

## **Tourism Industry Association New Zealand (TIA)**

### **Key Concerns on the Department of Conservation (DOC) Milford Sound Aircraft Access Proposals - proposed amended section 5.5 of the draft Fiordland National Park Management Plan – March 2006**

This submission comments on the proposed amended section 5.5 of the draft Fiordland National Park Management Plan.

TIA has previously submitted to the Department of Conservation (DOC) regarding this issue on three occasions: firstly in March 2003, secondly in November 2004 and lastly in October 2005. The comments in these submissions still apply. This submission provides further comments for consideration under the following headings:

- Aircraft: facilitating public recreation and enjoyment
- Some overview comments on the latest proposals for section 5.5 of the draft Plan
- Detailed comments on the draft proposals
- Recommendations for the Southland Conservation Board to consider
- Information on the tourism industry.

#### **Aircraft: Facilitating public recreation and enjoyment**

TIA believes the review of the Fiordland National Park Management Plan has led to a focus on aircraft noise at the expense of the strength they bring to national park management:

- Aircraft allow everyone the opportunity, regardless of age or physical ability, to enjoy the region. Vast areas of the Fiordland National Park are inaccessible to all but the very fittest and most experienced trampers; aircraft enable a more inclusive enjoyment of the region's grandeur.
- Aircraft primarily offer scenic flights between Queenstown and Milford Sound - but in doing so they also take pressure off the roading system and help to reduce the bottle-necks associated with road transport. During winter with its associated road closures, aircraft may provide the only practical link between Milford Sound and the outside world. Aircraft remain an integral part of the transport options to and from Milford Sound.
- Many aircraft used for charter and scenic flying are also heavily utilised for Park management purposes and search and rescue.

- Noise is a negative bi-product of aircraft, yet noise is a transient thing that leaves no long-lasting trace. Tracks, rubbish tins, toilets, roads, buildings are part of a more permanent impact.
- Aircraft have the ability to alter their noise footprint and output by technical and operational means. A great range of techniques can be employed to mitigate or remove noise entirely from sensitive areas.
- The Fiordland flight sector is woven into the local and national tourism industry. Locally and nationally it enjoys a high profile based on providing viewing opportunities of some of the worlds most remote and awe inspiring terrain.
- Flight businesses are both integral to, and important to, the local economy.

TIA believes that a vibrant, healthy tourist flying industry is vital to a sustainable ‘conservation focused’ future for the Fiordland National Park. Aircraft allow thousands of people to experience Fiordland while leaving no lasting trace – surely a unique management opportunity?

## Overview comments

TIA believes that in moving away from a more prescriptive approach, DOC has made a positive move in the right direction.

Acoustic testing and a movements-per-day philosophy have clearly been replaced with a more collaborative approach. Responsibility for sustainability and noise mitigation is being shifted to the door of the industry where it belongs. However, while we welcome this shift and congratulate DOC for it, we still have some very real concerns.

TIA remains adamant that more changes are needed. The plan still contains too much prescription and too much uncertainty for operators, neither of which will address noise concerns – and may in fact aggravate them.

TIA believes it is not fair and reasonable to openly allocate the opportunity to carry out regular aircraft landings and take-offs at Milford airstrip. Such a process will threaten the DOC/operator relationship and not prove to be the useful management tool hoped for by DOC. TIA challenges DOC’s belief that open allocation is required and believes that it is not ‘fair and reasonable’ to subject resident operators to this process.

In regard to the proposal to limit landings, TIA believes restricting the number of **aircraft** in Implementation 19 provides sufficient control and represents a robust cap in its own right. Cause and effect are at the heart of the issue and there is no evidence to suggest that limiting landings will be an effective management tool - or even necessary.

In TIA's view this issue is not about the number of landings. The operators have been handed the challenge of mitigating their effects and responding positively to whatever research results are forthcoming. By commencing this process with a capped supply of landings, the Department is not working in good faith with the operators. Landings should not be capped until research has been undertaken and operators have had the opportunity to undertake all possible mitigating action.

## **Detailed comments on section 5.5 Aircraft Access**

### **Page 271 – Rationale:**

- We believe this section should include greater emphasis on the positive contribution of aircraft. The overwhelming feeling gained from the section is one of managing a problem. TIA maintains that, in addition to management and SAR functions, aircraft provide one of the best mechanisms for showing large numbers of people the Fiordland National Park without leaving a lasting trace.

### **Page 273 - Low use:**

- Reference is made in this section to the fact that *'aircraft access has not reached unacceptable levels in most places (excluding Milford Sound)'*.

By inference this indicates that Milford Sound has reached unacceptable levels. We don't believe that Milford Sound should be singled out until adequate research has been undertaken. Whether it has/hasn't reached an unacceptable level is the question that has yet to be answered. We request that reference to Milford Sound in this manner be removed from the plan because it is misleading.

### **Page 277 – High use:**

- **In the second to last paragraph relating to use after 31 March 2011 it states *'the plan provides for activity to then be allocated by way of a public process at the appropriate activity levels considered appropriate'*. TIA does not believe existing operators should be confronted with the uncertainty that surrounds a public allocation process which this paragraph suggests.**

**DOC has stated they are legally bound to allocate via a public process, which is likely to be tendering. TIA has recently had legal discussions that indicates very strongly that DOC is not obligated to use tendering or any other means of allocation. Public allocation is one mechanism that may be used should demand for a resource clearly exceed supply.**

**TIA believes it is inappropriate for DOC to speculate about the demand/supply situation in five years time. Under the current draft proposal, operators now face five years of uncertainty that will have ramifications on their capital commitments and product/infrastructure development.**

**Many of the operators have been developing businesses in the area for years without even the need for a concession. The question that must be asked is ‘should businesses that were established many years ago and developed - and allowed to operate - on a ‘no concession required’ basis suddenly be faced with a public allocation process?’**

**Legally this is classified under the term ‘legitimate expectation’: businesses that build their operations using one set of rules do so with the legitimate expectation that the current rule climate will largely prevail.**

**It is likely that DOC regards an open allocation process as one method of sorting the wheat from the chaff. This presents a challenge. For example, an operator that has not been able to step up to more modern aircraft may be regarded as second class to one that has. The reality is very different. A small operator with older aircraft may well have a far more professional approach to operating techniques and a far stronger environmental conscience than one with new equipment – what then?**

**TIA believes it is not fair and reasonable to openly allocate the opportunity to carry out regular aircraft landings and take-offs at Milford airstrip as suggested on page 277 and under implementation 35 on page 305.**

**Such a process will threaten the DOC/operator relationship and not prove to be the useful management tool hoped for by DOC. TIA challenges DOC’s belief that open allocation is required and believes that it is not ‘fair and reasonable’ to subject resident operators to this process.**

- In the last two lines at the bottom of page 277 it states “*an initial term of 5 years with up to 3 five yearly conditional rights of renewal*”.

TIA believes that the first five year period should also be a conditional right of renewal (as stated in the previous bullet point).

Additionally, TIA asks the Board to clarify implementation (36d) stating “*that the concession may be granted for 5 years with up to 3 conditional rights to apply for renewal...*”

We believe this latter statement is at odds to the former one in that it only recognises a right to apply for conditional renewal as opposed to simply offering a conditional right of renewal.

Our preferred wording would be that the concession ‘be granted for 20 years with conditional rights of renewal every 5 years’. We believe that ultimately it is the conditions applied to concessions that will determine effects.

### **Implementation 9 (i) and (k) Page 298:**

- TIA questions whether the requirement to record landings ‘using a GPS recorder, or a similar device’ has been through a robust consultative process that includes cost/benefit analysis, discussion with operators and advice from the CAA. We are unsure whether the intent is for a panel mounted, tamper proof device – if so, we urge the Board to investigate the real implications for operators (cost/practicality) and the consultative process that determined its inclusion in the draft plan.
- (k): We are at odds with the statement that “*all allocated landings may be charged for regardless of whether it is used...*” TIA does not believe this is a fair and reasonable charging regime. While the intent of the clause may be to encourage a ‘use it or lose it’ philosophy, the weather may well dictate to what extent landings are undertaken – in a bad year the operator may not only face a lack of revenue flights, with this clause they will also confront a bill for landings that never occurred – is that fair? A per landing regime exists for helicopter operators landing on glaciers in the Westland Tai Poutini National Park and appears to work well.

We would favour a per-landing charge that reflects actual use. If the Department is concerned about operators holding large numbers of landings that are never used, perhaps a biennial review clause could be introduced to reassess/renegotiate landing needs with the operator.

### **Implementation 18 (1) Page 301:**

- We believe that it is unwise for the Department to state that the length of the runway will not exceed its present footprint except as otherwise provided by legislation. Such a clause may prove very limiting should a larger aircraft be proposed for Milford or (for example) the forest canopy on approach necessitates higher flight profiles. TIA believes that any proposed lengthening of the runway should go through a full and proper process and the strength of the arguments could be judged at that stage.

### **Implementation 19 (a) (b) (d)**

- (a) TIA believe the first five years of the concession should commence from the date the Fiordland Plan becomes operative rather than be limited by 31 March 2011 – therefore making it a true five years.
- (b) TIA congratulates DOC on their move away from prescriptive limits, but is adamantly opposed to granting a fixed number of landings as a form of control and especially when ‘plucked’ from the 2004/2005 year.

**The restriction on the number of aircraft in Implementation 19 provides sufficient control and represents a robust cap in its own right. Cause and effect are at the heart of the issue and there is no evidence to suggest that limiting landings is an effective management tool or even necessary.**

**In TIA's view this issue is not about the number of landings. The operators have been handed the challenge of mitigating their effects and responding positively to whatever research results are forthcoming. By commencing this process with a capped supply of landings, the Department is not working in good faith with the operators. Landings should not be capped until research has been undertaken and operators have had the opportunity to undertake all possible mitigating action.**

**Historical records show that landings have been as high as 22,289 in 2001 (as opposed to approximately 1800 in 2005/5); it will be very damaging to everyone if operators start to run out of landings before the year is complete. One result of operators using up their landing allocation will be an increase in 'over flights' that may well aggravate the noise issue.**

**We urge the Board to reconsider the issue of landings and remove the initial restrictions.**

- (d) This clause indicates that concessions may be varied at any time up until 31 March 2011 to take account of significant adverse effects of landings and take-offs. Surely operators will be given the opportunity to respond in any way possible to research results before concession conditions are varied?

TIA requests the Board remove this clause and by doing so let operators approach the next five years with the confidence that their future is in their hands: they have five years to respond to research without the threat of a change to their concession.

A similar comment accompanies our response to implementation 33.

### **Implementation 34 page 304:**

- While we believe that it is appropriate for operators to contribute to the cost of monitoring, we believe it fair and reasonable that DOC also contribute financially - in so doing demonstrating their own commitment to a more collaborative approach. Such an approach includes DOC actively working with operators to develop a monitoring tool that has the confidence of the Department and the Industry.

### **Implementation 36 (b) Page 305:**

- TIA believes that the requirement to submit an annual plan is overly prescriptive and onerous for operators (and possibly for DOC to administer). At most we believe a 'mid concession' plan review may be appropriate.

### **Implementation 36 (iii) (iv) Page 306:**

- TIA believes the frequency of monitoring should not be tied into such high frequency periods. Monitoring should be carried out by mutual agreement between DOC and operators at a frequency that does not exceed one year.

A more prescriptive approach will bring an administration problem and not necessarily add value to the process.

## **Recommendations for the Southland Conservation Board to Consider:**

- 1 Include greater reference to the positive contribution of aircraft.
- 2 Remove any inference that aircraft access to Milford Sound has already reached unacceptable levels.
- 3 Remove any requirement for an open allocation process in 2011 and clarify operators will have a conditional right of renewal at five year intervals for a minimum of 20 years.
- 4 Investigate the real implications for operators of being required to record landings via GPS or a similar device.
- 5 Remove the clause that may require operators to pay for allocated landings, regardless of whether they have been used or not. Replace with a mutually agreed charging framework that more accurately reflects business reality and actual landings used.
- 6 Remove any reference to limiting the length of Milford runway.
- 7 Commence the first five year concession from the date the plan ceases to be a draft.
- 8 Remove any proposed landing limits at Milford airstrip.
- 9 Remove the ability for DOC to vary concessions during the first five years of research and mitigation.
- 10 Clarify that monitoring costs will be shared by DOC and the industry.
- 11 Change the requirement to submit an annual plan to reflect a lesser frequency.
- 12 Take a less prescriptive approach to monitoring frequency and consider a change of wording that says monitoring will be carried out by mutual agreement between DOC and Operators at a frequency that does not exceed one year.

## **About our industry**

The Tourism Industry Association New Zealand (TIA) represents the interests of the tourism industry in New Zealand. The businesses we represent generate more than 80% of New Zealand's tourism-related revenue.

Tourism is a \$17 billion industry (\$7.5b from international and \$9.5b from domestic tourism) and generates 18% of New Zealand's exports. The industry employs one in ten New Zealanders in a diverse range of businesses – the majority of which are small and medium sized enterprises. Not only is tourism important because of its size, as well as being 10% of New Zealand's GDP, it is also:

- Highly employment intensive;
- Regionally dispersed;
- Sufficiently nimble to change its target markets quickly as conditions change.

These businesses cover a range of tourism-related activities – hospitality, transport, adventure and activities, retail and related tourism services. In many cases, regional tourism businesses have developed around regional assets divested by other industries and have revitalised those assets and the communities that depend on them.

The tourism industry in New Zealand consists of more than 8,000 small and medium sized businesses. Of these businesses, most employ less than five people.

As well as being a significant user of New Zealand's natural and physical resources, the tourism industry directly benefits from a high level of environmental quality. Unsustainable or damaging behaviour to our environment has the potential to cause disruption to our industry.

We also recognise that conservation of our ecosystems and biodiversity is essential to the future of all New Zealanders.

Tourism can play a role in helping to conserve the environment, through initiatives such as undertaking research and development into sustainable environments, and the Green Globe 21 initiative that encourages environmentally friendly tourism business practices.

In a nutshell, the environment sustains tourism and tourism must ensure that it helps sustain the environment.

Businesses operating as part of our industry also provide a mode of access for many visitors to our public conservation areas. Without businesses such as boat operations, coaches, and aircraft, many visitors from around New Zealand and from overseas would not be able to enjoy our natural environments. This access is essential to ensuring that all users are able to enjoy our natural spaces.

***Tourism Industry Association New Zealand***

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