

**BEFORE ENVIRONMENT SOUTHLAND
AT INVERCARGILL**

IN THE MATTER OF THE RESOURCE MANAGEMENT ACT 1991

**BETWEEN FIORDLAND CRUISES LIMITED
Applicants**

**AND DEPARTMENT OF CONSERVATION
Submitters**

**EVIDENCE OF BRIDGETT VICTORIA AITKEN
18 February 2021**

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STATEMENT OF EVIDENCE OF BRIDGETT AITKEN

INTRODUCTION

- 1 My full name is **Bridgett Victoria Aitken**.
- 2 I hold the qualification of Bachelor of Applied Science from the Auckland University of Technology, specialising in Environmental Studies. I currently work as a resource management consultant and am employed as a planner for Bonisch Environmental and have worked there for 3 years. Prior to joining Bonisch Environmental, I worked at Environment Southland for 4 years as a Consents Officer.
- 3 I am familiar with the resource management issues associated with this proposed activity to which these proceedings relate. I prepared the assessment of environmental effects for the application based on the information provided by the Applicant.
- 4 I was engaged by the Applicant to prepare an application to carry out a commercial surface water activity within Doubtful Sound/Patea and Thompson Sound/Te Awa-o-Tū. The application was lodged with Environment Southland on 19 June 2020 and formally accepted for processing on 25 June 2020. The application was eventually notified, which has resulted in this hearing.

SCOPE OF EVIDENCE

- 5 My evidence will deal with the following:
 - a statement of the consents applied for and a general description of the proposed activity;
 - a summary of the potential adverse effects as detailed in the application and supporting information;
 - an analysis of the relevant statutory documents that relate to the proposed activities for which consents are sought; and
 - a discussion on the objectives, policies and rules in the relevant regional plan.
- 6 My evidence is prepared on the basis that potential cumulative effects is the primary matter that has been submitted against. Other matters have been satisfactorily addressed in the application, including the responses to further information requests, pre-hearing meeting discussions and the section 42A

report. The matters raised in the submissions are the cumulative effect from an increase in activity that may increase effects on remoteness, tranquillity and natural character values, and effects on indigenous fauna and biodiversity.

THE APPLICATION

- 7 The application is for a coastal permit to carry out a commercial surface water activity, namely day trips, in the internal waters of Doubtful Sound/Patea and Thompson Sound/Te Awa-o-Tū. One trip will be undertaken per day using a 20 metre (registered length) vessel for up to 40 passengers. The applicant will be using an existing vessel that has been operating within Doubtful Sound/ Patea for the past 10 years.
- 8 Fiordland Cruises currently holds a coastal permit authorising commercial surface water activity to undertake back county trips within Doubtful Sound/Patea under consent AUTH-201180. The operation of that vessel and its associated resource consent are not the subject of this application.
- 9 Following adverse weather events in the Fiordland area, Fiordland Cruises was granted a variation to its current consent (AUTH-201108) to undertake day trips in Doubtful Sound/Patea. The provision for these day trips expired on the 30 June 2020. This application is to obtain a new longer term consent to operate day trips in Doubtful Sound on a year round basis.
- 10 Currently there are no small operators offering day trips within Doubtful Sound/Patea as is proposed in this application. The proposal's scale and purpose are significantly different to what is currently available and provides an alternative option for visitors to the area.

ACTIVITY STATUS

- 11 Based on limits specified in the Regional Coastal Plan, day trip allocation for Doubtful Sound/Patea, Thompson Sound and Crooked Arm has exceeded the discretionary limit.
- 12 No further breakdown of these areas is available to determine exactly where the exceedances occur. Some of that exceedance occurs due to different types of activity, e.g. supervising kayaking activity, which under most circumstances, does not meet the definition of a day trip. Thompson Sound and Doubtful Sounds/Patea can be used as thoroughfares for vessels to access Deep Cove as a permitted activity.

- 13 As noted in the s42A Recommending Report, any trips above the discretionary limits set in the RCP become non-complying activities. However, as stated above in regard to vessels supervising kayaking activity, consent has been granted previously for a non-complying activity due to lack of allocation.

SUPPORTING INFORMATION

- 14 The following reports were prepared to support the original application:
- a. the Assessment of Environmental Effects dated 19 June 2020 (referred to as “the Application”);
 - b. response to further information request – 6 August 2020; and
 - c. further information requested by the Department of Conservation following the pre-hearing meeting– 26 November 2020.
- 15 The key points from these documents are provided in this evidence in a summarised form only. Where necessary, a cross reference is provided.

DESCRIPTION OF THE ACTIVITY

- 16 The description of the proposed trips is provided on page 4 of the Application, with further detail about the areas visited outlined in the further information provided to the Department of Conservation following discussions at the pre-hearing meeting.
- 17 Access into Hall Arm is no longer being sought. The remainder of the application remains unchanged from what was applied for.

DESCRIPTION OF DOUBTFUL SOUND/ PATEA

- 18 Doubtful Sound is located within the south west corner of the South Island in Fiordland National Park, approximately 50km west of the township of Manapouri. There are three separate arms that extend towards the south of the sound being, from west to east, First Arm, Crooked Arm and Hall Arm.
- 19 Access into Doubtful Sound/Patea is either by sea, air or via the Wilmot Pass Road, which is accessed from West Arm on Lake Manapouri. Deep Cove is located at the head of the sound and is the site of discharge from the Manapouri Power Station's tailrace.

- 20 The only development and use of the area as a whole is associated with either power generation, commercial fishing, tourism or recreation, the latter three being associated with the port infrastructure and vessel activity at Deep Cove. Port development in Fiordland is restricted to Milford Sound/Piopiotaahi and Deep Cove, with a small number of minor structures scattered throughout the Fiordland coastline.
- 21 The RCP states that, notwithstanding the development and activity in Milford and Doubtful Sounds, the entire coastline from Awarua Point to Big River is virtually unmodified by people and, as such, it has extremely high value when measured in terms of natural character. Although not formally assessed, it is recognised that Fiordland and its associated coastal environment is an outstanding natural landscape with outstanding natural features.

ASSESSMENT OF ENVIRONMENTAL EFFECTS

- 22 The potential adverse effects that have been considered for this application are in regard to impacts on landscape and natural character, impacts on significant habitats of indigenous fauna, public access, safety and navigation, noise, wake effects, bio invasion, rubbish and waste, hazardous substances and cumulative effects.
- 23 As discussed in Section 4.1, the most significant impact on the environment of this activity is visual, however the greatest positive benefit to this activity is enhanced public access to a remote area.
- 24 Each of the relevant effects are addressed below in summary form only. More detail is available in the application and further information request responses. It is also noted that some of the effects could arguably be assessed as “less than minor” but, for the most part, a more conservative assessment of “no more than minor” is made.

Landscape and natural character

- 25 The assessment of the impact on landscape and natural character was included in Section 4.2 of the Application. The area of Southland’s coastline where the activities are going to occur has a naturalness rating of ‘5’ (highest possible rating) in the Coastal Landscape Assessment in the RCP. No specific description of the “Fiords” section of the coastline is provided, however, the area is regarded as an outstanding natural landscape with outstanding natural features. The matters in section 6 of the Act are therefore relevant.

- 26 Although not common, the presence of any vessel is not unexpected in this area and is an accepted means of access as the vessels leave no trace of their visit after leaving.
- 27 Vessel operators generally communicate with each other to avoid being in the same area at the same time whenever possible. However, while not as busy as Milford Sound/Piopiotaahi, Doubtful Sound/Patea is busier than the sounds that do not have access by road and are more remote.
- 28 Within Fiordland's coastal marine area, the RCP has only placed limits on the level of discretionary activity in Doubtful Sound/Patea but the Plan does provide for the right of any vessel to navigate to and from the services provided in Deep Cove. Limits have not been placed on consents for activities similar to this proposal outside of Doubtful Sound/Patea.
- 29 It is the company's intention to operate these day trips during times outside the scheduled times of larger operators in these areas, using its own wharf to ensure all of their visitors get the best experience possible and avoid congestion at other wharves in Deep Cove. The proposed day trips will be undertaken in areas of Doubtful Sound/Patea where there is a relatively low concentration of vessels operating.
- 30 Fiordland Cruises aims to provide its visitors with a high quality experience in Doubtful Sound, therefore it is a priority for them to maintain the wilderness and tranquillity values present in Deep Cove and Doubtful Sound.

Impacts on significant habitats of indigenous fauna

- 31 This aspect has been addressed in Section 4.3 of the application. The Doubtful Sound/ Patea complex is home to a number of native marine mammals such as Fiordland Crested Penguins, Southern Fur Seals and a population of Bottle Nosed Dolphins that are unique to the Fiordland area.
- 32 The applicant is familiar with the requirements of the DOC Marine Mammal Code of Practice, ensuring it adheres strictly to its requirements. Fiordland Cruises Ltd currently hold viewing permits as required for commercial operators.
- 33 To avoid disturbance to native wildlife, Fiordland Cruises will not visit the Nee Islets seal colony. The company also intend to keep clear of the Shelter Islands by staying outside the lobster pot lines in the channel between Shelter Islands and Bauza Island. Trips to this area of Doubtful Sound are not Fiordland Cruises

preferred option, however, it may occur at times depending on weather conditions.

Impact on Public Access, Navigation and Safety

- 34 This aspect has been addressed in Section 4.4 of the application. As the activity involves a vessel navigating around the Fiordland coast, it will be subject to the normal maritime rules applying to that activity. Staff are appropriately qualified to navigate vessels with passengers and the vessel is MOSS certified. There are no particular navigation or safety issues that are different to any other vessel operating in the same area.
- 35 The activity will have a positive effect in regard to public access. It is likely that many of the clients would not be able to access this area in any other way. Access by vessel leaves little or no trace of people having been there. The effect on navigation and safety, is therefore assessed as no more than minor, with the activity having a positive effect on public access.

Noise Effects

- 36 See Section 4.5 of the Application and the response to Council's request for further information. The most significant source of noise is from vessel movements, however this is generally at a low level and is assessed as no more than minor. Noise generated from the vessel will comply with the RCP.

Impact of the Wake

- 37 See Section 4.6 of the Application. Based on the vessel speed when cruising the Sound, only a minor wake will occur compared with travelling at open water speeds. Due to the robust nature of the coastline in this area and the generally low cruising speeds (8-10 knots), effects from the wake will be less than minor.

Bio invasion

- 38 This issue is addressed in Section 4.7 of the application. Regular inspections of the hull will be undertaken as part of an ongoing maintenance programme. Any unwanted organisms found on the vessel will be removed and disposed of in an appropriate manner and Environment Southland staff advised.
- 39 Rodent traps will be present both internally and externally on the vessel. No rodents have ever been caught or observed on the vessel. The vessel has high sills on both port and starboard doors with a self-closing door at the stern in an attempt to keep rodents out. Vessel air intakes are sealed with a steel gauze. Rodent traps and bait stations are also positioned on the wharf where the vessel is berthed.

Rubbish and Waste

- 40 See Section 4.8 of the Application. Any solid waste will be removed from the support vessel and disposed of at an appropriately authorised land-based facility. Any wastewater generated on the vessel will be discharged in accordance with the Resource Management (Marine Pollution) Regulations 1998, specifically clause 11(2).

Hazardous Substances

- 41 See Section 4.9 of the Application. The vessel will be refuelled in accordance with the Marine Protection Rules administered by Maritime NZ. The refuelling of the vessel will occur in Deep Cove, at the fuelling station on the Meridian Energy wharf.

Cumulative effects

- 42 See Section 4.10 of the Application. This application is for a new activity, therefore, there may be an increase in cumulative effects from the granting of this consent.
- 43 At present, all available trips classified as discretionary in the RCP are allocated, however that does not mean that all the trips available are being used. Weather conditions and visitor numbers having a large bearing on the ability for trips to operate.
- 44 Although the Sound is large, it is inevitable interactions between vessels will occur, however most operators try to avoid meeting other users where possible to provide a sense of remoteness and tranquillity for their clients. When interactions do occur, they will generally be at a distance and the cumulative impact, including on the landscape and natural character, is minimal due to the vastness of the land and seascapes in the area.
- 45 Fiordland Cruises proposes to minimise the potential cumulative effects by operating to a different schedule to the other main operator providing day trips. The different schedule will include leaving and returning at different times and avoiding visiting areas of common interest at the same time as other vessels.
- 46 As the area is open to vessels to access, some vessel activity, including commercial vessel activity is considered reasonable and an appropriate way for groups of people to visit this remote location. Further comment is provided on the discretionary versus non-complying allocation of trips in the consideration of the provisions of the RCP.

Summary

- 47 At present, all available trips provided for in the RCP as discretionary activities are allocated, however this does not mean that all of the trips authorised are being used. There are a number of reasons why allocated trips are not used, with weather conditions and visitor numbers having a significant influence.
- 48 Allocation values were not derived from a specific source or report and were determined largely by considering the level of activity at that time and allowing for some growth. I am not aware of any subsequent study to support the numbers set in the Plan.
- 49 Due to the lack of information on how the allocation numbers were derived, and lack of monitoring required under the RCP, it is difficult to accurately determine a suitable level of cumulative effects. There is no readily available tool to assess “carrying capacity” for this type of activity and there is insufficient information to prepare a meaningful landscape assessment. The effects assessment for this application is based on the applicant’s own experience, including the short period when additional day trips were authorised following weather events that disrupted access to Milford Sound in 2020.
- 50 The fiords are open to any private and commercial fishing vessel to navigate but the plan places controls on certain commercial activities in order to protect the area from overuse. The location and the, at times, turbulent weather conditions naturally limit access. However, it is also worth noting that overall activity in the Fiordland area is very low as a result of the lack of international travel during the COVID pandemic, and that situation is unlikely to change in the short term.
- 51 Operators accept that the level of activity in Doubtful Sound needs controlled but their experience is that there is still scope for activities that are currently classified as non-complying without causing significant adverse effects, i.e. the overall effects are assessed as no more than minor.

CONSIDERATION OF STATUTORY DOCUMENTS

- 52 I wish to adopt the analysis of the statutory documents provided in the application.
- 53 Policy 16.2.10 of the RCP, which was omitted from the application, requires the monitoring of surface water activities and their effects on visitor perceptions and the physical environment. No monitoring or assessment has been undertaken by

Council to determine the effects from commercial surface water activities, a point that is acknowledged in the section 42A report.

- 54 Policy 16.2.2 of the RCP requires that limits are placed on commercial activities to ensure that natural character, landscape and amenity values, specifically remoteness and tranquillity values, are not reduced. Due to no qualitative data being available, anecdotal evidence is all that can be relied on but it can vary considerably based on the person completing the assessment. It is noted that the only issue that arose when additional day trips were authorised in the middle of 2020 was in relation to crowding at the Meridian wharf, which Fiordland Cruises does not use. No particular issues were noted in regard to vessel movements in Doubtful Sound.
- 55 Objectives 4.7.1, 4.7.2 and Policy 4.7.1 outline various aspects relating to cumulative effects. The Department of Conservation does mention an increase in cumulative effect as a result of the proposed activity in its submission, however with no monitoring to assess what an acceptable level of cumulative effect is, determining a more than minor cumulative effect is difficult.
- 56 The explanation in Rule 16.2.1 regarding limits, does not provide any justification or reference for the numbers specified. There has been no review of those limits to assess their effectiveness or appropriateness to control activity in Doubtful Sound. Fiordland Cruises recent experience with the temporary increase in day trips confirmed for them that they can occur without a significant impact on the Doubtful Sound environment.
- 57 The ability for new operators to provide something new is difficult due to the unavailability of discretionary day trips and the higher test required for non-complying activities. In the absence of any analysis of activity data and assessment of the “carrying capacity” of the environment, Fiordland Cruises is relying on its own experience and the anecdotal feedback of its clients to submit that additional day trip activity can occur without having a significant effect on the environment.
- 58 Consideration of these policies therefore does not change the conclusion of the application, namely, that this application is not contrary to the objectives and policies of the relevant statutory documents.

CONSIDERATION OF SECTION 104D OF THE RMA

59 Section 104D of the Resource Management Act places certain restrictions on the granting of consents for non-complying activities. The section states as follows:

104D Particular restrictions for non-complying activities

(1) *Despite any decision made for the purpose of section 95A(2)(a) in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—*

(a) *the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*

(b) *the application is for an activity that will not be contrary to the objectives and policies of—*

(i) *the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*

(ii) *the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*

(iii) *both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*

(2) *To avoid doubt, section 104(2) applies to the determination of an application for a non-complying activity.*

60 The assessment of environmental effects concludes that the effects will be no more than minor. It would be unlikely for all, or even a significant proportion, of the consented day trip vessels to be present at any one location at the same time.

61 While the proposed activity may be inconsistent with some policy, the activity is not contrary to the objectives and policies in the Plan. Fiordland is a vast area with high amenity and landscape values. The scale of the activity proposed is low, particularly when compared to other larger operations that undertake multiple trips in any one day.

62 Consideration of the relevant statutory documents found that the proposal is not contrary to any of the objectives and policies of the Regional Coastal Plan, so section 104D(1)(b) is also met.

63 It is therefore submitted that the application passes both tests in section 104D(1), although only one needs to be passed, so the application can be granted.

CONSIDERATION OF THE SECTION 42A REPORT

64 The Processing Officer's section 42A report differs from the assessment in the application in regard to effects on natural character, in particular, remoteness and wilderness values. Mr Gericke does not find that the effects are significant,

rather he is not satisfied that the effects are no more than minor. He also acknowledges that monitoring required by the RCP has not been carried out and that his assessment is based on a lack of certainty rather than actual information identifying effects that are more than minor.

65 In concluding that the tests in section 104D of the Act are not passed, Mr Gericke has essentially relied on the discretionary limits specified in the rules and that going beyond 5 commercial day trips per day may have a more than minor effect.

66 The assessment in the application acknowledges that lack of any specific information or process that can identify when vessel activity may shift from minor to significant. It has instead relied upon the following:

- i. the RCP planning framework for activity in the sounds, i.e. not limits on Milford Sound; allocation limits on Doubtful Sound (the only other sound with access by land and with a port facility); and, in the absence of any information to the contrary, no limits on other sounds that are only accessible by boat or aircraft that will effectively be self-limiting;
- ii. the Deep Cove port facilities are accessed by fisherman, recreational vessels and the Department's own vessel as well as the commercial charter operations. The port itself can have an air of busyness at times, generally when the charters are leaving and returning, but that busyness is not apparent in the wider sound itself. Vessel encounters are more likely to occur in Doubtful Sound than in the more remote sounds, but is not considered to be excessive;
- iii. one tourist vessel carries out 2 – 3 trips per day in the busy part of the year, which means there will not be 5 vessels on the water doing a day trip at the same time, something that the Plan provides for;
- iv. Fiordland Cruises proposes to operate to a different timetable and to use alternate routes to minimise the potential for a perception of "busyness" in the area;
- v. the type of vessel to be used is consistent with the smaller "boutique" scale of operation that Fiordland Cruises wants to offer clients. The Real Journey's vessel, "*Patea Explorer*", is the only vessel operating in Doubtful Sound that would be more consistent with the larger vessels used in Milford Sound;
- vi. Doubtful Sound is a large sound that is over 33 km in length from the entrance to Deep Cove. It also has a number of arms and other sounds (Thompson and Bradshaw Sounds) that substantial areas in their own right.

The number of vessels that would be operating in the complex if this application were granted is very unlikely to detract significantly from the natural character of this immense land and seascape; and

vii. finally, the effects of a vessel is a transitory one unless it stops in one place. For the most part, Fiordland Cruises vessel will be moving around that sound on day trips.

67 Other effects in the section 42A report were assessed as being less than minor for the most part.

68 I therefore disagree with the recommendation by Mr Gericke. I do agree that there is a dearth of information on the vessel activity as it is currently authorised and that some caution is appropriate when considering the use of this area. However, I am satisfied that, on the basis of the above, the effects are no more than minor and that the activity is not contrary to the provisions of the RCP.

69 My last point is that the information provided by Mr Gericke in Table 2 has the activity by Offspring Travel Ltd (consent AUTH-203196 - use of a vessel to supervise kayakers) as day trips. The use of this vessel does not fit the definition of a day trip so should not form part of the allocation.

CONCLUSION

70 The assessment is the potential adverse effects of this proposal will be no more than minor, and that it is not inconsistent with the relevant planning documents. I therefore submit that this application can be granted.

Dated at Invercargill this 18th day of February 2021.

A handwritten signature in black ink, appearing to read 'Bridgett Aitken', enclosed within a hand-drawn oval.

Bridgett Aitken
Planner, Bonisch Environmental

Schedule 1
New Zealand Coastal Policy Statement

Objective 1	<p>To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by:</p> <ul style="list-style-type: none"> • maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature; • protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand’s indigenous coastal flora and fauna; and • maintaining coastal water quality and enhancing it where it has deteriorated from what would otherwise be its natural condition, with significant adverse effects on ecology and habitat, because of discharges associated with human activity.
Objective 2	<p>To preserve the natural character of the coastal environment and protect natural features and landscape values through:</p> <ul style="list-style-type: none"> • recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution; • identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities; and • encouraging restoration of the coastal environment.
Objective 3	<p>To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by:</p> <ul style="list-style-type: none"> • recognising the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources;

	<ul style="list-style-type: none"> • promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act; • incorporating mātauranga Māori into sustainable management practices; and • recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua.
Objective 4	<p>To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment by:</p> <ul style="list-style-type: none"> • recognising that the coastal marine area is an extensive area of public space for the public to use and enjoy; • maintaining and enhancing public walking access to and along the coastal marine area without charge, and where there are exceptional reasons that mean this is not practicable providing alternative linking access close to the coastal marine area; and • recognising the potential for coastal processes, including those likely to be affected by climate change, to restrict access to the coastal environment and the need to ensure that public access is maintained even when the coastal marine area advances inland.
Objective 6	<p>To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:</p> <ul style="list-style-type: none"> • the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits; • some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities;

	<ul style="list-style-type: none"> • functionally some uses and developments can only be located on the coast or in the coastal marine area; • the coastal environment contains renewable energy resources of significant value; • the protection of habitats of living marine resources contributes to the social, economic and cultural wellbeing of people and communities; • the potential to protect, use, and develop natural and physical resources in the coastal marine area should not be compromised by activities on land; • the proportion of the coastal marine area under any formal protection is small and therefore management under the Act is an important means by which the natural resources of the coastal marine area can be protected; and • historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use, and development.
<p>Policy 6 Activities in the coastal marine area</p>	<p>...</p> <p>Additionally, in relation to the coastal marine area:</p> <ul style="list-style-type: none"> (a) recognise potential contributions to the social, economic and cultural wellbeing of people and communities from use and development of the coastal marine area, including the potential for renewable marine energy to contribute to meeting the energy needs of future generations: (b) recognise the need to maintain and enhance the public open space and recreation qualities and values of the coastal marine area; (c) recognise that there are activities that have a functional need to be located in the coastal marine area, and provide for those activities in appropriate places; (d) recognise that activities that do not have a functional need for location in the coastal marine area generally should not be located there; and (e) promote the efficient use of occupied space, including by:

	<ul style="list-style-type: none"> (i) requiring that structures be made available for public or multiple use wherever reasonable and practicable; (ii) requiring the removal of any abandoned or redundant structure that has no heritage, amenity or reuse value; and (iii) considering whether consent conditions should be applied to ensure that space occupied for an activity is used for that purpose effectively and without unreasonable delay.
<p>Policy 11 Indigenous biological diversity (biodiversity)</p>	<p>To protect indigenous biological diversity in the coastal environment:</p> <ul style="list-style-type: none"> (a) avoid adverse effects of activities on: <ul style="list-style-type: none"> (i) indigenous taxa that are listed as threatened⁵ or at risk in the New Zealand Threat Classification System lists; (ii) taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened; (iii) indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare⁶; (iv) habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare; (v) areas containing nationally significant examples of indigenous community types; and (vi) areas set aside for full or partial protection of indigenous biological diversity under other legislation; and (b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on: <ul style="list-style-type: none"> (i) areas of predominantly indigenous vegetation in the coastal environment; (ii) habitats in the coastal environment that are important during the vulnerable life stages of indigenous species; (iii) indigenous ecosystems and habitats that are only found in the coastal environment

	<p>and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;</p> <ul style="list-style-type: none"> (iv) habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes; (v) habitats, including areas and routes, important to migratory species; and (vi) ecological corridors, and areas important for linking or maintaining biological values identified under this policy.
<p>Policy 13 Preservation of natural character</p>	<ul style="list-style-type: none"> (1) To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development: <ul style="list-style-type: none"> (a) avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and (b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment; including by: (c) assessing the natural character of the coastal environment of the region or district, by mapping or otherwise identifying at least areas of high natural character; and (d) ensuring that regional policy statements, and plans, identify areas where preserving natural character requires objectives, policies and rules, and include those provisions. (2) Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as: <ul style="list-style-type: none"> (a) natural elements, processes and patterns;

	<ul style="list-style-type: none"> (b) biophysical, ecological, geological and geomorphological aspects; (c) natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks; (d) the natural movement of water and sediment; (e) the natural darkness of the night sky; (f) places or areas that are wild or scenic; (g) a range of natural character from pristine to modified; and (h) experiential attributes, including the sounds and smell of the sea; and their context or setting.
<p>Policy 15 Natural Features and Landscapes</p>	<p>To protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development:</p> <ul style="list-style-type: none"> (a) avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment; and (b) avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment; <p>including by:</p> <ul style="list-style-type: none"> (c) identifying and assessing the natural features and natural landscapes of the coastal environment of the region or district, at minimum by land typing, soil characterisation and landscape characterisation and having regard to: <ul style="list-style-type: none"> (i) natural science factors, including geological, topographical, ecological and dynamic components; (ii) the presence of water including in seas, lakes, rivers and streams; (iii) legibility or expressiveness—how obviously the feature or landscape demonstrates its formative processes; (iv) aesthetic values including memorability and naturalness;

	<p>(v) vegetation (native and exotic);</p> <p>(vi) transient values, including presence of wildlife or other values at certain times of the day or year;</p> <p>(vii) whether the values are shared and recognised;</p> <p>(viii) cultural and spiritual values for tangata whenua, identified by working, as far as practicable, in accordance with tikanga Māori; including their expression as cultural landscapes and features;</p> <p>(ix) historical and heritage associations; and</p> <p>(x) wild or scenic values;</p> <p>(d) ensuring that regional policy statements, and plans, map or otherwise identify areas where the protection of natural features and natural landscapes requires objectives, policies and rules; and</p> <p>(e) including the objectives, policies and rules required by (d) in plans.</p>
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Schedule 2
Southland Regional Policy Statement

Objective COAST.2 Activities in the coastal environment	Infrastructure, ports, energy projects, aquaculture, mineral extraction activities, subdivision, use and development in the coastal environment are provided for and able to expand, where appropriate, while managing the adverse effects of those activities.
Objective COAST.3 Coastal water quality and ecosystems	Coastal water quality and ecosystems are maintained or enhanced.
Objective COAST.4 Natural character	The natural character of the coastal environment is restored, rehabilitated or preserved.
Policy COAST.1 Direction on locations for activities	Identify in regional and district plans locations within the coastal environment where particular activities and forms of subdivision, use and development: <ul style="list-style-type: none"> (a) are appropriate; (b) are inappropriate; and (c) may be inappropriate without the consideration of effects through a resource consent application, notice of requirement for designation or a Schedule 1 process under the Act
Policy COAST.3 Protection of the coastal environment	Ensure that subdivision, use and development activities: <ul style="list-style-type: none"> (a) avoid adverse effects on areas of outstanding natural features and landscapes, and/or outstanding natural character; (b) avoid significant adverse effects, and avoid, remedy or mitigate other adverse effects on other natural features and landscapes and/or natural character in the coastal environment; (c) ...
Policy COAST.7 Management of activities in the coastal marine area	Within the coastal marine area, provide a framework to avoid or mitigate adverse effects on the coastal environment for the following activities: <ul style="list-style-type: none"> a) the allocation, use and occupation of coastal space; b) the use and development of the natural and physical resources of the coastal marine area; c) the emission of noise; d) commercial activities on the water and on the foreshore and seabed.

Schedule 3
Regional Coastal Plan

Objective 4.2.1 - Need for coastal location	To ensure that only those activities and developments that have a functional need to be located in the coastal marine area or for which there is no practicable alternative location outside the coastal marine area are situated there.
Policy 4.2.1 - Justifying coastal location	Require that proposals for uses and developments in the coastal marine area justify the functional necessity for that location or demonstrate that there is no practicable alternative location outside the coastal marine area.
Policy 4.2.2 - Consideration of alternatives	Where the adverse effects of use or development are more than minor, require alternative sites and methods be considered to determine the option that best avoids, remedies or mitigates the adverse effects of the use and development of the coastal marine area.
Objective 4.6.1 - Concentrating use and development	To protect areas free from use and development by seeking, wherever practicable, to concentrate use and development into areas where those activities are already taking place.
Policy 4.6.1 - Concentrate compatible activities	Encourage concentration of compatible activities in areas of existing uses and developments, where adverse effects can be avoided, remedied or mitigated, in preference to using undeveloped areas in the coastal marine area.
Objective 4.7.1 - Avoid, remedy or mitigate cumulative adverse effects	To avoid, remedy or mitigate cumulative adverse effects.
Objective 4.7.2 - Obtain an appropriate level of use in the coastal marine area	To obtain a level of use which is appropriate in the coastal marine area, particularly in areas where remoteness, wilderness and tranquillity are significant components of the environment.
Policy 4.7.1 - Avoid, remedy or mitigate adverse cumulative effects	To avoid, remedy or mitigate adverse cumulative effects of activities in the coastal marine area.
Objective 4.8.1 - Distinguish between commercial and non- commercial surface water activities	To manage surface water activities in the coastal marine area by making a distinction between commercial and non-commercial activities where the cumulative effects of either type of activity will significantly outweigh the other.

Policy 4.8.1 - Commercial activities in the coastal marine area	To distinguish, where appropriate, commercial activities in the coastal marine area from non-commercial activities.
Objective 5.3.1 - Protection of amenity values	To ensure that the use and development of the resources of the coastal marine area will not have significant adverse effects on amenity values, nor on the safety of the public, nor on the enjoyment of the coast by the public.
Objective 5.3.3 - Open space	To recognise, maintain and enhance the contribution that open space makes to the amenity values in the coastal environment.
Objective 5.3.7 – Noise levels	To ensure that the effects of noise in the coastal marine area do not adversely affect people's health and well-being, natural character and amenity values.
Policy 5.3.1 – Amenity values	Protect amenity values in the coastal marine area.
Policy 5.3.3 - Deposition of solid waste	Avoid the deposition of solid waste in the coastal marine area.
Policy 5.3.6 - Activities and structures	Limit activities and structures in the coastal marine area to those that: <ul style="list-style-type: none"> a. have a functional need for that location; or b. contribute to the amenities of that area; c. are a necessary and functional part of activities also undertaken on adjoining land.
Policy 5.3.15 – Amenity values	Protect amenity values of the coastal environment from the adverse effects of artificial noise in the coastal marine area.
Policy 5.3.18 - Noise from ships in motion	Avoid noise from ships in motion that adversely affects the health and well-being of people or degrades amenity values.
Rule 5.3.4 - General noise limits	Excluding Rule 5.3.8, unless subject to other rules in this Plan, it is a permitted activity for any activity within the coastal marine area to generate noise provided that the following noise limits are not exceeded, at any point at the landward boundary of the coastal marine area: <ul style="list-style-type: none"> I between 7:00 a.m. and 10:00 p.m. the L10 shall not exceed 50 dBA; li between 10:00 p.m. and 7:00 a.m. the following day, the L10 noise level shall not exceed 40 dBA; lii between 10:00 p.m. and 7:00 a.m. the following day, the Lmax noise level shall not exceed 70 dBA.

	<p>Noise shall be measured and assessed in accordance with the provisions of NZS 6801:1991 "Measurement of Sound" and NZS 6802:1991 "Assessment of Environmental Sound".</p> <p>This Rule shall not apply to:</p> <ul style="list-style-type: none"> I the activities specified in Rules 5.3.5, 5.3.6, 5.3.7, 5.11.1, 9.1.3 and 16.3.4; li noise generated by safety signals or warning devices reasonably required to ensure safety provided that the best practical option for limiting noise emission is applied; and, lii noise generated by an emergency work arising from the need to protect personal safety, or to prevent loss or serious damage to property or the environment.
Rule 5.3.6 - Noise limits for ships in motion	<p>Except as provided for in Rule 5.3.5, it is a permitted activity for ships in motion to emit noise provided that such noise does not exceed a sound exposure level of 90 dB(A) in any single drive by at any position beyond a line situated 25 metres back from the line of travel. Sound levels shall be measured in accordance with the provisions of NZS 6801:1991 "Measurement of Sound".</p>
Policy 5.5.3 – Maintenance and enhancement of public access	<p>Maintain and enhance public access to and along, the coast while having regard to the mode of access and the amenities of the area, unless a restriction on access is necessary to:</p> <ul style="list-style-type: none"> a. protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna; or b. protect Maori cultural values; or c. protect public health or safety; or d. ensure a level of security consistent with the purpose of a resource consent; or e. protect national security or the temporary use of an area for defence purposes; or f. protect heritage, natural or cultural values; or g. in other exceptional circumstances sufficient to justify the restriction notwithstanding the national importance of maintaining that access.
Policy 5.5.4 – Mode of access	<p>The mode of access to and along the coast is to be appropriate to:</p> <ul style="list-style-type: none"> a. the functional needs of people using it; b. the ecosystems contained in the area; c. the physical characteristics of the area; and d. the well-being of people affected by it.
Objective 5.10.1 – Social, cultural and economic reliance on	<p>To recognise the need for social and economic utilisation of the coastal marine area in a manner that enables people and</p>

the coastal marine area	communities to provide for their social, cultural and economic well-being and for their health and safety.
Policy 5.10.1 – Recognising the social, cultural and economic reliance on the coastal marine area	Recognise the importance of the coastal marine area for social, cultural and economic activities.
Objective 16.1.1 – Maintain essential characteristics	To maintain the essential characteristics of the pristine coastal marine area environment adjoining the Fiordland National Park that contribute to a range of high quality experiences in a natural coastal environment.
Objective 16.1.2 – Preserve remoteness values	To preserve the remoteness and wilderness values of the internal waters of Fiordland.
Objective 16.1.3 – Effects of surface water activities on intrinsic values	To ensure that commercial and private recreational surface water activities do not adversely affect the intrinsic values of the Fiordland coastal environment.
Policy 16.2.1 – Identify and protect areas at risk of diminished natural character, landscape and amenity values	Identify arms or parts of arms of Doubtful Sound and other waters of Fiordland where natural character, landscape and amenity values are vulnerable to the adverse effects of increased use.
Policy 16.2.2 – Extent and number of commercial activities	Limit the extent and number of commercial activities that occur within the coastal marine area of Fiordland to a level which does not reduce natural character, landscape and amenity values, specifically remoteness and tranquillity values.
Policy 16.2.8 – Remote and Wilderness Values in the Fiords, Inlets and Arms	Protect the opportunity for remoteness and wilderness experiences in all of the principle Arms, Inlets and Fiords of Fiordland apart from Milford Sound.
Policy 16.2.9 – Use of Doubtful Sound and Thompson Sound as a Thoroughfare	Provide for commercial surface water activity to use Doubtful Sound and Thompson Sound where it is necessary to: <ol style="list-style-type: none"> 1. pick up or off-load passengers to or from shore; 2. access services; 3. access wharves or launching areas; 4. travel from one arm of Doubtful Sound to another in the case of commercial backcountry activities;

	<ul style="list-style-type: none"> 5. off-load cargo and uplift stores; 6. carry out activities associated with the construction and maintenance of the Manapouri Power Scheme and tailrace.
Policy 16.2.10- Monitoring of Surface Water Activities and Their Effects	Monitor the distribution of surface water activities and their effects on visitor perceptions and the physical environment.
Policy 16.2.13 – Surface Water Activities that are incidental to a principal commercial surface water activity	Consider and if necessary restrict or provide for as separate activities (trips), activities that are “spawned” by or are incidental to the activity of the principal surface water activity.
Rule 16.2.1 – Commercial Surface Water Activity	<p>...</p> <p>2) Except as provided for by (4) or (6) below, it is a non-complying activity to undertake commercial day trips: a on Hall Arm; b on Doubtful Sound, Thompson Sound or Crooked Arm east of Turn Point.</p> <p>4) Except as provided for by (6) below, it is a discretionary activity to undertake commercial day trips:</p> <ul 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, Thompson Sound or Crooked Arm east of Turn Point, provided that within this area the total number of commercial day trips undertaken by all operators does not exceed five on any day. <p>5) Except as provided for by (6) below, it is a discretionary activity to undertake commercial backcountry activities:</p> <ul style="list-style-type: none"> a) 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; b) 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; c) on First Arm, provided that within this area the total number of commercial backcountry trips undertaken by all operators does

	<p>not exceed an average of two per day, measured over the period of each calendar month;</p> <p>d) on 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> <p>provided that no overnight mooring occurs in Hall Arm</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 in the internal waters of Fiordland from Yates Point to Puysegur Point.</p>
<p>Policy 16.3.1 – Noise that Compromises Tranquillity and Peacefulness</p>	<p>Avoid noise that compromises the tranquillity and peacefulness which is a characteristic of Fiordland.</p>
<p>Policy 16.3.2 – Loudspeaker noise in the internal waters of Fiordland</p>	<p>Encourage commercial operators to seek alternatives to loudspeaker systems in order to better reflect the natural character and low visitor generated noise values of Fiordland’s internal waters.</p>
<p>Policy 16.3.5 - Noise from commercial and non-commercial ships</p>	<p>Avoid, wherever practicable, or mitigate, the adverse effects of noise from commercial and non-commercial ships.</p>