BEFORE THE HEARINGS COMMISSIONER APPOINTED BY ENVIRONMENT SOUTHLAND REGIONAL COUNCIL

UNDER	the Resource Management Act 1991
IN THE MATTER	of an application under section 88
BY	**MITRE PEAK CRUISES LIMITED**
	Applicant

STATEMENT OF EVIDENCE OF SEAN DENT

Dated: 3 November 2026

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Statement of evidence of Sean Dent

Qualifications and Experience

[1] My name is Sean Dent. I am a resource management planning consultant and a Director of Southern Planning Group (2017) Limited (**Southern Planning Group**). I live in Cromwell, Central Otago.

[2] I hold the qualification of Bachelor of Resource Studies from Lincoln University which I obtained in 2005, and I am an Associate Member of the New Zealand Planning Institute. I have been a resource management planning consultant with Southern Planning Group for 19 years. Prior to this I was employed as a resource consent processing planner and compliance officer with Lakes Environmental (formerly CivicCorp) for approximately two years.

[3] Throughout my professional career, I have been involved in a range of resource consent and policy matters. I have made numerous appearances before various District and Regional Councils, and the Environment Court.

[4] Of relevance to this proposal, I have acted for Mitre Peak Cruises Limited (**MPC**) and their parent company Totally Tourism Limited (**TTL**) since 2012. I have prepared and/or overseen the applications for a replacement of MPC's previous coastal permits for commercial surface of the water activities in Milford Sound including:

- Application AUTH-20191120 being an application to replace AUTH-201816 which authorised commercial surface of the water day trips in Milford Sound by MV Mitre Peak I.
- Application AUTH-20242682 being an application to replace 207134 which authorised commercial surface of the water day trips in Milford Sound by MV Mitre Peak II.

[5] I have also been involved in pre application meetings with Environment Southland planning staff[1] regarding the options for replacing either one

[1] Pre-Application Meeting with Michael Sarfaiti, 16 August 2024 and Stephen West, 09 February 2024.

(or both) of MPC's existing coastal permits and seeking a new application that enabled a newer slightly larger vessel and combined all of the consented operations into one permit. These pre-application meetings informed the decision to lodge this current application for a straight replacement of MV Mitre Peak I.

[6] I also prepared a submission on the Proposed Southland Regional Coastal Plan – Plan Change 5 on behalf of TTL as the parent company to MPC.

[7] I have also prepared and overseen two applications[2] to the Department of Conservation (**DOC**) for Marine Mammal Viewing Permits for MPC operations in Milford Sound in association with the exercise of their coastal permits for operation of the vessels MV Mitre Peak I & II.

[8] I have visited Milford Sound and completed a full cruise on MV Mitre Peak I on 20th July 2026.

[9] Through my breadth of experience as previously described, I have acquired a sound knowledge and experience of the resource management planning issues that are relevant to the current proposal.

Code of Conduct

[10] While this is not an Environment Court hearing, I confirm I have read the Code of Conduct for expert witnesses contained in the Environment Court of New Zealand Practice Note 2023 and that I have complied with it when preparing my evidence. Other than when I state I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

Scope of Evidence

[11] I have been engaged by MPC to provide expert planning evidence with respect to their application for a new coastal permit for the operation of a new vessel, MV Mitre Peak III, for commercial surface of water activity

[2] Application to replace Marine Mammal Viewing Permit PER-14-35-0 lodged 14 March 2014 and Application to replace Marine Mammal Viewing Permit 38856-MAR lodged 26 February 2024.

day trips in Milford Sound. The proposed coastal permit is to replace the existing coastal permit 20191120 and its authorised vessel MV Mitre Peak I.

[12] The topics covered in my evidence are as follows:

(a) Detailed Description of the Proposal.

(b) Statutory Considerations.

(c) Assessment of Effects.

(d) Objectives and Policies Assessment.

(e) Higher Order Planning Documents.

(f) Te Tangi a Tauira – Iwi Management Plan.

(g) Response to Submissions

(h) Response to the Section 42A Report.

(i) Conditions of Consent.

(j) Conclusion.

[13] I have read the Section 42A Report prepared by Council's Senior Consents Officer, Ms Alexandra Smith and all accompanying attachments.

[14] I have also read the submissions received from CRA8 Rock Lobster Industry Association Inc (**CRA8**), The Fiordland Marine Guardians (**FMG**), and Te Ao Marama Inc. (**TAMI**) on behalf of Te Runaka o Oraka Aparima.

Executive Summary

[15] I support the grant of coastal permit APP-20262029 for MV Mitre Peak III for a ten-year term, subject to the recommended conditions contained in Attachment 4 of Ms Smith's Section 42A Report. My conclusion is based upon the existing lawful operation, the fact that the proposal replaces rather than supplements MV Mitre Peak I, the retention of the present trip limits and routes, and the expert assessments and operational controls addressing noise, marine ecology, biosecurity and navigational safety.

[16] The application is not an exact like-for-like replacement. It proposes a vessel 24m long and 7.2m in beam, compared with 18.3m and 5.76m respectively, and increases the certified capacity from 64 to 154 persons including crew. These are material physical changes, and I do not minimise them. However, they do not of themselves establish that the adverse effects on the values identified in Policy 16.2.2(1) of the Regional Coastal Plan for Southland (**RCP**) will increase.

[17] In my opinion, the central planning issue is Policy 16.2.2, including its explicit reference to intensification above the lawfully existing position at 18 July 2022 and its precautionary direction pending the Coastal Plan review. I recognise that the policy is deliberately cautious and that the proposal is an intensification in vessel size and capacity. I nevertheless distinguish increased potential intensity from a demonstrated increase in adverse effects on the identified values. The evidence provides a basis for assessing that distinction on the facts of this particular replacement operation.

[18] Overall, I agree with Ms Alexandra Smith's ultimate recommendation in her section 42A report to grant the application for ten years. I differ from any suggestion that the simple existence of an increased vessel size necessarily demonstrates inconsistency with Policy 16.2.2(2). The policy requires assessment of whether adverse effects on the identified values will increase; and the evidence must be tested against that precautionary standard.

Description of the Proposal and the Receiving Environment

The Proposal

[19] I consider that Ms Smith has comprehensively outlined the application details in Section 2.2 of the Section 42A Report. In summary, MPC currently operates commercial surface of the water activity day trips in Milford Sound utilising MV Mitre Peak I under coastal permit AUTH-20191120, and MV Mitre Peak II under AUTH-20242682. The new MV Mitre Peak III is intended to replace MV Mitre Peak I and AUTH-20191120 is to be surrendered if the replacement coastal permit is granted. Specifically, there would not be three simultaneously authorised MPC sightseeing vessels by virtue of this application being approved.

[20] The proposed vessel MV Mitre Peak III is 24m in length, 7.2m in beam and 5.7m in height, compared to 18.3m in length, 5.76m in beam and 5.56m in height for MV Mitre Peak I.

[21] In percentage terms, the incremental change in size from MV Mitre Peak I to MV Mitre Peak III are approximately 31% in length, 25% in beam and 2.5% in height, with capacity increasing by 90 persons from 64 on MV Mitre Peak I, to 154 on MV Mitre Peak III.

[22] I acknowledge the submissions and the correction recorded at sections 2.5.7–2.5.9 of the section 42A report that the notification report used an incorrect percentage change which I had erroneously left in Section 5.2 of the original AEE. However, the dimensions listed in paragraph 20 were correct throughout the AEE and the percentage increase was also correctly recorded in Section 7.3.1 of the AEE.

[23] It is those actual dimensions, not the erroneous percentage calculations, that informed my assessment in the original AEE and this brief of evidence.

[24] The operational envelope of the commercial surface of the water activity does not expand when comparing the existing coastal permit AUTH-20191120 for MV Mitre Peak I against this current proposal for MV Mitre Peak III.

[25] Specifically, AUTH-20191120 enables seven day trips per day from 1 October to 30 April and three trips per day from 1 May to 30 September; utilising the existing Milford Sound route shown in Figure 2 of the s42A Report; and no ancillary trips involving tenders, kayaks, diving or swimming.

[26] The existing conditions within AUTH-20191120 provide restrictions on speeds near the shore and marine fauna, and on stopping near sensitive sites, and these are all proposed to continue to apply to any new coastal permit issued for MV Mitre Peak III.

[27] Mr Quickfall provides further evidence regarding the operational and commercial reasons for replacing MV Mitre Peak I, including the age of the existing vessel, the need for long-term operational reliability, and the benefits of improved enclosed passenger accommodation and modern vessel design. I consider this context relevant to understanding the nature and purpose of the proposed replacement, while acknowledging that the increase in vessel dimensions and passenger capacity must still be assessed against the relevant environmental effects and planning provisions.

Receiving Environment

[28] Milford Sound / Piopiotahi is an internationally significant glaciated landscape and part of the wider Fiordland coastal environment, with outstanding natural character, important habitats, tangata whenua values, and distinctive wilderness and remoteness qualities. Those qualities must not be understated merely because Milford is also an established, heavily visited tourism gateway.

[29] The relevant receiving environment includes the Milford settlement and a harbour in Freshwater Basin and a wharf with berths available in Deepwater Basin. There is also a public boat ramp at Deepwater Basin. A significant fishing fleet, and a significant tourism fleet operate out of Milford Sound.

[30] Despite the volume and frequency of vessels operating in Milford Sound, it retains high natural and remoteness values due to the steep mountains

covered with native bush surrounding the fiord. Milford Sound also includes the Piopiotahi marine reserve.

[31] In terms of the existing environment and specifically, the existing commercial surface of the water activities in Milford Sound, I made a request under the Local Government Official Information and Meetings Act 1987 (**LGOIMA**) for the following information held by Environmental Southland:[3]

- A list of all current resource consents authorising commercial surface-water activities within Milford Sound / Piopiotahi.
- For each consent, the consent number, consent holder, authorised activity, vessel name (where recorded), authorised vessel size or dimensions, and consent expiry date.
- Where “vessel size” is recorded, please include the vessel’s overall length, beam, draft, passenger capacity and any other relevant size or capacity limitation.
- An electronic copy of each current consent, including the decision, conditions, approved plans, and any subsequent variations affecting the consent.

[32] The information provided by Environment Southland identifies 25 current commercial surface water activity authorisations expressly recorded as operating within Milford Sound, of which 24 specify vessel lengths. Having reviewed this information and the separate schedule of coastal permits contained in Attachment 5 of Ms Smith's s42A report, I identify the following relevant matters:

- The largest authorised vessel is 40 metres in length, while the smallest is 5.8 metres.
- The average vessel length across the 24 authorisations with recorded dimensions is 21.97 metres. I note that Ms Smith's

[3] LGOIMA Request Emailed from Sean Dent to service@es.govt.nz dated 20.07.26.

schedule identifies a slightly different overall average of 20.94 metres, reflecting a different selection of vessels.

- Importantly, Ms Smith's schedule also identifies an average vessel length of 25.99 metres when vessels of 10 metres or less are excluded. I consider this provides a useful additional comparison when considering the scale of MV Mitre Peak III relative to larger commercial vessels operating within Milford Sound.

- At 24 metres, MV Mitre Peak III will remain 16 metres shorter than the largest authorised vessel and comparable in scale to numerous existing commercial vessels. Of the 24 authorisations with recorded lengths in the LGOIMA dataset, 13 (54.2%) are for smaller vessels and 11 (45.8%) are for larger vessels.

- Of the 21 authorisations recording a maximum day-trip passenger capacity, the average is 162 persons, with capacities ranging from 8 to 416 persons. The proposed capacity of 154 persons is slightly below this average, while seven of those authorisations provide for greater passenger capacity.

- The combined maximum authorised day-trip passenger capacity of the 21 consents for which this information is recorded is 3,402 persons, including the existing 64-person capacity of MV Mitre Peak I. The proposed increase of 90 persons would increase this combined authorised capacity to 3,492 persons, representing an increase of approximately 2.65%. I consider this provides useful context for assessing the relatively modest contribution of the proposal to the overall authorised passenger capacity within Milford Sound, notwithstanding the increase associated with the individual vessel.

- The median remaining duration of the 25 Milford Sound authorisations was approximately 9.5 years as at July 2026, with 12 authorisations (48%) having more than ten years remaining at that time.

Statutory Considerations

[33] Ms Smith and I are in agreement[4] that the proposed activity requires a coastal permit for a commercial surface water activity pursuant to Rule 16.2.1(8) of the RCP. As the proposal increases the scale of an activity lawfully undertaken on 18 July 2022 and does not fall within the other activity categories in Rule 16.2.1(1)–(7), the overall activity status is Non-Complying.

[34] Section 104 of the Act sets out the matters to be considered when assessing an application for a resource consent. Section 104(1) of the Resource Management Act 1991 states:

> *(1) When considering an application for a resource consent and any submission received, the consent authority must, subject to Part 2, have regard to:*
>
> *(a) any actual and potential effects on the environment of allowing the activity; and*
>
> *(ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
>
> *(b) any relevant provisions of:*
>
> *(i) a national environmental standard:*
>
> *(ii) other regulations:*
>
> *(iii) a national policy statement:*
>
> *(iv) a New Zealand coastal policy statement:*
>
> *(v) a regional or proposed regional policy statement:*
>
> *(vi) a plan or proposed plan; and*

[4] Section 42A Report, Section 2.3, paragraphs 2.3.1 – 2.3.5.

(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

[35] Under Section 104D, Council, or in this case the Commissioner, must refuse a resource consent application for a non-complying activity unless it is satisfied that the proposal will either have minor effects on the environment, or the activity is not contrary to the objectives and policies of the relevant plan. If either of these gateway tests are met, the Commissioner can exercise its discretion under Section 104B.

[36] In this case, I consider that the proposal will have no more than minor effects on the environment and that, when the Chapter 16 policies are read as a coherent whole and applied in the context of the evidenced incremental effects, the proposal is not contrary to the objectives and policies of the RCP.

[37] The proposal therefore passes both gateway tests in Section 104D. The Commissioner can exercise their discretion to consider the proposal under Section 104B with conditions imposed pursuant to Sections 108 and 108AA.

Assessment of Effects

Effects to be Considered

[38] The explanation to Rule 16.2.1 in the RCP notes that surface water activities adversely affect the values of the Fiordland coastal environment. While no specific carrying capacity for commercial surface of the water activities has been specified, the explanation goes on to note that: "*the ability of the Fiordland coastal marine area to absorb the effects of surface water activities on its values is limited*."

[39] The explanation goes on to note that: "*As a result of increasing use, it is appropriate to carefully consider applications for further increases in use and adopt a precautionary approach to ensure that commercial surface water activity use does not erode the significant values of Fiordland.*"

[40] Ms Smith has correctly advised[5] that the 'values' requiring recognition and which adverse effects of the activity must be considered against are identified in Policy 16.2.2(1) as:

(a) outstanding natural character values, including wild and scenic values and outstanding naturalness; outstanding landscape and natural feature values;

(b) amenity values;

(c) significant habitats of indigenous fauna, significant indigenous vegetation and indigenous biological diversity (including marine reserves and habitat of the protected black coral, marine mammals and sea birds);

(d) spiritual and cultural values, relationships, and beliefs of tangata whenua;

(e) Ngāi Tahu customary use; taonga species present; and

(f) wilderness, remoteness and tranquility values;

[41] I stand by the assessment of effects in the original AEE (and note that Ms Smith is generally accepting of that assessment[6]) but for completeness, my evidence will specifically address each of the specified values listed above in the assessment provided below.

Permitted Baseline

[42] Both myself[7] and Ms Smith[8] agree that there is no relevant permitted baseline for the proposed commercial surface of the water activity.

Effects on outstanding natural character values, including wild and scenic values and outstanding naturalness; outstanding landscape and natural feature values.

[43] I acknowledge the outstanding natural character and landscape values of Milford Sound / Piopiotahi, including its spectacular glaciated

5 S42A Report Section 3.3, paragraphs 3.3.4 – 3.3.6.
6 S42A Report Section 3.3, paragraph 3.3.4.
7 AEE Section 7.1, pages 20-21.
8 S42A Report Section 3.3, page 12, paragraphs 3.3.2 – 3.3.3.

landforms, immense scale and wild and scenic qualities. As identified by Ms Smith,[9] Milford Sound is identified within Landscape Unit 20 of Appendix 4 of the RCP and has a naturalness rating of 4+ on a scale of 1–5. Notwithstanding these outstanding values, the receiving environment also includes an established level of commercial surface water activity and associated tourism infrastructure.

[44] As assessed in Section 7.3.1 of the AEE, while MV Mitre Peak III will be larger than MV Mitre Peak I, its design and colour scheme will be comparable to the existing vessel and other commercial vessels operating within Milford Sound. Importantly, the proposed vessel will replace rather than supplement MV Mitre Peak I, with no increase in trip frequency, change to established routes or expansion of the operational area. Having regard to the immense scale of the surrounding landscape and the range of vessel sizes already operating within Milford Sound as discussed in paragraphs 31 – 32 above, I consider that the increased dimensions of MV Mitre Peak III can be readily absorbed into the receiving environment without materially detracting from its outstanding natural character or landscape values.

[45] The proposal will not involve any new structures, disturbance of the shoreline or expansion of tourism activities beyond the existing operational area. Furthermore, the acoustic assessments provided by both Acoustic Engineering Services and Tonkin & Taylor confirm that the proposed vessel is not expected to result in any material increase in airborne or underwater noise effects compared with the existing operations. The existing operational restrictions and proposed conditions addressing vessel movements, biosecurity and waste management will further ensure that the natural character values of Milford Sound are maintained.

[46] Ms Smith concludes at paragraph 3.3.13 of her s42A report that the proposed vessel will not have more than minor adverse effects on natural character, wildness, naturalness or landscape values. I concur with that conclusion and consider that the proposal will not result in an

[9] Section 42A Report, Section 3.3, paragraph 3.3.7.

increase adverse effects on the outstanding values identified in Policy 16.2.2(1)(a) of the RCP.

Amenity values

[47] The amenity values of Milford Sound are derived from its outstanding natural setting, scenic qualities and the recreational experiences it provides. While these values are significant, the existing environment also includes an established level of commercial tourism, fishing and recreational vessel activity. Accordingly, the presence and movement of commercial vessels already forms part of the amenity experienced by visitors to Milford Sound.

[48] I also acknowledge Mr Quickfall's evidence that the design of MV Mitre Peak III has been informed by MPC's operational experience, particularly the need to provide improved enclosed passenger accommodation during adverse weather conditions. I consider this provides important context for the increased vessel dimensions and passenger capacity, which are intended, in part, to improve passenger comfort and the overall visitor experience rather than simply increase the intensity of commercial operations. Nevertheless, I acknowledge that the increased certified capacity provides the potential for additional passengers and have considered this in my assessment of cumulative effects.

[49] As previously identified, the proposal involves replacing MV Mitre Peak I with a larger vessel, rather than introducing an additional vessel into Milford Sound. There will be no increase in the number or frequency of trips, changes to established routes or expansion of the operational area. Consequently, the proposal will not increase the frequency or duration of vessel activity experienced by other users. While the increased vessel dimensions and passenger capacity are acknowledged, I consider that these changes will have negligible additional effects on the amenity values of the receiving environment.

[50] In respect of noise, the further information provided by Acoustic Engineering Services confirms that the proposed vessel is expected to comply with the relevant noise standards of the RCP, including noise generated by passengers on external decks. Similarly, Tonkin & Taylor

concludes that underwater noise emissions will be essentially equivalent to those of MV Mitre Peak II, with no material increase relative to the applicant's existing fleet. These assessments support my conclusion that the proposal will not materially increase adverse effects on this value by altering the existing acoustic environment or adversely affect the amenity experienced by other users of Milford Sound.

[51] Overall, having regard to the existing receiving environment, the unchanged operational parameters and the supporting acoustic assessments, I consider that the additional adverse effects on amenity values will be less than minor. This is consistent with Ms Smith's assessment of the proposal.[10]

Significant habitats of indigenous fauna, significant indigenous vegetation and indigenous biological diversity (including marine reserves and habitat of the protected black coral, marine mammals and sea birds)

[52] Milford Sound contains significant indigenous biodiversity values, including the Piopiotahi Marine Reserve, protected black coral, marine mammals and seabirds. I acknowledge the importance of protecting these values from the potential effects of commercial surface water activities, including vessel disturbance, underwater noise, biosecurity risks and discharges.

[53] The proposal will not involve any increase in vessel movements, changes to existing routes, shoreline access or ancillary activities. The existing restrictions on vessel speeds and proximity to sensitive habitats, including seal and penguin colonies, will continue to apply. Furthermore, the proposed conditions relating to waste management and biosecurity will minimise the potential for adverse effects on marine habitats, indigenous vegetation and biodiversity.

[54] In respect of underwater noise, the assessment undertaken by Tonkin & Taylor concludes that MV Mitre Peak III will generate underwater noise essentially equivalent to MV Mitre Peak II, with no material increase relative to the applicant's existing fleet. Accordingly, I do not anticipate

10 S42A Report, Section 3.3, paragraph 3.3.21.

any material increase in underwater noise effects on marine fauna arising from the replacement vessel.

[55] Importantly, the applicant currently holds a Marine Mammal Viewing Permit issued by the Department of Conservation pursuant to the Marine Mammal Protection Regulations 1992, which regulates its interactions with marine mammals. A new Marine Mammal Viewing Permit will be obtained for MV Mitre Peak III prior to commencing operations and DOC have not indicated any concerns with the sequence of obtaining RMA approval followed by the required Marine Mammal Viewing Permit application. I consider it relevant to place weight on the fact that DOC, as the agency responsible for managing and protecting marine mammals through a specialist statutory approval process and the administrators of Fiordland National Park, has provided its affected party approval to the proposal.

[56] Overall, having regard to the existing lawful activity, the proposed operational restrictions, the specialist acoustic assessment, and DOC's approval, I consider that the proposal will not increase adverse effects on significant indigenous habitats, vegetation or biodiversity values. This conclusion is consistent with Ms Smith's assessment.[11]

Spiritual and cultural values, relationships, and beliefs of tangata whenua.

[57] I acknowledge the significant spiritual and cultural values associated with Milford Sound / Piopiotahi and the wider Fiordland coastal marine area, including the statutory acknowledgement of Te Mimi o Tū Te Rakiwhānoa under the Ngāi Tahu Claims Settlement Act 1998. These values and the relationship of tangata whenua with the coastal environment are important considerations in assessing the proposal.

[58] Consultation was undertaken with Te Rūnanga o Ngāi Tahu, Te Ao Mārama Inc., Te Rūnanga o Makaawhio and Hokonui Rūnanga in connection with the identification of affected persons under Section 95E of the RMA. The consultation undertaken and responses received were detailed in Sections 5.9 and 7.7 of the original AEE, including the affected party approval provided by Te Rūnanga o Makaawhio. Separate

11 S42A Report, Section 3.3, paragraphs 3.3.23 – 3.3.37.

consultation was also undertaken with Te Rūnanga o Ngāi Tahu in accordance with Section 62 of the Marine and Coastal Area (Takutai Moana) Act 2011, with the responses detailed in Section 5.10 of the AEE.

[59] I acknowledge the neutral submission lodged by Te Ao Mārama Inc. on behalf of Ōraka-Aparima Rūnaka, which raises concerns regarding the cumulative effects of increasing vessel sizes, visitor activity, discharges and the potential erosion of wilderness, remoteness and intrinsic values. The submission also seeks particular consideration of the Ngā Papatipu Rūnaka ki Murihiku position statement, including its preference for shorter consent durations. I acknowledge these concerns and address the submission, the position statement and the relevant provisions of Te Tangi a Tauira – Iwi Management Plan separately later in my evidence.

[60] I acknowledge that both Te Rūnanga o Makaawhio and Ōraka-Aparima Rūnaka have recognised ancestral associations and interests in the Fiordland coastal environment. Their respective positions on the proposal differ, with Te Rūnanga o Makaawhio having provided written affected party approval, while Te Ao Mārama Inc., on behalf of Ōraka-Aparima Rūnaka, has lodged a neutral submission identifying concerns regarding cumulative effects and the protection of cultural and environmental values. I recognise that these positions reflect the respective views of rūnanga with interests in the area and that the approval of one does not negate the concerns expressed by the other. Nevertheless, the approval provided by Makaawhio is a relevant consideration in assessing the proposal's effects on the spiritual and cultural values of tangata whenua.

[61] In my opinion, the proposal's effects on these values and the concerns raised in the TAMI submission must be considered in the context of the existing lawful activity. MV Mitre Peak III will replace an existing vessel without increasing trip frequency, changing established routes, introducing ancillary activities or requiring additional structures or discharges. While I acknowledge the concerns expressed by tangata whenua, I consider that the proposal will not result in any increase in adverse effects on the cultural values associated with Milford Sound. This conclusion is subject to my more detailed consideration of the

submission and relevant iwi management plan provisions later in this evidence.

Ngāi Tahu customary use; taonga species present

[62] I acknowledge the importance of the Fiordland coastal marine area to Ngāi Tahu, including its historical and contemporary customary use and the presence of taonga species. As identified in the statutory acknowledgement for Te Mimi o Tū Te Rakiwhānoa under the Ngāi Tahu Claims Settlement Act 1998, the area has longstanding cultural associations, including the traditional collection and transportation of pounamu and other natural resources. I recognise the importance of maintaining the ability of tangata whenua to exercise customary practices and their relationship with taonga species.

[63] The proposal will not introduce any additional vessel movements, alter established routes, involve shoreline landings or establish new structures within the coastal marine area. Accordingly, there will be no additional physical restrictions on customary access or use arising from the proposal. Furthermore, existing and proposed conditions addressing vessel speeds, marine mammal interactions, biosecurity and waste management will continue to provide for the protection of marine habitats and species. In particular, the assessment undertaken by Tonkin & Taylor confirms that underwater noise emissions from MV Mitre Peak III are expected to be essentially equivalent to those of MV Mitre Peak II, with no material increase relative to the applicant's existing fleet.

[64] I acknowledge the concerns expressed by Te Ao Mārama Inc. regarding cumulative effects on the cultural and intrinsic values of Fiordland, which are considered further in my assessment of the submission and Te Tangi a Tauira – Iwi Management Plan later in this evidence. Having regard to the replacement nature of the activity, the absence of additional restrictions on customary access or use, and the continuation of existing operational safeguards, I consider that there will not be additional adverse effects on Ngāi Tahu customary use and taonga species, while acknowledging the wider cultural concerns expressed by tangata whenua.

Wilderness, remoteness and tranquility values.

[65] I acknowledge that wilderness, remoteness and tranquillity are significant values of the Fiordland coastal environment. While Milford Sound retains these qualities by virtue of its outstanding natural setting and immense landscape, it is also an established international tourism destination where commercial vessel movements, recreational boating and associated tourism activities form part of the existing environment.

[66] As assessed in Sections 7.3.1 and 7.3.2 of the AEE, the proposal involves replacing an existing vessel rather than introducing an additional commercial operation. There will be no increase in the frequency or duration of trips, changes to existing routes or expansion into more remote areas of Fiordland. Although MV Mitre Peak III will be larger and have greater passenger capacity, I consider that its increased dimensions can be readily absorbed within the scale of Milford Sound and will not materially alter the existing experience of wilderness or remoteness.

[67] In respect of tranquillity, the assessment undertaken by Acoustic Engineering Services confirms that the proposed vessel is expected to comply with the relevant airborne noise standards of the RCP, including noise generated by passengers. The assessment undertaken by Tonkin & Taylor similarly concludes that underwater noise emissions will be essentially equivalent to MV Mitre Peak II, with no material increase relative to the existing fleet. Accordingly, I do not anticipate any material change to the existing acoustic environment arising from the proposal.

[68] I acknowledge the concerns raised by Te Ao Mārama Inc. and the Fiordland Marine Guardians regarding the cumulative effects of increasing vessel sizes and commercial activity on wilderness and remoteness values. However, having regard to the replacement nature of the proposal, the unchanged operational parameters and the technical acoustic assessments, I consider that the proposal will not materially increase adverse effects on these values. Overall, I assess the adverse effects on wilderness, remoteness and tranquillity values to be no more than minor, consistent with Ms Smith's assessment in Section 3.3 of her s42A report.

Effects on Navigational Safety

[69] I note that navigational safety has been specifically assessed in the further information response dated 16 March 2026, which confirms that the proposal will comply with the relevant Southland Navigation Safety Bylaws and maritime safety requirements.

[70] Importantly, the s42A report confirms that the Southland Harbourmaster, Mr Lyndon Cleaver, has reviewed the application and raised no significant concerns regarding navigational safety.[12]

[71] Ms Smith further concludes[13] that the adverse effects on public access and navigational safety will be less than minor. I agree with that assessment, particularly given the harbour masters satisfaction with the proposal, and that there will be no additional vessel, vessel movements, or changes to the established operating routes.

Cumulative Effects

[72] I have assessed cumulative effects in Section 7.3.9 of the original AEE, having particular regard to Policy 16.2.8 of the RCP, which identifies potential cumulative effects associated with increasing vessel numbers, sizes, frequency of use, ancillary activities and the concentration of commercial surface water activities within Fiordland. I acknowledge that cumulative effects can arise progressively over time or in combination with other activities and that the absence of a completed carrying capacity assessment warrants a precautionary approach. In this regard, I also acknowledge Mr Quickfall's evidence that the increased vessel dimensions have been informed by operational requirements, including improved enclosed passenger accommodation, rather than a proposal to increase the frequency or geographical extent of commercial sightseeing activities.

[73] As assessed earlier in my evidence, the increased vessel dimensions will remain subservient to the immense scale of the Milford Sound landscape and comparable to other vessels operating within the receiving environment. Furthermore, the assessments undertaken by

12 S42A Report, Section 3.3, page 14, paragraph 3.3.9.
13 S42A Report, Section 3.3, page 15, paragraph 3.3.12.

AES and Tonkin & Taylor do not identify any material increase in acoustic effects relative to the existing operations. Accordingly, I consider that the proposal will not contribute to cumulative adverse effects on landscape, natural character, amenity, wilderness or tranquillity values, notwithstanding the increased vessel size and passenger capacity.

[74] I acknowledge the concerns raised by CRA8, the Fiordland Marine Guardians and Te Ao Mārama Inc. regarding incremental increases in vessel size and the potential cumulative erosion of Fiordland's significant values. However, I consider it important to distinguish the potential or hypothetical cumulative effects of widespread intensification across the commercial fleet from the actual and potential effects of this particular replacement vessel. The proposal must be assessed in the context of the existing receiving environment, the unchanged operational parameters and the specific effects identified through the application and supporting technical assessments.

[75] I agree with Ms Smith's assessment that cumulative adverse noise effects will be less than minor. Having also considered the potential cumulative effects associated with increased vessel dimensions and passenger capacity, I consider that the overall cumulative adverse effects of the proposal will be no more than minor, subject to the recommended consent conditions.

Precedent Effects

[76] I have assessed potential precedent effects in Section 7.3.10 of the original AEE. I acknowledge that granting consent for a larger replacement vessel could be relied upon by other commercial operators seeking similar increases in vessel size or passenger capacity. This is particularly relevant given the precautionary approach established through Plan Change 5 to the RCP.

[77] However, I consider that the circumstances of this application are sufficiently specific that granting consent would not establish an expectation that comparable applications should also be approved. The proposal involves replacing an ageing 26-year-old vessel, with no increase in vessel numbers, trip frequency, operating area or ancillary

activities. Furthermore, as demonstrated earlier in my evidence, MV Mitre Peak III will remain comparable in size to other vessels currently operating within Milford Sound, and the assessed environmental effects will be no more than minor.

[78] Importantly, any subsequent application seeking to increase the scale of commercial surface water activities would remain subject to the non-complying activity provisions of the RCP, including the directive and precautionary requirements of Policy 16.2.2. Each application would require consideration of its particular circumstances, including the existing vessel size, proposed increase in scale, receiving environment and potential cumulative effects. An increase in the size of an already larger vessel, for example, may have materially different effects on landscape, natural character, wilderness and remoteness values than those associated with this proposal.

[79] I do not consider that granting consent on the particular facts and evidence presented would diminish the ability of the Council to apply the relevant objectives and policies rigorously to future applications. In my opinion, the proposal does not create an unacceptable precedent or undermine the integrity of the RCP, and any potential adverse precedent effects are less than minor.

Objectives and Policies Assessment

[80] I have reviewed the relevant objectives and policies of the Regional Coastal Plan for Southland 2013 (**RCP**), including the amendments introduced through Plan Change 5, which became operative on 18 October 2024. I generally agree with the provisions identified by Ms Smith in Section 3.10 of her s42A report. However, I additionally consider Objectives 16.1.1, 16.1.2 and 16.1.3 to be particularly relevant, as these establish the overarching policy direction for commercial surface water activities within Fiordland. The most directly relevant provisions are Objectives 16.1.1–16.1.3 and Policies 16.2.1, 16.2.2, 16.2.3, 16.2.7, 16.2.8, 16.2.10 and 16.2.15. Other relevant provisions include Objectives 4.6.1, 4.7.1, 5.5.1 and 5.10.1 and their associated policies, together with Policies 5.3.1, 11.7.7.2 and 11.8.2. I assess these provisions below:

Chapter 4 – Fundamental Principles

Objective 4.6.1

Concentrating use and development

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.

Policy 4.6.1

Concentrate compatible activities

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.

Objective 4.7.1

Avoid, remedy or mitigate cumulative adverse effects

To avoid, remedy or mitigate cumulative adverse effects.

Policy 4.7.1

Avoid, remedy or mitigate adverse cumulative effects

To avoid, remedy or mitigate adverse cumulative effects of activities in the coastal marine area.

[81] Objective 4.6.1 and its supporting policy seek to protect areas of the coastal marine area that remain free from use and development by concentrating activities, wherever practicable, in areas where those activities are already established. The proposal involves the replacement of an existing commercial sightseeing vessel operating within Milford Sound, without extending the operational area or introducing activities into previously unaffected parts of Fiordland. I therefore consider that the proposal is consistent with outcomes sought by Objective 4.6.1 and its supporting policy.

[82] Objective 4.7.1 and Policy 4.7.1 seek to avoid, remedy or mitigate cumulative adverse effects within the coastal marine area. I acknowledge that the increased vessel dimensions and passenger capacity are relevant to the consideration of cumulative effects, particularly in the context of the increasing scale of commercial tourism activities in Fiordland. However, the proposal will not increase vessel numbers, trip frequency or the geographical extent of operations. Having regard to the existing receiving environment, the technical acoustic assessments and my earlier assessment of cumulative effects, I consider that the proposal will not materially contribute to cumulative adverse effects on the significant values of Milford Sound. The proposal is therefore consistent with the outcomes sought by these provisions.

Objective 4.9.1

Consultation with territorial authorities iwi and government agencies

To ensure that territorial authorities are consulted where resource consent applications are in areas of the coastal marine area that either adjoin or are within territorial authority boundaries, iwi or government agency boundaries.

[83] Objective 4.9.1 addresses consultation with territorial authorities, iwi and relevant government agencies in relation to activities within the coastal marine area. Consultation has been undertaken with relevant statutory agencies, tangata whenua and other potentially affected parties, as detailed in the original AEE. Affected party approvals have been obtained from the Department of Conservation and Te Rununga o Makaawhio. I acknowledge the submissions received from CRA8, the Fiordland Marine Guardians and Te Ao Mārama Inc., and have specifically addressed the matters raised in my evidence. I consider that the consultation undertaken has been appropriate to the nature and scale of the proposal.

Objective 5.3.1

Protection of amenity values

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.

Objective 5.3.7

Noise levels

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.

Policy 5.3.1

Amenity values

Protect amenity values of the coastal marine area.

Policy 5.3.13

Noise performance standards

The Southland Regional Council will advocate compatible noise standards with the region's territorial authorities.

Policy 5.3.15

Amenity values

Protect amenity values of the coastal environment from the adverse effects of artificial noise in the coastal marine area.

Policy 5.3.18

Noise from ships in motion

Avoid noise from ships in motion that adversely affects the health and well-being of people or degrades amenity values.

[84] Objectives 5.3.1 and 5.3.7 and Policies 5.3.1, 5.3.13, 5.3.15 and 5.3.18 collectively seek to protect the amenity values, natural character and public enjoyment of the coastal marine area from adverse effects associated with activities and noise, including noise generated by vessels underway.

[85] I acknowledge that the proposed increase in vessel dimensions and passenger capacity has the potential to influence amenity and noise effects. However, the proposal will not increase vessel movements, alter established routes or extend the operational area.

[86] Importantly, the acoustic assessments undertaken by Acoustic Engineering Services and Tonkin & Taylor confirm that the replacement vessel is not expected to generate any material increase in airborne or underwater noise emissions relative to the existing operations. The proposal will also comply with the relevant noise performance standards of the RCP. Having regard to the existing commercial vessel environment and the assessment of effects undertaken earlier in my evidence, I consider that the proposal will maintain the amenity, natural character and recreational values of Milford Sound without adversely affecting public health, safety or enjoyment of the coastal environment. Accordingly, I consider that the proposal is consistent with the outcomes sought by these objectives and policies.

<u>Chapter 11 – Structures</u>

Objective 11.7.7.4

Safe navigation of Southland's coast

To ensure that safe navigation of coastal waters is not unnecessarily put at risk by inappropriate use and development within the coastal marine area.

Policy 11.7.7.2

Consultation with Fishermen's Associations

Consult with Fishermen's Associations as a matter of course in respect of resource consent applications in areas that are either frequently fished or navigated.

Objective 11.8.1

Safe and efficient navigation

To ensure there is safe and efficient navigation in the coastal marine area.

Policy 11.8.2

Avoid adverse effects on navigation safety

Avoid any adverse effects from structures and activities on navigation safety

[87] Objectives 11.7.7.4 and 11.8.1 and Policy 11.8.2 seek to maintain safe and efficient navigation within the coastal marine area and avoid adverse effects on navigational safety arising from activities and development. Policy 11.7.7.2 additionally requires consultation with fishermen's associations in areas frequently fished or navigated. I acknowledge that the proposed vessel will be larger than MV Mitre Peak I; however, there will be no increase in vessel movements, changes to established navigation routes or additional structures within the coastal marine area. Importantly, the Southland Harbourmaster has reviewed the proposal and identified no significant navigational safety concerns, as confirmed by Ms Smith in Section 3.3 of her s42A report. CRA8 was identified as an affected party and provided the opportunity to participate in the consent process both through consultation undertaken by the applicant and the formal submission process. I will discuss further in response to submissions, that CRA8's submission does not identify any specific adverse effects on navigational safety or access for commercial fishing vessels. Having regard to these matters and my earlier assessment of navigational safety, I consider that the proposal will maintain safe and efficient navigation within Milford Sound and is consistent with the outcomes sought by these objectives and policies.

Chapter 16 - Surface Water Activities On The Internal Waters of Fiordland from Yates Point to Puysegur Point

Objective 16.1.1

Maintain essential characteristics

To maintain the essential characteristics, including the internationally, nationally and regionally significant values, of the pristine Fiordland coastal environment that contribute to a range of high-quality experiences in a natural coastal environment.

Objective 16.1.2

Preserve remoteness and wilderness values

To preserve the remoteness and wilderness values of the Fiordland coastal environment.

Objective 16.1.3

Effects of surface water activities on intrinsic values

To ensure that commercial and private recreational surface water activities do not adversely affect the intrinsic values of the Fiordland coastal environment.

Policy 16.2.1

Recognise, identify and protect areas at risk of diminished natural character, landscape and amenity values

(a) Recognise that natural character, landscape and amenity values are not uniform across all fiords and some areas are more vulnerable than others to the adverse effects of increased use; and

(b) Identify areas in the fiords where natural character, landscape and amenity values are vulnerable to the adverse effects of increased use.

Policy 16.2.2

Avoid adverse effects on internationally, nationally, and regionally significant values

Avoid adverse effects on the international, national, and regionally significant values of the Fiordland coastal environment, by:

1 recognising that the international, national, and regionally significant values of the Fiordland coastal environment include:

a outstanding natural character values, including wild and scenic values and outstanding naturalness;

b outstanding landscape and natural feature values;

c amenity values;

d significant habitats of indigenous fauna, significant indigenous vegetation and indigenous biological diversity (including marine reserves and habitat of the protected black coral, marine mammals and sea birds);

e spiritual and cultural values, relationships, and beliefs of tangata whenua;

f Ngāi Tahu customary use;

g taonga species present; and

h wilderness, remoteness and tranquility values;

2 not granting resource consent for new or intensifying (above that which lawfully existed at 18 July 2022) commercial surface water activities, including ancillary activities, where adverse effects on those matters identified in Policy - 16.2.2(1) will increase; and

3 using a precautionary approach in the consideration of resource consents for commercial surface water activities, including ancillary activities, to ensure the international, national and regional values of the Fiordland coastal environment are

protected, or maintained where values have been degraded; until allocation, limits are established through the Regional Coastal Plan Review process.

Policy 16.2.3

Avoid or mitigate adverse effects on marine mammals

Avoid or mitigate adverse effects from commercial surface water activities on marine mammals including by:

1 *considering the level of underwater noise of the vessel, including ancillary activities, and methods proposed to minimise underwater noise (for example speed restrictions);*

2 *considering speed restriction where this could minimise potential effects on marine mammals;*

3 *where relevant, including conditions in resource consents focused on avoiding adverse effects on habitats that are particularly significant for marine mammals including whales, seals and the endangered bottlenose dolphin populations; and*

4 *advocating for the use and understanding of current measures to avoid or mitigate potential adverse effects on marine mammals as appropriate.*

Policy 16.2.7

Protection and maintenance of remoteness, wilderness and recreational values in the fiords, inlets and arms

Manage adverse effects of commercial surface water activities, including ancillary activities, in the Fiordland coastal marine area:

1 *to protect wilderness values of Rakituma / Preservation Inlet and Taiari / Chalky Inlet;*

2 *to protect the wilderness values of the northern fiords, between (but not including) Piopiotahi / Milford Sound and Te Awa-o-Tū / Thompson Sound;*

3 *to protect remoteness values of the Tamatea / Dusky Sound complex (including Tamatea / Dusky Sound, Te Puaitaha / Breaksea Sound, Te Rā / Dagg Sound and all associated 'arms') and wilderness values of the Cook and Bowen channels within the Tamatea / Dusky Sound complex;*

4 *to maintain the predominantly remote experiences values of the Patea / Doubtful Sound complex (including all 'arms', Te Awa-o-Tū / Thompson Sound and Kaikiekie / Bradshaw Sound); and*

5 *to maintain the recreational and visitor values of Piopiotahi / Milford Sound and Deep Cove.*

Policy 16.2.8

Impacts on wilderness and remoteness values

When considering a resource consent for a commercial surface water activity, recognise and consider matters that can impact on the international, national, and regionally significant wilderness and remoteness values of the Fiordland coastal environment including:

1 *ship size including increases in ship size from those lawfully established at 18 July 2022;*

2 *frequency of ship use and type of use (including day trips or backcountry trips);*

3 *vessel appearance, including scale, bulk and form of the ship exterior;*

4 *cumulative effects including increasing number of ships and structures and concentration of these;*

5 *ancillary activity (including helicopters, tenders craft and kayaks) associated with the commercial surface water activity proposal, in particular increases in ancillary activity levels above those levels lawfully established at 18 July 2022;*

6 *location, landform and scale of the landscape, including its ability to absorb change;*

7 anthropogenic noise; and

8 presence and use of structures, including moorings, related to required for the commercial surface water activity proposal.

Policy 16.2.15 – Consent term

To protect the intrinsic values of the Fiordland coastal marine area when considering the term of consent for commercial surface water activities consideration will be given (but not limited) to:

a the duration sought by the applicant and reasons for the duration sought;

b for proposals that did not lawfully exist as at 18 July 2022 whether uncertainty regarding effects / capacity could be addressed through shorter duration;

c relevant Ngāi Tahu, mana whenua and mana moana values;

d the value, permanence, and economic life of any capital investment and any related infrastructure, of relevance to their application;

e the desirability of applying a common expiry date;

f the applicant's compliance with conditions of any previous resource consent and requirements to hold a Fiordland Clean Vessel Pass; or

g the applicant's adoption, particularly voluntary, of practices, which avoid or if avoidance is not possible adequately mitigate adverse effects.

[88] Objectives 16.1.1, 16.1.2 and 16.1.3 establish the overarching direction for managing surface water activities within Fiordland, including maintaining its internationally, nationally and regionally significant values, preserving wilderness and remoteness, and ensuring that surface of the water activities do not adversely affect these intrinsic values. I acknowledge the importance and directive nature of these objectives, particularly given the outstanding natural character and

landscape values of Milford Sound. However, while the proposed vessel will be larger than MV Mitre Peak I, it will replace an existing authorised vessel without increasing trip frequency, changing established routes, introducing ancillary activities or extending operations into more remote areas. Having regard to my earlier assessment of effects, I consider that the proposal will not have any material increase in adverse effects on the significant environmental values that these objectives seek to maintain.

[89] Policy 16.2.1 recognises that natural character, landscape and amenity values vary throughout Fiordland and that some areas are more vulnerable to increased use than others. Milford Sound is an established tourism destination accommodating significant commercial vessel activity, while retaining outstanding natural character and landscape values. The proposal will remain within the existing operational area and will not introduce activities into less modified or more sensitive parts of Fiordland. Having regard to the scale of the surrounding landscape and the existing commercial vessel environment, I consider that the increased vessel dimensions can be appropriately accommodated without materially diminishing these values.

[90] Policy 16.2.2 is, in my opinion, the most significant policy consideration. Policy 16.2.2(1) identifies the internationally, nationally and regionally significant values of Fiordland, while Policy 16.2.2(2) directs that consent not be granted for new or intensified commercial surface water activities above those lawfully established at 18 July 2022 where adverse effects on those values will increase. Policy 16.2.2(3) further requires a precautionary approach pending the establishment of allocation limits through the Coastal Plan review to ensure the values of the Fiordland coastal environment are protected, (or maintained where values have been degraded). I acknowledge that the proposed increase in vessel dimensions and passenger capacity constitutes an intensification relative to the activity lawfully established at 18 July 2022. However, I consider that the critical consideration under Policy 16.2.2(2) is whether that intensification will result in increased adverse effects on the identified values, rather than whether the physical dimensions or carrying capacity of the vessel will increase *per se*.

[91] As demonstrated through my earlier assessment of each of the values identified in Policy 16.2.2(1), I consider that the proposal will not result in any appreciable increase in adverse effects on natural character, landscape, amenity, indigenous biodiversity, cultural values, wilderness, remoteness or tranquillity. Importantly, MV Mitre Peak III will replace rather than supplement MV Mitre Peak I, with no increase in vessel movements, changes to established routes or additional ancillary activities. The proposed vessel will remain comparable in scale to other vessels operating within Milford Sound, while the assessments undertaken by Acoustic Engineering Services and Tonkin & Taylor do not identify any material increase in airborne or underwater noise effects. I acknowledge that the absence of a completed carrying capacity assessment warrants caution and that Policy 16.2.2 is intended to prevent the incremental erosion of Fiordland's significant values. Nevertheless, having regard to the specific circumstances of this replacement operation, the technical evidence and proposed consent conditions, I consider that the identified incremental changes of this proposal will not result in increased adverse effects on the values identified in Policy 16.2.2(1).

[92] I note that Ms Smith concludes at paragraph 3.10.9 of her s42A report that the proposal is inconsistent with Policy 16.2.2(2), although not contrary to the policy overall. In my opinion, the assessment of effects undertaken earlier in my evidence, together with the supporting technical assessments and operational restrictions, provides an evidential basis for concluding that the proposed intensification will not result in an appreciable increase in adverse effects on those values. I therefore consider that the proposal is capable of being reconciled with the directive and precautionary intent of Policy 16.2.2, rather than being contrary to it.

[93] Policy 16.2.3 seeks to avoid or mitigate adverse effects of commercial surface water activities on marine mammals, including through consideration of underwater noise, vessel speeds and proximity to sensitive habitats. The proposal will retain the existing speed restrictions and separation distances from sensitive marine habitats, while the assessment undertaken by Tonkin & Taylor concludes that no material

increase in underwater noise effects is anticipated. The applicant will also obtain the necessary Marine Mammal Viewing Permit from the Department of Conservation prior to commencing operations. I consider that the proposal appropriately addresses the requirements of this policy.

[94] Policy 16.2.7 seeks to manage commercial surface water activities to maintain the recreational and visitor values of Milford Sound, while protecting the wilderness and remoteness values of other fiords. The proposal will remain confined to the established Milford Sound operating area without expanding into more remote parts of Fiordland. Furthermore, the replacement vessel will maintain existing sightseeing opportunities while providing improved passenger facilities. I consider that the proposal is consistent with the outcomes sought by Policy 16.2.7(5), being the provision directly relevant to Milford Sound.

[95] Policy 16.2.8 requires consideration of matters affecting wilderness and remoteness values, including vessel size, frequency of use, appearance, cumulative effects, ancillary activities, landscape absorption capacity, noise and associated structures. I acknowledge that the proposed increase in vessel dimensions and passenger capacity is directly relevant to Policies 16.2.8(1) and (3), and that the potential cumulative effects of progressively larger commercial vessels require consideration under Policy 16.2.8(4). However, the proposal will not increase vessel numbers or trip frequency, introduce additional structures or ancillary activities, or expand operations into more remote areas. The proposed vessel will remain comparable in size to other vessels operating within Milford Sound, and its increased dimensions will remain subordinate to the immense scale of the surrounding landscape. Furthermore, the supporting acoustic assessments do not identify any material increase in noise effects. Having considered each of the matters identified in Policy 16.2.8, including the potential for cumulative effects, I consider that the proposal will not materially erode the wilderness or remoteness values of Milford Sound.

[96] Policy 16.2.15 establishes specific considerations relevant to consent duration, including uncertainty regarding environmental effects and carrying capacity, tangata whenua values, the economic life of capital

investment, previous compliance and measures adopted to avoid or mitigate adverse effects. I acknowledge the preference expressed by Te Ao Mārama Inc. for a five-year consent duration and the precautionary direction of the RCP. However, I consider that the appropriate consent term must be determined having regard to all relevant considerations under Policy 16.2.15, rather than uncertainty regarding carrying capacity in isolation.

[97] In this regard, I place weight on the evidence of Mr Quickfall concerning the age of MV Mitre Peak I, the operational need for its replacement, the substantial capital investment associated with commissioning a purpose-built vessel, and the importance of sufficient certainty to support responsible long-term business planning. Mr Quickfall's evidence indicates that a five-year term would not provide sufficient certainty to justify that investment, particularly having regard to the time required to design, construct and commission the replacement vessel. I consider these matters directly relevant to Policy 16.2.15(a) and (d). When balanced against the uncertainty regarding carrying capacity, tangata whenua values, the applicant's established compliance history, the finite duration proposed and the environmental safeguards incorporated into the recommended consent conditions, I consider that a ten-year consent term represents an appropriate and proportionate outcome. Importantly, Condition 19 provides Council with the ability to review the consent conditions during the ten-year term, including in response to emerging adverse or cumulative effects. I consider that this provides an additional precautionary safeguard during the consent term, although I acknowledge that the review mechanism does not remove all uncertainty associated with the longer duration sought.

[98] Overall, having considered the Chapter 16 objectives and policies collectively, and giving particular weight to the directive and precautionary requirements of Policy 16.2.2, I consider that the proposal is not contrary to the objectives and policies of the RCP. While the increased vessel dimensions and passenger capacity represent an intensification, the proposal involves the replacement of an established commercial surface water activity without increasing vessel numbers, trip frequency or geographical coverage. Having regard to the assessed

incremental effects, supporting technical evidence and proposed consent conditions, I consider that the significant values of the Fiordland coastal environment will be appropriately protected.

[99] Accordingly, I agree with Ms Smith's ultimate conclusion that the application satisfies the objectives and policies gateway under Section 104D(1)(b) of the Act.

Higher Order Planning Documents

[100] The relevant higher order planning documents include the following:

- Southland Regional Policy Statement 2017
- New Zealand Coastal Policy Statement 2010

Southland Regional Policy Statement 2017

[101] I have reviewed the relevant provisions of the Southland Regional Policy Statement 2017 (SRPS) and generally agree with those identified by Ms Smith at Section 3.9 of her s42A report. I additionally consider Objective COAST.1 and Policy COAST.5, and Objectives LNF.1, and Objectives TW.1 and TW.2 to be relevant, particularly in respect of cumulative effects, precedent effects and the protection of coastal ecosystems, and consideration of cultural values. I assess the provisions below:

Objective COAST.1

Direction on activities within the coastal environment

Provide clear direction on appropriate and inappropriate subdivision, use and development activities, the cumulative effect of an activity, and precedent effects of a decision, within the region's coastal environment.

Objective COAST.2

Activities in the coastal environment

Infrastructure, ports, energy projects, aquaculture, mineral extraction activities, subdivision, use and development in the

coastal environment are provided for and able to expand, where appropriate, while managing the adverse effects of those activities.

Objective COAST.3

Coastal water quality and ecosystems

Coastal water quality and ecosystems are maintained or enhanced.

Objective COAST.4

Natural character

The natural character of the coastal environment is restored, rehabilitated or preserved.

Policy COAST.2

Management of activities in the coastal environment

Ensure adequate measures or methods are utilised within the coastal environment when making provision for subdivision, use and development to:

(a) protect indigenous biodiversity, historic heritage, natural character, and natural features and landscape values;

(b) maintain or enhance amenity, social, intrinsic, ecological and cultural values, landscapes of cultural significance to tangata whenua and coastal dune systems;

(c) maintain or enhance public access; and

(d) avoid or mitigate the impacts of natural hazards, including predicted sea level rise and climate change.

Policy COAST.3

Protection of the coastal environment

Ensure that subdivision, use and development activities:

(a) avoid adverse effects on areas of outstanding natural features and landscapes, and/or outstanding natural character;

(b) avoid significant adverse effects, and avoid, remedy or mitigate other adverse effects on other natural features and landscapes and/or natural character in the coastal environment;

(c) protect and provide for nationally significant, regionally significant, and critical infrastructure, including ports and energy projects for the region, including by:

(i) recognising that new development of the National Grid should seek to avoid adverse effects on the values of outstanding natural features and landscapes, and/or areas of outstanding or high natural character located within rural coastal environments. In the coastal environment, in some circumstances, adverse effects on those areas must be avoided.

Policy COAST.5

Management of effects on coastal water quality and ecosystems

Avoid, remedy or mitigate adverse effects of land-based and marine activities on coastal water quality and its ecosystems.

Policy COAST.7

Management of activities in the coastal marine area

Within the coastal marine area, provide a framework to avoid or mitigate adverse effects on the coastal environment for the following activities:

(a) the allocation, use and occupation of coastal space;

(b) the use and development of the natural and physical resources of the coastal marine area;

(c) the emission of noise;

(d) commercial activities on the water and on the foreshore and seabed.

Objective LNF.1

Identification and protection of outstanding natural features and landscapes

Southland's outstanding natural features and landscapes are identified and protected from inappropriate subdivision, use and development.

Policy LNF.4

Protection of outstanding natural features and landscapes

Local authorities shall protect outstanding natural features and landscapes from inappropriate subdivision, use and development by having regard to the following:

(a) whether the adverse effects of inappropriate activities on outstanding natural features and landscapes are avoided;

(b) the extent to which the outstanding natural feature or landscape would be modified or damaged including duration, frequency, magnitude or scale of any effect;

(c) the irreversibility of adverse effects on outstanding natural features or landscape values;

(d) the resilience of the outstanding natural feature or landscape to change;

(e) opportunities to remedy or mitigate previous adverse effects on the outstanding natural feature or landscape;

(f) whether the activity will lead to cumulative adverse effects on the outstanding natural feature or landscape;

(g) the relationship of the landscape to the surrounding environment.

Objective TW.1

Decision-making and partnerships with tangata whenua

The principles of the Treaty of Waitangi/Te Tiriti o Waitangi are taken into account in a systematic way through effective partnerships between tangata whenua and local authorities, which provide the capacity for tangata whenua to be fully involved in council decision-making processes.

Objective TW.2

Provision for iwi management plans

All local authority resource management processes and decisions take into account iwi management plans.

Policy TW.1 – Treaty of Waitangi

Consult with, and enhance tangata whenua involvement in local authority resource management decision-making processes, in a manner that is consistent with the principles of the Treaty of Waitangi/Te Tiriti o Waitangi.

Policy TW.3

Iwi management plans

Take iwi management plans into account within local authority resource management decision making processes.

[102] Objectives COAST.2 and COAST.4 and Policies COAST.2 and COAST.3 provide for appropriate use and development of the coastal environment while protecting its natural character, landscape, biodiversity, amenity and cultural values. I acknowledge that Policy COAST.3(a) specifically directs the avoidance of adverse effects on outstanding natural character and outstanding natural features and landscapes. Having regard to the existing commercial vessel environment, the replacement nature of the proposal and the assessment undertaken earlier in my evidence, I consider that the

increased vessel dimensions will not materially detract from these outstanding values.

[103] Objective COAST.3 and Policies COAST.5 and COAST.7 address the protection of coastal water quality and ecosystems and the management of activities within the coastal marine area, including commercial vessel operations and noise. The proposal will retain the existing operational restrictions, including those relating to vessel movements, waste management and biosecurity. The acoustic assessments undertaken by AES and Tonkin & Taylor further demonstrate that no material increase in airborne or underwater noise effects is anticipated. Accordingly, I consider that the proposal will maintain coastal water quality and ecological values and appropriately manage the effects of the commercial surface water activity.

[104] Objective LNF.1 and Policy LNF.4 similarly seek to protect outstanding natural features and landscapes from inappropriate use and development, having regard to the scale, duration, reversibility and cumulative effects of activities. The proposed vessel will not physically modify or damage the landscape, and its increased dimensions will remain comparable to other vessels operating within Milford Sound. I agree with Ms Smith's observation at paragraph 3.9.3 that the proposal will not result in permanent landscape modification. Furthermore, having regard to Objective COAST.1, I consider that the proposal will not result in unacceptable cumulative or precedent effects, for the reasons previously outlined in my evidence.

[105] Objectives TW.1 and TW.2 and Policies TW.1 and TW.3 recognise the relationship of tangata whenua with the environment and the importance of their involvement in resource management decision-making, including consideration of iwi management plans. Consultation has been undertaken with the relevant rūnanga, and I acknowledge both the affected party approval provided by Te Rūnanga o Makaawhio and the concerns expressed by Te Ao Mārama Inc. on behalf of Ōraka-Aparima Rūnaka. I address those concerns and the relevant provisions of Te Tangi a Tauira separately later in my evidence. I consider that the proposal appropriately recognises these matters, consistent with the direction of the SRPS.

[106] Overall, I agree with Ms Smith's conclusion that the proposal is generally consistent with the relevant objectives and policies of the SRPS. While the proposed vessel represents an increase in physical dimensions and passenger capacity, the proposal will not increase vessel movements, alter existing routes or introduce additional activities or structures. Having regard to the assessed effects and proposed consent conditions, I consider that the proposal represents an appropriate continuation of an established commercial activity without materially compromising the significant values of the Fiordland coastal environment.

New Zealand Coastal Policy Statement 2010

[107] The NZCPS 2010 was amended with effect from 15 January 2026. Accordingly, the correct statutory reference is therefore the New Zealand Coastal Policy Statement 2010, as amended in 2025. Similarly to Ms Smith, I note that some of the Objectives and Policies are long and include matters of minimal relevance to the proposal. Therefore, while I address the directly relevant provisions from this document below, I have abbreviated them where appropriate and in **Appendix [A]** provide a copy of the NZCPS with the relevant provisions highlighted in full.

Objective 2

To preserve the natural character of the coastal environment and protect natural features and landscape values through:

- ***recognising the characteristics and qualities that contribute to natural character,***
- ***natural features and landscape values and their location and distribution;***
- ***identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities; and***
- ***encouraging restoration of the coastal environment.***

Objective 3

To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by:

- ***recognising the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources;***
- ***promoting meaningful relationships and interactions between tangata whenua and***
- ***persons exercising functions and powers under the Act;***
- ***incorporating mātauranga Māori into sustainable management practices; and***
- ***recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua.***

Objective 6

To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:

- ***the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;***
- ***some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities;……..***

Policy 1

Extent and characteristics of the coastal environment……

Policy 2

The Treaty of Waitangi, tangata whenua and Māori heritage…..

Policy 3

Precautionary approach

(1) Adopt a precautionary approach towards proposed activities whose effects on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse.

(2) In particular, adopt a precautionary approach to use and management of coastal resources potentially vulnerable to effects from climate change, so that:

(a) avoidable social and economic loss and harm to communities does not occur;

(b) natural adjustments for coastal processes, natural defences, ecosystems, habitat and species are allowed to occur; and

(c) the natural character, public access, amenity and other values of the coastal environment meet the needs of future generations.

Policy 5

Land or waters managed or held under other Acts……

Policy 6

Activities in the coastal environment

(1) In relation to the coastal environment:

(a) …
(b) …
(c) …
(d) …
(e) …

(f) …;
(g) …

(h) consider how adverse visual impacts of development can be avoided in areas sensitive to such effects, such as headlands and prominent ridgelines, and as far as practicable and reasonable apply controls or conditions to avoid those effects;

(i) …

(j) where appropriate, buffer areas and sites of significant indigenous biological diversity, or historic heritage value.

(2) Additionally, in relation to the coastal marine area:

(a) recognise potential contributions to the social, economic and cultural wellbeing of people and communities from use and development of the coastal marine area, including the potential for renewable marine energy to contribute to meeting the energy needs of future generations;

(b) recognise the need to maintain and enhance the public open space and recreation qualities and values of the coastal marine area;

(c) recognise that there are activities that have a functional need to be located in the coastal marine area, and provide for those activities in appropriate places;

(d) …
(e) ...

Policy 11

Indigenous biological diversity (biodiversity)

To protect indigenous biological diversity in the coastal environment:……...

Policy 12

Harmful aquatic organisms…..

Policy 13

Preservation of natural character

(1) To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:

(a) avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and

(b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment; including by:

(c) assessing the natural character of the coastal environment of the region or district, by mapping or otherwise identifying at least areas of high natural character; and

(d) ensuring that regional policy statements, and plans, identify areas where preserving natural character requires objectives, policies and rules, and include those provisions.

(2) Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:

(a) natural elements, processes and patterns;

(b) biophysical, ecological, geological and geomorphological aspects;

(c) natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;

(d) the natural movement of water and sediment;

(e) the natural darkness of the night sky;

(f) places or areas that are wild or scenic;

(g) a range of natural character from pristine to modified; and

(h) experiential attributes, including the sounds and smell of the sea; and their context or setting.

Policy 15

Natural features and natural landscapes

To protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development:

(a) *avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment; and*

(b) *avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment;*

including by:

(c) identifying and assessing the natural features and natural landscapes of the

(c) *coastal environment of the region or district, at minimum by land typing, soil characterisation and landscape characterisation and having regard to:*

(i) natural science factors, including geological, topographical, ecological and dynamic components;

(ii) the presence of water including in seas, lakes, rivers and streams;

(iii) legibility or expressiveness—how obviously the feature or landscape demonstrates its formative processes;

(iv) aesthetic values including memorability and naturalness;

(v) vegetation (native and exotic);

(vi) transient values, including presence of wildlife or other values at certain times of the day or year;

(vii) whether the values are shared and recognised;

(viii) cultural and spiritual values for tangata whenua, identified by working, as far as practicable, in accordance with tikanga Māori; including their expression as cultural landscapes and features;

(ix) historical and heritage associations; and

(x) wild or scenic values;

(d) *ensuring that regional policy statements, and plans, map or otherwise identify areas where the protection of natural features and natural landscapes requires objectives, policies and rules; and*

(e) *including the objectives, policies and rules required by (d) in plans.*

[108] I consider that the proposal is generally consistent with the relevant objectives and policies of the NZCPS. In particular, Objective 2 and Policies 13(1)(a) and 15(a) seek to preserve outstanding natural character and protect outstanding natural features and landscapes by avoiding adverse effects on these values. As assessed earlier in my evidence, while the proposed vessel will be larger than MV Mitre Peak I, its increased dimensions will remain subservient to the immense scale of the surrounding landscape and comparable to other vessels operating within Milford Sound. There will be no additional vessel movements, changes to established routes, shoreline disturbance or new structures. Having regard to the temporary and transient nature of the vessel's presence, the existing commercial vessel environment and the absence of any physical modification to the coastal landscape, I consider that the proposal will maintain the outstanding natural character and landscape values sought to be protected by these policies.

[109] Objective 3 and Policies 2 and 5 are relevant to recognising the relationship of tangata whenua with the coastal environment and the protection of values associated with conservation areas and marine reserves. Consultation has been undertaken with the relevant rūnanga, including Te Rūnanga o Makaawhio, which has provided affected party approval. I acknowledge the concerns expressed by Te Ao Mārama Inc. on behalf of Ōraka-Aparima Rūnaka, which are addressed separately later in my evidence. In my opinion, the proposal will not materially interfere with customary use or cultural values, nor adversely affect the values of Fiordland National Park or Piopiotahi Marine Reserve.

[110] Policies 11 and 12 seek to protect indigenous biodiversity and minimise the risks associated with harmful aquatic organisms. The proposal will retain the existing restrictions on vessel speeds, proximity to sensitive

habitats and biosecurity management. Furthermore, the underwater acoustic assessment undertaken by Tonkin & Taylor concludes that the replacement vessel will not materially increase underwater noise emissions relative to the applicant's existing fleet. The applicant will also obtain a new Marine Mammal Viewing Permit from DOC prior to commencing operations. Having regard to these matters and DOC's affected party approval, I consider that the proposal is consistent with the protection of indigenous biodiversity and marine ecological values anticipated by these policies.

[111] Objective 6 and Policy 6(2) recognise the contribution that appropriate use and development of the coastal marine area can make to social, economic and cultural wellbeing, including activities that have a functional need to operate within that environment. The proposal will enable the continued operation of an established commercial sightseeing activity within Milford Sound, while providing improved passenger facilities and maintaining the existing operational restrictions. I consider that the proposal appropriately provides for these activities without materially compromising the environmental values sought to be protected by the NZCPS.

[112] Finally, Policy 3 directs a precautionary approach where effects on the coastal environment are uncertain, unknown or little understood and potentially significantly adverse. While I acknowledge the absence of a completed carrying capacity assessment for commercial surface water activities in Fiordland, the effects of this particular replacement operation have been assessed having regard to the existing lawful activity, the established receiving environment and the specialist acoustic assessments. In my opinion, the actual and potential effects are sufficiently understood and appropriately addressed through the proposed consent conditions. Furthermore, the review mechanism provided by Condition 19 enables the Council to respond to new information or emerging adverse effects during the consent term, reinforcing my conclusion that the proposal appropriately adopts a precautionary approach.

[113] Accordingly, I consider that the proposal is consistent with the relevant objectives and policies of the NZCPS when considered as a whole.

Te Tangi a Tauira – Iwi Management Plan

[114] I have reviewed the relevant provisions of Te Tangi a Tauira – Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008, particularly Sections 3.3.4 (Piopiotahi/Milford Sound), 3.3.5 (Fiordland Future Development), 3.3.6 (Visitor Management), 3.6.6 (Fiordland Commercial Surface Water Activities) and 3.6.7 (Coastal Water Quality). These provisions recognise the significant cultural, spiritual, ecological and intrinsic values of Fiordland and seek to ensure that commercial tourism and visitor activities do not compromise those values, particularly through cumulative effects or inappropriate intensification.

[115] Section 3.3.4, particularly Policies 2, 3, 5, 6 and 9, recognises the importance of protecting the cultural, historic and natural values of Piopiotahi, while providing for appropriate tourism development and the utilisation of improved technologies to minimise environmental effects. Similarly, Section 3.3.5, Policies 3–6, and Section 3.3.6, Policies 1–3, seek to protect Fiordland's natural character and cultural values, concentrate visitor activities within established locations and appropriately manage cumulative effects.

[116] I acknowledge that the increase in vessel dimensions and passenger capacity represents an intensification of the existing activity and has potential implications for visitor numbers and cumulative effects. However, the proposal will replace an existing vessel without increasing trip frequency, changing established routes, introducing ancillary activities or extending operations into less modified areas of Fiordland. Having regard to the existing receiving environment and my earlier assessment of effects, I consider that the proposal represents an appropriate continuation of an established commercial activity without materially compromising the values these provisions seek to protect.

[117] Section 3.6.6 is particularly relevant as it specifically addresses commercial surface water activities within Fiordland, identifying concerns regarding vessel noise, sewage and greywater discharges, biosecurity, marine mammals, carrying capacity and the cumulative effects of increasing vessel activity on wilderness, remoteness and

intrinsic values. Policies 1–5 and 9 encourage the avoidance of vessel discharges, appropriate wastewater management, biosecurity measures and improved environmental technologies. These considerations are reinforced by Section 3.6.7, particularly Policy 2. The proposal will retain existing operational restrictions and be subject to conditions addressing waste management and biosecurity, while the assessments undertaken by Acoustic Engineering Services and Tonkin & Taylor indicate that no material increase in airborne or underwater noise effects is anticipated. The existing restrictions on vessel speeds and proximity to sensitive marine habitats will also continue to apply. I therefore consider that the potential effects on coastal water quality, marine biodiversity and associated cultural values will be appropriately managed.

[118] I acknowledge that Te Tangi a Tauira expressly identifies the carrying capacity of Piopiotahi and the cumulative effects of increasing commercial vessel activity as significant concerns. These matters are also reflected in the submission lodged by Te Ao Mārama Inc. on behalf of Ōraka-Aparima Rūnaka. While the proposed vessel will accommodate more passengers, the application will not increase the number of commercial vessels, frequency of trips or geographical extent of operations authorised under the applicant's existing permits. Furthermore, the existing consent for MV Mitre Peak I will be surrendered, ensuring that the proposal constitutes a replacement rather than an additional commercial operation. I recognise that an increase in passenger capacity is relevant to potential cumulative intensification and that the absence of an established carrying capacity warrants a precautionary approach. Nevertheless, having regard to the specific incremental effects assessed in my evidence and the proposed operational controls, I do not consider that this particular replacement operation will materially contribute to the progressive erosion of Fiordland's significant environmental and cultural values.

[119] I also acknowledge the importance placed throughout Te Tangi a Tauira on recognising the relationship of tangata whenua with Fiordland, protecting customary use and taonga species, and providing for the exercise of kaitiakitanga. Consultation has been undertaken with relevant rūnanga, and Te Rūnanga o Makaawhio has provided affected

party approval. I recognise that this approval does not negate the separate concerns expressed by Ōraka-Aparima Rūnaka through Te Ao Mārama Inc. However, the proposal will not involve shoreline disturbance, new structures, additional vessel movements or physical restrictions on customary access. Furthermore, the existing and proposed controls addressing marine mammal interactions, vessel movements, biosecurity and waste management will assist in protecting the marine environment and associated cultural values. I consider that these matters provide a reasonable basis for concluding that the proposal will not materially diminish the ability of tangata whenua to maintain their relationship with Piopiotahi or exercise customary practices.

[120] Overall, I consider that the proposal is generally consistent with the relevant environmental management outcomes expressed in Te Tangi a Tauira. I acknowledge the concerns regarding increasing commercial tourism activity, carrying capacity and cumulative effects, and do not suggest that the replacement nature of the proposal renders those concerns irrelevant. However, having regard to the existing lawful operation, the absence of additional vessel movements or expanded operating areas, the supporting technical assessments and proposed consent conditions, I consider that the proposal will appropriately protect the natural, ecological and cultural values identified in the Iwi Management Plan. In my opinion, the proposal does not represent an inappropriate intensification of commercial surface water activity when assessed against the particular circumstances and effects of this replacement vessel.

Response to Submissions

CRA8 Rock Lobster Industry Association Inc (**CRA8**)

[121] I have reviewed the submission lodged by CRA8, which opposes the application on the grounds of inaccuracies in the vessel size calculations, the alleged understatement of adverse environmental effects, inconsistency with Policy 16.2.2 of the RCP, and the potential cumulative and precedent effects of granting consent. I acknowledge these concerns but, for the reasons outlined below and elsewhere in my

evidence, do not agree that they warrant declining or deferring the application.

[122] Regarding the vessel dimensions, I acknowledge that incorrect percentage increases were included in part of the original AEE and subsequently reproduced in Council's notification assessment. However, the actual vessel dimensions were correctly identified throughout the application, and the correct percentage increases were recorded in Section 7.3.1 of the AEE. These are approximately 31% in length, 25% in beam and 2.5% in height, with an increase in certified capacity from 64 to 154 persons. I do not dispute that these represent material physical changes. However, the assessment of environmental effects was undertaken with reference to the actual vessel dimensions and the characteristics of the receiving environment, rather than relying upon the incorrect percentage calculations. I note that Ms Smith has acknowledged and corrected these figures in her s42A report and has maintained her recommendation to grant consent.

[123] CRA8 contends that the increased vessel dimensions and passenger capacity necessarily result in adverse effects greater than minor. I disagree that this conclusion follows from the increase in physical scale alone. The proposed vessel remains comparable in size to other vessels operating within Milford Sound, while the technical assessments undertaken by Acoustic Engineering Services and Tonkin & Taylor do not identify any material increase in airborne or underwater noise effects. Having regard to these matters, I consider that the increased dimensions and capacity can be accommodated without materially increasing adverse effects on the significant environmental values of Milford Sound.

[124] I acknowledge CRA8's reliance on Plan Change 5 and the precautionary direction of Policy 16.2.2. However, Policy 16.2.2(2) does not establish an absolute prohibition on increases in vessel size or passenger capacity. Rather, it directs that consent not be granted for intensified commercial surface water activities where adverse effects on the values identified in Policy 16.2.2(1) will increase. I acknowledge that the proposal constitutes an intensification relative to the activity lawfully established at 18 July 2022. Nevertheless, for the reasons outlined in my assessment of Policy 16.2.2, I consider that the evidence does not

establish an increase in adverse effects on those values that would justify the conclusion sought by CRA8. The precautionary approach remains relevant and has informed my assessment of the proposal and the recommended conditions.

[125] CRA8 also raises concerns regarding cumulative and precedent effects, including the hypothetical consequences of similar vessel increases occurring across the wider commercial fleet. I accept that widespread increases in vessel size and passenger capacity could cumulatively erode Fiordland's significant values, and that preventing such outcomes is an important purpose of Plan Change 5. However, this application must be assessed on its particular merits and evidenced effects. It does not authorise fleet-wide intensification, and any future application proposing an increase in scale would remain subject to the non-complying activity framework and the directive requirements of Policy 16.2.2. I therefore do not consider that granting this application would establish an expectation that comparable increases must be approved or undermine the Council's ability to manage cumulative effects through subsequent consent decisions.

[126] Finally, CRA8 seeks that the application be declined or alternatively deferred until the Coastal Plan review and carrying capacity assessment have been completed. While I acknowledge the uncertainty arising from the absence of established carrying capacity limits, the operative RCP expressly provides a consenting framework for considering applications of this nature in the interim, including the application of a precautionary approach. In my opinion, the effects of this particular replacement operation have been sufficiently assessed to enable a determination under the current planning framework. I therefore do not consider that deferral is necessary or justified on the evidence presently available. Overall, I disagree with CRA8's conclusions and consider that the application can appropriately be granted subject to the recommended conditions, consistent with Ms Smith's ultimate recommendation in her s42A report.

The Fiordland Marine Guardians (**FMG**)

[127] I have reviewed the submission lodged by the FMG, which opposes the application primarily on the grounds that the increased vessel dimensions and passenger capacity are inconsistent with the intent of Plan Change 5 and Policy 16.2.2 of the RCP. FMG also expresses concern that granting consent before the completion of the Fiordland carrying capacity assessment could undermine the protection of environmental values, public access and navigational safety.

[128] I acknowledge FMG's involvement in advocating for Plan Change 5 and agree that its precautionary provisions are important in safeguarding Fiordland's significant values. However, the matters raised substantially overlap with those identified by CRA8, which I have addressed in paragraphs [122]–[127] of my evidence. In particular, I reiterate that while the proposal represents an increase in vessel dimensions and passenger capacity, it will replace an existing authorised vessel without increasing trip frequency, changing established routes or expanding the operational area. The increased physical scale does not, of itself, establish an increase in adverse effects on the values identified in Policy 16.2.2(1). The supporting technical assessments and my earlier assessment of effects provide the basis for my conclusion that those values will not be materially compromised.

[129] Regarding public access and navigational safety, I note that the Southland Harbourmaster has reviewed the proposal and raised no significant concerns, while Ms Smith concludes that adverse effects on these matters will be less than minor. I also acknowledge FMG's identification of the incorrect percentage calculations in the notification report, which have been addressed earlier in my evidence. For the reasons outlined in my response to CRA8 and my assessment of the relevant objectives and policies, I do not consider that granting this particular replacement consent would undermine the intent of Plan Change 5 or establish an unacceptable precedent for further intensification. Accordingly, I respectfully disagree with FMG's opposition and consider that the application can appropriately be granted subject to the recommended conditions.

Te Ao Marama Inc. (**TAMI**) on behalf of Te Runaka o Oraka Aparima.

[130] I acknowledge the neutral submission lodged by TAMI on behalf of Ōraka-Aparima Rūnaka, including the concerns raised regarding cumulative effects on the wilderness, remoteness and intrinsic values of Fiordland, increasing vessel sizes and visitor activity, discharges, and the potential for vessels to access increasingly remote areas. TAMI also requests that particular regard be given to the Ngā Papatipu Rūnaka ki Murihiku Position Statement dated 3 April 2024, including its preference for a precautionary approach and a five-year consent duration.

[131] I acknowledge the importance of these concerns and the relationship of Ngāi Tahu with the Fiordland coastal environment. As assessed earlier in my evidence, while the proposed vessel will be larger and have greater passenger capacity, it will replace an existing authorised vessel without increasing trip frequency, extending established routes, introducing ancillary activities or enabling shoreline landings. The proposed consent conditions will also maintain restrictions addressing vessel movements, waste management, biosecurity and marine mammal interactions, with no discharges to the coastal marine area proposed. Having regard to these matters and the supporting technical assessments, I consider that the proposal will not materially contribute to the cumulative erosion of the cultural, ecological, wilderness or remoteness values identified in the submission and Position Statement.

[132] In respect of consent duration, I acknowledge the preference expressed in the Position Statement for a five-year term, particularly given uncertainty regarding the carrying capacity of Fiordland. However, Policy 16.2.15 requires consideration of a range of matters, including tangata whenua values, uncertainty regarding environmental effects, capital investment, previous compliance and the desirability of common expiry dates. In this regard, I place weight on Mr Quickfall's evidence that a five-year duration would not provide sufficient commercial certainty to justify the substantial investment required to construct and commission MV Mitre Peak III. The proposed replacement involves considerable advance planning and investment in a purpose-built vessel intended to remain operational well beyond the period of the consent sought. Having balanced these considerations against the concerns expressed by

TAMI, the applicant's compliance history, the assessed environmental effects and the proposed operational restrictions, I consider that a ten-year duration is appropriate. I therefore agree with Ms Smith's recommendation regarding consent duration.

[133] Overall, I consider that the concerns raised by TAMI have been appropriately recognised and addressed through the assessment of effects, consideration of the relevant provisions of Te Tangi a Tauira, and the proposed operational restrictions. I acknowledge that the affected party approval provided by Te Rūnanga o Makaawhio does not diminish the separate interests or concerns expressed by Ōraka-Aparima Rūnaka. However, having regard to the particular circumstances of this replacement operation, I consider that the proposal can be undertaken without materially compromising the cultural and environmental values identified in the submission. Accordingly, I consider that the application can appropriately be granted for a ten-year term, subject to the recommended conditions.

Response to s42A Report

[134] I have reviewed the Section 42A Report prepared by Ms Smith and generally agree with her assessment of the application, including her conclusions regarding the actual and potential environmental effects, the relevant statutory and planning provisions, and her ultimate recommendation that consent be granted for a ten-year duration, subject to appropriate conditions.

[135] Where I have identified matters requiring clarification or have expressed a differing professional opinion, these have been addressed throughout my evidence. In particular, I have clarified the percentage increases in vessel dimensions, provided further assessment of cumulative and precedent effects, and considered the directive and precautionary requirements of Policy 16.2.2 of the RCP. While my interpretation of the application of Policy 16.2.2(2) differs in some respects from that expressed by Ms Smith, I agree with her overall conclusion that the proposal is not contrary to the objectives and policies of the RCP and satisfies the relevant requirements of Section 104D of the Act.

Accordingly, subject to the recommended conditions of consent, I support Ms Smith's recommendation that the application be granted.

Conditions of Consent

[136] I have reviewed the recommended conditions of consent contained in Attachment 4 of Ms Smith's s42A report and confirm that I fully agree with them. In my opinion, the conditions are appropriate, reasonable and sufficiently certain, and will ensure that the activity is undertaken in accordance with the proposed operational parameters and that any actual or potential adverse environmental effects are appropriately avoided, remedied or mitigated. Accordingly, I support the adoption of the recommended conditions in their entirety, without amendment.

[137] I particularly support Condition 19, which enables Council to review the consent conditions in response to adverse or cumulative environmental effects, monitoring outcomes and other specified circumstances. In my opinion, this provides an important adaptive management mechanism that reinforces the precautionary approach required by the RCP.

Conclusion

[138] Having considered the application, the submissions received, the relevant statutory and planning framework, and the assessment undertaken by Ms Smith in her Section 42A Report, I consider that the proposed replacement of MV Mitre Peak I with MV Mitre Peak III represents an appropriate continuation of an established commercial surface water activity within Milford Sound / Piopiotahi.

[139] I acknowledge that the proposed vessel will be larger and have greater passenger capacity, and that these changes require careful consideration, particularly having regard to the directive and precautionary provisions introduced through Plan Change 5 to the RCP. However, the proposal will not increase vessel numbers, trip frequency or the geographical extent of operations, and will remain subject to appropriate operational restrictions. I also recognise the commercial and operational realities associated with replacing an ageing vessel, including the need to maintain operational reliability, improve passenger accommodation and justify the substantial capital investment involved.

In this regard, I place weight on Mr Quickfall's evidence concerning the rationale for commissioning MV Mitre Peak III and consider that these matters provide important context for the proposed replacement, while acknowledging that the associated environmental effects must still be appropriately managed. Having regard to the existing receiving environment, the supporting technical assessments and my assessment of the relevant environmental values, I consider that while several individual adverse effects will be less than minor, the actual and potential adverse effects of the proposal, assessed collectively and including cumulative effects, will be no more than minor.

[140] I further consider that the proposal is not contrary to the relevant objectives and policies of the RCP, including Policy 16.2.2, or the direction established through the relevant higher-order planning documents. Accordingly, I consider that the application satisfies both gateway tests under Section 104D(1) of the Act. Having regard to the matters set out in Section 104, I agree with Ms Smith's ultimate recommendation and consider that the proposed activity represents an appropriate use of the coastal marine area without materially compromising the significant natural, ecological, cultural, wilderness and remoteness values of Fiordland.

[141] For these reasons, I support the grant of coastal permit APP-20262029 for a ten-year duration, subject to the conditions recommended by Ms Smith in Attachment 4 of her Section 42A Report.

Dated: 3 November 2026



……
Sean Dent

Appendix [A] – Highlighted NZCPS Provisions

New Zealand Coastal Policy Statement 2010

As amended in 2025



Department of Conservation
Te Papa Atawhai

Te Kāwanatanga o Aotearoa
New Zealand Government

New Zealand Coastal Policy Statement 2010

As amended in 2025

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Preamble

The New Zealand Coastal Policy Statement (NZCPS) is a national policy statement under the Resource Management Act 1991 ('the Act'). The purpose of the NZCPS is to state policies in order to achieve the purpose of the Act in relation to the coastal environment of New Zealand.

The coastal environment has characteristics, qualities and uses that mean there are particular challenges in promoting sustainable management:

- the coastal environment varies in nature and extent around the country;
- most existing towns and cities are in or close to a coastal location;
- the coastal environment contains established infrastructure connecting New Zealand internally and internationally such as ports, airports, railways, roads and submarine cables;
- natural and physical resources important to the economic and social wellbeing of the nation and communities, such as high quality coastal water, fresh water, renewable energy, and minerals are found within the coastal environment, including in areas with high natural character, landscape and amenity values;
- the natural and recreational attributes of the coast and its attraction as a place to live and visit combine with an increasingly affluent and mobile society to place growing pressure on coastal space and other resources;
- activities inland can have a major impact on coastal water quality;
- activities in the coastal environment are susceptible to the effects of natural hazards such as coastal erosion and tsunami, and those associated with climate change;
- there is continuing and growing demand for coastal space and resources for commercial activities as diverse as aquaculture and sand mining; and
- the coast has particular importance to tangata whenua, including as kaitiaki.

The coastal environment is facing the following key issues:

- the ability to manage activities in the coastal environment is hindered by a lack of understanding about some coastal processes and the effects of activities on them;
- loss of natural character, landscape values and wild or scenic areas along extensive areas of the coast, particularly in areas closer to population centres or accessible for rural residential development;
- continuing decline in species, habitats and ecosystems in the coastal environment under pressures from subdivision and use, vegetation clearance, loss of intertidal areas, plant and animal pests, poor water quality, and sedimentation in estuaries and the coastal marine area;
- demand for coastal sites for infrastructure uses (including energy generation) and for aquaculture to meet the economic, social and cultural needs of people and communities;
- poor and declining coastal water quality in many areas as a consequence of point and diffuse sources of contamination, including stormwater and wastewater discharges;
- adverse effects of poor water quality on aquatic life and opportunities for aquaculture, mahinga kai gathering and recreational uses such as swimming and kayaking;
- loss of natural, built and cultural heritage from subdivision, use, and development;

- compromising of the open space and recreational values of the coastal environment, including the potential for permanent and physically accessible walking public access to and along the coastal marine area;
- continuing coastal erosion and other natural hazards that will be exacerbated by climate change and which will increasingly threaten existing infrastructure, public access and other coastal values as well as private property; and
- the use of vehicles on beaches causing ecological damage and creating conflicts with other recreational uses and values of the coastal environment.

For the coastal environment of the Hauraki Gulf, the Hauraki Gulf Marine Park Act 2000 requires that sections 7 and 8 of that Act must be treated as a New Zealand coastal policy statement issued under the Act. Section 10(2) of the Hauraki Gulf Marine Park Act 2000 states that if there is a conflict between sections 7 and 8 and the provisions of the NZCPS, the NZCPS prevails.

Application of this policy statement

This NZCPS is to be applied as required by the Act by persons exercising functions and powers under the Act. The Act itself should be consulted, but at the time of gazettal of this statement, its requirements in relation to this NZCPS are, in summary, that:

- regional policy statements, regional plans and district plans must give effect to this NZCPS (sections 62(3), 67(3)(b), 75(3)(b) refer);
- local authorities must amend regional policy statements, proposed regional policy statements, plans, proposed plans, and variations to give effect to NZCPS provisions that affect these documents as soon as practicable, using the process set out in Schedule 1 of the Act except where this NZCPS directs otherwise (section 55 refers);
- a consent authority, when considering an application for a resource consent and any submissions received, must, subject to Part 2 of the Act, have regard to, amongst other things, any relevant provisions of this NZCPS (section 104(1)(b)(iv) refers);
- when considering a requirement for a designation and any submissions received, a territorial authority must, subject to Part 2 of the Act, consider the effects on the environment of allowing the requirement, having particular regard to, amongst other things, any relevant provisions of this NZCPS (sections 168A(3)(a)(ii) and 171(1)(a)(ii) refer);
- when considering a requirement for a heritage order, a territorial authority must, subject to Part 2 of the Act, in addition to having regard to certain matters, have particular regard to, amongst other things, all relevant provisions of this NZCPS (section 191(1)(d) refers);
- in considering an application for a water conservation order, a special tribunal, in addition to having particular regard to certain matters, must have regard to, amongst other things, the relevant provisions of this NZCPS (section 207(c) refers);
- in conducting an inquiry in respect of the report of a special tribunal on an application for a water conservation order, the Environment Court, in addition to having particular regard to certain matters, must have regard to, amongst other things, the relevant provisions of this NZCPS (section 212(b) refers).

Interpretation

In this NZCPS:

- numbering of objectives and policies is solely for convenience and is not to be interpreted as an indication of relative importance; and
- section and policy headings indicate general subject matter and are relevant to the interpretation of objectives and policies.

Where bullet points in an objective or clauses in a policy take the form of a list:

- where the list is cumulative, the word 'and' is used before the last clause in the list; and
- where clauses are alternative, the word 'or' is used between all clauses.

Definitions contained in the Act are not repeated in the Glossary.

Objectives

Objective 1

To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by:

- maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature;
- protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand's indigenous coastal flora and fauna; and
- maintaining coastal water quality, and enhancing it where it has deteriorated from what would otherwise be its natural condition, with significant adverse effects on ecology and habitat, because of discharges associated with human activity.

Objective 2

To preserve the natural character of the coastal environment and protect natural features and landscape values through:

- recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution;
- identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities; and
- encouraging restoration of the coastal environment.

Objective 3

To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by:

- recognising the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources;
- promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act;
- incorporating mātauranga Māori into sustainable management practices; and
- recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua.

Objective 4

To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment by:

- recognising that the coastal marine area is an extensive area of public space for the public to use and enjoy;
- maintaining and enhancing public walking access to and along the coastal marine area without charge, and where there are exceptional reasons that mean this is not practicable providing alternative linking access close to the coastal marine area; and
- recognising the potential for coastal processes, including those likely to be affected by climate change, to restrict access to the coastal environment and the need to ensure that public access is maintained even when the coastal marine area advances inland.

Objective 5

To ensure that coastal hazard risks taking account of climate change, are managed by:

- locating new development away from areas prone to such risks;
- considering responses, including managed retreat, for existing development in this situation; and
- protecting or restoring natural defences to coastal hazards.

Objective 6

To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:

- the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;
- some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities;
- functionally some uses and developments can only be located on the coast or in the coastal marine area;
- the coastal environment contains renewable energy resources of significant value;
- the protection of habitats of living marine resources contributes to the social, economic and cultural wellbeing of people and communities;
- the potential to protect, use, and develop natural and physical resources in the coastal marine area should not be compromised by activities on land;
- the proportion of the coastal marine area under any formal protection is small and therefore management under the Act is an important means by which the natural resources of the coastal marine area can be protected; and
- historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use, and development.

Objective 7

To ensure that management of the coastal environment recognises and provides for New Zealand's international obligations regarding the coastal environment, including the coastal marine area.

Policies

Policy 1 Extent and characteristics of the coastal environment

(1) Recognise that the extent and characteristics of the coastal environment vary from region to region and locality to locality; and the issues that arise may have different effects in different localities.

(2) Recognise that the coastal environment includes:

(a) the coastal marine area;

(b) islands within the coastal marine area;

(c) areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these;

(d) areas at risk from coastal hazards;

(e) coastal vegetation and the habitat of indigenous coastal species including migratory birds;

(f) elements and features that contribute to the natural character, landscape, visual qualities or amenity values;

(g) items of cultural and historic heritage in the coastal marine area or on the coast;

(h) inter-related coastal marine and terrestrial systems, including the intertidal zone; and

(i) physical resources and built facilities, including infrastructure, that have modified the coastal environment.

Policy 2 The Treaty of Waitangi, tangata whenua and Māori heritage

In taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), and kaitiakitanga, in relation to the coastal environment:

(a) recognise that tangata whenua have traditional and continuing cultural relationships with areas of the coastal environment, including places where they have lived and fished for generations;

(b) involve iwi authorities or hapū on behalf of tangata whenua in the preparation of regional policy statements, and plans, by undertaking effective consultation with tangata whenua; with such consultation to be early, meaningful, and as far as practicable in accordance with tikanga Māori;

(c) with the consent of tangata whenua and as far as practicable in accordance with tikanga Māori, incorporate mātauranga Māori[1] in regional policy statements, in plans, and in the consideration of applications for resource consents, notices of requirement for designation and private plan changes;

(d) provide opportunities in appropriate circumstances for Māori involvement in decision making, for example when a consent application or notice of requirement is dealing with cultural localities or issues of cultural significance, and Māori experts, including pūkenga[2], may have knowledge not otherwise available;

(e) take into account any relevant iwi resource management plan and any other relevant planning document recognised by the appropriate iwi authority or hapū

[1] Mātauranga Māori: as defined in the Glossary.

[2] Pūkenga: as defined in the Glossary.

and lodged with the council, to the extent that its content has a bearing on resource management issues in the region or district; and

(i) where appropriate incorporate references to, or material from, iwi resource management plans in regional policy statements and in plans; and

(ii) consider providing practical assistance to iwi or hapū who have indicated a wish to develop iwi resource management plans;

(f) provide for opportunities for tangata whenua to exercise kaitiakitanga over waters, forests, lands, and fisheries in the coastal environment through such measures as:

(i) bringing cultural understanding to monitoring of natural resources;

(ii) providing appropriate methods for the management, maintenance and protection of the taonga of tangata whenua;

(iii) having regard to regulations, rules or bylaws relating to ensuring sustainability of fisheries resources such as taiāpure, mahinga mātaitai or other non commercial Māori customary fishing; and

(g) in consultation and collaboration with tangata whenua, working as far as practicable in accordance with tikanga Māori, and recognising that tangata whenua have the right to choose not to identify places or values of historic, cultural or spiritual significance or special value:

(i) recognise the importance of Māori cultural and heritage values through such methods as historic heritage, landscape and cultural impact assessments; and

(ii) provide for the identification, assessment, protection and management of areas or sites of significance or special value to Māori, including by historic analysis and archaeological survey and the development of methods such as alert layers and predictive methodologies for identifying areas of high potential for undiscovered Māori heritage, for example coastal pā or fishing villages.

Policy 3 Precautionary approach

(1) Adopt a precautionary approach towards proposed activities whose effects on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse.

(2) In particular, adopt a precautionary approach to use and management of coastal resources potentially vulnerable to effects from climate change, so that:

(a) avoidable social and economic loss and harm to communities does not occur;

(b) natural adjustments for coastal processes, natural defences, ecosystems, habitat and species are allowed to occur; and

(c) the natural character, public access, amenity and other values of the coastal environment meet the needs of future generations.

Policy 4 Integration

Provide for the integrated management of natural and physical resources in the coastal environment, and activities that affect the coastal environment. This requires:

(a) co-ordinated management or control of activities within the coastal environment, and which could cross administrative boundaries, particularly:

(i) the local authority boundary between the coastal marine area and land;

(ii) local authority boundaries within the coastal environment, both within the coastal marine area and on land; and

(iii) where hapū or iwi boundaries or rohe cross local authority boundaries;

(b) working collaboratively with other bodies and agencies with responsibilities and functions relevant to resource management, such as where land or waters are held or managed for conservation purposes; and

(c) particular consideration of situations where:

(i) subdivision, use, or development and its effects above or below the line of mean high water springs will require, or is likely to result in, associated use or development that crosses the line of mean high water springs; or

(ii) public use and enjoyment of public space in the coastal environment is affected, or is likely to be affected; or

(iii) development or land management practices may be affected by physical changes to the coastal environment or potential inundation from coastal hazards, including as a result of climate change; or

(iv) land use activities affect, or are likely to affect, water quality in the coastal environment and marine ecosystems through increasing sedimentation; or

(v) significant adverse cumulative effects are occurring, or can be anticipated.

Policy 5 Land or waters managed or held under other Acts

(1) Consider effects on land or waters in the coastal environment held or managed under:

(a) the Conservation Act 1987 and any Act listed in the 1st Schedule to that Act; or

(b) other Acts for conservation or protection purposes;

and, having regard to the purposes for which the land or waters are held or managed:

(c) avoid adverse effects of activities that are significant in relation to those purposes; and

(d) otherwise avoid, remedy or mitigate adverse effects of activities in relation to those purposes.

(2) Have regard to publicly notified proposals for statutory protection of land or waters in the coastal environment and the adverse effects of activities on the purposes of that proposed statutory protection.

Policy 6 Activities in the coastal environment

(1) In relation to the coastal environment:

(a) recognise that the provision of infrastructure, the supply and transport of energy including the generation and transmission of electricity, and the extraction of minerals are activities which may be required for the social, economic and cultural well-being of people and communities;

(b) consider the rate at which built development and the associated public infrastructure should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the coastal environment;

(c) encourage the consolidation of existing coastal settlements and urban areas where this will contribute to the avoidance or mitigation of sprawling or sporadic patterns of settlement and urban growth;

(d) recognise tangata whenua needs for papakāinga[3], marae and associated developments and make appropriate provision for them;

[3] Papakāinga: as defined in the Glossary.

(e) consider where and how built development on land should be controlled so that it does not compromise activities of national or regional importance that have a functional need to locate and operate in the coastal marine area;

(f) consider where development that maintains the character of the existing built environment should be encouraged, and where development resulting in a change in character would be acceptable;

(g) recognise the potential of renewable resources in the coastal environment, such as energy from wind, waves, currents and tides, to meet the reasonably foreseeable needs of current and future generations;

(h) consider how adverse visual impacts of development can be avoided in areas sensitive to such effects, such as headlands and prominent ridgelines, and as far as practicable and reasonable apply controls or conditions to avoid those effects;

(i) set back development from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment; and

(j) where appropriate, buffer areas and sites of significant indigenous biological diversity, or historic heritage value.

(2) Additionally, in relation to the coastal marine area:

(a) recognise potential contributions to the social, economic and cultural wellbeing of people and communities from use and development of the coastal marine area, including the potential for renewable marine energy to contribute to meeting the energy needs of current and future generations;

(b) recognise the need to maintain and enhance the public open space and recreation qualities and values of the coastal marine area;

(c) recognise that there are activities that have a functional need to be located in the coastal marine area, and provide for those activities in appropriate places;

(d) recognise that activities that do not have a functional need for location in the coastal marine area generally should not be located there; and

(e) promote the efficient use of occupied space, including by:

(i) requiring that structures be made available for public or multiple use wherever reasonable and practicable;

(ii) requiring the removal of any abandoned or redundant structure that has no heritage, amenity or reuse value; and

(iii) considering whether consent conditions should be applied to ensure that space occupied for an activity is used for that purpose effectively and without unreasonable delay.

(3) Where an activity is infrastructure, including renewable electricity generation or electricity transmission, an aquaculture activity, or extraction of minerals for the purpose of supporting infrastructure, (6)(1)(e), (2)(c) and (2)(d) above must be read to apply if the activity has a functional need or operational need to locate in the coastal marine area.

(4) In this policy, 'operational need' and 'functional need' have the meanings set out in the National Planning Standards issued under section 58E of the Act.

Policy 7 Strategic planning

(1) In preparing regional policy statements, and plans:

(a) consider where, how and when to provide for future residential, rural residential, settlement, urban development and other activities in the coastal environment at a regional and district level; and

(b) identify areas of the coastal environment where particular activities and forms of subdivision, use and development:

(i) are inappropriate; and

(ii) may be inappropriate without the consideration of effects through a resource consent application, notice of requirement for designation or Schedule 1 of the Act process;

and provide protection from inappropriate subdivision, use, and development in these areas through objectives, policies and rules.

(2) Identify in regional policy statements, and plans, coastal processes, resources or values that are under threat or at significant risk from adverse cumulative effects. Include provisions in plans to manage these effects. Where practicable, in plans, set thresholds (including zones, standards or targets), or specify acceptable limits to change, to assist in determining when activities causing adverse cumulative effects are to be avoided.

Policy 8 Aquaculture

Recognise the significant existing and potential contribution of aquaculture to the social, economic and cultural well-being of people and communities by:

(a) including in regional policy statements and regional coastal plans provision for aquaculture activities in appropriate places in the coastal environment, recognising that relevant considerations may include:

(i) the need for high water quality for aquaculture activities; and

(ii) the need for land-based facilities associated with marine farming;

(b) taking account of the environmental (ecological, cultural, social and economic) benefits of aquaculture, including any available assessments of national and regional benefits;

(c) ensuring that development in the coastal environment does not make water quality unfit for aquaculture activities in areas approved for that purpose; and

(d) providing for aquaculture activities within aquaculture settlement areas gazetted under section 12 of the Maori Commercial Aquaculture Claims Settlement Act 2004.

Policy 9 Ports

Recognise that a sustainable national transport system requires an efficient national network of safe ports, servicing national and international shipping, with efficient connections with other transport modes, including by:

(a) ensuring that development in the coastal environment does not adversely affect the efficient and safe operation of these ports, or their connections with other transport modes; and

(b) considering where, how and when to provide in regional policy statements and in plans for the efficient and safe operation of these ports, the development of their capacity for shipping, and their connections with other transport modes.

Policy 10 Reclamation and de-reclamation

(1) Avoid reclamation of land in the coastal marine area, unless:

(a) land outside the coastal marine area is not available for the proposed activity;

(b) the activity which requires reclamation can only occur in or adjacent to the coastal marine area;

(c) there are no practicable alternative methods of providing the activity; and

(d) the reclamation will provide significant regional or national benefit.

(2) Where a reclamation is considered to be a suitable use of the coastal marine area, in considering its form and design have particular regard to:

(a) the potential effects on the site of climate change, including sea level rise, over no less than 100 years;

(b) the shape of the reclamation, and, where appropriate, whether the materials used are visually and aesthetically compatible with the adjoining coast;

(c) the use of materials in the reclamation, including avoiding the use of contaminated materials that could significantly adversely affect water quality, aquatic ecosystems and indigenous biodiversity in the coastal marine area;

(d) providing public access, including providing access to and along the coastal marine area at high tide where practicable, unless a restriction on public access is appropriate as provided for in policy 19;

(e) the ability to remedy or mitigate adverse effects on the coastal environment;

(f) whether the proposed activity will affect cultural landscapes and sites of significance to tangata whenua; and

(g) the ability to avoid consequential erosion and accretion, and other natural hazards.

(3) In considering proposed reclamations, have particular regard to the extent to which the reclamation and intended purpose would provide for the efficient operation of infrastructure, including ports, airports, coastal roads, pipelines, electricity transmission, railways and ferry terminals, and of marinas and electricity generation.

(4) De-reclamation of redundant reclaimed land is encouraged where it would:

(a) restore the natural character and resources of the coastal marine area; and

(b) provide for more public open space.

Policy 11 Indigenous biological diversity (biodiversity)

To protect indigenous biological diversity in the coastal environment:

(a) avoid adverse effects of activities on:

(i) indigenous taxa[4] that are listed as threatened[5] or at risk in the New Zealand Threat Classification System lists;

(ii) taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened;

(iii) indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare[6];

(iv) habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;

(v) areas containing nationally significant examples of indigenous community types; and

(vi) areas set aside for full or partial protection of indigenous biological diversity under other legislation; and

(b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:

(i) areas of predominantly indigenous vegetation in the coastal environment;

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[4] Taxa: as defined in the Glossary.

[5] Examples of taxa listed as threatened are: Maui's dolphin, Hector's dolphin, New Zealand fairy tern, Southern New Zealand dotterel.

[6] Naturally rare: as defined in the Glossary.

(ii) habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;

(iii) indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;

(iv) habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;

(v) habitats, including areas and routes, important to migratory species; and

(vi) ecological corridors, and areas important for linking or maintaining biological values identified under this policy.

Policy 12 Harmful aquatic organisms

(1) Provide in regional policy statements and in plans, as far as practicable, for the control of activities in or near the coastal marine area that could have adverse effects on the coastal environment by causing harmful aquatic organisms[7] to be released or otherwise spread, and include conditions in resource consents, where relevant, to assist with managing the risk of such effects occurring.

(2) Recognise that activities relevant to (1) include:

(a) the introduction of structures likely to be contaminated with harmful aquatic organisms;

(b) the discharge or disposal of organic material from dredging, or from vessels and structures, whether during maintenance, cleaning or otherwise; and whether in the coastal marine area or on land;

(c) the provision and ongoing maintenance of moorings, marina berths, jetties and wharves; and

(d) the establishment and relocation of equipment and stock required for or associated with aquaculture.

Policy 13 Preservation of natural character

(1) To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:

(a) avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and

(b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment;

including by:

(c) assessing the natural character of the coastal environment of the region or district, by mapping or otherwise identifying at least areas of high natural character; and

(d) ensuring that regional policy statements, and plans, identify areas where preserving natural character requires objectives, policies and rules, and include those provisions.

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[7] Harmful aquatic organisms: as defined in the Glossary.

(2) Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:

(a) natural elements, processes and patterns;

(b) biophysical, ecological, geological and geomorphological aspects;

(c) natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;

(d) the natural movement of water and sediment;

(e) the natural darkness of the night sky;

(f) places or areas that are wild or scenic;

(g) a range of natural character from pristine to modified; and

(h) experiential attributes, including the sounds and smell of the sea; and their context or setting.

Policy 14 Restoration of natural character

Promote restoration or rehabilitation of the natural character of the coastal environment, including by :

(a) identifying areas and opportunities for restoration or rehabilitation;

(b) providing policies, rules and other methods directed at restoration or rehabilitation in regional policy statements, and plans;

(c) where practicable, imposing or reviewing restoration or rehabilitation conditions on resource consents and designations, including for the continuation of activities; and recognising that where degraded areas of the coastal environment require restoration or rehabilitation, possible approaches include:

(i) restoring indigenous habitats and ecosystems, using local genetic stock where practicable; or

(ii) encouraging natural regeneration of indigenous species, recognising the need for effective weed and animal pest management; or

(iii) creating or enhancing habitat for indigenous species; or

(iv) rehabilitating dunes and other natural coastal features or processes, including saline wetlands and intertidal saltmarsh; or

(v) restoring and protecting riparian and intertidal margins; or

(vi) reducing or eliminating discharges of contaminants; or

(vii) removing redundant structures and materials that have been assessed to have minimal heritage or amenity values and when the removal is authorised by required permits, including an archaeological authority under the Historic Places Act 1993; or

(viii) restoring cultural landscape features; or

(ix) redesign of structures that interfere with ecosystem processes; or

(x) decommissioning or restoring historic landfill and other contaminated sites which are, or have the potential to, leach material into the coastal marine area.

Policy 15 Natural features and natural landscapes

To protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development:

(a) avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment; and

(b) avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment;

including by:

(c) identifying and assessing the natural features and natural landscapes of the coastal environment of the region or district, at minimum by land typing, soil characterisation and landscape characterisation and having regard to:

(i) natural science factors, including geological, topographical, ecological and dynamic components;

(ii) the presence of water including in seas, lakes, rivers and streams;

(iii) legibility or expressiveness—how obviously the feature or landscape demonstrates its formative processes;

(iv) aesthetic values including memorability and naturalness;

(v) vegetation (native and exotic);

(vi) transient values, including presence of wildlife or other values at certain times of the day or year;

(vii) whether the values are shared and recognised;

(viii) cultural and spiritual values for tangata whenua, identified by working, as far as practicable, in accordance with tikanga Māori; including their expression as cultural landscapes and features;

(ix) historical and heritage associations; and

(x) wild or scenic values;

(d) ensuring that regional policy statements, and plans, map or otherwise identify areas where the protection of natural features and natural landscapes requires objectives, policies and rules; and

(e) including the objectives, policies and rules required by (d) in plans.

Policy 16 Surf breaks of national significance

Protect the surf breaks[8] of national significance for surfing listed in Schedule 1, by:

(a) ensuring that activities in the coastal environment do not adversely affect the surf breaks; and

(b) avoiding adverse effects of other activities on access to, and use and enjoyment of the surf breaks.

Policy 17 Historic heritage identification and protection

Protect historic heritage[9] in the coastal environment from inappropriate subdivision, use, and development by:

(a) identification, assessment and recording of historic heritage, including archaeological sites;

(b) providing for the integrated management of such sites in collaboration with relevant councils, heritage agencies, iwi authorities and kaitiaki;

(c) initiating assessment and management of historic heritage in the context of historic landscapes;

(d) recognising that heritage to be protected may need conservation;

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[8] Surf break: as defined in the Glossary.

[9] Refer to definition in section 2 of the Act.

(e) facilitating and integrating management of historic heritage that spans the line of mean high water springs;

(f) including policies, rules and other methods relating to (a) to (e) above in regional policy statements, and plans;

(g) imposing or reviewing conditions on resource consents and designations, including for the continuation of activities;

(h) requiring, where practicable, conservation conditions; and

(i) considering provision for methods that would enhance owners' opportunities for conservation of listed heritage structures, such as relief grants or rates relief.

Policy 18 Public open space

Recognise the need for public open space within and adjacent to the coastal marine area, for public use and appreciation including active and passive recreation, and provide for such public open space, including by:

(a) ensuring that the location and treatment of public open space is compatible with the natural character, natural features and landscapes, and amenity values of the coastal environment;

(b) taking account of future need for public open space within and adjacent to the coastal marine area, including in and close to cities, towns and other settlements;

(c) maintaining and enhancing walking access linkages between public open space areas in the coastal environment;

(d) considering the likely impact of coastal processes and climate change so as not to compromise the ability of future generations to have access to public open space; and

(e) recognising the important role that esplanade reserves and strips can have in contributing to meeting public open space needs.

Policy 19 Walking access

(1) Recognise the public expectation of and need for walking access to and along the coast that is practical, free of charge and safe for pedestrian use.

(2) Maintain and enhance public walking access to, along and adjacent to the coastal marine area, including by:

  (a) identifying how information on where the public have walking access will be made publicly available;

  (b) avoiding, remedying or mitigating any loss of public walking access resulting from subdivision, use, or development; and

  (c) identifying opportunities to enhance or restore public walking access, for example where:

    (i) connections between existing public areas can be provided; or

    (ii) improving access would promote outdoor recreation; or

    (iii) physical access for people with disabilities is desirable; or

    (iv) the long-term availability of public access is threatened by erosion or sea level rise; or

    (v) access to areas or sites of historic or cultural significance is important; or

    (vi) subdivision, use, or development of land adjacent to the coastal marine area has reduced public access, or has the potential to do so.

(3) Only impose a restriction on public walking access to, along or adjacent to the coastal marine area where such a restriction is necessary:
   (a) to protect threatened indigenous species; or
   (b) to protect dunes, estuaries and other sensitive natural areas or habitats; or
   (c) to protect sites and activities of cultural value to Māori; or
   (d) to protect historic heritage; or
   (e) to protect public health or safety; or
   (f) to avoid or reduce conflict between public uses of the coastal marine area and its margins; or
   (g) for temporary activities or special events; or
   (h) for defence purposes in accordance with the Defence Act 1990; or
   (i) to ensure a level of security consistent with the purpose of a resource consent; or
   (j) in other exceptional circumstances sufficient to justify the restriction.

(4) Before imposing any restriction under (3), consider and where practicable provide for alternative routes that are available to the public free of charge at all times.

Policy 20 Vehicle access

(1) Control use of vehicles, apart from emergency vehicles, on beaches, foreshore, seabed and adjacent public land where:
   (a) damage to dune or other geological systems and processes; or
   (b) harm to ecological systems or to indigenous flora and fauna, for example marine mammal and bird habitats or breeding areas and shellfish beds; or
   (c) danger to other beach users; or
   (d) disturbance of the peaceful enjoyment of the beach environment; or
   (e) damage to historic heritage; or
   (f) damage to the habitats of fisheries resources of significance to customary, commercial or recreational users; or
   (g) damage to sites of significance to tangata whenua;

   might result.

(2) Identify the locations where vehicular access is required for boat launching, or as the only practicable means of access to private property or public facilities, or for the operation of existing commercial activities, and make appropriate provision for such access.

(3) Identify any areas where and times when recreational vehicular use on beaches, foreshore and seabed may be permitted, with or without restriction as to type of vehicle, without a likelihood of any of (1)(a) to (g) occurring.

Policy 21 Enhancement of water quality

Where the quality of water in the coastal environment has deteriorated so that it is having a significant adverse effect on ecosystems, natural habitats, or water based recreational activities, or is restricting existing uses, such as aquaculture, shellfish gathering, and cultural activities, give priority to improving that quality by:

(a) identifying such areas of coastal water and water bodies and including them in plans;

(b) including provisions in plans to address improving water quality in the areas identified above;

(c) where practicable, restoring water quality to at least a state that can support such activities and ecosystems and natural habitats;

(d) requiring that stock are excluded from the coastal marine area, adjoining intertidal areas and other water bodies and riparian margins in the coastal environment, within a prescribed time frame; and

(e) engaging with tangata whenua to identify areas of coastal waters where they have particular interest, for example in cultural sites, wāhi tapu, other taonga, and values such as mauri, and remedying, or, where remediation is not practicable, mitigating adverse effects on these areas and values.

Policy 22 Sedimentation

(1) Assess and monitor sedimentation levels and impacts on the coastal environment.

(2) Require that subdivision, use, or development will not result in a significant increase in sedimentation in the coastal marine area, or other coastal water.

(3) Control the impacts of vegetation removal on sedimentation including the impacts of harvesting plantation forestry.

(4) Reduce sediment loadings in runoff and in stormwater systems through controls on land use activities.

Policy 23 Discharge of contaminants

(1) In managing discharges to water in the coastal environment, have particular regard to:

(a) the sensitivity of the receiving environment;

(b) the nature of the contaminants to be discharged, the particular concentration of contaminants needed to achieve the required water quality in the receiving environment, and the risks if that concentration of contaminants is exceeded; and

(c) the capacity of the receiving environment to assimilate the contaminants;

and:

(d) avoid significant adverse effects on ecosystems and habitats after reasonable mixing;

(e) use the smallest mixing zone necessary to achieve the required water quality in the receiving environment; and

(f) minimise adverse effects on the life-supporting capacity of water within a mixing zone.

(2) In managing discharge of human sewage, do not allow:

(a) discharge of human sewage directly to water in the coastal environment without treatment; and

(b) the discharge of treated human sewage to water in the coastal environment, unless:

(i) there has been adequate consideration of alternative methods, sites and routes for undertaking the discharge; and

(ii) informed by an understanding of tangata whenua values and the effects on them.

(3) Objectives, policies and rules in plans which provide for the discharge of treated human sewage into waters of the coastal environment must have been subject to early and meaningful consultation with tangata whenua.

(4) In managing discharges of stormwater take steps to avoid adverse effects of stormwater discharge to water in the coastal environment, on a catchment by catchment basis, by:

(a) avoiding where practicable and otherwise remedying cross contamination of sewage and stormwater systems;

(b) reducing contaminant and sediment loadings in stormwater at source, through contaminant treatment and by controls on land use activities;

(c) promoting integrated management of catchments and stormwater networks; and

(d) promoting design options that reduce flows to stormwater reticulation systems at source.

(5) In managing discharges from ports and other marine facilities:

(a) require operators of ports and other marine facilities to take all practicable steps to avoid contamination of coastal waters, substrate, ecosystems and habitats that is more than minor;

(b) require that the disturbance or relocation of contaminated seabed material, other than by the movement of vessels, and the dumping or storage of dredged material does not result in significant adverse effects on water quality or the seabed, substrate, ecosystems or habitats;

(c) require operators of ports, marinas and other relevant marine facilities to provide for the collection of sewage and waste from vessels, and for residues from vessel maintenance to be safely contained and disposed of; and

(d) consider the need for facilities for the collection of sewage and other wastes for recreational and commercial boating.

Policy 24 Identification of coastal hazards

(1) Identify areas in the coastal environment that are potentially affected by coastal hazards (including tsunami), giving priority to the identification of areas at high risk of being affected. Hazard risks, over at least 100 years, are to be assessed having regard to:

(a) physical drivers and processes that cause coastal change including sea level rise;

(b) short-term and long-term natural dynamic fluctuations of erosion and accretion;

(c) geomorphological character;

(d) the potential for inundation of the coastal environment, taking into account potential sources, inundation pathways and overland extent;

(e) cumulative effects of sea level rise, storm surge and wave height under storm conditions;

(f) influences that humans have had or are having on the coast;

(g) the extent and permanence of built development; and

(h) the effects of climate change on:

(i) matters (a) to (g) above;

(ii) storm frequency, intensity and surges; and

(iii) coastal sediment dynamics;

taking into account national guidance and the best available information on the likely effects of climate change on the region or district.

Policy 25 Subdivision, use, and development in areas of coastal hazard risk

In areas potentially affected by coastal hazards over at least the next 100 years:

(a) avoid increasing the risk[10] of social, environmental and economic harm from coastal hazards;

(b) avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards;

(c) encourage redevelopment, or change in land use, where that would reduce the risk of adverse effects from coastal hazards, including managed retreat by relocation or removal of existing structures or their abandonment in extreme circumstances, and designing for relocatability or recoverability from hazard events;

(d) encourage the location of infrastructure away from areas of hazard risk where practicable;

(e) discourage hard protection structures and promote the use of alternatives to them, including natural defences; and

(f) consider the potential effects of tsunami and how to avoid or mitigate them.

Policy 26 Natural defences against coastal hazards

(1) Provide where appropriate for the protection, restoration or enhancement of natural defences that protect coastal land uses, or sites of significant biodiversity, cultural or historic heritage or geological value, from coastal hazards.

(2) Recognise that such natural defences include beaches, estuaries, wetlands, intertidal areas, coastal vegetation, dunes and barrier islands.

Policy 27 Strategies for protecting significant existing development from coastal hazard risk

(1) In areas of significant existing development likely to be affected by coastal hazards, the range of options for reducing coastal hazard risk that should be assessed includes:

  (a) promoting and identifying long-term sustainable risk reduction approaches including the relocation or removal of existing development or structures at risk;

  (b) identifying the consequences of potential strategic options relative to the option of 'do-nothing';

  (c) recognising that hard protection structures may be the only practical means to protect existing infrastructure of national or regional importance, to sustain the potential of built physical resources to meet the reasonably foreseeable needs of future generations;

  (d) recognising and considering the environmental and social costs of permitting hard protection structures to protect private property; and

  (e) identifying and planning for transition mechanisms and timeframes for moving to more sustainable approaches.

(2) In evaluating options under (1):

  (a) focus on approaches to risk management that reduce the need for hard protection structures and similar engineering interventions;

[10] Risk: as defined in the Glossary.

(b) take into account the nature of the coastal hazard risk and how it might change over at least a 100-year timeframe, including the expected effects of climate change; and

(c) evaluate the likely costs and benefits of any proposed coastal hazard risk reduction options.

(3) Where hard protection structures are considered to be necessary, ensure that the form and location of any structures are designed to minimise adverse effects on the coastal environment.

(4) Hard protection structures, where considered necessary to protect private assets, should not be located on public land if there is no significant public or environmental benefit in doing so.

Policy 28 Monitoring and reviewing the effectiveness of the NZCPS

(1) To monitor and review the effectiveness of the NZCPS in achieving the purpose of the Act, the Minister of Conservation should:

(a) in collaboration with local authorities collect data for, and, as far as practicable, incorporate district and regional monitoring information into a nationally consistent monitoring and reporting programme;

(b) undertake other information gathering or monitoring that assists in providing a national perspective on coastal resource management trends, emerging issues and outcomes;

(c) within six years of its gazettal, assess the effect of the NZCPS on regional policy statements, plans, and resource consents, and other decision making; and

(d) publish a report and conclusions on matters (a) to (c) above.

Policy 29 Restricted Coastal Activities

(1) The Minister of Conservation does not require any activity to be specified as a restricted coastal activity in a regional coastal plan.

(2) Local authorities are directed under sections 55 and 57 of the Act to amend documents as necessary to give effect to this policy as soon as practicable, without using the process in Schedule 1 of the Act, with the effect that:

(a) any activity specified as a discretionary activity and a restricted coastal activity becomes a discretionary activity only;

(b) any activity specified as a non-complying activity and a restricted coastal activity becomes a non-complying activity only.

(3) Any application for a coastal permit for an activity specified as a restricted coastal activity that has been publicly notified before the date the amendments in clause (2) are made shall continue to be treated as an application for a restricted coastal activity for the purposes of section 117 of the Act.

(4) Any other application for an activity specified as a restricted coastal activity made before the date of the amendments in clause (2), shall be considered as a discretionary or non-complying activity in accordance with the regional coastal plan or proposed regional coastal plan's classification and section 117 does not apply.

Schedule 1

Surf Breaks of National Significance

Northland

Peaks – Shipwreck Bay
Peaks – Super tubes – Mukie 2 – Mukie 1

Waikato

Manu Bay – Raglan
Whale Bay – Raglan
Indicators – Raglan

Taranaki

Waiwhakaiho
Stent Road – Backdoor Stent – Farmhouse Stent

Gisborne

Makorori Point – Centres
Wainui – Stock Route – Pines – Whales
The Island

Coromandel

Whangamata Bar

Kaikoura

Mangamaunu
Meatworks

Otago

The Spit
Karitane
Whareakeake
Papatowai

Glossary

Hard protection structure	Includes a seawall, rock revetment, groyne, breakwater, stop bank, retaining wall or comparable structure or modification to the seabed, foreshore or coastal land that has the primary purpose or effect of protecting an activity from a coastal hazard, including erosion.
Harmful aquatic organisms	Aquatic organisms which, if introduced into coastal water, may adversely affect the environment or biological diversity, pose a threat to human health, or interfere with legitimate use or protection of natural and physical resources in the coastal environment.
Infrastructure	As defined in section 2 of the Resource Management Act 1991, notwithstanding the reference in section 2 to section 30.
Intertidal zone or area	The landward boundary of the intertidal zone or area is the extreme high water of spring tides, which is the average of the two highest tides at the period of the year when the range of the tides is greatest. The seaward boundary of the intertidal zone or area is the extreme low water of spring tides, which is the average of the two lowest tides at the period of the year when the range of the tides is greatest.
Land Typing	Describes land types which form the basis over which land cover, land use and association information are addressed as the basis for land characterisation.
Landscape characterisation	Utilises the land typing base and overlay with land cover, land use and associations affecting or affected by coastal processes.
Marine facilities	Include ports, dry docks, slipways, moorings, marinas, moorings, boat servicing grids, wharves, jetties and ramps, offshore platforms, navigational aids, and associated structures and activities.
Mātauranga Māori	Māori customary knowledge, traditional knowledge or intergenerational knowledge.
Mixing Zone	The area within which 'reasonable mixing' of contaminants from discharges occurs in receiving waters and within which the relevant water quality standards do not apply.
Naturally rare	Originally rare: rare before the arrival of humans in New Zealand.
Papakāinga development	Development of a communal nature on ancestral land owned by Māori.
Predictive Modelling	Mathematical and computer modelling of archaeological location.
Pūkenga	A person skilled or versed in the customary and traditional knowledge, tikanga, arts, histories and genealogies of a particular iwi or hapū.

Risk	Risk is often expressed in terms of a combination of the consequences of an event (including changes in circumstances) and the associated likelihood of occurrence (AS/NZS ISO 31000:2009 *Risk management – Principles and guidelines*, November 2009).
Substrate	Material that forms the surface of the foreshore and seabed.
Surf break	A natural feature that is comprised of swell, currents, water levels, seabed morphology, and wind. The hydrodynamic character of the ocean (swell, currents and water levels) combines with seabed morphology and winds to give rise to a 'surfable wave'. A surf break includes the 'swell corridor' through which the swell travels, and the morphology of the seabed of that wave corridor, through to the point where waves created by the swell dissipate and become non-surfable. 'Swell corridor' means the region offshore of a surf break where ocean swell travels and transforms to a 'surfable wave'. 'Surfable wave' means a wave that can be caught and ridden by a surfer. Surfable waves have a wave breaking point that peels along the unbroken wave crest so that the surfer is propelled laterally along the wave crest.
Taxa	Named biological classification units assigned to individuals or sets of species (e.g. species, subspecies, genus, order, variety).

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The New Zealand Coastal Policy Statement is a national policy statement under the Resource Management Act 1991. Its purpose is to state policies in order to achieve the purpose of the Act—'to promote the sustainable management of natural and physical resources'—in relation to the coastal environment of New Zealand.

For information on coastal resource management, visit the Department of Conservation website: www.doc.govt.nz







