



## STAFF REPORT

**TO:** Environment & Planning Subcommittee

**FROM:** Neil Jackson, Policy Planner

**REFERENCE:** E867

**SUBJECT:** **ABEL TASMAN NATIONAL PARK – DRAFT MANAGEMENT PLAN – SUBMISSION - APRIL 2006 - EP06/05/07 – Report Prepared for Meeting of 10 May 2006**

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### 1. REASON FOR THIS REPORT

The Department of Conservation published a Draft Management Plan for the Abel Tasman National Park in January 2006. The draft was open for public submissions until 5 May 2006.

The following submission was sent on behalf of Council. Council now has the opportunity to ratify, amend, or withdraw the submission.

### 2. RECOMMENDATION:

That Council ratify the submission on the Draft Management Plan for the Abel Tasman National Park.

Neil Jackson  
**Policy Planner**

## ABEL TASMAN NATIONAL PARK – DRAFT MANAGEMENT PLAN SUBMISSION - APRIL 2006

### 1. THE CONTEXT OF THE PARK

The plan has a vision statement that includes:

- People come to experience the unique and accessible coastal setting and the beauty and tranquillity of the park, in harmony with nature and each other.
- The adjacent coastal environment is managed in a way that is integrated with the management of the park.

Primary objective 3 is:

- Preservation of the essential character of Abel Tasman National Park as a natural area of great beauty and tranquillity, history and spiritual significance and of value for recreation, appreciation and culture.

The second of the quoted vision bullets acknowledges that there is a world outside the park, however there is insufficient acknowledgement in the draft that the foreshore and the adjoining sea, neither of which are in the park, provide opportunity for activities that reflect a set of values quite different to those espoused for the park. The need for integrated management across the park/coast boundary is accepted, but there is no statutory directive that national park values should dominate that integrated management.

The first of the quoted vision statements refers to the “accessible coastal setting” of the park. This gives a clue that the beauty and tranquillity of the park are not the only reasons for people to be in this general area. It is equally attractive as a destination or setting for a range of boating activities. The settlements of Awaroa and Torrent Bay are also places that people visit in their own right.

The sheltered bays and sandy beaches of the ATNP coastline have been attractive as anchorages, picnic sites, and as a base for a range of boating activities, since before the national park was established. They would continue to provide those attractions and opportunities whether or not the national park existed.

The draft plan acknowledges that the jurisdiction of the plan does not extend to the foreshore and sea adjacent to the park. It needs to also acknowledge the context of the land, foreshore and sea areas in which the park is located, and that people come to these areas for reasons other than the existence of the park.

Consequently, in Council's view, it is not realistic to pursue tranquillity as part of the vision and objectives for the coastal part of the park, immediately adjacent to the most popular stretch of coastline in the district for recreational boating activities. Tranquillity may be relevant to the interior of the park, but it is not realistic for the coastal part.

There is a similar difficulty with “the enjoyment of natural quiet” in long-term objective 3 under 2.1 The Coast. The objective earlier refers to “naturalness”. In Council’s view, the reference to “naturalness” is acceptable, without creating an additional expectation of “natural quiet” that may be unrealistic in the context of activities that can legitimately occur in the foreshore and sea adjoining “The Coast” part of the park.

### **Changes Sought:**

1. Delete “tranquillity” from the vision statement and objectives for the national park.
2. Add a section “Physical and Social Context”, perhaps immediately after “1.2 Legislative Context”, that describes the land, foreshore and sea surrounding the park, and the uses people make of those areas. (Perhaps re-locate the highlighted box headed “National Park Boundary”, from its position at 5.1.1.)
3. Delete “the enjoyment of natural quiet” from objective 3 in section 2.1.

## **2. VISITOR MANAGEMENT**

### **Coastal Section:**

Anchorage, Bark Bay, Onetahuti and Totaranui are proposed as Coastal Access Points. These are sites for “high impact activities associated with guided kayaking concessions, such as kayak launch and retrieval; client drop offs, initial trip briefing/training; equipment transfers; and waiting for water taxi pick up ...”.

Those activities are only within the jurisdiction of the park management plan if they occur landward of the mean high water mark boundary of the park. If they occur on the foreshore, they are outside that jurisdiction. In practice, the activities may occur either side of that boundary, depending on the state of the tide at the time.

At 5.1.2.6, the plan identifies a need for the Department to advocate that personal water craft should be banned from waters adjacent to the park, and opposes any new water ski access lanes adjacent to the park, because of noise.

This is an example of conflict between recreational values of the park, and those of the adjoining water. There is no statutory priority between them. The advocacy is also poorly targeted. Not all personal watercraft are noisy; nor are they the only noisy vessels. The problem of noise is with individual vessels or engine installations, rather than particular classes of vessels. The problem may also be the manner in which the vessel is used, for repetitive activity. The noise characteristics of the same vessel may be innocuous if the vessel is making transitory passage.

No specific change is sought in relation to this issue, but Council suggests that if the Department is to advocate on these matters, it needs to be clear about the issue it wants to address.

Because there is no statutory priority between the recreational values of the park and the adjoining foreshore and sea, Council considers that the priority given to the “Recreational Setting Zones” in Implementation matter 5 under 5.1.2.13 is not appropriate.

Implementation matter 11 in the same section seeks a bylaw prohibiting the use of motorised vessels in rivers in the park, other than in Falls River to the bridge. It is not clear whether this is intended to be a bylaw under the national park management plan, or a Council bylaw. Council understands that the navigation bylaw can only address matters of navigation, and not noise or other amenity issues relating to the use of vessels.

[There may be debate about whether “nuisance” in the bylaw-making power of 684B of the LGAct 1974 is limited to nuisance to navigation, or includes nuisance as an aspect of amenity related to other activities and values.]

### **Changes Sought:**

1. Replace 5.1.2.13 Implementation 5 with:

“Work with Tasman District Council, user groups and commercial operators to control and manage the effects of activities and visitors on the foreshore and coastal waters adjacent to the national park, and in the national park, in ways that are mutually compatible.”

2. Clarify whether 5.1.2.13 Implementation 11 means “Seek a Tasman District Council bylaw ...”, or “Develop a national park bylaw ...”

### **3. VISITOR FACILITIES**

5.2.1.5 Policy 2 and 5.2.1.6 Implementation matter 2 are to maintain toilet, hut and camp capacities at 2005 levels.

The concessions regime gives control over numbers entering the park in guided commercial groups. The booking system for huts and campsites gives control of over-night use of those facilities. There are no controls proposed on private day-trippers arriving by car, bus, water-taxi, freedom kayak or other vessels. The policy to limit toilet capacity appears inappropriate if that private component of park use is not capped.

There is no discussion of toilets in the preceding parts of 5.2. The issue may be addressed by toilets or septic tanks being emptied more frequently, rather than increasing the number or capacity of toilets. Location of toilets may also be an issue.

### **Changes Sought**

1. Expand 5.2.1.4 to cover human waste as well as rubbish, with an explanation of why maintaining existing capacity is appropriate.
2. Delete “toilet,” from 5.2.1.5 Policy 2 and 5.2.1.6 Implementation 2.

3. Add a new Policy 2A:

“To review the provision of toilet facilities, or alternative measures for managing toilet waste, if demand is projected to exceed current capacity.”

4. Add new Implementation matters:

2A. “To review the location, capacity and servicing of toilet facilities as usage increases.”

2B. Repeat 5.1.2.13 matter 12:

“Provide information and education to visitors regarding the Environmental Care Code, the location and use of toilets, and the procedure for toileting where no facility is provided.”

Implementation matter 1 may need a complementary amendment.

[The information at 5.1.2.9, 5.2.2.2, and 5.2.2.9 Implementation matter 3 is acknowledged.]

#### 4. CONCESSIONS

There is an acknowledgement at the outset of this section that the Department can only manage activities that take place within the park boundaries.

The proposed concession management is based on units called “packets”. Each packet consists of a guide or guides, and a number of clients. The numbers vary for different activities.

For water-based guided activities, there are different packets for guided kayaking, rowboats, dug-out canoes, waka, or outrigger waka. There are no packets for guided groups delivered by water-taxi or by ferries. This distinction is not explained.

Whatever form of vessel people use, the use of that vessel ceases when the vessel reaches the shoreline. If people leave a vessel, cross the foreshore, and enter the national park, they are no longer kayakers, waka-paddlers, water-taxi passengers. They become park walkers, campers, hut users. How they arrived is not relevant to the management of the park.

The vessel-based packets are limited to some, not all, current vessel types. Some of those vessel types may or may not continue long-term. Future vessel types are precluded. On page 125, under “South Coast Zone” there is reference to guided sail boat groups. These do not appear in the allocation of packets on pages 119 and 120, nor in the Table 7 list of concession activities on page 123.

The vessel-based packet concept appears to be frozen in time regarding classes of vessels, and selective in omitting water-taxis and ferries. Of more concern is the fact that the vessels are not used in the park. The concessions should relate to activities that occur in the park, not to people’s means of access to the park.

If people arriving by bus, water taxi or ferry become guided walkers, campers, or hut users when in the park, what distinguishes people who arrive by kayak, rowboat, dug-out canoe, waka, or outrigger-waka (small/medium) or sail boat (South Coast Zone only) once they are in the park?

Similar issues arise with the Coastal Access Points Zone, and the South Coast and North Coast zones. "Characteristics" of the CAPZ include:

- Transport nodes with commercial operators (concessionaires) dropping off and picking up clients and their equipment by motorised support vessel between 7.00 am-6.00 pm and briefing/training clients.
- Visitors accessing and leaving the park by water taxi.

"Characteristics" of the two coast zones include:

- No pick-ups or drop-offs of concessionaire parties by water taxis or motorised support vessels, except for guided kayak drop-offs/pick-ups at Watering Cove.
- No training of kayak or other guided parties.

It is not clear how the management plan for the national park can manage these activities if they occur seaward of the mean high water mark park boundary.

While we can appreciate why this matter has emerged, this section of the draft plan appears to include a management regime that the Department would like to see applied to the adjoining foreshore reserve. It is not clear how the vessel-related packets apply to activities requiring management within the national park. Nor why some park users are defined by certain types of vessels they arrive in, but users arriving by other vessel types are not similarly defined.

### **Change Sought:**

Re-define the concessions in terms of activities that occur within the national park.

## **5. NON-GUIDED ACTIVITIES**

The packet system caps numbers involved in guided activities. It is likely to have the effect of encouraging non-guided, and hence less controlled, activities.

Council's experience has been that freedom kayakers get into difficulty more frequently than do guided kayakers. Freedom kayakers are also a source of complaints about inappropriate toileting – a problem not associated with guided groups. Council considers it likely that freedom activities will increase in locations away from the proposed Coastal Access Points, negating some of the "un-crowded", "natural values", and "few interactions" outcomes that the draft plan anticipates for locations in the other coastal zones.

Paragraph 5.3.2.1.5 says:

“The Department should work closely with the Tasman District Council to find ways of controlling the effects of freedom rental activity in the park and on the adjacent foreshore and coastal waters.”

There is a similar statement in the implementation methods for this section of the plan, but no indication of how that could be achieved.

There is a risk that the management plan is promoting outcomes that it cannot deliver.

**Change Sought:**

Review outcomes sought, in relation to what the national park management plan can or cannot deliver.

**6. TOTARANUI: SALE OF GOODS POLICY**

Proposed concession conditions for Totaranui campground include: “Sale of goods to be small scale and limited to essential, basic goods”.

Someone who has arrived for a two week holiday with a water ski boat but forgotten a can of two-stroke oil will regard that as an essential basic item. No doubt there are others for whom a bottle or two of chardonnay is an essential basic item for their evening meal.

**Change sought:**

Define “essential, basic goods”.

**7. STILWELL BAY CONCESSION**

On p.126, a paragraph discussing a concession at Stilwell Bay is under the North Coast Zone heading. The paragraph needs to be re-located, or be given its own heading.

**8. DEMAND EXCEEDING PERMITTED ACTIVITY LEVEL**

On p.128 there is an implementation statement:

“Where demand for certain recreation concession activities exceeds that permitted by this plan, activity should be allocated using an allocation mechanism.”

It is not clear whether this means reviewing the level of activity permitted by the plan, or whether opportunity within the permitted level should be allocated by a mechanism such as tender.

## **Change Sought:**

Clarify the intent of 5.3.2.1.11 Implementation 3 by amending it to either:

- Indicate criteria by which the permitted level of activity would be reviewed; or
- Indicate examples of mechanisms that might be used to allocate opportunity within the permitted level of activity.

## **9. ADELE ISLAND**

P.132 seeks comment on whether concessions should allow guided kayak groups to visit Adele Island. It is not clear whether the concession would relate only landing on the beach (most of which is below MHW and therefore not in the park and unable to be the subject of a concession), or to walking beyond the beach.

## **10. NOISE**

“The Department should also advocate to Tasman District Council for strict controls on activities on the foreshore and in the adjacent coastal waters that result in mechanised noise.” (5.3.2.1.6)

What is envisaged by “strict controls”? What are the practicalities of noise measurement and enforcement?

For many people, their visit to the national park will be a one-off occurrence. Noise could affect that opportunity, regardless of its source. DoC staff use machinery, including weed-eaters, for track maintenance. They also use a boat to access parts of the coastline. What “strict controls” on noise is DoC able to comply with?

Council has strong reservations about the practicality of administering noise controls in the national park or on the adjoining foreshore or sea – one of which is the matter of getting there while the noise is occurring.

## **11. SPORTING EVENTS**

The management plan proposes that the Coastal Classic run on the coastal track be continued as an annual off-season event, with a limit on the number of competitors. The plan proposes that the Gibbs Hill Challenge run be phased out after a further three year concession.

Little reason is given for the different treatment, other than: “The high numbers of people involved in organised sporting events makes them inappropriate in the Interior of the park, particularly given the Inland Tracks recreational setting, which places limits on other concessionaires of 8 clients and 1 guide.”

In Council’s view, one organised run per year on each of two different tracks is a transient low impact level of activity. With government emphasis on health, exercise, and work/life balance, through promotions such as Push-Play, it seems contrary and niggardly to propose phasing out one of these events.

The Kepler Challenge and multi-sport events occur in other national parks. What park resources are at risk from continuing with the Gibbs Hill Challenge?

**Council Preference:**

Council's preference is that the Coastal Classic run and the Gibbs Hill Challenge be permitted to continue, unless there is an undue adverse effect on some ecosystem value or on the recreational enjoyment of park values, where either factor is of high significance. Council is not aware of evidence of effects of this kind.

**12. MOUNTAIN BIKING**

Mountain biking is proposed for a trial period in two locations in the Interior of the park. The plan proposes no concessions should be granted for guided mountain biking. Presumably "events" will also not be allowed. These restrictions should be reviewed at the end of the trial period.

The inconsistency between this proposal in relation to the Gibbs Hill track, and the proposed discontinuance of the Gibbs Hill Challenge as an annual event, is not justified.

**Council Preference:**

Council's preference is for mountain biking to be permitted in locations where it would have minimal effect on national park resources and values.

**13. PRIVATE LAND DEVELOPMENT**

Water supply from sources within the park serves some of the private property development that immediately adjoins the park. This is an issue that Council needs to be aware of when development proposals for these sites are submitted.

The plan expresses concern about the scale of buildings in relation to the scale of the park landscape. Whether the Department can have any influence on buildings will depend on whether development proposals are publicly notified or not, or whether the Department's approval is sought as an affected party.

**14. ADJACENT LAND AND COASTAL WATERS**

Implementation methods on p.145 have several references to coordination with Council, including:

"Seek provisions in the Tasman Resource Management Plan to protect natural quiet, water quality and quantity, and other natural and amenity values within the park and adjacent coastal area."

The land and waters immediately adjacent to the park have values and use potential that are different to those of the park. A preference for "integrated" management between the park and the adjoining environment is acknowledged, but there is no statutory directive that activities or development outside the park should be subordinate to park values.

This issue was traversed in the initial comments on the vision and primary objective 3. The issue statement will need to be consistent with resolution of those matters.

## **15. TOTARANUI CAMPGROUND AND ROAD**

P.146 proposes closing the Totaranui Road within the campground, making it a park road instead of a public road. This would enable the plan to control commercial activities and parking, including campervans, on the road reserve. Outside the camp, the plan advocates for the Totaranui Road to be maintained to a high standard but opposes major upgrading or sealing.

This proposal potentially involves a bundle of legal issues that would need to be unravelled:

- The National Parks Act specifically does not give the Minister or the Department powers in relation to a public road.
- The Local Government Act allows unformed roads to be resumed by the Crown.
- The existing road through the Totaranui campground is not on the legal road alignment.
- Transport legislation definitions of road include “a place to which the public have access, whether as of right or not”.

The proposal to stop the road within the campground requires:

- clarification of the legal status of the road; then
- determination of who has power to stop the road.

If that power lies with Council, it is unlikely that the Council would accede to stopping the road without good reason.

An alternative would be for the Department to advocate that Council make a bylaw to restrict parking or other activities on the road within the campground, and delegate to DoC the power to enforce the bylaw.

### **Change sought:**

- a) Clarification of the legal status of the road within the Totaranui campground, the process for stopping the road, and who has the power to do that; or
- b) Consideration of alternative ways of managing activities on the road.

## **16. OTHER MATTERS**

P.147 refers to conflicts between different activities on the coastal water, and to noise, wash and pollution resulting from some water-based activities. The plan advocates for a ban on personal water craft (jet-skis) in the waters adjacent to the park.

It advocates for active enforcement of regulations regarding the discharge of sewage and litter from boats.

It expresses concern about commercial activities on the water, and their impacts on the park:

“For instance floating shops, bars, equipment rental operations and accommodation have the potential to increase visitor use and crowding of the adjacent park facilities, to intrude visually, to create noise and to pollute the surrounding waters and generally detract from the enjoyment of the Coast in its natural state. The Department should advocate to Tasman District Council that such activities not be permitted in waters adjacent to the park.”

“The Department should advocate that water taxi operators only use the bays zoned Coastal Access Points, for picking up and dropping of passengers and equipment, plus Watering Cove for guided kayak groups.”

(Torrent Bay and Awaroa would also be available: they are areas of private land not subject to the park management plan proposals.)

The plan acknowledges that the proposed foreshore reserve will enable additional control of activities on the foreshore. But activities on the water, and freedom rentals, will not be controlled by either the park plan or the foreshore reserve management plan.

The plan acknowledges the benefits of moorings, jetties and boat ramps but advocates that these be limited, especially in locations directly adjoining the park. There is no significant difference between the plan preferences and the relevant provisions currently in TRMP.

There are several unformed legal roads within the park. The Department can request that these roads be stopped and added to the park where they do not provide access to other properties, and the plan proposes the Department do that. There is no intention to include unformed roads on which baches are sited while those baches are occupied under agreements with Council.