

APPENDIX A – THE MOUNT COOK NATIONAL PARK BYLAWS 1981

Pursuant to section 56 of the National Parks Act 1980, the Minister of Lands hereby makes the following bylaws.

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Bylaws

1 Title and Commencement--

(1) These bylaws may be cited as the Mount Cook National Park Bylaws 1981.

(2) These bylaws shall come into force on the 1st day of April 1981.

2 Interpretation--

In these bylaws, unless the context otherwise requires,--

"The Act" means the National Parks Act 1980:

"Aerodrome" means an aerodrome licensed under the Civil Aviation Regulations 1953; and includes any place which is within the park and which is authorised under those regulations for use as an aerodrome:

"Camp" includes staying overnight in any vehicle or boat:

"Camping site" means any area that has been appropriated as a camping site under section 49(1)(d) of the Act or under section 28(1)(i) of the National Parks Act 1952:

"Hut" means a hut, hostel, or other building owned by the Department and available for public accommodation in the park:

"Hut warden" means an officer or employee of the Department bearing a written authorisation from the Commissioner empowering him to supervise the activities relating to any hut or huts in the park:

"Mount Cook/Westland Alpine track" means the Mount Cook/Westland Alpine track as defined on maps held at the Canterbury conservancy office of the Department of Conservation at Christchurch and the West Coast conservancy office of the Department of Conservation at Hokitika:

"Official notice" means a conspicuous notice publicly displayed containing instructions or directions as to conduct in the park:

"Park" means the Mount Cook National Park:

"Road" includes all tracks formed for the use of vehicles and all bridges, culverts, and fords forming part of any road.

Other expressions defined in the Act have the meanings so defined.

3 Pollution of Parks--

No person shall--

- (a) Wilfully or carelessly pollute in any manner the waters of the park; or
- (b) Wilfully or carelessly spill or cause to be spilled any petrol, oil, or similar substance in the park.

4 Disposal of Refuse--

No person shall--

- (a) Leave any object or substance introduced into the park by him, or introduced into the park and in his possession, in any part of the park other than in a suitable litter receptacle provided in the park; or
- (b) Bury any refuse in the park.

5 Camping--

(1) No person shall, without the prior permission of a ranger or officer or employee of the Department, camp in the park within 200 metres of a formed road.

(2) Every person who camps on a camping site in the park shall observe any direction--

(a) Which is--

- (i) Given to him by a ranger or officer or employee of the Department; or
- (ii) Brought to his attention by an official notice; and

(b) Which relates to the part or parts of the camping site that may be used for camping (including a direction that prohibits camping on any part or parts of the camping site).

(3) Every person who camps in the park, whether on a camping site or otherwise, shall leave the area on which he camps clean and tidy after use.

(4) No person shall camp in the park for more than 14 consecutive days without the consent of a ranger or officer of the Department.

5A. Conditions on Access to Certain Places- [Inserted by Amendment No. 1 in 1996]

(1) Any person may have access to--

(a) The Mount Cook/Westland Alpine track and all land within 500 metres on either side of that track:

(b) The area within 100 metres radius of any hut:

(c) Any emergency shelter--

subject to the conditions in subclause (2) of this bylaw.

(2) No person shall camp in any place or part of any place listed in subclause (1) of this bylaw unless--

(a) That place or that part of the place is a camping site; or

(b) That place is an emergency shelter and that person is camping in that shelter in an emergency.

6 Use of Park Huts-

(1) Except in an emergency, no person shall use any one hut for more than 7 successive nights without the prior consent of a ranger or officer or employee of the Department.

(2) Every person who uses a hut shall leave it in a clean and tidy condition after use.

(3) No person shall remain in any hut after he has been directed to leave by a ranger or hut warden on the grounds that he has acted in a manner likely to offend or annoy other people, or has damaged or appears likely to cause damage to a hut.

(4) No person shall cause or allow any dog for which he is responsible to enter or be under any hut.

7 Fires-

(1) No person shall light within the park any fire (other than a fire fuelled by gas or vaporised petrol, oil, or similar substance) within 200 metres of any formed road unless the fire is in a camping site or in a permanently constructed fireplace.

(2) No person shall light a fire within the park in circumstances where it is likely to present a fire hazard.

(3) No person shall light a fire within the park (except in a permanently constructed fireplace) within 3 metres of any tree or dry vegetation.

(4) Every person who lights a fire within the park shall keep that fire continuously under supervision until it is completely extinguished.

(5) No person shall drop, throw, or otherwise place in any combustible material any match, lighted cigarette, or other lighted matter, except for the purpose of lighting a fire as permitted by these bylaws.

(6) Nothing in this bylaw shall exempt any person from the requirement to obtain an authority or permit to light a fire in the open air within the park pursuant to sections 23 and 24 of the Forest and Rural Fires Act 1977 or any other requirement of that Act and any regulations made or fire control measures taken under the authority of that Act.

8 Vehicles-

(1) Except in an emergency or where the Commissioner considers it necessary for the proper and beneficial management, administration, and control of the park, no person shall drive a vehicle or permit a vehicle under his control to remain in any part of the park that is not a formed road or camping site, or has not been appropriated as a parking place under the Act.

(2) No person shall drive a vehicle on a formed road (not being a public road) within the park--

(a) If the vehicle is of a class excluded by an official notice from that formed road; or

(b) If the vehicle is not currently registered or does not display a current warrant of fitness; or

(c) If the driver does not hold a current driver's licence for the particular class of vehicle being driven.

(3) Nothing in this bylaw shall apply to any person who is operating a vehicle in accordance with an express authorisation in any lease or licence granted under any of sections 49 to 51 of the Act or any easement granted under section 54 of the Act.

9 Parking of Vehicles-

The driver of any vehicle shall ensure--

(a) That it is parked in accordance with the directions of any ranger or officer or employee of the Department, or the directions contained in any official notice; or

(b) Where no such directions are given, that it is parked in a safe and considerate manner and position.

10 Aircraft-

(1) Except in an emergency or where authorised by a licence or permit issued under the Wild Animal Control Act 1977 or where the Commissioner considers it necessary for the proper and beneficial management, administration, and control of the park--

(a) No person shall land an aircraft at or take off from any place within the park that is not an aerodrome:

(b) No person shall hover an aircraft over any part of the park.

(2) The pilot in command of an aircraft which flies in contravention of, or fails to comply with, subclause (1) of this bylaw commits an offence against these bylaws.

(3) The Commissioner may, by official notice, prohibit persons from entering any part of the park that is likely to be affected by the landing or taking off of aircraft within the park for such a period of time as he considers necessary for the safety of the public.

(4) Every person commits an offence against these bylaws who wilfully enters or wilfully remains on any part of the park at a time when entry to that part of the park is prohibited by an official notice under subclause (3) of this bylaw.

(5) Nothing in this bylaw shall apply to any person who is operating an aircraft in accordance with an express authorisation in any lease or licence granted under any of sections 49 to 51 of the Act or any easement granted under section 54 of the Act.

11 Competitive Sports-

(1) No person shall, without the prior written consent of a ranger or officer or employee of the Department, conduct or engage in any competitive sport or in any organised training for any competitive sport in the park.

(2) Nothing in this bylaw shall apply to any activity carried out on any land that is being administered under the Tourist and Health Resorts Control Act 1908 or the Tourist Hotel Corporation Act 1974¹.

12 Use of Spotlight for Hunting Prohibited-

No person shall use a spotlight within the park for the purpose of identifying or dazzling prey.

13 Portable Generators-

(1) Except in an emergency or where the Commissioner considers it is necessary for the proper and beneficial management, administration, and control of the park, no person shall install or operate a portable electric generator in any part of the park.

(2) Nothing in this bylaw shall apply to any activity carried out on any land that is being administered under the Tourist and Health Resorts Control Act 1908 or the Tourist Hotel Corporation Act 1974.

14 Public Address Systems-

(1) No person shall install or operate any public address system in the park unless that system-

- (a) Is installed in a building or vehicle; and
- (b) Cannot be heard outside that building or vehicle.

(2) Nothing in this bylaw shall prevent the installation or operation of a public address system in the park for the purpose of making announcements relating to the safety of the public.

15 Offences-

Every person commits an offence against these bylaws who acts in contravention of or fails to comply in any respect with any of the provisions of these bylaws.

16 Penalties-

Every person who commits an offence against these bylaws is liable on summary conviction-

¹ Bylaw clauses 11(2) and 13(2) no longer have effect as the lands are no longer being administered under either of the two Acts mentioned, as a result of the Tourist Hotel Corporation Act 1989.

(a) In the case of an offence against bylaw 10(2) of these bylaws, to a fine not exceeding \$5,000:

(b) In the case of any other offence against these bylaws, to a fine not exceeding \$500.

17 Proceedings Under Acts In Respect Of Offences-

Nothing in these bylaws shall limit or prevent the taking of proceedings under any Act in respect of any offence committed within the park.

Dated at Wellington this 19th day of March 1981.

V. S. YOUNG, Minister of Lands.

Date of notification in Gazette: 20 March 1981.

MOUNT COOK NATIONAL PARK BYLAWS 1981, AMENDMENT NO 1

This inserted bylaw 5A into the principal bylaws.

Dated at Wellington this 25th day of November 1996.

SIMON UPTON, Minister of Conservation.

Date of notification in Gazette: 5 December 1996.

APPENDIX B – TÖPUNI FOR AORAKI/MOUNT COOK

(Schedule 80, Ngäi Tahu Claims Settlement Act 1998)

Description of Area

The area over which the Töpuni is created is the area known as Aoraki/Mount Cook, located in Kä Tiritiri o te Moana, shown as Aoraki on ...[Figure 2 of this Management Plan].

Preamble

Under section 239 (clause 12.5.3 of the deed of settlement), the Crown acknowledges Te Rünanga o Ngäi Tahu's statement of Ngäi Tahu's cultural, spiritual, historic, and traditional values relating to Aoraki, as set out below.

Ngäi Tahu Values Relating to Aoraki

"In the beginning there was no Te Waipounamu or Aotearoa. The waters of Kiwa rolled over the place now occupied by the South Island, the North Island and Stewart Island. No sign of land existed.

Before Raki (the Sky Father) wedded Papatüanuku (the Earth Mother), each of them already had children by other unions. After the marriage, some of the Sky Children came down to greet their father's new wife and some even married Earth Daughters.

Among the celestial visitors were four sons of Raki who were named Aoraki (Cloud in the Sky), Rakiroa (Long Raki), Rakirua (Raki the Second), and Rärakiroa (Long Unbroken Line). They came down in a canoe, which was known as Te Waka o Aoraki. They cruised around Papatuanuku who lay as one body in a huge continent known as Hawaiiiki.

Then, keen to explore, the voyagers set out to sea, but no matter how far they travelled, they could not find land. They decided to return to their celestial home but the karakia (incantation) which should have lifted the waka (canoe) back to the heavens failed and their craft ran aground on a hidden reef, turning to stone and earth in the process.

The waka listed and settled with the west side much higher out of the water than the east. Thus, the whole waka formed the South Island, hence the name: Te Waka o Aoraki. Aoraki and his brothers clambered on to the high side and were turned to stone. They are still there today. Aoraki is the mountain known to Pākehā as Mount Cook, and his brothers are the next highest peaks near him. The form of the island as it now is owes much to the subsequent deeds of Tü Te Rakiwhānoa, who took on the job of shaping the land to make it fit for human habitation.

For Ngäi Tahu, traditions such as this represent the links between the cosmological world of the gods and present generations, these histories reinforce tribal identity and continuity between generations, and document the events which shaped the environment of Te Waipounamu and Ngäi Tahu as an iwi.

The melt-waters that flow from Aoraki are sacred. On special occasions of cultural moment, the blessings of Aoraki are sought through taking of small amounts of its 'special' waters, back to other parts of the island for use in ceremonial occasions.

The mauri of Aoraki represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāi Tahu Whānui with the mountain.

The saying 'He kapua kei runga i Aoraki, whakarewa whakarewa' ('The cloud that floats aloft Aoraki, for ever fly, stay aloft') refers to the cloud that often surrounds Aoraki. Aoraki does not always 'come out' for visitors to see, just as that a great chief is not always giving audience, or on 'show'. It is for Aoraki to choose when to emerge from his cloak of mist, a power and influence that is beyond mortals, symbolising the mana of Aoraki.

To Ngāi Tahu, Aoraki represents the most sacred of ancestors, from whom Ngāi Tahu descend and who provides the iwi with its sense of communal identity, solidarity and purpose. It follows that the ancestor embodied in the mountain remains the physical manifestation of Aoraki, the link between the supernatural and the natural world. The tapu associated with Aoraki is a significant dimension of the tribal value, and is the source of the power over life and death, which the mountain possesses."

Specific Principles Relating To Tōpuni Area (from Attachment 12.132 of the Deed of Settlement 1997)

The following specific principles are directed at the Minister of Conservation avoiding harm to, or the diminishing of, the Ngāi Tahu Values related to the Tōpuni:

- (a) Encouragement of respect for Ngāi Tahu's association with Aoraki;
- (b) Accurate portrayal of Ngāi Tahu's association with Aoraki; and
- (c) Recognition of Ngāi Tahu's relationship with wāhi tapu, including archaeological sites.

Actions by the Director-General of Conservation in relation to the Specific Principles

Pursuant to clause 12.5.10 of the Deed of Settlement, the Director-General has determined that the following actions will be taken by the Department of Conservation in relation to the specific principles:

- (a) Encouragement of respect of Ngāi Tahu's association with Aoraki

Staff, conservation board members, concessionaires and the public will be provided with information about the Ngāi Tahu values and the existence of the Tōpuni over Aoraki;

Educational material will be made available to climbers and all climbing guides explaining that to Ngāi Tahu standing on the very top of the mountain denigrates its tapu status;

A review of conditions to be applied generally to new concessions will be undertaken;

The removal of all rubbish and wastes from Aoraki will be encouraged;

The Department will ensure, as far as reasonably practicable, that it disposes of waste, particularly human waste, in a way that minimises risk of contamination of waterways; and

Te Rūnanga will be consulted about the siting and design of new huts or other buildings, and particular regard will be had to their views.

(b) Accurate portrayal of Ngāi Tahu's association with Aoraki

The Department will ensure, as far as reasonably practicable, that Ngāi Tahu's association with Aoraki is accurately portrayed in all of its new public information and interpretative material; and

The Department will consult with Te Rūnanga in provision of its new public information or interpretative material, and as far as reasonably practicable will only use Ngāi Tahu's cultural material with the consent of Te Rūnanga.

(c) Recognition of Ngāi Tahu's relationship with wāhi tapu, including archaeological sites

Significant earthworks and disturbances of soil and/or vegetation will be avoided wherever possible; and

Where significant earthworks and disturbances of soil and/or vegetation cannot be avoided, Te Rūnanga will be consulted and particular regard will be had to its relevant policies, including those relating to Koiwi Tangata (unidentified human remains) and Archaeological and Rock Art Sites.

APPENDIX C – DEED OF RECOGNITION FOR AORAKI

THIS DEED IS MADE ON 22 OCTOBER 1998

BETWEEN

(1) TE RÜNANGA O NGÄI TAHU (“TE RÜNANGA”)

(2) HER MAJESTY THE CROWN in light of New Zealand acting by the Minister of Conservation (the “Crown”)

BACKGROUND

A On 21 November 1997 Te Rünanga and the Crown entered into a Deed of Settlement (the “Deed of Settlement”) recording the matters required to give effect to a settlement of all the historical claims of Ngäi Tahu Whänui.

B Pursuant to clause 12.3 of the Deed of Settlement, Te Rünanga and the Crown agreed to enter into Deeds of Recognition acknowledging, on the terms identified below, Te Rünanga’s statement of the cultural, spiritual, historic and/or traditional association on which the mana and tangata whenua status of Ngäi Tahu in relation to specific areas is based.

ACCORDINGLY, the parties acknowledge and agree as follows:

1 SPECIFIC AREA OF AORAKI

The area which is the subject of this Deed is the area known as Aoraki/Mount Cook (the “Area”) as shown on Allocation Plan MS 1 (SO Plan 19831) appended to the Deed of Settlement. The Area is administered by the Department of Conservation. *[See Figure 2 of this management plan]*

2 NGÄI TAHU ASSOCIATION WITH AORAKI

2.1 Pursuant to section 206 of the Ngäi Tahu Claims Settlement Act 1998 (clause 12.2.2 of the Deed of Settlement), the Crown acknowledges Te Rünanga’s statement of Ngäi Tahu’s cultural, spiritual, historic and/or traditional association to Aoraki as set out below.

2.2 to 2.11 *[The Deed of recognition wording here is the same as that in the Preamble to the Tōpuni for Aoraki/Mount Cook – see Appendix B to this management plan.]*

3 ROLE OF TE RÜNANGA

3.1 By reason of the Crown’s acknowledgement of the association described in clause 2, Te Rünanga must be consulted and particular regard had to its views relating to the association described in clause 2 concerning the following management and administration activities which may be undertaken from time to time by the Crown in relation to the land within the Area:

- (a) the preparation, consistent with Part IIIA of the Conservation Act and section 47 of the National parks Acct, of all Conservation Management Strategies and /or National Park Management Plans which relate to the Area;

- (b) the preparation of all non-statutory plans, strategies or programmes for the protection and management of the Area in relation to the following:
- any programme to identify and protect indigenous plants;
 - any survey to assess current and future visitor activities;
 - any departmental guidelines for search and rescue programmes;
 - any programme to identify and protect wildlife;
 - any programme to eradicate pests or other introduced species; or
 - any survey to identify the number and type of concessions which may be appropriate; and
- (c) the location, construction and relocation of any structures, huts, signs and tracks.

3.2 In order to enable Te Rūnanga to fulfil its role under clause 3.1 the Crown will provide Te Rūnanga with relevant information to enable Te Rūnanga to consider and advise its views to the Crown on any matter on which it is consulted.

3.3 The Crown will inform Te Rūnanga of all concession applications to the Area (but retains the discretion to withhold commercially sensitive material).

4 OTHER PROVISIONS

Pursuant to sections 217, 218 and 219 of the Ngāi Tahu Claims Settlement Act 1998 (clauses 12.2.11, 12.2.12 and 12.2.13 of the Deed of Settlement):

4.1 except as expressly provided in this Deed of Recognition:

- (a) this Deed of Recognition will not affect, or be taken into account in, the exercise of any power, duty or function by any person or entity under any statute, regulation, or bylaw; and
- (b) without limiting paragraph (a), no person or entity, in considering any matter or making any decision or recommendation under statute, regulation or bylaw shall give any greater or lesser weight to Ngāi Tahu 's association to the Area than that person or entity would give under the relevant statute, regulation or bylaw, as if this Deed of Recognition did not exist in respect of the Area;

4.2 unless expressly provided in this Deed of Recognition. This Deed will not affect the lawful rights or interests of any third party from time to time;

4.3 unless expressly provided in this Deed or Recognition, this Deed will not of itself have the effect of granting, creating or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, the Area.

4.4 Nothing in this Deed requires the Crown to undertake any management function referred to in clause 3 above.

5 ALIENATION OF LAND

Pursuant to section 214 of the Ngāi Tahu Claims Settlement Act 1998 (clause 12.2.8 of the Deed of Settlement), in the event that the Area is alienated by the Crown, this Deed of Recognition is automatically terminated (and the right of first refusal set out in Part 9 of the Ngāi Tahu Claims Settlement Act (Section 9 of the Deed of Settlement) applies).

6 CHANGE IN MANAGEMENT

Pursuant to clause 12.2.9 of the deed of Settlement, if there is a change in the Crown entity managing the Area, or the applicable statutory management regime over the Area, the Crown will take reasonable steps to ensure that Te Rūnanga continues to have input into the management of the Area through the negotiation, by the Minister responsible for the new management or management regime, of a new or amended deed of Recognition to replace this Deed of Recognition.

7 INTERPRETATION

7.1 Terms defined in the Deed of Settlement will have the same meaning in this Deed. In addition:

concession has the meaning given to it in the Conservation Act 1987.

7.2 To the extent that any inconsistencies exist between this Deed of Recognition and the Deed of Settlement the provisions of the Deed of Settlement will prevail.

APPENDIX D – PROTOCOLS ON THE DEPARTMENT OF CONSERVATION'S INTERACTION WITH NGÄI TAHU ON SPECIFIED ISSUES

(Clause 12.12, *Deed of Settlement*)

NOTIFICATION OF THE ISSUE OF PROTOCOLS

Under Section 282 (4) of the Ngäi Tahu Claims Settlement Act 1998 the Minister of Conservation hereby notifies that she has issued Protocols on behalf of the Crown regarding the Department of Conservation's interaction with Ngäi Tahu on specified issues, and that the Protocols as set out in the Schedule hereto were issued on 22 October 1998.

Schedule

1 INTRODUCTION

1.1 The purpose of the Conservation Act 1987 is to manage natural and historic resources under that Act and the Acts in the First Schedule of the Conservation Act. Section 4 of the Conservation Act requires that the Act be so interpreted and administered as to give effect to the principles of the Treaty of Waitangi.

1.2 The Director-General has certain management responsibilities in terms of legislation and can only delegate or share responsibility for decisions s/he makes within the limits of his/her legislation. However, in making such decisions, the Director-General will provide Te Rünanga the opportunity for input, consistent with section 4, in its policy, planning and decision-making processes on the matters set out in these Protocols.

1.3 These Protocols apply across the Ngäi Tahu Takiwä, which spans five conservancies, and the Southern and Central Regional Offices of the Department.

1.4 Both the Department and Te Rünanga are seeking a relationship consistent with the Treaty principle of partnership that achieves over time the conservation policies, actions and outcomes sought by both Te Rünanga and the Department, as set out in this document.

2 PURPOSE OF PROTOCOLS

2.1 These Protocols are issued pursuant to the Settlement Legislation and section 12.12 of the 1997 Deed of Settlement between the Crown and Ngäi Tahu, which specifies the following:

2.1.1 Definitions

Protocol means a statement in writing, issued by the Crown through the Minister of Conservation to Te Rünanga, which sets out how the Department of Conservation will exercise its functions, powers and duties in relation to specified matters within the Ngäi Tahu Claim Area, and how the Department of Conservation will, on a continuing basis, interact with Te Rünanga and provide for Te Rünanga's input into its decision-making process.

2.1.2 Authority to Issue, Amend or Cancel Protocols

The Minister of Conservation has the power to issue, amend and cancel Protocols.

2.1.3 Issue of Protocols

On the Settlement Date (as defined in the Settlement Legislation) the Crown has agreed through the Minister of Conservation to issue Protocols in this form on the following matters:

- (a) cultural materials;
- (b) freshwater fisheries;
- (c) culling of species of interest to Ngāi Tahu;
- (d) historic resources;
- (e) Resource Management Act 1991 involvement; and
- (f) visitor and public information.

2.1.4 Protocols subject to Crown Obligations

The Protocols shall be issued and amended subject to, and without restriction upon, the obligations of the Minister and the Department of Conservation to discharge their respective functions, powers and duties in accordance with existing law and government policy from time to time and the Crown's powers to amend policy and introduce legislation amending existing law. This clause is not intended to indicate, and should not be interpreted as indicating, any agreement by Te Rūnanga to any amendment to policy which would adversely affect the redress provided by the Crown pursuant to the Settlement Deed or the ability of either party to fulfil its obligations expressed in the Settlement Deed.

2.1.5 Noting of Protocols on CMS

(a) The existence of the Protocols, once issued, and as amended from time to time, and including a definition of the Protocols as set out above and a summary of the terms of issue of the Protocols, shall be noted in conservation management strategies, conservation management plans and national park management plans from time to time affecting the Ngāi Tahu Claim Area.

(b) Such noting of the Protocols shall be for the purpose of public notice only and shall not be amendments to the relevant strategies or plans for the purposes of section 171 of the Conservation Act 1987 or section 46 of the National Parks Act 1980.

2.1.6 Enforceability of Protocols

(a) Subject to the Crown's right to amend or cancel the Protocols, as set out in clause 10.1, the Minister of Conservation must comply with the Protocols as long as they remain in force.

(b) If the Minister of Conservation fails unreasonably to comply with the Protocols Te Rūnanga may, subject to the Crown Proceedings Act 1950, enforce the Protocols by way of public law action against the Minister of Conservation, except that damages shall not be available as a remedy.

(c) Any guidelines which are to be developed pursuant to the Protocols will not give rise to any enforceable obligations under the Protocols.

2.1.7 Limitation of Rights

Pursuant to section 286 of the Ngāi Tahu Claims Settlement Act 1998, unless expressly provided in the Settlement Deed, the Settlement Legislation or in the Protocols, the Protocols will not of themselves have the effect of granting, creating or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, land held, managed or administered under the Conservation Act 1987 or the statutes listed in the First Schedule to that Act.

3 IMPLEMENTATION AND COMMUNICATION

3.1 The Department will seek to establish and maintain communication with Te Rūnanga and its Papatipu Rūnanga on a continuing basis by:

- (a) maintaining at the conservancy level, with the assistance of Te Rūnanga, information provided on Papatipu Rūnanga, their office holders and addresses;
- (b) providing reasonable opportunities for Te Rūnanga and Papatipu Rūnanga to meet with Department managers and staff.

3.2 The Protocols provide for ongoing implementation of a range of matters, as well as Specific Projects which will require resourcing. It is not intended that all of the Specific Projects listed in these Protocols will be implemented in any one year. Implementation will be over time. Where these Protocols refer to Specific Projects that require resourcing, their implementation will be subject to provision being made in the relevant conservancy business plan. The process for the Department implementing any particular Specific Project in a business year will be as follows:

- The Department will meet with Te Rūnanga in each conservancy and at regional level annually to identify priorities for undertaking Specific Projects as listed in these protocols for the upcoming business year.
- The identified priorities will be taken forward by the Department into its business planning process at the conservancy and regional levels and considered along with other priorities.
- The decision on whether any Specific Projects will be funded in any business year will be made by the Conservator and the Regional General Manager.
- The Department will advise Te Rūnanga of the outcome of this process.
- Te Rūnanga and the Department will then meet again, if required, to finalise a work plan for implementation of the Specific Projects in that business year, in accordance with the resources which have been allocated in the business plan. The Department will apply the allocated resources to give effect to that work plan, subject to unforeseen management requirements which may arise from time to time, such as emergencies, adverse weather, staff shortages or reallocation of resources directed by the Minister.

3.3 The Department will:

- (a) Meet with Te Rūnanga to review implementation of these Protocols and to deal with the matters in section 3.2 four times per annum, unless otherwise agreed, in each conservancy, twice per annum at regional level, and at least once per annum at Chief Executive level;
- (b) As far as reasonably practicable, train relevant staff on these Protocols and provide ongoing training as required;

(c) As far as reasonably practicable, brief Conservation Board and NZCA members on these Protocols and the Ngāi Tahu Settlement, and provide ongoing information as required.

4 CULTURAL MATERIALS

4.1 For the purpose of these Protocols, cultural materials are defined as:

(i) plants, plant materials;

(ii) materials derived from animals, marine mammals or birds to the extent to which the Department holds and is responsible for them, and which are important to Ngāi Tahu in maintaining their culture.

4.2 Current legislation means that generally some form of concession or permit is required for any gathering of cultural materials.

4.3 The Department will:

(a) Have particular regard to Te Rūnanga's cultural use policy (Kawa Hua Taiao) as it relates to the Department's activities, and other relevant Te Rūnanga statements of policy produced from time to time.

(b) Consider requests from members of Ngāi Tahu Whānui for the customary use of cultural materials in accordance with the appropriate legislation.

(c) Agree, where reasonably practicable, for Ngāi Tahu to have access to cultural materials which become available as a result of Departmental operations such as track maintenance or clearance or culling of species.

(d) Consult with Te Rūnanga in circumstances where there are competing requests from non-Ngāi Tahu persons or entities for the use of cultural materials, for example for scientific research purposes, to see if the cultural and scientific or other needs can be reconciled before the Department makes a decision in respect of those requests.

4.4 Specific projects

The Department will, subject to 3.2 above, work with Te Rūnanga to:

(a) Develop and implement guidelines for each conservancy within the Ngāi Tahu Takiwā that help define levels of customary use of cultural materials, and set conditions, after consideration of tikanga, to be met for gathering.

(b) Identify local sources of plants and provide advice to Te Rūnanga with respect to the establishment by Te Rūnanga of cultivation sites.

(c) Establish Departmental cultural materials banks for cultural materials which have come into the Department's possession, and guidelines for their use.

5 FRESHWATER FISHERIES

5.1 The Department has a statutory role in advocating the conservation of aquatic life and freshwater fisheries generally. Its advocacy for freshwater biota, aquatic habitats and fish passage in all areas is primarily taken via statutory planning processes provided by the Resource Management Act 1991.

5.2 The Settlement Legislation provides the power to promulgate regulations with respect to customary freshwater fisheries in the South Island administered under the Conservation Act 1987, with such regulations to be promulgated as soon as

practicable, and in any event within two years of the Settlement Date. Besides generally consulting with Te Rūnanga and providing for its participation in the conservation and management of customary freshwater fisheries and freshwater fish habitats, the Department will consult and have particular regard to the advice of Te Rūnanga as an Advisory Committee appointed under section 56 of the Conservation Act on all matters concerning the management and conservation by the Department of Conservation of Taonga Fish Species (as defined in the Settlement Legislation) within the Ngāi Tahu Takiwā.

5.3 Advisory Committee

The Department will, in relation to the Taonga Fish Species and as far as reasonably practicable, provide the Advisory Committee with all relevant information to enable it to give informed advice, and will meet with the Advisory Committee at conservancy level as necessary to give effect to the Deed of Settlement and Settlement Legislation.

5.4 Customary freshwater fisheries regulations

The Department will work with Te Rūnanga at Regional and conservancy levels to:

(a) Provide for Te Rūnanga participation in the development and promulgation of customary freshwater fishing regulations by:

- Establishing a joint working group;
- Setting terms of reference for that working group;
- Setting timelines for progress;
- Providing information to Te Rūnanga in a timely manner and allowing Te Rūnanga an opportunity to comment.

5.5 Specific Projects

The Department will, subject to 3.2 above, work with Te Rūnanga to:

(a) Develop and implement guidelines for the Department with respect to the promotion of compliance with customary freshwater fisheries regulations.

(b) Develop and implement guidelines for the Department with respect to monitoring the efficacy of the customary freshwater fisheries regulations at regular intervals.

(c) Develop and implement guidelines for the Department with respect to sharing accumulated management information and research data on customary freshwater fisheries with Te Rūnanga.

5.6 Other matters

The Department will work with Te Rūnanga at Regional and conservancy levels to provide for active participation by Te Rūnanga in the conservation, management and research of customary freshwater fisheries and freshwater fish habitats by:

(a) Seeking to identify areas for co-operation in advocacy, consistent with 9 below, focusing on fish passage, minimum flows, protection of riparian vegetation and habitats, water quality improvement and in the restoration, rehabilitation or enhancement of customary freshwater fisheries and their freshwater habitats.

(b) Consulting with Te Rūnanga in developing or contributing to research programmes that aim to improve the understanding of the biology of customary freshwater fisheries and their environmental and habitat requirements. The Department confirms that it regards Te Rūnanga as a possible science provider or collaborator for research projects funded or promoted by the Department in the same manner as other potential providers or collaborators.

5.7 Specific Projects

The Department will, subject to 3.2 above, work with Te Rūnanga to:

(a) Conduct research to establish and address ecosystem threats to specified customary freshwater fisheries including barriers to migration, habitat loss and exotic species interaction.

(b) Contribute to the resolution of eel management issues, in particular, the administration of the fish passage regulations in the Freshwater Fisheries Regulations, and the promotion of the installation of effective fish passes where necessary and monitoring of their effects, by participating in discussions with Te Rūnanga and Te Waka a Māui me ona Toka Mahi Tuna.

(c) Identify the need for, and where necessary prepare, management plans for freshwater fisheries management.

6 CULLING OF SPECIES OF INTEREST TO NGĀI TAHU

6.1 As part of an integrated management regime, or because a species population has risen to become an ecological pest, it may from time to time be necessary for the Department to carry out a cull of a protected species under the Wildlife Act 1953. The Department recognises that Te Rūnanga is interested in such operations in the following ways:

(i) the carrying out of such a cull where the species to be culled is causing or is likely to cause ecological damage to species or habitats of particular significance to Ngāi Tahu;

(ii) the methods to be used in such culls; and

(iii) cultural materials arising from the cull.

6.2 The Department will:

(a) Have regard to any requests initiated by Te Rūnanga for the carrying out of culling operations.

(b) Consult with, and have particular regard to the views of, Te Rūnanga before deciding to carry out a cull of protected species on land administered by the Department, in respect of the reasons for the cull and the method proposed to be used.

(c) In situations where either a Fish and Game Council or a Regional Council intend to carry out a cull of protected species or game birds and the Department has a statutory role in the process, request the relevant body to consult with Te Rūnanga before carrying out any such cull.

7 HISTORIC RESOURCES

7.1 The Minister acknowledges the importance to Ngāi Tahu of their wāhi tapu, wāhi taonga and other places of historic significance to them. Liaison with Te

Rūnanga is important in the management of those places containing sites of historic and cultural significance to Ngāi Tahu, including places of settlement, horticulture, natural resource harvesting, warfare, communication, and places of cultural and spiritual connection.

7.2 The Department notes that non-disclosure of locations of places known to Ngāi Tahu is a practice used by Ngāi Tahu to preserve the sanctity of a place. Respecting the principle of confidentiality brings management difficulties of a particular kind. Where information is not available, management practices which (unintentionally) contravene the cultural purpose associated with a specific site, may be put in place. Where reasonably practicable, the Department will respect the principle of confidentiality that applies to wāhi tapu, wāhi taonga and places of historic significance to Ngāi Tahu. The primary responsibility for identifying and assessing Ngāi Tahu heritage values rests with Te Rūnanga.

7.3 The Department will work with Te Rūnanga at Regional and conservancy levels to:

(a) Ensure, as far as reasonably practicable, that Ngāi Tahu values attaching to identified wāhi tapu, wāhi taonga and places of historic significance to Ngāi Tahu managed by the Department are respected by the Department, for example, by the Department giving consideration to impacts from visitor numbers, facilities and services.

(b) Manage, as far as reasonably practicable, wāhi tapu, wāhi taonga and places of historic significance to Ngāi Tahu according to the standards of conservation practice outlined in the ICOMOS New Zealand Charter 1993.

(c) Ensure, as far as reasonably practicable, that when issuing concessions giving authority for other parties to manage land administered by the Department, those parties manage the land according to the standards of conservation practice outlined in the ICOMOS New Zealand Charter 1993.

(d) Have particular regard to relevant Te Rūnanga policies, including those relating to Kōiwi Tangata (unidentified human remains) and Archaeological and Rock Art Sites.

(e) Ensure, as far as reasonably practicable, that it uses Ngāi Tahu's cultural information only with the consent of Te Rūnanga.

(f) When issuing concessions to carry out activities on the land administered by the Department, request that the concessionaire consult with Te Rūnanga before using Ngāi Tahu's cultural information.

7.4 Specific Projects

The Department will, subject to 3.2 above, work with Te Rūnanga at regional and conservancy levels to:

(a) Develop and implement guidelines for the identification, inventory and management of wāhi tapu, wāhi taonga and other places of historic significance to Ngāi Tahu by the Department that take into consideration the traditional uses and practices of Ngāi Tahu and are, where reasonably practicable, consistent with Ngāi Tahu tikanga.

(b) Identify and actively protect specified wāhi tapu, wāhi taonga or other places of historic significance to Ngāi Tahu on land administered by the Department.

(c) Develop and implement guidelines for the active protection of wāhi tapu, wāhi taonga and other places of historic significance to Ngāi Tahu.

(d) Identify co-operative projects covering a range of options for the protection and management of wāhi tapu, wāhi taonga and other places of historic significance to Ngāi Tahu.

(e) Develop and implement guidelines relating to the use of Ngāi Tahu's knowledge of wāhi tapu, wāhi taonga and other places of historic significance of Ngāi Tahu, including the use of this information by the Department.

(f) Consult with and seek participation from Te Rūnanga with respect to research, survey or inventory projects that relate specifically to wāhi tapu, wāhi taonga and other places of historic significance to them.

8 VISITOR AND PUBLIC INFORMATION

8.1 In providing public information and interpretation services and facilities for visitors on the land it manages, the Department recognises the importance to Ngāi Tahu of their cultural, spiritual, traditional and historic values.

8.2 The Department will work with Te Rūnanga at regional and conservancy levels to encourage respect for Ngāi Tahu values by:

(a) As far as reasonably practicable seeking to raise public awareness of positive conservation partnerships developed between Te Rūnanga, the Department and other stakeholders, for example, by way of publications, presentations and seminars.

(b) Consulting on the provisions of interpretation and visitor facilities (if any) at wāhi tapu, wāhi taonga and other places of historic or cultural significance to Ngāi Tahu.

(c) Ensuring, as far as reasonably practicable, that Department information on new panels, signs, and visitor publications includes Te Rūnanga perspectives and references to the significance of the sites to Ngāi Tahu where appropriate, including the use of traditional Ngāi Tahu place names.

(d) Encouraging Te Rūnanga participation in the Department's volunteer and conservation events programmes.

8.3 Specific Projects

The Department will, subject to 3.2 above, work with Te Rūnanga at regional and conservancy levels to:

(a) Develop and implement guidelines on the provision of information and interpretation facilities and services for visitors, so as to identify and consider issues of concern to Te Rūnanga.

(b) Consider possibilities for Te Rūnanga to contribute to visitor appreciation of the cultural value of sites of cultural and historic significance to Ngāi Tahu managed by the Department.

(c) Provide information to education providers, including kohanga reo and kura kaupapa Māori, for the development of educational resources on conservation issues and associated Ngāi Tahu values.

9 RESOURCE MANAGEMENT ACT 1991

9.1 Te Rūnanga and the Department both have concerns with the effects of activities controlled and managed under the Resource Management Act. These include effects on:

- wetlands;
- riparian management;
- freshwater fish habitat;
- water quality management;
- protection of historic resources;
- protection of indigenous vegetation and habitats.

9.2 From time to time, Te Rūnanga and the Department will seek to identify further issues of mutual interest for discussion. It is recognised that their concerns in any particular resource management issue may diverge and that each of them will continue to make separate submissions.

9.3 The Department will work with Te Rūnanga at regional and conservancy levels to discuss the general approach that will be taken by each of Te Rūnanga and the Department in respect of advocacy under the Resource Management Act, and seek to identify their respective priorities and issues of mutual concern.

9.4 The Department will;

(a) Have regard to the priorities and issues of mutual concern identified in 9.3(a) above in making decisions in respect of advocacy under the Resource Management Act.

(b) Make non-confidential resource information available to Te Rūnanga to assist in improving their effectiveness in Resource Management Act advocacy work at the Papatipu Rūnanga level.

10 AMENDMENT AND REVIEW PROVISIONS FROM THE DEED

10.1 Amendment and Cancellation of Protocols

Pursuant to section 282 of the Ngāi Tahu Claims Settlement Act 1998:

- (a) Protocols may be amended or cancelled by the Minister of Conservation, from time to time at the initiative of either the Crown or Te Rūnanga;
- (b) The Minister of Conservation may amend or cancel Protocols only after consulting Te Rūnanga and having regard to its views; and
- (c) As soon as reasonably practicable after the amendment, or cancellation of a Protocol, the Minister of Conservation must notify such amendment, or cancellation in the Gazette.

Dated at Wellington this 26 day of July 2001.

MATT ROBSON, for SANDRA LEE, Minister of Conservation.

(NZ Gazette 2001, page 2171)

APPENDIX E – TAONGA SPECIES

(Schedules 97 and 98 Ngāi Tahu Claims Settlement Act 1998)

TAONGA BIRD SPECIES FOUND IN OR NEAR AORAKI/MOUNT COOK NATIONAL PARK

Name in Māori	Name in English	Scientific Name
kāhu	Australasian harrier	<i>Circus approximans</i>
kākā	South Island kākā	<i>Nestor meridionalis meridionalis</i>
kaki	black stilt	<i>Himantopus novaeseelandiae</i>
kārearea	New Zealand falcon	<i>Falco novaeseelandiae</i>
karoro	black-backed gull	<i>Larus dominicanus</i>
kea	kea	<i>Nestor notabilis</i>
kōau	black shag	<i>Phalacrocorax carbo</i>
	pieb shag	<i>Phalacrocorax varius varius</i>
	little shag	<i>Phalacrocorax melanoleucos brevirostris</i>
koekoeā	long-tailed cuckoo	<i>Eudynamis taitensis</i>
kōparapara or korimako	bellbird	<i>Anthornis melanura melanura</i>
kōtuku	white heron	<i>Egretta alba</i>
kōwhiowhio	blue duck	<i>Hymenolaimus malacorhynchos</i>
kūkupa/Kererū	New Zealand wood pigeon	<i>Hemiphaga novaeseelandiae</i>
kururwhenga/Kuruwhengi	New Zealand shoveller	<i>Anas rhynchos</i>
miromiro	South Island tomtit	<i>Petroica macrocephala macrocephala</i>
	grey duck	<i>Anas superciliosa</i>
pārera	grey duck	<i>Anas superciliosa</i>
pīhoihoi	New Zealand pipit	<i>Anthus novaeseelandiae</i>
pīpīwharau	shining cuckoo	<i>Chrysococcyx lucidus</i>
pīwakawaka	South Island fantail	<i>Rhipidura fuliginosa fuliginosa</i>
poaka	pieb stilt	<i>Himantopus himantopus</i>
pūtakitaki	paradise shelduck	<i>Tadorna variegata</i>
rīrorīro	grey warbler	<i>Gerygone igata</i>
ruru kōkōu	morepork	<i>Ninox novaeseelandiae</i>
tara	terns	<i>Sterna spp.</i>
tete	grey teal	<i>Anas gracilis</i>
tititipounamu	South Island rifleman	<i>Acanthisitta chloris chloris</i>

TAONGA PLANT SPECIES FOUND IN OR NEAR AORAKI/MOUNT COOK NATIONAL PARK

Name in Māori	Name in English	Scientific Name
aruhe	fernroot (bracken)	<i>Pteridium aquilinum</i> var. <i>esculentum</i>
horoeka	lancewood	<i>Pseudopanax crassifolius</i>
houhi	mountain ribbonwood	<i>Hoheria lyallii</i> and <i>H. glabata</i>
kāpuka	broadleaf	<i>Griselinia littoralis</i>
korokio	korokio / wire-netting bush	<i>Corokia cotoneaster</i>
koromiko / kōkōmuka	koromiko	<i>Hebe salicifolia</i>
kowhai / kōhai	kōwhai	<i>Sophora microphylla</i>
mānuka / kahikātoa	tea-tree	<i>Leptospermum scoparium</i>
rātā	southern rātā	<i>Metrosideros umbellata</i>
rautāwhiri / kōhūhū	black matipo/Māpou	<i>Pittosporum tenuifolium</i>
taramea	speargrass / spaniard	<i>Aciphylla</i> spp.
tawai	beech	<i>Nothofagus</i> spp.
toatoa	mountain toatoa / celery pine	<i>Phyllocladus alpinus</i>
tutu	tutu	<i>Coriaria</i> spp.
wharariki	mountain flax	<i>Phormium cookianum</i>
wiwi	rushes	<i>Juncus</i> all indigenous <i>Jucus</i> spp. and <i>J. maritimus</i>

TAONGA FISH SPECIES FOUND IN OR NEAR AORAKI/MOUNT COOK NATIONAL PARK

Name in Māori	Name in English	Scientific name
koeke	common shrimp	<i>Palaemon affinis</i>
kōkopu/Hawai	giant bully	<i>Gobiomorphus gobioides</i>
paraki / ngaiore	common smelt	<i>Retropinna retropinna</i>
piripiripōhatu	torrentfish	<i>Cheimarrichthys fosteri</i>
taiwharu	giant kōkopu	<i>Galaxias argenteus</i>

APPENDIX F - PRINCIPLES OF THE TREATY OF WAITANGI

Quotations from the Waitangi Tribunal and Court of Appeal that illuminate what the Treaty principles are presently understood to be.

The quoted principles below are a combination of non-statutory opinions contained in recommendations to Government by the Waitangi Tribunal and legal interpretations of the Treaty by the Court of Appeal.

1. THE ESSENTIAL BARGAIN

The Waitangi Tribunal:

'[The Treaty of Waitangi represents] an exchange of gifts... The gift of the right to make laws, and the promise to do so as to accord the Māori interest an appropriate priority.' (Waitangi Tribunal, 1989a, at p52.)

'Rangatiratanga over a taonga denotes the mana of Māori not only to possess, but to control and manage it in accordance with their own cultural preferences.'

'While the cession of sovereignty or kawanatanga enables the Crown to make laws for conservation control and resource protection, that right is to be exercised in the light of article 2 of the Treaty. It should not diminish the principles of article 2 or the authority of the tribes to exercise control. In short, the tribal right of self-regulation or self-management is an inherent element of tino rangatiratanga.' (Waitangi Tribunal, 1993, at p136.)

The Court of Appeal:

'...the basic terms of the bargain were that the Queen was to govern and the Māori were to be her subjects, in return their chieftainships and possessions were to be protected, but sales of land to the Crown could be negotiated.' (New Zealand Māori Council v. Attorney-General [1987] 1 NZLR 641 at 663 per Cooke P, the Lands Case.)

Māori were 'guaranteed possession of lands, forests, fisheries and other possessions, promised Crown protection and granted the rights of British subjects'. (Lands Case at p672 per Richardson J.)

2. PARTNERSHIP

The Waitangi Tribunal:

'The Treaty signifies a partnership between the Crown and the Māori people and the compact between them rests on the premise that each partner will act reasonably and in the utmost good faith towards the other.' (Waitangi Tribunal, 1987, at p150.)

'[The Treaty] was not intended to merely fossilise a status quo, but to provide a direction for further growth and development... the foundation for a developing social contract...' (Waitangi Tribunal, 1989a, at p52.)

'...neither partner in our view can demand their own benefits if there is not also an adherence to reasonable state objectives of common benefit. It ought not to be

forgotten that there were pledges on both sides.’ (Waitangi Tribunal, 1989b, at p195.)

The Court of Appeal:

The Treaty requires that:

‘each party (would) act(s) reasonably and in good faith towards the other...’ (Lands Case at p80-681 per Richardson J.)

‘The relationship between Treaty partners creates responsibilities analogous to fiduciary duties’. (Lands Case at p665 per Cooke P.)

3. DUTY TO BE INFORMED

Court of Appeal:

‘The responsibility of one Treaty partner to act in good faith fairly and reasonably towards the other puts the onus on a partner, here the Crown, when acting within its sphere to make an informed decision’. (Lands Case at p683 per Richardson J.)

4. ACTIVE PROTECTION

Waitangi Tribunal:

‘The Treaty of Waitangi obliges the Crown not only to recognise the Māori interests specified in the Treaty but actively to protect them.’ (Waitangi Tribunal, 1985, at p95.)

‘...the Treaty both assured Māori survival and envisaged their advance, but to achieve that in Treaty terms, the Crown had not merely to protect those natural resources Māori might wish to retain, but to assure the retention of a sufficient share from which they could survive and profit, and the facility to fully exploit them’. (Waitangi Tribunal, 1989b, at p194.)

Court of Appeal:

‘...the duty of the Crown is not merely passive but extends to active protection of Māori people in the use of their lands and waters to the fullest extent practicable’. (Lands Case at p664, per Cooke P.)

5. AVOID PREJUDICIAL ACTIONS

Court of Appeal:

‘...the obligation of the parties to comply with its terms is implicit... as in the law of partnership a breach of the terms of the Treaty by one of its parties gives rise to a right of redress by the other... – a fair and reasonable recognition of, and recompense for, the wrong that has occurred’. (Lands Case per Somers J.)

APPENDIX G - MEMORIAL PLAQUE GUIDELINES

The following sets out the conditions of acceptance for memorial plaques to be installed on the base of the King Memorial. These were formulated in consultation with the former Aoraki Conservation Board, Ngāi Tahu, New Zealand Alpine Club and Park staff with the objective of achieving consistency and standardisation, with subsequent limitations on memorial sides and rock-work coverage introduced by this Management Plan.

1. Plaques are to be small individual bronze plaques measuring 200mm x 120mm and have a thin raised border around the edge.
2. Typeface is to be Helvetica.
3. The essential wording is confined to a maximum of six lines.
4. Plaques will be erected on the base of the King Memorial (eastern and northern sides only, covering no more than 25% of the memorial side rock-work) and at the sole expense of relatives or friends of the deceased.

A memorial book is available in the Visitor Centre for families to record and honour the memory of a loved one.

The plaques can be obtained from various firms.

APPENDIX H – MOUNT COOK AND WESTLAND NATIONAL PARKS RESIDENT AIRCRAFT USER GROUP ENVIRONMENTAL POLICY

Mission Statement

Aviation allows large numbers of people of all ages and physical ability, who in most cases would never otherwise have the opportunity, to experience our remoter alpine regions without leaving any lasting trace and without requiring any infrastructure such as huts, tracks, toilets.

The Group's policy is to actively foster aviation, and to cultivate and maintain an environmentally aware culture, in particular awareness and consideration of potential disturbance to the values of ground based users.

Code of Practice

To develop and maintain an environmentally aware culture, in particular an awareness and consideration, at all times, of potential disturbance to ground based users.

To consider environmental effects when selecting aircraft types, in particular noise emission and aircraft capacity.

To develop and regularly review aircraft operating procedures that minimises noise emission, particularly in sensitive locations.

When safe and practicable, to follow flight paths that minimises impact on the environment.

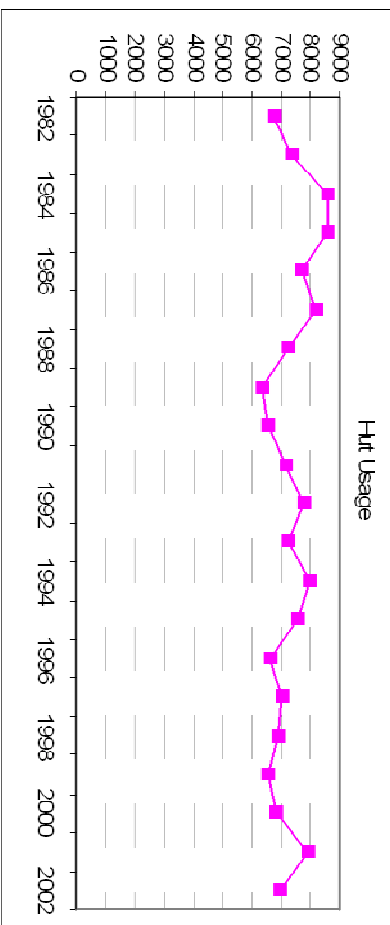
Pursue a policy of high and wide flight clear of sensitive areas and in particular strict observance of minimum vertical and horizontal clearances in the vicinity of identified ground user sensitive areas.

No flying shall take place in close proximity to the summit of Aoraki/Mount Cook.

Each operator is to elaborate in their exposition how they specifically embody this code of practice in their operation.

APPENDIX I – HUT USAGE (BEDNIGHTS) FIGURES 1981-2002 (from radio schedule figures)

PERIOD	BARROW SADDLE	BUELLER	SEFTON BAY	HOOKER	COPLAND SHELTER	GARDNER	EMERSON	BALL SHELTER	PLATEAU	HAAST	DE LABECHE	BETHAM	TASMAN SADDLE	KELMAN	MURCHISON	LIEBIG	TOTAL DoC Managed Huts	UNACCOUNTED FOR / CAMPING+ NOT WESTLAND / NOT ON WAY OUT	CAROLINE HUT (GUIDED)	GUIDED NIGHTS (OTHER)	GUIDED NIGHTS AGL	TOTAL GUIDED NIGHTS	TOTAL NIGHTS SPENT IN MOUNT COOK NATIONAL PARK	
Jul 81-Jun 82	136	1095		1034		340	288	145	770	137	387	987	1288											
Jul 82-Jun 83	94	878		1093		334	219	127	865	85	451	1090	1621											
Jul 83-Jun 84	312	984		1305		344	281	92	1278	57	444	1519	1564											
Jul 84-Jun 85	192	1171		1390		289	224	91	1170	64	494	1437	1869											
Jul 85-Jun 86	192	827		1154		50	265	220	92	1215	87	333	1349											
Jul 86-Jun 87	195	848		1008		97	288	188	137	1782	118	328	1368	1523										
Jul 87-Jun 88	284	988		1050		103	297	195	132	1031	83	211	1335	1445										
Jul 88-Jun 89	265	930		858		133	149	123	1028	74	295	892	711	743										
Jul 89-Jun 90	149	1019		858		96	230	127	157	1289	66	183	690	493	43	49	6583							
Jul 90-Jun 91	193	1034		773		108	142	89	111	1517	80	258	905	800	1154	18	38	7176						
Jul 91-Jun 92	228	907		1019		101	286	174	119	832	12	227	834	791	1983	207	59	7759						
Jul 92-Jun 93	313	877		743		90	167	161	328	780	16	267	810	779	1620	158	19	7229						
Jul 93-Jun 94	334	1232		940		87	148	143	181	1291	23	145	766	773	1774	113	30	7860						
Jul 94-Jun 95	305	1071		744		84	182	184	183	1017	21	238	803	751	1810	135	38	7897						
Jul 95-Jun 96	347	1169		274		78	145	255	145	1163	33	392	656	1866	62	24	6610							
Jul 96-Jun 97	254	1176		185		185	77	191	293	207	1326	21	290	784	1592	84	28	7001						
Jul 97-Jun 98	259	1207		159		81	174	189	201	1390	28	284	878	1989	180	52	6888							
Jul 98-Jun 99	133	1271		123		88	181	211	229	885	39	225	1038	1999	40	23	6572							
Jul 99-Jun 00	185	1378		83		78	178	150	308	938	45	182	1048	1822	328	34	6304							
Jul 00-Jun 01	233	1639		94		136	142	193	422	1380	0	167	1277	1824	233	0	7886							
Jul 01-Jun 02	192	1538		46		116	73	143	331	1455	4	145	874	1844	258	36	6306							
Total All yrs	4781	23258		653		15016	1538	4033	3878	24010	1045	5847	14518	21980	23473	4203	839	153326						
Yrs. Collected	21	21	5	21	17	21	21	21	21	21	21	14	21	14	21	21	21	18641	4440	6307	9303	19067		
Average/year	227	1108	109	715	91	271	191	185	1143	50	283	1039	1047	1677	200	40	7315	2330	555	901	1329	3176	9822	



APPENDIX J: ROS VISITOR MANAGEMENT SETTING DESCRIPTION AND CRITERIA SUMMARY²

ROS Setting	Front country (Short-stop)	Backcountry Accessible -Motorized	Backcountry Walk-in	Backcountry Remote (NB Two shaded sub-zones reflect the degree of remoteness)
General Description	Short walks etc (max 1hr return) set in relatively natural settings, often on the perimeter of large natural areas, but readily accessible by sealed road.	Large scale natural settings more accessible by proximity (within 2 hours walk) to minor roads, 4wd vehicle tracks and high use aircraft landing sites.	Typically popular walks/tramps within the body of a large scale natural setting.	Typically the untracked or low use bulk of the backcountry.
Accessibility	Popular stopping place or short walks from sealed roads or road end parks.	On- and off-track terrain more accessible by being close to gravel roads, 4wd vehicle tracks, or aircraft landing sites.	Usually involves over 1-2 hours walking along a track from a vehicle. Visitor numbers and interactions are of such frequency to prevent a sense of isolation for most visitors.	Generally accessible by over 5 hours walking along a track, or a lesser time where off-track travel requires outdoor skills and heightened risk acceptance, and where the level of use is low and likely to result in achieving a sense of isolation or remoteness for many visitors.
Visitor groups (refer 1.3.5.2 Visitor Groups)	Short stop travellers and others in transit.	Day visitors, backcountry comfort seekers and others in transit.	Backcountry comfort seekers, bc adventurers and remoteness seekers in transit.	Backcountry adventurers and remoteness seekers.
Facility Setting	Short walks and facilities. Sometimes the beginning to other track types.	All track, hut and backcountry facility types. A range of road and transport facilities.	Walks, tramping tracks and routes. All backcountry hut and facility types.	Tramping tracks and routes. Usually only basic hut and facility types. [The accessibility and significance of the Park for mountaineering has resulted in mostly serviced-alpine huts.]
Visitor Numbers (progressively decrease across the Spectrum)	These areas are readily accessible, and while the majority of visitors would arrive at the site by car/van, and so visit the site in groups of up to 5, these sites will also be popular destinations for tour bus and guided parties.	These areas are still relatively accessible, but require a longer time commitment. Group sizes of 4-5 are still typical. These sites may also be popular destinations for school parties, club outings etc as well as day-trip guided parties.	Visitors are required to have traveled some distance on foot to reach these backcountry settings. Typical group sizes will have reduced and be more spread out. Organized groups (e.g. clubs or guided parties) will occasionally be encountered.	These areas require significant time, physical ability and backcountry skill and experience. This Zone will have relatively few visitors in small, widely spaced groups.
Maximum party size	Maximum party size 60	Maximum party size 15 ³	Maximum party size 15 [At Mueller Hut a maximum party size of 7 will apply to concessionaire guided parties – see 4.3.4 Guiding]	Maximum party size 8
Visitor interactions and expectations	Frequent and likely interactions, with some seasonal, weekend and weather-dependent variations. Visitors bring an expectation or hope of experiencing some time away from other groups.	Interactions with others will still be likely, and subject to seasonal, weekend and weather-dependent variations Visitors bring an expectation of experiencing time away from other groups.	Visitors bring an expectation of experiencing time away from other groups but the visit duration is highly variable (it could be a 4 hour walk, or a 3-day or longer climbing/tramping trip) and interaction levels will need to be customized to the site (e.g. for the Hooker Valley track the development of a one-way loop track would reduce interaction levels).	Visitors will be actively seeking a sense of solitude. Acceptable visitor interactions can be expected to decline rapidly and are most likely to occur at huts.
Typical visit duration	2 hrs	2 hrs (Tasman 4WD track) to 2 days (upper Tasman huts)	2-3 days	3+ days
Expected visitor interaction levels	Interaction rate of < 20 parties per hour of visit.	Interaction rate of < 15 parties per 2 hours of visit.	Interaction rate of < 15 parties per visit.	Interaction rate of < 5 parties per visit.
Concessionaire operations	<ul style="list-style-type: none"> Concessionaire activity allowed in all ROS classes, subject to conditions to avoid, remedy or mitigate adverse effects, including compliance with the ROS class criteria. Concessionaire client activities not to be advantaged or disadvantaged compared with those for non-concessionaire visitors, unless there is a clear specified reason for different visitor type management (e.g. as at Mueller Hut –see 4.3.4 Guiding). 			
Concessionaire effects management	Avoid, remedy or mitigate effects by setting conditions.	Avoid and mitigate effects.	Avoid effects as far as possible.	Concessionaire activity to be indistinguishable from other approved activities.
Aircraft management [See footnote ⁴]	Aircraft landings and overflights (i.e. those that are sufficiently low-flying and/or noisy as to annoy ground-based visitors) should only occur at numbers that reflect the expected visitor interaction levels. The numbers should reduce across the spectrum, from highest within “backcountry accessible-motorized” to lowest in “backcountry remote”, some areas being managed as ‘aircraft free’, and the more-remote areas preferably having minimal aircraft activity and no landings. There is generally no reason for any aircraft landings within “front country (short stop)”. Parts of the National Park clearly have aircraft activity in excess of that desirable in terms of the ROS guidelines. Section 4.3.3 Aircraft and Airports addresses aircraft management in a way that seeks to maximise ROS guidelines compliance while acknowledging existing contractual requirements and visitor use patterns.			
Management for perceptions of crowding and noise effects	<ul style="list-style-type: none"> Undertake visitor surveys to determine annoyance levels for crowding and aircraft noise, and undertake management to achieve 25% or less of visitor annoyance (see Explanation 4.3.3(b), (c) & (d) 7). The <25% figure will be applied across all ROS classes, irrespective of differing visitor numbers, due to the different experience expectations by visitors to each ROS class. 			
Natural quiet and natural views	<ul style="list-style-type: none"> Natural quiet and natural views are values to be promoted across all ROS classes. Areas with no aircraft landings will be maintained within each ROS class in recognition of providing for a range of visitor experiences. Management will also aim for aircraft over-flight noise controls over no-landing areas. 			

² This table is derived from the full range of characteristics in *The New Zealand Recreational Opportunity Spectrum – Guidelines for Users* (1983), with notes added to show any specific criteria set out in this Management Plan.

³ For Backcountry accessible – motorized, while large groups may arrive by bus they should break into parties of no more than 15 to travel within this zone.

⁴ The ROS settings are mapped in recognition of all the ROS criteria, and the main areas where aircraft activity exceeds the criteria but management action to remedy this is not feasible in the near future, are indicated by hatching on Figure 4.