will have immediate effect.

Under Section 86B(3) of the Resource Management Act, a rule in a proposed plan has immediate legal effect if the rule—

- (a) protects or relates to water, air, or soil (for soil conservation); or
- (b) protects areas of significant indigenous vegetation; or
- (c) protects areas of significant habitats of indigenous fauna; or
- (d) protects historic heritage; or
- (e) provides for or relates to aquaculture activities.

#### ***When will the proposed Plan Change become fully operative?***

The Council can only adopt all or part of a proposed plan once submissions and appeals are resolved and the Council has made amendments or variations. Once the Council adopts the Plan Change it is then sent to the Minister of Conservation for final approval where the Minister can require the Council to make amendments before it becomes operative. Once approved by the Minister, the Council will notify the operative plan.

#### ***How long will the Plan Change be in effect for?***

The Plan Change is a temporary measure until the full review of the Southland Regional Coastal Plan is completed and a new plan is put in place. That review is due to be completed by the end of 2023.

#### ***Is recreational boat activity covered by the plan change?***

The rules do not apply to recreational surface water activities. However, the objectives and policies provide direction for the use of non-regulatory approaches to be used for recreational boating activities.

#### ***Is the management of cruise ships covered by Plan Change 5?***

No. Cruise ships are managed under Section 13 of the Regional Coastal Plan for Southland. The review of the operative Regional Coastal Plan will investigate if further controls on ships are required. Additionally, the Environmental Partnership Deed of Agreement between the cruise ship industry and Environment Southland is a crucial instrument for controlling cruise ships in Southland including in the internal waters of Fiordland.

#### ***Who can make a submission?***

Any person can make a submission provided the submission does not seek to gain an advantage in trade competition. Under clause 6 of Schedule 1 of the Resource Management Act, a person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed plan change that:

- (b) adversely affects the environment; and
- (c) does not relate to trade competition or the effects of trade competition.

When the Council has prepared a proposed policy statement, plan, plan change or variation, it must be publicly notified. As this is a Plan Change which is being publicly notified the Council must provide the public at least 20 working days to submit on the proposed Plan Change.