

---

**CONSERVATION AUTHORITY**  
TE POU ATAWHAI TAIAO O AOTEAROA

---

17 June 2013

Hon Dr Nick Smith  
Minister of Conservation  
Parliament Buildings  
WELLINGTON

Dear Minister

**MILFORD DART LIMITED 'DART PASSAGE TUNNEL' CONCESSION APPLICATION**

The Authority would like to thank you for the opportunity to provide advice to you, pursuant to s18(g) of the National Parks Act 1980.

**Basis of Authority advice**

The Authority provides its advice based on the mandate received from you in your letter of 7 June 2013; that is, strategic advice on the report prepared by the Commissioner and any strategic park management issues the concession application may give rise to. The information you provided with your letter was the Commissioner's report (minus the appendices) and a weblink to the Officer's report.

The Authority's advice is given in the context of its statutory functions. The Authority is not providing advice on the substantive merits of the application. Nor is it advising that you should either approve or decline the application, as that is your decision. The Authority does not have a statutory role in the concessions process.

**History of Authority involvement with Milford Dart Limited proposal**

The Authority considered an amendment to the Mount Aspiring National Park Management Plan in 2006/07. The amendment would have allowed for the construction of a new road and tunnel within Mount Aspiring National Park if approved through the concession process. The context for an amendment is that there are changing circumstances or increased knowledge that warrants a plan change.

In declining to approve the amendment, the Authority noted that the proposed road would not contribute to the use and enjoyment of Mount Aspiring National Park, and nor was it demonstrated that it would address the issue of perceived overcrowding at Milford Sound. The Authority concluded that the

adverse effects of the construction and use of the road in the Mount Aspiring National Park outweighed any benefits.

Further the Authority was aware a full review of the Mount Aspiring National Park Management Plan was due to begin in a few months and that this would provide an opportunity for matters such as this to be considered in that wider context. The draft Plan, notified to the public in March 2009 and approved by the Authority in June 2011, included no mention of the Milford Dart Limited proposal despite the Authority's suggestion that the full management plan review process could canvas public opinion on the proposal.

## **Advice**

### **1. Integrity of the management planning process**

The management planning process is the primary means by which New Zealanders have input into the management of public conservation lands. Conservation management strategies and national park management plans provide a social contract between the public and the Crown (the Department); these planning documents are described by the Department as a 'hand-shake with the community'. The integrity of the planning process is critical in order to maintain public confidence in the Department's management of public lands.

The Authority considers management plans to be the 'framework' that identifies the desired outcomes for public conservation land, and that concessions are a 'tool' to assist with the achievement of those outcomes.

Accordingly, a concession decision that is at odds with the Mount Aspiring and Fiordland National Park management plans could be seen to undermine the public's trust in the integrity of the management planning process.

### **2. Protection of intrinsic worth**

The Authority notes that the area involved with the application is a World Heritage Area. It also notes the importance of national parks to New Zealanders which was evident during the debate centred on Schedule 4 of the Crown Minerals Act. Care should be taken to ensure that the outstanding universal values that led to World Heritage Area status, and those values which were deemed to warrant national park status, are not eroded.

The National Parks Act 1980 sets out the principles that are to be applied in national parks. There is an inherent tension between the purpose of preserving these lands in perpetuity for their 'intrinsic worth' and 'for the benefit, use and enjoyment of the public' (Section 4(1)). This tension needs to be balanced carefully.

The Authority notes that Section 4(2)(a) says that "[National parks] shall be preserved as far as possible in their natural state", while Section 4(2)(e), which concerns public use, is prefaced with the proviso "Subject to the provisions of this Act and to the imposition of such conditions and restrictions

as may be necessary for the preservation of the native plants and animals or for the welfare in general of the parks...”.

### **3. Other matters**

#### **3.1 Absence of a coherent strategy for public access to Milford**

The Authority believes that a better approach to dealing with this proposal, and others of which the Authority is aware (e.g. proposed monorail), is to develop an overarching strategy for public access to Milford Sound. Considering applications such as the ‘Dart Passage’ within this wider context would better provide for the public interest than the ‘first-in first-served’ concessions process. Such a strategy could identify and assess the range of options for Milford Sound access and the best way forward. A strategy could sit alongside and help to inform the relevant national park management plans.

#### **3.2 Status of the Routeburn and Hollyford Roads**

The status of the Routeburn and Hollyford Roads needs to be clarified in order for decisions that affect these roads to be robust.

#### **3.3 Effects upon Milford Sound**

If approved, there would be downstream effects of this application. In particular, it would influence visitor numbers and visiting hours at Milford Sound. Again, the wider context (and possible cumulative effects) needs to be considered and the Authority envisages this would be part of the strategy suggested in 3.1.

### **Conclusion**

The Authority acknowledges the complexity of the matter before you and hopes that its advice will be of assistance to you in reaching a decision.

Yours sincerely



Dr Kay Booth  
Chairperson