

Notified Concession Officer's Report to Decision Maker

Officer's Report to Decision Maker: Bhrent Guy, Operations Manager Tongariro

Notified Application for a Notified Guiding Permit

Applicant: Te Ha O Tongariro Charitable Trust

Permission Record Number: 52091-GUI

The purpose of this report is to provide a thorough analysis of the application within the context of the legislation, the statutory planning framework and actual and potential effects, so the Decision Maker can consider the application; and confirm that it should be notified; and make a decision in principle whether it should be granted or declined.

1.0 Summary of proposal

Background: Te Ha O Tongariro Charitable Trust ('the Applicant') are an existing concessionaire who applied for a concession to undertake guided walks and transport within the Tongariro National Park, including guiding on Tongariro Alpine Crossing ('TAC'). Guiding on TAC requires notification as per the Tongariro National Park Management Plan ('TNPMP'). For this reason, the processing of the application was split into two separate parts – one for transport and general guiding within Tongariro National Park (52487-LAN) and one for guiding on TAC (52091-GUI which this report covers). 52487-LAN was approved in December 2016; 52091-GUI has been awaiting feedback from the Conservation Board. This feedback has now been approved and is incorporated into this report. A decision of approval has been made, and notification is now to occur.

Information about the applicant: The Applicant comprises tangata whenua and have been involved in guiding on the Tongariro National Park mountains for many years.

Type of concession sought: Notified Guiding Permit

Term sought: 5 years

Description of the proposed activity: Guided walking on Tongariro Alpine Crossing

Description of locations where activity is proposed:

Location	Activity
Tongariro Alpine Crossing	Walking - multi-day

A map can be viewed at [DOC-2936791](#).

A copy of the application can be read at [DOC-2876956](#).

2.0 Information available for consideration

Information received:

- 1 From Applicant

The Applicant provided a complete application form along with cover letter, letters of support from Otukou Maori Committee, Papakai Marae Committee and Te Runanganui o Ngati Hikairo ki Tongariro, and a letter to Lou Sanson requesting fee waiver on basis of them being a charitable trust. The full application and supporting documents can be read at [DOC-2876956](#).

2 From whanau/hapu/iwi

The Applicant is a tangata whenua group, they carried out their own consultation with relevant iwi who support the application as per the letters linked with the application form above.

The Department has sought comments from iwi in order to fulfil our own consultation obligations, no response has been received at this point.

4 From Conservation Board

Conservation Board consultation feedback can be read at [DOC-2985336](#).

The Board raised the following concerns in relation to the TAC:

- This is another commercial operation;
- This will increase the number of walkers on the track;
- How does this fit in with the future picture for the track?
- How do we enhance the experience on the mountain? There is no solid framework yet for the use of the crossing currently;
- Iwi support in principle, but do not get the detail;

Other items raised were:

- It is useful for the Board to have numbers of people being guided;
- Need to come up with policy with how to manage numbers on the track and how to facilitate hapu in this area;
- Increasing guiding with spiritual/cultural flavour will improve the experience;
- Local hapu get approximately 15 – 20 requests from concessionaires during peak season to tell stories.

Positives:

- Professional guides are something we should encourage as a Board;
- This is an opportunity to keep people safe, under control, get the right cultural history.

Comment

The increasing number of commercial operations and walkers on the track is an ongoing issue for the Department; the solution to which has not yet been established. It is unclear as to whether new concessionaires bring new walkers or whether they simply spread the load amongst more operators.

5 From DOC staff

District Office provided comments at [DOC-2894680](#). They met and spoke with the Applicant several times prior to the application being submitted. They support the application and have no concerns with the Applicant.

Requested information not received:

No further information requested.

3.0 Acknowledgement of complete application (s17S)

The Application is complete for the purposes of section 17S of the Conservation Act 1987.

4.0 Analysis of proposal (s17T, 17U, 17V, 17W, 17X, 17Y)

Section 17T(2) requires the Minister to decline an application within 20 working days of it being deemed complete, if “...the application does not comply or is inconsistent with the provisions of this Act or any other relevant conservation management strategy or plan...”

Public notification s17T(4):

Guiding on the Tongariro Alpine Crossing is an activity which requires public notification - as per Section 4.4.2.2, Policy 1 of the Tongariro National Park Management Plan.

Analysis of Effects s17U(1) and (2):

- 1 Effects on conservation values + methods to manage and/or special conditions required
The Tongariro Alpine Crossing has reached capacity in terms of facilities and the ability to cope with the number of visitors and detrimental environmental effects such as inappropriate toileting are occurring. However, the Department cannot limit the number of concessionaires on the Crossing and there is currently no precedent for limiting the number of people each concessionaire can provide for. Solutions for the issue are being considered but in the meantime, annual monitoring by the Department is provided for in the permit and the approval letter will encourage the concessionaire to promote responsible use of the area to their clients.
- 2 Effects on cultural values + methods to manage and/or special conditions required
As the Applicant comprises tangata whenua, there are unlikely to be any adverse effects on cultural values – the Applicant will be a responsible concessionaire in this regard.
- 3 Effects on existing and future users + methods to manage and/or special conditions required
The effects on existing and future users can be considered positive in this instance as the Applicant will be providing users with a culturally knowledgeable and insightful experience.
- 4 Cumulative effects of adding this activity to current activity on site + methods to manage and/or special conditions required
The Tongariro Alpine Crossing has reached capacity in terms of visitors and, as mentioned above, there are detrimental environmental effects. Until an adequate solution is in place, this issue will be managed as far as it can be by way of annual monitoring by the Department, and the promotion of responsible use to clients by concessionaires.

Monitoring Conditions

Up to eight hours of monitoring per annum at \$115.00 + GST per hour.

Purpose for which the land is held s17U(3):

The Minister may not grant a concession if the proposed activity is contrary to the purpose for which the land is held.

The land in this application comes under both the National Parks Act 1980 and the Conservation Act 1987.

Section 4(1) of the National Parks Act 1980 states that land is held under the Act for preserving in perpetuity as national parks for their intrinsic worth and for the benefit, use, and enjoyment of the public, areas of New Zealand that contain such distinctive quality, ecological systems, or natural features so beautiful, unique or scientifically important that their preservation is in the natural interest.

The National Parks Act 1980 comes under Schedule 1 Conservation Act 1987.

Section 6(a) of the Conservation Act 1987 states that the function of the Department is to manage for conservation purposes, all land, and all other natural and historic resources, for the time being held under this Act, and all other land and natural and historic resources whose owner agrees with the Minister that they should be managed by the Department.

The proposed activity of guided walking in Tongariro National Park is not contrary to the purposes for which the land is held as it allows for the public to use and enjoy the area as well as appreciate its natural features and intrinsic worth.

Consistency with Relevant Management Strategies and Plans s17W:

The Tongariro/Taupo Conservation Management Strategy 2002 – 2012 (“CMS”) and the Tongariro National Park Management Plan 2006 – 2016 (“TNPMP”) are relevant in this instance.

Section 3.8.1 of the CMS provides for guiding concessions. This section supports the fostering of visitor enjoyment provided they are compatible with the natural and historic values of the area and do not reduce the enjoyment of the Park by other visitors.

Section 4.4.2.2 of the TNPMP describes guiding with the objectives being to assist the protection of natural resources, historical and cultural heritage of the Tongariro Alpine Crossing.

Providing guided walks within Tongariro National Park is therefore consistent with the CMS and TNPMP as it fosters visitor enjoyment and the Applicant in question will be responsible in ensuring the natural, historical and cultural heritage of the Tongariro Crossing will be protected.

5.0 Relevant information about the applicant**Convictions on any charge related to the activity applied for or on any conservation related issue:**

The Applicant has no known convictions.

Past compliance with concession conditions:

This is a new Applicant so past compliance is not relevant.

Credit check result:

A credit check has been carried out, no issues.

6.0 Proposed operating conditions**Concession Activity:**

Guided walking in Tongariro National Park

Term:

The Applicant applied for a 10 year term to allow for confidence in developing suitable activity packages for clients; however, 5 years is the maximum recommended term for guiding on the TAC – as per the TNPMP – so 5 years is recommended in this report.

Fees:Activity Fee:

\$16.00 + GST per person per day. While this fee is higher than the standard daily guiding fee of \$10.00 per person per day + GST for guiding concessions, the recommended fee is consistent with other publicly notified concessions for guiding at this location. The fee for these concessions was set at a higher rate in recognition that the Crossing is an icon visitor site.

Management Fee:

\$300.00 + GST per annum. This is in line with the recommendations in the Guidance Document for Concession Application and Assessment and Decision Making SOP.

Environmental Monitoring Fee:

\$300.00 + GST per annum, to be invoiced as required.

Summary of special conditions as listed in effects assessment above:

SCHEDULE 3

Use of Toilets

2. Toilets must be used when camping in the vicinity of huts.

Hut Use

3. Hut use is on a first come first served basis and the Concessionaire and their clients together with all other concessionaires and their clients must not occupy more than half the bunk space of any hut unless the bunks would otherwise be unoccupied. The Concessionaire or their clients must carry alternative accommodation on all overnight trips operated under this Concession and must not use a hut for more than two consecutive nights unless authorised in writing by the Department's appropriate Area Manager.
4. Where the Concessionaire makes use of Department administered huts, the Concessionaire must enter relevant details of the activity into any hut book provided by the Grantor.

Hut fees/ permits

5. Standard hut fees and camping fees must be paid by both guides and clients either before the trip begins or to the hut warden or camp manager, or if unavailable, to the relevant Area office on completion of the trip.

Private land

6. This Concession does not confer any right of access over any private land or public conservation land leased by the Grantor. Any arrangements necessary for access over private land or leased land are the responsibility of the Concessionaire. In granting this Concession the Grantor does not warrant that such access can be obtained.

DOC staff

7. The Grantor may send any officer of the Department on any of the activities authorised during the term of this Concession for the purpose of assessing the impact on conservation values, the standard of service offered and compliance with the terms and conditions of the Concession, at no expense to the Grantor.

Use of tracks

8. The Concessionaire must ensure that, where provided, clients remain on formed tracks or well-used routes designed to protect natural and historic features of the Land, do not enter caves and do not exceed any loading limitations placed on facilities and structures.

Camp sites

9. The Concessionaire must ensure that no permanent camp sites are created nor stores or cache of any equipment is left on the Land or in any hut without the specific authority of the Department's appropriate Area Manager.

Wāhi Tapu

10. The Concessionaire must recognise the sensitivity of wāhi tapu and urupa and seek guidance of iwi who claim mana whenua over any parts of the Land prior to providing interpretation on matters of iwi cultural significance and recognise the sensitivity of wāhi tapu and urupa.

Vehicle use

11. The Concessionaire must ensure that none of its vehicles or vehicles of its clients are taken off formed roads.

Vehicle parking

12. The Concessionaire must ensure that its vehicles and the vehicles of its clients are only parked only in designated parking areas.

Animals

13. The Concessionaire must not take, and must ensure that its clients do not take, any animals, including dogs or any domestic pets, onto the Land.

Weeds

14. The Concessionaire must take all precautions to ensure weeds are not introduced to the Land; this includes ensuring that all tyres, footwear, gaiters and packs used by the Concessionaire, its staff and clients are clean before entering the Land.

Interpretation materials

15. The Concessionaire must consult with and seek the guidance of iwi claiming mana whenua over any parts of the Land prior to providing interpretation on matters of cultural significance to such iwi.
16. The Concessionaire must provide detailed information of any historical, cultural or natural science interpretation provided by the Concessionaire to its clients in the course of the Concession Activity, to the Grantor within thirty days of the date of any such written request by the Grantor.
17. If the Grantor considers the interpretative material provided by the Concessionaire above unsatisfactory, the Concessionaire must prepare an interpretation plan for approval by the Grantor within 60 days of advice from the Grantor that this is required.

Recordings of bird songs

18. The Concessionaire must not and must ensure that its clients do not play recordings of bird songs on the Land.

Didymo

19. The Concessionaire must comply and ensure its clients comply with the Ministry for Primary Industry (MPI)'s "Check, Clean, Dry" cleaning methods to prevent the spread of didymo (*Didymosphenia geminata*) and other freshwater pests when moving between waterways. "Check, Clean, Dry" cleaning methods can be found at - <http://www.biosecurity.govt.nz/cleaning>. The Concessionaire must regularly check this website and update their precautions accordingly.

Review of Concession Activity

In this clause:

"Client Activity Return Form" means the Form required in clause 6.1 of Schedule 2.

"High Season" means the consecutive three month period when the highest use of the Conservation Activity occurs.

"Permitted Limit" means the frequency of trips and/or the numbers of clients the Concessionaire is permitted in carrying out the Concession Activity specified in Clause 1 of Schedule 3. It also includes the new limit set below.

20. On each Concession Fee Review Date the Grantor may review the Concessionaire's Client Activity Return Forms to determine the actual use of the Concession Activity, including the actual numbers of the Concessionaire's clients undertaking the Concession Activity in the twelve month period

immediately preceding the Concession Fee Review Date.

21. If the Grantor's review of the Client Activity Return Forms shows that:
- (a) the Concessionaire is not conducting the Concession Activity in all or any of the locations specified in clause 1 of Schedule 3; and/ or
 - (b) on average the Concessionaire has utilised less than 70% of the Permitted Limit over the High Season for that twelve month period,
the Grantor may:
 - (c) exclude any such location from the Concession Activity; and/ or
 - (d) reduce or eliminate significant under-utilisation over the life of the Concession.
22. Such a review must:
- (a) examine the Concessionaire's Activity Returns for the preceding three years, or for such other period as the Grantor considers appropriate, to ascertain trends and in relation to the Permitted Limit component identify the amount of the Permitted Limit that has not been utilised over the High Season/s; and
 - (b) offer the Concessionaire an opportunity to present any business plans demonstrating any expected use of such location or an explanation as to why the Concession Activity has not been conducted at the location; and/ or
 - (c) invite the Concessionaire to offer an explanation as to why the level of use has, on average, been below 70% of the Permitted Limit over the High Season/s; and to demonstrate that it has the capacity and the intention to increase utilisation. Capacity may be demonstrated by the existence of the equipment and infrastructure necessary to utilise the Permitted Limit. Intention may be demonstrated through business plans showing anticipated levels of operation up to the Permitted Limit.
23. Following this review the Grantor is to:
- (a) determine if any location is to be excluded from the Concession; and /or
 - (b) determine if a reduction of the Permitted Limit is appropriate and the amount of that reduction; and
 - (c) advise the Concessionaire of the date the exclusion and/ or the reduced Permitted Limit becomes effective.
24. If any location is so excluded and or the Permitted Limit is so reduced the Grantor is not to be liable for any subsequent loss sustained by the Concessionaire (including loss of profits) even if that loss is wholly or partly a result of such exclusion and/or such a reduction in the Permitted Limit.
25. The Grantor may exercise the Grantor's right to exclude a location and/ or to reduce the Permitted Limit notwithstanding any prior waiver or failure to undertake action by the Grantor or any indulgence granted by the Grantor for any matter or default.

Specific to TAC

26. Volcanic hazards are identified by the Department on interpretation panels over the course of the track, weather conditions can be hazardous at any time during the year, track conditions are steep and slippery in parts and may be hazardous. The aforementioned hazards should be properly identified by the Concessionaire in their safe operating procedures.

27. The Concessionaire recognises that the Department may close the roads and/or tracks for access at any time if public safety requires this.
28. The Concessionaire is to clearly inform all clients what to do if they are unable to make the arranged pick up time.
29. The Concessionaire recognises that the Department is the road and car park manager and will comply with the Department's car park and road management to ensure the safe, effective and efficient use of the Mangatepopo and Ketetahi roads and car parks.
30. The Concessionaire must ensure that its vehicles and the vehicles of its clients only stop in designated areas to pick up and drop off passengers.
31. The Concessionaire must ensure that its vehicles do not go off the permitted roads.
32. When the Concessionaire guides a New Zealand school (primary, secondary levels only) group or community group involved in a core curriculum activity, the normal concession fee with respect to each member of the school or community group will be waived when the following conditions are met:
 - a) The Concessionaire must submit to the Grantor a form that includes the signature of the teacher involved.
 - b) The form must be submitted at the same time as the activity return forms referred to.
 - c) The teacher must state on the form a price that is discounted (by comparison to the normal price) by at least the amount of the concession fee that would otherwise be payable.

7.0 Summary and Conclusions

This application is not contrary to legislation and is consistent with statutory plans. Adverse effects have been avoided, remedied or mitigated by special conditions.

8.0 Recommendations to decision maker

Pursuant to the delegation dated 8th September 2015 it is recommended that the Operations Manager of Tongariro District:

- 1. Deem this application to be complete in terms of s17S of the Conservation Act 1987; and**
- 2. Agree that if this application is approved in principle then the intention to grant the concession will be publicly notified; and**
- 3. Approve in principle the granting of a Notified Permit concession to Te Ha O Tongariro Charitable Trust subject to the standard concession contract; and the special conditions identified in this report.**

Samantha Whittington
Permissions Advisor
Date: 12th May 2017

Recommendation:

1 Approved/~~Declined~~

2 Approved/~~Declined~~

3 Approved/~~Declined~~

A handwritten signature in blue ink, appearing to read 'Bhrent Guy', is written over a light blue rectangular background.

Bhrent Guy
Operations Manager, Tongariro District
Date: 22 May 2017

If the recommendation is declined, please discuss here why this is so: