



TOPIC: Mt Tutoko Helicopter Landings

DATE: 28/06/2016

Background Paper for Public Distribution

Summary:

In late 2015 FMC was approached by DOC to participate in consultation regarding proposed increases in helicopter landings at several sites around the South Island.

From the information available during the process it seemed DOC was intent on increasing landings on Mt Tutoko's Ngapunatoru Plateau, though this central issue was clouded by other less controversial changes and discussions on how changes might give the opportunity to improve monitoring and compliance of the aircraft operators. In correspondence of the 7th January, DOC noted that demand for landings on the Ngapunatoru Plateau site exceeded supply, that the limits in the existing plan (signed off in 2007) had not been applied, and that they proposed to remove the daily limit and "trial this over 2-3 years, with monitoring to determine impact."

FMC objected strongly to this specific proposal in correspondence on the 20th January, Robin McNeill stating "it would be completely unacceptable to us to increase the number of daily landings at Ngapunatoru Plateau". Three reasons were given: 1. The purpose of the Darrans remote zone. 2. The likely effect on the adjacent Pembroke Wilderness Area. 3. The necessity of daily rather than annual limits in a place where flying is only possible on limited days during the year.

DOC acknowledged this objection, and agreed to continue communication with FMC. However, this communication never happened, and DOC pursued the proposed changes with some haste. What is now understood as the final decision was communicated on the 25th February.

The decision to change the daily limit of helicopter landings on Mt Tutoko's Ngapunatoru Plateau from 10 in total, to ten per operator (8 operators) was incorporated in a document titled "Departments response to the Aviation

Industries request for changes to Snow and Glacier Landing opportunities”, the key paragraph in this document read as follows:

“The Fiordland National Park Management Plan 2007 (FNPMP) is due to expire in 2017. The new Park Management Plan planning process will start early 2017. Therefore, a decision has been made not to apply the limits set in the FNPMP for the Ngapunatoru Plateau site. Instead the Department will undertake research in line with the provisions in the plan to seek changes to the limits ahead of the impending new plan. Part of this research will see lifting the daily limits in current concessions and the introduction of some additional landings for one operator. The information learned from this will be critical for the upcoming FNPMP review to understand what the carrying capacity at the site is.”

Subsequent to this correspondence there was some confusion within FMC as to whether this was the end of the process. As the proposal was in part justified by a research rationale, there was a line of thinking that if a meaningful research program could not be negotiated then the proposed outcomes would not happen. It was seen as beyond reproach that the clause below could be used to increase a daily landing limit in this context by up to 8x the plan limit immediately without any detailed consideration, consultation or research methodology. This would be a façade of research similar to Japanese whaling in the South Pacific.

“23. Should changes be sought to the limits detailed in Tables 8, 9 and 10 or Implementation 12, the applicant should be required to undertake appropriate research approved by the Department of Conservation that will address issues including but not limited to physical and social carrying capacity effects and demonstrate that no other visitor group is likely to be significantly adversely affected by landings.”

There was also the question of whether there would be a publicly notified concession change process. Eventually it became clear that the consultation and decision-making process was complete, and that there would be no further negotiation with DOC.

Background regarding the Fiordland National Park Management Plan

The [Fiordland National Park Management Plan](#) (FNPMP) came into effect in June 2007. It took around five years to write and is estimated to have cost around \$500,000 (Newspaper editorial of the time). The two most contentious issues were Aircraft Access and provisions surrounding a proposed gondola.

Management Plans adhere to a hierarchy of statutory laws and policies, including the Conservation Act, the Conservation & National Park General Policies, and in this case the persuasive value of World Heritage Status.

Pages could be written tracing how this hierarchy was applied, with thousands of hours of public input, to formulate the specific provisions governing Air Access in this plan. But to give only a brief, and incomplete precis:

1. The Conservation Act provides for “fostering” recreation and “allowing” tourism when their presence is not inconsistent with the conservation of the place.

2. The General Policy for National Parks is created under the Conservation Act and provides both for the need for National Park Management Plans to identify the outcomes planned for “places” with the National Park, and the need for opportunities for their use to be consistent with these outcomes and “National Park values”, here is an excerpt:

8.1 planning and management in general

8.(a) Each national park management plan will identify the outcomes planned for places within the national park consistent with the values of those places identified in the planning process set out in Chapter .

8.(b) Opportunities for the benefit, use and enjoyment of each national park will be provided. Where they are provided they should be consistent with the outcomes planned for places.

8.(c) Planning and management for recreation and other opportunities for the benefit, use and enjoyment of each national park should:

i) preserve national park values, including natural quiet, as far as possible;

ii) minimise adverse effects, including cumulative effects, on national park values;

iii) provide for a range of experiences to enable people with different capabilities, skills and interests to have the opportunity to benefit, use, enjoy, and gain inspiration from national parks;
and

iv) maintain the distinctive character of recreation in New Zealand national parks, including the traditional New Zealand backcountry experience with its ethos of self-reliance.

The General Policy goes on to talk about Powered Aircraft, and how their operation must be consistent with the outcomes planned for a place:

8.6(c) The landing, hovering and take-off of aircraft may be authorised where this is consistent with the outcomes planned for a place, is provided for in the relevant national park management plan and is consistent with policies 0.6(a) to 0.6(h).

3. The FNPMP, then includes statements such as: “The needs and aspirations of visitors are addressed within the context of the prime aims of management: preservation of the park’s natural and historical features” and “Although Fiordland National Park contains a vast visitor resource, it is not essential nor indeed desirable to provide for every possible user taste or preference”.

- The World Heritage Status of Fiordland National Park is also recognised:

“It is also important to recognise that Fiordland National Park is managed to reflect its international importance as a World Heritage Area. A component of this classification is the role of Fiordland as a “wilderness” of national and international significance. The effects of visitor management must be

considered in this context, not just in terms of its importance in the regional and national New Zealand environment.”

- And the specific ‘place - the Darrans Remote setting - in which the Ngapunatoru Plateau is located is defined:

“The Darran Remote Area provides the terrain for premium alpine and hard rock climbing opportunities, attracting climbers from throughout New Zealand and also from overseas. During the winter it also offers premium ice climbing opportunities. This visitor setting will be managed primarily for the remote climbing opportunities it provides.”

There are specific objectives to protect the special characteristics of this place:

- a) Its remote rock climbing and alpine climbing opportunities that are worldrenowned; and
- b) Its quiet atmosphere and wilderness characteristics.

To achieve this the FNPMP is strict on any commercial activity, for example only 25 guided mountaineering trips are allowed into this area per year, and they have to be of minimum 3 days in duration, and recreational heli-access to, for example Turners Bivvy in the Tutoko Valley, is limited to 2 landings per day and this only outside of the peak summer climbing season.

These provisions give clear context to the detailed Aircraft Access Provisions which state the rationale behind restricted air-access to Fiordland, and through Implementation 13, give an unequivocal limit to annual helicopter landings in Fiordland National Park that DOC seems to have disregarded:

13. Annual numbers of landings within Fiordland National Park, will not exceed the following:

- a) A combined maximum of **5493** helicopter landings for all regular aircraft operators per annum (excluding the Te Anau frontcountry helipad);

The provisions then detail the specific landing sites and their landing allocations. For the Ngapunatoru Plateau the limit is ten landings per day, inclusive of all concessions, an amount that should be seen as already exceptional in the context of the place, and its values.

Further relevant plan provisions include those related to the neighbouring Pembroke Wilderness Area, which is one of only ten formally designated Wilderness Areas in New Zealand, that are legally designated areas managed as much as possible to exclude all trace of human impact. The Ngapunatoru site is adjacent and above the Wilderness Area (see photo below). The experience of recreationalists in this Wilderness Area is deeply affected by noise and overflights, which will only increase with the changes in daily landings proposed. This is in direct contradiction of the FNPMP where it notes in regards to the Pembroke Wilderness Area the importance that “the present level of noise tolerance is not exacerbated further”.



Ngapunatoru Plateau (top left) from the Pembroke Wilderness Area (photo Colin Garnett)

Seeking Further Information

FMC was disappointed with the substance of the decision to increase landings, but the biggest disappointment was the process. Changes like this are normally made through a statutory plan amendment process (similarly to how the Kahurangi National Park plan is currently being amended to allow a longer MTBing season on the Heaphy track).

It also seemed, at least to common understandings of language and context, that the research clause in the plan was being misused, the annual limit of helicopter landings in Fiordland National Park was being ignored and that the process was not taking proper account of all relevant factors, some of which have been indicated above. There was also the question as to why this issue was being dealt with so hastily.

On the 18th of April, FMC placed an Official Information request to both DOC and Tourism NZ. The request to DOC read as below, that to Tourism New Zealand was very similar:

“FMC would like to request copies of all correspondence and meeting notes related to the Department of Conservation’s current or future management of helicopter operations on Mt Tutoko, including the Ngapunatoru Plateau landing site, since 2013.”

Tourism New Zealand responded promptly.

DOC, after acknowledging the request promptly, wrote on the 3rd of May advising that its response would be delayed until the end of May (it was eventually received on the 13th of June). The delay being justified by the extensive paperwork involved.

DOC also on the 3rd of May, advised that a fee of \$1660 was required from FMC for this information. This fee was waived after a media campaign.

Assessment of Information Provided as a Result of OIA requests.

The Tourism New Zealand OIA information does not reveal any cause external to DOC shaping the consideration or decision-making of this issue.

What it does reveal is that DOC's Aviation Account Manager and its Director – Planning and Permissions were working closely with the aviation industry following a workshop on the 15th of October that was attended by 11 DOC staff. The Director is described as being “brilliant” at finding what was otherwise described as “wiggle room” in statutory plans and in an email before the 3rd of December outlines the possibility of managing the changes to daily limits as a ‘trial’.

The DOC OIA information is notable firstly for the amount of information excluded through various means. Firstly, unlike the Tourism New Zealand response it contains no internal emails. It also lists a number of specific exclusions, including internal reports, all financial details and a detailed history of reported landings over the last three years. The full list of exclusions can be found at this [link](#).

(<https://drive.google.com/file/d/0BwXbZfC1H4WNbKp4MWtDQ3YzV0k/view?usp=sharing>)

The DOC OIA information also does not reveal any cause external to DOC shaping the consideration or decision-making of this issue, although there is a reference to the airline industry speaking to key government ministers if the decision did not go its way.

Some of the things that it did reveal are as follows:

- there has been ongoing consultation between DOC and the aviation industry in which other stakeholders were not involved
- 8 helicopter operator concessions have expired and not been renewed under the current FNPMP, it seems there is an intent to wait for the next (more favourable?) plan, this is despite DOC's duty to apply the clear limits stated in the plan.
- the daily landing limits for the Ngapunatoru Plateau, effective since June 2007, have not been applied because DOC can't find a “simple way” to allocate and manage them.
- there is a general understanding that concessionaires have not been abiding by their daily limits, without any enforcement actions from DOC
- there is some indication that DOC has accepted revenue from the concessionaires operating beyond their landing limits, though details are not provided.
- there is no indication of the interests of any stakeholders, other than the helicopter operators and DOC, being considered in the decision process. Nor is there any consideration of the wider statutory context outlined above. The decision is made under a provision s17ZG (2)(a) 3 in Part 4 of the Conservation Act, which must be considered in the wider statutory context outlined:
- the type of reasoning given for recommending the change be made includes:

“Recent advice has confirmed that Airline arrivals from China will be increasing from 6 to 20 landings per week, effective immediately. With the majority of passengers choosing to do independent tours as opposed to organised group tours. It is understood that this market has a high expectation/demand for either viewing a glacier or having some type of snow landing experience”

“When these plans were written it was not anticipated or forecast that there would be such a growth in the demand for tourism snow and glacier landings...”

“While it is possible to do partial (National Park Management Plan) reviews, a partial review cannot be completed in a timely manner to address this rapid growth in tourism”

“If the Department is supporting a ‘whole of Government approach’ to manage tourism growth, decisions will need to be made in a timely manner including authorisations”

- the Departments intention to run a “trial” is signalled with numerous objectives focused on revenue, and a minimal focus on anything that could be considered “research”

- Milford Helicopters alone has specifically been given an additional 2000 landings per year at the Ngapunatoru Plateau (the value of which has been redacted). This decision gives no reference the extra landings effect on the total number provided for in Implementation 13 quoted previously.

- the concessions which have been “rolling on” have not had a rent review for many years.

- Te Rūnanga o Ngāi Tahu, Papatipu Rūnanga and the Southland Conservation Board were consulted with the intention that their critical issues could be considered only in the implementation of the trail, but not in the substance of the decision (because of the tourism timeframes).

- That arguably misleading statements were made in a report to the decision-maker that the Aviation sector had not been made aware of what “type of changes” were proposed ahead of the consultation with Iwi/CB (they had been made aware in an email dated 2nd December).

- the Departments assertion that it needed to trial high levels of helicopter use to determine effects (without any justification or methodology for why this is necessary), eg Milford Helicopters extra 2000 landings, “will provide robust data for upcoming plan review”

- that DOC prefers to protect the interests (by offering extra landing allocations) of existing concessionaires, over other possible business interests, despite the known compliance issues of existing concessionaires.

Links to the information received through the Official Information Act processes are available here:

[Tourism New Zealand OIA result](#)

[DOC OIA result](#)