

**BEFORE ENVIRONMENT SOUTHLAND
AT INVERCARGILL**

IN THE MATTER OF THE RESOURCE MANAGEMENT ACT 1991

**BETWEEN OFFSPRING TRAVEL LIMITED
Applicants**

**AND DEPARTMENT OF CONSERVATION, TE
RŪNANGA o ORAKA APARIMA, TE
RŪNANGA o NGHI TAHU, and FIORDLAND
MARINE GUARDIANS.
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 here 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 activities within Doubtful Sound/Patea - Thompson Sound/Te Awa-o-Tū. The application was lodged with Environment Southland on 24 September 2020 and formally accepted for processing on 12 October 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 the exceedance in day trip allocation and potential cumulative effects are the primary matters that have 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 exceedance of allocation limits specified in the plan, cumulative effect from an increase in activity and effects on remoteness, tranquillity, cultural, natural character and amenity values.

THE APPLICATION

- 7 The application is for a coastal permit to carry out a commercial surface water activity, namely, operating guided kayaking tours in the internal waters of Doubtful Sound/Patea, which includes using a support vessel.
- 8 Offspring Travel Ltd is an existing kayaking operation, providing guided kayaking tours in Doubtful Sound/Patea. The kayaking operation has been operating in this location for approximately 25 years. The applicant has a permanent berth for the vessel in Deep Cove, Doubtful Sound.
- 9 The operation is split into three different types of tour options, of which a “full day tour” is run in conjunction with either an “early day tour” or a “two-day tour. Further detail about each of these tours is included in the application and the response to councils request for further information dated 29 October 2020.
- 10 In this case, the main part of the activity forms part of the existing environment. The changes to the existing activity that are included in this application are;
 - An increase in 94 possible trips, above what is already authorised;
An additional double kayak added to the early day and overnight tours;
 - Increase in the size of the support vessel

The scale of the proposed changes is considered to be no more than minor. As mentioned in the application and supporting information, the definition around what constitutes a daytrip/back country trip for this type of activity is not clear. Depending on interpretation, it is possible the additional trips being sought are fewer than initially thought.

- 11 As the result of the pre-hearing meeting held on the 29 January 2021, a number of amendments have been made to the application. Further detail can be found in correspondence following the meeting dated 5 February 2021. Changes to the application are:
 - reduction in the size of the support vessel from 18 m to 14.3m overall length;

- vessel will not include accommodation facilities as per indicative plans included with the application;
- removal of trip Options 3 (Crooked Arm) and 4 (outer islands and Thompson Sound), both being one day activities; and
- non-kayaking passengers will no longer be present on the support vessel.

ACTIVITY STATUS

- 12 The use of the safety vessel to accompany the full day and early day kayaking tours is considered to be a day trip. The two day tour is considered to be a backcountry trip under the Regional Coastal Plan (RCP).
- 13 The proposed activities do not fit easily within the definitions of commercial day trips and backcountry activities as outlined in the RCP. The intended use of the support vessel is to operate in a safety/supervision capacity and not for the transport of passengers for an activity such as a sightseeing tour.
- 14 The support vessel only transports kayakers from one destination to another to commence or return from a kayaking activity. There will be no embarkation and disembarkation of passengers from the vessel at the applicant's wharf as typically done on a sightseeing day trip tour unless conditions are such that the kayakers could not safely continue and needed to be transported back to Deep Cove.
- 15 For the overnight trip in Hall Arm, the situation is similar in that kayakers may be transported one way but not both, hence the support vessel use is not a backcountry activity.
- 16 For the overnight trip in and around Crooked Arm, the use of the support vessel will be within the definition of a backcountry activity. Kayakers will be transported to a starting point at the head of the Sound, overnight in Crooked Arm, then the next day be transported back to Deep Cove. However, because this backcountry activity does not go into either Hall Arm, Crooked Arm west of Turn point, First Arm or Bradshaw Sound, the activity is not a backcountry trip, hence is not constrained by the discretionary limits specified in Rule 16.2.1(5).
- 17 In the application, each kayaking trip has been specified as one trip. However, based on discussions at the prehearing meeting, Environment Southland's Processing Officer advised that if all of the kayaking activities were to leave the wharf at the same time, with a single support vessel, the use of the support vessel would be regarded as only one commercial trip activity.

- 18 Offspring Travel’s early and full day tours leave the company’s Deep Cove wharf at the same time with only one vessel supervising/supporting both kayaking groups. Based on the above, that would constitute one commercial trip, therefore the number of support vessel trips applied for has halved as two kayak groups are supervised by one vessel at the same time.
- 19 Therefore, the total proposed number of early and day tours is 197 trips. With the addition of the 56 two day tours, there is a total of 253 trips annually. This total is less than the current consented allocation of 380 trips.
- 20 The vessel is not used for sightseeing purposes, which is different to every other operator that currently carries out day trips within Doubtful Sound. Discretionary day trip allocation is held by operators solely for the purposes of sightseeing cruises.
- 21 As noted in the s42A Recommending Report, any trips above the discretionary limits set in the RCP become non-complying activities. When the current consent was issued, it was considered a non-complying activity due to lack of allocation and the activity falling under the day trip definition even though the vessel was not a cruise sightseeing vessel. At this time, Council determined that the activity meet the requirements of section 104D and the application was granted. Based on the way in which the trips by the support vessel are carried out and the definitions of day/backcountry activity and trips are defined, this application, as amended, is now for a discretionary activity.

SUPPORTING INFORMATION

- 22 The following reports were prepared to support the original application:
 - a. the Assessment of Environmental Effects dated 22 September 2020 (referred to as “the Application”);
 - b. response to further information request – 29 October 2020; and
 - c. further information provided following the pre-hearing meeting dated 5 February 2021.
- 23 The key points from these documents are provided in this document in a summarised form only. Where necessary, a cross reference is provided.

DESCRIPTION OF THE ACTIVITY

- 24 The description of the proposed trips is provided on page 2 of the Application, with further detail about the areas visited outlined in the response to the further

information request. Some amendments have subsequently been made as outlined in 11 above.

DESCRIPTION OF DOUBTFUL SOUND/ PATEA

- 25 Doubtful Sound is located within the south west of 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 First Arm, Crooked Arm and Hall Arm.
- 26 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 of water from the Manapouri Power Station's tailrace tunnels.
- 27 The only development and use of the area as a whole is associated with either power generation, commercial fishing, tourism and 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/Piopiotahi and Deep Cove with some minor structures scattered through the area.
- 28 The RCP states that the entire coastline from Awarua Point to Big River, which includes Doubtful Sound/Patea, 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

ASSESSMENT OF ENVIRONMENTAL EFFECTS

- 29 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.
- 30 As discussed in Section 3.1, 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.
- 31 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

32 The assessment of the impact on landscape and natural character was included in Section 3.2 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 “Fjords” 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.

33 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.

34 Actual data on resource consent usage is not available. Anecdotally, there appears to have been a small increase in the number of operators throughout Fiordland but there has been no noticeable sign of an increase in the number of trips being carried out. In this case, there is no cumulative effect from an increased number of vessels however there will be an small increase in the number of days the various activities may occur.

35 Offspring Travel 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

36 This aspect has been addressed in Section 3.3 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.

37 The applicant is familiar with the requirements of the DOC Marine Mammal Code of Practice, ensuring it adheres strictly to its requirements. Offspring Travel currently hold viewing permits as required for commercial operators.

Impact on Public Access, Navigation and Safety

38 This aspect has been addressed in Section 3.4 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.

- 39 The kayaking activity is kept clear of the main routes followed by larger vessels travelling in and out of Deep Cove.
- 40 Plans provided of the proposed vessel are indicative of the type of vessel that could be purchased to be used as a safety vessel. The vessel needs to be large enough to transport the kayaks and kayakers, and provide room for catering for lunches. It needs to be suitable for conditions in the Sound and be able to quickly embark the kayakers at sea if conditions change.
- 41 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 and kayak 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

- 42 See Section 3.5 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

- 43 See Section 3.6 of the Application. Based on the vessel speed used when transporting and accompanying kayakers in the Sound, only a minor wake will occur compared with travelling at open water speeds. Effects from the wake will be less than minor.

Bio invasion

- 44 This issue is addressed in Section 3.7 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.
- 45 Rodent traps will be present both internally and externally on the vessel. No rodents have ever been caught or observed on the vessel. 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

- 46 See Section 3.8 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

- 47 See Section 3.9 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

- 48 See Section 3.10 of the Application. Having a larger safety vessel and an additional kayak has some added impact on visual effects but, compared to the existing activity, the proposed change are considered to be less than minor.
- 49 The proposed increase to full and early day tours, an increase from what is already authorised by the current consent, will be restricted by way of demand and weather conditions. The level of activity will fluctuate seasonally. The effects of a full or early day tour are not very different when comparing two separate day tours with an overnight as the kayaks are off the water and the support vessel is back at the wharf unless conditions are adverse.
- 50 The proposed increase does change the number of days the activities may occur, however, those additional days are over the late autumn, winter and early spring months, which is normally the least busy time.
- 51 While there are a number of consents for day and backcountry trips in Doubtful Sound/Patea and surrounds that have the option to undertake kayaking activities, there are none where the sole intention of the commercial surface water activity is centred around the kayaking activity. The support vessel used as part of the operation is primarily for safety purposes and assisting kayakers in the water.
- 52 Given the way conditions on the Sound can change quickly, and accidents can happen, it is the company's view that it cannot safely operate kayak tours without a support vessel available in a timely manner. The kayakers have to be capable and confident in that environment, but they are not generally highly skilled.

- 53 The activity associated with this application is, for the most part, existing, but some minor changes have been proposed. The activity is different to the sightseeing day trips carried out by other operators.
- 54 Kayaking trips are organised in such a way that conflict with other activities is avoided, but safety requirements mean that supervision with a vessel is necessary to reduce the risk for those kayakers.

Summary

- 55 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. However, being able to provide the right type of experience, and to be flexible with what can be offered is also a factor.
- 56 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, and anecdotal evidence. I am not aware of any subsequent study to support the numbers set in the Plan.
- 57 Due to the lack of reasoning as to how allocation numbers were derived, and lack of monitoring required under the RCP, it is difficult to accurately determine a suitable level of cumulative effects.
- 58 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

- 59 I wish to adopt the analysis of the statutory documents provided in the application.
- 60 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. While the applicants have provided details to Council of trips undertaken as a requirement of their current consent, no further monitoring or assessments have been undertaken by Council to determine the

effects from commercial surface water activities. It is acknowledged that analysing that data to provide meaningful information is difficult, but it does restrict the ability of operators to improve the experiences they offer even at a relatively low level.

- 61 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 and this 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 Offspring Travel does not use. No particular issues were noted in regard to vessel movements in Doubtful Sound.
- 62 Objectives 4.7.1, 4.7.2 and policy 4.7.1 outline various aspects relating to cumulative effects. All submissions mention an increase in cumulative effect as a result of the proposed activity, however with no monitoring to assess what an acceptable level of cumulative effect is, determining a more than minor cumulative effect is difficult.
- 63 In regard to Rule 16.2.1, the kayaking activity is a discretionary activity, however the use of the support vessel is non-complying due to the need to hold day trip allocation, even though the vessel is not being used for sightseeing cruises. The requirements of Section 104D of the Resource Management Act are considered below. I note that the original consent was also for non-complying activity but the difference in the type of operation and the recognition of the safety provided by having a support vessel were factors considered when granting the consent.
- 64 Policy 16.2.13 provides for activities that are incidental to a principal commercial surface water activity. The kayaking activity is the principal activity and the support vessel for the kayakers is considered an essential part of the activity. However, carrying some passengers who are not kayakers is a secondary or ancillary activity to the principal one that enables someone who is associate with a kayaker to accompany them, albeit from a distance. It is not intended that non-kayaking passengers would simply be anyone who wants a day trip on the Sound.
- 65 The proposed activity does not fit easily within the definitions of commercial day trips and backcountry activities as outlined in the RCP and Rule 16.2.1. While safety vessel activity has been assessed as a commercial activity, there will be no embarkation or disembarkation of the passengers from the vessel at the

applicant's wharf as is typically done on a sightseeing day trip tour as specified in the definition. It therefore does meet the definition of a commercial day trip.

- 66 Consideration of these policies therefore does not change the conclusion of the application, namely, that this application is not contrary to with the objectives and policies of the relevant statutory documents.

CONSIDERATION OF SECTION 104D OF THE RMA

- 67 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.

- 68 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.

- 69 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, most of which is part of the existing environment, is low, particularly when compared to other larger operations that undertake multiple trips in any one day.

- 70 The applicant's activity is unique in the way it is carried out as the use of the support vessel is complementary to the main activity, which is guided kayaking trips.
- 71 It is also noted that the current consent was granted as a non-complying activity, partly due to the fact that the overall activity was different to what is offered by other operators and safety is a significant issue to be addressed.
- 72 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.
- 73 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.

CONCLUSION

- 74 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 'BAitken', 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; • promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act;

	<ul style="list-style-type: none"> • incorporating mātauranga Māori into sustainable management practices; and • recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua.
<p>Objective 6</p>	<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; • 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</p> <p>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</p> <p>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;

	<ul style="list-style-type: none"> (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 <p>(b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:</p> <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 and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh; (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.
Policy 13	<p>(1) To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:</p>

<p>Preservation of natural character</p>	<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. <p>(2) Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:</p> <ul style="list-style-type: none"> (a) natural elements, processes and patterns; (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.
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Schedule 2
Regional Coastal Policy Statement for Southland

<p>Objective COAST.2</p> <p>Activities in the coastal environment</p>	<p>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.</p>
<p>Objective COAST.4</p> <p>Natural character</p>	<p>The natural character of the coastal environment is restored, rehabilitated or preserved.</p>
<p>Policy COAST.1</p> <p>Direction on locations for activities</p>	<p>Identify in regional and district plans locations within the coastal environment where particular activities and forms of subdivision, use and development:</p> <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
<p>Policy COAST.3</p> <p>Protection of the coastal environment</p>	<p>Ensure that subdivision, use and development activities:</p> <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) ...
<p>Policy COAST.7</p> <p>Management of activities in the coastal marine area</p>	<p>Within the coastal marine area, provide a framework to avoid or mitigate adverse effects on the coastal environment for the following activities:</p> <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 5.3.7 - Enhancement of the amenity values	Where practicable, enhance the amenity of the coastal marine area as opportunities arise.
Policy 5.3.12 - Safety of the public	Ensure that activities that take place in the coastal marine area do not endanger public safety.
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 5.3.16 - Health and well-being of people	Protect the health and well-being of the public from the adverse effects of 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.
<p>Rule 5.3.6 - Noise limits for ships in motion</p>	<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.</p> <p>Sound levels shall be measured in accordance with the provisions of NZS 6801:1991 "Measurement of Sound".</p>
<p>Policy 5.5.3 – Maintenance and enhancement of public access</p>	<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	The mode of access to and along the coast is to be appropriate to: <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 the coastal marine area	To recognise the need for social and economic utilisation of the coastal marine area in a manner that enables people and 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 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	Protect the opportunity for remoteness and wilderness experiences in all of the principle Arms, Inlets and Fiords of Fiordland apart from Milford Sound.

the Fiords, Inlets and Arms	
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; 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	... <ol style="list-style-type: none"> 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. 4) Except as provided for by (6) below, it is a discretionary activity to undertake commercial day trips: <ol style="list-style-type: none"> a) on Hall Arm, provided that within this area the total number of commercial day trips undertaken by all operators does not exceed five on any day; b) on Doubtful Sound, 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. 5) Except as provided for by (6) below, it is a discretionary activity to undertake commercial backcountry activities:

	<p>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;</p> <p>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;</p> <p>c) on First Arm, provided that within this area the total number of commercial backcountry trips undertaken by all operators does not exceed an average of two per day, measured over the period of each calendar month;</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>
Policy 16.3.1 – Noise that Compromises Tranquillity and Peacefulness	Avoid noise that compromises the tranquillity and peacefulness which is a characteristic of Fiordland.
Policy 16.3.2 – Loudspeaker noise in the internal waters of Fiordland	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.
Policy 16.3.5 - Noise from commercial and non-commercial ships	Avoid, wherever practicable, or mitigate, the adverse effects of noise from commercial and non-commercial ships.
Definitions	
Commercial Day Trip Activity	means commercial surface water activity that involves the use of a motorised or wind powered ship from a point of embarkation and back, with the embarkation and disembarkation of the passengers occurring on the same calendar day.

Commercial Day Trip	means the undertaking of a commercial day trip activity from a point of embarkation and back, with the embarkation and disembarkation of the same passengers (more or less) occurring on the same calendar day.
Commercial Backcountry Activity	means a commercial surface water activity that involves the use of a motorised or wind powered ship from a point of embarkation and back, or, from a point of embarkation to a different point for disembarkation where the activities of embarkation and disembarkation do not occur on the same calendar day.
Commercial Backcountry Trip	means the undertaking of a commercial backcountry activity within either Hall Arm, Crooked Arm west of Turn point, First Arm or Bradshaw Arm for any purpose, other than using an anchorage and travelling directly to and from that anchorage when conditions prevent the use of anchorages in areas other than those specified.