

BEFORE THE SOUTHLAND REGIONAL COUNCIL, TE TAIAO TONGA

Under **The Resource Management Act 1991**

And

In the matter of **the proposed Plan Change 5 to the Regional Coastal Plan
for Southland**

**Evidence of Amy Young
on behalf of the Minister of Conservation
Submitter ID:11**

**Hearing: Plan Change 5 – Section 16 Surface water activities on the internal waters of
Fiordland from Yates Point to Puysegur Point**

Dated: 9 June 2023

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Introduction

1. My full name is Amy Louise Young.
2. I have been asked by the Minister of Conservation (Minister, MOC) to provide expert planning evidence on the proposed Plan Change 5 – Section 16 Surface water activities on the internal waters of Fiordland from Yates Point to Puysegur Point.

Qualifications and experience

3. I am employed by the Department of Conservation (DOC) as a Resource Management Act (RMA) Planner. I have worked for DOC for three years. Prior to that I was employed by the Dunedin City Council as a Resource Consent Planner for 12 years. Prior to taking up a planning role, I was Landscape Architect in Auckland for SOUL Environments for two years and LA4 Landscape Architects for two years. I have experience in resource consent processing, planning advice, and landscape assessment and design.
4. I have previously given expert planning evidence for DOC on the Proposed Selwyn District Plan Ecosystems and Indigenous Biodiversity Chapter, the Waste Management New Zealand proposed plan change and consent application for the Auckland Regional Landfill.
5. I have a Bachelor of Landscape Architecture qualification from Unitec Institute of Technology (2005).

Code of Conduct

6. I have read the code of conduct for expert witnesses as contained in the Environment Court's Practice Note 2023 (the Code). I have complied with the Code when preparing my written statement of evidence.
7. The data, information, facts and assumptions I have considered in forming my opinions are set out in my evidence to follow. The reasons for the opinions expressed are also set out in the evidence to follow.
8. Unless I state otherwise, this evidence is within my sphere of expertise, and I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

Scope

9. I have been asked to provide evidence in relation to the proposed Plan Change 5, the MOC's submission ID:11.
10. My evidence is divided into the following parts:
 - (a) Minister of Conservation Submission
 - (b) New Zealand Coastal Policy Statement 2010 (NZCPS)
 - (c) Southland Murihiku Conservation Management Strategy 2016 (CMS) and Fiordland National Park Management Plan 2007 (FNPMP)
 - (d) Southland Regional Policy Statement 2017 (SRPS)

Material Considered

11. In preparing my evidence I have read and relied upon the following documents:
 - (a) Proposed Plan Change 5 to the Regional Coastal Plan for Southland 2022 (PC5)
 - (b) The s32 Evaluation Report June 2022
 - (c) The MOC's submission dated 29 August 2022
 - (d) The s42A Report dated May 2023

The Minister of Conservation's Submission

12. The coastal environment of Fiordland comprises outstanding natural landscapes, outstanding natural character and habitats for indigenous fauna and flora that in combination hold significant values at international, national and regional scales. The land adjoining the coastal marine area is mostly within the Fiordland National Park. There are areas within the Fiordland National Park that require protection due to their wilderness and remoteness qualities. The Minister has a responsibility to protect these values from adverse effects of surface water activities that occur in the coastal environment.
13. The reasons given by Council for the plan change are to manage effects of the increase in volume and intensity of surface water activities in the internal waters of Fiordland on the coastal environment. Limiting new or increased surface water

activities is seen to be an appropriate interim measure until further consideration can be made on the carrying capacity of the fiords through the full review of the regional coastal plan.

14. The Minister was overall supportive of the Plan Change 5.
15. Some changes have been recommended to PC5 in the s42A report. The following will respond to those recommended changes.

New Zealand Coastal Policy Statement 2010

16. The Minister of Conservation submitted on PC5 as the Minister has interests in Coastal Plan Reviews and the New Zealand Coastal Policy Statement (NZCPS). The regional coastal plan assists a regional council, in conjunction with the Minister of Conservation, to achieve the purpose of the RMA in relation to the coastal marine area of that region.
17. Section 1.23 of the s42A report notes the Regional Coastal Plan (RCP, originally notified in 1997) will not give full effect to the NZCPS 2010 and the SRPS. A staged review is planned for the RCP.
18. I agree with the s42A Report assessment¹ that the proposed management on surface water activities within the internal waters of Fiordland are consistent with the provisions of the NZCPS.
19. The Minister submitted in support of PC5 as it aligns with the directive policies in the NZCPS. I agree with the s42A Report that the management of surface water activities within the RCP is required to give effect to these policies.
20. Policy 3 of the NZCPS requires the adoption of a precautionary approach towards proposed activities whose effects on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse.
21. Commercial surface water activities are currently not limited in the RCP and monitoring cannot provide insight into the overall level of activity and its resulting impacts. The s42A Report² states that there is evidence of increasing pressure in Fiordland as a result of growth in tourism. There is an indication that there is

¹ Page 9 of the s42A Report:

² Page 31 of the s42A Report

increasing demand for consents. Thirty three applications were granted in the period between January 2019 and July 2022:

- eight temporary consents, due to the Milford Road closure;
- twelve replacement permits were granted with no change in operation;
- nine applications for increases in scale, duration, location of activity were granted;
- four applications for new activities were granted;
- five are in progress (on-hold/active);
- two were returned (new activities).

22. The s42A Report acknowledges in section 3.9 that the lack of management within the RCP for cumulative effects of surface water activities has the potential to result in the granting of resource consents that collectively adversely affect the significant values that are present. In my opinion, I consider that a full review of the coastal plan that takes into account the effects of all activities in the area will ensure that the significant values of the area are protected and managed appropriately. . I consider that it is appropriate for the intent of PC5 to be an interim measure and to “hold the line” for surface water activities until the full review is undertaken.

Southland Murihiku Conservation Management Strategy 2016 (CMS) and the Fiordland National Park Management Plan 2007 (FNPMP)

23. When preparing a plan change, a regional council shall have regard to any management plans and strategies prepared under other Acts to the extent that their content has a bearing on the resource management issues of the region: Section 66(2)(c)(i) RMA.
24. The s42A Report does not refer to the Southland Murihiku Conservation Management Strategy 2016 (CMS) but does refer to the Fiordland National Park Management Plan³ (FNPMP). The physical extent of the FNPMP is to the mean high water springs. However, the CMS extends beyond this boundary into the coastal marine area, covering public conservation land and waters including offshore islands and marine protected areas. I consider that the CMS⁴ is a relevant strategy that should be given regard to.

⁴ Conservation Management Strategy, Southland Murihiku September 2016, New Zealand Department of Conservation.

25. The CMS seeks to ensure that the Fiordland coastal marine area is protected through an integrated approach working closely with Ngāi Tahu, the Fiordland Marine Guardians, relevant agencies, commercial interests and the community. The intent of the CMS is to ensure that the marine environment is thriving and there are ample opportunities for visitors to observe marine mammals and other marine wildlife from the water, air and land in a way that does not adversely affect the wildlife and allows for a range of values to be experienced.
26. The CMS recognises that the Fiordland coastal marine area has an enhanced representative range of protected marine ecosystems and species. Marine reserves within the area are managed to preserve and improve their natural habitat values. The CMS provides for commercial recreational activities to promote the values of the Fiordland coastal marine area and that all commercial activities are aware of the need for healthy marine ecosystems, avoiding impacts on important marine habitats or significant species and maintaining and enhancing visitor experiences.
27. The following CMS policies are relevant to the proposed plan change:

Policy 2.2.6 Work with Ngāi Tahu, relevant agencies (such as Southland Regional Council, Southland District Council, Fiordland Marine Guardians, New Zealand Transport Agency, Civil Aviation Authority and Milford Community Trust), commercial interests and the community to:

- a) promote and increase awareness of the significant ecological, historic and cultural values of the Fiordland Te Rua-o-te-moko Place, including interpretation and recognition of the Māori cultural landscape;*
- b) develop and sustain an integrated approach to managing Milford Sound/ Piopiotahi, and access to it as an Icon destination, thereby enhancing its international reputation;*
- c) achieve the ongoing integrated management of the Fiordland coastal marine area;*
- d) undertake a public process to investigate increasing the size of the Te Waewae Bay Marine Mammal Sanctuary by extending it westwards along the southern coastline into Preservation and Chalky Inlets, to protect breeding tohorā/ southern right whales; and*
- e) ensure that structural development and commercial use within the Fiordland coastal marine area:*
 - i) is consistent with the outcome for the Fiordland Te Rua-o-te-moko Place;*
 - ii) avoids adverse effects on the values present, in particular:*
 - A. marine reserves, marine mammal sanctuaries, and marine ecosystems;*

B. marine mammals, marine wildlife (including seabirds) and their habitats;

C. natural character, including:

I. gazetted wilderness areas;

II. the extensive areas of natural quiet and the unmodified landscape values of the southern fiords, as well as the northern fiords between Doubtful Sound/Patea and Milford Sound/Piopirotahi; and

III. the relative natural quiet and landscape values of the Doubtful Sound/Patea complex; and

D. wāhi tapu, wāhi taonga and archaeological values;

iii) avoids shipping accidents and/or oil spills; and

iv) avoids the introduction of new aquatic pest organisms, and has adequate surveillance and control procedures in place.

Policy 2.2.15 May permit commercial aerial-, land- and water-based marine mammal and other wildlife viewing operations within the Fiordland Te Rua-o-te-moko Place where any adverse effects of the operations can be avoided. Monitoring of these operations should be undertaken to understand their impact on marine mammals and other wildlife, and to inform future management.

Policy 2.2.16 Continue to advocate to relevant agencies for the protection of marine mammals within the Fiordland Te Rua-o-te-moko Place, in particular the terehu/bottlenose dolphin populations.

Policy 2.2.17 Support mechanisms to protect a full representative range of the indigenous marine ecosystems within the Fiordland Te Rua-o-te-moko Place. Part Two—Places.

28. In my opinion the proposed plan change is consistent with the relevant policies in the CMS and to the extent applicable, PC5 is consistent with the FNPMP.

Southland Regional Policy Statement 2017 (SRPS)

29. I agree with the s42a Report analysis of the relevant provisions of the SRPS. Limiting new or increased surface water activities will ensure that effects on indigenous biodiversity, marine mammals etc are at the least held in check and at the most reduced.

s42A Report – Recommended Amendments

30. I support the s42A Report recommendations in the main. The only exception is in relation to Policy 16.2.7.
31. I do not agree with the s42A Report recommended amendments to the policy heading as sought in the submission by Real Journeys Ltd⁵. The policy intent is to ensure that remoteness and wilderness values are protected and maintained as stated in Policy 16.2.7(1-). Policy 16.2.7(5) relates to maintenance of recreational and visitor values. For this reason, it is my preference that the policy heading is amended to reflect all values that the policy is seeking to manage as follows:

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

Conclusion

32. As stated in the s42A Report, the intent of the plan change is to halt further intensification of commercial surface water activities until a carrying capacity management approach can be developed. The proposed plan change is not intended to result in a decrease in current vessel or passenger numbers.
33. I support the s42A Report recommendations in the main. The only change sought is in relation to the heading of recommended Policy 16.2.7.
34. It is noted for completeness an assessment of how the plan change has given regard to the CMS as a relevant matter is required. It is my opinion that the proposed PC5 is consistent with the CMS and other relevant legislation.



Amy Young

9 June 2023

⁵ Real Journeys Ltd Submission ID 12 Southland Regional Coastal Plan Change 5 - Section 16 Surface water activities