

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of Proposed Southland Regional Council
Plan Change 5 – Section 16 Surface water
activities on the internal waters of Fiordland
from Yates Point to Puysegur Point

REPLY S42A REPORT BY REBECCA ROBERTSON, REPORTING OFFICER

DATED 27 July 2023

INTRODUCTION

1. The purpose of this statement is to detail my position post consideration of the evidence presented at hearing and to answer questions posed by the hearing panel that were not addressed at the hearing.

POST EVIDENCE POSITION

2. Primarily the recommendations I have made within the s42A report remain relevant. In particular, I am still of the opinion that Plan Change 5:
 - a. is necessary in order to protect and maintain the significant values of the Fiordland Coastal Environment; and
 - b. is the most effective and efficient option for achieving the purpose of the RMA until the review of the Southland Regional Coastal Plan is completed in its entirety.
3. For the avoidance of doubt, where I have not made mention of a specific part of the s42A report in the following section, it is my opinion the recommendations and rationale in the report are still relevant.

OUTSTANDING MATTERS AND QUESTIONS

4. I note there are a number of matters and outstanding questions that still need to be addressed by me. The following paragraphs will address those matters and questions.
5. Any changes to the provisions presented in the s42A report are shown in red with strike through for existing wording proposed to be deleted and red with underline for proposed new wording. Black strike through and black underline show additions and deletion proposed in the s42A report.

AUTHORISED RESOURCE CONSENTS FOR COMMERCIAL SURFACE WATER ACTIVITIES IN FIORDLAND

6. An updated table of authorised Commercial Surface Water Activities is presented in Appendix A. Titled *Commercial Surface Water Activity Vessels Operating in Fiordland* it shows all vessels authorised to operate within the Internal Waters of Fiordland as of 29 June 2023. The other tables presented in Appendix A show the trips authorised within the Patea / Doubtful Sound Complex.
7. There was a specific question regarding the ownership of AUTH20171370. AUTH20171370 was previously held by Island Escape Cruises. This resource consent is now held by Fiordland Discovery Ltd.
8. At the hearing there was discussion regarding the number of non-complying activity resource consents granted for commercial surface water activities within the Patea / Doubtful Sound

Complex. The tables presented in Appendix B for Hall Arm Day Trip, Patea / Doubtful Sound, Thompson Sound and Crooked Arm east of Turn Point Day Trip, Hall Arm Overnight Backcountry, Bradshaw Backcountry, First Arm Backcountry, and Crooked Arm (west of Turn Point) Backcountry show the discretionary allocation versus the days currently allocated through the resource consent process. The red highlighted row at the bottom of each table shows the number of days allocation has been granted over and above the discretionary allocation detailed within the Regional Coastal Plan for each of the Arms (which required resource consent as a non-complying activity).

9. There was discussion at the hearing regarding the consenting history for Patea / Doubtful Sound. There is a long consenting history for this fiord going back approximately 18 years. As of 29 June 2023, non-complying resource consent trip allocation has been granted in all the arms of the Patea / Doubtful Sound complex (refer to Appendix A). Each time non-complying allocation has been granted (which has usually been following notified resource consent processes and hearings) the decision makers have concluded the proposals have met one of the non-complying gateway tests of s104D of the RMA. Policy 16.2.6 of the operative Regional Coastal Plan provides for commercial surface water activities taking place up to and including 15 February 1997 (i.e., the policy sought to “grandfather” the activities up to that date). Some of the non-complying allocation is the result of commercial surface water activities that were lawfully existing up to and including 15 February 1997 not being accounted for within the discretionary activity allocation for Patea / Doubtful Sound. These resource consents date back to 2005 when the Regional Coastal Plan became operative. As a result of the non-complying activities being granted, the majority of resource consents for commercial surface water activities within Patea / Doubtful Sound are non-complying activities and required to pass one of the gateway tests of s104D of the RMA. This approach will not change as a result of Proposed Plan Change 5 with the proposed changes to Rule 16.2.1 focused on the Internal Waters of Fiordland outside of Patea / Doubtful Sound. It is the intention that this approach will be reviewed through the wider Regional Coastal Plan Review.

SOCIAL CARRYING CAPACITY

10. Clarification was sought regarding the meaning of the ‘Social Carrying Capacity’ of Fiordland. Further advice was requested from Dr Kay Booth regarding the ‘Social Carrying Capacity’ Concept, and this advice is presented in Appendix C.

CONSIDERATION OF INFRASTRUCTURE

11. There was discussion at the hearing regarding the ability for decision makers to consider the adverse effects of infrastructure associated with a commercial surface water activity in their decision making on a resource consent application.
12. It is my opinion there is the ability for decision makers to consider all of the effects of a commercial surface water activity proposal (including cumulative effects on infrastructure). The consideration of all effects would include an activity associated with a commercial surface water activity such as infrastructure. Proposed Policy 16.2.8 – Impacts on wilderness and remoteness values under clause 8 provides scope for decision makers to specifically consider the *'presence and use of structures, including moorings, ~~related to~~ required for the commercial surface water activity proposal'* when considering effects on wilderness and remoteness values. As well, Section 16 of the Regional Coastal Plan cannot be read in isolation from other relevant sections of the Plan. All provisions of the Plan are to be read together. Therefore, when considering infrastructure related to a commercial surface water activity decision makers will need to consider the provisions of Section 16 as well as Section 3.2 Coastal Values – Awarua Point to Big River, Section 4 – Fundamental Principles, Section 5 – General Matters including natural character, natural features and landscapes and amenity values, Section 9 – Occupation and Section 11 – Structures of the Regional Coastal Plan.
13. The activity status for commercial surface water activities will generally either be discretionary or non-complying depending on the activity and the location of the activity. Therefore, the decision maker's discretion will not be restricted (as they would be if the activity status was controlled or restricted discretionary).
14. For clarity, I do not consider further changes are required to the proposed provisions with respect to infrastructure related to commercial surface water activities.

INTERNAL WATERS VERSUS COASTAL ENVIRONMENT

15. The submission and evidence on behalf of RealNZ disagrees with the policy shift from Internal Waters to Coastal Environment. The submitter considers the shift will make Section 16 inconsistent with the remainder of the Regional Coastal Plan and considers it is the effects on the internal waters of Fiordland that Proposed Plan Change 5 is trying to manage not the wider coastal environment of Fiordland. The submitter considers the use of the term 'Coastal Environment' is confusing and further notes that commercial vessels do not linger on the coast outside of the internal waters of Fiordland.
16. The definition of Internal Waters in the Regional Coastal Plan is as follows:

Internal Waters* - has the same meaning as in Section 4 of the Territorial Sea and Exclusive Economic Zone Act 1977 as follows:

Section 4 Internal water - The internal waters of New Zealand include any areas of the sea that are on the landward side of the baseline of the territorial sea of New Zealand.

Section 3 The territorial sea - The territorial sea of New Zealand comprises those areas of the sea having, as their inner limits, the baseline described in sections 5 and 6 of this Act and, as their outer limits, a line measured seaward from that baseline, every point of which line is distant 12 nautical miles from the nearest point of the baseline.

Section 5 Baseline of territorial sea - (1) Except as otherwise provided in section 6 of this Act, the baseline from which the breadth of the territorial sea of New Zealand is measured shall be the low-water mark along the coast of New Zealand, including the coast of all islands. (2) For the purposes of this section, a low-tide elevation that lies wholly or partly within the breadth of sea that would be territorial sea if all low-tide elevations were disregarded for the purpose of the measurement of the breadth of the territorial sea shall be treated as an island.

Section 6 Baseline of territorial sea adjacent to bay - In the case of the sea adjacent to a bay, the baseline from which the breadth of the territorial sea is measured - (a) Where the bay has only one mouth and the distance between the lowwater marks of the natural entrance points of the bay does not exceed 24 nautical miles, shall be a straight line joining those lowwater marks; and (b) Where, because of the presence of islands, the bay has more than one mouth and the distances between the low-water marks of the natural entrance points of each mouth added together do not exceed 24 nautical miles, shall be a series of straight lines across each of the mouths so as to join those low-water marks; and (c) Where neither paragraph (a) nor paragraph (b) of this section applies, shall be a straight line 24 nautical miles in length drawn from low-water mark to low-water mark within the bay in such a manner as to enclose the maximum area of water that is possible with a line of that length.

17. Figure 7.3.2.1 in the Regional Coastal Plan maps the Internal Waters for the Southland Coast (refer to Figure 1).

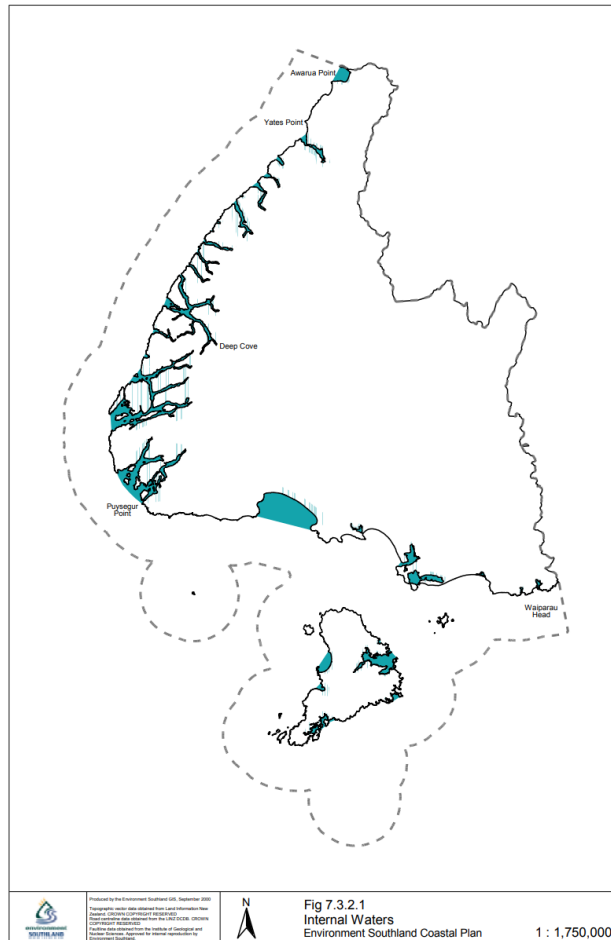


Figure 1: Map of the Internal Waters as detailed in Figure 7.3.2.1 of the Regional Coastal Plan

18. I understand the submitter’s concern regarding the use of the term Coastal Environment is that its scope covers the coastal waters along the outer Fiordland Coast out to 12 nautical miles from the Baseline of the Territorial Sea. However, the scope of Internal Waters is limited to “...any areas of the sea (emphasis added) that are on the landward side of the baseline of the territorial sea of New Zealand.” I do not consider use of Internal Waters is appropriate within the objectives or policies of Proposed Plan Change 5, except where specifically detailed within the proposed provisions, for the following reasons:

- a. Commercial Surface Water Activities can have adverse effects on adjoining land. The definition of ‘Internal Waters’ defines its application only to the sea and does not include the adjoining land. Fiordland National Park adjoins the Internal Waters of Fiordland, and the Park has significant values including for its landscapes, natural features, and natural character. Consideration of adverse effects from Commercial Surface Water Activities on these values should be considered and use of ‘Coastal Environment’ within the objectives and policies of Proposed Plan Change 5 provides

for specific consideration of adverse effects on coastal water (e.g., Internal Waters) as well as the surrounding land.

- b. Not considering effects from commercial surface water activities on the adjoining land does not give effect to Policies 4, 5, 12 and 13 of the New Zealand Coastal Policy Statement (NZCPS).
 - c. Not considering adverse effects on land adjoining the Internal Waters of Fiordland does not give effect to the Southland Regional Policy Statement (SRPS) policies COAST.1, COAST.2, COAST.3 and COAST.7.
 - d. I acknowledge that commercial vessels do not tend linger on the outer Fiordland coast as described by the evidence of Ms Black. However, the outer Fiordland coast also holds significant values such as natural character, landscape, and natural features values. Specific consideration of adverse effects from commercial surface water activities on these values is more appropriate than disregarding such effects.
19. For clarity, the objective and policy direction (contained in proposed Objective 16.1.1, proposed Objective 16.1.2, proposed Objective 16.1.3, proposed Policy 16.2.2, proposed Policy 16.2.8 and proposed Policy 16.2.11) provides for the consideration of adverse effects on the Coastal Environment. The rule framework is limited in scope to the Internal Waters of Fiordland. This is intentional as, based on current understanding, effects are greater in the more enclosed fiords than on the outer coast. In other words, the rules trigger assessment of applications in those inner areas, but the objectives and policies enable consideration of the full effects of the activities.

FIVE YEAR TIMEFRAME

20. The legal submission presented by RealNZ requested a five-year timeframe be included through the inclusion of a new objective, a new policy, and addition to proposed Rule 16.2.1(8). I acknowledge the concern of Real NZ and the request for certainty for operators. I consider business certainty is important. However, I agree with the opinions of Fiordland Marine Guardians and Mr Whaanga (TAMI) in terms of the risks to the values of Fiordland of including a five-year timeframe within the provisions of proposed Plan Change 5. I note Council is intending to notify a proposed Regional Coastal Plan by the end of 2024. While some provisions of the proposed Regional Coastal Plan may take immediate legal effect under section 86B of the RMA, it could be some time before those provisions are operative, for example Environment Court Appeals can take a considerable amount of time to work through. In addition, I am aware that the Resource Management Act is being reviewed and this may have implications for the Regional Coastal Plan Review. There is a risk of an increase in cumulative adverse effects on the significant

values of the Fiordland Coastal Environment occurring if a five-year timeframe is included within the provisions. I therefore prefer the wording proposed within Appendix A of the s42A report with respect to duration of the provisions.

POLICY 16.2.1 – IDENTIFY AND PROTECT AREAS AT RISK OF DIMINISHED NATURAL CHARACTER, LANDSCAPE AND AMENITY VALUES

21. The evidence of Mr Clarke (RealNZ) presented proposed amendments to proposed Policy 16.2.1. The amendments propose to shift the policy from a general policy that requires identification of areas in fiords where natural character, landscape, and amenity values are vulnerable, to a policy where the decision maker should recognise that natural character, landscape, and amenity values are not uniform across all fiords and some areas are more vulnerable than others. I agree with Mr Clarke that the natural character, landscape, and amenity values are not uniform across all fiords and some areas are more vulnerable than others. However, the proposed changes by Mr Clarke do not require identification of those vulnerable areas. It is my opinion that the removal of the need to identify vulnerable areas from this policy has the potential to result in adverse effects on natural character, landscape, and amenity values. If decision makers do not know where the vulnerable areas are they will be unable to afford them adequate consideration through the decision making process. I therefore recommend the following changes to proposed Policy 16.2.1 based on the evidence of Mr Clarke:

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 more vulnerable to the adverse effects of increased use.

POLICY 16.2.2 – AVOID ADVERSE EFFECTS ON INTERNATIONALLY, NATIONALLY AND REGIONALLY SIGNIFICANT VALUES

22. The evidence of Mr Clarke (RealNZ) presented amendments to proposed Policy 16.2.2 to provide more flexibility within the policy to enable new or intensifying activities whose effects can be appropriately managed.

23. It is my opinion the proposal to introduce ‘inappropriate commercial surface water activities’ into the policy is less directive than the policy direction contained within proposed Policy 16.2.2. This is because adverse effects are only required to be avoided (i.e., in the way that proposed Policy 16.2.2(1), (2) and (3) direct that they be avoided) from inappropriate activities. However, no direction is provided as to what constitutes an inappropriate activity. I therefore do not consider the proposed change will achieve the proposed Objectives of Section 16 of proposed Plan Change 5, give effect to the NZCPS (specifically Policies 3, 11, 13 and 15) or the SRPS (objectives COAST.1, COAST.2 and COAST.4 and policies COAST.1, COAST.2, COAST.3 and COAST.7).
24. Regarding proposed Policy 16.2.2(2), it is my opinion that the proposal to introduce ‘remediate or mitigate’ into this clause does not give effect to the NZCPS that provides directive policy that adverse effects on outstanding natural features and landscapes, areas of outstanding natural character, and significant indigenous biological diversity are to be avoided (policies 11, 13 and 15). Further, I am unclear how effects would be remediated given the nature of effects. I therefore prefer the wording proposed within Appendix A of the s42 report for Policy 16.2.2(2).
25. Regarding proposed Policy 16.2.2(3), I appreciate the proposed new wording reflects the wording of Policy 3 in the NZCPS. However, I do not consider this is a necessary inclusion into proposed Policy 16.2.2(3) as the policy has been developed due to the potentially significant cumulative adverse effects of commercial surface water activities on the values of the Fiordland Coastal Environment. My preference is for this wording to remain as proposed in Appendix A to the s42A report.
26. There was discussion at the hearing regarding the third sentence of the Explanation to Policy 16.2.2 that reads *“The unspoilt nature, which generally has no habitation from the presence of for example bach’s.”* It was discussed use of the term ‘generally’ is vague and it would be better to note the exceptions rather than use the term generally. I agree this is a more certain approach and therefore recommend the sentence is amended as follows:
- “The unspoilt nature, which ~~generally~~ has no habitation from the presence of for example bach’s with the exception of Kisbee Lodge and limited habitation at discrete development nodes at Deep Cove and Piopiotahi / Milford Sound.”*
27. Policy 16.2.2(1) in combination with Policy 16.2.2(2) requires avoidance of adverse effects on the international, national, and regionally significant values of the Fiordland coastal environment. Policy 16.2.2(1)(d) recognises that significant habitats of indigenous fauna, significant indigenous vegetation and indigenous biological diversity contribute to the international, national, and

regionally significant values of Fiordland. There was discussion at the hearing that the inclusion of 'indigenous biodiversity' within Policy 16.2.2(1)(d) results in a policy framework that is more stringent than that required by the NZCPS. The focus of Policy 16.2.2 is on the protection of the international, national, and regionally significant values of the Fiordland coastal environment. Through the consenting process consideration will need to be given to effects on indigenous biodiversity and how any effects may impact on the internationally, nationally, and regionally significant values of the Fiordland coastal environment.

28. I acknowledge the scope of Policy 16.2.2 is a more stringent effects test than that required by Policy 11 of the NZCPS. Policy 11 of the NZCPS has two key components. Firstly, Policy 11(a) that requires avoidance of effects on threatened and rare indigenous biological diversity. Secondly, Policy 11(b) that requires avoidance of significant adverse effects and avoidance, remediation or mitigation of other adverse effects on other indigenous habitats, ecosystems and species. I note that Policy 11(b) requires the avoidance, remediation or mitigation of other adverse effects on other indigenous habitats, ecosystems and species. That direction sets a limit that must be achieved. I consider it is open for a regional coastal plan to go beyond that and provide greater protection to indigenous biodiversity, where that is the most appropriate way to achieve the objectives of the plan. Therefore, I do consider there is scope to require avoidance of adverse effects on other indigenous biological diversity.
29. Further, it is my opinion that Policy 3 – Precautionary Approach and Policy 7 – Strategic Planning of the NZCPS provide support for Policy 16.2.2 to be more stringent than Policy 11 of the NZCPS, especially in respect of the cumulative adverse effects of Commercial Surface Water Activities in a highly sensitive and largely unmodified environment. The SRPS also contains direction regarding the protection of indigenous biodiversity within the Coastal Environment. Of relevance Policy COAST.2 of the SPRS states (with emphasis added):

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 or cultural significance to tangata whenua and coastal dune systems;*
- C. ...*

It is my opinion the wording of proposed Policy 16.2.2(2)(d) as presented in Appendix A to the s42A report gives effect to the above SPRS policy and is otherwise appropriate in the context of the highly sensitive and largely unmodified Fiordland environment.

POLICY 16.2.3 – AVOID OR MITIGATE ADVERSE EFFECTS ON MARINE MAMMALS

30. At the hearing there was discussion regarding proposed Policy 16.2.3 and whether it should read ‘Avoid and mitigate adverse effects from commercial surface water activities on marine mammals including by...’ rather than ‘Avoid or mitigate adverse effects from commercial surface water activities on marine mammals including by..’ as is currently proposed. Upon reflection I agree the use of ‘and’ in this context would be more appropriate. However, I do not consider there is scope within the submissions or further submissions to make this amendment.
31. For the reasons outlined in the s42A report and further advice provided by Mr Rabel (attached Appendix B) and Mr Kinsey’s (Director General of Conservation) responses to questions at the hearing, I consider an integrated approach to the management of effects on marine mammals is appropriate. I therefore recommend the wording as detailed in Appendix A of the s42A report is retained for proposed Policy 16.2.3 relating to the management of marine mammals.

POLICY 16.2.5 – NON-COMMERCIAL USERS

32. Mr Clarke (RealNZ) proposed a change to proposed Policy 16.2.5. The changes proposed highlight the need for an integrated response to the management of adverse effects from non-commercial users. I am not opposed to the changes proposed to Policy 16.2.5 by Mr Clarke. I therefore recommend Policy 16.2.5 is reworded as follows:

“Using a range of non-regulatory tools, such as Codes of Practice, in collaboration with the Department of Conservation and the Harbour Master actively ~~E~~ncourage non-commercial users of the internal waters of Fiordland to avoid or mitigate the adverse effects of their activities on natural character, natural features, landscape and amenity values, as well as areas of significant indigenous vegetation, significant habitats of indigenous fauna and marine mammals.”

POLICY 16.2.7 – PROTECTION AND MAINTENANCE OF RECREATIONAL VALUES IN THE FIORDS, INLETS AND ARMS

33. I am not opposed to the change proposed by Ms Young (Director-General of Conservation) in relation to the heading of proposed Policy 16.2.7. The proposed change is presented below:

Policy 16.2.7 – ~~Remote and wilderness~~ Protection and maintenance of remoteness, wilderness and recreational values in the fiords, inlets and arms.

34. The evidence of Mr Clarke (RealNZ) has proposed six new policies in place of proposed Policy 16.2.7. I agree with Mr Clarke that there are a range of differing experiences within each of the fiords. Further, I agree with Mr Clarke with respect to the values and experiences attributed to each of the fiords, such as wilderness in the northern fiords between (but not including) Piopiotahi / Milford Sound and Te Awa-o-Tū / Thomson Sound. However, in my opinion, the proposed changes are less clear and less directive than the guidance provided within the proposed Plan Change. I am of this opinion as the new policies introduce terms such as ‘inappropriate activities’, ‘avoid as far as practicable, or otherwise remedy or mitigate’ and ‘avoid, remedied or mitigated’. The use of these terms does not give decision makers and plan users sufficient guidance on what is an ‘inappropriate activity’ or where adverse effects should be avoided, or mitigated, or remedied. Further, I am unclear how adverse effects of commercial surface water activities can be remedied given the range of values being protected. It is my opinion that to achieve the proposed Objectives of Plan Change 5 and to give effect to the NZCPS and SRPS proposed Policy 16.2.7 needs to be clear and certain in the overall level of recreational experience to be achieved within each of the fiords. I consider through the wider Regional Coastal Plan Review this approach will likely be reviewed, and more detailed fiord specific policies can be incorporated at that time.

DEFINITION OF WILDERNESS

35. There was discussion at the hearing regarding the proposed definition of wilderness. Ms Black (RealNZ) provided evidence regarding the definition and Mr Whaanga (TAMI) provided a response on the matter.
36. The evidence presented by Ms Black considers the proposed definition of wilderness is overly complex. Ms Black presented two alternative definitions for wilderness for consideration. It is my opinion the alternative definitions proposed are too broad in nature. I believe this because the entire Fiordland Coastal Environment is largely intact, with a low population density, perhaps except for Piopiotahi / Milford Sound. My preference is to retain the definition already within Proposed Plan Change 5. However, I do recommend some changes in response to specific concerns raised by Ms Black.
37. Ms Black rightly identifies that Fiordland is not naturally quiet as described in the definition, with noises such as bird song and other coastal noise. The intention of the use of natural quiet is to

describe an environment that has an absence of non-natural noise¹. In the context of the Fiordland Coastal Environment, I consider ‘extremely low’ probability of experiencing anthropogenic noise is more appropriate than no non-natural noise, due to access being via mechanical means. To increase clarity, I recommend the term ‘*natural quiet*’ is replaced with ‘*an extremely low probability of experiencing anthropogenic noise*’.

38. Ms Black also discusses use of aesthetic appreciation within the definition and considers it is too subjective. I agree aesthetic appreciation is a subjective term. To remove this subjectivity, I propose replacing ‘*aesthetic appreciation*’ with ‘*outstanding natural features and landscapes*’. Outstanding natural features and landscapes is a well-known term that is supported by a body of caselaw. I consider it is appropriate within the Fiordland Coastal Environment context and will remove the subjectivity referred to in the evidence of Ms Black.
39. The proposed definition includes reference to ‘*conservation related activity*’. Conservation related activity means there is formal protection of the area, conservation management activity is common and there is biodiversity and species protection². The evidence of Ms Black discusses the use of ‘*conservation related activity*’ implies that there is a requirement to undertake conservation or preservation activities in wilderness areas. I agree the reference to ‘activity’ could be interpreted to mean there is a requirement to undertake conservation or preservation activity. It is acknowledged there are a range of users of wilderness areas and not all undertake conservation or preservation activities. I consider it appropriate to amend the reference to ‘conservation related activity’ to ‘*extremely high conservation values*’.
40. Mr Whaanga (TAMI) has provided a written response regarding the proposed definition of ‘wilderness’ within the s42A report. Mr Whaanga discusses two differing world views. One being a Te Ao Māori world view and one being a western framed world view. As in the s42A report I acknowledge there are differing world views with respect to wilderness values. Mr Whaanga’s evidence highlights key components of the Te Ao Māori world view being a presence within the landscape based on a sustained harvest of resource without altering nature and that kaitiaki includes use as part of protection and management. Upon review of Mr Whaanga’s evidence I recommend the proposed definition of wilderness is amended to include recognition of mana whenua presence through sustainable customary use. I am still of the opinion that through the wider Regional Coastal Plan Review process the two differing world views may be able to be integrated further.
41. I therefore recommended the proposed definition of wilderness is amended to read:

¹ 2022 (Lindis Consulting) Wilderness and Remoteness Values of Fiordland Waters, pg27, Table 3.2.

² 2022 (Lindis Consulting) Wilderness and Remoteness Values of Fiordland Waters, pg27, Table 3.2.

Wilderness: Is an environment that is predominantly absent of people and human modification but recognises mana whenua presence through sustainable customary use. The following conditions are generally experienced in Fiordland's wilderness environments:

- *an extremely high probability of experiencing remoteness;*
- *an extremely high probability of experiencing naturalness;*
- *minimal human presence;*
- *expansive landform scale;*
- *natural quiet*
- *aesthetic appreciation.; and*
- ~~*conservation-related activity.*~~
- *an extremely low probability of experiencing anthropogenic noise;*
- *outstanding natural features and landscapes; and*
- *extremely high conservation values.*

COMPILANCE AND MONITORING

42. There was discussion at the hearing regarding what compliance is undertaken by the Council's Compliance Team and what this may look like into the future. Specifically, it was asked if Council has considered using remote cameras to monitor the Fiordland Coastal Environment. Council's Compliance Team have discussed the possibility of using remote cameras to assist with resource consent monitoring, however no decisions have been made regarding the future use of remote cameras.
43. Currently, Council monitoring of commercial surface water activity consents is primarily completed via desktop review of activity reports that are required to be submitted by operators. When in situ, the on the water monitoring is completed in conjunction with other resource consent monitoring in Fiordland, for example structure monitoring.