

Further Submission Form

Regional Coastal Plan for Southland: Proposed Plan Change 5 – Chapter 16 Surface water activities on the internal waters of Fiordland from Yates Point to Puysegur Point
Form 6, Clause 7 & 8 of First Schedule, Resource Management Act 1991

Submitter details:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other (please specify)
First name: Fiona			Surname: Black		
Organisation / group (if applicable): Real Journeys Limited					
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To:

[Acting General Manager - Strategy, Planning and Engagement,](#)
[Environment Southland,](#)
[Private Bag 90116,](#)
[Invercargill 9810.](#)
[Attention: Lucy Hicks](#)
consultation@es.govt.nz

Hearing:

<input checked="" type="checkbox"/> Please	Do you wish to appear in support of your submission?
<input type="checkbox"/>	I DO NOT wish to appear in support of my submission
<input checked="" type="checkbox"/>	I DO wish to appear in support of my submission
<input checked="" type="checkbox"/> Please	If others make a similar submission would you be prepared to consider presenting a joint case with them at any hearing?
<input type="checkbox"/>	I DO NOT wish to present a joint case
<input checked="" type="checkbox"/>	I DO wish to present a joint case

Choose one (see Resource Management Act 1991, Schedule 1, Clause 8)

<input type="checkbox"/>	I am a person representing a relevant aspect of the public interest.
<input checked="" type="checkbox"/>	I am a person who has an interest in the proposal that is greater than the interest the general public has.
<input type="checkbox"/>	I am the local authority for the relevant area.

Please explain in the space below why you come within the category indicated above:

Real Journeys Limited holds 13 commercial surface water activity coastal permits for vessel activities in the Fiordland Coastal Marine Area (CMA) ranging from guided sea kayaking through to multiday day excursions through the 'Southern Fiords'. In addition the company has millions of dollars tied up in assets to undertake and support these Fiordland CMA commercial surface water activities, including coaches; staff accommodation; storage facilities; wharves; moorings; vessels on Lake Manapouri; and workshop facilities in Te Anau. Accordingly the proposed plan change has the potential to affect our business in the future.



Signature: _____

Date: 8 November 2022

Your Further Submission(s)

#	Submitter Name	Submitter number	Reference/para #s	Support/Oppose	Reason for support/opposition (State the reason for your views)
1	CHISHOLM William	02	3	support	We concur with Mr. Chisholm’s comments with respect to the level of use Fiordland Coastal Marine Area (CMA) received in the 1970’s and 1980’s compared to the current levels of CMA use. That is the current level of vessel activity in Fiordland CMA is nowhere near the activity levels in these previous decades.
2	CHISHOLM William	02	4	support	Real Journeys agrees that the proposed plan change should not hinge around such limited research. The proposed plan changes will have significant consequences for an industry that has been severely compromised by COVID-19, therefore the proposed plan change should be founded on more than interviews with some Fiordland Vessel operators who are trade competitors.
3	EGERTON Peter	05	Policy 16.2.2(2)(3)	support	As outlined in Mr. Egerton’s covering letter and submission this policy will stifle commercial surface water activity operators ability to upgrade their vessels including the adoption of on board wastewater treatment facilities and the implementation of new technology to support carbon reduction measures such as hybrid (diesel-electric) or hydrogen powered engines. In particular, on board wastewater treatment facilities usually include on board wastewater tanks and a treatment plant which occupy more space therefore usually the vessel engine room needs to be larger to accommodate such a treatment plant. Moreover in hybrid (diesel-electric) propulsion systems a large bank of batteries is required such battery banks occupy more space. That is larger vessels are likely to be required to accommodate such treatment plants and propulsion systems.

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4	EGERTON Peter	05	Policy 16.2.8 point 1, 'ship size'	support	Real Journeys supports the consideration of the inclusion of a maximum vessel length of 40 metres to provide an easier consenting path for so called 'intensified' activities. We support the 40 metre cut off given that the overall length of our largest vessels (<i>Fiordland Navigator</i> and <i>Milford Mariner</i>) is 40 metres. Especially because some harbours or inlets in the Fiordland CMA (such as Freshwater Basin in Piopiotahi), cannot safely accommodate vessels much larger than the <i>Pride of Milford Sound</i> or the <i>Milford Mariner</i> .
5	Fiordland Business Association	06	<p>My own experience on a two night stay on Doubtful Sound was, only one other overnight operator seen for a very short time frame of less than 1 hr for the two night 3 day trip. We did see 4-6 different recreational boats and of course the fishing fleet which did not affect our wilderness experience. The company we stayed did an outstanding job explaining the history, the environmental work current and future state and how their own company was working with organisations within the community to enhance pest free islands. All work funded by commercial operations.</p> <p>Each person visiting Doubtful Sound area on average is spending \$200-300each per day. This would be more for longer trips. Not considering applications for renewal or minor expansion does have a</p>	support	<p>We support these statements in particular as proposed plan change five (PC5) needs to give effect to:</p> <ul style="list-style-type: none"> (a) The promotion of sustainable management of resources and achieve the purpose of the Resource Management Act 1991 ("Act"); (b) meeting the reasonably foreseeable needs of future generations; (c) enabling social, economic, and cultural wellbeing; and (d) representing the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of other means available in terms of section 32 and other provisions of the Act.

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			massive flow on affect for our community.		
6	Fiordland Business Association	06	<p>Therefore going forward, we would like to see more detailed information on daily usage current state and what does that look like in terms of overall usage on consents in that area as we believe this information is key to making informed choice on to support or oppose.</p> <p>Consultation with local communities on what they believe peak usage could look like for future state and work backwards from there, this could mean reduction or potential increases.</p>	support	As stated above such an important change in the RCP needs to be based on more information than that provided through the Lindis Consulting report on the Wilderness and Remoteness Values of Fiordland Waters. In addition we agree that through wider community consultation an acceptable 'carrying capacity' needs to be established for the Fiordland CMA before the Regional Coastal Plan review is undertaken.
7	Fiordland Marine Guardians	08	Objective 16.1.1	oppose FMG proposed amendment	<p>It is unrealistic to expect the proposed changes to Chapter 16 of the RCP to 'restore' essential characteristics of the Fiordland CMA when Chapter 16 only relates to Commercial Surface Water Activities. These activities are transitory in nature with such vessels able to be removed from the Fiordland CMA whereas 'structures' (Chapter 11) are permanent or semi-permanent features and arguably have greater impacts on the Fiordland CMA essential characteristics.</p> <p>Also as detailed by several other submitters the state of the Fiordland CMA is not 'declining' compared to the activity in the 1970's and 1980's and today's Fiordland vessel operators are much</p>

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					more environmentally responsible than some of those vessel operators in these aforementioned decades.
8	Fiordland Marine Guardians	08	Policy 16.2.2	oppose FMG proposed amendment	<p>We oppose the insertion “<i>which has no habitation from the presence of for example bach’s,...</i>” as Chapter 16 of RCP is focused on ‘Surface Water Activities’ not land based activities such as Bachs’ and this also ignores the existence of Kisbee Lodge in Rakituma / Preservation Inlet.</p> <p>The proposed inclusion of (<u>In some areas of the Fiordland coastal environment</u>) does not reflect that the following values referenced in this policy are largely subjective; ‘outstanding natural character values; including wild and scenic values; natural feature values; and amenity values’ whereas the explanation as written below reflects this ‘<i>For some people these values have already been eroded</i>’. Therefore the FMG proposed policy change ignores the subjective nature of the assessment of these aforementioned values.</p>
9	Fiordland Marine Guardians	08	Policy 16.2.3	support FMG proposed amendment	If such a policy is included in the amended RCP it will be important for new marine mammal research to be taken into consideration when implementing this policy, especially in the context of Climate Change.
10	Fiordland Marine Guardians	08	Policy 16.2.4	oppose FMG proposed amendment	This policy relates to ‘Commercial Day-trips in Patea / Doubtful Sound and Arms thereof’ and on very rare occasions we have passengers who transfer in and out of Patea via helicopter which enables the very time poor to undertake a day trip on Doubtful Sound/Patea. However the helicopters involved in these passenger transfers land on Meridian Energy Deep Cove Wharf; a designated helipad and do not impact on the environments of Kaikiekie / Bradshaw Sound, Gaer Arm, First Arm and Crooked Arm west of

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					<p>Turn Point. We contend that such helicopter transfers are appropriate given that Deep Cove is effectively a port and is a modified environment.</p> <p>Also, the appropriateness of Helicopter Landings on the Meridian Energy Deep Cove Wharf has been determined during public consultation for the development of the Fiordland National Park Management Plan (FNPMP) in the early 2000's (refer section 5.3.9.3 of FNPMP implementation 34)</p>
11	Fiordland Marine Guardians	08	Policy 16.2.8	oppose FMG proposed amendment	<p>Real journeys is opposed to the following proposed inclusions as they are not well drafted and will create confusion. For instance '9.' would potentially pick up activities in Piopiotahi and Deep Cove. Plus it is unclear if these proposed provisions are to relate to day trips or backcountry trips.</p> <p>9. <u>concentration of consented activity in any particular areas where such an activity may be made more concentrated by other surface water consent holders, for example an increase in activity in the more remote Tamatea/Dusky Sound; and</u></p> <p>10. <u>provisions to prevent the continuous operation of any surface water activity consent on a daily basis outside of Milford Sound/Piopiotahi and Doubtful Sound/Patea.</u></p> <p>Because 'intensified' commercial surface water activities will become non-complying under this proposed plan change all objectives, policies and rules need to be carefully crafted to enable any applicant to address s104D of the RMA.</p>

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12	Fiordland Marine Guardians	08	Policy 16.2.15	oppose FMG proposed amendment	<p>It is impractical for the council to specify the maximum consent term. For instance for new activity where the effects of the proposal are uncertain the council is required to take a precautionary approach and in such instances a shorter consent term is appropriate. However for a vessel such as the “Milford Haven” which has been operating in Piopiotahi since 1977 where the vessel effects are well understood, a longer term is appropriate.</p> <p>Also this submission ignores sections 128 and 129 of the RMA, which enables the council to serve notice on the Consent Holder of its intention to review the conditions of this consent for the purposes of:</p> <ul style="list-style-type: none"> (a) determining whether the conditions of this permit are adequate to deal with any adverse effect on the environment, including cumulative effects, which may arise from the exercise of the permit, and which it is appropriate to deal with at a later stage, or which become evident after the date of commencement of the permit; or (b) ensuring the conditions of this consent are consistent with any National Environmental Standards Regulations, relevant plans and/or Policy Statement; or (c) amending the monitoring programme to be undertaken; or (d) adding or adjusting compliance limits; or (e) requiring the Consent Holder to adopt the best practicable option to remove or reduce any adverse effect on the environment arising as a result of the exercise of this permit.

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13	Milford Sound Tourism	10	Policy 16.2.2	Support	<p>Real Journeys supports the inclusion of a timeframe for completion of the review Southland Regional Coastal Plan as this proposed plan change appears to be a stop gap measure and does not address the other RCP provisions that are no longer fit for purpose.</p> <p>We support the revision of Policy 16.2.2 to allow existing consent holders to upgrade their vessels despite such upgrade resulting in possible 'intensification' of their surface water activities. Because as stated above the inability to 'intensify' our activities will stifle commercial surface water activity operators ability to upgrade their vessels including the adoption of on board wastewater treatment facilities and the implementation of new technology to support carbon reduction measures such as hybrid (diesel-electric) or hydrogen powered engines.</p>
14	Minister of Conservation	11	Objective 16.1.2, Policies 16.2.1, 16.2.2, 16.2.3,16.2.5, 16.2.7, 16.2.8, 16.2.9, 16.2.10, 16.2.11, 16.2.13, and 16.2.15.	oppose	<p>As stated in our submission much of the proposed plan change 5 is loosely drafted and we are opposed to the proposed plan change provisions to be retained as notified. In particular as written the proposed plan change will result in any 'intensified' activity becoming noncomplying activities. Therefore to gain resource consent approval for an 'intensified' activity any applicant we have to satisfy the so called 'Gateway Test', section 104D of the RMA. That is, the council must be satisfied that either the adverse effects of the activity on the environment will be minor [s104D(1)(a)], or the proposed activity will not be contrary to the objectives and policies of a plan [s104D(1)(b)]. Accordingly the proposed plan change 5 objectives and policies must be well crafted to enable an applicant to appropriately address the RCP objectives and policies in an application. For instance because Piopiotahi is significantly different from the other fiords (due to the direct road access)</p>

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					specific policy direction is required for commercial surface water activities in this Fiord.
15	Te Ao Marama Inc	14	Policies 16.2.2, 16.2.3, 16.2.7, 16.2.8, 16.2.11, 16.2.13, and 16.2.15	oppose	As stated in our submission much of the proposed plan change 5 is loosely drafted and we are opposed to the proposed plan change provisions to be retained as notified. In particular as written the proposed plan change will result in any 'intensified' activity becoming noncomplying activities. Therefore to gain resource consent approval for an 'intensified' activity any applicant we have to satisfy the so called 'Gateway Test' section 104D of the RMA. That is, the council must be satisfied that either the adverse effects of the activity on the environment will be minor [s104D(1)(a)], or the proposed activity will not be contrary to the objectives and policies of a plan [s104D(1)(b)]. Accordingly the proposed plan change 5 objectives and policies must be well crafted to enable an applicant to appropriately address the RCP objectives and policies in an application. For instance because Piopiotahi is significantly different from the other fiords (due to the direct road access) specific policy direction is required for commercial surface water activities in this Fiord.
16	Te Rūnanga O Ngai Tahu	15	Policies 16.2.2, 16.2.3, 16.2.7, 16.2.8, 16.2.11, 16.2.13, and 16.2.15	oppose	As stated in our submission much of the proposed plan change 5 is loosely drafted and we are opposed to the proposed plan change provisions to be retained as notified. In particular as written the proposed plan change will result in any 'intensified' activity becoming noncomplying activities. Therefore to gain resource consent approval for an 'intensified' activity any applicant we have to satisfy the so called 'Gateway Test' section 104D of the RMA. That is, the council must be satisfied that either the adverse effects of the activity on the environment will be minor [s104D(1)(a)], or the proposed activity will not be contrary to the objectives and policies

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					of a plan [s104D(1)(b)]. Accordingly the proposed plan change 5 objectives and policies must be well crafted to enable an applicant to appropriately address the RCP objectives and policies in an application. For instance because Piopiotahi is significantly different from the other fiords (due to the direct road access) specific policy direction is required for commercial surface water activities in this Fiord.
17	The Royal Forest and Bird Society of New Zealand	16	Policy 16.2.2	oppose	It is insupportable for Forest and Bird to be effectively advocated for prohibited activity status for new consents, as it is very hard to argue that commercial surface water activities have no adverse effects on the values detailed in this policy. The proposed plan change must maintain a consenting pathway for so called 'intensified' activities; especially given the coastal plan review is likely to take years to play out and most operators are already investigating 'greener' fuel sources which may result in the requirement for new vessels to be introduced into service.
18	The Royal Forest and Bird Society of New Zealand	16	Policy 16.2.3	oppose	<p>The Royal Forest and Bird Society of New Zealand seem to be unaware that the commercial operators the undertake surface water activities in Milford Sound/Piopiotahi and Doubtful Sound/Patea are signatories to Department of Conservation codes of practice and management which include protocols regarding avoiding adverse effects on Tawaki. The protocol from the Doubtful Sound/Patea COM is as follows:</p> <p style="text-align: center;">OTHER WILDLIFE – ALL VESSEL TYPES</p> <div style="border: 1px solid black; padding: 5px;"> <p><i>Vessels shall exercise care around all other wildlife, and particularly the rare Fiordland Crested Penguin. Key times when this species are ashore in Doubtful Sound / Patea are:</i></p> </div>

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					<table border="1"> <tr> <td><i>July – November</i></td> <td><i>Nesting and Feeding Chicks</i></td> </tr> <tr> <td><i>February</i></td> <td><i>Moulting</i></td> </tr> </table> <p><i>Vessels shall stay 20 metres away from other wildlife whether the wildlife is ashore or in the fiord.</i></p> <p><i>Vessels shall avoid coming between other wildlife and their young, or the shore.</i></p> <p><i>Coastal permit consents generally prevent commercial operators from setting passengers ashore on the Shelter Islands or from mooring adjacent to them. This is to protect a key nesting site of the Fiordland Crested Penguin. No anchoring or mooring shall occur.</i></p> <p><i>Coastal permit consents generally prevent commercial operators from setting passengers ashore on the Nee Islets or from mooring adjacent to them. This is to protect the NZ Fur Seal rookery. No anchoring or mooring shall occur.</i></p> <p>Our compliance with these COP and COM are checked by the Department through mystery shopper trips. That is we contend there are already appropriate measures in place to protect Tawaki.</p> <p>Moreover it is the commercial surface water activity operators such as Real Journeys who maintain and service trap lines, in particular, in both Patea and Piopiotahi to protect Tawaki nesting sites. Real Journeys has been undertaking this trapping in Harrison Cove and Anita Bay for decades and these efforts may be a contributor to the greater Tawaki breeding success in Piopiotahi identified in the paper Forest and Bird referenced in their submission.</p>	<i>July – November</i>	<i>Nesting and Feeding Chicks</i>	<i>February</i>	<i>Moulting</i>
<i>July – November</i>	<i>Nesting and Feeding Chicks</i>								
<i>February</i>	<i>Moulting</i>								
19	The Royal Forest and	16	Policy 16.2.8	support	We support the inclusion of wilderness and remoteness values definitions in the RCP glossary. To appropriately interpret these				

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	Bird Society of New Zealand				policies, applicants (and the council) require a clear understanding of the policies, and this can only occur if comprehensive terminology definitions are included in the plan.
20	The Royal Forest and Bird Society of New Zealand	16	Policy 16.2.11	oppose	<p>We are opposed to any 'must' wording in the context of this policy. The Royal Forest and Bird Society of New Zealand is overstating Policy 5 of the NZCPS 2010. The wording in the NZCPS is 'consider'.</p> <p>Also s7 Other Matters of the RMA does not necessarily stretch to the Fiordland National Park; given the Coastal Plan relates to matters below mean high water springs.</p>
21	Totally Tourism	18	4.5, 4.6	support	Real Journeys agrees that PC5 should not necessarily constitute the starting point or baseline for the provisions that are to be drafted in the comprehensive and full review of the Regional Coastal Plan in 2023. PC5 is a 'stop gap' measure founded on deficient information of the effects of commercial surface water activities on remoteness and wilderness values.
22	Totally Tourism	18	4.8, 4.9	support	Real Journeys concurs that the Fiordland CMA environment must not be compromised to enable the continued provision of high-quality tourism products however there needs to be a well-defined understanding of the values and the threshold at which commercial surface of the water activities will cause their degradation.
23	Totally Tourism	18	4.11, 4.12, 4.13, 4.14	support	Real Journeys supports the commissioning of a carrying capacity assessment of the fiords based on visitor experience inclusive of detailed information gathering on the perceptions and experiences of current activity levels from visitors. The Lindis Consulting report on the Wilderness and Remoteness Values of Fiordland Waters does

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					not provide sufficient information to comprehensively inform the RCP review.
24	Totally Tourism	18	4.17, 4.18, 4.19	support	Totally Tourism is also drawn attention to an issue we raised in our submission with respect to vessel size is a trade-off between trip frequency. That is the RCP requires policy direction regarding the trade-off between the frequency of commercial surface water activities (intensity) and scale of commercial surface activities especially with respect to maintaining the likes of essential characteristics.
25	Totally Tourism	18	5	support	<p>Real Journeys supports further or consequential or alternative amendments to PC5 necessary to give effect to:</p> <ul style="list-style-type: none"> (a) the promotion the sustainable management of resources and achieve the purpose of the Resource Management Act 1991 ("Act"); (b) meeting the reasonably foreseeable needs of future generations; (c) enabling social, economic, and cultural wellbeing; and (d) representing the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of other means available in terms of section 32 and other provisions of the Act. <p>We support these statements because in particular, the Section 32 report did not give due consideration of the social, economic, and cultural benefits delivered to the Southland and Otago communities by the continued operation of commercial surface water activities in the Fiordland CMA.</p>

