



Event Name	Surface Water Activities, Coastal Plan Change 5
Submission by	Mrs Bronwyn Chamberlain (97928)
Submission ID	3
Response Date	5/08/22 11:14 AM
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Do you support these proposed changes?	Support

Please provide reasons for you response

I do support proposed precautionary approach towards increasing activities within Fiordland, but I am anxious of the effects that it will have on the operators in there now and also the accessibility for the recreational boat owner. If the number of visitors, commercially wise, is not going to decrease, then I dont see a potential risk to the surrounding towns/communities that rely on those tourists/travellers for business and revenue. If a recreational boat user is still able to access Fiordland, under similar restrictions and regulations, then I dont see that being a problem either. My concern will be if those restrictions are made unrealistic for a recreational user to abide to. Fiordland still needs to be available to "all New Zealanders".

I do support the concerns raised in regards to the wilderness and remoteness values of Fiordlands coastal environment, and do not want to see the degradation of this by "man". But I do see the Cruise Ships, just passing through, that have no beneficial factor to the environment or the financial assistance to the region ie. infrastructure/maintenance (apart from the fee going to ES), as the biggest environmental risk to the Fiordland coastal area. The main risk being an oil spill and/or capsise. It is a remote area of our country and help will not be there quickly, which could exacerbate the impact of such an event on the coastal region and aquatic life.

I understand that any of the consents currently in place, will be under DOC jurisdiction. The National Parks Policy is extremely overdue and have concerns that the highlighting of coastal activities and their impact, by ES, will somehow fuel DOC's fire in obtaining information that could jeopardise the future re-issuing of those consents. We also have the Milford Op's strategy in the proposal stage for the likes of Milford Sound, who are trying to promote but control the number of visitors to the fiord (which is a good thing). There is alot going on and it only seems to make sense that the communication becomes very open and fluent with the communities and operators and population that are going to be "scooped up" within its parameters. I'm quite confident in saying that it will not be the local

communities and operators that are causing massive impact on the environmental resources, but more so the "out of region" visitors that come to reap the rewards of its presence ie. blue fin tuna fishing, diving, hunting.

Public Hearing

Please choose one of the following options:

If others make a similar submission, I will consider presenting a joint case with them at a hearing

Trade Competition

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

Please check the boxes that apply to you: I could/could not gain an advantage in trade competition through this submission.

I could not

I am/am not directly affected by an effect of the subject matter of the submission that: (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.

I am not

**Chisholm
Associates**

PO Box 125, Manapouri 9643

Ph (027) 221-4739
e-mail: bill@chisholm.co.nz

24th July 2022

SUBMISSION

The Chief Executive Officer,
Environment Southland,
Price Street, Waikiwi,
Invercargill.

**SUBMISSION TO ENVIRONMENT SOUTHLAND ON BEHALF OF WILLIAM
PATRICK CHISHOLM, ON PROPOSED PLAN CHANGE 5**

My submission is on the **Regional Coastal Plan for Southland: Proposed Plan Change 5 – Section 16 Surface water activities on the internal waters of Fiordland from Yates Point to Puysegur Point:**

I WOULD LIKE TO BE HEARD ON THIS SUBMISSION.

The address for service is: Attn: Bill Chisholm, PO Box 125, Manapouri. Ph (027) 2214739; email bill@chisholm.co.nz

My submission **OPPOSES** the proposed Plan change in its entirety. It is, in fact, absurd for the following reasons:

1. The proposal seeks to manage the intensity and distribution of surface water activity but it doesn't. It doesn't manage recreational vessels nor cruise ships. Outside of Milford and Doubtful sounds these two categories make up over 70% of the tourist boat traffic and 90% of the visitors to the area. Managing surface water activities of commercial charter vessels < 1000 tonnes will not have any meaningful effect on the values the Plan change seeks to "protect".
2. The "wilderness and remoteness" values the Plan change seeks to "protect" are subjective at best, and somewhat overblown. While Fiordland National Park has many wilderness and remoteness values, the internal waters are actually areas well-used by boaties. It is normal for boaties to head for Fiordland in this area of the "roaring forties" where there are no safe havens for hundreds of kilometres. Assuming that these waters somehow have "remoteness" values to be preserved, defies the fact that these waters have been well-used by vessels since Captain Cook first entered them in 1772 (and parked up for 5 weeks).



3. Whomever considers the “wilderness and remoteness” values of Fiordland waters to be degraded wasn’t around in the 1970’s and 1980’s. Back then, crayboats and other fishing boats were everywhere in Fiordland (as well as helicopters undertaking live capture of deer). Fiordland is nothing like this now. Anyone stating that there are values under threat from the few mid-size charter vessels operating in Fiordland, is either not familiar with the area or has an ulterior motive.

4. The Kay Booth report is not fit-for-purpose. The Environment Southland website states:

The report provides the supporting technical basis for this proposed change to the Regional Coastal Plan.

The Kay Booth report does nothing of the sort. The Report provides a fairly thorough review of existing knowledge, literature etc and provides background material on the topic. However, this report fails as a basis for Plan change in four ways:

1. It contains no meaningful objective data,
2. It fails to capture available data, especially consent activity data
3. It makes conclusions unsupported by data
4. It relies on data contaminated by trade-competitor bias.

The report relies on interviews only. It does not look at changes in the number of vessels working in Fiordland during the cray boom and what attitudes were like then. It does not look at the consent activity data required by Environment Southland and whether there have been any changes in activities over the years. Because of Covid, there were no interviews of passengers or recreational boaties. Only the opinions of 27 “*primarily commercial tourism and charter boat operators*” were analysed. Perversely, these are the same people who are partly excluded from this process as “trade competitors”. Yet the entire dataset used to analyse “trends” comes from these same trade competitors. If Environment Southland believes that the opinions of trade competitors are too biased to allow their full participation in the process, then why are their opinions (and theirs alone) used to provide the basis for the Plan change?

General comment

The issue of natural character and its definition is complex, and its application to Fiordland has been fraught with anomalies. For the Plan change 5 proposal there has been no consideration for the number of un-used consents currently issued. There has been no consideration for the quality of commercial charter vessels, only the quantity. There has been no consideration of the number of passengers carried by each vessel. Larger-capacity vessels allow more people to visit. There has been no consideration of the social and economic effects of closing this low-impact industry on a tourism sector already blighted by Covid. There has been no consideration of the effects on commercial charter vessels undertaking research, surveying, monitoring, etc. Many of these vessels



will need consent to operate in Fiordland. If they can't get a consent then the research will not happen.

Of particular concern is the practice of using “actual and potential effects” on ecological, landscape and natural character values as a way of allowing existing small-vessel commercial operators in Fiordland to exclude trade competitors. Consequently, I expect some of the Kay Booth report interviewees have expressed “serious concerns” about the effects of more commercial vessels on natural character/wilderness values etc; whereas their hidden agenda is more about excluding trade competition.

There is considerable scope for more and larger commercial charter vessels to operate in Fiordland. I agree with the policy of encouraging day-trips to operate mainly from Milford and Doubtful Sounds. However, there needs to be more provision for (an appropriate type of) commercial charter vessels elsewhere, to allow people to visit these areas in an environmentally sensitive way (i.e. not using recreational vessels or aircraft). Doing this will avoid the adverse “effects” on natural character of increased and unrestricted recreational and aircraft activity in these areas.

The Fiordland Sounds are vast. The stark landforms provide a level of natural character to passengers which significantly diminish the “effects” caused by passing vessels. I have never heard complaints from rank-and-file passengers on charter vessels about the number of vessels operating anywhere in Fiordland, including Milford and Doubtful Sounds. I personally have no problem with commercial charter vessels operating throughout Fiordland, providing they are of a suitable type (i.e. built to safely operate in the area). I have no concerns about the actual or potential effects of appropriate commercial charter vessels on natural character or passenger satisfaction. My issue of concern here is the use of “natural character” effects as a way to stifle trade competition.

Commercial charter vessels provide a service to people who might otherwise not have the ability to visit Fiordland, go ashore and experience its significant landforms. This includes the elderly and infirm. If these people wanted to visit Fiordland in a safe and comfortable manner, they would either need to hire a helicopter, or go on an unrestricted recreational vessel. These alternatives have far greater adverse “effects” on natural character than the occasional visit by a commercial charter vessel. Commercial charter vessels provide this service to people who would otherwise be excluded from visiting this part of the World Heritage Area, while actually reducing the potential “effects” of unrestricted recreational vessels on natural character. The Coastal Plan should recognise this need for commercial services and make provision throughout Fiordland for more commercial operations.

Regarding the situation with “commercial” versus “recreational” vessels and commercial fishing vessels. All types have essentially the same “effect” on natural character. Coastal Plans do not restrict recreational or commercial fishing vessels. This is not because of their having no “effects” on natural character, but because it is politically expedient.



Cruise ships also provide a service for those who would otherwise not be able to visit this part of Fiordland. Indeed, cruise ships reduce “effects” on natural character because they take so many passengers i.e. the vessel-passenger ratio is considerably greater than smaller commercial charter vessels.

In conclusion, this entire Plan change 5 proposal is absurd in the extreme and it should be withdrawn immediately.

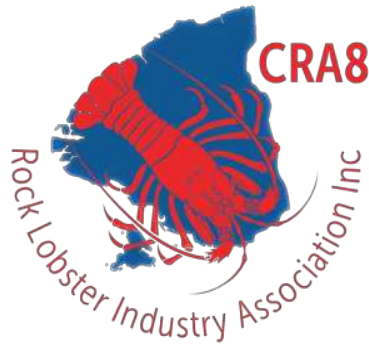
Yours faithfully



W.P. Chisholm BSc, Msc (Hons)
Certified Environmental Practitioner



Certified Environmental Practitioner



23 August 2022

Environment Southland
Private Bag 90116
Invercargill 9840
Attn: Regional Coastal Plan Change

BY EMAIL: consultation@es.govt.nz

SUBMISSION Regional Coastal Plan Change

This submission is made by the CRA8 Rock Lobster Industry Association Inc. (“the Association”). This organisation is a fully constituted and incorporated society that is recognised as the commercial stakeholder organisation representing the interests of the commercial rock lobster industry in the southern South Island including South Westland, Fiordland, Stewart Island, Foveaux Strait and adjacent islands.

In summary, the Association supports all of the proposed changes. Reasons for our support are set out below.

Members of the Association have witnessed significant changes in the Fiordland Marine Area in recent years in respect to the number of vessels operating under commercial surface water consents and the consequent impacts on the values that make Fiordland unique and important. Accordingly, the Association supports the actions of Environment Southland to halt further adverse effects until a complete assessment of the consenting regime and the effects of consents can be carried out as part of the review of the Southland Regional Coastal Plan (SRCP).

A significant factor is the current lack of a framework to assess cumulative effects of surface water activities (SWA). Milford and Doubtful Sound have been the major areas of focus for SWA for many years but that is now changing and vessels and their activities (and effects) have spread to all areas of Fiordland. Ironically some of this spread is a reaction to the expectations of clients that they will experience remoteness not interrupted by other vessels or activities.

In addition, there are now associated activities that are currently not sufficiently contemplated within the SRCP that have adverse effects on remote and wilderness values. Specifically, the number of aircraft and helicopter movements in support of SWA. These can and do occur multiple times within a day where clients fly in to a vessel where they undertake a day trip and then fly out again.

Another major concern is that many operators are not operating to the full extent of their consents. Therefore, the potential exists within currently granted consents for significantly more activity than is currently occurring. This will have impacts on wilderness and remoteness values but will also degrade the experience for clients in any of the fiords.

There are a limited number of suitable anchorages within Fiordland that provide safe shelter for vessels. The proliferation and increase in size of vessels is creating issues at anchorages as many of them are limited in space. Safety of vessels and their passengers is compromised if operators of vessels cannot access these anchorages.

The Association agrees that more guidance is required on the setting of consent terms. Effects and circumstances change over time. While consent terms of 20 years (or even longer) may be appropriate in some instances (eg: for structures), for most, shorter terms are more reasonable. This will allow a review of effects at the time of renewal.

One point the Association submits should be considered in the review of the SRCP is that the effective halt on the granting of surface water consents in the Fiordland Marine Area may result in a shift or increase of some operations from Fiordland to Stewart Island. The Association believes that a similar regime for SWA and consents should be considered for Stewart Island.

A handwritten signature in black ink, reading "Malcolm Lawson". The signature is written in a cursive, flowing style.

Malcolm Lawson
Chief Executive Officer

DESTINATION MILFORD SOUND

The future of Piopiotahi Milford Sound



IN THIS DOCUMENT

Who is Destination Milford Sound (DMS)?

DMS Members & Steering Committee

DMS and Collaboration

Piopiotahi Milford Sound ~ It is not Broken

MOP Masterplan Recommendations

DMS Conceptual Site Plan

Where to from here?

DESTINATION MILFORD SOUND (DMS)

- We are the single, unified voice representing those who operate in Piopiotahi Milford Sound.
 - We take a planned and deliberate approach to the future of our region.
 - We are here to ensure that our jewel is a safe, well managed and sustainable place for generations to come.
 - Our collective knowledge and understanding of the region is second to none.
 - We work in partnership with all who have an interest to prioritise and progress what is right for Piopiotahi.
-

DESTINATION MILFORD SOUND MEMBERS

**A wide group of businesses who
operate and care deeply for
Piopiotahi Milford Sound**

**These members represent over \$300m
of total assets invested in Piopiotahi
Milford Sound**

- Milford Sound Tourism
 - Real NZ
 - Southern Discoveries
 - Cruise Milford Sound
 - Pure Milford
 - Mitre Peak Cruises
 - Fiordland Discovery
 - Trojan – Milford Track and Mitre Peak Lodge
 - Milford Sound Infrastructure
 - QMUG (Air Operators)
 - NZ Cruise Association
 - Port of Otago
 - Various Independent Transport Operators
 - Welcome to additional new members
-

DMS STEERING COMMITTEE

**Mark
Quickfall**

DMS Chairman,
and representing
Tourism

**Roger
Wilson**

DMS Deputy
Chairman, and
representing Water
Operators.

**James
Stokes**

Representing Air
Operators

**Paul
Anderson**

Representing Land
Operators

**Committee
Support**

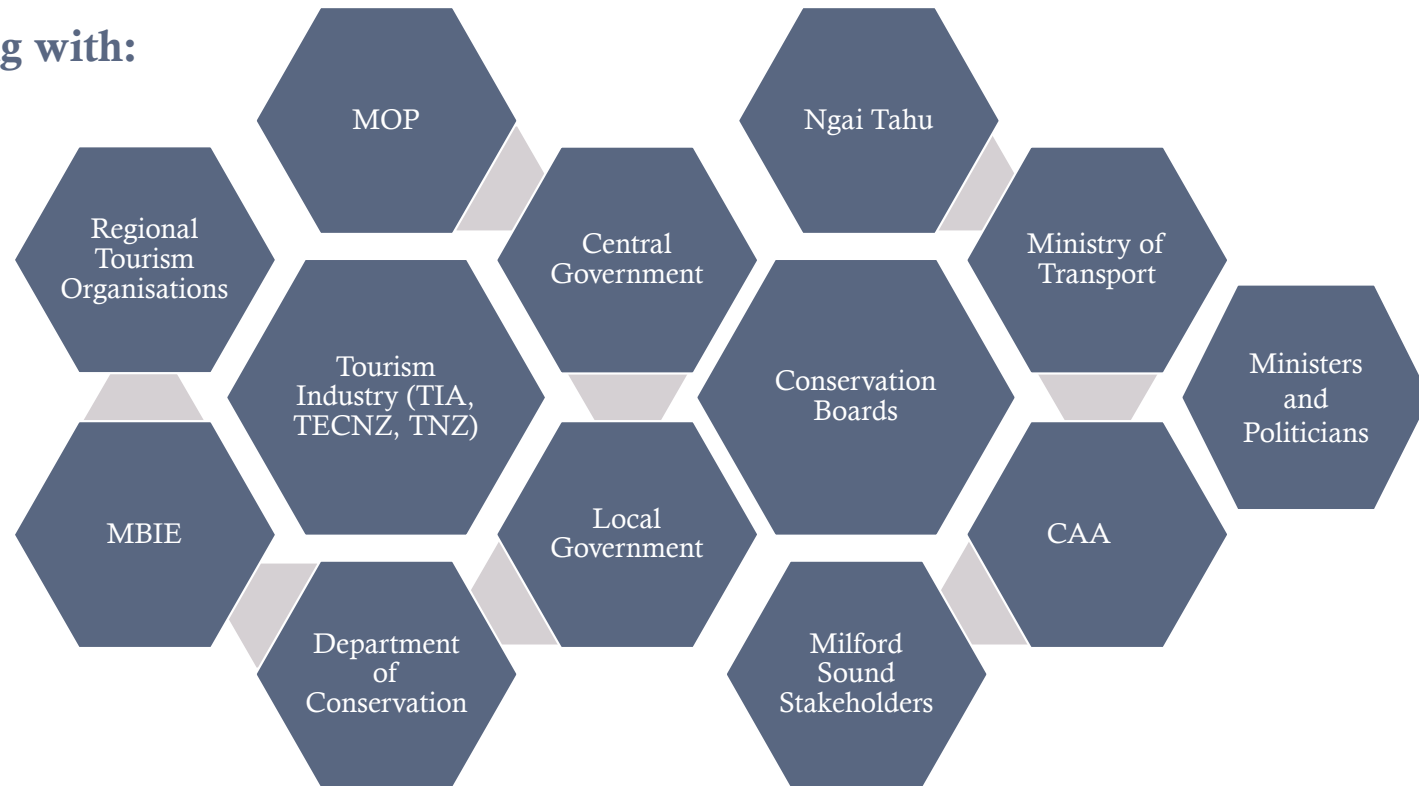
AJ Millward –
Strategic
Consultant

Haylee Preston –
Administration
Support

DMS AND COLLABORATION

DMS is proactively engaging with:

DMS believe that the future of Piopiotahi Milford Sound is dependent on establishing a collaborative governance model between public and private sector, and ensuring all stakeholders have a strong incentive to invest for a sustainable future.



PIOPIOTAH MILFORD SOUND

IT IS NOT BROKEN

Research by the University of Otago showed very high satisfaction levels were being maintained (94%) at peak visitor levels.



MOP MASTERPLAN RECOMMENDATIONS

- Destination Milford Sound agree with the need for a masterplan but does not support all its recommendations and questions whether there would be govt/industry support for the \$400m price tag.
- It is critical that the masterplan's foundations are set firmly within the realities of what is possible to deliver by the public and private sectors; the realities of the tourism industry and market; and what is essential to protect the conservation values of the whenua.
- The masterplan also lacks substance on two major issues that are prerequisites for the sustainability of Piopiotahi: a future collaborative governance structure, and stimulation of both public and private sector investment to achieve a sustainable future.

MOP MASTERPLAN KEY RECOMMENDATIONS

1. Visitor Levy

Funding is important to develop quality infrastructure, facilities and contribute to conservation. Whilst Milford is considered a must see, we cannot overprice the experience or people will simply switch off. Destination Milford Sound notes the potential unintended consequences of charging Milford visitors a levy in re-directing them to other parts of the Fiordland National Park, or National Parks throughout NZ which remain free. Funds collected should directly benefit Piopiotahi Milford Sound.

2. Improve Governance/Management of Milford

Destination Milford Sound **support** and encourage changes to existing governance structures. We consider a model that brings together public and private sectors with iwi and regional councils is the way of the future. To date, governance and management of tourism access to the conservation estate and other government managed assets involves many different agencies and timelines. This leads to frustration for all involved, including officials and Ministers. We support reviewing, streamlining and implementing fit-for-purpose and future focused decision making and governance.

3. Te Anau Hub

Destination Milford Sound **supports** the concept of a hub at Te Anau, subject to a wider investigation into the financial feasibility of such a facility, as we note that Te Anau is unlikely to be the key departure point for Piopiotahi Milford Sound or the destination of choice ahead of Queenstown. If capital costs and operational expenditure of such a facility are to be passed onto the Piopiotahi Milford Sound visitor, what impact would this have on the elasticity of the market?

MOP MASTERPLAN KEY RECOMMENDATIONS CONT.

4. Corridor Improvements (Knobs Flat/Park and Ride)

Destination Milford Sound **supports** improvements to the Corridor and considers this a good opportunity to plan for and manage future growth. Support for the proposed development of the Knobs Flat and Kiosk Creek sites, including food and accommodation offerings and an information centre. Knobs Flat is also an obvious staging point for park and ride activities, and logical point to which private motor vehicles (without pre-booked parking at Milford) can drive to.

5. Close Airport runway

Destination Milford Sound **does not support** closing Milford Sound Airport to fixed wing aircraft. Public consultation was carried out by MOP and 85% of respondents disagreed with removing the airstrip. Aviation is one of the best ways to extend the operating day, which helps smooth visitor peaks throughout the day. Note that the 25 million runway repair figure quoted in the Milford Opportunities Project does not relate to Milford Airport. It is based on a runway upgrade in the Chatham Islands to bring that runway up to the required standard to accept movements of a Boeing 737 – an aircraft 17 times the weight of the heaviest aircraft that lands at Milford. Destination Milford Sound believes the lack of airport facilities could be overcome by including an appropriate scale airport terminal in the masterplan.

MOP MASTERPLAN KEY RECOMMENDATIONS CONT.

6. Ban Cruise Ships

Destination Milford Sound **does not support** the proposal to ban cruise ships in Piopiotahi Milford Sound, the masterplan states there is very little adverse visitor reaction to cruise ships visits. The prevention of access to Piopiotahi Milford Sound will have a flow on effect to the number of cruise ships visiting New Zealand, which will have a negative effect on the economies of Otago, the South Island and the rest of New Zealand. Destination Milford Sound will continue to work with the cruise industry to manage air emissions, recognising that cruise ship technology continues to improve and the industry is working towards a zero-carbon future for shipping.

7. Relocate Staff Housing and Construction of new multi-level accommodation block

Destination Milford Sound **does not support** the relocation of staff to a newly constructed accommodation block because there is a considerable investment in staff housing by each of the operating companies, and \$15m already spent by Central Government in raising the Cleddau Delta to provide safer accommodation for staff.

MOP MASTERPLAN KEY RECOMMENDATIONS CONT.

8. Milford Sound Infrastructure Changes

Destination Milford Sound **does not support** the construction of a new visitor centre adjacent to the current hotel site. This appears to be an unnecessary capital investment when the existing visitor terminal can be repurposed and if necessary, enlarged over the existing coach park, to cater for changing market trends and visitor requirements. The existing coach park would be relocated to an alternative site, such as Little Tahiti.

Destination Milford Sound **does not support** reducing and reallocating parking to the site currently occupied by staff accommodation. While DMS **supports** the introduction of pre-booked car-parking, in this case the existing number of 241 car-parks should be retained to allow for up to 500 vehicles a day. DMS supports further investigation into solving Milford car parking issues by the construction of a multi-level car park. This would allow existing car parks to be repurposed for visitor enjoyment. The top-level of a multi-level carpark could act as a safe haven for staff and visitors in the event of a tsunami.

DMS CONCEPTUAL SITE PLAN

- This conceptual site plan on the following slide proposes new facilities, upgrades and repurposing of many existing facilities. Some of these improvements have already been planned for by existing businesses. Of note, key new developments include several infrastructure assets of scale: airport terminal/facilities, a multi-level carpark and a community centre – all if business cases prove them viable. In addition to this we agree with the proposed viewing decks, some new walks and ancillary facilities for the airport and marina, again if business cases prove them viable.
- Significant upgrades are proposed for core facilities (hotel/café, existing public toilets and the runway). Innovative repurposing of the existing visitor terminal, some carparking, and the walking system are proposed as cost effective ways to maximise assets that have not yet reached end of life.
- It is envisaged that this solution would be achieved using a partnership management model, governed (following a successful trial) by our new participatory governance model. All parties of the partnership will be held accountable by the governance committee for delivering outcomes. The implementation group would be responsible for finding solutions to current problems and future destination management planning. They would also be responsible for delivering upon these solutions and plans.



DMS CONCEPTUAL SITE PLAN LEGEND

Legend			Outcomes Achieved				
			Improve Visitor Experience	Natural Hazard Management	Cultural Values	Cost Effectiveness	Health and Safety
1	Repurposed Visitor Terminal	Repurposed	✓	✓	✓	✓	✓
2	New Visitor Center	New	✓	✓	✓	-	✓
3	Foreshore Enhancements - Returned to Nature	Repurposed	✓	-	✓	-	✓
4	Multi Level Carpark/Tsunami Evacuation Point	New	✓	✓	✓	-	✓
5	Existing Public Toilets Upgraded	Upgrade	✓	-	-	-	✓
6	Hotel/Discover Milford Sound Cafe Redeveloped	Upgrade	✓	✓	✓	-	✓
7	Barren Peak Spur Walkway	New	✓	✓	✓	-	-
8	Existing Runway remains where it is	Upgrade	✓	✓	-	✓	✓
9	Airport Terminal/Facilities	New	✓	✓	✓	✓	✓
10	New Coach Park - Little Tahiti or other location this way	New	✓	✓	-	-	✓
11	Repurposed Coach Park	Repurposed	✓	-	-	✓	✓
12	Bowen Valley Cable Car, Walk and Viewing Platform	New	✓	✓	✓	-	-
13	Water Based Viewing Deck	New	✓	-	✓	-	✓
14	Milford Community Centre	New	-	✓	-	-	✓
15	Existing Staff Housing Remains	No Change	-	-	-	✓	-
16	Long Term Boat Trailer Parking	New	✓	-	-	-	-
17	Short Term Boat Trailer Parking	No Change	-	-	-	✓	✓
18	Recreational Boat Ramp	No Change	-	-	-	✓	✓
19	Commercial Fisheries	No Change	-	-	-	✓	✓
20	Bowen Falls Walkway	New	✓	-	✓	-	-
21	Transport/Walking System	Repurposed	✓	-	-	-	✓

WHERE TO FROM HERE:

- The DMS Committee meets regularly, with quarterly meetings for all members
- We continue to engage regularly with government and the MOP project team
- We believe locally designed solutions represent the future of Piopiotahi
- We welcome you to join our unified voice

PIOPIOTAH MILFORD SOUND

In Māori legend, a single bird (the piopio) is said to have flown to Milford Sound to mourn the passing of the legendary Maui, who died here trying to win immortality for his people. The legend of this majestic fiord has continued to grow and there are few other places in Aotearoa that are as iconic, so uniquely New Zealand, as Piopiotahi Milford Sound. It is a taonga, revered through history by Māori through to early European settlers, and in more recent times by domestic and international travellers who have flocked here to marvel at the grandeur and wealth of natural and cultural heritage.

Destination Milford Sound

July 2022



Destination Milford Sound Position Paper

The future of Piopiotahi Milford Sound

Prepared by:	AJ Millward, Transcend Consulting Ltd
Prepared for:	Destination Milford Sound
Date:	25.03.22
Version:	1.0
Status:	Final

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Preface

In Māori legend, a single bird (the piopio) is said to have flown to Milford Sound to mourn the passing of the legendary Maui, who died here trying to win immortality for his people. The legend of this majestic fiord has continued to grow and there are few other places in Aotearoa that are as iconic, so uniquely New Zealand, as Piopiotahi Milford Sound. It is a taonga, revered through history by Māori through to early European settlers, and in more recent times by domestic and international travellers who have flocked here to marvel at the grandeur and wealth of natural and cultural heritage.

When tourism numbers in New Zealand reached their peak in 2018, 883,000 people visited Milford Sound with at least 45% of them preferring a day trip from Queenstown. Since the start of the Covid-19 Pandemic, these visitor numbers have declined substantially given that 83% of visitors in 2018 were from overseas. However, even at the peak of 883,000 visitors, research by the University of Otago showed very high satisfaction levels were being maintained (94%). Private sector investment in infrastructure, plant, staff and systems was critical to manage this peak visitation during the key period of 11am to 3pm daily, and especially in summer months.

Milford Sound Piopiotahi, together with its access corridor and surrounding areas, has exceptionally high conservation values – ecological, cultural, landscape and recreational. It is deserving of its status as a National Park (Te Rua-o-Te-Moko Fiordland National Park) and UNESCO World Heritage status (as part of Te Wāhipounamu World Heritage Area). These values must be protected for future generations. The future must be responsibly managed to ensure that potential issues are well anticipated and plans put in place to maximise the benefits and mitigate the negative impact of human activity on Te Rua-o-Te-Moko Fiordland National Park.

The Milford Opportunities Project has set out a fitting and undisputed purpose, vision and objectives for its masterplan. There is no doubt that everything possible must be done to maintain Piopiotahi's mana as a key and iconic visitor destination in Aotearoa, including upholding its national park and conservation values.

However, it is critical that the masterplan's foundations are set firmly within the realities of what is possible to deliver by the public and private sectors; the realities of the tourism industry and market; and what is essential to protect the conservation values of the whenua. The masterplan has listed as of yet un-costed and unchallenged initiatives; many with no clear evidence that they will resolve the issues, whether perceived or real. Substantial further work is required before these are taken forward. The masterplan also lacks substance on two major issues that are prerequisites for the sustainability of Piopiotahi: a future collaborative governance structure, and stimulation of both public and private sector investment to achieve a sustainable future.

A wide group of businesses who operate in and care deeply for Piopiotahi Milford Sound have formed Destination Milford Sound to present a single and expert voice to ensure it remains New Zealand's most iconic world-class visitor destination into the future. Destination Milford

Sound is willing and ready to engage with the Government to secure a sustainable future for Piopiotahi and position it for the return of international tourism over the coming years. This paper presents Destination Milford Sound's solution to the future of Piopiotahi. We believe that the future of Piopiotahi Milford Sound is dependent on establishing a collaborative governance model between public and private sector, and ensuring all stakeholders have a strong incentive to invest for a sustainable future.

Purpose of the document

1. This report sets out Destination Milford Sound's (DMS) vision for the future of Piopiotahi Milford Sound based on the collective view from the businesses and sectors that operate in or promote our region.

Executive Summary

2. DMS is a coordinated group invested in the future of Piopiotahi Milford Sound. We partner with government and stakeholders to achieve the best possible outcomes for our world class visitor destination. Our current context is especially challenging, and we are focused on two key priorities to keep us operating. These are security of tenure and a collaborative governance model to enable this. We note these are themes of the Milford Opportunities Masterplan (the MOP) and believe that the best way to make progress is an immediate focus on these areas.
3. To ensure we fully understand the MOP we have been through it in detail. Our considered and unified response is presented in this paper. We have arrived at a pragmatic, cost effective solution that will achieve many of the MOP outcomes in an efficient and integrated manner and look forward to presenting this to all relevant parties.

Overview of this position paper

4. Destination Milford Sound is a group of businesses, entities and stakeholders with a focus on Piopiotahi Milford Sound. Our members collectively comprise the majority of economic activity and potential in the region and generate significant revenue and market awareness for our area. We have hundreds of years of combined knowledge and experience operating in our region. Our role is to ensure Piopiotahi Milford Sound remains New Zealand's most iconic world class visitor destination into the future.
5. The Tourism Industry and channels to market are complex. We have spent years influencing and developing products to suit the markets, including scheduling and maximising the use of assets and resources. This private investment and the promotion of the wonders of Piopiotahi Milford Sound by tourism operators has increased the destination's popularity.
6. We note that our current regulatory environment is challenging and uncertain. A planned and deliberate approach for Piopiotahi Milford Sound and the district is imperative. Public

and private sector investment in quality infrastructure and facilities is something we welcome and are keen to facilitate.

7. As businesses operating in the Southland region, our transition to a low emissions economy combined with our current COVID-19 context and regulatory settings create a challenging environment.
8. We all agree that tourism is changing. By working together, we can provide a better experience. In the current COVID context we have identified two key areas to focus on in the immediate term key to the survival of our regional economy. These are:
 - 1) A long-term solution for the governance and management of Piopiotahi Milford Sound; and
 - 2) Resolution of ongoing issues around security of tenure.
9. These two focus areas are consistent with priority issues identified in the MOP Masterplan. As you are aware, this plan was released in July 2021 and is moving to the next planning phase this year. We support taking a planned and deliberate approach to the future of Piopiotahi Milford Sound but consider the above the two priorities are what our businesses need most desperately to survive the coming months and years. We strongly believe these should form the first steps in implementing the MOP.
10. This document also outlines Destination Milford Sound's comprehensive perspectives in relation to the Milford Opportunities Project's Masterplan and includes our proposed solution for the future of Piopiotahi Milford Sound. This solution will achieve many of the outcomes set out in the MOP in a more pragmatic, timely and cost-effective manner.
11. Destination Milford Sound supports the broad direction of the masterplan. However, Destination Milford Sound disagrees with some of the proposals in the masterplan and seeks clarification in other areas. Our perspectives are focused on core themes essential for the future of Piopiotahi Milford Sound. These are:
 - a. Governance and Funding
 - b. Assets and Infrastructure
 - c. Land Transport
 - d. Aviation
 - e. Marine
 - f. Environment and Conservation
12. Destination Milford Sound is ready to engage with the Milford Opportunities taskforce and to partner with the key agencies and stakeholders to progress areas where there are 'easy wins.' Destination Milford Sound will provide local knowledge and commercial and sector expertise where further analysis and shaping will be beneficial. Working in partnership,

Destination Milford Sound will plan for and progress realistic, cost effective and practical improvements for Piopiotahi Milford Sound.

Background on Destination Milford Sound

13. Destination Milford Sound aims to ensure Piopiotahi Milford Sound remains a world class visitor destination. To do this, we must have a planned and deliberate approach to the future of the region we love and operate in.
14. Destination Milford Sound is a group of businesses, entities and stakeholders operating in Piopiotahi Milford Sound. Our members collectively comprise the majority of tourism economic activity and potential in the region and generate significant revenue and market awareness for the region.
15. Destination Milford Sound was created because we realise that working together is important to achieve the best possible outcomes for Piopiotahi Milford Sound. We are a singular voice of Piopiotahi Milford Sound stakeholders, and we are coordinated and cohesive in our views.
16. Destination Milford Sound is focused on working with government, iwi, and stakeholders to design cost effective, practical and pragmatic solutions that get to the heart of what is truly needed. Destination Milford Sound recognises the importance of inclusive partnerships with all stakeholders in maintaining Piopiotahi Milford Sound as a world class tourist experience.
17. As part of the above, Destination Milford Sound has organised and coordinated a ‘whole of group’ response to the recently released Milford Opportunities Project’s masterplan. Destination Milford Sound is ready to partner with the Government, the Milford Opportunities Project team and other stakeholders to find solutions that create the best possible future for Piopiotahi Milford Sound.

Background on the Milford Opportunities Project’s masterplan

18. The Milford Opportunities Project was established as a joint initiative between Southland District Council and Department of Conservation in acknowledgement of a perceived lack of planning around Piopiotahi Milford Sound in the context of rapidly climbing tourism numbers.
19. The Milford Opportunities Project’s masterplan was released to the public on 28 July 2021. The masterplan contains a number of recommendations.
20. The key themes identified by the masterplan include governance, Te Anau as a destination, public and private investment, security of tenure, the complexity and demands of the international and domestic tourism markets, transport options, infrastructure, price

sensitivity and funding models and the retention of the essence of Piopiotahi Milford Sound.

21. Destination Milford Sound understands the Government has committed an additional \$15 million of funding to take the masterplan to its next stage, which will soon involve the formation of a taskforce to manage the future of the project
22. Prospective expenditure envisioned by the current masterplan is significant and an inclusive partnership structure between the Milford Opportunities Project and stakeholders who operate in the region provides an opportunity to progress a more achievable vision, from both a capital cost and implementation point of view. The improvement and sensible development of the Piopiotahi Milford Sound corridor is important and provides opportunity to plan for and manage future growth.

Our solution for Piopiotahi Milford Sound

23. We consider there are two areas that can be progressed immediately to create maximum gain for our region, with very little cost. These are:
 - 1) An alignment of governance and management for Piopiotahi Milford Sound; and
 - 2) Resolving issues around security of tenure.
24. To inform work in this area we have produced some real-time examples where security of tenure is stopping investment and progression of outcomes for Piopiotahi. These examples are attached as Annex 1.
25. We believe moving to a new management and governance model is the way to reduce transactional costs and inefficiencies and to ensure robust, smooth and timely decision-making process that recognise the Crown Iwi relationship going forward.
26. Statutory decision-making responsibilities could still be retained by relevant agencies but open conversations on applications by all parties would mean less duplication of time and effort and more meaningful conversations with all relevant parties in the room. Working models of this exist already (for example in the Nationally Significant Proposals Process run by the EPA) where there is symbiosis of decision making, a timeframe for certainty and involvement of all parties.
27. We propose working with Iwi, DOC and relevant agencies using our live tenure issues to pilot, test and refine a new participatory governance model not just for Piopiotahi Milford Sound, but as a blueprint for the rest of New Zealand.
28. Early progress in this area would move the Piopiotahi Milford Sound forward and would give businesses and stakeholders the certainty we need to invest in our region to recover our industry.
29. Longer term, we believe the best solution for Piopiotahi Milford Sound is outlined on the

attached map and supporting information, which has been prepared by those who have considerable experience in Milford Sound, and the wider Tourism Industry. It is envisaged that this solution would be achieved using a partnership management model, governed (following a successful trial) by our new participatory governance model. All parties of the partnership will be held accountable by the governance committee for delivering outcomes. The implementation group would be responsible for finding solutions to current problems and future destination management planning. They would also be responsible for delivering upon these solutions and plans.

30. In summary, this conceptual site plan proposes new facilities, upgrades and repurposing of many existing facilities. Some of these improvements have already been planned for by existing businesses. Of note, key new developments include several infrastructure assets of scale: airport terminal/facilities, a multi-level carpark and a community centre – all if business cases prove them viable. In addition to this we agree with the proposed viewing decks, some new walks and ancillary facilities for the airport and marina, again if business cases prove them viable.
31. Significant upgrades are proposed for core facilities (hotel/café, existing public toilets and the runway). Innovative repurposing of the existing visitor terminal, some carparking, and the walking system are proposed as cost effective ways to maximise assets that have not yet reached end of life.

Comment on the Milford Opportunities Project's masterplan

32. Over several months, members of Destination Milford Sound collated their submissions in relation to the masterplan. We have distilled these submissions into key points that reflect our members' collective views. The below sets out our views as 'one voice'.
33. Destination Milford Sound supports the broad direction of the masterplan and taking a planned approach to the future of Piopiotahi Milford Sound. We disagree with some of the proposals in the masterplan and seek clarification in, and further engagement on, other areas. Our comments on the masterplan are grouped around core themes essential for the future of Piopiotahi Milford Sound. These are:
 - a. Governance and Funding
 - b. Assets and Infrastructure
 - c. Land Transport
 - d. Aviation
 - e. Marine
 - f. Environment and Conservation

Areas of agreement with the Milford Opportunities Project's masterplan

The below section establishes areas where Destination Milford Sound agrees with points raised in the masterplan.

Assets, Infrastructure and Access

34. **Te Anau Hub and Improvements** – Destination Milford Sound supports the concept of a hub at Te Anau, subject to a wider investigation into the financial feasibility of such a facility, as we note that Te Anau is unlikely to be the key departure point for Piopiotahi Milford Sound or the destination of choice ahead of Queenstown. We are interested to understand how the initial funding would be sourced and how the ongoing operating costs will be covered. If it is expected that these costs are to be passed onto to the Piopiotahi Milford Sound visitor, we seek to establish what impact this would have on the elasticity of the market.
35. **Knobs Flat Development** – Destination Milford Sound supports proposed development of the Knobs Flat and Kiosk Creek sites, including food and accommodation offerings and an information centre. It is also an obvious staging point for park and ride activities, and logical point to which private motor vehicles (without pre-booked parking at Milford) can drive to. All development must accommodate the diverse market and cater for all visitor types e.g. campers, luxury, back packers, families.
36. **Redevelopment of the current visitor terminal** – Destination Milford Sound supports the redevelopment of the interior of the current visitor terminal as opposed to significantly altering the structure of the building.
37. **New visitor hotel facility** – Destination Milford Sound supports the development of a new visitor hotel facility, subject to a robust business case. A business case is needed to justify the size and scale of the proposed facility, especially given the seasonal nature of tourism in Milford, which will be a major factor in the business case analysis.
38. **Re-opening of Bowen Falls walkway** – Destination Milford Sound supports this proposal, noting that previous business case analysis has proven it not to be financially viable due to the significant cost of overcoming DOC safety concerns.
39. **Construction of cable way to Bowen Falls** – Destination Milford Sound questions the viability of the construction of a new Bowen Fall cableway and seeks to confirm the project will be subject to a robust business and environmental case being prepared. Destination Milford Sound believes challenges to implementation would include seasonality, lack of available time of visitors whilst in Milford and the significant capital and operating costs.
40. **Develop additional walking tracks, foreshore enhancements, Milford landscaping** – Destination Milford Sound supports further improvements to Milford Sound that will assist in providing visitors with alternative activities. Destination Milford Sound seeks clarification

on whether the capital and ongoing maintenance cost of these attractions pose future financing issues.

41. **The Milford Opportunities Project proposes a number of changes to transport options.** Destination Milford Sound supports the transition to a low emissions economy and the need to do things differently. We note that Milford Sound transport options will always need flexibility to meet all requirements and market segments, and that solutions need to factor this in. We also note the role of competition in continuously lifting the game with improved plans and services to suit the diverse visitor market.

Land Transport

42. **Corridor Improvements** – Destination Milford Sound supports improvements to the Corridor and considers this a good opportunity to plan for and manage future growth. We note that improvements must satisfy a conclusive business case study, which includes cost benefit analysis, and consideration of the initial and ongoing costs for visitors to Piopiotahi Milford Sound.
43. **Park and Ride** – Destination Milford Sound supports a park and ride being established as one of the options for access and to reduce the number of private motor vehicles. Previous investigations identified Knobs Flat/Kiosk Creek rather than Te Anau as the optimal location for this to be based. This proposed location enables better utilisation of coaches and drivers to reduce significant capital costs involved in operating a coach service on such a seasonal basis. The Park and Ride concept also means there will be fewer inexperienced drivers travelling on the Milford Road.
44. **Relocation of Existing Coach Park** – Destination Milford Sound supports relocating the existing Coach Park adjacent to the visitor terminal. Destination Milford Sound suggests a location should be further investigated, and alternatives such as Little Tahiti be assessed.
45. **Fiordland National Park Entrance and Eglinton Reveal** – Destination Milford Sound supports improvements to the Fiordland National Park Entrance and Eglinton Reveal. Destination Milford Sound suggests that the provision of off-highway parking at the Eglinton reveal will improve health and safety conditions for visitors.

Environment and Conservation

46. **Re-development of hydroelectric power scheme** – Destination Milford Sound supports initiatives that will assist in the future proofing hydroelectric or alternative sourced electric power at Piopiotahi Milford Sound. Destination Milford Sound suggests that this will assist in the growing demands for electricity as a result of planned additional infrastructure, and the longer term aim to have zero carbon emission vessels and coaches.
47. **Recognise and develop landscape, conservation and cultural experiences** – Destination Milford Sound supports the development of landscape, conservation and cultural experiences. Destination Milford Sound will advocate for any improvement of visitor attractions in Milford Sound, the Corridor and Te Anau, provided the business case demonstrates its viability. Destination Milford Sound supports the masterplan's suggestion

for obtaining zero carbon status when science and technology make it economically and financially possible, but Destination Milford Sound contends that this goal invariably will need to be staged.

Areas of disagreement, clarification or further work required

The below section establishes areas where Destination Milford Sounds disagrees with points raised in the **Milford Opportunities** Project or seeks further clarification on points raised by the masterplan.

Governance and Funding

48. Across all aspects of the MOP, DMS considers that Governance and timely decision making are the issues of highest priority. These directly link to our most pressing problems of certainty and security of tenure. Specific comments on the MOP Governance and funding proposals are set out below.
49. **Cap on Numbers** – Destination Milford Sound does not support the 1,000 visitor per rolling hour cap proposed in the masterplan. Milford Sound Piopiotahi has historically coped with days of up to and over 5500 visitors, while still achieving a 94% plus visitor satisfaction level overall. Destination Milford Sound would welcome the opportunity to discuss alternative methods of handling visitor flows that better utilises infrastructure and vessel capacities at Piopiotahi Milford Sound.
50. **Visitor Levies** – Destination Milford Sound would welcome the opportunity to discuss changes on visitor levies. We would like all funds collected to directly benefit Piopiotahi Milford Sound. Destination Milford Sound notes the potential unintended consequences of charging Milford visitors a levy in re-directing them to other parts of the Fiordland National Park, or National Parks throughout NZ which remain free.
51. **Facilitate broader Murihiku and Southland Benefits** – Destination Milford Sound does not support plans where Piopiotahi Milford Sound activities/operators will have to financially subsidise broader tourism activities within Southland/Otago.
52. **Funding the Milford Opportunity Project** – Destination Milford Sound welcomes the opportunity to discuss further funding for the Milford Opportunity Project originating from the International Visitor Levy rather than imposing further levies on Piopiotahi Milford Sound visitors
53. **Improved Governance Structure** - Destination Milford Sound support and encourage changes to existing governance structures. We consider a model that brings together public and private sectors with iwi and regional councils is the way of the future. To date, governance and management of tourism access to the conservation estate and other government managed assets involves many different agencies and timelines. This leads to

frustration for all involved, including officials and Ministers. We support reviewing, streamlining and implementing fit-for-purpose and future focused decision making and governance.

Assets, Infrastructure and access

54. **Construction of new visitor centre** – Destination Milford Sound does not support the construction of a new visitor centre adjacent to the current hotel site. This appears to be an unnecessary capital investment when the existing visitor terminal can be repurposed and if necessary enlarged over the existing coach park, to cater for changing market trends and visitor requirements.

55. **Relocate staff housing and construction of new multi-level accommodation block** – Destination Milford Sound does not support the relocation of staff to a newly constructed accommodation block because there is a considerable investment in staff housing by each of the operating companies. Destination Milford Sound supports the removal of any substandard staff housing in the existing complex. Destination Milford Sound believes this proposal would fail cost benefit analysis even taking into account staff welfare and safety.

Staff accommodation to service the visitor market is required at Piopiotahi Milford Sound, however alternative options with some staff housed near Piopiotahi Milford Sound is an option. Visitor accommodation near Piopiotahi Milford Sound could provide the experience without all accommodation options being situated at Piopiotahi Milford Sound itself.

56. **Iconic Refuges** – Destination Milford Sound seeks further information to gain a more comprehensive understanding of the purpose of such structures and how effective they will be in an AF8 type event, informed comment cannot be made.

57. **Common Shared Service Lane and Shared Service Facilities** – Destination Milford Sound seeks further information of this proposal before it can make a determination on whether to support it. All operators have storage facilities in a common storage facility. On an operational level, Destination Milford Sound questions the viability of wider shared facilities.

58. **Access to the area** – Destination Milford Sound believes restricting visitors and transport options to Milford Sound is a dangerous approach. Visitors are seeking diverse experiences and number impact needs to be measured against economic benefits. We believe technological improvements will address many environmental concerns over time, such as the introduction of electric vehicles and aircraft and note the market must be able to facilitate this change.

59. **Develop a Marine Centre as part of the proposed New Visitor Centre Adjacent to current Hotel site** – Destination Milford Sound does not support the development of a Marine Centre beside the hotel site. There is already a marine observatory offered by Southern Discoveries at Harrison’s Cove, so little need exists to replicate this. Destination Milford Sound questions the merits of having a learning centre as part of this marine complex due

to the remoteness of Piopiotahi Milford Sound, and difficulty in recruiting and accommodating staff.

Land-based Transport

60. **Reduced and relocated car-parking** – Destination Milford Sound does not support reducing and reallocating parking to the site currently occupied by staff accommodation. While Destination Milford Sound, supports the introduction of pre-booked car-parking, in this case the existing number of 241 car-parks should be retained to allow for up to 500 vehicles a day to visit Piopiotahi Milford Sound. Destination Milford Sound supports further investigation into solving Milford car parking issues by the construction of a multi-level car park. This would allow existing car parks to be repurposed for visitor enjoyment.
61. **Building resilience** – Destination Milford Sound considers further work is required to improve Milford Sound’s resilience (e.g., in the event of a tsunami). Destination Milford Sound’s proposal to construct a multi-level car park would support Milford Sound’s resilience because the top level could act as a safe haven for staff and visitors in the event of a tsunami.
62. **New bus hub on current airport runway and shelter** – Destination Milford Sound does not support the establishment of a new bus hub. Destination Milford Sound questions whether the impact on visitor flows because of the necessity to transport visitors from the proposed Visitor Centre to the Visitor terminal has been fully considered, in that it does create significant additional visitor and vehicular movement.
63. **Previous Transport proposals have not been mentioned in the MOP** – Destination Milford Sound notes that a range of transport solutions had been proposed and rejected in the past (e.g., establishing a gondola and monorail). These previous proposals intended to extend the operating day at Milford, which would smooth visitor peaks throughout the day. Destination Milford Sound requests that these previous proposals be re-examined as part of the MOP.

Aviation

64. **Closing runway to fixed wing aircraft** – Destination Milford Sound does not support closing Milford Sound Airport to fixed wing aircraft. The idea to remove the runway at Piopiotahi Milford Sound has been challenged by QMUG and the wider Aviation industry. Public consultation was carried out by MOP and 85% of respondents disagreed with removing the airstrip. This was the part of the survey most responded to.
65. Destination Milford Sound notes that aviation is one of the best ways to extend the operating day, which helps smooth visitor peaks throughout the day. Therefore, closing the runway to fixed wing aircraft will likely increase visitor peaks and crowding.
66. The Save Milford Airport submission provides the facts and reasons to retain the airport and Milford Opportunities Project’s own survey confirms the overwhelming support for air access to Piopiotahi Milford Sound. Destination Milford Sound seeks further investigation

into capital costs quoted in the masterplan and to work through relevant facts and figures as a priority.

67. **Airport removal** – It has been noted that the \$25 million runway repair figure quoted in the Milford Opportunities Project does not relate to Milford Airport. It is based on a runway upgrade in the Chatham Islands to bring that runway up to the required standard to accept movements of a Boeing 737 – an aircraft 17 times the weight of the heaviest aircraft that lands at Milford. The Communications and Engagement report on the masterplan highlights that one of the least positively received ideas was the removal of the fixed wing runway.

Assumptions made by the Milford Opportunities Project highlight the lack of genuine consultation with aviation operators through the research process and a lack of appreciation of the impact removing the airstrip will have on the tourism industry and evacuation options. The majority of the fixed wing operators flying into Piopiotahi Milford Sound are small, family-owned businesses that have a long association with the area. Roughly 90-95% of their business relates to Piopiotahi Milford Sound.

Destination Milford Sound believes the lack of airport facilities could be overcome by including an appropriate scale airport terminal in the masterplan.

Marine

68. **Banning Cruise Ships** – Destination Milford Sound does not support the proposal to ban cruise ships in Piopiotahi Milford Sound. The masterplan states there is very little adverse visitor reaction to cruise ship visits. Destination Milford Sound will work with stakeholders to manage any adverse effects of cruise ship visitations to negate most of the perceived disadvantages. The prevention of access to Piopiotahi Milford Sound will have a flow on effect to the number of cruise ships visiting New Zealand, which will have a negative effect on the economies of Otago, the South Island and the rest of New Zealand. Destination Milford Sound will continue to work with the cruise industry to manage air emissions, recognising that cruise ship technology continues to improve and the industry is working towards a zero carbon future for shipping. Destination Milford Sound notes that banning cruise ships from the Milford Sound would move current governance of the waters from the Regional Council to the control of a new entity. It is not clear which entity would be responsible for the waters of Piopiotahi Milford Sound if regional council no longer held a governance role. Further clarification should be sought on the future plans for the ongoing governance of the water in Piopiotahi Milford Sound under the masterplan.

69. **Cruise Ship Deed of Agreement** – Cruise ship visits to Piopiotahi Milford Sound and Fiordland are governed by a Deed of Agreement between individual ship operators and Environment Southland. The masterplan pays little attention to the Deed of Agreement with cruise ship operators – it is mentioned once without any commentary. Piopiotahi Milford Sound is considered a “must see” location that features in nearly 100 per cent of New Zealand cruise itineraries.

Environment and Conservation

70. **Development of Deep-Water Basin and Integration with Tourist Activities** – Destination Milford Sound seeks confirmation that if proposed changes are made to the development of deep water basin and integration with tourist activities, that they be implemented in a manner sympathetic to commercial interests.
71. **Carbon emissions in the national park** – Destination Milford Sounds seeks clarifications on the proposal to make Milford Sound carbon neutral. While we recognise its importance for NZ Inc, carbon emissions within the national park should be treated consistently with carbon emissions generated outside of the national park.

Next steps

72. We are seeking Ministerial, officials and MOP project team support to work in partnership to progress our two priority work areas. We will be keeping Ministers and officials regularly updated on progress in this area.
73. Destination Milford Sound are ready and able to work to progress areas where there are 'easy wins.' We will be discussing our overarching solution in detail with all relevant parties over the coming months.
74. To present our solutions we will be meeting with Ministers, relevant officials, decision makers in relevant groups and agencies, and more stakeholders and partners.
75. We will continue with our objective of coordinating and producing fact-based responses to Milford Opportunities Project masterplan and will promote a collaborative partnership model with government and stakeholders.

DMS Steering Committee Members

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Roger Wilson – Water roger.wilson@findex.co.nz

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Examples of sustained uncertainty around security of tenure in Piopiotahi Milford Sound (23 February 2022)

Type of process	Timeframe	Description	Commentary/current state of play	Implication	Resolution needed
Concession renewal for Head Lease and licence	MSTL advised DOC in August 2019 that it wished to exercise its right of renewal for both the Lease and the Licence. Licence expired Dec 2020	This Concession is one of MSTL's main Concessions, and covers the Visitor Terminal, Wharves and Breakwater, Coach and Car Parks etc. All tourist boat operators in Milford Sound are reliant on this renewal as sub-concession holders to MSTL. DOC advised that the renewal had to be treated as a concession application under part 3B of the Conservation Act	All tourist operators are reliant on this as sub-concession holders No timeframe has been given for completion of this process. MSTL has been engaged throughout the process. Currently waiting on a final draft for review.	Total estimated value of existing assets for MSTL, MSI, Vessel Operators and Staff Housing in excess of \$150 million. This represents significant capital expenditure on facilities that are used by all tourism operators as sub-concession holders. The lack of clarity on concession renewal presents significant financial uncertainty for all commercial operators. Funding for operators is difficult to secure and retain when they are unable to provide banks with security of tenure evidence.	Timeframe for decision Decision
Concession	Concession expired in 2014	Knobs flat visitor centre (public toilets) concession has been on a rolling basis since 2014	Facility is operated for the benefit of all visitors	Operating cost of \$200k per annum Creates uncertainty as to current business operations and reinvestment.	Decision on renewal to provide certainty for investment
Lease changed to concession back to lease renewal for Mitre Peak Lodge	Renewal requested September 2019. Lease expired April 2020	Hotel is a major accommodation centre accommodating 60 guests and up to 23 staff. Also includes 1860 sqm that Southern Discoveries lease. Initial advice from DOC was that the lease would need to revert to a concession under the Conservation Act (Part 3B), a shift from public accommodation within national parks being considered under the National Parks Act (\$50). DOC received advice from NZCA that the lease should actually be renewed under the National Parks Act so have now reverted to that process	Regulatory process has shifted twice while lease remains expired. No timeframe has been given for completion of this process.	Mitre Peak Lodge has a combined replacement value of \$35m. Significant expenditure is required to maintain this extensive facility. Ongoing concession renewal creates significant uncertainty for both the operators and tenant and discourages future investment. Result is deferred capital investment of reasonable scale in Mitre Peak Lodge resulting in asset management challenges.	Timeframe for decision Decision
Concession for Milford Track Activity	Concession expired in December 2020	Tourism Milford Limited applied for a renewed concession and DOC publicly notified the concession in February 2020. One submission was lodged, with no hearing triggered. TML responded to the submission and then when requested, also provided information on flight paths (June 2020). Iwi and Conservation Board consultation has not yet occurred	DOC has advised this is a priority once workload of staff permits. DOC has advised 'there are still a couple of things to resolve before consultation'. We are unclear what these are. Delayed submissions on concession renewal due to staffing issues at DOC.	Existing lodges house 226 guests and have a replacement value of \$37 million. Delays in processes has meant there is no incentive to invest in expansion or to carry out proactive maintenance of these properties. Result is deferred capital investment of significant scale resulting in asset management challenges.	Clarity on process and any unresolved areas Timeframe for decision
Concessions for landing at Milford Airport	Current landing concessions expired 31 December 2021.	Concessions were introduced in 2003. The introduction process took 6 years. A contestable process was run, and operators secured concessions. Queenstown	Concessions are being rolled over so operators have no security of tenure.	Operators continue to make investments in upgrading equipment and working to mitigate environmental impacts, adding to the \$150	Clarity on new allocation process

ANNEX 1

		<p>Milford Users Group (QMUG) worked with CAA and DOC to reach agreement on volunteered flight paths.</p> <p>Incumbent operators agreed to cap landing numbers and to upgrade to more modern and larger aircraft to mitigate noise and impacts. This required significant investment by the operators with the additional agreement with DOC on volunteered flight paths.</p>	<p>Unclear how or when the new allocation process will be determined.</p> <p>DOC is liaising with Ngai Tahu on process.</p> <p>Businesses are operating on the assumption that concessions will be renewed provided they had complied with the concession conditions.</p>	<p>million in investment related to Milford Sound air access to date.</p> <p>Without certainty of tenure, the feasibility of additional investment is unlikely.</p> <p>Lack of security around tenure is creating uncertainty for operators, which in turn is creating a flight risk for their highly specialised labour force of 80 full time pilots and 40 full time support staff across fixed wing aircraft and helicopters.</p> <p>Lack of certainty around tenure for the 135/125 airlines in the region results in lower spending in Southland and Otago.</p> <p>A considerable number of businesses and individuals rely on both employment and the associated spending from these airlines.</p> <p>With 20% of a scenic helicopter flight gross price paid in DOC fees, and no ongoing clarity over whether future concession related costs will be capped, result is that airlines are unsure whether operating will remain financially tenable</p>	<p>Clarity on timeframes</p> <p>Timeframe for decision</p>
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ANNEX 3

Destination Milford Sound

Summary of the Milford Sound Conceptual Site Plan

The purpose of this summary is to give the reader further information in relation to each of the 21 points identified on the Conceptual Plan.

All points are subject to case studies that would need to be undertaken in relation to the commercial and financial feasibility, along with environmental impact and hazard assessments.

1 Existing Visitor Terminal - Repurposed

A repurposing of the existing terminal is timely and there are plans that have been drawn up to this end. Since the building was originally constructed there have been changes in customer demands and preferences, with significant bookings now being made away from Milford and therefore the opportunity to reduce administration and selling activities in the terminal exists enabling a repurposing to provide greater visitor space and amenities eg. viewing areas, souvenirs and light refreshments.

2 Visitor Centre -New

If deemed necessary, an new visitor centre could be established behind the existing visitor centre (over the existing coach park). Visitor flows will be more harmonious with one drop off point in Milford at one central location, where the visitor will enjoy the new facility and experiences carefully integrated within the landscape setting and the cultural identity of Ngai Tahu to be expressed in the built environment. It is located at a critical central location, for those passengers about to depart on a boat cruise, or experience the proposed Bowen Falls experiences. The visitor centre will be a place to learn about the wonders of Piopiotahi Milford Sound.

3 Foreshore Enhancements - Returned to Nature - Repurposed

Relocation of the foreshore public carpark to (point 4 below), and relocation of a significant portion of the existing coach park (point 10 below) will allow the foreshore to be a more naturalised edge.

4 Multi Level Carpark/Tsunami Evacuation Point – New

It is proposed that all existing visitor carparking is condensed into a multi-level carpark that is integrated within the landscape. The new space will be capable of parking 250 cars at once (and 500 over the course of a day), which will be pre-booked during the season. The facility will also function as a large refuge with safety features that will offer protection for visitors and staff in the event of an AF8 event and possible resulting Tsunami. A rooftop helipad will also be constructed for emergency evacuation landings.

5 Existing Public Toilets - Upgrade

Built around 2000, these facilities are utilised by many visitors as they arrive at Piopiotahi Milford Sound as they are the central to the existing carparks. The facility is in need of a upgrade/refurbishment.

ANNEX 3

6 Hotel/Discover Milford Sound Cafe – *New or Redeveloped*

The establishment of a new or redeveloped hotel and café on the site of the existing Hotel and Café.

7 Barren Peak Spur Walkway - *Upgrade/ New*

An upgrade of the existing track leading up the spur is proposed for able-bodied visitors. The track would connect to two new treetop canopy viewing structures that are carefully configured to minimise removal of mature Beech forest.

8 Existing Runway remains where it is -*Upgrade*

Retain the runway and upgrade if required. Fixed wing flights to Milford provide a highly regarded transport option to Milford and assists in spreading passenger loads into the mornings and later afternoon.

9 Airport Terminal/Facilities - *New*

Build a small terminal so that passengers have somewhere to shelter from the elements and sandflies, rest if infirm while waiting for a shuttle, offer safe separation from vehicles and provide adequate access to toilet facilities.

10 Coach Park - Little Tahiti or other location this way - *New*

Relocate the coach park away from the visitor terminal in order to avoid congestion. The coaches will drop passengers at the re-purposed visitor terminal and then relocate out too Little Tahiti or another similar location. Drivers room facilities will need to be established at the new site.

11 Coach Park - *Repurposed*

10 – 12 Premium Coach Parks are retained in the area of the existing coach park, which are utilised and paid for by permitted coaches.

12 Bowen Valley Cable Car, Walk and Viewing Platform - *New*

A proposed fixed cable car up to the hanging Bowen Valley that will provide access to the top of Bowen Falls, via a nature walk, and toward the head of the Bowen River on a longer walking track. This will allow visitors to experience rising views from an iconic cantilevered lookout structure at the top of the Falls.

13 Water Based Viewing Deck - *New*

The existing foreshore walk will be extended along a boardwalk out towards freshwater basin.

14 Milford Community Centre - *New*

The Community Centre has been a planned project of the Milford Community Trust for many years, whilst they built up capital to be able to fully fund the project. It was recognised that there needed to be a facility available for staff to hold functions, events and congregate in an social environment.

15 Existing Staff Housing Remains - *No Change*

ANNEX 3

\$15 million was spent by Central Government in raising the Cleddau Delta to provide safer accommodation for staff housing, along with considerable investment in staff housing by each of the operating companies. Multi-storey accommodation within the existing area should be allowed, along with the removal of any substandard housing.

16 Long Term Boat Trailer Parking - *New*

If deemed necessary, the utilisation of this proposed area would make sense for a long-term boat trailer parking by recreational fishermen.

17 Short Term Boat Trailer Parking - *No Change*

Boat trailer parking should remain where it currently is, and parking could be more formalised to use the available space more efficiently.

18 Recreational Boat Ramp - *No Change*

The location of the concrete dual access boat ramp should be retained.

19 Commercial Fisheries - *No Change*

Commercial Fisheries area is retained, and no change other than health and safety enhancements.

20 Bowen Falls Walkway - *New*

A new floating pontoon walkway is proposed to avoid rock fall hazards, linking to the existing track that takes visitors through the bush to Cemetery Point for unimpeded views out to Piopiotahi Milford Sound, and a boardwalk structure at the base of the dramatic Bowen Falls.

21 Transport/Walking System Repurposed

The introduction of an autonomous electric monorail (or similar concept) along side the current walking route from the Milford Lodge, via Park and Ride, Airport and Visitor Terminal would cater many visitors needs.

SUBMISSION FORM

To: Proposed Coastal Plan - Commercial Surface Water Activities

Regional Coastal Plan for Southland: Plan Change 5 - Section 16
Surface water activities on the internal waters of Fiordland from
Yates Point to Puysegur Point

Name: Mark Quickfall, Organisation: Destination Milford Sound, Mobile: 0274 336 576
Email mark.quickfall@totallytourism.co.nz
Postal address: C/- PO Box 634 Queenstown

Date 26 August 2022

This is a submission on the Proposed Southland Regional Coastal Plan – Plan Change 5.

Destination Milford Sound submission:

While the submitter supports the intention of PC5, the level of protection afforded through the provisions of PC5 (and any future review of the Regional Coastal Plan) should be balanced to enable the continued provision of high-quality tourism opportunities alongside protection of the important natural values.

Our submission focuses on the importance of Milford Sound Tourism to New Zealand and the region.

The attached DMS Position Paper responds and outlines Destination Milford Sound's perspectives in relation to the Milford Opportunities Project's masterplan, which was released in July 2021.

Destination Milford Sound supports the broad direction of the masterplan. However, Destination Milford Sound disagrees with some of the proposals in the MOP masterplan. Our perspectives are focused on core themes essential for the future of Piopiotahi Milford Sound and Fiordland.

Some themes impact directly on Milford Sound Piopiotahi and coastal waters. It is important Environment Southland considers these themes when formulating the Coastal Plan.

The attached DMS Position Paper sets out Destination Milford Sound's vision for the future of Piopiotahi Milford Sound based on the collective view from the businesses and sectors that operate in or promote our region.

Destination Milford Sound

- We are the single, unified voice representing those who operate in Piopiotahi Milford Sound.
- We take a fact-based, planned, and deliberate approach to ensure Milford Sound is a safe, professionally managed, and sustainable place for generations to come.
- Our knowledge and understanding of our region, markets and visitor flows is indispensable.
- We collectively acknowledge and have reflected on the accelerated pre-Covid growth in visitor numbers.
- The gradual recovery we are expecting in visitor numbers gives us the opportunity to progress towards an improved Piopiotahi Milford Sound.
- As a group, we have a shared interest in delivering quality, sustainable, and safe experiences to all Milford Sound visitors, both domestic and international.
- We are engaging with government, iwi, key stakeholders and interest groups on solutions and a partnership model to improve Piopiotahi Milford Sound.

The submitter wishes to be heard in support of their submission.

If others, make a similar submission the submitter will consider presenting a joint case with them at a hearing.



Mark Quickfall
On behalf of DMS

Regional Coastal Plan for Southland: Plan Change 5 - Section
16 Surface water activities on the internal waters of Fiordland
from Yates Point to Puysegur Point



Email your completed submission to: consultation@es.govt.nz by 29 August 2022

Alternatively, you can post your submission to:

Attention: Regional Coastal Plan Change
Environment Southland
Private Bag 90116
Invercargill 9840

You can also deliver your submission to:

Environment Southland's office on the corner of Price Street and North Road, Waikiwi, Invercargill

Submitter details

Full Name (or name of agent if applicable): Peter John Egerton

Organisation Name (that submission is on behalf of): [Click here to enter text.](#)

Submitter's Service Address: 22 Ferry Lane, Pisa Moorings, RD 3, Cromwell

Postcode: 9383

Phone: 027 433 2245

Email: peter.egerton@xtra.co.nz

Public hearing

Please choose one of the following options:

- I do not wish to be heard in support of my submission
- I do wish to be heard in support of my submission
- If others make a similar submission, I will consider presenting a joint case with them at a hearing

Trade Competition

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

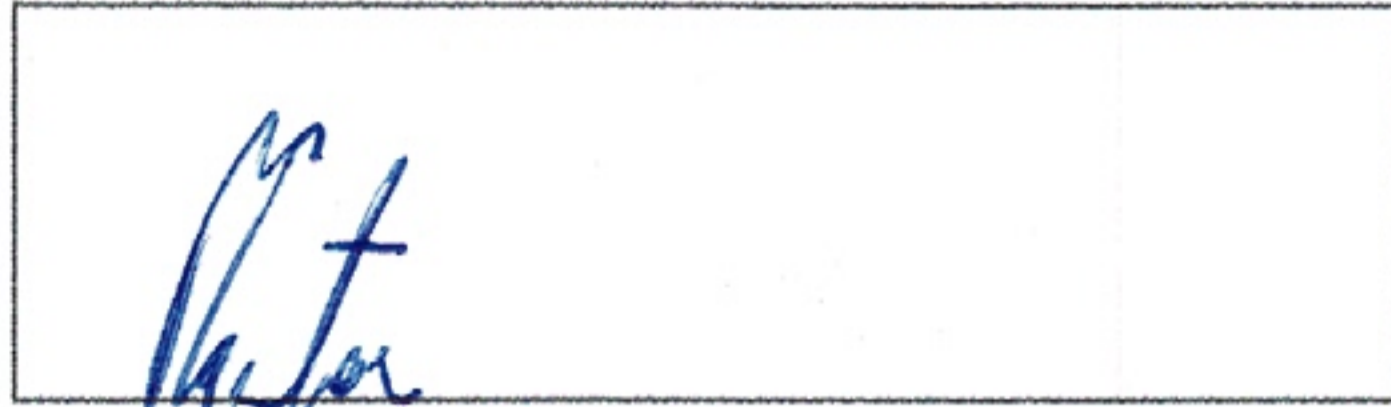
Please check the boxes that apply to you:

I could /could not gain an advantage in trade competition through this submission.

I am /am not directly affected by an effect of the subject matter of the submission that:

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

Signature of Submitter (or person authorised to sign on behalf of submitter)



Date: 16/08/2022

Please note: All information contained in a submission under the Resource Management Act 1991, including names and addresses for service, becomes public information

Scope of submission

This is a submission on the Regional Coastal Plan for Southland: Plan Change 5 - Section 16 Surface water activities on the internal waters of Fiordland from Yates Point to Puysegur Point

<p>The specific provisions my submission relates to are: <i>(Specify provision number and title, e.g. Policy 16.2.8 – Impacts on wilderness and remoteness values)</i></p>	<p>My submission is: <i>(Please include whether you support, oppose or wish to amend the provision you have listed in the first column and the reasons for your views.)</i></p>	<p>The decision I would like Environment Southland to make is: <i>(Please give precise details of the outcomes you would like to see for each provision. The more specific you can be the easier it will be for the Council to understand the outcome you seek. Suggested revised wording)</i></p>
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<p>OBJECTIVE 16.1.1 Maintain essential characteristics.</p>	<p>Support Reason: There are few areas within New Zealand that has such an unmodified environment as the Fiordland coastal marine area. A common comment throughout the supporting reports and proposed rule changes is the comment that there is a notable increase in overall activity in the Coastal Marine area. This may be the case in the more recent years but is considerably less than what was the case many years ago. At that time some 300 odd vessel operated within the area, many supported with float plane transfers of crayfish out and stores and supplies in. All of the fiords had considerable numbers of vessel operating from each fiord including the northern fiords and increasing as you went south. Such comment appears to be made by those that</p>	<p>Support</p>
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<p>OBJECTIVE 16.1.2 Preserve remoteness and wilderness values.</p>	<p>have not spent a lifetime within the area. Having said that it must be stated that the overall behaviour and respect of the environment is much improved from what was the case then. Although comment is made as to the establishment of a sustainable carrying capacity great care will be required in establishing that capacity and yet not deprive New Zealanders of the right to experience their own country.</p>	
	<p>Support</p> <p>Reason: Wilderness, Remoteness and Isolation are very subjective terms. Someone that works in the area or spends a considerable amount of time within the Fiordland Coastal Marine area does not view themselves remote, they have a comfortable environment on vessels with good communications often with internet and television, use of showers and good food and the ability to be home in Te Anau in approximately 30 minutes. Yet another will arrive in the area and because they do not see a car or hear a lawn mower or see a shop believe they are truly remote. It is fair to say that the Fiordland National Park Plan is not fit for purpose and past experience has shown that these plans are often convoluted, and often outdated. The process of reviewing the National Park Management plan, which is supposed to have a 10 year life is already well past its review date by many years and as a</p>	<p>Support</p>

	<p>result affecting many other applications and renewals. The establishment of "Wilderness areas within the park should take into consideration the Fiordland Coastal Plan not the other way around. The establishment of "wilderness" areas within the park and the marking of those boundaries has been poorly thought through, an example is the area north of Milford Sound that is Wilderness Area and yet you can stand a few metres above the high tide mark and watch a vessel go past with a hundred plus people onboard, Should not the boundary for the Wilderness area be 2 or 300 metres back from the waters edge where any action or movement on the water is not noticeable and allow the average New Zealand family have access to the Coastal area. To align with the Fiordland Management Plan will create an almost unworkable situation for the management of the the Coastal Marine Area.</p>	
<p>Policy 16.2.2 Avoid adverse effects on internationally, nationally and regionally significant values.</p>	<p>Amend Reason: Delete Point 2. Not granting resource consents or intensifying (above that which lawfully existed on 18th July 2022) commercial surface water activities. Policy 16.2.2 is adequately protected by Point 3. Use a precautionary approach in consideration of resource consents for commercial surface water activities. As there is no time limit on allocation limits it could take 10 years to meet this requirement and some vessels operating in</p>	<p>Delete Point 2.</p>

the area are already of considerable age, in some cases 50 years old or more. Modern builds are of a much higher standard than were in place when these vessels were built both in safety and design. From conception to completion can take 4 or 5 years. This means that some of these older vessels will be committed to the area for potentially another 15 years. This means that the introduction of modern technology and improved safety benefits are put on hold.

Serious consideration should be given to capping vessel amendments to a size not exceeding 35-40 metres. There are already vessels of this size operating in the area and again there are substantial environmental and safety advantages of this type of vessel. As this size of vessel requires quite considerable financial investment you generally have a more professional operator as they have much more capital invested and therefore more to lose. You also have the ability to have more environmentally acceptable systems such as on board sullage treatment and the safety advantages of fully watertight flood compartment and greater stability in the case of onboard flooding. Should *point 1* be implemented you will restrict the introduction of diesel electric or hydrogen technology or other environmentally beneficial developments with the coastal area.

<p>Policy 16.2.3 Avoid or Mitigate adverse effects on Marine Mammals</p>	<p>Amend</p> <p>Reason: Amend to include <i>Policy 16.2.5. Policy 16.2.3</i> can be addressed by conditions included in the issuing of a Coastal Permits if supported by proven facts and research but there is need to educate all as to acceptable behaviour while in the coastal areas. Inappropriate behaviour around marine mammals is often the result of a lack of understanding or education particularly with non-commercial users. Almost all commercial users are signed up to Codes of Practice or hold Mammal viewing Permits. Consideration should be given to a Permit System for non-commercial activities within the Coastal areas. This would give the ability to forward educational material to people before they entered the coastal area such as the need for a Clean Vessel Pass, how to act around Marine Mammals, where Marine Reserves are and the need to report in for safety reasons. Such a system would also allow the Council to gather more accurate information as to the true level of activity within the area.</p>	<p>Rewrite this policy to be encompassing of all.</p>
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EGERTON, Peter - 05

22 Ferry Lane

Pisa Moorings

RD 3

Cromwell 9383

16th August 2022

Policy Planning Manager

Environment Southland

Private Bag 90116

INVERCARGILL 9810

Dear Sir

RE; Plan change 5 Section 16

Water Activities on Internal Waters of Fiordland

I submit and comment as a private individual that has been involved for over 50 years in operations within Fiordland and within the coastal marine area but also declare that I am the Managing Director and shareholder of Cruise Milford New Zealand who do hold two Coastal Permit plus a Mooring Permit to operate scenic day time cruises at Milford Sound. I have only comment on those parts of the proposed plan changes that do not in any way effect the Milford operation. Having said that I have operated cray fishing vessels on the Fiordland coast and elsewhere and have also done a number of years operating charter vessels throughout all of the fiords, I was also involved in the operation of both tug and barges and personal vessels as part of the West Arm power project and also operated helicopters throughout Fiordland for deer recovery.

A common theme within the supporting documents of the proposed plan change is the unchanged nature of the Fiordland Coastal marine area and this is not totally correct as there have in the past been gold mining operations, whaling stations, timber milling and extraction, quarrying of marble and the development of hydro generation of electricity. Fortunately the Fiordland environment has been resilient and recovered surprisingly well from these activities. The one area that has been in most cases overlooked and out of sight is the rubbish on the sea floor within the mooring areas and over the last 20 years efforts have been made to collect that rubbish and remove it out of the coastal environment. Also, over the last 50 years has been the development of a much improved appreciation of both conservation and understanding of the marine environment, no longer do you see names painted on rock faces above the high tide line.

There is today a fraction of the vessels operating in the area compared to the 1960s and what is operating today is of a much higher standard and being operated by people that have a substantial investment within their operations for the more you have to lose the

more you protect. This investment and change in environmental attitudes are reflected in the very willing establishment of the marine reserves within Fiordland. I fully appreciate the difficult task that the Planners have in drawing up this plan as they must anticipate the future based on what is perceived today but I do ask that they proceed with caution and not lose sight of the fact that people have the right to visit their own country. It concerns me that there is such a strong inference on "Remoteness" and "Wilderness" and little attention to education. Such facilities as the Deep Cove hostel and the use of those facilities by school groups is one of the best ways to establish a strong appreciation of the Fiordland Coastal area. I first visited the area as part of a Te Anau school group that walked over the Wilmot Pass in around 1962 and still have vivid memories of that trip. Care must be taken for this plan not to become too restrictive for "what the eye doesn't see the heart doesn't grieve".

I also caution the Planners against aligning this plan too closely to the "Fiordland National Park Plan" as the park plans are often shown to be not fit for purpose, and the present plan is as is often the case several years past its revision date and will be some 20 years old by the time it is completed. Where practical the Fiordland National Park Plan should take the goals of the Coastal Plan into consideration and not the other way around.

I would ask that when considering *Policy 16.2.8 Point 1, "Ship size"* and *Point 4, "number of ships"* that consideration be given to a stated maximum length of say 35 to 40 metres and a capping of number of vessels at present approved levels. The Coastal Marine area can not support an ever increasing number of vessels yet present vessels will over time need replacing with upgraded vessels that can take advantage of ever improving technology such as hydrogen power or diesel-electric and onboard sewage treatment plus the benefit of safer design such as better stability and flooding protection. It should be remembered that there are vessels of this size operating in the area and it does not mean that all vessels will be of that size but only those that are prepared to make that level of financial commitment. It is noted that there is no restriction on cruise ships and a vessel of 40 metres is small when compared with a cruise ship vessels such as the Diamond Princess that is 290 metres long. Having said that I fully appreciate the very large financial benefit that the Fiordland coastal area benefits to the tune of a number of millions of dollars from the "Deed of Agreement" that exists with the cruise ship industry that is spent in improving communications and other safety initiatives and removal of pest plants and protection of the coastal environment.

Please find my submission attached and will take the opportunity to present and speak to my submission in person.

Yours faithfully



Peter Egerton



Event Name	Nathan Nathan Benfell (98140) shakespearebnb@xtra.co.nz Fiordland Business Association c/- 10 Dusky Street Te Anau 9600
Submission by	Surface Water Activities, Coastal Plan Change 5
Submission ID	Fiordland Business Association (Nathan Nathan Benfell - 98140)
Response Date	8
Status	28/08/22 3:21 PM
Submission Type	Submitted
Version	Web
Do you support these proposed changes?	0.1
	Neither support or oppose

Please provide reasons for you response

The fundamentals of looking after waters and surroundings of Fiordland for the next generations can not be argued with, we all want that for our people.

For the purpose of feedback here, we have excluded Milford Sound area as we believe Milford Ops will address this in a wider format for that area in a more detail complex matter. Feedback is based then on every other part of the Fiordland waters.

We do however, see a need to be environmental and economically sustainable for our community's people and business.

When approaching ES staff for background information on usage rates of consents and percentile use of existing consents being used in total, this was not able to be provided as it wasn't on hand nor was there any knowledge of total PAXs travelling in on what days. This information is key to making an informed choice on what peak usage might look like nor is there an agreed figure on usage from community consultation. What should peak look like.....

Some data was provided from the 19-20 year pre covid, which seemed potentially inaccurate as the biggest calendar month was December which doesn't align with local peaks in visitors and the world isn't travelling like it used too and won't for some time now and can't be used to reflect the "now"

From what could be seen was, there were a number of consents held against a boats not a company to operate. For example there is currently only one operator operating for day cruise service for Doubtful Sound. Yet on the face of consents there would appear to be multiple options.

Guest feedback in my own business are always using words like tranquil, relaxed, remote, no people, magical, truly unbelievable, privileged. I have also reached out to a New Zealand travel tips facebook (35,000 followers) page to gauge feedback from people that have travelled to the Doubtful Sound area on what their feelings were about commercial use in the Doubtful Sound area and 100% believed it did not seem to be over commercialised.

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.

Each person visiting Doubtful Sound area on average is spending \$200- 300 each per day. This would be more for longer trips. Not considering applications for renewal or minor expansion does have a massive flow on affect for our community.

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.

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.

What is the agreed interpretation (history, environment, conservation) required from commercial consent holders as this is a key education that should be applied for the greater NZ good and ensure this area maintains its beauty.

More accuracy on daily paxs visited and overlay on consented usage. (better planning with what we have).

What work are the commercial operators putting into community environmental projects within this area (what value does NZ gain from this)

What work would be done to manage recreational use and to ensure their vessels comply with meeting environmental standards for the area.

Our people can't all get to these places by themselves and rely on commercial providers to see their country before they pass and we, as a local business area rely on commercial activity help to keep communities alive but agree it needs to be sustainable for both our environment (our backyard) as well as economically sustainable.

Public Hearing

Please choose one of the following options: I do wish to be heard in support of my submission

Trade Competition

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

Please check the boxes that apply to you: I could/could not gain an advantage in trade competition through this submission. I could not

I am/am not directly affected by an effect of the subject matter of the submission that: (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition. I am not

Hi Lucy,

Thank you and the Environment Southland (ES) team for taking the step and putting in place some measures to curb pressures highlighted from Derek Brown and Myself from Fiordland Charters over the last 10 yrs along with numerous other long term charter operator/owners (Chris Lemin, Richard Aberneathy, Maria Kuster n Sean Ellis and Brian Humphires) by which we have been trying to notify ES, the Fiordland Marine Guardians and local Iwi over the last few years of our concerns of Fiordland marine area. I acknowledge this has taken some time, resources and alot of time!

I (Fiordland Charters) along with Derek Brown support your temporary changes to your Coastal policy to pull the reins in on the increased amount of Fiordland commercial surface permits. We fully support FMG, Ngai Tahu, CRAY8 fisherman and local charter operators/owners position on this policy change.

I seek to be informed on the proposed policy progress, updates and any further information.

Warm regards
Mitch



Environment Southland
By email

29th August, 2022

Tēnā kōrua,

Fiordland Marine Guardians' submission on Coastal Plan Change 5

The Fiordland Marine Guardians have considered the proposal for the plan change to section 16.2 – Surface Water Activities and wish to make the following comments. We wish to speak to our submission at the hearing.

The Guardians are appreciative that the council has notified this proposed Plan Change in response to the concerns we raised with council in late 2020 regarding the adverse effects of increasing commercial and recreation surface water use on the significant values in the Fiordland Marine Area (FMA). We support the initiation of this plan change as a method to avoid these further adverse effects and 'hold the line' until the long-term carrying capacity for surface water activities in the FMA is developed through the review of the current Regional Coastal Plan.

We are also appreciative that council has made several changes to this publicly notified Plan Change based on the submission by the Guardians to the limited notified Plan Change circulated to stakeholders in April.

We support the changes to 16.1 Introduction, Issue 16.1.1 and Objective 16.1.1, and the addition in Objective 16.1.1 that 'A sustainable "carrying capacity" that maintains the essential characteristics of the area needs to be determined.' We think that this Objective would be further strengthened by the following change:

Objective 16.1.1 **Restore** essential characteristics. As many of these characteristics have already been degraded by the increasing frequency, scale and/or duration of commercial and non-commercial surface water activities the aim of this objective would send the message that this current (declining) state is not acceptable. Given the time it will take for this plan change and the planned Regional Coastal Plan Review to become operative, further unacceptable decline in these essential characteristics will occur unless this change is made.

For example the current level of these surface water activities in Te Puaitahi/Breaksea Sound and Tamatea/Dusky Sound should not be the permitted baseline.



Council also needs to recognise now in this Objective that the 'latent effort' in existing consents is not acceptable and make the necessary changes needed to reflect this.

The changes to Objectives 16.1.2 are supported.

POLICIES

The changes to Policy 16.2.1 are supported as these provide an improved explanation of the possible risks of surface water activities to natural character, landscape and amenity values.

The Guardians are very supportive of the new wording for Policy 16.2.2 – Avoid adverse effects on internationally, nationally and regionally significant values. And in particular 1.-7., which describes how the adverse effects of SWA's can be avoided. This list would be further strengthened by the following addition,

i recognising the values in the Fiordland (Te Moana o Atawhenua) Marine Act 2005 and the role of the Fiordland Marine Guardians in regard to this legislation;

We would support a review of the areas in the Fiordland coastal marine area that would meet the criteria of this Policy.

The Explanation (page 7) would be further strengthened by the addition of the following wording:

- 1st para, 2nd sentence, 'This unspoilt nature **which has no habitation from the presence of for example bach's**, combined with...'

-last para, 2nd sentence, change to 'People then start seeking areas elsewhere **such as Rakiura** which still offer...'

-last para, 3rd to last sentence, change to '**In some areas of the Fiordland coastal environment** these values have already been eroded.'

We strongly support new Policy 16.2.3 - Avoid or mitigate adverse effects on marine mammals with the addition in the last sentence, '....it is intended that this policy **will** have the flexibility to **be able to include not only** current research and/or guidelines **but also to be informed by new research outputs which** may then be taken into consideration,....'.

The changes to Policy 16.2.4 are supported but we remain concerned that no mention is made (as suggested in our April submission), to include the growing trend for fly-in-fly-out day operations throughout the FMA. We believe the potential adverse effects on policy would be further strengthened by the following addition (page 8, 1st para), 'Exclude commercial day-trips **including fly-in-fly-out activities** from....'.



We support the changes made to Policy 16.2.5 – Non-commercial users, and in particular the addition of the reference to the Fiordland Marine Guardians’ User’s Guide *Beneath the Reflections: Guide to Fiordland* (2021) where all visitors to Fiordland are strongly encouraged to familiarise themselves with the rules contained within it before visiting. We acknowledge and support the council’s contribution to the Clean Vessel Pass initiative and their support for distributing the Guardian’s User’s Guide. But some explanation as to how the council would encourage visitors, and particularly non-commercial users to use this guide book would be helpful.

We consider that the User’s Guide and our regular newsletters are a more effective and accessible ‘tool’ for non-commercial users in the Fiordland coastal marine area than the unnecessary duplication of it by a yet to be developed and potentially ‘resource-hungry’ exercise in producing an ‘additional’ code of practice.

We support the changes made to Policy 16.2.6 – Fiord Terminology.

We support some of the changes made to Policy 16.2.7 but are concerned that Tamatea/Dusky Sound and Te Puaitaha/Breaksea Sound have been demoted from providing a ‘wilderness’ to a ‘remoteness’ experience in the proposed management of the adverse effects of surface water activities in these areas. This could result in these areas becoming a ‘new’ Milford Sound/Piopirotahi in terms of increased adverse effects of these activities on these values. This should not be the new baseline.

We appreciate that this chapter of the coastal plan does not deal with Cruise Ships, however, we would like to better understand how this policy will align with the Cruise Ship Deed of Agreement, now and in the future.

We also support the new text added in the last paragraph.

We support the addition of new Policy 16.2.8 – Impact on wilderness and remoteness values, and in particular that it specifies what activities might negatively impact on the values specified in the policy.

We suggest for clarity that 5. increased ancillary activities should read ‘increased ancillary activity, **including helicopter landings below mean high water and on vessel-based landing platforms**. This definition also needs to be added to the definition of Ancillary activities in the Glossary on page 21 as requested further on in this submission.

We also request the addition to this Policy’s list of matters to be considered to include the following:

9. 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



10. provisions to prevent the continuous operation of any surface water activity consent on a daily basis outside of Milford Sound/Piopiotaahi and Doubtful Sound/Patea. In effect we are requesting that the maximum daily allowance for the consent to be utilized is specified for each calendar year in order to prevent for example the continuous operation of fly-in-fly-out activities.

In the Explanation to this Policy the following should be added to clarify this:

9. & 10. are added in order to manage/spread of consented activity and to stop the concentration of this activity in any one area outside of Milford Sound/Piopiotaahi. The allocation of a maximum number of days a consent can be utilised will prevent the continuous operation of a fly-in-fly-out model that would lead to a concentration of activity and consequential pressure on more remote Fiordland coastal marine areas.

We support the important inclusion in this policy (page 13), of the reference to Policy 3 of the New Zealand Coastal Policy Statement which requires the adoption of a precautionary approach towards proposed activities whose effects on the coastal environment are uncertain, unknown or little understood but potentially significant. We also support the addition of the reference to the 2021 Lindis Consulting report, *The Wilderness and Remoteness Values of Fiordland Waters* in this policy.

We support Policy 16.2.9 with the following addition,

2 access services including maintenance, **and repairs and vessel refuelling.**

We support Policy 16.2.10 – Monitoring of surface water activities including ancillary activities and their effects, should include the following addition: ‘Monitor the scale, **geographical scope** and distribution of surface water activities, including ancillary activities and their effects on visitor perceptions and the physical environment.’

However, we recommend that this policy would be further strengthened by the following alterations, ‘~~Where possible,~~ **The opportunity should will** be taken to obtain baseline information in advance of activities **(including their ancillary activities)** becoming an issue.’

Without the ability to monitor and measure these potential adverse effects we suggest it is not possible to effectively manage them under this Plan Change. And we recommend that this policy would have a future-focused approach by including the potential adverse effects of the growth in ‘fly-in-fly-out’ activities. For example, ancillary activities such as multiple daily helicopter landings on vessel-based landing pads can have a potentially greater adverse effect than that of the actual consented surface water activity.

We refer to our final suggested addition in our submission, being the Addition to the Glossary, the definition of ancillary activities should also include **..or aircraft including helicopters which utilise vessel-based landing pads,.....’**



This inclusion will provide the ability for council to better monitor the potential adverse effects of this activity on the intrinsic values of the Fiordland coastal marine area. And we understand that as the Department of Conservation monitors helicopter landings above the mean high water mark, there is an opportunity for information sharing with the department as these types of activities can be carried out by the same consent holder. The fact there are currently no rules around compliance monitoring of this activity, and subsequently no ability to enforce compliance is a massive gap in being able to effectively monitor any adverse effects on internationally, nationally and regionally significant values. We therefore suggest that the council work with the department to better understand how monitoring of this activity could be enabled.

Also, it needs to be acknowledged that concentration of effort will occur where there is access. Consideration needs to be given to the geographical spread of access points for surface water consents to ensure this activity is not concentrated in one or a few areas (e.g. frequent helicopter flights into a particular anchorage to facilitate fly-in-fly-out day trips). There may be a way to factor this into individual consents to avoid such a scenario eventuating.

We suggest that this policy would be strengthened if council included a policy to enable the review of consent conditions to include the surface water consent holder's compliance record when applying for a renewal of a consent.

We would also support the utilisation by council of initiatives such as visitor- and customer-based wilderness perception surveys in this review process rather than relying on feedback from consent-holders on what they regard their clients' perceptions on their experiences.

Policy 16.2.11 is supported.

Policy 16.2.12 – Research ships is supported. But it is not until the Explanation of Rule 16.2.2 that any mention is made of research vessels that are owned and operated by universities, private research institutions and crown research institutions. Research conducted from these vessels has been valuable for informing management and for growing knowledge and understanding of the FMA, and we expect such research to continue to provide value in the future. An acknowledgement of the role of such vessels and institutions in increasing knowledge and understanding of the FMA in this section would be appropriate.

We consider the wording "...be provided for" to be ambiguous and suggest this is modified/clarified.

Policy's 16.2.13-Activities that are ancillary to a principal commercial surface water activity is supported and in particular that it is strengthened by the inclusion of consideration of the cumulative effects of commercial SWA's by ensuring the adverse effects of activities that are "spawned" by or ancillary to the principal surface water activity are considered or if necessary restricted when assessing resource consent applications.



Policy 16.2.14 – Statutory functions and environmental cleanup activities, is supported with the following addition; b.....or environmental cleanup work **such as that carried out by the Southern Coastal Charitable Trust....**’

We support the Policy 16.2.15 – Consent term, which outlines what council will consider (but not be limited to) regarding the term of an applicant’s surface water activity consent. However, council should also state what the maximum consent term should be. To date the historic practice of multi-decal terms for consents has resulted in a reduced ability for council to adaptively manage visitor pressure in the Fiordland coastal environment. Now that council is moving to place limits on the total number of surface water consents in this area, the value of these consents to operators will increase significantly. We suggest that the use of shorter consent terms will assist in keeping the ‘value’ of consents in check, whilst also providing opportunities for new operators to come onto the scene as existing surface water consents expire. Consideration should also be given to the intensity and impact of the proposed activity, whether it has increased over the period of the existing consent being active and the potential for further or an increase in its adverse effects with the new consent.

RULES

We support the changes to Rule 16.2.1 – Commercial Surface Water Activities, as these will enable council to better assess the potential for adverse effects of these activities on the values of the Fiordland coastal environment. We strongly support the addition of 7 b (that) “the frequency, location scale and/or duration of the lawfully established commercial surface water activity (including ancillary activities) is not increasing.”

The Explanation to this rule on pages 18 & 19 is also strongly supported as it states clearly to all users what the values are in the Fiordland coastal area that need to be recognised and protected under this rule. We are pleased to see that the internationally, nationally and regionally significant values of the Fiordland coastal environment includes biodiversity values.

The proposed changes to Rule 16.2.5 – Research Ships

We are concerned that the explanation of this rule does not fully describe the value of research conducted aboard vessels such as those owned and operated by universities, private research institutions and crown research institutions. The research conducted by these institutions has collectively informed management of the FMA for many years and we expect this to continue in the future. The Guardians are supportive of research focused on the FMA, particularly when it can inform management (by risk identification, monitoring, characterisation, and improved knowledge of biological, chemical and physical systems and processes). We would expect the



management agencies to be similarly encouraging of research by removing barriers to entry whilst also striking a balance with respect to resource utilisation.

Regarding the new wording in the Additional Explanation to the Rules (page 20), that commercial surface water activities can adversely affect the international, national and regionally significant values of the Fiordland coastal area are supported as they strengthen this rule. And we also support the clarity provided by the inclusion of an additional explanation (page 20) that describes commercial backcountry activities as involving 'the use of motorised ships which commence a trip on one day and complete that trip on another day'.

We strongly support the addition to the explanation to the rules (page 21) that any further increases in commercial surface water including new consents is to be considered a non-complying activity by the council until a sustainable carrying capacity is developed through the review of the Regional Coastal Plan.

To strengthen this initiative an explanation of how the council proposes to assess what the sustainable carrying capacity of the Fiordland coastal marine area would add some clarification and certainty for the Guardians.

And finally we note that in the Addition to the Glossary (page 21) provides a definition is of the term ancillary activities (to a commercial surface water activity), but for clarity we suggest this should also include the following wording, '., or aircraft, **including helicopters which utilise vessel-based helicopter pads,**...' because of the potential for significant adverse effects of this ancillary activity on internationally, nationally and regionally significant values.

On behalf of the Fiordland Marine Guardians,

Ngā mihi,

Dr. Rebecca McLeod

Chair, Fiordland Marine Guardians
PO Box 213, Te Anau 9640

info@fmg.org.nz

ph. 027 3312041



**Fiordland
Marine Guardians**
Beneath the Reflections

**SUBMISSION ON PLAN CHANGE 5 TO THE SOUTHLAND COASTAL PLAN UNDER THE FIRST
SCHEDULE TO THE RESOURCE MANAGEMENT ACT 1991**

To Environment Southland
Private Bag 90116
Invercargill 9840

Attention: Regional Coastal Plan Change
Email: consultation@es.govt.nz

Submitter Meridian Energy Limited
PO Box 2146
Christchurch 8140

Attention: Andrew Feierabend
Phone: (03) 357 9731
Mobile: 021 898 143
andrew.feierabend@meridianenergy.co.nz

Meridian Energy Limited (Meridian) makes the following general and specific submission on Proposed Plan Change 5 to the Regional Coastal Plan as set out in the attached document.

Meridian confirms its submission does not relate to trade competition or the effects of trade competition.

Meridian would like to be heard in support of its submissions

If others make a similar submission, Meridian will consider presenting a joint case with them at a hearing.



Andrew Feierabend
For and on behalf of Meridian Energy

Dated this 29th day of August 2020

OVERVIEW OF SUBMISSION

1. Meridian is a limited liability company listed on the New Zealand Stock Exchange, with 51% of the company owned by the New Zealand Government. It is one of the three companies formed from the split of the Electricity Corporation of New Zealand on the 1st of April 1999.
2. Meridian's core business is the generation, marketing, trading and retailing of electricity and the management of associated assets and ancillary structures in New Zealand. As well as being New Zealand's largest generator of electricity overall, Meridian generates 100% of its electricity from renewable resources, meaning Meridian is also the country's largest generator of renewable electricity.
3. Within the Southland Region Meridian's assets consists of the Manapōuri Power Scheme (MPS) in Fiordland which is the largest power station in New Zealand and the White Hill Wind Farm near Mossburn.
4. Meridian's interest in Plan Change 5 (PC5) stems from its ownership of the Manapōuri Power Station. Activities on the surface water associated with the maintenance and operation of the MPS are accessed from Patea/Doubtful Sound. In addition the MPS Tailrace is located in Patea/Doubtful Sound. Surface water activities associated with the maintenance of the tailrace are also undertaken.
5. The continued development, operation, maintenance and upgrading of the MPS are matters of national significance (National Policy Statement for Renewable Energy Generation 2001(NPSREG)) and national and regional significance (Southland Regional Policy Statement).
6. Relevant to the preparation and change of regional plans is the National Policy Statement for Renewable Electricity Generation. PC5 must give effect to National Policy Statements as required by section 62(3) of the Resource Management Act 1991.
7. The objective of the NPSREG is "to recognise the national significance of renewable electricity generation activities by providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities, such as the proportion of New Zealand's electricity generated from renewable energy sources increases to a level that meets or exceeds the New Zealand Government's national targets for renewable electricity generation."
8. The NPSREG also:
 - recognises the benefits of renewable electricity generation activities
 - acknowledges the practical limitations of achieving New Zealand's target for electricity generation from renewable resources, including maintaining generation output
 - acknowledges the practical constraints associated with the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities in particular the need to locate the renewable electricity generation activity where the renewable energy resource is available
 - guides the management of reverse sensitivity effects on renewable electricity generation activities

- directs the incorporation of provisions for renewable electricity generation activities into regional policy statements and regional and district plans
 - provides for the development, operation, maintenance and upgrading of existing and new hydro-electricity resources.
9. The New Zealand Coastal Policy Statement (NSCPS) also recognises that in enabling people and communities to provide for their social and economic wellbeing that functionally some uses and developments can only be located on the coast or in the coastal marine area. In particular Objective 6 and Policy 6.
10. In addition to the Government initiatives outlined above, sections 7(i) and 7(j) of the Resource Management Act 1991 (RMA) expressly require all persons exercising functions and powers under it to have particular regard to the effects of climate change and the benefits to be derived from the use and development of renewable energy. These include having particular regard to these matters in the preparation of regional and district planning documents.
11. Any regional plan objective, policy and rule framework must recognise and provide for the national significance of the on-going operation, maintenance and development of existing renewable generation assets.
12. Meridian has identified that there is uncertainty within a number of provisions in PC5 that need clarification or improvement to ensure that activities on the surface of water associated with the MPS and tailrace are not subject to greater control or restricted as a result of Plan Change 5 over and above management controls that exist. This is particularly the case as no consideration has been given to the NPSFM or provisions in superior documents related to the MPS in the documentation provided by Environment Southland supporting PC5.
13. In reading Plan Change 5 and the Section 32 documentation the activities undertaken by Meridian associated with the maintenance and operation of the MPS accessed from Patea/Doubtful Sound are not the intended target of the changes to the provisions. However, there is a lack of clarity:
- whether, and how, the provisions apply to surface water activities associated with the MPS
 - if the provisions do apply, as to how those provisions that provide for existing activities to continue applies to surface water activities associated with the MPS which, are not new activities, but occur only intermittently.
 - As to the relationship between the provisions change in PC5 and Policy 16.2 9 which contains specific recognition of activities associated with the MPS.
14. Meridian undertakes a number of activities associated with the maintenance, operation and construction of the MPS in accordance with the Manapōuri Te Anau Development Act 1963 (MTADA). The provisions of PC5 have been considered irrespective of MTADA.
15. The submission of Meridian is focussed on seeking clarification and certainty of whether the provisions do apply to activities associated with the MPS. In the event that they do apply, Meridian has sought specific changes to the provisions to ensure that they are appropriate.

16. Meridian seeks the relief set out below, any relief of similar effect, and any consequential amendment necessary in response to Meridian's submission.
17. Meridian's requests for specific relief outlined below should not be taken as limiting the general submissions and requests for relief set out in this section.

PART TWO: CHANGES SOUGHT

18. Based on the preceding context the Meridian has set out amendments to the provisions that would address its concerns. The amendments sought are shown as bold, underlined, strike-through and highlighted text to the provisions. The changes sought are shown in the track change version of the provisions in PC5.

Provision	Submission	Change Sought
All Provisions	<p>Oppose</p> <p>How the objectives, policies and rules in PC apply to activities associated with the operation and maintenance of the MPS and tailrace are not clear.</p> <p>The definition of commercial surface water activities is not changing. It is :</p> <p><i>“Commercial Surface Water Activities - include any activities that involve the use of any ship less than 1000 gross registered tons where that ship has been offered or used for hire or reward, and includes commercial day trip activity and commercial back country activity but:</i></p> <ul style="list-style-type: none"> • <i>does not include any activity for which a reasonable charge is made towards recovery of the reasonable expenses incurred in undertaking the activity; and,</i> • <i>does not include a fishing boat, when its crew are engaged in the catching of quota and non quota fish and ancillary activities.”</i> 	<p>Amend Section 16.1 Introduction to Chapter 16 to include the following paragraph as the final paragraph:</p> <p><u>The rules applying to commercial surface water activities and ancillary surface water activities in this chapter do not apply to activities associated with the maintenance, operation and construction of the Manapōuri Power Scheme and tailrace in Patea/Doubtful Sound.</u></p>

	<p>While it is considered that the activities associated with the MPS do not fall within the definition of commercial surface water activities Policy 16.2.9 is an existing policy addressing commercial surface water activities which does address activities associated with the MPS. Clause (4) of that policy relates is <i>“4. carry out activities associated with the construction and maintenance of the Manapouri Power Scheme and tailrace.”</i> This means that intended or not there is the potential that some MPS related activities may be considered commercial surface water activities. This combined with the more restrictive outcomes the provisions of PC5 are seeking undermines the ability to important maintenance and operational activities associated with the MPS to continue.</p> <p>The change sought in the submissions seeks to clarify that the rules applying to commercial surface water activities do not apply to activities associated with the MPS.</p> <p>The outcome sought in the submission is that the provisions are clear that they do not control activities associated with the MPS. However, in the event that the clarity sought is not provided and provisions, particularly the rules in PC5 do apply to MPS related activities then other submission points seek changes to individual provisions.</p>	
Policy 16.2.2	<p>Oppose</p> <p>Policy 16.2.2 provides the policy support for the rules that introduce additional restrictions on commercial surface water activities in Patea/Doubtful Sound that could impact on the ability to undertaken surface water activities associated with the MPS.</p>	<p>Amend Policy 16.2.2 to read:</p> <p><u>Policy 16.2.2 – Avoid adverse effects on internationally, nationally, and regionally significant values</u></p> <p><u>Avoid adverse effects on the international, national, and regionally significant values of the Fiordland coastal environment, by:</u></p>

The use of the word 'avoid' is very restrictive meaning that if circumstances specific to the MPS activities are not recognised and provided for in the policy then the important activities will not be able to occur, or even have a resource consent considered on its merits.

While clause 2 is intended to provide for existing activities to continue, the intermittent nature of the surface water activities associated with the MPS, mean that as worded this policy cannot be relied upon to enable MPS related surface water activities.

The changes sought in the submission will recognise the specific circumstances that are applicable to MPS related activities, without compromising the significant values that are present in the Fiordland Coastal environment.

The change to the policy sought will acknowledge the practical and locational constraints that exist in undertaking MPS related activities. This is consistent with the NPSFM, the SRPS and the New Zealand Coastal Policy Statement recognising that functionally some uses and developments can only be located on the coast or in the coastal marine area and how infrastructure is to be addressed.

This will also ensure this provision can be implemented in a manner consistent with Policy 16.2.9.

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 tranquillity 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 **unless the commercial surface water activity is associated with the maintenance, operation and construction of the Manapōuri Power Scheme and tailrace;** 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;

until allocation limits are established through the Regional Coastal Plan Review process.

Amend the explanation to the Policy by adding the following paragraph:

		<p><u>The policy recognises the individual circumstances that are associated with the maintenance, operation and construction of the Manapōuri Power Scheme and tailrace in Patea/Doubtful Sound.</u></p>
<p>Policy 16.2.3</p>	<p>Oppose</p> <p>The use of the word ‘avoid’ is very restrictive meaning that if circumstances specific to the MPS activities are not recognised. When this is combined with the use of the words “excluding activities” in clause 3 this creates a very restrictive regime meaning that the important activities associated with the MPS will not be able to occur, or even have a resource consent considered on its merits.</p> <p>Clause 3 is of particular concern to the necessary activities associated with the MPS that occur in Patea/Doubtful Sound which is a known significant habitat for marine habitat. The intermittent nature of any activities associated with surface water activities associated with the MPS mean that the policy providing only for “excluding activities from areas” is too stringent.</p> <p>Meridian has undertaken monitoring of bottlenose dolphin populations in Patea/Doubtful Sound as part of its existing resource consent conditions relating to the operation of the MPS. This is identified that activities associated with the MPS are able to co-exist with marine mammals. Given the intermittent nature of activities associated with the MPS, management options other than exclusion is appropriate.</p> <p>The changes sought in the submission will recognise the specific circumstances that are applicable to MPS related</p>	<p>Amend Policy 16.2.3 to read:</p> <p><u>Policy 16.2.3 – Avoid or mitigate adverse effects on marine mammals</u></p> <p><u>Avoid or mitigate adverse effects from commercial surface water activities on marine mammals including by:</u></p> <ol style="list-style-type: none"> 1. <u>considering the level of underwater noise of the vessel, including ancillary activities, and methods proposed to minimise underwater noise (for example speed restrictions);</u> 2. <u>considering speed restriction where this could minimise potential effects on marine mammals;</u> 3. <u>unless associated with the maintenance, operation and construction of the Manapōuri Power Scheme and tailrace, excluding activities from areas which are significant habitat for marine mammals including whales, seals and the endangered bottlenose dolphin populations; and</u> 4. <u>advocating for the use and understanding of current measures to avoid or mitigate potential adverse effects on marine mammals as appropriate.</u> <p>Amend the explanation to the Policy by adding the following paragraph:</p> <p><u>The policy recognises the individual circumstances that are associated with the maintenance, operation and construction of the Manapōuri Power Scheme and tailrace in Patea/Doubtful Sound.</u></p>

	<p>activities, without compromising the significant marine mammal values that are present.</p> <p>The change to the policy sought will acknowledge the practical and locational constraints that exist in undertaking MPS related activities.</p> <p>This will also ensure this provision can be implemented in a manner consistent with Policy 16.2.9.</p>	
<p>Policy 16.2.7</p>	<p>Oppose</p> <p>The changes sought in the submission will recognise the specific circumstances that are applicable to MPS related activities, without compromising the policy seeks to manage.</p> <p>The change to the policy sought will acknowledge the practical and locational constraints that exist in undertaking MPS related activities.</p> <p>This will also ensure this provision can be implemented in a manner consistent with Policy 16.2.9.</p>	<p>Amend Policy 16.2.7 to read:</p> <p>Policy 16.2.87 - Remote and Wwilderness Vvalues in the Ffiords, Iinlets and Aarms</p> <p>Protect the opportunity for remoteness and wilderness experiences in all of the principle Arms, Inlets and Fiords of Fiordland apart from Milford Sound.</p> <p><u>Manage adverse effects of commercial surface water activities, including ancillary activities, in the Fiordland coastal marine area:</u></p> <ol style="list-style-type: none"> 1 <u>to protect wilderness experiences of Rakituma / Preservation Inlet and Taiari /Chalky Inlet;</u> 2 <u>to protect the wilderness experiences of the northern fiords, between (but not including) Piopiotahi / Milford Sound and Te Awa-o-Tū / Thompson Sound;</u> 3 <u>to protect remoteness experiences of the Tamatea / Dusky Sound complex (including Tamatea / Dusky Sound, Te Puitaha / Breaksea Sound, Te Rā / Dagg Sound and all associated ‘arms’) and wilderness experiences of the Cook and Bowen channels within the Tamatea / Dusky Sound complex;</u> 4 <u>to maintain the predominantly remote experiences of the Patea / Doubtful Sound complex (including all ‘arms’, Te Awa-o-Tū /</u>

		<p>Thompson Sound and Kaikiekie /Bradshaw Sound), while acknowledging the need for activities associated with the maintenance, operation and construction of the Manapōuri Power Scheme and tailrace; and</p> <p>5 <u>to maintain the recreational and visitor experiences of Piopiotahi / Milford Sound.</u></p> <p>Amend the explanation to the Policy by adding the following paragraph:</p> <p><u>The policy recognises the individual circumstances that are associated with the maintenance, operation and construction of the Manapōuri Power Scheme and tailrace in Patea/Doubtful Sound.</u></p>
<p>Rule 16.2.1</p>	<p>Oppose</p> <p>This rule implements and is related to Policy 16.2.2. The introduction of additional restrictions on commercial surface water activities in Patea/Doubtful Sound that could impact on the ability to undertaken surface water activities associated with the MPS.</p> <p>While clause 2a. is intended to provide for existing activities to continue, the intermittent nature of the surface water activities associated with the MPS, mean that as worded this rule, by referencing activites that lawfully existed as at 18 July 2022 cannot be relied upon as providing for MPS related surface water activities. There were no surface water activities occurring in Patea/Doubtful Sound on 18 July 2022. Therefore without different recognition this clause is of no assistance to MPS related activities.</p>	<p>Rule 16.2.1</p> <p>.....</p> <p>7. Unless provided for by Rules 16.2.1(1)-(6) above or otherwise specified in this Plan, it is a discretionary activity to undertake any commercial surface water activities <u>(including ancillary activities)</u> in the internal waters of Fiordland from Yates Point to Puysegur Point <u>provided the following conditions can be met:</u></p> <p>a. <u>the commercial surface water activity (including ancillary activities) lawfully existed as at 18 July 2022 and;</u></p> <p>b. <u>the frequency, location, scale and/or duration of the lawfully established commercial surface water activity (including ancillary activities) is not increasing;</u> or</p> <p>c. <u>the commercial surface water activity is associated with the construction and maintenance of the Manapōuri Power Scheme and tailrace</u></p>

<p>This rule, if not change, combined with a policy approach of “avoid” means that the nationally significant activities associated with the MPS have not been recognised in the Plan Change.</p> <p>The changes sought in the submission will recognise the specific circumstances that are applicable to MPS. This change sought in the submission does not change the approach of providing for existing activities through the PC5, but recognises that MPS related activities are different to other commercial surface water activities.</p> <p>The change to the rule sought will acknowledge the practical and locational constraints that exist in undertaking MPS related activities, and the difficulty in recognising accommodating the intermittent nature of activities associated with the MPS through implementing a ‘hard date’ of lawfully existed as at 18 July 2022.</p> <p>This is consistent with the NPSFM, the SRPS and the New Zealand Coastal Policy Statement recognising that functionally some uses and developments can only be located on the coast or in the coastal marine area and how infrastructure is to be addressed.</p> <p>This will also ensure this provision can be implemented in a manner consistent with Policy 16.2.9.</p>	<p>Amend the explanation to the Rule by adding the following paragraph:</p> <p><u>The policy recognises the individual circumstances that are associated with the maintenance, operation and construction of the Manapōuri Power Scheme and tailrace in Patea/Doubtful Sound.</u></p>
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SUBMISSION FORM

To: Proposed Coastal Plan Change 5 - Commercial Surface Water Activities

Environment Southland

Private Bag 90116

Email: consultation@es.govt.nz

From: Haylee Preston (CEO) – Milford Sound Tourism Limited

Proposed plan change: objective/policy/rule	MSTL Comment
<p><u>Policy 16.2.2 – Avoid adverse effects on nationally and regionally significant values</u></p> <p><u>Avoid adverse effects on the nationally and regionally significant values of the Fiordland coastal marine area, including by:</u></p> <p>a. <u>recognising that the nationally and regionally significant values of the Fiordland coastal marine area include:</u></p> <ul style="list-style-type: none"> . <u>outstanding natural character values, including wild and scenic values and outstanding naturalness;</u> i. <u>outstanding landscape and natural feature values, including abiotic, biotic and associative values;</u> ii. <u>amenity values;</u> 	<p>In our previous lodged submission, MSTL suggested that a timeframe for completion of the Regional Coastal Plan Review is inserted, otherwise there is potential that no new consents are able to be granted if the review process is delayed or halted for some reason.</p> <p>It appears that this has not occurred.</p> <p>Therefore, MSTL would like to clarify their position in relation to vessels that operate from Freshwater Basin Harbour, Milford Sound. Those operators who hold existing Resource Consents, should be allowed upgrade their vessels, which may include an increase in size, which may lead to intensifying their activity.</p> <p>The vessel would need to be able to safely operate within the harbour, and fit onto the operators allocated berth.</p>

- iii. **significant habitats of indigenous fauna, significant indigenous vegetation and indigenous biological diversity, including marine reserves and habitat of the endangered bottlenose dolphin;**
- iv. **spiritual and cultural values, relationships, and beliefs of tangata whenua;**
- v. **Ngāi Tahu customary use;**
- vi. **taonga species present; and**
- vii. **wilderness, remoteness and tranquillity values;**
- b. **not granting consent for new or intensifying (above that which lawfully existed at [date of notification]) commercial surface water activities, including ancillary activities, where adverse effects on those matters identified in Policy - 16.2.2(a) will increase; and**
- c. **using a precautionary approach in the consideration of resource consents for commercial surface water activities, including ancillary activities, to ensure the national and regional values of the Fiordland coastal marine area are protected;**

until allocation limits are established through the Regional Coastal Plan Review process.

MSTL would suggest that Policy 16.2.2 is revised to allow for possible intensification as a result of vessel upgrades, to existing Resource Consent holders.



29th August 2022

Environment Southland,

Email – consultation@es.govt.nz

To whom it may concern,

SUBMISSION ON PLAN CHANGE 5 TO THE SOUTHLAND REGIONAL COASTAL PLAN

Please find attached a submission on behalf of the Minister of Conservation with respect to proposed plan change 5 to the Southland Regional Coastal Plan – Section 16 Surface Water Activities.

The coastal environment of Fiordland consists to a large extent of outstanding natural landscapes, outstanding natural character, and habitats for indigenous fauna that in combination hold significance at international, national and regional scales. The land area of the coastal environment adjoining the coastal marine area managed by the regional coastal plan, is mostly managed as part of Fiordland National Park. These areas hold wild and remote qualities that require protection and management of activities that may impact on these values.

It is understood that an increase in volume and intensity of surface water activities in the internal waters of Fiordland are having an adverse effect on the values of the coastal environment. I agree that it is a good idea to limit further or increased activities until further consideration of the carrying capacity of the Fiords, and limits can be developed and implemented through a later full review of the regional coastal plan.

It is noted that this plan change strengthens the integration between consideration of surface water activities and the management of adjacent National Park. This is strongly supported.

My submission supports the intent and the detailed amendments to the Regional Coastal Plan. The attached submission provides detail on support for specific provisions and sets out the reasons for this.

If you have any questions or would like to discuss this submission, please contact Linda Kirk on 027 627 7502 or lkirk@doc.govt.nz

Ngā mihi,

John Lucas
Pou Matarautaki, Operations Manager
Te Anau
Department of Conservation

Form 5: Submission on notified proposal for policy statement or plan, change or variation

Pursuant to clause 6 of the First Schedule of the Resource Management Act 1991

To: Southland Regional Council (**the Council**)

Name of submitter: Minister of Conservation (the **Minister**)

1. This is a submission on Plan Change 5 to the Southland Regional Coastal Plan
2. I could not gain an advantage in trade competition through this submission
3. The specific provisions of the proposal that my submission relates, and the detailed decisions sought to are set out in **Attachment 1** to this submission.
4. I **seek** the following decision from the Council:
 - a. That the particular provisions of Proposed Plan 5 that I support, as identified in Attachment 1, are retained;
 - b. That the amendments, additions and deletions to Proposed Plan 5 sought in Attachment 1 are made; and
 - c. Further or alternative relief to like effect to that sought in 4. a. and 4. b. above.
5. The decisions sought in this submission are required to ensure that the Southland Regional Coastal Plan:
 - a. Gives effect to the New Zealand Coastal Policy Statement 2010;
 - b. Recognises and provides for the matters of national importance listed in section 6 of the Act and has particular regard to the other matters in section 7 of the Act;
 - c. Promotes the sustainable management of natural and physical resources; and

- d. The changes sought are necessary, appropriate and sound resource management practice.
-
6. I wish to be heard in support of my submission, and if others make a similar submission, I will consider presenting a joint case with them at the hearing.

John Lucas

Operations Manager

Te Anau

Department of Conservation

Acting pursuant to delegated authority on behalf of the Minister of Conservation

Date: 29/08/2022

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011

Address for service:

Attn: Linda Kirk, RMA Planner

lkirk@doc.govt.nz

Ph: 027 627 7502

Department of Conservation

ATTACHMENT 1:

**PROPOSED PLAN CHANGE 5 TO THE SOUTHLAND REGIONAL COASTAL PLAN
SUBMISSION BY THE MINISTER OF CONSERVATION**

The proposed provisions that my submission relates to are set out in the table below. My submissions are set out immediately following these headings, together with the reason and the decision I seek from the Council.

The decision that has been requested may suggest new or revised wording for identified sections of the proposed plan. This wording is intended to be helpful but alternative wording of like effect may be equally acceptable. Text quoted from Proposed Plan Change 5 is shown in *Italics*. The wording of relief sought shows new text as underlined and original text to be deleted as ~~strikethrough~~.

Unless specified in each-submission point, my reasons for supporting are that the provisions are consistent with the purposes of the Act.

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
Chapter 16 Surface water activities on the internal waters of Fiordland from Yates Point to Puysegur Point			
16.1 Introduction	Support	The additions to the introduction are supported as it sets out the tension or range of views on the impacts of increasing surface water activities in the internal waters of Fiordland. The amendments also clearly set out the intent to this plan change to avoid further adverse effects	Retain as notified.
Issue 16.1.1	Support	The additions provide for integration of activities in the coastal environment and acknowledges that activities in the coastal marine area can affect the values on the land.	Retain as notified
Objective 16.1.1	Support	The proposed amendments to this objective and the explanation are supported	Retain as notified

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
Objective 16.1.2	Support	<p>Objective 16.2.2 continues to support amended Issue 16.1.1 and the integrated management of activities in the wider coastal environment.</p> <p>The additions to the explanation the increase in the volume and diversity of surface water activities and the perception of the effects that have resulted from this. This provides a solid basis for the approach to managing further activities through this plan change.</p>	Retain as notified
Objective 16.1.3	Support	Consequential changes to plan references are supported	Retain as notified
Policy 16.2.1	Support	<p>The use of dual place names is supported and is consistent with the amended Policy 16.2.6 – fiord terminology.</p> <p>The Department supports the identification and protection of areas at risk of diminished natural character, landscape and amenity values.</p>	Retain as notified
Policy 16.2.2	Support	The Department strongly supports the intent of the redrafting of Policy 16.2.2. The policy is directive with the use of the word “avoid” and is consistent with NZCPS Policies 11, 13 and 15 for example. The policy is essentially “holding the line” and provides clear direction that intensification of activities that may adversely affect significant values are not to be provided for until the allocation limits are proposed in the full review of the Coastal Plan.	Retain as notified

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
Policy 16.2.3	Support	The intent of this new policy is strongly supported as giving effect to Policy 11 NZCPS	Retain as notified
Delete existing Policy 16.2.4	Support	Deletion of the policy is supported as it is not appropriate to not apply limits to activities in Milford Sound in future.	Delete existing policy as notified
Policy 16.2.4	Support	Minor changes to this policy to include dual place names is supported.	Retain as notified
Policy 16.2.5	Support	Changes and additions to this policy appropriately include reference to natural features and marine mammals, make clear what is covered by the term 'non-commercial users' and includes appropriate detail on potential non-regulatory methods for these users to avoid or limit their effects on significant values of the fiords.	Retain as notified
Delete existing Policy 16.2.6	Support	The deletion of Policy 16.2.6 is supported as it is expected that those activities that existed prior to 15 February 1997 will now have the necessary resources consents if they are still operating in Fiordland. As such, this policy is outdated.	Delete policy as notified
Policy 16.2.6	Support	The use of dual place names is supported.	Retain as notified
Policy 16.2.7	Support	The amendments and additions to this policy are supported as it refocuses on managing adverse effects of commercial surface water activities on the remoteness and wilderness experiences within the specific locations.	Retain as notified
Policy 16.2.8	Support	New policy 16.2.8 is supported as providing appropriate detail of the matters to be considered when considering resource consent applications for surface water activities.	Retain as notified

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
		Expanding the scope of consideration to the 'coastal environment' rather than just the coastal marine area allows for how adjacent land is managed under the Fiordland National Park Management Plan to be considered and allow for integration between management of coastal waters and adjacent terrestrial environments.	
Policy 16.2.9	Support	The minor changes to this policy are supported and considered to be consistent with the intent of this rule.	Retain as notified
Policy 16.2.10	Support	The minor changes to this policy, in particular the inclusion of consideration of ancillary activities.	Retain as notified
Policy 16.2.11		The integrated management of the Fiordland coastal environment is strongly supported, and the additional wording provides for effects of activities on the management of the adjacent National Park.	Retain as notified
Policy 16.2.12	Support	The additional explanation of how surface water activities for the purpose of research or statutory purposes are provided for in the coastal plan is supported	Retain as notified
Policy 16.2.13	Support	The clarification of the policy and new explanation are supported. The policy appropriately clarifies that activities are considered holistically and included the range of various ancillary activities that may be related to the primary activity.	Retain as notified
Policy 16.2.14	Support	The minor corrections to this policy are supported as improving clarity of the plan	Retain as notified

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
Policy 16.2.15	Support	This new policy regarding the expiry date for resource consents is supported. The policy provides guidance to decision makers on particular matters that must be considered when determining the appropriate duration for consents in each case.	Retain as notified
Rule 16.2.1	Support	The amendments to the rule are supported as these give effect to the changes in policy direction that new or increased activities will not be granted unless the adverse effects will not increase, or a precautionary approach is required. The consideration of ancillary activities is also supported and consistent with the new policy direction.	Retain as notified
Rule 16.2.2	Support	Minor amendments to the rule and the additional explanation are strongly supported as giving effect to the change in policy direction.	Retain as notified
Definition: Ancillary activities (to a commercial surface water activity)	Support	The definition specifying what is encapsulated by the term 'ancillary activities' is supported, and it is clear the examples are not an all-inclusive list and could include other activities such as aircraft.	Retain as notified

Regional Coastal Plan for Southland: Plan Change 5 - Section 16 Surface water activities on the internal waters of Fiordland from Yates Point to Puysegur Point



Email your completed submission to: consultation@es.govt.nz by 29 August 2022

Alternatively, you can post your submission to:

Attention: Regional Coastal Plan Change
Environment Southland
Private Bag 90116
Invercargill 9840

You can also deliver your submission to:

Environment Southland's office on the corner of Price Street and North Road, Waikiwi, Invercargill

Submitter details

Full Name (or name of agent if applicable): Fiona Black

Organisation Name (that submission is on behalf of): Real Journeys Limited

Submitter's Service Address: P.O. Box1, Te Anau

Postcode: 9640

Phone: 032499033

Email: opsadminstaff@realjourneys.co.nz

Public hearing

Please choose one of the following options:

- I do not wish to be heard in support of my submission
- I do wish to be heard in support of my submission
- If others make a similar submission, I will consider presenting a joint case with them at a hearing

Trade Competition

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

Please check the boxes that apply to you:

I could /could not gain an advantage in trade competition through this submission.

I am /am not directly affected by an effect of the subject matter of the submission that:

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

Signature of Submitter (or person authorised to sign on behalf of submitter)

A rectangular box containing a handwritten signature in black ink. The signature appears to be 'H. Black' written in a cursive style.

Date: 26/08/2022

Please note: All information contained in a submission under the Resource Management Act 1991, including names and addresses for service, becomes public information

Scope of submission

This is a submission on the Regional Coastal Plan for Southland: Plan Change 5 - Section 16 Surface water activities on the internal waters of Fiordland from Yates Point to Puysegur Point

<p>The specific provisions my submission relates to are: <i>(Specify provision number and title, e.g. Policy 16.2.8 – Impacts on wilderness and remoteness values)</i></p>	<p>My submission is: <i>(Please include whether you support, oppose or wish to amend the provision you have listed in the first column and the reasons for your views.)</i></p>	<p>The decision I would like Environment Southland to make is: <i>(Please give precise details of the outcomes you would like to see for each provision. The more specific you can be the easier it will be for the Council to understand the outcome you seek. Suggested revised wording)</i></p>
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<p>Submission Point #</p>	<p>General Comments:</p>
<p>1.</p>	<p>Real Journeys is disappointed that the council has chosen to undertake a plan change rather than getting on with the full review of the Regional Coastal Plan for Southland (RCP). We have concerns that the proposed changes will result in the displacement of commercial surface water activities to other areas outside the scope of the RCP such as Rakiura. The post COVID-19 changes to charter boat use, has also lead to increased vessel visitation (including recreational boats) to the Rakiura coastal waters which is also affecting the values of the Rakiura inlets especially on the east coast of Rakiura. Dr Kay Booth refers to this as a ‘wicked problem’ and even though this problem has been highlighted this proposed coastal plan change has been initiated rather than reviewing the whole plan.</p> <p>In addition it would be useful for the RCP to provide a policy framework for the use of nearer technologies such as drones.</p>
<p>2.</p>	<p>This proposed plan change represents a knee jerk reaction because the use of the Fiordland CMA for backcountry trips increased while the New Zealand borders remained closed due to COVID-19, and it is highly unlikely the 2021 level of backcountry trips will continue. The increase in commercial surface water activities is largely due to a ‘perfect storm’ of coinciding events, and we do not necessarily believe that the uptick trend will necessarily continue. The events being:</p> <ul style="list-style-type: none"> ➤ COVID-19 closing New Zealand boarders and ‘forcing’ New Zealanders to explorer their own backyard; ➤ Some of the operators undertaking commercial backcountry activities in Fiordland at present would not be doing so now if not for the fallout from COVID-19;

	<ul style="list-style-type: none"> ➤ The baby boomer generation retiring with sufficient disposable income to undertake travel / tourism activities; ➤ The race to the ‘bottom’ of Milford Sound / Piopiotahi cruise prices; and <p>Specifically the following events are happening changing the use the Fiordland CMA:</p> <ul style="list-style-type: none"> ➤ With the borders open up there has been an exodus of New Zealanders travelling offshore for their holidays reducing the demand for multiday day excursions in Fiordland; ➤ As international visitors return to New Zealand in significant numbers there will be an increase in the number of people visiting Milford Sound/Piopiotahi increasing the demand for cruises which will likely cause some vessels to relocate back to Piopiotahi; ➤ When the baby boomer generation get too old to undertake such trips, we are not convinced that the younger generations especially urban dwellers will want to visit Fiordland in the same numbers as at present. Recent Department of Conservation research found that urban dwellers were less likely to engage in outdoor activities especially ‘walking in nature’ activities¹; and <p>As the Milford Opportunities Project progresses that nature of Milford Sound/Piopiotahi as a visitor destination will change, which in turn will change the nature of visitor Milford Sound / Piopiotahi activity.</p>
3.	<p>Real Journeys speculates that the Council’s and other parties concerns regarding the effects of increased use of the ‘southern fiords’ in particular, could be managed through other more effective measures, compared to this proposed plan change. For instance at present the “Milford Wanderer’s” Discovery Expedition schedule seems to coincide with the “Fiordland Jewel’s” cruise schedule so both vessels are ending up at the same place at the same time. If both parties (Real Journeys and Fiordland Discovery) along with other operators such as Pure Salt, understood each other’s cruise schedules during the cruise timetable planning process, then we could work together to ensure our cruises were staggered across the fiords and over time. This could be done by publishing our proposed /draft cruise timetables on a private website which all parties could review before finalising our timetables, to work towards maintain better vessel spatial and temporal separation.</p>
4.	<p>Also the use of Fiordland CMA is subject to a great degree of seasonality. That is pre-COVID the use and the current use of the Fiordland CMA varies across the four seasons of the year; with the greatest use during the summer months and the lowest use on the winter months. Hence visitors to Fiordland should expect a greater level of use in the summer months and if such visitors are after an experience predominately away from the sights and impacts of other craft they should visit the Fiordland CMA in winter months.</p>
5.	<p>Of particular concern in the context of the proposed plan change, is that fact that no consideration of the effect the Deed of Agreement Between the New Zealand Cruise Ship Industry and Environment Southland is having on the Fiords wilderness and remoteness values and the notion that it is acceptable, for these overseas Cruise Ship</p>

¹ <https://www.doc.govt.nz/globalassets/documents/about-doc/role/visitor-research/new-zealanders-in-the-outdoors.pdf>

	operators are not required to go through a resource consent process. Especially given their very poor environment track record of many large Cruise Ship operators and that they deliver very little economic benefit to the Southland Community, with the exception of Environment Southland.
6.	It is inappropriate for the council to adopt the fiord dualling naming convention that is not aligned with the 'gazetted' names for the Fiords. Specifically Milford Sound/Piopiotaahi and Doubtful Sound/Patea are the gazetted names of these fiords - refer https://gazetteer.linz.govt.nz/place/17246 . Also the correct dual naming convention needs to be carried across into the RCP Glossary.
7.	With respect to the identification or classification of the "Southern Fiords" in Fiordland, all the fiords south of Doubtful Sound/Patea are considered the "Southern Fiords" (refer page 12) and correspondingly all the Fiords north of Te Awa-o-Tū / Thompson Sound are considered the "Northern Fiords".
8.	We are also disappointed in the 'loose' drafting of the proposed changed provisions such as the use of imprecise terminology such as 'tenders' when these vessels should be referred to as tender craft.
9.	The proposed plan change is very one sided. It does not address the 'benefits' of commercial surface water activities in that they provide opportunities for people to get out and immerse themselves in nature and this is important to developing our citizens connections to nature. A Department of Conservation (DOC) study found that many New Zealanders' have a strong connection to their lands and waters, and this fosters pro-environmental behaviours. https://www.doc.govt.nz/globalassets/documents/science-and-technical/sfc333entire.pdf However, future support for conservation cannot be taken for granted, given the increasing ethnic diversity; the aging population in New Zealand; and the concentration of the country's population in urban areas, distant from many of our remote special places. Therefore, the opportunities Real Journeys creates, to enable people to connect with, and experience the natural environment, has the benefit of developing stronger connections with the natural environment and promoting a greater conservation awareness of those visiting the Fiordland / Te Mimi o Tu Te Rakiwhānoa CMA. Which was probably best related by David Attenborough: "No one will protect what they don't care about; and no one will care about what they have never experienced".
10.	In addition many of the commercial surface water activity operators are actively involved in conservation initiatives in the Southern Fiords, with the likes of Pure Salt and Real Journeys contributing to the Department of Conservation Tamatea/Dusky Sound Restoration Plan. That is commercial surface water activities have other benefits for the Fiordland environment.
11.	The other RCP policy and rule gap is with respect to commercial vessels (contracted by commercial users) entering Fiordland CMA to undertake activities such as mooring installations, inspections, and to undertake subsequent activities for the repair and maintenance of moorings, wharves, jetties and other infrastructure. Generally coastal permits for marine structures include inspection clauses to check on the structural integrity and check the structures for bio-invasion of pest species. Most if not all of the contractors, that undertake activities, such as mooring inspections and installation do not have resource consent to undertake these activities in the Fiordland CMA and because of the ad hoc nature of these activities it is unrealistic to require such consent authorisations. Also it is in the best interests of the Council to provide for these activities to ensure in particular these structures remain safe and free of weed pests. That is these activities do not fall under the remit of policy 16.2.14 and / or Rule 16.2.2. yet still need to be provided for.

12.	<p>RCP Appendix 4 Coastal Landscape Assessment also needs to be updated to enable effective implementation of proposed plan change 5. Currently Landscape Unit 19 covers the entire Fiords (with the exception of Milford Sound/Piopirotahi) and in particular, this Coastal Landscape Assessment is not granular enough to be used to implement proposed policy 16.2.7.</p> <p>Moreover Appendix 1; Glossary also needs to be updated to include definitions for the concepts introduced in the proposed plan change 5. For instance: taonga species; outstanding natural character values; outstanding landscape and natural feature values; wilderness, remoteness and tranquillity values; and intensification</p>		
13.	<p>In this proposed plan change there is no recognition and 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. For instance for day trips in particular, an operator can carry the same number of passengers on a smaller vessel undertaking more frequent trips or undertake fewer day trips with the same number of passengers carried on a larger vessel. Specifically some sort of policy direct is required to indicate what the councils preference is; fewer trips with larger vessels or more trips with smaller vessels.</p>		
14.	<p>Given that new or intensified commercial surface water activities will become non-complying activities if the proposed plan change is implemented as is more policy direction is required than the proposed policy 16.2.7.</p>		
15.	<p>There are several new statements made in the revised Chapter 16 of RCP with no attribution, and in some cases such statements give a false impression.</p>		
	The specific provision our submission relates to:	Our submission is:	The decision we would like Environment Southland to make is:
16.	<p>Refer page 3, the following statement is still correct and should not be struck out; 'Day visitors represent the bulk of visitors to Fiordland's waters.'</p>	<p>Reinstate this sentence: 'Day visitors represent the bulk of visitors to Fiordland's waters.'</p>	<p>Reinstate this sentence: 'Day visitors represent the bulk of visitors to Fiordland's waters.'</p>
17.	<p>Refer pages 3 & 5, 'Over time, recreational and commercial use of the internal waters of Fiordland has increased and has become more diverse.' We disagree that the use of internal waters of Fiordland ... has become <u>more diverse</u>. From the late 1990's through the early 2000's there was much more sea kayaking in the Fiordland CMA including kayaking through the Southern Fiords (backcountry trips). Now apart from mainly day</p>	<p>We do acknowledge that there has been a change in ancillary activity with the use of paddle boards along with kayaks, therefore it would be more accurate to state: 'Over time, recreational and commercial use of the internal waters of Fiordland has increased and has <u>changed</u> become more diverse.'</p>	<p>Ensure 'blanket statements' in the RCP are correct.</p>

	trips in Milford Sound/Piopiotahi and Doubtful Sound/Patea backcountry kayaking trips are becoming far less common. Also Milford Sound/Piopiotahi was often used by recreational wind surfers, because of the ready road access and the consistent day breeze on fine days in summer.	Remove blanket statements that do not seem to be based on fact.	
	The specific provision our submission relates to:	Our submission is:	The decision we would like Environment Southland to make is:
18.	Refer pages 4, 5, 6, 7 & 18, there is no explanation as to why Fiordland is considered internationally significant. It can only be presumed that this international significance, comes about through the Milford Sound/Piopiotahi's significance as a visitor destination and UNESCO World Heritage listing of Te Wāhipounamu public conservation lands. However this World Heritage status only related to the land surrounding the Fiords.	One of the things that makes the RCP relatively user friendly compared to the other planning documents we deal with, is the 'explanation' section included under each objective, policy and rule. Therefore it would be helpful to provide more context with respect to the statements that the Fiordland CMA is considered internationally significant.	Include an explanation as to why Fiordland is considered internationally significant plus reference to relevant data or research that justify this assertion.
19.	Objective 16.1.2 - Preserve remoteness and wilderness values To preserve the remoteness and wilderness values of the internal waters of Fiordland coastal environment .	We oppose this proposed revised wording of the body of this objective Reason; This objective relates to the internal waters of Fiordland. The change in wording from 'internal waters' will just create confusion. That is, RCP chapter 16 does not exist in a vacuum but must be considered in context of the other chapters in the RCP where 'internal waters of Fiordland' is the usual descriptor and comes from the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977. This objective 'explanation' solely relates to the internal waters of Fiordland. To most operators and	Reinstate this objective wording to the following: To preserve the remoteness and wilderness values of the internal waters of Fiordland

		mariners 'coastal environment' is the environment outside the fiords on the coast.	
	The specific provision our submission relates to:	Our submission is:	The decision we would like Environment Southland to make is:
20.	Policy 16.2.1 - Identify and protect areas at risk of diminished natural character, landscape and amenity values	Amend Reason; by altering this rule and not taking a 'blank slate' approach this proposed change does not <u>identify</u> the areas in the fiords where natural character, landscape and amenity values are vulnerable to the adverse effects of increased use. That is this policy continues to only really identify the areas of Doubtful Sound/Patea complex that are at risk, and does not encompass all of Fiordland.	Rework the wording to reflect the intent of this policy, that is actually identify the areas at risk of diminished natural character, landscape and amenity values.
21.	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	Amend Reason; it is unrealistic to put a total hand brake on all new commercial surface water activities given that the tourism industry is in a state of flux and most operators do not know what tourism products will be required in ten years' time. Also this policy will be very problematic with respect to the activities identified in our submission point 11, above, if they are not provided for in the rule framework. The intent of the policy needs to be made clearer, retain the internal waters of Fiordland descriptor, frame the policy in terms of the section 104D gateway test and correct the spelling. That is RCP chapter 16 does not exist in a vacuum but must be considered in context of the other chapters in the RCP where 'internal waters of	Amend the policy as follows. Policy 16.2.2 – Avoid adverse effects on internationally, nationally, and regionally significant values <u>Manage</u> adverse effects on the international, national, and regionally significant values of the <u>internal waters of</u> Fiordland, by: 1. recognising that the international, national, and regionally significant values of the <u>internal waters of</u> Fiordland <u>which</u> include: a. outstanding natural character values, including wild and scenic values and outstanding naturalness; b. outstanding landscape and natural feature values; c. amenity values;

	<p>indigenous biological diversity (including marine reserves and habitat of the protected black coral, marine mammals and sea birds);</p> <p>e. spiritual and cultural values, relationships, and beliefs of tangata whenua;</p> <p>f. Ngāi Tahu customary use;</p> <p>g. taonga species present; and</p> <p>h. wilderness, remoteness and tranquility values;</p> <p>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</p> <p>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;</p> <p>until allocation limits are established through the Regional Coastal Plan Review process.</p>	<p>Fiordland’ is the usual descriptor and comes from the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977.</p> <p>Including the word ‘maintain’ instead of ‘protect’ in 16.2.2(3) is in accord with objective 16.1.1. and is also appropriate in terms of being in a holding pattern until allocation limits are established.</p> <p>This policy’s explanation identifies that;</p> <p>‘Too much activity can diminish the values that initially attracted people to an area. People then start seeking areas elsewhere which still offer the values they originally found in the now more popular area.’ But as previously stated this proposed plan change will very likely have this actual effect by displacing activities to areas of coastal Southland where the RCP does not control commercial surface water activities.</p> <p>With respect to the statement in the policy explanation: “The capacity of the Fiordland coastal environment to absorb human use including commercial surface water activities is limited”. We contend that this sentence should be reworded as below to articulate more clearly the crux of the issue.</p> <p>The capacity of the Fiordland coastal environment to absorb human use including commercial surface</p>	<p>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);</p> <p>e. spiritual and cultural values, relationships, and beliefs of tangata whenua;</p> <p>f. Ngāi Tahu customary use;</p> <p>g. taonga species present; and</p> <p>h. wilderness, remoteness and <u>tranquillity</u> values;</p> <p>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 <u>be more than minor</u>; and</p> <p>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 <u>maintained</u>;</p> <p>until allocation limits are established through the Regional Coastal Plan Review process.</p>
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		water activities is limited <u>if the Fordland's intrinsic values are to be retained.</u>	
	The specific provision our submission relates to:	Our submission is:	The decision we would like Environment Southland to make is:
22.	<p>Policy 16.2.3 – Avoid or mitigate adverse effects on marine mammals</p> <p>Avoid or mitigate adverse effects from commercial surface water activities on marine mammals including by:</p> <ol style="list-style-type: none"> 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. excluding activities from areas which are significant habitat 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. 	<p>Oppose</p> <p>Reason; it has yet to be clearly demonstrated that commercial surface water activities are having adverse effects on marine mammals. Nevertheless we are do not want to see marine mammal protection eroded yet we believe it is the Department of Conservation who should primarily have the role in managing vessel interactions with marine mammals.</p> <p>We are disheartened that the council is 'getting on board' with the well-worn trope that commercial tourist vessels adversely impact on the Doubtful Sound Bottlenose Dolphin population in particular. Also it seems that we must iterate that the Fiordland Bottlenose Dolphin Population is not the most southerly population, there is population found in Foveaux Strait/ Rakiura (https://www.farout.org.nz/images/farout/documents/members-other-publications/Photo-identification-of-bottlenose-dolphins-in-the-far-south-of-New-Zealand-indicates-a-new-previously-unstudied-population.pdf); this is particularly concerning given that Environment Southland has responsibility for the CMA of Foveaux Strait and Rakiura.</p> <p>Further the Doubtful Sound Bottlenose population is not resident in Doubtful Sound they do go outside</p>	<p>Policy 16.2.3 – Avoid or mitigate adverse effects on marine mammals</p> <p>Avoid or mitigate adverse effects from commercial surface water activities on marine mammals <u>including by advocating for:</u></p> <ol style="list-style-type: none"> 1. <u>holders of coastal permits for commercial surface water activities, to obtain a Department of Conservation Permit To Carry On a Commercial Operation under the Marine Mammal Protection Regulations; and</u> 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. excluding activities from areas which are significant habitat for marine mammals including whales, seals and the endangered bottlenose dolphin populations; and 2. the use and understanding of current measures to avoid or mitigate potential adverse effects on marine mammals as appropriate.

		<p>the fiord and may enter the fiords immediately to the north and south of Patea, plus the northern population may range further north than Jacksons Bay that is their range is not confined to Fiordland. Also recent research has found that the effects on the dolphin populations are more nuanced and cannot be just attributed to vessel interactions; for instance Doubtful Sound Dolphin calf survival is most related to when calves are born. (https://www.researchgate.net/publication/259772197_Reproduction_birth_seasonality_and_calf_survival_of_bottlenose_dolphins_in_Doubtful_Sound_New_Zealand)</p> <p>In addition, putting resource consent controls around commercial surface water activity consent holders interactions with marine mammals, will not address the real boating activity threat to marine mammals; as many recreational boaties do not know the Marine Mammal Protection Regulations and engage in activity that can impact of Marine Mammals. Specifically we assert that interactions around Marine Mammals should be managed by the Department of Conservation not the Council. The Council has a role in advocating for commercial surface water activity consent holders to hold commercial marine mammal viewing permits as this would ensure that these vessel operators become participants in the likes of the Fiordland Marine Mammal Liaison Group and the DOC SMART Operator programme. The SMART (Sustainable Marine Mammal Actions in Recreation and Tourism) programme aims to promote responsible vessel</p>	
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		<p>operator behaviour around dolphins, whales and seals.</p> <p>Including policy direction with respect to effects of vessel underwater noise on marine mammals, is even more disappointing, will be hugely problematic and is unwarranted. Because the effects of anthropogenic noise on marine mammals in an environment like Fiordland is so poorly understood; has not been comprehensively studied; and there is no evidence that vessel underwater noise is adversely affecting Fiordland Marine Mammal populations.</p> <p>The only research we are aware of is ‘The 2005 quantitative acoustic study of the Fiordland underwater environment’ https://www.researchgate.net/publication/230788938_A_quantitative_acoustic_study_of_the_Fiordland_underwater_environment/link/5675f58608ae502c99ce0c34/download</p> <p>Which predates the introduction of the Doubtful Sound/Patea Marine Mammal Code of Management with its Bottlenose Dolphin avoidance protocols and also the Real Journeys vessels included in this study have been re-engined or replaced and are likely to have different noise profiles. Nevertheless the study included the following conclusions yet, did not conclude that</p>	
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		<p>underwater vessel noise was adversely affecting marine mammals:</p> <ul style="list-style-type: none"> • “The acoustic environment of Doubtful Sound is unusually quiet compared to other parts of the NZ coast (e.g. Kaikoura, Banks Peninsula; pers. obs.), and is quiet by international standards (Wenz, 1962). • Tour boats in Fiordland produce sound levels that are audible to dolphins over ranges of many kilometres. In calm weather, noise from any of the larger tour boats is likely to be audible to dolphins near the surface along much of the main span of Doubtful Sound. • The convoluted form of Doubtful Sound greatly reduces the propagation of sounds from one arm into another, so creates natural “quiet zones”. For example, a boat travelling up the main span of Doubtful Sound will be audible only briefly in Crooked Arm.” <p>Moreover there can be considerable other sources of noise in Fiordland such as heavy rainfall events and strong winds that create waves which will mask vessel underwater noise, hence determining the effects of engine noise on marine mammals will be a tall order.</p> <p>We appreciate that effects of anthropogenic noise on marine mammals can be significant in high traffic seaways such as the Strait of Gibraltar, the Strait of Hormuz, the Strait of Malacca, the Dover Strait, the</p>	
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		<p>Bering Strait, and the Strait of Lombok where motorised vessel activity is continuous. But the same thing cannot be said for Fiordland. In most instances vessel noise diminishes to an insignificant amount for at least 12 hours every day (overnight) where the vast majority of vessels are either moored up or at anchor.</p> <p>Also vessel engines typically cruise at an optimum revolutions per minute (REVs) and at higher or lower REVs there is usually a harmonic created where the engine and the drive train vibrates to a greater degree. That is lowering vessel speed will not automatically result in less noise effects on marine mammals. Plus operating at a slower speed will mean a vessel takes longer to pass a marine mammal and exposing, the marine mammal to noise for a longer period.</p> <p>It is really only the habitat use of Doubtful Sound/Patea by Bottlenose Dolphins that has been studied and it has been through this research that the Dolphin Protection Zones (DPZs) were established in the Doubtful Sound/Patea Marine Mammal Code of Management. However even the DPZs are not set in stone but need to be updated to reflect the changing use of the fiord by Bottlenose Dolphins. Therefore creating a policy direction which has the potential to restrict access when we do not know the other significant Fiordland habitats for marine mammals is unreasonable.</p>	
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	The specific provision our submission relates to:	Our submission is:	The decision we would like Environment Southland to make is:
23.	<p>Policy 16.2.4 - Restrictions on Commercial Day -trips in <u>Patea</u>/Doubtful Sound and Arms thereof</p> <p>Exclude commercial day-trip activities from <u>Kaikiekie</u> / Bradshaw Sound, Gaer Arm, First Arm and Crooked Arm west of Turn Point</p>	<p>We support in principle, yet this policy still needs to be amended to ensure the gazetted name of the fiord is used.</p> <p>Reason; not using the Fiord's gazetted place names creates inconsistency.</p>	<p>Policy 16.2.4 - Restrictions on Commercial Day -trips in Doubtful Sound/<u>Patea</u> and Arms thereof</p> <p>Exclude commercial day-trip activities from Kaikiekie / Bradshaw Sound, Gaer Arm, First Arm and Crooked Arm west of Turn Point</p>
24.	<p>Policy 16.2.4 — Amount of commercial surface water activity in Milford Sound</p> <p>Place no limit on the amount of commercial surface water activity in Milford Sound.</p>	<p>Support</p> <p>Reason; Real Journeys supports this 'no limit' policy being removed from the RCP as Milford Sound Tourism Limited has identified that no more vessels (over and above those currently consented) can operate safely out of Freshwater Basin.</p> <p>However the RCP requires some specific policy direction (over and above the proposed Policy 16.2.7) as to how Milford Sound/Piopiotahi is to be managed especially in the light of the proposed non-complying activity status in Rule 16.2.1. and given the different nature of the commercial surface water activity use in Piopiotahi (predominately day trip activity). That is policy direction is required to enable an applicant to address the so called gateway test under s104D of the RMA. This is relevant in the context of the level of development; and level of typical tourist vessel activity in Piopiotahi, resulting in this Fiord as being identified as having less significant wilderness and remoteness values; and the economic significance of Piopiotahi</p>	<p>Remove this policy.</p>

		as a 'visitor' destination (internationally and domestically).	
	The specific provision our submission relates to:	Our submission is:	The decision we would like Environment Southland to make is:
25.	<p>Policy 16.2.5 - Non-commercial users</p> <p>Encourage 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, and as well as areas of significant indigenous vegetation, and significant habitats of indigenous fauna and marine mammals.</p>	<p>Amend</p> <p>Reason; given this policy is the only policy related to non-commercial users then the policy should include reference to the requirement to adhere to the Fiordland Marine Regional Pathway Management Plan including obtaining and maintaining a 'clean pass'.</p> <p>Nevertheless this policy is 'toothless' due to the following factors:</p> <ol style="list-style-type: none"> 1. The Council has done nothing since the RCP became operative in 2005 to initiate the development of 'code of practice' to address the potentially effects of recreational boat use on the experience of others and the environment of the internal waters of Fiordland. 2. Through the Implementation Doubtful Sound Marine Mammal (and other wildlife) Code of Management, the Department of Conservation has found impossible to curtail some recreational boaties bad behaviour around Marine Mammals. In particular our skippers regularly observe recreational boaties driving very fast by the 	<p>At the very least include the requirement for recreational boaties to maintain a clean pass for their vessel as per Fiordland Marine Regional Pathway Management Plan</p>

		<p>most direct route from Deep Cove/ Taipaririki to the entrance of Patea. That is driving through the Dolphin Protection Zones in excess of five knots despite driving on the wrong side of the fiord and in at speeds in excess of 5 knots closer than 200 metres from the shore in contravention of the Collision Regulations and Navigation Safety Rules (Maritime New Zealand Rule Part 22 and 91).</p> <p>3. The Department of Conservation has also found the poor behaviour of some recreational boaties is not confined to the water with regular vandalism of the likes of the Gut Hut in Doubtful Sound/Patea a hut which is most readily accessed by boat.</p> <p>4. Dr Kay Booth also identifies that the code of conduct on the water may be disappearing in the context of commercial users (refer section 8.4.3 of her report Wilderness and Remoteness Values of Fiordland Waters by Lindis Consulting). However the same goes for some recreational boaties in particular, as many are new boat owners and they do not even abide by the maritime 'rules of the road' and certainly have no concept of the accepted boating etiquette.</p> <p>Yet with recreational boat use around the Southland CMA is growing irrespective of COVID-19, something needs to be done to address potential effects of recreational boat use on the experience of others and the coastal environment of Southland.</p>	
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		Noting that it is not just a Fiordland problem. However to achieve a meaningful outcome requires much wider engagement with the recreational boating community. A community that extends well beyond the bounds of Southland.	
	The specific provision our submission relates to:	Our submission is:	The decision we would like Environment Southland to make is:
26.	<p>Policy 16.2.6 - Fiord Terminology</p> <p>Advocate that the fiords in Fiordland be correctly referred to <u>including the use of dual place names.</u></p>	<p>We support in principle, yet this policy still needs to be amended to ensure the gazetted names of the fiords are used.</p> <p>Reason; not using the fiords gazetted place names creates inconsistency.</p>	<p>That is the names that require amending are:</p> <ul style="list-style-type: none"> • Milford Sound/Piopiotahi • Doubtful Sound/Patea <p>In addition the RCP Glossary also needs to be updated with dual place names.</p>
27.	<p>Policy 16.2.7 - Remote and Wilderness Values in the Fiords, Inlets and Arms</p> <p>Protect the opportunity for remoteness and wilderness experiences in all of the principle Arms, Inlets and Fiords of Fiordland apart from Milford Sound.</p> <p><u>Manage adverse effects of commercial surface water activities, including ancillary activities, in the Fiordland coastal marine area:</u></p> <ol style="list-style-type: none"> <u>1. to protect wilderness experiences of Rakituma / Preservation Inlet and Taiari / Chalky Inlet;</u> <u>2. to protect the wilderness experiences of the northern fiords, between (but not including) Piopiotahi / Milford Sound and Te Awa-o-Tū / Thompson Sound;</u> <u>3. to protect remoteness experiences of the Tamatea / Dusky Sound complex (including Tamatea / Dusky</u> 	<p>Amend</p> <p>Reason; there is a disconnect from the policy heading and 16.2.7(5). Moreover given that new or intensified commercial surface water activities will become non-complying activities, greater policy direction is required to enable an applicant to address the so called gateway test under s104D of the RMA. That is, because of the varying characteristics of the more remote fiord complexes / fiords in contrast to the more developed fiord complex of Doubtful Sound/Patea (in particular Deep Cove/ Taipaririki), and Milford Sound/ Piopiotahi policy 16.2.7 should be split into at least two policies. Specifically, remote and wilderness values are not strongly associated with Deep Cove / Taipaririki and Milford Sound / Piopiotahi.</p>	<p>Policy 16.2.7 - Remote and wilderness values in the fiords, inlets and arms</p> <p>Manage adverse effects of commercial surface water activities, including ancillary activities, in the <u>following</u> Fiordland coastal marine areas <u>to:</u></p> <ol style="list-style-type: none"> 1. protect wilderness <u>values</u>-experiences of Rakituma / Preservation Inlet and Taiari / Chalky Inlet; 2. protect the wilderness <u>values</u>-experiences of the northern fiords, between (but not including) Piopiotahi / Milford Sound and Te Awa-o-Tū / Thompson Sound; <u>and</u> 3. protect remoteness <u>values</u> experiences of the Tamatea / Dusky Sound complex (including Tamatea / Dusky Sound, Te Puitaha / Breaksea Sound, Te Rā / Dagg Sound and all associated 'arms') and wilderness <u>values</u>-experiences of the Cook and

	<p><u>Sound, Te Puaitaha / Breaksea Sound, Te Rā / Dagg Sound and all associated 'arms') and wilderness experiences of the Cook and Bowen channels within the Tamatea / Dusky Sound complex;</u></p> <p>4. <u>to maintain the predominantly remote experiences of the Patea / Doubtful Sound complex (including all 'arms', Te Awa-o-Tū / Thompson Sound and Kaikiekie / Bradshaw Sound); and</u></p> <p>5. <u>to maintain the recreational and visitor experiences of Piopiotahi / Milford Sound.</u></p>	<p>Also the policy heading references remote and wilderness 'values', yet the limbs of the policies refer to remote and wilderness 'experiences'. Given that remote and wilderness 'values' are the usual 'planning' terms we contend reference to 'experiences' should be replaced by 'values'</p>	<p>Bowen channels within the Tamatea / Dusky Sound complex;</p> <p><u>Policy 16.2.X Maintain the values associated with Doubtful Sound/Patea and Milford Sound /Piopiotahi</u></p> <p><u>Manage adverse effects of commercial surface water activities, including ancillary activities, in the following Fiordland coastal marine areas to:</u></p> <ol style="list-style-type: none"> <u>1. maintain the predominantly remote values of the Patea / Doubtful Sound complex (including Te Awa-o-Tū / Thompson Sound and Kaikiekie / Bradshaw Sound all 'arms' apart from Deep Cove); and</u> <u>2. to maintain the recreational and visitor values of Piopiotahi / Milford Sound.</u>
28.	<p><u>Policy 16.2.8 - Impacts on wilderness and remoteness values</u></p> <p><u>When considering a resource consent for a commercial surface water activity, recognise and take into account matters that can impact on the international, national, and regionally significant wilderness and remoteness values of the Fiordland coastal environment including:</u></p> <ol style="list-style-type: none"> <u>1. increasing ship size;</u> <u>2. frequency of use;</u> <u>3. vessel appearance;</u> <u>4. cumulative effects including increasing number of ships;</u> <u>5. increased ancillary activity (including helicopters, tenders and kayaks);</u> <u>6. location, landform and scale;</u> <u>7. non-natural noise; and</u> 	<p>Amend</p> <p>Reason; mainly due to the imprecise nature of the policy wording which will compromise the implementation of this policy. That is RCP chapter 16 does not exist in a vacuum but must be considered in context of the other chapters in the RCP where 'internal waters of Fiordland' is the usual descriptor and comes from the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977.</p> <p>Also if an applicant is considering a new activity how will increasing ship size and increased ancillary activities be interpreted. Would an applicant need to consider the size of their vessel relative to other</p>	<p><u>Policy 16.2.8 - Impacts on wilderness and remoteness values</u></p> <p>When considering a resource consent for a commercial surface water activity, recognise and take into account matters that can impact on the international, national, and regionally significant wilderness and remoteness values of the <u>internal waters of</u> Fiordland coastal environment including <u>the effects of:</u></p> <ol style="list-style-type: none"> <u>1. increasing ship size;</u> <u>2. frequency of ship use;</u> <u>3. the scale, bulk and form of the ship exterior;</u> <u>4. cumulative effects including increasing number of ships;</u> <u>5. increasing ancillary activities associated with commercial surface water activity proposal (including helicopters, tender crafts and kayaks);</u>

	<p>8. <u>presence and use of structures, including moorings, related to the commercial surface water activity proposal.</u></p>	<p>vessels and other vessel activity (regarding cumulative effects) which they might not have enough knowledge of.</p> <p>For maritime safety vessels need to be visually conspicuous which is usually achieved by a contrasting paint colour, to ensure the vessel does not blend into the environment, especially in conditions of restricted visibility. Therefore ‘vessel appearance’ requires further clarification or limiting to other significant vessel exterior characteristics (other than colour) that are likely to impact on landscape values; such as the vessel scale, bulk and form.</p> <p>Regarding; ‘location, landform and scale’, it is unclear this is a reference to the landscape in which a vessel is to operate.</p> <p>In this context the requirement to use structures should be confined to ‘new structures’.</p> <p>Also we contend that in the policy explanation there needs to be more clarity around the use of helicopters. In Real Journeys case helicopters are not used ‘allow visitors to get off the main vessel and become more immersed in the Fiordland coastal environment’; but to transfers passengers to and from the Southern Fiords at the end of one trip and the beginning of another. That is there is a great</p>	<p>6. location, landform and scale <u>of the landscape within which the proposed commercial surface water activities will occur;</u></p> <p>7. <u>the ability of the landscape to absorb change;</u></p> <p>8. <u>anthropogenic noise generated by the commercial surface water activity proposal;</u> and</p> <p>9. presence and use of <u>new</u> structures, including moorings, <u>required</u> for the commercial surface water activity proposal.</p>
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		difference between those 'main' vessels that have helicopter pad and those that do not.	
	The specific provision our submission relates to:	Our submission is:	The decision we would like Environment Southland to make is:
29.	<p>Policy 16.2.9 - Use of <u>Patea</u> / Doubtful Sound and <u>Te Awa-o-Tū</u> /Thompson Sound as a Thoroughfares</p> <p>Provide for commercial surface water activities to use <u>Patea</u> / Doubtful Sound and <u>Te Awa-o-Tū</u> / Thompson Sound <u>as thoroughfares</u> where it is necessary to:</p> <ol style="list-style-type: none"> pick up or off-load passengers to or from shore; access services <u>including maintenance and repairs</u>; access wharves, <u>moorings</u>, or launching areas <u>or slipway</u>; travel from one arm of <u>Patea</u> / Doubtful Sound to another in the case of commercial backcountry activities <u>and day trip activities</u>; off-load cargo and uplift stores <u>supplies</u>; and carry out activities associated with the construction and maintenance of the Manapouri Power Scheme and tailrace. 	<p>Support and amend</p> <p>Reason; we support the amendments to this policy as this will make the intent of the policy clearer, yet we contend the gazetted place name should be used for Doubtful Sound /Patea. Embark and disembark passengers is the correct terminology. Moreover, Deep Cove/ Taipaririki is one of only two places in Fiordland where wastewater (sewage) can be discharged ashore. Therefore use of the Doubtful Sound/Patea and Te Awa-o-Tū / Thompson Sound as a thoroughfares, should also provide for the discharge of sullage ashore</p>	<p>Policy 16.2.9 - Use of Doubtful Sound/<u>Patea</u> and Te Awa-o-Tū / Thompson Sound as a thoroughfares</p> <p>Provide for commercial surface water activities to use Doubtful Sound/<u>Patea</u> and Te Awa-o-Tū / Thompson Sound as thoroughfares where it is necessary to:</p> <ol style="list-style-type: none"> pick up <u>embark</u> or <u>disembark</u> off-load passengers to or from shore; access services including maintenance and repairs; access wharves, moorings, or launching areas or slipway; travel from one arm of Doubtful Sound /<u>Patea</u> to another in the case of commercial backcountry activities and day trip activities; off-load cargo; <u>waste</u> and uplift supplies; and carry out activities associated with the construction and maintenance of the Manapouri Power Scheme and tailrace.
30.	<p>Policy 16.2.10 - Monitoring of Ssurface Wwater Aactivities <u>including ancillary activities</u> and Ttheir Effects</p> <p>Monitor the <u>scale and</u> distribution of surface water activities, <u>including ancillary activities</u>, and their effects on visitor perceptions and the physical environment.</p>	<p>Support</p> <p>Reason; we support the amendments to this policy as this will ensuring 'monitoring' is comprehensive to provide a good basis for management.</p>	

	The specific provision our submission relates to:	Our submission is:	The decision we would like Environment Southland to make is:
31.	<p>Policy 16.2.11 - Fiordland National Park <u>Management Plan</u></p> <p>To use the Fiordland National Park <u>Management Plan</u> review process as a means of achieving the sustainable integrated management of the adjoining coastal marine area <u>environment and consider adverse effects on Fiordland National Park by having regard to the Fiordland National Park Management Plan through the consideration of resource consent applications.</u></p>	<p>Amend</p> <p>Reason; we contend there should be consistency across the RCP and the council should stick to the description of the CMA as the internal waters of Fiordland. That is RCP chapter 16 does not exist in a vacuum but must be considered in context of the other chapters in the RCP where ‘internal waters of Fiordland’ is the usual descriptor and comes from the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977. Also there are two policy directions in play here (refer below) and just sandwiching them both into one sentence lacks clarity.</p> <ol style="list-style-type: none"> 1. Achieving integrated management; plus 2. ensuring resource consent applications for surface water activities have regard to provisions of the Fiordland National Park Management Plan. 	<p>Policy 16.2.11 – <u>Integrated Management</u> Fiordland National Park Management Plan</p> <p>To <u>Use</u> the Fiordland National Park Management Plan review process as a means of achieving the sustainable integrated management of the adjoining coastal marine area <u>environment internal waters of Fiordland;</u> and <u>require resource consent applications to</u> consider adverse effects on Fiordland National Park by having regard to the <u>provisions of the</u> Fiordland National Park Management Plan through the consideration of resource consent applications.</p>
32.	<p>Policy 16.2.13 - Surface Water Activities that are incidental ancillary to a principal commercial surface water activity</p> <p><u>Consider the cumulative effect of commercial surface water activities by ensuring the adverse effects of activities that are “spawned” by or ancillary to the principal surface water activity are considered and if necessary restricted when assessing resource consent applications.</u></p>	<p>Amend</p> <p>Reason; imprecise wording and as written this policy may inadvertently capture voluntary activities undertaken as part of a commercial trip; such as pest control work and track or southern historic site maintenance work, mainly undertaken on public conservation land.</p>	<p>Policy 16.2.13 – <u>Commercial</u> activities that are ancillary to a principal commercial surface water activity</p> <p>Consider the cumulative effects of commercial surface water activities by ensuring the adverse effects of activities that are “spawned” by or ancillary to the principal surface water activity are considered and if necessary restricted <u>ed these commercial ancillary activities</u> when assessing resource consent applications.</p>

	The specific provision our submission relates to:	Our submission is:	The decision we would like Environment Southland to make is:
33.	<p>Policy 16.2.15 – Consent term</p> <p>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:</p> <ul style="list-style-type: none"> a. the duration sought by the applicant and reasons for the duration sought; b. 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; 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. 	<p>Oppose</p> <p>Reason; the inclusion of this policy is unwarranted given commercial water activities within the internal waters of Fiordland are either discretionary activities or non-comply activities. Where the consent authority can exercise full discretion as to whether or not to grant consent and as to what conditions to impose on the consent if granted.</p> <p>This policy creates a huge level of uncertainty for the tourism industry that can not be justified especially when the Industry is trying to recover from the fallout from the effects of COVID-19.</p> <p>The council has had since 2005 to undertake further assessments of the effects of commercial surface water activities and no such assessments have been undertaken (other than in Piopiotahi which was not repeated) resulting in ‘this’ knee jerk reaction of proposed RCP plan change 5. Consequently 16.2.15(b) limb of this policy is very concerning. That is, the ability of commercial surface activity business to operate their business with surety of tenure is likely to be compromised as uncertainty is likely to remain regarding effects / capacity.</p>	<p>Policy 16.2.15 – Consent term</p> <p>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:</p> <ul style="list-style-type: none"> a. the duration sought by the applicant and reasons for the duration sought; b. 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 the capital investment <u>the applicant has in</u> and any related infrastructure <u>related to their application</u>; 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, <u>codes</u> of practices which avoid or if avoidance is not possible adequately mitigate adverse effects.

		<p>Regarding the 'value, permanence, and economic life of any capital investment and any related infrastructure' how will this be assessed and who will make such an assessment. Day trip activity in the enclosed waters of Milford Sound/Piopiotahi and Doubtful Sound/Patea does not occur where there is a significant 'sea state' therefore these vessels operating in these fiords do not get the same pounding as vessels working on the coasts or environments like Foveaux Strait. Accordingly such vessels can have a very long life such as the "Milford Haven" built in 1970.</p> <p>We are totally opposed to a common expiry date as this makes the consenting process unworkable for organisations who hold multiple coastal permits; the Council; and Potentially Affected Parties such as Te Ao Marama Inc. Because 'a common expiry date' results in a large number of coastal permits becoming due for 'renewal' at the same time creating a huge work load. For instance six of our mainly Milford Sound/Piopiotahi coastal permits and four Southern Discovery fall due for 'renewal' in September of 2022 this has created a large increase in work load for the Council; and Potentially Affected Parties and such organisations are not necessarily resourced to deal with such peaks in demand. Specifically one Milford Sound/Piopiotahi coastal permit we applied for in July 2021 and another in October 2021 have yet to be granted because Potentially Affected Party approvals have not been forthcoming.</p>	
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	The specific provision our submission relates to:	Our submission is:	The decision we would like Environment Southland to make is:
34.	<p>Rule 16.2.1 - Commercial Surface Water Activity</p> <ol style="list-style-type: none"> 1. Except as provided for by (6) below, it is a prohibited activity to undertake commercial day trips on Crooked Arm west of Turn Point, <u>Kaikiekie</u> / Bradshaw Sound or First Arm. 2. Except as provided for by (4) or (6) below, it is a non-complying activity to undertake commercial day trips: <ol style="list-style-type: none"> a. on Hall Arm; b. on <u>Patea</u> / Doubtful Sound, <u>Te Awa-o-Tū</u> / Thompson Sound or Crooked Arm east of Turn Point. 3. Except as provided for by (5) or (6) below, it is a non-complying activity to undertake commercial backcountry activities: <ol style="list-style-type: none"> a. on Crooked Arm west of Turn Point; b. on Hall Arm; c. on First Arm; d. on <u>Kaikiekie</u> / Bradshaw Sound. 4. Except as provided for by (6) below, it is a discretionary activity to undertake commercial day trips: <ol style="list-style-type: none"> a. on Hall Arm, provided that within this area the total number of commercial day trips undertaken by all operators does not exceed five on any day; b. on <u>Patea</u> / Doubtful Sound, <u>Te Awa-o-Tū</u> / Thompson Sound or Crooked Arm east of Turn Point, provided that within this area the total 	<p>Amend</p> <p>Reason; Real Journeys provisional support the proposed change to Rule 16.2.1 in terms of the direction to dampen additional commercial surface water activities in the internal waters of Fiordland; provided the council promptly commences the full review of the RCP including relevant assessments.</p> <p>However as stated above, because all structure coastal permits include inspection conditions with respect to safeguarding these structures structural integrity (and therefore safety) and inspection of the structure for pests and unwanted organisms on a regular basis. Plus vessel coastal permits include conditions to inspect the hulls of vessels for pests and unwanted organisms six weeks after their return the Fiordland CMA. Moreover if through these inspections a problem is found then the pests need to be removed and the structure will require remediation, repairs and maintenance to make the structure safe to use. Such inspections require the engagement of outside contractors and do not fall under the remit of statutory functions. Therefore, to enable and ensure these inspections are undertaken a permitted activity status is required.</p>	<p>Rule 16.2.1 - Commercial surface water activity</p> <ol style="list-style-type: none"> 1. Except as provided for by (6) below, it is a prohibited activity to undertake commercial day trips on Crooked Arm west of Turn Point, <u>Kaikiekie</u> / Bradshaw Sound or First Arm. 2. Except as provided for by (4) or (6) below, it is a non-complying activity to undertake commercial day trips: <ol style="list-style-type: none"> a. on Hall Arm; b. on Doubtful Sound/<u>Patea</u>, <u>Te Awa-o-Tū</u> / Thompson Sound or Crooked Arm east of Turn Point. 3. Except as provided for by (5) or (6) below, it is a non-complying activity to undertake commercial backcountry activities: <ol style="list-style-type: none"> a. on Crooked Arm west of Turn Point; b. on Hall Arm; c. on First Arm; d. on <u>Kaikiekie</u> / Bradshaw Sound. 4. Except as provided for by (6) below, it is a discretionary activity to undertake commercial day trips: <ol style="list-style-type: none"> a. on Hall Arm, provided that within this area the total number of commercial day trips undertaken by all operators does not exceed five on any day; b. on Doubtful Sound/<u>Patea</u>, <u>Te Awa-o-Tū</u> / Thompson Sound or Crooked Arm east of Turn Point, provided that within this area the total

	<p>number of commercial day trips undertaken by all operators does not exceed five on any day.</p> <p>5. Except as provided for by (6) below, it is a discretionary activity to undertake commercial backcountry activities:</p> <ol style="list-style-type: none"> on Crooked Arm west of Turn Point, provided that within this area the total number of commercial backcountry trips undertaken by all operators does not exceed an average of three per day, measured over the period of each calendar month; on Hall Arm, provided that within this area the total number of commercial backcountry trips undertaken by all operators does not exceed an average of three per day, measured over the period of each calendar month; on First Arm, provided that within this area the total number of commercial backcountry trips undertaken by all operators does not exceed an average of two per day, measured over the period of each calendar month; on Kaikiekie / Bradshaw Sound, provided that within this area the total number of commercial backcountry trips undertaken by all operators does not exceed an average of four per day, measured over the period of each calendar month; <p>provided that no overnight mooring occurs in Hall Arm.</p> <p>6. It is a permitted activity to undertake any commercial surface water activities within the internal waters of Fiordland from Yates Point to Puysegur Point for the purposes of:</p>	<p>As the RMA contaminant definition does not include pest species or unwanted organisms Rule 16.2.1 6b needs to include reference to pests and unwanted organisms to enable the removal of the likes of <i>Undaria pinnatifida</i>. Also as a first step to undertake any of the activities detailed in Rule 16.2.1 6b sites need to be inspected.</p> <p>As mooring involves the installation of a structure (a mooring) and that presumably the council wishes to discourage the installation of a mooring in Hall Arm then the clarification of 'overnight' should be removed from this Rule.</p> <p>We note in this rule explanation references controlling commercial surface water activity intensification for the protection of values enjoyed by recreational boaties. But there is nothing in this Chapter about protecting commercial surface water activity operators from the intensification of recreational boatie use and their poor behaviours. Yet we do appreciate (under Additional Explanation to Rules) the removal of the statement that <u>"Commercial surface water activities are responsible for the majority of the adverse effects arising from the use of coastal waters adjoining Fiordland purely because commercial users are responsible for the majority of the activities"</u></p>	<p>number of commercial day trips undertaken by all operators does not exceed five on any day.</p> <p>5. Except as provided for by (6) below, it is a discretionary activity to undertake commercial backcountry activities:</p> <ol style="list-style-type: none"> on Crooked Arm west of Turn Point, provided that within this area the total number of commercial backcountry trips undertaken by all operators does not exceed an average of three per day, measured over the period of each calendar month; on Hall Arm, provided that within this area the total number of commercial backcountry trips undertaken by all operators does not exceed an average of three per day, measured over the period of each calendar month; on First Arm, provided that within this area the total number of commercial backcountry trips undertaken by all operators does not exceed an average of two per day, measured over the period of each calendar month; on Kaikiekie / Bradshaw Sound, provided that within this area the total number of commercial backcountry trips undertaken by all operators does not exceed an average of four per day, measured over the period of each calendar month; <p>provided that no overnight mooring occurs in Hall Arm.</p> <p>6. It is a permitted activity to undertake any commercial surface water activities within the internal waters of Fiordland from Yates Point to Puysegur Point for the purposes of:</p>
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<p>a. performing a statutory function of a central or local government agency, or statutory body. The statutory function work may occur within the internal waters of Fiordland itself or on adjacent land that is necessary to be accessed from the coastal marine area.</p> <p>Notwithstanding this provision, the commercial surface water activity shall operate in accordance with the other provisions specified in this Plan, except (1)-(5) above.</p> <p>b. undertaking the cleanup, removal and disposal of any oil/diesel spill, contaminants, rubbish and unlawful structures in or adjacent to the coastal marine area, including wrecks and sunken ships, in accordance with any statutory or regulatory obligation, contract of insurance or as part of any organised cleanup program.</p> <p>Notwithstanding this provision, the commercial surface water activity shall operate in accordance with the other provisions specified in this Plan, except (1)-(5) above.</p> <p><u>Notwithstanding 6a and 6b above, the commercial surface water activity shall operate in accordance with the other provisions specified in this Plan, except (1)-(5) above.</u></p> <p>7. Unless provided for by Rules 16.2.1(1)-(6) above or otherwise specified in this Plan, it is a discretionary activity to undertake any commercial surface water activities (including ancillary activities) in the internal waters of Fiordland from Yates Point to Puysegur Point <u>provided the following conditions can be met:</u></p>	<p>Yet in the paragraph below we do not understand why “including rubbish and sewage” has been struck out. Most operators who have done some coast line clean up activities in Fiordland will attest to rubbish still being an issue.</p> <p>We suggest the following correction to this sentence as ‘consents’ are plural.</p> <p>Surface water activities within the Fiordland coastal marine area have been increasing, therefore any further increases in commercial surface water activity including new consents <u>are</u> to be considered a non-complying activity until a sustainable carrying capacity is developed through the review of the Regional Coastal Plan.</p> <p>We do not understand why the following section has been struck out as an operator of commercial standalone sea kayaking excursions this explanation is essential to understand how this activity fits within the RCP framework.</p> <p>No threshold has been placed in any of the above rules on the number of small commercial non-motorised boats, such as kayaks, that are able to operate in the Fiordland area because, by themselves, their effects are considered to be no more than minor. As with any commercial surface</p>	<p>a. performing a statutory function of a central or local government agency, or statutory body. The statutory function work may occur within the internal waters of Fiordland itself or on adjacent land that is necessary to be accessed from the coastal marine area.</p> <p>Notwithstanding this provision, the commercial surface water activity shall operate in accordance with the other provisions specified in this Plan, except (1)-(5) above.</p> <p>b. undertaking the <u>inspection</u>, cleanup, removal and disposal of any oil/diesel spill, contaminants, rubbish, <u>pests, unwanted organisms</u>, and unlawful structures in or adjacent to the coastal marine area, including wrecks and sunken ships, in accordance with any statutory or regulatory obligation, contract of insurance or as part of any organised cleanup program.</p> <p>c. <u>as required as a condition of a resource consent, the undertaking vessel hull and structure inspections activities including, cleanup, removal of any pests, unwanted organisms, and structure repairs, and maintenance.</u></p> <p>Notwithstanding this provision, the commercial surface water activity shall operate in accordance with the other provisions specified in this Plan, except (1)-(5) above.</p> <p>Notwithstanding 6a <u>and</u> 6b <u>and</u> 6c above, the commercial surface water activity shall operate in accordance with the other provisions specified in this Plan, except (1)-(5) above.</p> <p>7. Unless provided for by Rules 16.2.1(1)-(6) above or otherwise specified in this Plan, it is a discretionary</p>
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<p>a. <u>the commercial surface water activity (including ancillary activities) lawfully existed as at 18 July 2022;</u></p> <p>b. <u>the frequency, location, scale and/or duration of the lawfully established commercial surface water activity (including ancillary activities) is not increasing.</u></p> <p>8. <u>Unless provided for by Rules 16.2.1(1)-(7) above or otherwise specified in this Plan, it is a non-complying activity to undertake any commercial surface water activity (including ancillary activities) in the internal waters of Fiordland from Yates Point to Puysegur Point.</u></p> <p>For the purpose of this rule:</p> <ul style="list-style-type: none"> • <u>Patea</u> / Doubtful Sound means all that part of the coastal marine area bounded to the west by an imaginary line drawn from Febrero Point to Regional Coastal Plan for Southland - March 2013 July 2022- Chapter 16 page 18 the western extremity of the Hares Ears thence to the western extremity of Secretary Island, and bounded to the south and east by an imaginary line from Brig Point to the southern extremity of Elizabeth Island and the extension thereto excluding Te Awa-o-Tū / Thompson Sound, <u>Kaikiekie</u> / Bradshaw Sound, First Arm and Crooked Arm. 	<p>water activity, however, resource consent is required so that cumulative effects can be managed.</p> <p>According, we suggest the following wording:</p> <p>No threshold has been placed in any of the above rules on the number of small <u>'standalone' (as distinct from ancillary activities)</u> commercial non-motorised boats, such as <u>sea</u> kayaks, that are able to operate in the Fiordland area because, by themselves, their effects are considered to be no more than minor. As with any commercial surface water activity, however, resource consent is required so that cumulative effects can be managed.</p>	<p>activity to undertake any commercial surface water activities (including ancillary activities) in the internal waters of Fiordland from Yates Point to Puysegur Point provided the following conditions can be met:</p> <p>a. the commercial surface water activity (including ancillary activities) lawfully existed as at 18 July 2022;</p> <p>b. the frequency, location, scale and/or duration of the lawfully established commercial surface water activity (including ancillary activities) is not increasing.</p> <p>8. Unless provided for by Rules 16.2.1(1)-(7) above or otherwise specified in this Plan, it is a non-complying activity to undertake any commercial surface water activity (including ancillary activities) in the internal waters of Fiordland from Yates Point to Puysegur Point.</p> <p>For the purpose of this rule:</p> <p>Doubtful Sound/<u>Patea</u> means all that part of the coastal marine area bounded to the west by an imaginary line drawn from Febrero Point to Regional Coastal Plan for Southland - March 2013 July 2022- Chapter 16 page 18 the western extremity of the Hares Ears thence to the western extremity of Secretary Island, and bounded to the south and east by an imaginary line from Brig Point to the southern extremity of Elizabeth Island and the extension thereto excluding Te Awa-o-Tū / Thompson Sound, <u>Kaikiekie</u> / Bradshaw Sound, First Arm and Crooked Arm.</p>
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	The specific provision our submission relates to:	Our submission is:	The decision we would like Environment Southland to make is:
35.	Addition to the Glossary	<p>Amend</p> <p>Reason, to ensure the proposed change to RCP is fully understood the Glossary needs to be further updated to include the definitions for the concepts introduced in the proposed plan change 5. For instance: taonga species; outstanding natural character values; outstanding landscape and natural feature values; wilderness, remoteness and tranquillity values; intensification and statutory functions.</p> <p>Also the correct dual naming convention needs to be carried across into the RCP Glossary.</p>	Ensure the RCP Glossary is comprehensive
36.	Appendix 4 – Coastal Landscape Assessment	Amend	Update the Landscape Unit 19 Fiords and Unit 20 Milford Assessments to provide more granular detail regarding these ‘landscapes’ to enable applicants to adequately address the provisions of the RCP especially in relation to proposed plan change 5.

Add further pages as required. You are not limited to the spaces provided

Regional Coastal Plan for Southland: Plan Change 5 - Section 16
Surface water activities on the internal waters of Fiordland
from Yates Point to Puysegur Point



Email your completed submission to: consultation@es.govt.nz by 29 August 2022

Alternatively, you can post your submission to:

Attention: Regional Coastal Plan Change
Environment Southland
Private Bag 90116
Invercargill 9840

You can also deliver your submission to:

Environment Southland's office on the corner of Price Street and North Road, Waikiwi, Invercargill

Submitter details

Full Name (or name of agent if applicable): Nathan Russ

Organisation Name (that submission is on behalf of): Click here to enter text.

Submitter's Service Address: 53B Montreal Streer, Christchurch

Postcode: 8023

Phone: 021 161 2213

Email: nathan@heritage-expeditions.com

Public hearing

Please choose one of the following options:

- I do not wish to be heard in support of my submission
 I do wish to be heard in support of my submission
 If others make a similar submission, I will consider presenting a joint case with them at a hearing

Trade Competition

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

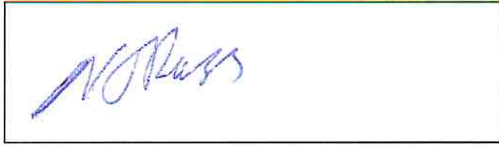
Please check the boxes that apply to you:

I could /could not gain an advantage in trade competition through this submission.

I am /am not directly affected by an effect of the subject matter of the submission that:

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

Signature of Submitter (or person authorised to sign on behalf of submitter)



Date: 29/08/2022

Please note: All information contained in a submission under the Resource Management Act 1991, including names and addresses for service, becomes public information

Scope of submission

This is a submission on the Regional Coastal Plan for Southland: Plan Change 5 - Section 16 Surface water activities on the internal waters of Fiordland from Yates Point to Puysegur Point

<p>The specific provisions my submission relates to are: <i>(Specify provision number and title, e.g. Policy 16.2.8 – Impacts on wilderness and remoteness values)</i></p>	<p>My submission is: <i>(Please include whether you support, oppose or wish to amend the provision you have listed in the first column and the reasons for your views.)</i></p>	<p>The decision I would like Environment Southland to make is: <i>(Please give precise details of the outcomes you would like to see for each provision. The more specific you can be the easier it will be for the Council to understand the outcome you seek. Suggested revised wording)</i></p>
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<p>Please see attached Supporting Letter</p>	<p>Support/Oppose/Amend Reason:</p>	
	<p>Support/Oppose/Amend Reason:</p>	
	<p>Support/Oppose/Amend Reason:</p>	
	<p>Support/Oppose/Amend Reason:</p>	

Add further pages as required. You are not limited to the spaces provided

Good Morning Lucy

I hope that this email finds you well and Invercargill has not been hit by the large amounts of rain that I see New Zealand has been getting (I am overseas at this point)!!

I have been meaning to reach out to you for a few weeks just with everything going on I am only just getting to this request now!! I have reviewed the files that you/your team have sent out with regards to the "Section 16 Surface water activities on the internal waters of Fiordland from Yates Point to Puysegur Point" and we have already put in our feedback right back at the start, but have had no reply on this, so I am personally reaching out to you as the Manager of the team.

Overall I don't support the Changes as set out in the documents for the Plan Change 5 – Section 16 Surface Water Activities

I request to understand how a report can be commissioned at the request of Environment Southland by an independent consultant – Lindis Consulting/Kay Booth and how Fiordland Marine Guardians/ Dr Rebecca McLeod can have so much influence and control over who Kay was able to interview during her research. To me the controls that were put on Lindis Consulting by Fiordland Marine Guardians mean that the reports need to be deleted from the records, everything put on hold until a new Fully Independent Report can be completed with NO interference from Fiordland Marine Guardians.

I question how Lindis Consulting's report can be used when, in Kay Booth's own words "I interviewed operators NOT visitors" a report that is about the Wilderness and Remoteness Values needs to take into account the whole picture not just the opinion of a selected few operators that Fiordland Marine Guardians has requested be interviewed, people who are visiting the region are an important part to the overall questions around Wilderness and Remote Values.

I only found out about the report being completed after talking to the Director General of Department of Conservation and I called Kay Booth to request to be part of the review but it was too late the report was already in with your team and the FMG has controlled who she interviewed.

Heritage Expeditions understands 150% what is going on in the region, we have been taking international and National Tourists to this region since 1984, with countless expeditions over the years, yet NOT one, young or old in the Russ Family was part of the commissioned report, NO one that recalls the days when the cray fishing boom was going on in the region and you had over 40/50 cray fishing vessels working up and down the coastline. To have statements like the below taken out of the report and placed into your plan is taking it a step too far.

I am calling for a fully independent and complete report to be requested and this time it needs to include people that have visited the region a number of times over a number of years, people who recall it back in the 1980/1990, it must be people that have NO commercial interest in the region, people that have NO vested interest in locking up and controlling the region even more and Fiordland Marine Guardians can't hand-pick the people they want interviewed.

You may ask why I keep referring back to Fiordland Marine Guardians having NO say in who is interviewed, the reason is that when I called Lindis Consulting to be part for the review Kay informed me that she was given a list of people from FMG of who she interview, this makes the report dead even before the report was started, Environment Southland must have a fully independent report.

“ Over time, recreational and commercial use of the internal waters of Fiordland has increased and has become more diverse. A 2021 study (Wilderness and Remoteness Values of Fiordland Waters by Lindis Consulting) found that for some people the wilderness values of the fiords have already been lost; whilst others believe they remain unaffected by changes in use. Management of increasing levels of use is required, to preserve the wilderness and remoteness values of the internal waters of Fiordland and to manage impacts on the recreational experience of Fiordland National Park.”

I also note that National Parks which is managed by DOC also have a part to play in teaching and educating people about the region, DOC have controls in place to protect the National Parks and Environment Southland part is the Water NOT the land.

I look forward to a reply on the above and I look forward to being part of the new report when it is Commissioned.

Also well I am emailing you can you please update me of the timelines of the full review that is well overdue for the region at this point, Heritage Expeditions is keen to be a part of the review from the very earlier stages as there are a number of questions and ideas which need to be explored with regards to a Expedition Vessel agreement being bought into action, not just a Cruise Ship agreement, An Expedition Vessel is a vessel under 125m LOA with less than 200 passengers onboard, we cant and should not be lumped into the same agreement as Ovations of the Seas at 348m LOA and 4180 passengers onboard.

Regards Nathan Russ

Director of Operations/Owner

021 161 2213



29 August 2022

Regional Coastal Plan, Plan Change 5
Environment Southland
Private Bay 90116
Invercargill
consultation@es.govt.nz

Tēnā Koe,

RE: Submission on Regional Coastal Plan for Southland: Plan Change 5

Please find attached a submission lodged, on behalf of Te Rūnanga o Ōraka Aparima, Te Rūnanga o Awarua, Hokonui Rūnaka and Waihopai Rūnaka in relation to the Regional Coastal Plan for Southland: Plan Change 5 – Section 16 Surface Water Activities on the internal waters of Fiordland from Yates Point to Puysegur Point (Plan Change 5)

Nāhaku noa nā,

Dean Whaanga
Te Ao Marama Inc.
Kaupapa Taiao Manager

CC

Te Rūnanga o Ōraka Aparima
Te Rūnanga o Awarua
Hokonui Rūnaka
Waihopai Rūnaka

Te Ao Marama Inc.
408 Tramway Road
PO Box 7078
South Invercargill 9812
Phone: (03) 9311242
office@tami.maori.nz

SUBMISSION ON THE REGIONAL COASTAL PLAN FOR SOUTHLAND: PLAN CHANGE 5 – SECTION 16 SURFACE WATER ACTIVITIES ON THE INTERNAL WATERS OF FIORDLAND FROM YATES POINT TO PUYSEGUR POINT (PLAN CHANGE 5).

INTRODUCTION

1. This submission has been prepared by Te Ao Marama Incorporated (TAMI) on behalf of Te Rūnanga o Ōraka Aparima, Te Rūnanga o Awarua, Hokonui Rūnaka, Waihopai Rūnaka, (from herein referred to as ngā Rūnanga).
2. This response is provided without prejudice to legal action Ngāi Tahu and its Papatipu Rūnanga are currently undertaking, or any other claims or allegations made, against the Crown. In particular, nothing in this submission overrides or limits any pleadings in the Ngāi Tahu wai māori case.^[1] or the judicial review of various decisions made by the Minister of Conservation in the administration of the Conservation Act 1987.^[2]
3. In May 2021 Te Ao Marama Incorporated and Fiordland Marine Guardians wrote to Environment Southland about their concerns regarding the high number of applications for surface water activities in the Fiordland coastal marine area.
4. Te Ao Marama have been working in partnership with Environment Southland on the development of this plan change to address the matters raised in the letter and in subsequent discussions.
5. A consultation Draft has been circulated to Te Ao Marama and Te Rūnanga o Ngāi Tahu.
6. Te Ao Marama Incorporated and Ngā Rūnanga wish to be heard in support of its submission. If others make a similar submission, will consider presenting a joint case with them at a hearing.
7. Overall, Ngā Rūnanga supports Plan Change 5 (subject to further improvements set out in Table 1)

Papatipu Rūnanga

8. Te Rūnanga o Ngāi Tahu Act, 1996 (the TRoNT Act) and the Ngāi Tahu Claims Settlement Act, 1998 (the Settlement Act) recognise the status of Papatipu Rūnanga as kaitiaki and mana whenua of the natural resources within their takiwā boundaries, in conjunction with Te Rūnanga o Ngāi Tahu as the iwi authority.

^[1] *Tau & Ors v Attorney-General*, HC Christchurch CIV 2020-409-534.
^[2] CIV 2020-409-000-521 and CIV 2021-485-342.

9. The consultation matters relates to lands and waters within the takiwā boundaries of Ngā Rūnanga.
10. Specifically, the takiwā of each Papatipu Rūnanga is described in the Te Rūnanga o Ngāi Tahu (Declaration of Membership) Order 2001 as follows:

Te Rūnanga o Awarua

The takiwā of Te Runanga o Awarua centres on Awarua and extends to the coasts and estuaries adjoining Waihopai sharing an interest in the lakes and mountains between Whakatipu-Waitai and Tawhititarere with other Murihiku Rūnanga and those located from Waihemo southwards.

Te Rūnanga o Ōraka-Aparima

The takiwā of Te Rūnanga o Ōraka Aparima centres on Ōraka and extends from Waimatuku to Tawhititarere sharing an interest in the lakes and mountains from Whakatipu-Waitai to Tawhititarere with other Murihiku Rūnanga and those located from Waihemo southwards.

Hokonui Rūnaka

The takiwa of Hokonui Rūnaka centres on the Hokonui region and includes a shared interest in the lakes and mountains between Whakatipu-Waitai and Tawhititarere with other Murihiku Runanga and those located from Waihemo southwards.

Waihopai Rūnaka

The takiwā of Waihopai Rūnaka centres on Waihopai and extends northwards to Te Matau sharing an interest in the lakes and mountains to the western coast with other Murihiku Rūnanga and those located from Waihemo southwards.

Ngāi Tahu ki Murihiku Policy

11. The Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 (*Te Tangi a Taura – the cry of the people*)¹ contains policy relevant to resource management, with reference to Statutory Acknowledgement Areas and other mechanisms included in the Settlement Act, as well as some tribal policy.

¹ Ngai Tahu ki Murihiku 2008.

REASONS FOR SUBMISSION

12. Ngā Rūnanga supports Plan Change 5 as notified for the following general reasons:

13.1 In May 2021 Te Ao Marama and Fiordland Marine Guardians wrote to Environment Southland about their concerns regarding the high number of applications for surface water activities in the Fiordland coastal marine area. TAMI have noticed an increase in the number of applications prior to a full review of the Regional Coastal Plan. Of most concern is the limited ability of the Regional Coastal Plan to deal with cumulative adverse effects of surface water activities.

13.2 Te Ao Marama have been working in partnership with Environment Southland on the development of this plan change to address the matters raised in the letter and in subsequent discussions. It is critical that this plan change is based on a genuine Tiriti partnership that recognises and provides for the rights, interests and values of mana whenua, mana moana. Ngā Rūnanga acknowledges the partnership approach Environment Southland have taken on this kaupapa.

13.3 The existing planning regime does not support a long term, ki uta ki tai approach towards resource management. While Ngā Rūnanga looks forward to a robust Regional Coastal Plan review, it acknowledges that Plan Change 5 is an interim step which will limit the expansion of activities beyond the current level. We will continue to advocate for a full review of the Coastal Plan that can take into account the integrated issues and future pressures on these valuable coastal and marine environments.

14 Table 1 includes more specific reasoning for ngā Rūnanga support on the objectives, policies and rules notified as part of Plan Change 5.

Table 1: Specific submission points

SPECIFIC PROVISION	SUBMISSION	DECISION SOUGHT
<p>Wāhi ingoa - Introduction, Objectives, Policies, Rules, particularly Policy 16.2.6 – Fiord Terminology</p>	<p>Ngā Rūnanga supports the use of Te Reo Māori place names, and seeks that Te Reo Māori is consistently used before English.</p> <p>Place names connect to whakapapa, mana, kawa, tikanga and mātauranga as well as identity, connections, practices, history, and future aspirations of mana whenua and mana moana, and are set out in the Statutory Acknowledgment descriptions.</p>	<p>Retain as notified, ensure consistency in the order of language.</p>
<p>Objectives 16.1.1 – Maintain essential characteristics and 16.1.2 – Preserve remoteness and wilderness values</p>	<p>Ngā Rūnanga supports these objectives. In particular, Ngā Rūnanga supports the amendments to refer to the Fiordland Coastal Environment as opposed to just the coastal marine area. This provides for better integrated management.</p>	<p>Retain as notified.</p>
<p>Policy 16.2.2 - Avoid adverse effects on internationally, nationally, and regionally significant values.</p> <p>Rule 16.2.1 – Commercial Surface Water Activity</p>	<p>Ngā Rūnanga supports Policy 16.2.2, which provides clear direction for new or intensifying commercial surface water activities (including ancillary activities) to not be granted where adverse effects on a range of listed values will increase. This policy and corresponding Rule 16.2.1 will limit activities to consented levels as at notification until a comprehensive assessment can be done through the Regional Coastal Plan review to put in place a long-term</p>	<p>Retain as notified.</p>

	sustainable management approach. Ngā Rūnanga supports the non-complying activity status.	
Policy 16.2.3 Avoid or mitigate adverse effects on marine mammals	Ngā Rūnanga support the avoidance of adverse effects on marine mammals, including, but not limited to those Taonga species identified in the Ngāi Tahu Claims Settlement Act 1998. While not all species that are considered taonga were listed in the NTCSA, all indigenous species are taonga to Ngāi Tahu because of their contribution to ecosystem health.	Retain as notified.
Policies 16.2.7 and 16.2.8 – Wilderness and remoteness		Retain as notified.
Policy 16.2.11 Fiordland National Park Management Plan		Retain as notified.
Policy 16.2.13 - ancillary activities	Ngā Rūnanga supports this policy, particularly the need to consider cumulative effects.	Retain as notified.
Policy 16.2.14 - Statutory function and environmental clean-up activities and Rule 16.2.1	Ngā Rūnanga supports a policy enabling environmental clean-up as part of a statutory function. In particular, Ngā Rūnanga supports this policy being limited to a statutory function or regulatory/contractual obligation and would not support the inclusion of companies into this policy. While it would not be impossible for private companies to undertake this important work, a consent would (and should) be required to ensure there is oversight of the scope and nature of the commercial surface water use, work and ancillary	Retain as notified. Do not expand this policy to include commercial companies.

	<p>activities that go along with these activities. It is hoped that this will avoid incremental creep occurring (which has been known to occur in the past with pest trapping/maintenance work being undertaken as permitted activity and then the scope being inappropriately broadened).</p>	
<p>Policy 16.2.15 - Consent Term</p>	<p>Ngā Rūnanga supports the consent term being determined on the specific nature of the proposed commercial surface water activity, an understanding of the activity’s adverse effects, the relevant Ngāi Tahu values, and the national and regional significance of the Fiordland coastal marine area.</p> <p>Ngā Rūnanga supports the reference to the Iwi Management Plan (IMP) (Te Tangi a Tauria or its successor) in the explanation. The IMP must be given effect to, however it is for mana whenua to determine their values and this is dependent on the place and time. In practice, this means applicants need to engage with papatipu rūnanga to understand mana whenua mana moana values.</p> <p>Ngā rūnanga seek slight wording to take account for successor of Te Tangi a Tauria, and have outlined this below;</p> <p><i>With respect to Ngāi Tahu, mana whenua and mana moana values it is recommended resource consent applicants engage with Te Ao Marama Incorporated to understand values within the Fiordland coastal marine area environment. Iwi management plans such as Te Tangi a Tauria – the Cry of the People (Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008), or its successor, also provides direction on resource management issues for Ngāi Tahu, mana whenua and mana moana.</i></p>	<p>Retain generally as notified, amending wording as suggested.</p>

Glossary: Ancillary activities (to a commercial surface water activity)	Ngā Rūnanga support the new definition of ancillary activities as it captures the common ancillary activities and will ensure the appropriate and intended application of the policies and rules of Plan Change 5.	Retain as notified.

SUMMARY

- 15 Ngā Rūnanga support Plan Change 5 as notified for the reasons.
- 16 Whilst supportive of this plan change, Ngā Rūnanga continue to advocate for the Regional Coastal Plan Review to address an array of issues in the Coastal Marine Environment. Ngā Rūnanga are seeking a long term, ki uta ki tai, approach to resource management in Murihiku that is based on a genuine te Tiriti partnership, recognising and providing for the rights, interests and values of Mana Whenua and Mana Moana.

Nāhaku noa nā



Dean Whaanga
Te Ao Marama Inc.
Kaupapa Taiao Manager



Te Rūnanga o NGĀI TAHU

Submission on Regional Coastal Plan for Southland: Plan Change 5

To: Environment Southland
Private Bay 90116
Invercargill
consultation@es.govt.nz

Name of submitter: Te Rūnanga o Ngāi Tahu (**Te Rūnanga**).

- 1 This is a submission on the Regional Coastal Plan for Southland: Plan Change 5 – Section 16 Surface Water Activities on the internal waters of Fiordland from Yates Point to Puysegur Point (**Plan Change 5**).
- 2 This submission by Te Rūnanga relates to the whole of Plan Change 5 as outlined in **Attachment A**.
- 3 Te Rūnanga wishes to be heard in support of its submission. If others make a similar submission, we will consider presenting a joint case with them at a hearing.
- 4 Overall, Te Rūnanga **supports** Plan Change 5 (subject to the more detailed comments set out in **Attachment A**).
- 5 Te Rūnanga is not a trade competitor for the purposes of clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

Signed for and on behalf of Te Rūnanga o Ngāi Tahu:



Trudy Heath
General Manager, Te Ao Tūroa
Te Rūnanga o Ngāi Tahu

Date: 29 August 2022

Address for service:

Jessica Riddell
Te Rūnanga o Ngāi Tahu
PO Box 13 046
Ōtautahi/Christchurch 8021
Phone: 021 226 9328

Email: Jessica.riddell@ngaitahu.iwi.nz

1 Introduction

- 1.1 This is a submission on behalf of Te Rūnanga o Ngāi Tahu (**Te Rūnanga**) on the Regional Coastal Plan for Southland: Plan Change 5 – Section 16 Surface Water Activities on the internal waters of Fiordland from Yates Point to Puysegur Point (**Plan Change 5**).

2 Background

- 2.1 Te Rūnanga is the statutorily recognised representative tribal body of Ngāi Tahu whānui (as provided by section 15 of the Te Rūnanga o Ngāi Tahu Act 1996 (**TRONT Act**)) and was established as a body corporate on 24 April 1996 under section 6 of the TRONT Act.
- 2.2 Te Rūnanga encompasses five hapū, Kati Kurī, Ngāti Irakehu, Kati Huirapa, Ngāi Te Ruahikihiki, Ngāi Tūāhuriri and 18 Papatipu Rūnanga, who uphold the mana whenua and mana moana of their rohe. Te Rūnanga is responsible for managing, advocating and protecting, the rights and interests inherent to Ngāi Tahu as mana whenua.
- 2.3 Te Rūnanga respectfully requests that Southland Regional Council accord this submission with the status and weight of the tribal collective of Ngāi Tahu whānui comprising over 70,000 registered iwi members, in a takiwā comprising the majority of Te Waipounamu. A map of the takiwā of Te Rūnanga is included at **Appendix One**.
- 2.4 Notwithstanding its statutory status as the representative voice of Ngāi Tahu Whānui “for all purposes”, Te Rūnanga accepts and respects the right of individuals and Papatipu Rūnanga to make their own responses in relation to this matter.
- 2.5 Papatipu Rūnanga who have shared interests in Plan Change 5 are: Waihōpai Rūnaka, Te Rūnanga Ōraka Aparima, Te Rūnanga o Awarua, Hokonui Rūnanga and Te Rūnanga o Makaawhio.
- 2.6 Te Ao Marama Incorporated has prepared a submission on behalf of Te Rūnanga o Ōraka Aparima, Te Rūnanga o Awarua, Hokonui Rūnaka, and Waihōpai Rūnaka. Te Rūnanga supports that submission.

Te Tiriti o Waitangi

- 2.7 The contemporary relationship between the Crown and Ngāi Tahu is defined by three core documents: Te Tiriti o Waitangi (**the Treaty**), the Ngāi Tahu Deed of Settlement 1997 (**Deed of Settlement**) and the Ngāi Tahu Claims Settlement Act 1998 (**NTCSA**). These documents form an important legal relationship between Ngāi Tahu and the Crown.
- 2.8 Of significance, the Deed of Settlement and NTCSA confirmed the rangatiratanga of Ngāi Tahu and its relationship with the natural environment and whenua within the takiwā.
- 2.9 As recorded in the Crown Apology to Ngāi Tahu (see **Appendix Two**), the Ngāi Tahu Settlement marked a turning point, and the beginning for a “new age of co-operation”. In doing so, the Crown acknowledged the ongoing partnership between the Crown and Ngāi Tahu and the expectation that any policy or management regime would be developed and implemented in partnership with Ngāi Tahu.

3 Ngāi Tahu Interests in Relation to Plan Change 5

3.1 Te Rūnanga note the following particular interests in relation to Plan Change 5:

Treaty Relationship

- Ngāi Tahu have an expectation that the Crown (and their delegated authorities) will honour Te Tiriti o Waitangi and the principles upon which it was founded. All persons undertaking duties and responsibilities in accordance with the purpose this document shall recognise and respect the Crown's responsibility to give the principles of the Treaty.

Kaitiakitanga

- In keeping with the kaitiaki responsibilities of Ngāi Tahu whānui, Ngāi Tahu has an interest in ensuring sustainable management of natural resources, including protection of taonga and mahinga kai for future generations.
- Ngāi Tahu whānui are both users of natural resources, and stewards of those resources. At all times, Ngāi Tahu whānui are guided by the tribal whakataukī: “mō tātou, ā, mō kā uri ā muri ake nei” (*for us and our descendants after us*).

Whanaungatanga

- Te Rūnanga has a responsibility to promote the wellbeing of Ngāi Tahu whānui and ensure that the management of Ngāi Tahu assets and the wider management of natural resources supports the development of iwi members.

3.2 Statutory Acknowledgements are an instrument included in the NTCSA. Statutory Acknowledgements are areas acknowledged by the Crown of particular significance to Ngāi Tahu that recognise the mana of tangata whenua in relation to specific areas. The acknowledgements relate to ‘statutory areas’, which include geographic features, lakes, wetlands, rivers, areas of land and coastal marine areas. Statutory Acknowledgments particularly relate to the cultural, spiritual, historical and traditional associations with the area.

3.3 The relevant Statutory Acknowledgements in respect of Plan Change 5 is Te Mimi o Tū Te Rakiwhānoa (Fiordland Coastal Marine Area).

3.4 Tribal history is embedded in Te Mimi o Tū Te Rakiwhānoa. The NTCSA describes the Ngāi Tahu associations with Te Mimi o Tū Te Rakiwhānoa (refer to **Appendix Three** for a full description). These associations are material to decision making under the Resource Management Act 1991 (**RMA**) and to this plan change. These association are expressed through the metaphorical understanding of land and waters and Ngāi Tahu whakapapa which connects us to this place. These associations include the formation of landscape, historical narrative, wāhi ingoa (place names), mahinga kai, wāhi tapū and archaeological sites.

3.5 In addition, the NTCSA includes recognition of taonga species as part of the cultural redress for mahinga kai, to give practical effect for Ngāi Tahu to undertake kaitiaki obligations. Through the settlement, the Crown acknowledged the relationship Ngāi

Tahu has with these species. While not all species that are considered taonga were listed in the NTCSA (for various reasons), all indigenous species are taonga to Ngāi Tahu because of their contribution to ecosystem health.

4 General Position and Reasons for the Submission

4.1 Te Rūnanga supports Plan Change 5 as notified for the following general reasons:

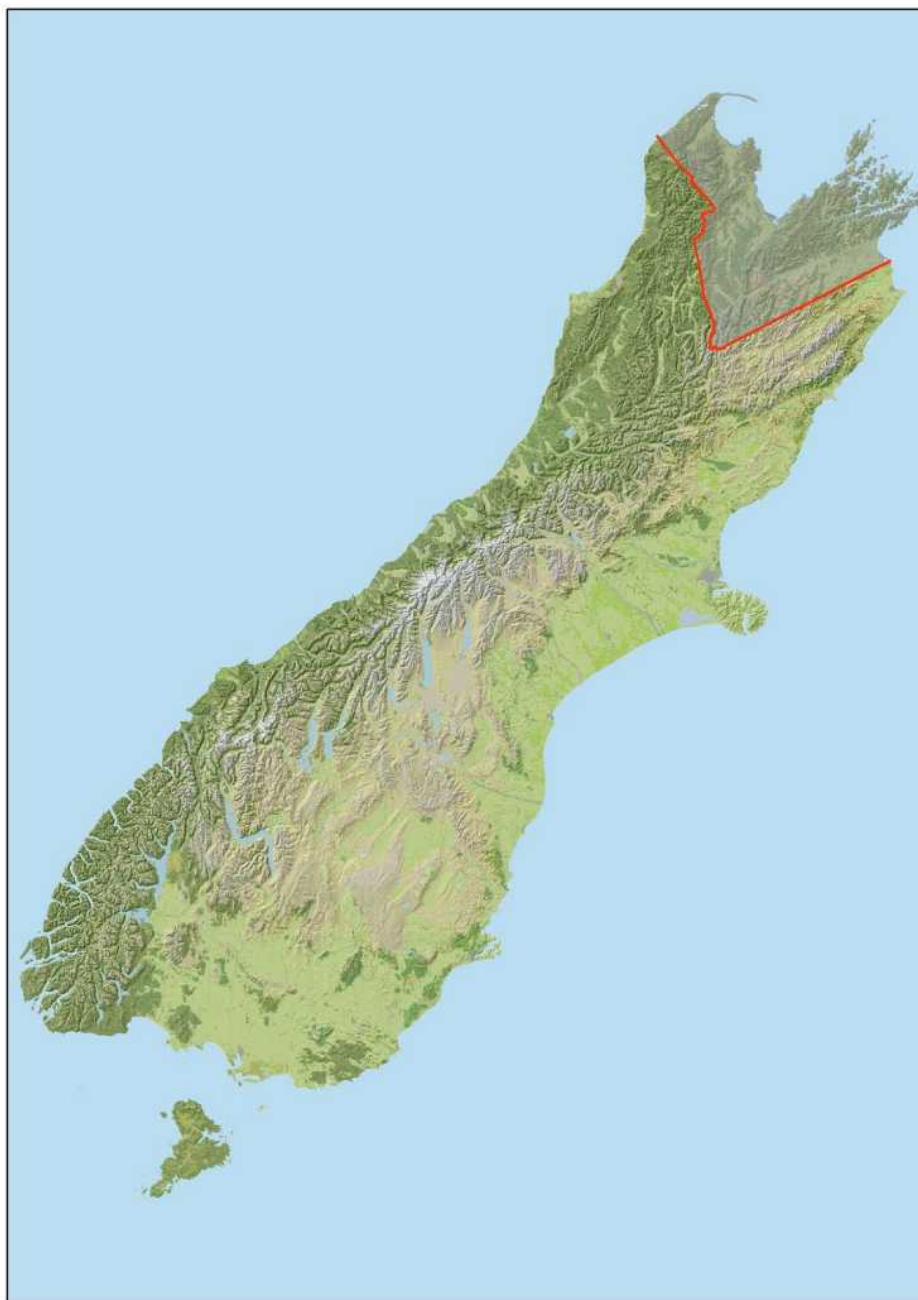
- In May 2021 Te Ao Marama and Fiordland Marine Guardians wrote to Environment Southland about their concerns regarding the high number of applications for surface water activities in the Fiordland coastal marine area. Te Rūnanga shares those concerns and has noticed an increase in the number of applications prior to a full review of the Regional Coastal Plan. Of most concern is the limited ability of the Regional Coastal Plan to deal with cumulative adverse effects of surface water activities.
- Te Ao Marama and local rūnanga have been working in partnership with Environment Southland on the development of this plan change to address the matters raised in the letter and in subsequent discussions. It is critical that this plan change is based on a genuine Tiriti partnership that recognises and provides for the rights, interests and values of mana whenua, mana moana. Te Rūnanga acknowledges the partnership approach Environment Southland have taken on this kaupapa.
- The existing planning regime does not support a long term, ki uta ki tai approach towards resource management. While Te Rūnanga looks forward to a robust Regional Coastal Plan review, it acknowledges that Plan Change 5 is an interim step which will limit the expansion of activities beyond the current level. We will continue to advocate for a full review of the Coastal Plan that can take into account the integrated issues and future pressures on this valuable coastal and marine environment.

4.2 **Appendix Four** includes more specific reasoning for Te Rūnanga support on the objectives, policies and rules notified as part of Plan Change 5.

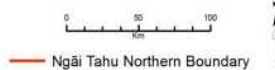
5 Decision Sought

5.1 Te Rūnanga supports Plan Change 5 in its current form and seeks that it be adopted.

APPENDIX ONE: NGĀI TAHU TAKIWĀ



Ngāi Tahu Takiwā



— Ngāi Tahu Northern Boundary

APPENDIX TWO: TEXT OF CROWN APOLOGY

The following is text of the Crown apology contained in the Ngāi Tahu Claims Settlement Act 1998.

Part One – Apology by the Crown to Ngāi Tahu

Section 6 Text in English

The text of the apology in English is as follows:

1. The Crown recognises the protracted labours of the Ngāi Tahu ancestors in pursuit of their claims for redress and compensation against the Crown for nearly 150 years, as alluded to in the Ngāi Tahu proverb “He mahi kai takata, he mahi kai hoaka” (“It is work that consumes people, as greenstone consumes sandstone”). The Ngāi Tahu understanding of the Crown's responsibilities conveyed to Queen Victoria by Matiaha Tiramorehu in a petition in 1857, guided the Ngāi Tahu ancestors. Tiramorehu wrote:

This was the command thy love laid upon these Governors ... that the law be made one, that the commandments be made one, that the nation be made one, that the white skin be made just equal with the dark skin, and to lay down the love of thy graciousness to the Māori that they dwell happily ... and remember the power of thy name.

2. The Crown hereby acknowledges the work of the Ngāi Tahu ancestors and makes this apology to them and to their descendants.
3. The Crown acknowledges that it acted unconscionably and in repeated breach of the principles of the Treaty of Waitangi in its dealings with Ngāi Tahu in the purchases of Ngāi Tahu land. The Crown further acknowledges that in relation to the deeds of purchase it has failed in most material respects to honour its obligations to Ngāi Tahu as its Treaty partner, while it also failed to set aside adequate lands for Ngāi Tahu's use, and to provide adequate economic and social resources for Ngāi Tahu.
4. The Crown acknowledges that, in breach of Article Two of the Treaty, it failed to preserve and protect Ngāi Tahu's use and ownership of such of their land and valued possessions as they wished to retain.
5. The Crown recognises that it has failed to act towards Ngāi Tahu reasonably and with the utmost good faith in a manner consistent with the honour of the Crown. That failure is referred to in the Ngāi Tahu saying “Te Hapa o Niu Tireni!” (“The unfulfilled promise of New Zealand”). The Crown further recognises that its failure always to act in good faith deprived Ngāi Tahu of the opportunity to develop and kept the tribe for several generations in a state of poverty, a state referred to in the proverb “Te mate o te iwi” (“The malaise of the tribe”).
6. The Crown recognises that Ngāi Tahu has been consistently loyal to the Crown, and that the tribe has honoured its obligations and responsibilities under the Treaty of Waitangi and duties as citizens of the nation, especially, but not exclusively, in their active service in all of the major conflicts up to the present time to which New Zealand has sent troops. The Crown pays tribute to Ngāi Tahu's loyalty and to the contribution made by the tribe to the nation.

7. The Crown expresses its profound regret and apologises unreservedly to all members of Ngāi Tahu Whānui for the suffering and hardship caused to Ngāi Tahu, and for the harmful effects which resulted to the welfare, economy and development of Ngāi Tahu as a tribe. The Crown acknowledges that such suffering, hardship and harmful effects resulted from its failures to honour its obligations to Ngāi Tahu under the deeds of purchase whereby it acquired Ngāi Tahu lands, to set aside adequate lands for the tribe's use, to allow reasonable access to traditional sources of food, to protect Ngāi Tahu's rights to pounamu and such other valued possessions as the tribe wished to retain, or to remedy effectually Ngāi Tahu's grievances.
8. The Crown apologises to Ngāi Tahu for its past failures to acknowledge Ngāi Tahu rangatiratanga and mana over the South Island lands within its boundaries, and, in fulfillment of its Treaty obligations, the Crown recognises Ngāi Tahu as the tangata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui.
9. Accordingly, the Crown seeks on behalf of all New Zealanders to atone for these acknowledged injustices, so far as that is now possible, and, with the historical grievances finally settled as to matters set out in the Deed of Settlement signed on 21 November 1997, to begin the process of healing and to enter a new age of co-operation with Ngāi Tahu.”

Appendix Three: Text of Relevant Statutory Acknowledgement Area from the Ngāi Tahu Claims Settlement Act 1998

Te Mimi o Tū Te Rakiwhānoa (Fiordland Coastal Marine Area)

Statutory area: The statutory area to which this statutory acknowledgement applies is Te Mimi o Tū Te Rakiwhānoa (Fiordland Coastal Marine Area), the Coastal Marine Area of the Te Anau constituency of the Southland region, as shown on SO Plan 11503, Southland Land District, as shown on Allocation Plan NT 505 (SO 19901).

Preamble: Under [section 313](#), the Crown acknowledges Te Rūnanga o Ngāi Tahu's statement of Ngāi Tahu's cultural, spiritual, historic, and traditional association to Te Mimi o Tū Te Rakiwhānoa as set out below.

Ngāi Tahu association with Te Mimi o Tū Te Rakiwhānoa:

The fiords of this region represent, in tradition, the raised up sides of Te Waka o Aoraki. The waka (canoe) foundered on a submerged reef and its occupants, Aoraki and his brothers, Rāraki, Rakiroa and others, were turned to stone. They stand now as the highest peaks of Kā Tiritiri o te Moana (the Southern Alps). The fiords at the southern end of the Alps were hacked out of the raised side of the wrecked waka by Tū Te Rakiwhānoa, in an effort to make it habitable by humans. The deep gouges and long waterways that make up the fiords were intended to provide safe havens on the rugged coastline, and stocked with fish, forest and birds to sustain travellers.

For Ngāi Tahu, traditions such as these represent the links between the cosmological world of the gods and present generations, these histories reinforce tribal identity and solidarity, and continuity between generations, and document the events which shaped the environment of Te Wai Pounamu and Ngāi Tahu as an iwi.

Particular stretches of the coastline also have their own traditions. The visit of Tamaahua to Piopiotahi (Milford Sound) in search of Poutini, who had absconded with his wife Waitaiki, is linked to the creation of Pounamu further north on Te Tai Poutini (the West Coast). The koko-takiwai which is found in Piopiotahi has its basis in a visit to Piopiotahi by the waka Tairea. A woman, Koko-takiwai, and her children, known as Matakirikiri, were left behind by the Tairea and were turned into varieties of pounamu.

Place names along the coast record Ngāi Tahu history and point to the landscape features which were significant to people for a range of reasons. For example, in his voyage around the Sounds in the waka Takitimu, Tamatea gave the chiselled terrain the name "Te Rua-o-te-moko", likening the deep gouges adorning the impressive cliff faces of the fiords to the tattoos on a chief's face. Martins Bay (Whakatipu-waitai or Kōtuku) to the north of the fiords was the site of an old settlement, located to control the pounamu resources to be found here. An area of Doubtful Sound is known as Kahui-te-kākāpō, while Dagg Sound had a canoe harbour known as Te Rā. Breaksea Island (within Breaksea Sound—Te Puaitaha) is known as Te Au Moana, referring to the ocean current that sweeps around the inlet. Cape Providence is known as Ōrariki, a cliff near here is called Taka-o-te-karehu-Tamatea, referring to an episode when some tattooing ink belonging to Tamatea washed over board. Chalky Sound is known as Taiari and a rock in the Sound is known as Te Kakahu-o-Tamatea, a place where Tamatea had his clothes spread out to dry after being drenched by the salt spray. Preservation Inlet has the name Rakituma.

The area was visited mainly by Ngāti Mamoe and Ngāi Tahu, who had various routes and nohoanga for the purpose of gathering koko-takiwai and manu (birds), particularly the kākāpō. The area played a significant role in the history of conflict between Ngāi Tahu and Ngāti Mamoe, with a number of Ngāti Mamoe taking refuge in the isolation of the fiords in order to escape the unforgiving attitudes of some sections of Ngāi Tahu. The noted rangatira Tarewai from Otago Heads met his end here at the hands of Ngāti Mamoe, having pursued them from the Otago Peninsula to Rakituma. Tarewai and his warriors were successfully ambushed by those they were pursuing, with the result that no one ever returned to Otago from this battle. Te Whare Pā in Rakitimu was the scene of one of the last major battles between Ngāti Mamoe and Ngāi Tahu.

Another dark piece of history occurred at Te Tauraka o te Hupokeka (Anita Bay). Hupokeka and his whānau (family) regularly visited Piopiotahi, travelling from Murihiku to gather koko-takiwai, and staying at a nohoanga in Anita Bay. It was here, in the 1820s, that he and his whānau were slaughtered by sealers in retribution for an incident of which they were quite innocent.

Because of its attractiveness as a place to establish permanent settlements, including pā (fortified settlements), the coastal area was visited and occupied first by Ngāti Mamoe and later by Ngāi Tahu. Through conflict and alliance these two iwi have merged in the whakapapa (genealogy) of Ngāi Tahu. Battles sites, urupā and landscape features bearing the names of tūpuna (ancestors) record this history. Prominent headlands, in particular, were favoured for their defensive qualities and became the headquarters for a succession of rangatira and their followers. Notable pā and nohoanga occurred in many areas on the Fiordland coast including: Milford (Lake Marchant) and Caswell Sounds; Kahui-te-kākāpō (Doubtful Sound), known as the gathering place of the kākāpō, in reference to the gathering of kākāpō meat and feathers which was one of the key reasons that Ngāi Tahu Whānui regularly travelled to the fiords; Dagg Sound gets the sun all day, and consequently is well known as a nohoanga site, it also has a good canoe harbour known as Te Rā; Rakituma is the site of several pā or nohoanga, including one at Mataura and another at Te Whare Pā.

It was the koko-takiwai and kākāpō which primarily attracted Ngāi Tahu to Fiordland. The koko-takiwai is favoured as a softer type of pounamu, more easily shaped into a finer quality of end product. It was therefore particularly sought-after for the making of ornaments, such as hei-tiki. The area also offered many other mahinga kai to sustain parties on their arduous expeditions, including a range of manu (birds), fish and kaimoana resources.

The tūpuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of the area, the relationship of people with the coastline and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Ngāi Tahu today.

There are two principal trails linking the Fiordland coast with the rest of Te Wai Pounamu (the South Island). A sea route around the fiords links Piopiotahi to Murihiku, and was the main route by which the koko-takiwai gathered from that end of the fiords was transported. The inland route for transporting koko-takiwai by backpack lay over what is now known as the Milford track, over Ōmanui (McKinnon Pass), down the Waitawai (Clinton River) to the head of Te Ana-au (Lake Te Anau). From there, the pounamu would be transported by mokihi to the head of the Waiau River, and from there down the Waiau to Te Ara a Kiwa (Foveaux Strait). In addition, a trail from Martins Bay, up the Hollyford Valley and over into the Routeburn Valley to the pounamu source at the head of Lake Whakatipu-wai-māori, was

commonly used by Tai Poutini iwi, who regularly travelled south via this route to obtain koko-takiwai.

Hence tauranga waka (landing places) occur up and down the coast and wherever a tauranga waka is located there is also likely to have been a nohoanga, fishing ground, kaimoana resource, with the sea trail linked to a land trail or mahinga kai resource. The tūpuna had a huge knowledge of the coastal environment and weather patterns, passed from generation to generation. This knowledge continues to be held by whānau and hapū and is regarded as a taonga. The traditional mobile lifestyle of the people led to their dependence on the resources of the coast.

The fiords are the repository of many kōiwi tāngata, secreted away in keeping places throughout the region. There are also many other wāhi tapu in the area, including examples of rock art in Chalky Sound. Urupā are the resting places of Ngāi Tahu tūpuna and, as such, are the focus for whānau traditions. Urupā and wāhi tapu are places holding the memories, traditions, victories and defeats of Ngāi Tahu tūpuna, and are frequently protected in secret locations.

The mauri of Te Mimi o Tū Te Rakiwhānoa represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāi Tahu Whānui with the area.

Appendix Four: Specific submission points

Specific provision	Submission	Decision sought
Wāhi ingoa - Introduction, Objectives, Policies, Rules, particularly Policy 16.2.6 – Fiord Terminology	Te Rūnanga supports the use of Te Reo Māori place names, and seeks that Te Reo Māori is consistently used before English. As set out in the Statutory Acknowledgment description, place names along the coast record Ngāi Tahu history and point to the landscape features which were significant to people for a range of reasons.	Retain as notified, ensure consistency in the order of language.
Objectives 16.1.1 – Maintain essential characteristics and 16.1.2 – Preserve remoteness and wilderness values	Te Rūnanga supports these objectives. In particular, Te Rūnanga supports the amendments to refer to the Fiordland Coastal Environment as opposed to just the coastal marine area. This provides for better integrated management.	Retain as notified.
Policy 16.2.2 - Avoid adverse effects on internationally, nationally, and regionally significant values. Rule 16.2.1 – Commercial Surface Water Activity	Te Runanga supports Policy 16.2.2, which provides clear direction for new or intensifying commercial surface water activities (including ancillary activities) to not be granted where adverse effects on a range of listed values will increase. This policy and corresponding Rule 16.2.1 will limit activities to consented levels as at notification until a comprehensive assessment can be done through the Regional Coastal Plan review to put in place a long-term sustainable management approach. Te Rūnanga supports the non-complying activity status.	Retain as notified.
Policy 16.2.3 Avoid or mitigate adverse effects on marine mammals	Te Rūnanga supports the avoidance of adverse effects on marine mammals, including, but not limited to those Taonga species identified in the Ngāi Tahu Claims Settlement Act 1998. While not all species that are considered taonga were listed in the NTCSA, all indigenous species are taonga to Ngāi Tahu because of their contribution to ecosystem health.	Retain as notified.

Attachment A

<p>Policy 16.2.13 - Ancillary activities</p>	<p>Te Rūnanga supports this policy, particularly the need to consider cumulative effects.</p>	<p>Retain as notified.</p>
<p>Policy 16.2.14 - Statutory function and environmental clean-up activities and Rule 16.2.1</p>	<p>Te Rūnanga supports a policy enabling environmental clean-up as part of a statutory function. In particular, Te Rūnanga supports this policy being limited to a statutory function or regulatory/contractual obligation and would not support the inclusion of companies into this policy. While it would not be impossible for private companies to undertake this important work, a consent would (and should) be required to ensure there is oversight of the scope and nature of the commercial surface water use, work and ancillary activities that go along with these activities. It is hoped that this will avoid incremental creep occurring (which has been known to occur in the past with pest trapping/maintenance work being undertaken as permitted activity and then the scope being inappropriately broadened).</p>	<p>Retain as notified. Do not expand this policy to include commercial companies.</p>
<p>Policy 16.2.15 - Consent Term</p>	<p>Te Rūnanga supports the consent term being determined on the specific nature of the proposed commercial surface water activity, an understanding of the activity’s adverse effects, the relevant Ngāi Tahu values, and the national and regional significance of the Fiordland coastal marine area.</p> <p>Te Rūnanga supports the reference to the Iwi Management Plan (IMP) (Te Tangi a Tauria) in the explanation. However, the wording should be amended slightly to provide for any additional or replacement IMPs (for example, Te Rūnanga o Makaawhio also have an interest in the Fiordland area and may develop an IMP in the future). While IMPs must be given effect to, it is for mana whenua to determine their values and this is dependent on the place and time. In practice, this means applicants need to engage with papatipu rūnanga to understand mana whenua mana moana values.</p>	<p>Retain Policy 16.2.15 as notified, with a minor amendment as follows:</p> <p>With respect to Ngāi Tahu, mana whenua and mana moana values it is recommended resource consent applicants engage with Te Ao Marama Incorporated <u>and/or papatipu rūnanga</u> to understand values within the Fiordland coastal environment<u>marine area</u>. Te Tangi a Tauria – the Cry of the People (Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008) <u>and other future Iwi Management Plans</u> also provides direction on resource management issues for Ngāi Tahu, mana whenua and mana moana.</p>

Attachment A

Glossary: Ancillary activities (to a commercial surface water activity)	Te Rūnanga supports the new definition of ancillary activities as it captures the common ancillary activities and will ensure the appropriate and intended application of the policies and rules of Plan Change 5.	Retain as notified.
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22 August 2022

Submission on Regional Coastal Plan for Southland: Plan Change 5 – Section 16 Surface water activities on the internal waters of Fiordland from Yates Point to Puysegur Point

To: Regional Coastal Plan Change

Environment Southland

Private Bag 90116

Invercargill 9840

Name of submitter: The Royal Forest and Bird Society of New Zealand

PO Box 6230, Dunedin North

Dunedin

Name of Plan Change: Regional Coastal Plan for Southland: Plan Change 5 – Section 16 Surface water activities on the internal waters of Fiordland from Yates Point to Puysegur Point.

Purpose:

- Introduce a new policy which requires the avoidance of adverse effects on the Fiordland coastal environment including by not granting resource consent for new or intensifying commercial surface water activities (above that which currently exist).
- Introduce a new policy which requires the avoidance or mitigation of effects from commercial surface water activities on marine mammals.
- Delete an existing policy which places no limit on the amount of commercial surface water activity occurring within Piopiotahi/Milford Sound.
- Provide recognition of the cultural significance to mana whenua of the Fiordland coastal environment by including the use of dual place names.
- Introduce a new policy to manage adverse effects of commercial surface water activities on wilderness, remoteness, and other recreational and visitor values.
- Introduce a new policy to identify the matters which can impact on wilderness and remoteness values.



- Enable private companies to undertake pest management work, where it is being undertaken in conjunction with statutory bodies.
- Enable private companies to undertake maintenance of lawfully established structures within the coastal marine area, where this is required because of statutory or resource consent requirements.
- Introduce a new policy regarding matters to be considered when determining a resource consent term of consent.
- Amend a rule to change the activity status from discretionary to non-complying, for new or increasing commercial surface water activities within the internal waters of Fiordland.

Forest and Birds position on the proposed plan change:

I, Chelsea McGaw of the Royal Forest and Bird Protection Society **support** the proposed plan change.

I, do wish to be involved in any pre-hearing meeting that may be held for this application.

I, do wish to be heard in support of my submission.

If others make a similar submission, I will consider presenting a joint submission with them at a hearing.

Forest and Bird Reasons for support:

Forest and Bird are concerned that unlimited numbers of surface water activities could have adverse effects on landscape, wildlife and biodiversity in Milford Sound/Piopiotahi. Wilderness and remoteness are becoming increasingly rare values, and those which do remain must be preserved, with the strictest regulation.

Milford Sound/Piopiotahi is a renowned landscape and environment throughout the world, and is often depicted in photographs and images of Aotearoa to both attract visitors and portray Aotearoa's '100% pure' image. The north-eastern sector, from Manapouri to Milford Sound/Piopiotahi, is the most intensely used portion of Fiordland National Park, largely due to its accessibility and the level of promotion it receives. The establishment of Fiordland National Park in the early 1950s coincided with the opening of the Homer Tunnel for public use, which provided road access directly to Milford Sound/Piopiotahi. Milford Sound/Piopiotahi is perhaps the grandest of all the fiords, it is certainly the best known and most popular attraction for visitors to Fiordland National Park. Some of the reasons why Milford Sound/Piopiotahi is so revered, is its natural beauty, remoteness and wilderness, with some people even stating "it truly feels like you've stepped back in time". Allowing excessive surface water activities Milford Sound/Piopiotahi would be irresponsible and are contrary to its value.

Fiordland National Parks is one of the wettest regions in the world. As the rainfall drains from the forests above, it becomes stained with tannins which pour down the cliff faces into the fiord. This creates a unique underwater environment as the dark freshwater does not mix with the sea water in the fiord, which limits the amount of light that reaches into the depths. It is important that this unique underwater world is undisturbed by man-made activity.

Some of the wildlife found at Milford Sound/Piopiotahi are native birds such as kea, tui, kereru, korimako/bellbirds, pukeko, whio/blue ducks and the tawaki/Fiordland crested penguin, which is one of the rarest of New Zealand's mainland penguins. There are also marine animals present such as kekeno/fur seals, stingrays, crayfish, octopus, sharks and over 100 other fish species, dusky and bottlenose dolphins, and both humpback and southern right whales have even been spotted passing by on their migration south for the summer. Sponges, corals and sub-tropical fish also reside in the Milford Sound/Piopiotahi waters, something that is rarely seen anywhere else in the world. The fiord also supports the world's largest population of Black Coral reefs, with around seven million colonies with some of them up to 200 years old. Whilst not all of the aforementioned species can be found in/around the waters of Milford Sound/Piopiotahi, it is of concern that increased road traffic associated with higher number of water vessels (and people travelling to them) could cause harm to the terrestrial species as well. In 1948 an important rediscovery was made, when takahe were found in the Murchison Mountains in Fiordland after the species had been 'officially' extinct for 50 years, and it is possible that there could be other species in the area in low numbers which have not been sighted there yet.

Piopiotahi (Milford Sound) Marine Reserve (established in 1993) covers an area of 690 hectares along the northern side of Milford Sound, from the head of the Sound to Dale Point. The Marine Reserves Act (MRA) (1971) states that 'marine reserves *are* to be maintained in *a* natural state'.

2) Marine reserves shall be so administered and maintained under the provisions of this Act that—

- (a) they shall be preserved as far as possible in their natural state:
- (b) the marine life of the reserves shall as far as possible be protected and preserved:
- (c) the value of the marine reserves as the natural habitat of marine life shall as far as possible be maintained:
- (d) subject to the provisions of this Act and to the imposition of such conditions and restrictions as may be necessary for the preservation of the marine life or for the welfare in general of the reserves, the public shall have freedom of access and entry to the reserves, so that they may enjoy in full measure the opportunity to study, observe, and record marine life in its natural habitat.

Although the MRA allows for public access to reserves, it is explicit in that it is to 'study, observe, and record marine life in its natural habitat' as part of scientific study of marine life.



The Fiordland Park National Management Plan (FPNMP) (2007) states:

5.6 Boating and Facilities

- (d) Retain extremely low levels of commercial use on some of the fiords between Milford Sound / Piopiotahi and Doubtful Sound/Patea (Caswell, Charles and Nancy Sounds);
- (e) Retain some of the fiords along the coast between Milford Sound / Piopiotahi and Doubtful Sound / Patea with no commercial use, possibly those adjacent to the Glaisnock Wilderness Area (Sutherland and Bligh Sounds);
- (h) Seek the protection of significant wildlife and its habitat in the waters and foreshore of Fiordland, including marine mammals;
- (i) Ensure boating activities and the access they provide to the islands of Fiordland National Park do not adversely affect the biodiversity and recreation values on these islands;
- (j) Not allow the establishment of base/accommodation facilities for recreation and tourism purposes (i.e. “floating hotels”). The Department of Conservation will seek bylaws to achieve this within the life span of this plan;

Although the FNPMP does not have jurisdiction over the coast or water, it still remains a relevant document for Council consideration under the various ‘other matters’ provisions of the RMA. It also has direct implications for boating activities which involve people coming ashore, with the on-land activities directly covered by the National Parks Act (1980) and FNPMP. Additionally, Policy 5 of the NZCPS 2010 requires the consideration of adverse effects on lands or waters in the coastal environment held under the Conservation Act 1987 and the National Parks Act 1980.

In conclusion, Forest and Bird are supportive of Plan Change 5, and its objective of restricting surface water activities to control over-intensification of tourism activities and to preserve the biodiversity, eco-systems and environment of Milford Sound/Piopiotahi.

Proposed changes:

Clause	Proposed Change	Purpose and impact	Forest and Bird comments
Add Policy 16.2.2	Avoid adverse effects on nationally and regionally significant values	Use of the phrase “avoid” sets a high bar of protection for these values.	Agree. Use of the term ‘avoid’ has greater force for an environmental bottom line approach. As in the ‘King Salmon’ case, which determined that ‘avoid’ has its ordinary meaning of ‘not allow’ or ‘prevent the occurrence of’.
	16.2.2 (b)	Specifically directs that new consents will not be granted where any adverse effects on those values.	Agree. No consents should be granted where there are any adverse effects.
	An “end-date”	Enabling ongoing discussion of this matter through the remainder of the Regional Coastal Plan review.	Disagree. Forest and Bird do not agree that an end-date is required, and the rule should stay effective unless a new rule is agreed through the Coastal Plan review process.
Add Policy 16.2.3	Avoid or mitigate adverse effects on marine mammals	Provides additional protection for marine mammals including significant habitat areas for the endangered bottlenose dolphin.	Agree, however this rule should be broader and consider other marine species that aren’t marine mammals, such as tawaki/Fiordland crested penguin. Tawaki are susceptible to human disturbance when nesting ¹ and there is a concern that increased tourism in Fiordland may disturb breeding birds and cause nests to fail. Forest and Bird would encourage a ‘buffer zone’ being established around their known nesting

¹ Department of Conservation: Fiordland crested penguin/tawaki - <https://www.doc.govt.nz/nature/native-animals/birds/birds-a-z/penguins/fiordland-crested-penguin-tawaki/>

Clause	Proposed Change	Purpose and impact	Forest and Bird comments
			<p>areas, these areas can be found here: https://www.researchgate.net/figure/Overview-of-Milford-Sound-showing-tawaki-breeding-areas-searched-and-approximate-nest_fig1_317507643</p>
Delete Policy 16.2.4	Deletion	Removes “no limits on the SWA in Milford Sound/Piopirotahi” as the new policies conflict with this.	Agree. This policy needs to be deleted for the reasons stated.
Amend Policy 16.2.6	Insertion of “including the use of dual place names”	Clarifies an existing policy which calls for “fiords correctly referred to”.	Agree with the change and use of dual place names.
Amend Policy 16.2.8 to 16.2.7	“Manage adverse effects of commercial SWA in Fiordland”	Specifically provides protection for remote and wilderness values whilst maintaining recreational activities.	Agree in principle, provided recreational activities do not cause adverse effects.
Add Policy 16.2.8	“Impacts on wilderness and remoteness values”	Direction for consent applicants and processing officers of the specific matters that require recognition when considering impacts of activities on wilderness and remoteness values.	Agree. However, ‘wilderness & remoteness’ definitions should be added to the Coastal Plan definitions, due to peoples’ different interpretations of what wilderness and remoteness means, or what their values are.

Clause	Proposed Change	Purpose and impact	Forest and Bird comments
Amend Policy 16.2.11	Additional consideration of adverse effects on the National Park	Must “have regard to the Fiordland National Park Management Plan”.	Agree. As previously stated, Policy 5 of the NZCPS 2010 requires the Coastal Plan to consider adverse effects on lands or waters in the coastal environment held under the Conservation Act 1987 and the National Parks Act 1980. The Coastal Plan also must give effect to various ‘other matters’ provisions of the RMA, of which the NPA (1980) and FNPMP should be considered.
Add Policy 16.2.15	Consent term direction	To provide guidance for staff and applicants to ensure consent terms reflect specific nature of the proposed activity and its effects.	Agree. Although consent terms haven’t been explicitly provided as part of this review, it is anticipated that these will be reflective of the activities being proposed, the likelihood for them to change throughout the term and whatever effects the activity generates. Forest and Bird agree with the consideration criteria proposed in the tracked changes document.
Rule 16.2.1	Increased strengthening of the consent requirements	Inserts a non-complying activity status for more remote areas and aims to ensure no further intensification of SWA.	Agree. Adding a non-complying activity status will strengthen the policy and deter further intensification.



Chelsea McGaw

Regional Conservation Manager (RCM) Otago & Southland

The Royal Forest and Bird Society of New Zealand

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027 279 2500

PO Box 6230, Dunedin North, Dunedin 9059

Jenny Campbell

Branch Secretary

On behalf of: Forest and Bird Southland Branch

jennycam@xtra.co.nz

0273510180

ATT DEAN LOW

TIPENE, Denis - 17

Regional Coastal Plan for Southland Proposed Plan Change 5

Environment Southland has prepared the proposed plan change 5 to the Regional Coastal Plan for Southland (Section 16 – Surface water activities on the internal waters of Fiordland from Yates Point to Puysegur Point). The plan change includes provisions to help protect the area's environment from increasing commercial activity.

Copies of the Plan Change and submission form are available from Environment Southland's North Road office or from our website – www.es.govt.nz.

Send your ~~written or~~ electronic submission to:

Email: consultation@es.govt.nz

Post: Regional Coastal Plan Change
Environment Southland
Private Bag 90116
Invercargill 9840

Submissions must be received by 5.00 pm on Monday, 29 August 2022. Contact us on 0800 76 88 45 for more information.

Wilma Falconer
Chief Executive

This notice is given under Clause 5, First Schedule, Resource Management Act, 1991.



DENIS WILSON T. PERE

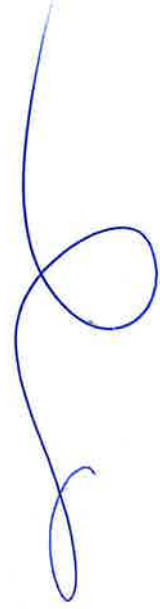
17 REDERS WAY ST

REDFORD

CA - CA

8013

0211038420



CMT Page 15

4.3 MCA

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THE OPERATION BY NEOTATE FOR ALL
OF THE COASTAL WATERS OF NIUATIKI
FORDOM IS OUT OF ORDER NO WAY CAN
THEY DO THAT. THIS AREA DOES NOT AND
WILL NEVER BE OWNED BY NEOTATE AS
LONG AS WATAHO - KATE WAKOIA LIVES
THOSE ISLANDS ARE WATER AROUND PAKIRIA
RELAY TO ITS PEOPLE THOSE WHO HAVE THE
BLOOD TO SAY THEY ARE THE KATIARA.
ON THE AREA AROUND THE SURROUNDING ISLANDS

THE CMT THAT WE HAVE AROUND OUR
LANDING OF TAMATEHUOKA - POKUWATI
WAS FOR PROTECTION OF OUR KAIMAMA BUT
WITH ALL SAID AND DONE THAT DIDNT QUOTE
WORK OUT AS PLANNED

BELOW THAT THE NIUATIKI AROUND
THE OUR PAKIRIA TITI ROUTE IS PART OF
A PLAN TO CONTROL IT ALL THEY OWN
THE LAND AROUND THE ISLANDS AND NOW
THE NIUATIKI AND WATAHO NOT A CMT
AROUND IT ALL!

3.5.2

THE KAUPAPA OF THIS PLAN
IS "KI UIA KI IA - FROM MOUNTAIN TO
THE SEA"

THATS A BIT NICHT WITHIN WE
WISH OF MOUNTAIN ARE SOON
FOR YEARS THAT WE OURSELVES
MUST BE INCLUDED IN THE
MANAGEMENT OF OUR WATER WAY
INCLUDE COMMA NOTHING HAS
CHANGED MUCH IN LAST 35 YEARS
RIVER - ~~EVER~~ EVER SOME OF
OUR LAKES ARENT THE BEST
AM NOT GETTING BETTER AND
NEAR THAT WITH ALL THE MONEY,
KNOWLEDGE & SURVEY STATIONS
HAVE DONE MORE EXAMPLE
MOUNTAIN RIVER STILL STINKS ON A
GOOD DAY

I PUT A SUBMISSION IN SOME
30 ODD YEARS OF ABOUT THE
CONDITION OF OUR RIVERS
AND PARTICULAR MOUNTAIN RIVER WITHIN

AT THAT TIME I WAS WORKING
WITH HOKON RUMAKI AS THE HR MANAGER
WHICH IS GOOD
MY APPLICATION SUBMISSION WAS REJECTED
BY ALL INCLUDING TRUST OR TRUST BOARD
WHY BECAUSE I TOLD THEM HOW IT
WAS SHIT IN THE PAST THEN LOOK
OUT

Dennis Wipene
24/8/22

DENNIS WIREMU TIPENE
0211038420
17 ALDERLEY ST
REARMOON CA-CA
8013

4 11 3
134
ARE THE PEOPLE WHO ARE INVOLVED
IN EVERY MOVEMENT AND THEY STILL
BUCKETING THE BUCK OVER THEIR OWN
LOAN WHICH IS OTHER DESTINATIONS.
IF SO THAT MAKE SURE TO THE
SEE A BIT WEAK !!

Submission on Proposed Coastal Plan Change 5 – Surface Water Activities



Email your completed submission to: consultation@es.govt.nz by 5.00 pm, Monday, 29 August 2022

Alternatively, you can post your submission to:

Attention: Proposed Coastal Plan Change 5 - Surface Water Activities
Environment Southland
Private Bag 90116
Invercargill 9840

You can also deliver your submission to:

Environment Southland's office on the corner of Price Street and North Road, Waikiwi, Invercargill

Submitter details

Full Name (or name of agent if applicable): DENIS WIREMU TIPEWE
Organisation Name (that submission is on behalf of): Family
Submitter's service address: 17 ALDERSEY ST RICHMOND CH-CIT
Postcode: 8013
Email: _____ Phone: 0211038420

Public hearing

Please choose one of the following options:

- I do not wish to be heard in support of my submission
- I do wish to be heard in support of my submission
- If others make a similar submission, I will consider presenting a joint case with them at a hearing

Trade Competition

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

Please check the boxes that apply to you:

I could /could not gain an advantage in trade competition through this submission.

I am /am not directly affected by an effect of the subject matter of the submission that:

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

Signature of Submitter: Date: 24/8/22
(or person authorised to sign on behalf of submitter)

Please note: All information contained in a submission under the Resource Management Act 1991, including names and addresses for service, becomes public information.

**IN THE HIGH COURT OF NEW ZEALAND
WELLINGTON REGISTRY**

CIV 2011-485-806

IN THE MATTER OF

An application by **DENIS WIREMU
TIPENE** for customary marine title under the
Marine and Coastal Area (Takutai Moana) Act
2011

COPY CUSTOMARY MARINE TITLE ORDER

Section 98, Marine And Coastal Area (Takutai Moana) Act 2011

Judicial Officer: Mallon J



Case Manager

Next Event: / /

24 JAN 2019

**THE HIGH COURT
WELLINGTON**

CUSTOMARY MARINE TITLE ORDER

On the application of DENIS WIREMU TIPENE, the Court makes the following orders:-

1. An order recognising customary marine title pursuant to section 98 of the Marine and Coastal Area (Takutai Moana) Act 2011 in respect of an area of the common marine and coastal area surrounding the Tamaitemioka and Pohowaitai Islands, to the south-west of Stewart Island.
2. The particular area to which the order applies is as follows:

Parcels	Area
Area A Survey Office Plan 520652	6.0400Ha
Area B Survey Office Plan 520652	<u>0.0067 Ha</u>
Total Area	6.0467 Ha
3. The group to which the order applies is all Rakiura Māori with customary interests in Tamaitemioka and Pohowaitai .
4. The holder of the order is the Supervisors of Tamaitemioka and Pohowaitai as appointed from time to time under the Titi (Muttonbird) Islands Regulations 1978.
5. The contact details for the holder of the order are:

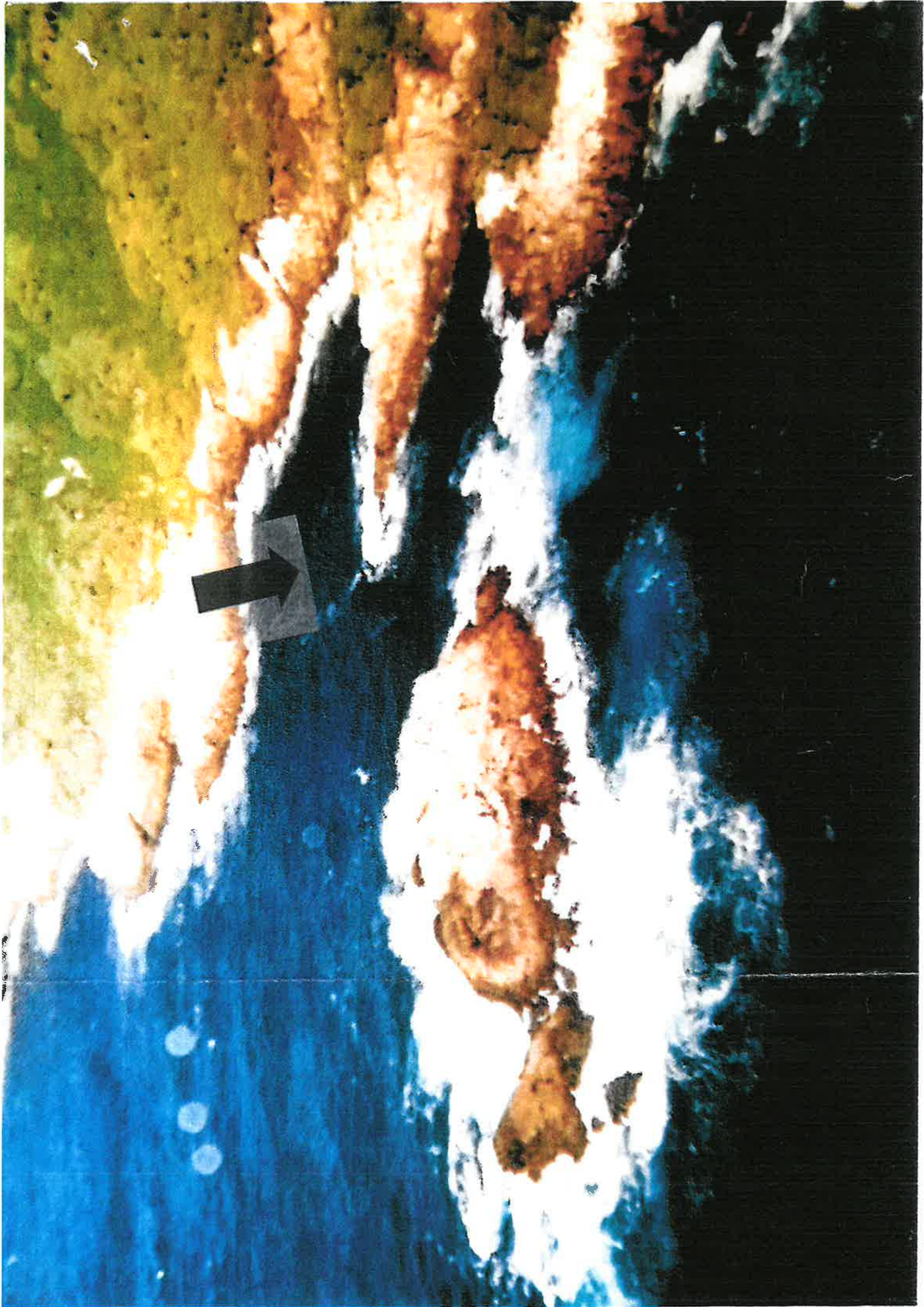
RAKIURA TĪTĪ (Beneficial Islands) COMMITTEE
 C/- 150 Lorn Street
 Invercargill 9810
 Email: rakiuratitikomiti@hotmail.com

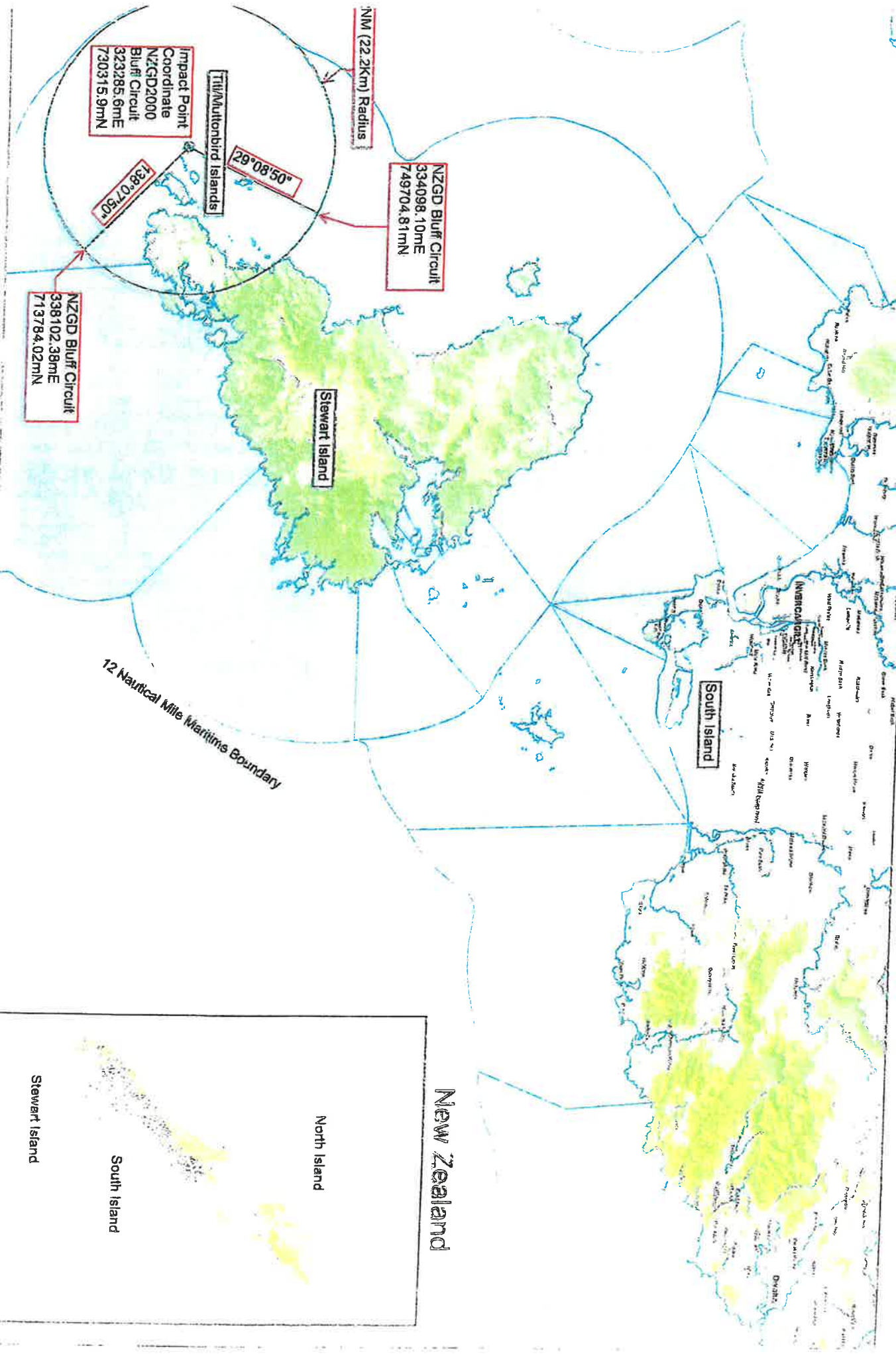
Date: 27 March 2018



Deputy Registrar
 Michaela Stack







Impact Point
Coordinate
NZGD2000
Bluff Circuit
323285.6mE
730315.9mN

Titi/Muttonbird Islands

29°08'50"

NM (22.2Km) Radius

NZGD Bluff Circuit
334098.10mE
749704.811mN

NZGD Bluff Circuit
338102.38mE
713784.02mN

Stewart Island

South Island

12 Nautical Mile Maritime Boundary

New Zealand

North Island

Stewart Island

South Island

PLAN 1 Rev A

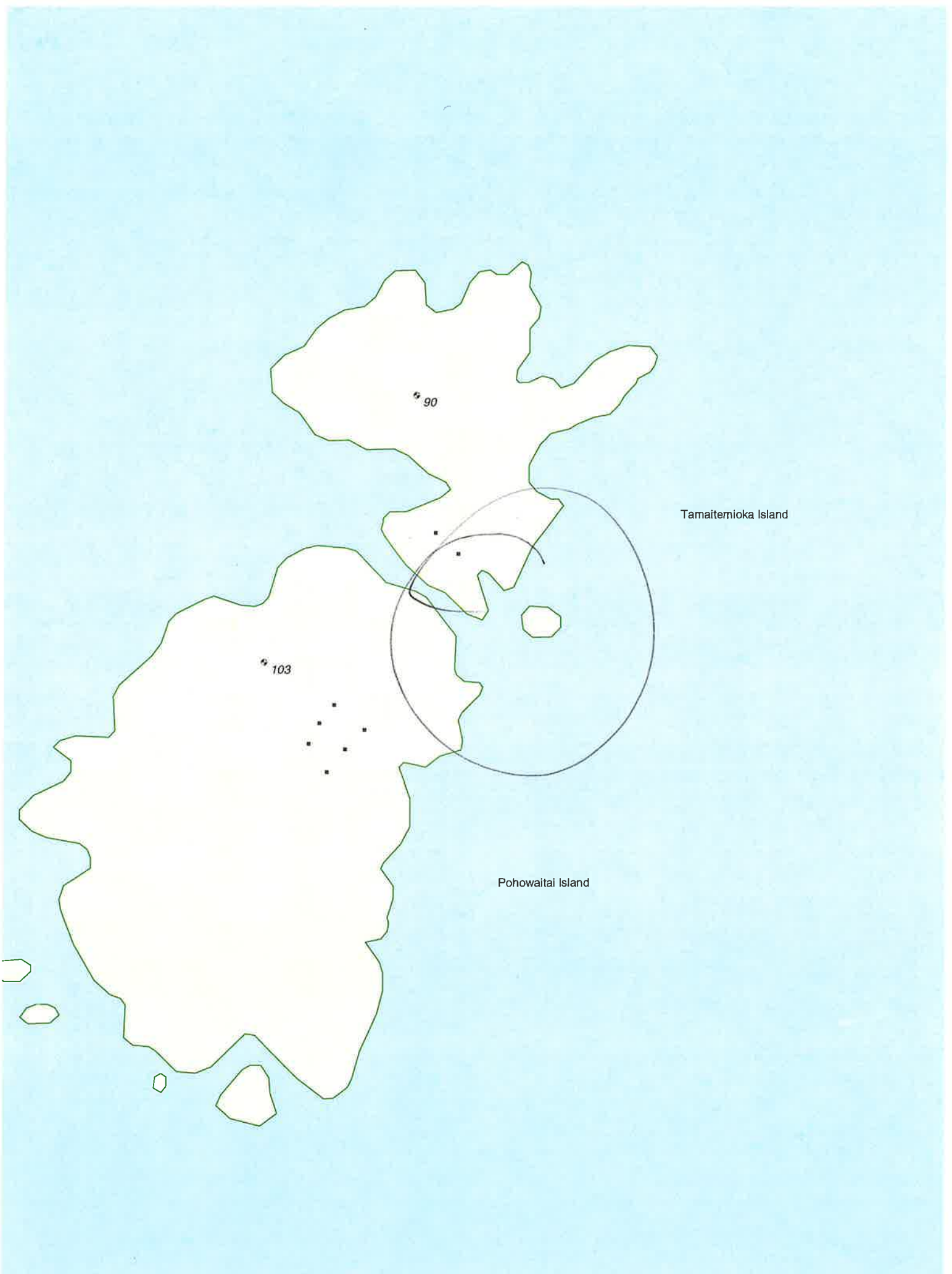
Job No 397725

Pilot Sinclair
Aerial Photography Services

**MEMORANDUM RELATING TO CUSTOMARY MARINE TITLE APPLICATION
BY DENIS TIPENE**

1. On 14 November 2011 Denis Tipene applied for an order recognising customary marine title in respect of the foreshore and seabed surrounding Tamaitemioka and Pohowaitai.
2. The application was amended in October 2013 and has since been amended again as the case has progressed. We are satisfied that the application is now in its final form.
3. The amended application has been advertised.
4. The relevant parts of the amended application are:
 - (a) The application for an order recognising customary marine title has been made by Denis Tipene;
 - (b) The application is for the benefit of Rakiura Maori with customary interests around Tamaitemioka and Pohowaitai Islands;
 - (c) The holder of the order will be the Supervisor or Supervisors of Tamaitemioka and Pohowaitai Islands appointed pursuant to regulation 6 of the Titi (Muttonbird) Island Regulations 1978;
 - (d) The area to which the application relates is the foreshore and seabed to a distance of 12 nautical miles offshore from the line of mean high water springs generally to the west of the islands and to a distance of 0.5 nautical miles offshore from the line of mean high water springs generally to the east of the islands.
 - (e) A map showing the area is **attached**. The area has been set so that it does not interfere with the islands that are generally to the east of Tamaitemioka and Pohowaitai.
 - (f) The grounds of the application are that the Applicant Group holds the area in accordance with tikanga and that the area has been exclusively used and occupied by the Applicant Group from 1840 to the present time without substantial interruption.
5. If anybody wants to file a notice of appearance in respect of the application they must do so by 8 June 2015.
6. Evidence for Denis Tipene is to be filed by 30 June 2015. Any evidence by any interested party who supports Denis Tipene's application is to be filed by 31 July 2015.

If there are people who want to support the application, they are welcome to contact Christine Batt at Tripe Matthews Feist (04 494 8360 / email: Christine@tmf.co.nz)



Plan Change 5 – Consultation Factsheet and FAQs

Why is the Plan Change required?

The Council is proposing a change to Section 16 of the Southland Regional Coastal Plan. Section 16 manages the surface water activities (vessel use) within the Fiordland coast. The Southland Regional Coastal Plan was prepared 15 years ago. Over the last 15 years surface water activity use has changed, in both intensity and distribution. However, the provisions which manage surface water activity have not kept up with this changing use. The Fiordland coast is of international, national and regional significance. The values of the Fiordland coast are vast, and include; cultural, natural character, landscape and natural features, indigenous biodiversity, wilderness and remoteness values. Surface water activity allows people to access and experience the Fiordland coast. Commercial surface water activities enable people, who may not have been otherwise able to, access and experience the unique Fiordland coast. However, surface water activities can, if not appropriately managed, impact the values of Fiordland which make it so special.

A recent study investigated wilderness and remoteness values of Fiordland.¹ The study included interviews with a range of consent holders and a hui with Te Ao Marama Inc and the Fiordland Marine Guardians. In its conclusions the report discusses that there are a range of opinions on whether the wilderness values of the Fiordland coastal marine area are being eroded, with no agreement that there is currently an imbalance. However, the report did identify that for some people the wilderness and remoteness values of the Fiordland coastal marine area have already been eroded. The report also identified there was general agreement about the management problem, being: the need to balance the protection of wilderness values with the opportunity for people to visit Fiordland. The study concluded that an increase in boating activity will exacerbate the impact of recreation and tourism activity on wilderness and remoteness values of the Fiordland coastal marine area.

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

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

- Introduce a new policy which requires the avoidance of adverse effects on the Fiordland coastal environment including by not granting resource consent for new or intensifying commercial surface water activities (above that which currently exist).
- Introduce a new policy which requires the avoidance or mitigation of effects from commercial surface water activities on marine mammals.
- Delete an existing policy which places no limit on the amount of commercial surface water activity occurring within Piopiotahi / Milford Sound.
- Recognition of the cultural significance to mana whenua of the Fiordland coastal environment including using dual place names.
- Introduce a new policy to manage adverse effects of commercial surface water activities on wilderness, remoteness, and other recreational and visitor values.

¹ Wilderness and Remoteness Values of Fiordland Waters (2022). Lindis Consulting.

Denis Tipene
24/1/22

- Introduce a new policy to identify the matters which can impact on wilderness and remoteness values.
- Enable private companies to undertake pest management work, where it is being undertaken in conjunction with statutory bodies.
- Enable private companies to undertake maintenance of lawfully established structures within the coastal marine area, where this is required because of statutory or resource consent requirements.
- Introduce a new policy regarding matters to be considered when determining a resource consent term of consent.
- Amend rule to increase the activity of status, from discretionary to non-complying, for new or increasing commercial surface water activities within the internal waters² of Fiordland.

The Plan Change is a temporary measure until a long-term integrated management approach is developed through the review of the Southland Regional Coastal Plan. The Southland Regional Coastal Plan is currently being reviewed in its entirety. It is intended to notify a new proposed Regional Coastal Plan by the end of 2023.

How can I have my say?

Plan Change 5 – Surface Water Activities, is open for public submissions from **Monday 18 July 2022** until **Monday 29 August 2022**. You can make a submission online via our consultation portal at www.es.govt.nz, by email to consultation@es.govt.nz or in hard copy by posting to: Proposed Coastal Plan Change 5 - Surface Water Activities, Environment Southland, Private Bag 90116, Invercargill 9840. You can also deliver your submission to Environment Southland's office on the corner of Price Street and North Road, Waikiwi, Invercargill.

What happens next?

Following the close of the public submission period staff will prepare a summary of the submissions received. The summary of the submissions will then be released for further submissions. The Resource Management Act (RMA) details who can lodge a further submission³:

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

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

² - *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.

³ Clause 8 of the first schedule of the RMA.

Frequently asked questions

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

In the case of this Plan Change, the rules will have immediate legal effect. A rule in a proposed plan generally has legal effect once a decision on submissions relating to the rule is made by the Council and is publicly notified. However, there are exceptions to this where the rule must be given immediate legal effect. Section 86B(5) of the RMA states that 'immediate legal effect' means legal effect on and from the date on which the proposed plan containing the rule is publicly notified under clause 5 of Schedule 1 or the RMA.

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

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

FACTS RgAs

Under Section 104(1)(b) of the RMA decision makers determining applications for resource consent are required to have regard to objectives, policies, and methods in a proposed plan from the date it is publicly notified. The RMA makes no distinction between the weight that should be assigned to an operative plan and a proposed plan. As explained in *Keystone Watch Group v Auckland City Council*, NZEnvC Akld, (A7/2001), decisions should be made on a case-by-case basis and the weight to be given to the proposed plan will depend on the extent to which it has proceeded through the submissions and appeal process. Additionally, where there has been a considerable shift in policy direction and the new provisions are consistent with Part 2 of the RMA, it may be acceptable to give additional weight to the proposed provisions.

Therefore, during the period in which two or more plans apply, objectives and policies need to be weighted. The operative Regional Coastal Plan and proposed Plan Change need to be considered for resource consent decisions and the rules will have immediate legal effect.

When will the proposed Plan Change become fully operative?

The Council can only adopt all or part of a proposed plan once submissions and appeals are resolved and the Council has made amendments or variations. Once the Council adopts the Plan Change it is then sent to the Minister of Conservation for final approval where the Minister can require the Council to make amendments before it becomes operative. Once approved by the Minister, the Council will notify the operative plan in accordance with clause 20 of Schedule 1 of the RMA.

How long will the Plan Change be in effect for?

The Plan Change is a temporary measure until the full review of the Southland Regional Coastal Plan is completed and a new plan is publicly notified. It is intended that a proposed Regional Coastal Plan will be notified by the end of 2023.

Deep Coves NO SALE OF
 FRESH WATER THE PEOPLE
 OF NZ HAVE TO DRINK
 WATER THAT IS NOT FIT FOR

IF YOU ARE ALLOWING
 FRESH WATER TO BE SOLD
 FROM THE WEST AFRICAN
 STATES THEN YOU SHOULD
 LOOK AT COMPENSATION TO
 THOSE WHO LIVE ON THE BANK
 OF THE WATER RIVER

THESE ARE THE PEOPLE WHO
 HAD TO PAY THE MOST TO
 HAVE THEIR WATER TAKEN FROM
 THEM AND ARE SEEING THE
 MOUTH OF RIVER OVER A NUMBER
 OF YEARS AND AT TIMES IT IS
 NOT GOOD !!

ENV 0126/97 RMA 822/95

document 21) ✓ Scotland Royal
Council 1994

I had forgotten all the stuff
about what RMA is probably not
so important for RMA submission.


24/8/22

BIRD ISLANDS PART OF THE
RUPUKA GROUP OF MOUNTAINS
OUTER EDGE OF THE OKEWA
DOES NOT COME UNDER NEAR-
TATHI NAME IN ANY WAY OR
FORM THIS ISLAND BELONGS UNDER
THE MANTLE OF "TOP" RUPUKA
MY RIGHT COMES FROM MY
TAMU "AMU TA" SOUTH WEST CROSS
THE POTIK. THIS ISLAND IS
NOT UNDER THE DEMARCATON OF
BETTER THE COMMITTEE'S "BARRIER"
"REKRA TA OKEWA"

TOP WAS BOUND IN BIRD ISLAND
AROUND 1880 ! HAVE SEEN THE
HOUSE AND THE FAMILY LAND IN
WHITE ON ISLAND I WAS TAKEN
AWAY 1949 WITH MY OWN STAFF

- Seeing other boats/other people (visual intrusion) was the most significant impact on wilderness experience values, although the cumulative effect of increased recreation/tourism activity was important.
- Increased visibility of boats given vessels are bigger.
- More frequent encounters (more boats, travel faster/more movements).
- Boats present in remote locations for longer; use being displaced to previously little-used fiords (especially Northern fiords); leaving boats on (increasing number of) moorings.
- Air access into remote fiords associated with boat cruises.
- Crowding on moorings and at anchorages – health and safety issue.
- Possible loss of boatie etiquette on the water.

A *wilderness use conundrum* is evident – the desire to go somewhere with no/few other people and, by doing so, increasing the chance for others to see people. This is compounded by the requirement for motorised access, impacting on natural quiet.

There was general agreement about the management problem, commonly described as the need to balance the protection of wilderness values with the opportunity for people visit Fiordland. But no agreement that there is an imbalance – that the level and type of use is adversely impacting the wilderness experiential values of the fiords.

Perceptions of the acceptability of use levels and patterns vary: an *acceptability continuum* is evident. At one end, are those who believe wilderness values have already been lost (some say irretrievably) and at the other end are those who believe that current use is not affecting wilderness values of the fiords.

The inter-related elements of wilderness and impacts upon them represent a *wicked problem* (multiple and competing goals with uncertainty about cause/effect relationships). Furthermore, the situation is *messy* (problems that are interconnected – solving one problem will affect another). For example, visitors may value both wilderness and desire (motorised) access – values in conflict with each other. This presents the challenge of measuring trade-offs between (conflicting) values when evaluating acceptable use levels, making it difficult to determine carrying capacity.

Study objective 3: Discuss how increasing commercial boat activity may impact on these values

This study concludes that an increase in boat activity will exacerbate the impact of recreation and tourism activity on wilderness value for the fiords. Specifically:

- The existing amount and type of boat activity is eroding wilderness values for some people. More boat activity will exacerbate this impact.
- It is likely that increased activity will shift people along the acceptability continuum such that they perceive the extent of activity as unacceptable. However, the relationship between the amount/type of boat activity and the proportion of people believing that activity is unacceptable is not clear (carrying capacity is beyond the scope of this study).
- Allocated but unused permits for commercial boat-based tourism represent a 'wild card' that could increase use in an uncontrolled manner.
- Use pressure is from various types of boat users, both commercial and private/recreational.

Recreation and tourism activity in the fiords has been shaken up by long-term trends and Covid-related effects such that:

- Displacement is occurring – owing to levels and types of activity, boats are shifting into more remote fiords in order to offer their clients a wilderness experience.
- The role of Milford Sound/Piopiotahi as a 'sacrificial' fiord protecting other fiords has been diminished as the nature of fiord use has changed and use in the more southern fiords has increased (especially Tamatea/Dusky Sound).
- Factors that have traditionally constrained use (notably weather and access) remain; however, technology improvements (to boats in particular) and the increase in domestic tourism products has made it easier to visit.
- Changes implemented as part of the Milford Opportunities Project with respect to Milford Sound/Piopiotahi may have flow-on effects for other fiords.

could core TRB
 WILDERNESS
 Areas !! City

MOST important

- Recognise the mana tuku iho exercised in the marine and coastal area by iwi, hapū, and whānau tangata whenua; and
- Provide for the exercise of customary interests in the common marine and coastal area; and
- Acknowledge the Treaty of Waitangi (Te Tiriti o Waitangi).

The provisions of the MACA Act can affect how provisions in regional coastal plans are drafted and applied depending on the types of interests that have been recognised. Three types of customary interests are recognised within the common marine and coastal area of New Zealand under the MACA Act – protected customary rights, customary marine titles and participation in conservation processes.

Environment Southland Te Taiao Tonga has been notified of four applications for recognition of customary marine title and/or protected customary rights that have been filed with the High Court in relation to the Southland CMA. Of relevance to Fiordland, Te Rūnanga o Ngāi Tahu has an application, on behalf of Ngāi Tahu Whānui, over the whole CMA of the Ngāi Tahu Takiwā, including the whole of the Southland CMA.

2.4.4 TE TANGI A TAUIRA: THE CRY OF THE PEOPLE – NGĀI TAHU KI MURIHIKU NATURAL RESOURCE AND ENVIRONMENTAL IWI MANAGEMENT PLAN 2008

Regional coastal plans are required to take into account any relevant planning document recognised by an iwi authority (RMA s66(2A)(a)). In Southland, the relevant planning document is the Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 (Te Tangi a Tauira: The Cry of the People).

The kaupapa of this plan is “Ki Uta Ki Tai – From Mountains to the Sea”. It is a culturally based natural resource framework developed by and for Ngāi Tahu Whānui and has been identified and advocated as a key tool in assisting Ngāi Tahu achieve more meaningful rangatiratanga and kaitiakitanga in natural resource management. It is about an indigenous understanding of the environment that can be used to help address the wide range of issues rūnanga face with regards to environmental management. Ki Uta Ki Tai is based on the idea that if the realms of Tāwhirimātea (atua of the winds), Tāne Mahuta (atua of all living things), Papatūānuku (mother earth) and Tangaroa (atua of the sea) are sustained, then the people will be sustained.

Section 3.3 addresses Te Atawhenua Fiordland and Section 3.6 provides direction on Te Ākau Tai Tonga (Southland’s Coastal Environment). Section 3.3 notes the key management issues for Ngāi Tahu ki Murihiku in Fiordland are those associated with visitor management (recreation, tourism, and concessions), natural resource use (hydro-electric power development), protection of wilderness areas, species recovery, and customary use of culturally important resources on conservation land.

Section 3.6.6 addresses commercial surface water activities in Fiordland. It discusses amongst other matters the discouragement of discharges of wastewater and ballast water into coastal waters, the impacts of surface water activities on the natural character, beauty or ecology of the region and adherence to Fiordland marine regulations (eg. daily fishing limits and the location of marine reserves).

2.5 FIORDLAND (TE MOANA O ATAWHENUA) MARINE MANAGEMENT ACT 2005

The Fiordland (Te Moana o Atawhenua) Marine Management Act 2005 established:

- The Fiordland (Te Moana o Atawhenua) Marine Area;
- Eight new marine reserves (in addition to the two existing marine reserves);
- A number of small, discrete significant areas known as ‘china shops’; and
- A unique management regime led by the Fiordland Marine Guardians.

The Act acknowledges the importance of kaitiakitanga and recognises the area’s local, national and international importance, unique marine environment, distinctive biological diversity, and outstanding landscape and cultural heritage.

There are 10 marine reserves in the Fiordland (Te Moana o Atawhenua) Marine Area, which are administered by the Department of Conservation Te Papa Atawhai. All fish and marine life in the marine reserves is completely protected with all fishing, both non-commercial and commercial, totally prohibited.

The Fiordland Marine Guardians are community representatives appointed by the Minister for the Environment. They are responsible for advising and working with the management agencies such as the

Ngāi Tahu is today, and was at the time of the signing of the Treaty of Waitangi/Te Tiriti o Waitangi in 1840, the tangata whenua that hold manawhenua and manamoana within the takiwā of Ngāi Tahu Whānui, which includes all of Murihiku, Stewart Island/Rakiura and into the adjacent ocean as far as New Zealand statutory limits, currently 200 miles off shore¹⁰.

Ngāi Tahu ki Murihiku are Treaty Partners in the Regional Coastal Plan review process with ES. Te Ao Mārama Incorporated, established in 1996, represents Murihiku tangata whenua for resource management purposes on behalf of papatipu rūnanga in Murihiku.

Te Ao Mārama have raised concerns regarding the level of activity occurring within the Fiordland CMA, specifically the internal waters.

2.4.2 NGĀI TAHU CLAIMS SETTLEMENT ACT 1998

The Ngāi Tahu Claims Settlement Act 1998 (the Settlement Act) gives effect to the Deed of Settlement signed by the Crown and Te Runanga o Ngāi Tahu on 21 November 1997 to achieve a final settlement of Ngāi Tahu's historical claims against the Crown. The Settlement Act includes the mechanism of Statutory Acknowledgement. A Statutory Acknowledgement is an acknowledgement by the Crown of the special relationship between Ngāi Tahu and an identifiable area (referred to as statutory areas), namely the cultural, spiritual, historical, and traditional association with those areas.

Te Mimi o Tū Te Rakiwhānoa (Fiordland Coastal Marine Area) is a statutory area. The purposes of Statutory Acknowledgements are:

- To ensure that Ngāi Tahu's association with certain significant areas in the South Island are identified, and that Te Runanga o Ngāi Tahu is informed when a proposal may affect one of these areas; and
- To improve the implementation of RMA processes, in particular by requiring consent authorities to have regard to Statutory Acknowledgements when making decisions on the identification of affected parties.

The Crown acknowledges Te Runanga o Ngāi Tahu's statement of Ngāi Tahu's cultural, spiritual, historic, and traditional association to Te Mimi o Tū Te Rakiwhānoa. Schedule 102 of the Ngāi Tahu Claims Settlement Act 1998 sets out and notes (but is not limited to):

- What the fiords of this region traditionally represent.
- That particular stretches of the coastline also have their own traditions.
- Place names along the coast record Ngāi Tahu history and point to the landscape features which were significant to people for a range of reasons.
- The area was visited mainly by Ngāti Mamoe and Ngāi Tahu, who had various routes and nohoanga for the purpose of gathering koko-takiwai (type of pounamu) and manu (birds).
- The area played a significant role in the history of conflict between Ngāi Tahu and Ngāti Mamoe.
- Notable pa and nohoanga occurred in many areas on the Fiordland coast, along with tauranga waka (landing places) occurring up and down the coast.
- There is knowledge that continues to be held by whānau and hapū and is regarded as taonga.
- The fiords are the repository of many kōiwi tāngata (burial places), secreted away in keeping places throughout the region. There are also urupā and many other wāhi tapu in the area.
- Mauri is a critical element of the spiritual relationship of Ngāi Tahu Whānui with the area.

2.4.3 MARINE AND COASTAL AREA (TAKUTAI MOANA) ACT 2011

The purpose of the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA Act) is to:

- Establish a durable scheme to ensure the protection of the legitimate interests of all New Zealanders in the marine and coastal area of New Zealand; and

¹⁰ Te Tangi a Tauira: The Cry of the People – Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008

2.3.3 MANAGEMENT OF NOISE

Chapter 16 of the Plan also provides direction on the management of noise effects associated with surface water activities. Noise can impact on remoteness and wilderness values which contribute to people's appreciation of the fiords. The direction in the Plan seeks to avoid noise which compromises the tranquillity and peacefulness of Fiordland. Amongst its policies, are limits on the speed of vessels in Hall Arm the 'sound of silence' (Policy 16.3.3) and requirements to avoid, where practical, or mitigate adverse effects of noise from commercial and non-commercial vessels (Policy 16.3.5).

2.3.4 INTEGRATION WITH FIORDLAND NATIONAL PARK

Chapter 16 of the Plan seeks to integrate the management of the internal waters of Fiordland with the adjoining Fiordland National Park; the Department of Conservation Te Papa Atawhai manages the land in Fiordland down to mean high water mark as Fiordland National Park. The Plan notes that: *The experience of the coastal environment, however, integrates the contribution of the qualities of the land and the sea. It does not recognise administrative boundaries.* (Chapter 16:3)

The Department of Conservation Te Papa Atawhai (DOC) also has advocacy statements regarding what direction it will take in managing land adjacent to the CMA (see Robertson and Graham 2022).

2.4 MANAWHENUA LEGISLATION AND PLANS

The connections and relationships that tangata whenua have with the coastal environment of Fiordland are clearly set out and Fiordland as a place has high cultural values to tangata whenua. The recognition and provision for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga, kaitiakitanga interests and values of Ngāi Tahu ki Murihiku are to be protected and enhanced. This includes the safeguarding of all cultural heritage and significant sites and places, and customary use rights, as guaranteed by the Treaty of Waitangi, must be recognised in Fiordland.⁷

The relationship of manawhenua with the Fiordland CMA and their engagement with the management of the area is expressed within legislation and planning documents.

2.4.1 TE RŪNANGA O NGĀI TAHU ACT 1996

Te Rūnanga o Ngāi Tahu Act 1996 recognises Te Rūnanga o Ngāi Tahu as a tribal entity (exercising manawhenua and manamoana) and amongst other matters enables participation in RMA matters as a mandated iwi authority. Te Rūnanga o Ngāi Tahu is the iwi authority and overall representative governing body of Ngāi Tahu Whānui being descendants of the Ngāi Tahu, Ngāti Mamoe and Waitaha tribes. Te Rūnanga o Ngāi Tahu is made up of 18 rūnanga papatipu, four of which are manawhenua in Murihiku: Ōraka Aparima, Waihōpai, Awarua and Hokonui⁸.

Definition of relationships with the land/waters may be defined as⁹:

- Tangata whenua – people of the land, local owner-occupier, original inhabitant, the people that hold the tūrangawaewae and the manawhenua in an area, according to tribal and hapū custom.
- Manawhenua – traditional/customary authority or title over land, and the rights of ownership and control of usage on the land, forests, rivers etc. Manawhenua is held by an iwi or hapū rather than individuals. Also refers to the land area (and boundaries, Rohē) within which such authority is held.
- Manamoana – tribal authority over the sea coasts and off shore fisheries, generally accepted as extending iwi manawhenua from the traditional tribal land boundaries into the adjacent ocean as far as New Zealand statutory limits (currently 200 miles off shore).

⁷ Te Tangi a Taurira: The Cry of the People – Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008

⁸ Te Tangi a Taurira: The Cry of the People – Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008

⁹ Te Tangi a Taurira: The Cry of the People – Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008

THERE HAS TO COME A TIME
THAT ONCE GONE ITS GONE
NO TURNING BACK NO TIME LIKE NOW !!

- Business (and consent) ownership changes (particularly in the charter sector) may lead to further shifts in use and behaviours.

Management considerations

This study has highlighted many factors that are relevant to ES's decision making, including:

- Patterns of use will continue to change especially once New Zealand's border re-opens to international visitors.
- Long-term trends suggest that use patterns have been changing, including changes in vessel design and use of the fiords resulting in greater geographical coverage (more fiords being visited more often) by an increasingly diverse set of vessels/users. Growth in use includes both commercial and private recreational boats. Some pinch points are evident at moorings/anchorages, land access points (at Milford Sound/Piopiotahi, Doubtful Sound/Patea), heli-access points, and visitor attraction landing sites.
- Commercial boat use was positively construed – interviewees felt strongly that people should be enabled to visit Fiordland. Given the difficulty of access, most people use a commercial operator to visit the fiords.
- Impact factors are inter-related. Changing one thing has flow-on effects – it is like pulling a thread.
- Concern about un-used consent allocation: a loose cannon that could 'blow' and exacerbate use pressures.

Specific management matters that were raised in interviews include the increase in unconsented moorings, other permanent structures, and the presence of large cruise vessels in the fiords.

With respect to process, operators are keen to help ES – they believe they offer local knowledge and the ability to foresee potential ramifications and flow-on effects from any proposed regulations. Some operators explicitly stated that they are aware that limits may be applied or increased – that they have been expecting this process.

Specific management ideas from interviewees for ES have been compiled separately to this report.

Regret that the recorded information is a photo copy of government papers without a heading to identify the source.

S Cormack

13-8-98.

Dear Sir

This piece is the sequel to the article recently posted to you on Prices and the Rauparaha fights.

Maybe too late to add to that article.

S.C.

P.S.

I see that S. Oregon is working at Canterbury university, hope he is not allowed to alter my article the way Ngaitake is arranging history to suit their own ends

S.C.

P.S.

Also will have to ask permission of you to use the article in my book as that is what it was compiled for.

S.C.

FORM 5
SUMMISSION ON PROPOSED SOUTHLAND REGIONAL COASTAL
PLAN – PLAN CHANGE 5

Clause 6 of Schedule 1, Resource Management Act 1991

To: Southland Regional Council (Environment Southland)

Submitter Details:

Name of submitter:

Totally Tourism Limited

Address for Service:

Totally Tourism Limited
C/- Southern Planning Group
63 Antimony Crescent
Cromwell 9310

Attention: Sean Dent
sean@southernplanning.co.nz
021 946 955



1. This is a submission on the Proposed Southland Regional Coastal Plan – Plan Change 5.

2. Trade Competition

The submitter could not gain an advantage in trade competition through this submission.

3. Omitted

4. Totally Tourism Limited's submission is that:

4.1 Totally Tourism Limited "**TTL**" operates Mitre Peak Cruises at Milford Sound pursuant to Coastal Permits AUTH-20191120 and 207134. TTL also provides access to Milford Sound through their subsidiary companies Milford Sound Scenic Flights and The Helicopter Line.

4.2 As an existing holder of Coastal Permits for the operation of commercial surface of the water activities, the submitter has a direct interest in the outcome of Plan Change 5 "**PC5**".

4.3 The submitter generally **supports** PC5 subject to the following comments:

4.4 The submitter acknowledges that the consultation fact sheet states that:

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

4.5 Accordingly, it is the submitter's opinion that the provisions that are implemented at the conclusion of 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.

4.6 This is because PC5 is seen as a 'stop gap' measure to halt further commercial surface of the water activity based upon incomplete information of the effects of these activities on the environment (this will be discussed in more detail below).

4.7 The submitter agrees with the Southland Regional Council "**Council**" that the intrinsic values of the southern fiords inclusive of Milford Sound in which they operate, do require protection to ensure that visitors to the area continue to have a high-quality recreation experience.

- 4.8 However, the level of protection afforded through the provisions of PC5 (and any future review of the Regional Coastal Plan) should be balanced to enable the continued provision of high-quality tourism opportunities alongside protection of the important natural values.
- 4.9 There also needs to be a clear understanding of the values and the threshold at which commercial surface of the water activities will result in their degradation.
- 4.10 Taking the above into consideration, the submitter makes the following specific comments on PC5:

Threshold of Acceptable Activity

- 4.11 Supporting the submitter's views about balancing the opportunities for visitation to the Coastal Marine Area with protection of the values of this area, the Section 32 Report notes, with regard to the Lindis Consulting report on Wilderness and Remoteness Values of Fiordland Waters, that :

In its conclusions the report discusses that there are a range of opinions on whether the wilderness values of the Fiordland CMA are being eroded, with no agreement that there is currently an imbalance but general agreement about the management problem, being: the need to balance the protection of wilderness values with the opportunity for people to visit Fiordland. Further, the study discusses that an increase in boating activity will exacerbate the impact of recreation and tourism activity on wilderness and remoteness values of the Fiordland CMA. The report states:

The existing amount and type of boat activity is eroding wilderness values for some people. More boat activity will exacerbate this impact. It is likely that people who find the current extent of activity acceptable (with respect to wilderness values) will shift their judgement (perceive it as unacceptable) in response to some amount of increase in activity. It is not clear at what point this balance may tip (questions of carrying capacity were beyond the scope of this study). (Booth (2022) p.92)

- 4.12 While the submitter supports the intention of PC5 to not grant or intensify commercial surface of the water activities beyond those that exist as at 18 July 2022 (where adverse effects on the matters in Policy 16.2.2(1) will increase), in the short term (until the full review of the Regional Coastal Plan) the submitter notes the importance of the conclusions of the Lindis Consulting report.

4.13 In particular, the discussion of Objective 3 being the discussion about how increasing commercial boat activity may impact on wilderness and remoteness values, the report recommends next steps being:

- *Fill the information gap about visitors' perceptions and experiences (gather data from recreationists and tourists). However, challenges in doing so include considerable uncertainty about post-Covid use patterns and methodological difficulties (as outlined in section 3.5.3).*
- *Conduct a carrying capacity assessment for the fiords focused on the visitor experience.*

4.14 Given that there are uncertainties as to the threshold of activity or the carrying capacity of the fiords and the clear need for further research and assessment, the submitter considers it is important to acknowledge this in the explanation to Policy 16.2.2. As such, the submitter suggests that the explanation is modified to read as shown below in track changes:

Explanation – *The Fiordland coastal environment is largely unspoilt. It is an area that is known nationally and internationally as one of the last remote vestiges in the world. This unspoilt nature combined with its dominating and awe-inspiring landscapes and diverse array of indigenous biodiversity results in an area which is internationally, nationally, regionally, and culturally significant. Tangata whenua have a long association with Te Mimi o Tū Te Rakiwhānoa (Fiordland coastal marine area). Ngāi Tahu have extensively visited Te Mimi o Tū Te Rakiwhānoa for example for the gathering of mahinga kai and taonga. The traditional routes followed are of significance, as are the places they journeyed to and the uses.*

The unique climate, terrestrial vegetation and topography in this area has resulted in distinctive marine and terrestrial ecosystems. The pristine, forested catchments of the fiords are recognised through their National Park and World Heritage status, with a number of important marine areas identified as Marine Reserves and china shops. The Fiordland coastal environment is highly valued for its outstanding natural character and recreational experiences offered, such as wilderness and remoteness values. It is home to a wide variety of coral, seaweed, fish and marine mammals. The fiords provide important habitat for protected species such as bottlenose dolphins (terehu), New Zealand fur seals (kekeno), Fiordland crested penguins (tawaki) and blue penguins (kororā). The latter three are recognised under the Ngāi Tahu Claims Settlement Act 1998 as taonga species. Taonga species are more than just those which are protected in the Act however, including marine mammals, birds, plants and all indigenous species. The significant values of Fiordland are

sensitive to increasing activity which can, if not managed appropriately, result in a degradation of these values.

Too much activity can diminish the values that initially attracted people to an area. People then start seeking areas elsewhere which still offer the values they originally found in the now more popular area. The growth in activity can be both commercial and private. Over the last decade there has been growth in the level of commercial and recreational activity that is occurring within the Fiordland coastal environment. To ensure the significant values of the Fiordland coastal environment are maintained for future generations, it is imperative that increasing levels of activity do not compromise Fiordland's intrinsic values, such as outstanding natural character values, indigenous biological diversity, and wilderness and remoteness values, and values held by *mana whenua*. The capacity of the Fiordland coastal environment to absorb human use including commercial surface water activities is limited. If use continues to increase, for example from an increased frequency of vessel trips, larger vessels, more vessels, and/or more ancillary activities, eventually the intrinsic values of the Fiordland coastal environment will be eroded. For some people these values have already been eroded. As such, this policy limits the effects of commercial activities across the Fiordland coastal marine area to consented levels that existed at 18 July 2022 until such a time as a comprehensive assessment is completed through the Regional Coastal Plan Review. *Such comprehensive review will include the undertaking 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.*

Given the international, national, and regionally significant values present and their sensitivity, this approach is appropriate to ensure these values are preserved and protected for future generations.

Proposed Rules for Commercial Surface Water Activities.

- 4.15 The submitter generally supports proposed Rule 16.2.1(7) and (8). As a precautionary approach until the comprehensive review is completed, the submitter agrees that any intensification of commercial surface water activities should be assessed as a Non-Complying Activity.
- 4.16 However, the submitter has intentions of replacing their two existing vessels in the future. The replacement vessels would result in a modest increase in passenger capacity from that presently consented, with a potential reduction in the consented number of daily trips.

- 4.17 It is considered that such a proposal, while increasing the scale of the vessel(s), would in fact decrease the intensity of activity and frequency/visibility of commercial vessels within Milford Sound. It is also likely that a newer vessel would be more fuel efficient and have a lesser acoustic footprint.
- 4.18 Accordingly, the submitter holds the opinion that should such an application be made while the provisions of PC5 have legal effect, this proposal should pass both gateway tests under Section 104D of the Act in that the environmental effects will be no more than minor, and the proposal will not be contrary to the relevant Objectives and Policies. In this case, the change would not increase adverse effects on those values identified in Policy 16.2.2(1).
- 4.19 Should Council not agree that this consenting outcome may be possible under PC5 as notified, then it is requested that consequential amendments are made to Policy 16.2.2 and the provisions of Rule 16.2.1 to enable such changes to incumbent commercial surface of the water activity operators.

5. The submitters seek the following decision from the Southland District Council:

- That PC5 is adopted as notified except where amended to take into account the concerns raised in the body of this submission;
- The submitter also seeks such further or consequential or alternative amendments necessary to give effect to this submission, and to:
 - (a) promote the sustainable management of resources and achieve the purpose of the Resource Management Act 1991 ("Act");
 - (b) meet the reasonably foreseeable needs of future generations;
 - (c) enable social, economic, and cultural wellbeing;
 - (d) represent 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.

6. The submitter wishes to be heard in support of their submission.

7. If others make a similar submission the submitter will consider presenting a joint case with them at a hearing.



(Sean Dent on behalf of Totally Tourism Limited)

Date...29 August 2022



Event Name	Surface Water Activities, Coastal Plan Change 5
Submission by	University of Otago (Mr. Kevin Wood - 97846)
Submission ID	2
Response Date	29/07/22 12:09 PM
Status	Submitted
Submission Type	Web
Version	0.1
Do you support these proposed changes?	Oppose

Please provide reasons for you response

The University of Otago is over 150 years old and has undertaken marine research in Southern New Zealand water for over a century. The University has dedicated marine research facilities in Otago Harbour, Stewart Island, and Fiordland. We are a multidisciplinary with research strengths in both biological and physical marine sciences. We offer undergraduate and postgraduate degrees focusing on pure and applied marine science, and aquaculture. All our research is undertaken for the public good and the results are published.

Policy 16.2.12 provide for ships that facilitate monitoring and research on the coastal marine area. Rule 16.2.2 deems that research undertaken by the University of Otago is not 'genuine research', but a commercial surface water activities. In fact the policy and associated rule conflates research for compliance. The list of statutory bodies that undertake compliance is listed.

The purpose of the proposed plan change is to further restrict commercial surface activities, so will significantly limit any future research.

Public Hearing

Please choose one of the following options: I do wish to be heard in support of my submission

Trade Competition

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

Please check the boxes that apply to you: I could/could not gain an advantage in trade competition through this submission.

I could not

I am/am not directly affected by an effect of the subject matter of the submission that: (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.

I am



Event Name	Surface Water Activities, Coastal Plan Change 5
Submission by	Wings and Water Te Anau Ltd (Mrs Kylie Krippner - 98126)
Submission ID	7
Response Date	26/08/22 2:35 PM
Status	Submitted
Submission Type	Web
Version	0.1
Do you support these proposed changes?	Oppose

Please provide reasons for you response

- 1 The consultation questioning did not allow for people to express their own feelings and opinions. Question wording prompted specific answers, they were not open ended or indicative of ones experiences and/or feelings of usage/activities in the Fiords.
- 2 In the Coastal Plan Change the repetitive use of: 'found that for some people the wilderness values of the fiords have already been lost; whilst others believe they remain unaffected by changes in use'. This is not evidence that 'recreational and commercial use of the internal waters of Fiordland has increased and has become more diverse'. Or evidence that management of increasing levels of use is required, to preserve the wilderness and remoteness values of the internal waters of Fiordland and to manage impacts on the recreational experience of Fiordland National Park.
- 3 Regarding the statement 'found that for some people the wilderness values of the fiords have already been lost; whilst others believe they remain unaffected by changes in use'. How many people have found the wilderness values of the fiords have been lost compared to how many believe they remain unaffected. The statement is contradictory and ambiguous. A plan change shouldn't be based on anything other than hard facts/numbers.
- 4 The Fiords and National Parks are owned by the people of Aoteroa and there should be access for all. The commercial operators have adopted sustainability values & practices. The commercial clients are currently 'giving back'. These comfort seekers are more in number than the true wilderness seekers, but **both** likely use motorised transport means to get to and from their Fiordland adventure. The very few number of wilderness seekers values should not 'out weigh' those values of the more plentiful comfort seeker. Should you look at Fiordland operating companies feedback reviews outside

of Piopiotahi, and you will not find a theme of 'negative visual or noise impact' during their experiences. You will find comments suggesting solitude and grandeur, excellent service & memories for life. How many people who took the survey thought the wilderness and remoteness values were in jeopardy compared with the number who did not? Where are these statistics?

We all cherish our backyard, Fiordland, and don't wish to see it overrun and ruined. I would speculate traffic in some of the farther reaches of Fiordland consists largely of DOC boating and aerial activity e.g. Anchor Island in Dusky Sound.

As the operator of the only operating Floatplane company in the South Island and iconic historical transport option for traveling into Fiordland, from above we don't see an abundance of watercraft in the Fiords except the transport associated with the bird work for DOC and the back country huts accessed by boats during the 'Roar'.

The floatplane has permitted landing areas designated throughout Fiordland and these must be continued to be available for recreational access and safety reasons for the floatplane for longevity.

Public Hearing

Please choose one of the following options:

I do not wish to be heard in support of my submission

Trade Competition

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

Please check the boxes that apply to you: I could/could not gain an advantage in trade competition through this submission.

I could not

I am/am not directly affected by an effect of the subject matter of the submission that: (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.

I am