32 Five Rivers Lumsden Highway,
RD 3
LUMSDEN 9793

PERMISSION FILE: 80053-GUI

Lisa Wheeler
Senior Permissions Advisor
Otepoti Dunedin Office
lwheeler@doc.govt.nz

14 November 2019

Kia ora Lisa,

RE: Concession Application 80053-GUI Request for Further Information

On behalf of the Applicant, Tourism Milford Limited (TML), I am writing in reply to the Request for Further Information letter dated 22 October 2019, undersigned by Laura Findlay.

Item 1 of the letter stated the following:

Can you please provide further information to expand on why the increased lease footprint is required? For the Minister to grant a lease for areas around a structure or facility, it must be necessary:

i. For the purposes of safety or security of the site, structure or facility to include the extra area, or
ii. To include any clearly defied [*defined] *area(s) that are an integral part of the activity on the land.*

In responding to this, please also:

a) Explain what, if anything, has occurred or changed within your current concession activity that now requires exclusive use over the land areas surrounding the lodge buildings and associated structures; and
b) Outline what other options, such as a licence to occupy, have you investigated prior to lodging your application to assist with the managing the activities between the lodge buildings and associated structures at each site.

<u>In response to Item 1:</u>

The following detail is provided to expand on reasons for public safety, security of structures/buildings and associated activities, and why the proposed lease area is integral to the competent operation and management of the guided walk activity by the Applicant.

1. The Applicant is applying for a lease area at the three lodge locations along the Milford Track for the multiday guided walk activity, as described in application form 3b and the supporting lodge plans (Documents I-K) that define the proposed areas. The GPS coordinates are included within the lodge plans. The proposed lease includes exclusive occupation of the footprint of all the structures and the land in between and surrounding them. Documents I-K outline the proposed 'lease areas', these are essentially the functional operational areas at the lodge sites and are managed daily throughout the great walk season and as required outside of it.
2. The Applicant considers all the structures at the lodge areas are essential assets to the competent operation of the guided walk activity, including but not limited to, the accommodation buildings for both clients and staff, the drying rooms, generator and storage

sheds, gas tanks and diesel/fuel storage, the septic tanks etc. Maintenance and repair to facilities and buildings/structures is a fundamental aspect of the Applicants operation. Where practicably possible, it is integral that all facets of the facilities and buildings owned and operated by the Applicant are competently operating to preserve a successful and quality product/activity. Much of the repair and maintenance occurs outside of the great walk season to minimise any disruption to the Applicants staff, visitors, and to any other visitors to the Milford Track and surrounding national park. However, there are occasions where repair and maintenance are essential to occur during the walking season and at different times this can mean equipment/tools and objects are required to be located on the land surrounding the structures/buildings and often delivered by helicopter. This gives rise to potential health and safety risks and managing these is essential, particularly at the busiest time of the year for the Applicant. While it is not always necessary, there is the potential to require areas of land to be cornered off from staff, clients and public keeping them out of operational areas for their own safety. A lease provides the necessary authority to enable this action to occur, without time delay or any other complication.

3. A helicopter landing pad is in the vicinity of each lodge building complex. Heli landings occur regularly throughout the great walk season for the main purpose of resupply to the lodges, and as mentioned above, may be used in repair and maintenance operations. At times due to track and environmental conditions Heli landings are inevitable for walker and staff relocations. This activity requires the greatest public safety management of staff, the Applicants visitors and independent visitors. A lease only over the footprint of the pad may not necessarily provide the appropriate level of safety for the public. There have been several instances where the Applicant has needed to corner off areas to ensure the safety of the public while the Heli operations have been carried out. A lease over the area of land surrounding and between the Heli pads and the other facilities and structures will provide a necessary mechanism to enable the Applicant the appropriate recourse if it was required.
4. Security of the buildings and structures is also integral to the competent operation of the guided walk activity. The buildings and structures are a major capital investment for the Applicant and their security is of utmost priority, especially for the cost implications of repair and maintenance in the instance of damage. Notwithstanding, they are not only a drawcard for the Applicants visitors, but for the general public in many respects. The land that surrounds and lays between the structures at the lodge areas presents both opportunity and risk. Any other interest in the land that is not a lease enables a potential opportunity for activity to be authorised around these structures and buildings on the land. This scenario may present problematic situations for the Applicant in carrying out their activity. Access for the Applicant's activities may be compromised, and this situation has the potential to increase risk to public safety and the security of the Applicants buildings/structures. A lease would preserve the essence of the current activity within and around the lodges and their associated structures/buildings.
5. Expanding on the above point, the Applicant on many occasions has the general public (independent walkers) visit their facilities. While this usually is not a problem, there is often an expectation by those visitors that they are able to use the facilities themselves, such as the toilets and showers. This can mean that they have moved beyond the signage and restraints that clearly state the use of the facilities and services are for the guided walkers or staff only. The Applicant considers it appropriate that at times it should be able to exclude the public from wondering at will around and between the private lodge facilities to ensure the integrity of its product, and the security of its infrastructure and structures. There are several facilities along the Milford Track the Applicant welcomes use by independent walkers, such as its various shelters and the day shelter at Quintin Lodge.
6. Furthermore, the physical security of the chattels and services contained within the buildings/structures is also necessary for the competent operation of the activity. A lease over the building/structure enables exclusive occupation, and the Applicant would be within their rights, if it is granted, to exclude anyone from the buildings/structures who is not authorised to be there. However, if the land around them provides for access up to the structures this may increase the risk of unauthorised entry, deliberate or not – as described in point 5 above.
7. The application includes continuation of gas and diesel facilities (tanks, bottles and bulk storage facilities) for water, heating, and power purposes. The Applicant has put in place measures to provide for the security of these facilities. Nevertheless, the Applicant considers

a lease authorisation over the land surrounding and in between these facilities provides additional confidence with another level of security, giving the Applicant assurance that they would have appropriate recourse if it was required.

8. For transparency, when the Applicant considers the parameters of a Licence to Occupy versus a Lease authorisation, the benefit of a Lease for managing the 'lodge sites' is more attractive. It gives more opportunity for a pragmatic and reasonable approach to operational management. A Lease would still provide the Department of Conservation with conditions that required the Applicant to apply for any alteration or improvement. If a Licence was granted for the land surrounding the structures and buildings, any application to alter or improve the existing structures/buildings that fall outside of the lease footprint would require a public variation application process. Public notification is necessary if any lease is being applied for, in accordance with the legislation, irrespective of the applications merit i.e. the necessity of the alteration.
9. For completeness sake, any application for structural addition/improvement outside of the Lease area, if it was granted, would require public notification.
10. As previously mentioned above, any other authorisation that is not a lease would provide opportunity for other parties to apply to use these areas of land. While it could be argued that this is unlikely, or in the event an application was made, unlikely activities would be granted, it is still a possibility. The Applicant does not consider it appropriate or reasonable to enable this opportunity within the operational management areas surrounding the lodge buildings and facilities for reasons already mentioned above.
11. A lease area around multiday guided walk facilities on a great walk track that has included the land surrounding and in between the buildings/structures has occurred previously, therefore this would not be a precedent.
12. The Applicant also wishes to highlight in the instance any member of the public required emergency attention or services and the facilities within the lodge lease areas were needed, this would be provided unconditionally in those instances. In fact, this is always done where public safety is compromised, including outside of the great walk season. Recently, prior to the great walk season commencing, there was an instance with an independent walker who was brought back to a lodge facility to provide a Heli extraction as the track was impassable both in front and behind them due to flooding. Public safety is the number one priority for the Applicant and the Applicant does not intend to compromise anyone's safety on the track or in the National Park.
13. To conclude the response to Item 1; the Applicant wishes to again guarantee the public that the intention of having a lease over the land between and surrounding the existing buildings and facilities at the lodge areas is to have the necessary and appropriate mechanism to preserve the safety of the public, the security of the buildings/structures and chattels, and ensure the competent operation and integrity of the activity, including appropriate recourse if it was required over the term of the concession, if it was granted. It is the Applicant's opinion that the proposed lease areas do not affect the right of entry or access of the public to the Milford Track or restrict the public's enjoyment of the track.

Item 2 of the letter stated the following:

In your application form 4b watercraft activities – can you confirm that there are two elements of watercraft activity that are being applied for:

a) *The transporting of walkers from Sandfly Point, Milford Track to Freshwater Basin, Milford Sound/Piopiotahi. This clarification is required as the activities on the water between Sandfly Point and Freshwater Basin do* ***not*** *require a concession from the Minister, as the water is not part of the National Park; and*
b) *The operation of a barge on Lake Te Anau (between Te Anau Downs and Glade Wharf) for the purpose of carrying fuel, supplies, building materials, refuse material and fully contained sewerage tanks necessary for the specific purpose of servicing Tourism Milford Limited's Milford Track Guided Walk operation.*

In response to Item 2:

14. It is noted that the waters between Sandfly Point and Freshwater Basin is not National Park status, therefore the activity of transporting passengers across the water does not require a concession.
15. Consequently, to provide clarity, the activity listed in the table under Section A of the Watercraft Concession Form 4b shall be amended to state:
    - Transferring (embarking and disembarking) passengers as part of the multiday Milford Track guided walk activity, and transfer of independent multi day walkers and guided day walkers at Sandfly Point, Milford Track and Freshwater Basin, Milford Sound/*Piopiotahi*.
16. In accordance with the Fiordland National Park Management Plan 2007 (FNPMP), the transfer of passengers at the Freshwater Basin facilities, which is owned and operated by Milford Sound Tourism (previously Milford Sound Development Authority), will be subject to Milford Sound Tourism's permission.
17. A passenger watercraft (the Te Namu) is used to transfer (embark and disembark) walkers at Sandfly Point, Milford Track and the activity table sets out the proposed number of passengers and trips. The passengers include guided and independent multiday walkers, and day walkers for the Milford Track.
18. The Applicant confirms the other watercraft activity is the use of the barge on Lake Te Anau (between Te Anau Downs and Glade Wharf) for the purposes set out in the activity table of concession form 4b and supported by Document M of the application.

Item 3 of the letter stated the following:

In your application form 4c aircraft activities – you have identified various landing locations along the Milford Track. What are the adverse effects of the overflight associated with these landings and what is being proposed to avoid, remedy, or mitigate these adverse effects?

In response to Item 3:

19. I sought explanation from you about this request for information, as I wished to clarify the Minister of Conservation's scope for considering effects with regards to aircraft operation.
20. The following clarification was received:

    Clarification on the effects of overflight that can be considered are:

    - *any adverse effects (direct or consequential) of overflight over PCL and the approach paths on the way to and from landing on PCL. The purpose for which the PCL is held, in this case a national park where people can expect to use and enjoyment the park as outlined in the General Policy for National Parks.*

21. The Applicant understands that the Department of Conservation advocates for responsible operations with respect to aircraft and works closely with the aircraft industry to mitigate the effects of overflights, as the airspace and flight paths are not within its scope of management control.
22. The Applicant refers you to the Environmental Impact Assessment/EIA (Document G), and additionally the concession application form 4c aircraft activities. Both introduce the Applicant's Noise Abatement Standard Operating Procedure (SOP), which was also attached to the application as Document Q.
23. The SOP refers to flight paths and heights of flying as considerations for all aircraft operations undertaken by the Applicant to avoid, remedy or mitigate potential adverse effects, especially over noise sensitive areas. To further expand the Applicant wishes to provide the following:
24. Noise abatement procedures are applied wherever possible to mitigate effects on ground users. Flying over high use tracks and noise sensitive areas is avoided whenever it can be. When considering flight paths, they are selected as far as possible from noise sensitive areas. The Applicant acts as a 'good neighbour' when operating the aircraft for the purpose of considering the on-ground users of the track and surrounding national park.
25. The reality of the activity in an alpine setting is that often environmental conditions affect operations and flight paths are dictated by this consequence. When weather permits the

height of flying over the track and other high use tracks is maximised as much as possible, allowing a 1500ft clearance.

26. The Applicants Heli operations at the lodges i.e. delivering stores, is consciously timed for when walkers have well and truly left the lodge or are still a long way off arriving or passing by. In effect the walker will notice the fly overs as the helicopter passes with stores but the effects of the actual approach, hover and departure from the landing sites is avoided by timing of operations.
27. The Applicant is a member of the Queenstown Milford User Group (QMUG), a group set up to promote safety for aircraft operators within the Queenstown Flight Information Region. QMUG's Operations Handbook outlines in its mission statement that operators are to cultivate and maintain an environmentally aware culture. QMUG's code of practice includes critical consideration of effects of operator's activities on ground-based users, flight paths and vertical and horizontal clearances, and to periodically review noise emission procedures. The handbook also has a section on noise abatement which includes good practice and procedures for operators.
28. Furthermore, the Applicant's priority as an aircraft operator is safety. The EIA refers to the AIRCARE programme as part of pilot training, however since the concession application was lodged advice from the Civil Aviation Authority (CAA) has changed regarding Aircraft Operator Certification (AOC). CAA require Safety Management Systems (SMS) accreditation, a formal risk management framework to improve safety. It is the opinion of the Applicant that the SMS certification supersedes and encompasses more than the AIRCARE requirements.
29. Therefore, the Applicant wishes to remove the statement from the EIA regarding AIRCARE, as this no longer applies to the Applicant's pilot training.
30. The Applicant was SMS approved with its AOC in May 2019. If the Department of Conservation requires further information on SMS this can be provided.
31. In closing, the Applicant wishes to advise that as an aircraft operator it is always striving for efficiency while maintaining a standard as high as possible, which minimises time over the tracks.

I trust this sufficiently addresses the information requested by the Department to enable the public notification process to proceed, and subsequently the suitable assessment of the applications merits, and for a decision to be made.

Please contact me if you have any questions or queries regarding the content of this letter.

Ngā mihi nui

Trish Gill

cc Noel Saxon, Ultimate Hikes