

Before the Independent Hearing Panel

Under the Resource Management Act 1991

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

Statement of Evidence of Gareth James Clarke on behalf of Real Journeys Limited (trading as Realnz)

9 June 2023

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Introduction

- 1 My full name is Gareth James Clarke. I am a Resource Management Planner and hold the qualification of Bachelor of Arts from the University of Otago.
- 2 I am currently employed by Realnz Limited and its group as a Concessions and Consents Manager, predominantly working to maintain the companies' Otago and Canterbury based Department of Conservation Concessions, Resource Consents and other regulatory authorisations. I am authorised by these companies to give this evidence on their behalf.
- 3 I have been practicing as a resource management planner for 16 years, the last eight months of which has been with Realnz. Prior to my role with Realnz I held roles with the Invercargill City Council, Environment Southland, WM Environmental Ltd and Bonisch Consultants. I have also previously work as a development control planner for the London Borough of Harrow.
- 4 Throughout my professional career I have been involved in a range of resource consent and policy matters. I have made numerous appearances in front of district and regional councils, predominantly in the role of Council reporting officer.

Scope of evidence

- 5 My evidence will focus specifically on the recommendations in the s42A report relating to Policy 16.2.7. It will suggest amendments to the policy framework that seek to provide greater policy direction and guide Plan users on how to manage commercial surface water activities in each of the different fiord complexes with their distinct values and characteristics.
- 6 In preparing this evidence I have reviewed Ms. Robertson's s42A report and documents referred to therein. I have also reviewed the Realnz submission and further submission prepared by Fiona Black.
- 7 My evidence also looks at the relief sought by Realnz for Policies 16.2.1, 16.2.2, 16.2.3, 16.2.5 and 16.2.11, and I have suggested drafting that could be picked up to give effect to that relief.

Evidence 16.2.7

- 8 Realnz remains concerned that Policy 16.2.7 does not sufficiently recognise and provide for the varying characteristics of different fiords, and therefore does not provide sufficient guidance to Plan users as to how

commercial surface water activities are to be managed within the various locations of the Fiordland Coastal Environment.

- 9 The changes recommended by Ms. Robertson are supported in principle as they will result in a more coherent policy that better recognises the values of Taipaririki/Deep Cove. However, it is our belief that these changes do not go far enough in providing the policy direction Plan users require.
- 10 It is noted that the explanation to the policy makes a connection between the significance of remoteness and wilderness values, and the degree of accessibility and level of commercial surface water activity present. The explanation even goes further in providing an element of ranking of the fiords from those with the lowest level of activity to the highest. However, little distinction between the various levels of accessibility and activity within each of the fiords is made within the policy itself, leaving Plan users uncertain how to apply the policy when assessing the merits of a resource consent application.
- 11 In our view, Plan users would be better served by the development of more site-specific policies that provide for greater direction as to how the values of each of the distinct fiord complexes/groups should be managed.
- 12 Realnz proposes to introduce six new site-specific policies to replace the existing Policy 16.2.7. These policies are outlined in Appendix 1 and have been developed to recognise the variation in characteristics and values within in each fiord, in effect creating a hierarchy of significance among the fiords. The most significant wilderness values, being those in the northern fiords, are to be protected via a policy that seeks to avoid as far as practicable, the adverse effects of commercial surface water surface activities.
- 13 The policies relating to the more accessible Piopiotahi/Milford Sound and Taipaririki/Deep Cove, recognise that these areas should be managed with a focus on maintaining the important recreation and visitor values present, similar to Ms. Robertson's amended policy 16.2.7(5). However, the policies have been worded to provide greater recognition of the need for the policy framework to acknowledge and provide for the presence of commercial surface water activities in these areas.
- 14 The policies relating to the remaining fiord complexes recognise that the remoteness and wilderness values in these areas may not be as significant as in the norther fiords, but are still required to be maintained, while at the same time recognising and providing for a moderate level of activity within the fiord.

Conclusion

15 Overall, having considered the recommendations of the s42A report in response to Realnz's submissions and further submissions on Policy 16.2.7, I consider that changes to the policy framework in the form of the addition of six new site-specific policies to replace the existing Policy 16.2.7, will better achieve the purpose of the RMA.

9 June 2023

Gareth Clarke

APPENDIX 1

Section 42A Recommendations	Realnz Suggested Amendments	Comment
<p>Policy 16.2.7 - Remote and wilderness <u>Protection and maintenance of recreational values in the fiords, inlets and arms</u></p> <p>Manage adverse effects of commercial surface water activities, including ancillary activities, in the Fiordland coastal marine area:</p> <ol style="list-style-type: none"> 1. to protect wilderness experiences <u>values</u> of Rakituma / Preservation Inlet and Taiari / Chalky Inlet; 2. to protect the wilderness experiences <u>values</u> of the northern fiords, between (but not including) Piopiotahi / Milford Sound and Te Awa-o-Tū / Thompson Sound; 3. to protect remoteness experiences <u>values</u> of the Tamatea / Dusky Sound complex (including Tamatea / Dusky Sound, Te Puaiahua / Breaksea Sound, Te Rā / Dagg Sound and all associated 'arms') and wilderness experiences <u>values</u> of the Cook and Bowen channels within the Tamatea / Dusky Sound complex; 4. to maintain the predominantly remote experiences <u>values</u> of the Patea / Doubtful Sound complex (including all 'arms', Te Awa-o-Tū / Thompson Sound and Kaikiekie / Bradshaw Sound); and 5. to maintain the recreational and visitor experiences <u>values</u> of Piopiotahi / Milford Sound <u>and Deep Cove</u>. 	<p>Policy 16.2.X – Protection of remote and wilderness values of the northern fiords</p> <p>Avoid as far as practicable, or otherwise remedy or mitigate, the adverse effects of commercial surface water activities, including ancillary activities, in the northern fiords between (but not including) Piopiotahi/Milford Sounds and Te Awa-o-Tū/Thompson Sound to protect wilderness values.</p>	<p>Realnz suggests replacing Policy 16.2.7 with a suite of more site-specific policies. This first policy is the strongest worded of the proposed new policies, reflecting that these fiords generally have the lowest level of use all the fiords and therefore the most significant wilderness values that justify a higher level of protection than the other fiords. Requiring the adverse effects of commercial surface water activities to be avoided as far as practicable sets a high bar that will ensure adverse effects on wilderness values are only able to be generated where absolutely necessary, and only where they can then be remedied or mitigated.</p>
	<p>Policy 16.2.X – Maintenance of the values of Tamatea/Dusky Sound</p> <p>Manage the nature, scale and number of commercial surface water activities, including ancillary activities, in the Tamatea/Dusky Sound complex to:</p> <ol style="list-style-type: none"> (a) protect the remoteness values of Tamatea/Dusky Sound, Te Puaiahua/Breaksea Sound, and Te Rā/Dagg Sound, and all associated 'arms'; and (b) protect the wilderness values of the Cook and Bowen channels. <p>from inappropriate activities.</p>	<p>This policy seeks to prevent 'inappropriate' activities from being established, while recognising that some activity is manageable within the area and it is appropriate to provide a pathway for activities whose effects can be managed appropriately. What is considered an 'inappropriate' activity in the context of this policy would be informed by where in the fiord the activity is to occur and whether the scale, frequency or intrusiveness of the activity conflicts with the remoteness/wilderness values of that area. This recognises that while Tamatea/Dusky Sound (as well as Taiari/Chalky Inlet and Rakituma/Preservation Inlet) does have wilderness values requiring protection, they are not as significant as the northern fiords, and indeed the presence/influence of people is much more noticeable in some areas. A marginally more accommodating policy is therefore justified.</p>
	<p>Policy 16.2.X – Maintenance of the values of Rakituma/Preservation Inlet and Taiari/Chalky Inlet</p> <p>Manage the nature, scale and number of commercial surface water activities, including ancillary activities, in Rakituma/Preservation Inlet and Taiari/Chalky Inlet to protect wilderness values from inappropriate activities.</p>	<p>As discussed above in relation to the Tamatea/Dusky Sound policy.</p>
	<p>Policy 16.2.X – Maintenance of the values of Patea/Doubtful Sound</p> <p>Manage the nature, scale and number of commercial surface water activities, including ancillary activities, in the Patea/Doubtful Sound complex, including Te Awa-o-Tū/Thompson Sound and Kaikiekie/Bradshaw Sound and all 'arms', but excluding Deep</p>	<p>This policy seeks to acknowledge that Patea/Doubtful Sound is far more accessible than the fiords mentioned above, providing more significant recreational and visitor values than the other fiords (with the exception of Piopiotahi/Milford). As a result, the level of commercial surface water activity is therefore also going to be higher. However, the level of activity in most of the fiord remains generally low, and so there are still significant remoteness values</p>

	<p>Cove, to maintain the predominantly remote values, while also recognising and providing for:</p> <ul style="list-style-type: none"> (a) the recreational and visitor values present; (b) the presence of a remote commercial fishing supply depot; and (c) the use of Patea/Doubtful Sound and Te awa-o-Tū/Thompson Sound as thoroughfares for cruise ships and other vessels of a commercial nature 	<p>that need to be maintained via the careful management of the effects of commercial surface water activities.</p>
	<p>Policy 16.2.X – Maintenance of the values of Deep Cove</p> <p>Enable commercial surface water activities, including ancillary activities, in Deep Cove where their effects can be managed in a way that maintains recreational and visitor values.</p>	<p>This policy seeks to be more enabling, focusing on maintaining recreational and visitor values in the absence of significant remote and wilderness values. The requirement to maintain these recreation and visitor values ensures that while there is a pathway for new or intensified commercial surface water activity, this should be managed to ensure there is no degradation of those values.</p>
	<p>Policy 16.2.X – Maintenance of the values of Piopiotahi/Milford Sound</p> <p>Enable commercial surface water activities, including ancillary activities, in Piopiotahi/Milford Sound where their adverse effects on recreational and visitor values are avoided, remedied or mitigated.</p>	<p>This policy recognises that Piopiotahi/Milford Sound will remain important as a hub for a relatively high level of commercial surface water activity within Fiordland. A higher level of impact on recreational and visitor values can therefore be anticipated. The focus of the policy is therefore on management of these effects.</p>
<p>Policy 16.2.1 - Identify and protect areas at risk of diminished natural character, landscape and amenity values</p> <p>Identify areas in the fiords where natural character, landscape and amenity values are vulnerable to the adverse effects of increased use.</p> <p>Explanation - <u>This section adopts a precautionary approach to the management of adverse effects of commercial surface water activities on the values of the Fiordland coastal environment. All areas of Fiordland are valued for their natural character, landscape and amenity values. The attributes of different fiords can affect their resilience to increased and change in use and some areas are more at risk than others. These attributes include difficulty of access, activity level, remoteness, human-built infrastructure, natural quiet, type of landscape, extent of connected fiord waterways and proximity to formally protected areas. Patea / Doubtful Sound, in particular, is seen as offering an alternative or complementary experience to Piopiotahi / Milford Sound. Patea / Doubtful Sound is particularly vulnerable because it is directly accessible by a combination of boat and road access. Hall Arm and</u></p>	<p>Policy 16.2.1 - Identify and protect areas at risk of diminished natural character, landscape and amenity values</p> <p>Identify areas in the fiords where <u>Recognise that</u> natural character, landscape and amenity values are <u>not uniform across all fiords and some are more</u> vulnerable to the adverse effects of increased use <u>than others.</u></p> <p>Explanation - This section adopts a precautionary approach to the management of adverse effects of commercial surface water activities on the values of the Fiordland coastal environment. All areas of Fiordland are valued for their natural character, landscape and amenity values. The attributes of different fiords can affect their resilience to increased and change in use and some areas are more at risk than others. These attributes include difficulty of access, activity level, remoteness, human-built infrastructure, natural quiet, type of landscape, extent of connected fiord waterways and proximity to formally protected areas. Patea / Doubtful Sound, in particular, is seen as offering an alternative or complementary experience to Piopiotahi / Milford Sound. Patea / Doubtful Sound is particularly and is vulnerable because it is directly accessible by a combination of boat and road</p>	<p>Realnz's submission sought to have Policy 16.2.1 amended to actually identify the areas that are at risk of diminished natural character, landscape and amenity values. The recommendation in the s42A report is to retain the policy as is without identifying specific areas, instead leaving the identification of the more vulnerable areas to the resource consent process.</p> <p>It is considered that the amendments we have suggested to Policy 16.2.7 go somewhat to providing the relief sought by our original submission in that the site-specific policies proposed recognise the differences in attributes and values between the various fiords, and indeed within individual fiord complexes, and requires that these values are managed appropriately. That being the case, it is considered that Policy 16.2.1 can be amended to become a more general policy that simply recognises that these differences exist and should be provided for.</p>

<p>Kaikiekie / Bradshaw Sound have been identified as highly valued areas of Patea / Doubtful Sound.</p> <p>Access to other areas is either by air or by boat around open coast. Such access is generally relatively expensive or difficult and consequently less popular. However, recently this use has been increasing also for example within Southern Fiordland. Intensification of use needs to be managed if the current values of these areas are to be maintained for future generations.</p> <p>Amenity values are defined by the Resource Management Act as those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence and cultural and recreational attributes. They are a subset of landscape values.</p> <p>Landscape values include the environment's visual appeal and attributes of the environment that are pleasing to the mind, feelings or senses. These values pertain directly to the quality of the human perceptual experience evoked by phenomena or elements or configurations of elements in the environment as perceived by sight, sound, feel, touch and taste.</p> <p>While such values are inherently subjective, many are widely shared and supported by research already formally recognised by the community, particularly by those who have studied the relationship of people to the natural and physical environment.</p> <p><u>This policy requires case-by-case consideration, for example through the resource consent process, of the vulnerability of an areas values to the adverse effects of commercial surface water activities.</u></p>	<p>access. Hall Arm and Kaikiekie / Bradshaw Sound have been identified as highly valued areas of Patea / Doubtful Sound.</p> <p>Access to other areas is either by air or by boat around open coast. Such access is generally relatively expensive or difficult and consequently less popular. However, recently this use has been increasing also for example within Southern Fiordland. Intensification of use needs to be managed if the current values of these areas are to be maintained for future generations.</p> <p>Amenity values are defined by the Resource Management Act as those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence and cultural and recreational attributes. They are a subset of landscape values.</p> <p>Landscape values include the environment's visual appeal and attributes of the environment that are pleasing to the mind, feelings or senses. These values pertain directly to the quality of the human perceptual experience evoked by phenomena or elements or configurations of elements in the environment as perceived by sight, sound, feel, touch and taste.</p> <p>While such values are inherently subjective, many are widely shared and supported by research already formally recognised by the community, particularly by those who have studied the relationship of people to the natural and physical environment.</p> <p>This policy requires case-by-case consideration, for example through the resource consent process, of the vulnerability of an areas values to the adverse effects of commercial surface water activities.</p>	
<p>Policy 16.2.2 – Avoid adverse effects on internationally, nationally, and regionally significant values</p> <p>Avoid adverse effects on the international, national, and regionally significant values of the Fiordland coastal environment, by:</p> <ol style="list-style-type: none"> 1. recognising that the international, national, and regionally significant values of the Fiordland coastal environment include: <ol style="list-style-type: none"> a. outstanding natural character values, including wild and scenic values and outstanding naturalness; b. outstanding landscape and natural feature values; c. amenity values; 	<p>Policy 16.2.2 – Avoid adverse effects on internationally, nationally, and regionally significant values</p> <p>Avoid <u>the</u> adverse effects <u>of inappropriate commercial surface water activities</u> on the international, national, and regionally significant values of the Fiordland coastal environment, by:</p> <ol style="list-style-type: none"> 1. recognising that the international, national, and regionally significant values of the Fiordland coastal environment include: <ol style="list-style-type: none"> a. outstanding natural character values, including wild and scenic values and outstanding naturalness; b. outstanding landscape and natural feature values; 	<p>Realnz's submission sought to have Policy 16.2.2 amended to provide a more realistic policy that would allow for the well-established tourism industry in Fiordland to continue its recovery from the effects of the Covid-19 pandemic. Realnz considers a consent pathway should be retained for new or intensifying commercial surface water activities whose effects can be appropriately managed to maintain existing values.</p> <p>The recommendation in the s42A report is to retain the policy largely as is without any changes that would provide the relief sought by Realnz. As such, Realnz remains concerned that the policy as currently proposed is unduly restrictive given that it is a 'stop gap' measure that could in reality remain in effect for a</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 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, <u>or maintained where values have been degraded</u>;</p> <p>until allocation limits are established through the Regional Coastal Plan Review process.</p> <p>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, <u>which generally has no habitation from the presence of for example bach's</u>, 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. <u>The surrounding Fiordland National Park, that forms part of the Fiordland Coastal Environment, is internationally recognised as a UNESCO World Heritage Site. The coastal waters and seabed of Fiordland (Te Moana o Atawhenua) have been submitted for the tentative list for World Heritage recognition.</u> 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.</p> <p>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</p>	<p>c. amenity values;</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 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 <u>and these effects cannot be appropriately remedied or mitigated</u>; and</p> <p>3. using a precautionary approach in the consideration of resource consents for commercial surface water activities, including ancillary activities, <u>whose adverse effects on the coastal environment could be significant</u>, to ensure the international, national and regional values of the Fiordland coastal environment are protected, or maintained where values have been degraded;</p> <p>until allocation limits are established through the Regional Coastal Plan Review process.</p>	<p>considerable period of time. The amendments I have suggested provide a clearer and more balanced policy that will still achieve the objectives sought by PC5.</p>
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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 (tereahu), 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, for example Rakiura / Stewart Island, 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 Fiordland's intrinsic values are to be retained. 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 [insert date of notification] until such a time as a comprehensive assessment is completed through the Regional Coastal Plan Review. This comprehensive review should take into account the natural values of the Fiordland CE and users experiences and perceptions. Given the international, national, and regionally significant values present

<p>and their sensitivity, this approach is appropriate to ensure these values are preserved and protected for future generation</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 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. <u>where relevant, including conditions in resource consents focused on avoiding adverse effects on habitats that are particularly significant excluding activities from areas which are significant habitat</u> 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>Explanation - Fiordland is home to a number of marine mammals and is also an important area for migratory marine mammals including humpback whales. Surface water activities can adversely affect marine mammals and their habitats. In particular, the bottlenose dolphins of Fiordland are thought to be the world’s most southern dolphins. There are three separate populations present: one in Patea / Doubtful Sound and Te Awa-o-Tū / Thompson Sound, one in Tamatea / Dusky Sound and one in the northern fiords. Bottlenose dolphins are nationally endangered. The bottlenose dolphins of Fiordland are significant in their own right. However, they also contribute to the natural character of Fiordland. Research has shown that vessels, including both recreational and commercial, can adversely affect bottlenose dolphins primarily through behaviour disruption, such as vessel noise masking dolphin communications, and increased dive times, and vessel strikes. Calves are particularly vulnerable to the effects of vessels.</p> <p>The Patea / Doubtful Sound marine mammal (and other wildlife) code of management has been prepared by the Department of Conservation. The code is a voluntary measure, and its focus is to protect and ensure the long-term sustainability of marine mammals</p>	<p>Policy 16.2.3 – Avoid or mitigate adverse effects on marine mammals</p> <ol style="list-style-type: none"> 1. <u>Collaborate with the Department of Conservation to ensure that coastal permit holders for commercial surface water activities avoid or mitigate the adverse effects from commercial surface water of their activities on marine mammals including by obtaining where necessary a Department of Conservation Permit to Carry On a Commercial Operation under the Marine Mammal Protection Regulations</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. where relevant, including conditions in resource consents focused on avoiding adverse effects on habitats that are particularly significant for marine mammals including whales, seals and the endangered bottlenose dolphin populations; and 4. <u>advocating</u> for the use and understanding of current measures to avoid or mitigate potential adverse effects on marine mammals as appropriate. 	<p>Realnz’s submission sought to have Policy 16.2.3 amended to better reflect the current level of understanding of the adverse effects of commercial surface water activities on marine mammals in Fiordland, and the way these effects are managed. The recommendation in the s42A report is to retain the policy largely as is, though amendments to matter (3) are proposed. These amendments are supported in principle, though Realnz remains concerned that the policy as currently worded is unwarranted.</p> <p>The s42A report acknowledges that the Department of Conservation has specific functions for the management of marine mammals. Realnz considers that the Department is indeed the appropriate agency to be carrying out such functions, and duplication of these functions by other agencies lacking the requisite skill set, knowledge base and experience risks confusing the matter. An amended policy is suggested to better reflect what Realnz considers the Regional Council’s role in marine mammal management should be.</p>

<p>and other wildlife in the Patea / Doubtful Sound complex and should be taken into consideration by all users of the area. The code established dolphin protection zones where motorised vessels are only permitted if dolphins are not present, and access is required such as to access an anchorage or view a shore feature. In terms of adverse effects on marine mammals, it is intended that this policy have the flexibility to apply current research and/or guidelines <u>but also to be informed by new research outputs</u>, which may then be taken into consideration in the consenting process as well as in the advocacy of additional measures to avoid or mitigate potential adverse effects on marine mammals.</p>		
<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, as well as areas of significant indigenous vegetation, significant habitats of indigenous fauna and marine mammals.</p> <p>Explanation - Non-commercial users refer to those accessing the internal waters of Fiordland for activities which are not undertaken for the purpose of generating profit and are not Commercial Surface Water Activities as defined in this Plan. They include, but are not limited to, people engaging in recreational activities, undertaking statutory functions and cleaning up activities. The activities of non-commercial users can also adversely impact on natural character, the landscape and amenity values and areas of significant indigenous vegetation, significant habits of indigenous fauna and marine mammals of Fiordland.</p> <p>It is felt that the most effective means of addressing the effects of such users is a code of practice. In some respects, this may overlap with similar codes for fishers and the "environmental care code". The code could also address other matters such as the effect of diving activities on indigenous vegetation and fauna.</p> <p>Through a code users can be made aware of the potential effects of their activities on the experience of others and the environment. Codes of practice need to be developed in conjunction with users groups and other organisations with a management role in the coastal marine area to ensure consistency and avoid overlap. Other methods can be used in conjunction with, or independently of, a code of practice. Examples include provision of a suitable guideline, increasing the monitoring role of the Harbourmaster, and undertaking educational promotions at various public events.</p>	<p>Policy 16.2.5 - Non-commercial users</p> <p><u>Using a range of non-regulatory tools, such as Codes of Practice, in collaboration with the Department of Conservation and the Harbour Master, actively encourage</u> non-commercial users of the internal waters of Fiordland to avoid or mitigate the adverse effects of their activities on natural character, natural features, landscape and amenity values, as well as areas of significant indigenous vegetation, significant habitats of indigenous fauna and marine mammals.</p>	<p>Realnz's submission sought to have Policy 16.2.5 amended to provide stronger direction for the management of the effects of non-commercial users in the internal waters of Fiordland, at the very least by including the requirement to abide by the Fiordland Marine Regional Pathway Management Plan. The recommendation in the s42A report is to retain the policy as is with the only amendment being made to the explanation so as to include reference to the Fiordland Marine Regional Pathway Management Plan.</p> <p>Realnz remains concerned that the policy does not provide sufficient direction to address the adverse effects of non-commercial users. It is considered that the relief sought by Realnz could be better achieved through the suggested amendments to the policy wording.</p>

The Fiordland Marine Guardians' *'Beneath the Reflections: Guide to Fiordland'* (2021) is a comprehensive guideline developed in cooperation with multiple agencies representing users' groups and government. It contains detailed guidance relating to a number of themes including pest management, protection of marine mammals, diving and recreational fishing. All visitors to Fiordland are strongly encouraged to familiarise themselves with the rules contained within it before visiting. In addition, the Patea / Doubtful Sound marine mammal (and other wildlife) code of management has been prepared by the Department of Conservation. The code is a voluntary measure, and its focus is to protect and ensure the long-term sustainability of marine mammals and other wildlife in the Patea / Doubtful Sound complex and should be taken into consideration by all users of the area.

The Fiordland Marine Regional Pathway Management Plan (FMRPMP) sets out several rules and standards that must be met by all vessels (including recreational vessels) entering within one nautical mile of the landward boundary of the Fiordland Marine Area (as defined in the FMRPMP). It requires all vessel operators to obtain a Fiordland Clean Vessel Pass.