

Notified Concession Officer's Report to Decision Maker

Officer's Report to Decision Maker: Mike Davies, Operations Manager

Notified Application for a Notified Lease Concession

Applicant: Aoraki/Mount Cook Village Limited

Permission Record Number: 50798-ACC, 50799-ACC, 50800-ACC, and 50801-ACC

File: PAC-25-07-04-01

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

1.0 Summary of proposal

Background:

- Aoraki/Mount Cook National Park was declared a National Park in 1953 and forms a key part of the South West New Zealand (Te Waihipounamu) World Heritage Area;
- Aoraki/Mount Cook National Park has been popular as a visitor destination since the earliest time of settlement;
- The Aoraki/Mount Cook Village is set within the Aoraki /Mount Cook Amenities Area;
- The Residential Zone and the Commercial Zone within the National Park are set within the Aoraki/Mount Cook Amenities Area;
- Leases for the residential sites are held by commercial operators in the park, for the purpose of accommodating their staff;
- The demand for staff accommodation is high;
- The nearest township is approximately 65km away;
- The amenities area is a highly-modified and fragmented landscape with many exotic grass species. Some remnant matagouri and native plants are present.
- Site 4, Site 11, Site 19 and Site 33 were previously leased by Aoraki Mount Cook Airport Limited;
- During an administrative process, it became apparent to the Department that several leases for existing staff accommodation within the park had expired, included several staff accommodation held by Aoraki/Mount Cook Village Limited;
- These leases have "rolled on" while the new applications are in progress;
- There is a history of poor maintenance with these sites;
- This application is to be processed in accordance with Part 3B of the Conservation Act 1987;

Information about the applicant:

- Aoraki/Mount Cook Alpine Village Limited have an extensive presence within Aoraki/Mount Cook Village;
- Their interests include accommodation, retail, hospitality and guiding services;
- Aoraki/Mount Cook Alpine Village Limited hold numerous active concessions to operate within the village and surrounds.

Type of concession sought: Notified Lease

Term sought: 30 Years

Description of the proposed activity:

Aoraki/Mount Cook Alpine Village Limited has applied for the exclusive use of four existing residences for the purpose of accommodating essential staff of Aoraki/Mount Cook Alpine Village Limited.

The residences are located within the Aoraki Mount Cook Amenity Area at Site 4, Site 11, Site 19 and Site 33 and are within the Residential Zone of the Aoraki/Mount Cook Village.

Description of locations where activity is proposed:

Location	Activity
Aoraki Mount Cook National Park - Aoraki Mount Cook Airport Limited Staff Site 4, Site 11, Site 19 and Site 33	Staff Quarters

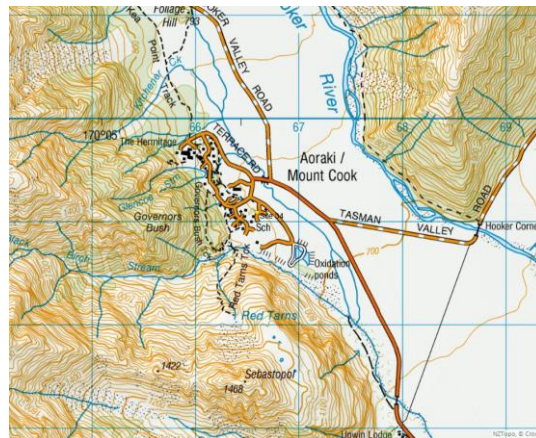


Figure 1 Aoraki Mount Cook Village

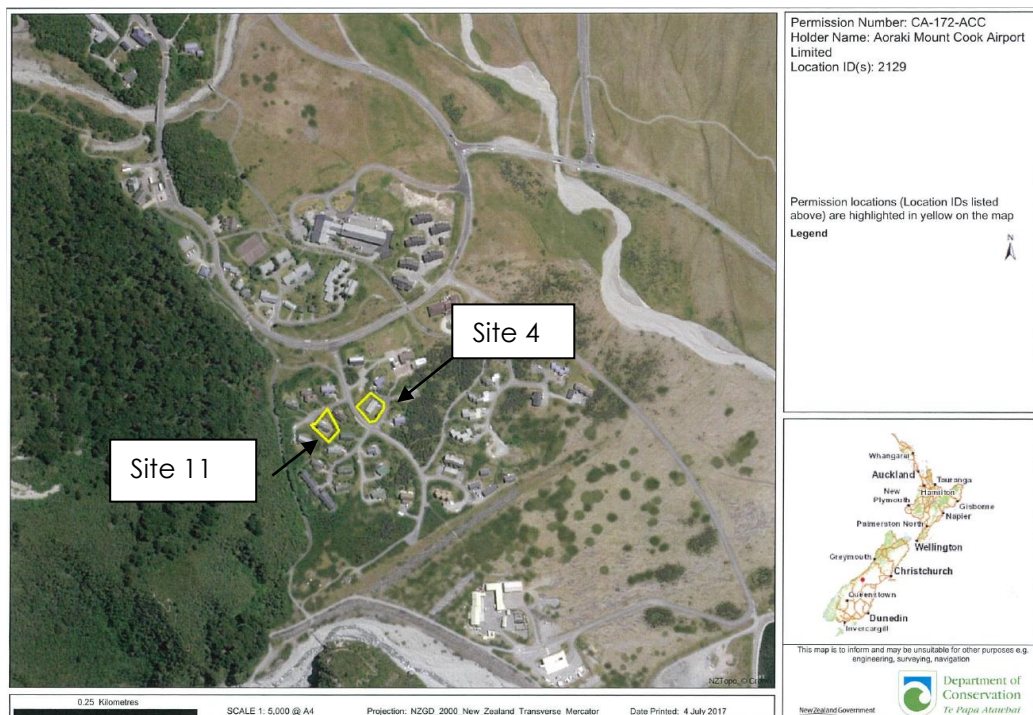


Figure 2 Site 4 and Site 11

3 Kea Place Drive



Property Owner	Aoraki Mount Cook Alpine Village Limited
General Description	House
Rapid Number	3
Street	Kea Place
Internal Number	
Valuation Number (MDC)	2532004800AH
Site Number	4
Legal Number	Pt res 2652 Mt Cook Village Blk XIV Mueller SD
Ownership History	circa early 1980's Mount Cook Group Ltd/Air New Zealand
Concession Number	CA-171-ACC
DOC File Number	PAC 12-07-18
Concession Conditions Outstanding	
Bedrooms	3

7 Sealy Place



Property Owner	Aoraki Mount Cook Alpine Village Limited
General Description	House
Rapid Number	7
Street	Sealy Place
Internal Number	
Valuation Number (MDC)	2532004800AV
Site Number	11
Legal Number	Pt res 2652 Mt Cook Village Blk XIV Mueller SD
Ownership History	circa early 1980's Ministry of Works? Mount Cook Group
Concession Number	CA-172-ACC
DOC File Number	PAC 12-07-18
Concession Conditions Outstanding	
Bedrooms	3

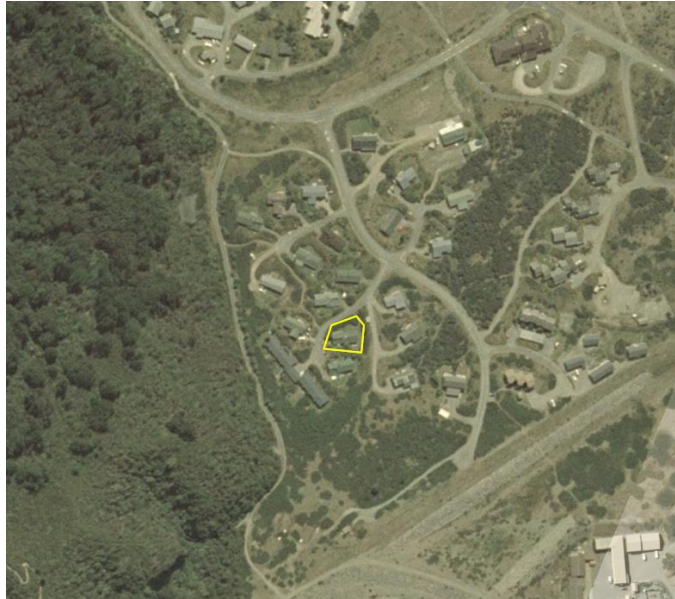
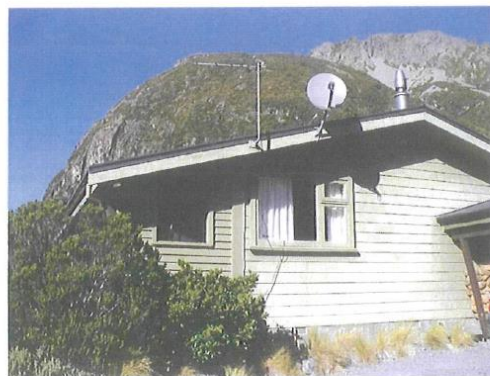


Figure 3 Site 19, 9 Mueller Place

9 Mueller Place



Property Owner	Aoraki Mount Cook Alpine Village Limited
General Description	House
Rapid Number	9
Street	Mueller Place
Internal Number	
Valuation Number (MDC)	2532004800AR
Site Number	19
Legal Number	Part Res 2652 Mt Cook Village Blk XIV Mueller SD
Ownership History	Mt Cook Group – Tourism Holdings Ltd
Concession Number	CA-176-ACC
DOC File Number	PAC 12-07-18
Bedrooms	3
Comments	copy of Deed of Transfer filed under 4 Sealy Place and 3 Kea Place

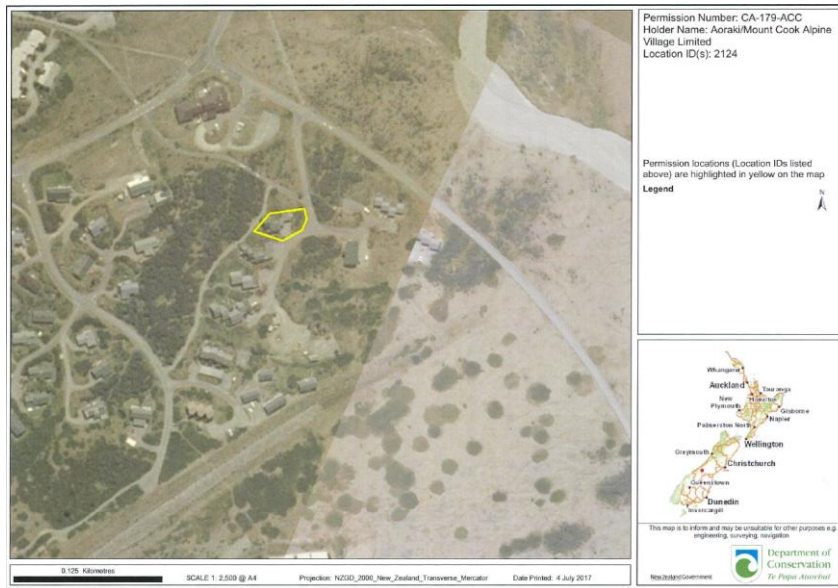


Figure 4 Site 33, 12 Wakefield Drive

12 Wakefield Drive



Property Owner	Aoraki Mount Cook Ski Planes
General Description	Flats
Rapid Number	12
Street	Wakefield Drive
Internal Number	
Valuation Number (MDC)	2532004800V
Site Number	33
Legal Number	
Ownership History	Mount Cook Group Ltd - THC
Concession Number	CA-179-ACC
DOC File Number	PAC 12-13-112
Comments	

2.0 Information available for consideration

Information received:

- From applicant: A copy of the application [DOC-2950708](#)
 - The applicant was contacted by the Department to see if they would like to apply for a term of up to 30 years, as per section 17Z of the Conservation Act. The applicant confirmed they would like to apply for a 30-year term.
- From DOC staff (including Operations, technical and legal comments) Request for comments - [DOC-3025450](#)

3.0 Acknowledgement of complete application (s17S)

Under section 17S of the Conservation Act 1987 every applicant is required to provide details relating to the application. An application is deemed complete when all the required information has been received by the Department. Aoraki/Mount Cook Village Limited has supplied the information as required by s17 of the Conservation Act and the application is deemed complete and is incorporated into this report.

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

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

Public notification s17T(4):

The Conservation Act 1987 requires the Minister to publicly notify her intention to grant a lease (s17T(4)). S49 of the same Act requires the relevant notification to be published in a newspaper circulating in the area and at least once in each of the daily newspapers published in the 4 main centres if relevant. If the Minister is satisfied that the activity is of local or regional interest only, the Minister may limit the publications the notice appears. In this case it is appropriate to place notification the Christchurch Press and Timaru Herald.

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

Effects on Conservation Values

Visual Impact – Building maintenance and landscaping

Aoraki/Mount Cook National Park is of significant status and quality. This is reflected in both the Canterbury CMS and the Aoraki/Mount Cook National Park Plan. Given the visibility of the buildings to residents and visitors, it is imperative that the buildings and sites are maintained so that the quality and status of is upheld. The establishment of an annual property plan and regular site maintenance and site monitoring will ensure the property is maintained to a standard reflective of the status of the National Park and avoid this adverse effect. The sites are currently in an unacceptably sub-standard condition. This process allows the Department to site inspection to establish any necessary work needed to bring the property up to the acceptable standard. Special conditions to avoid the adverse effect of poor maintenance are as follows;

"The Concessionaire or representative of the Concessionaire is to meet with the Department within two months of the granting of this concession, with the purpose of inspecting the property, assessing the current condition of the sites and discussing any maintenance work required by the Department."

"Any work required following a property inspection must be completed within an appropriate timeframe, as agreed by both parties. The timeframe must not be greater than 12 months from the inspection date."

"The Concessionaire must ensure, in conjunction with the Department, that within six months of the grant of concession a 10-year, annual property maintenance plan for the site is developed."

"The property maintenance plan is to include the repair, restoration or replacement of the land, buildings and services associated with the site".

"The Concessionaire must ensure the property maintenance plan is adhered to."

"Variations to the 10-year property maintenance plan may only be made with the approval of the Department."

"The landscaping must be of a standard acceptable to the Grantor."

"The Concessionaire must meet all reasonable charges imposed by the Grantor in respect of any landscape maintenance on the land."

Introduction of unwanted species

In order to make accommodations more "homely", residents may seek to introduce species, such as house plants or pets, to make the environment seem more familiar. Incorrect disposal of plants, accidental release or seed dispersal could adversely affect conservation values by spreading and/or impacting on native species. Standard conditions and an additional special condition is required to avoid this adverse effect.

"The Concessionaire must not bring animals onto the site, or permit animals to be brought onto the site."

Fire risk

Aoraki/Mount Cook can be very dry and is an extremely fragile environment. Activities undertaken by tenants such as smoking, charcoal barbeques etc or faulty electrical equipment or wiring could initiate fire. This may have a devastating effect upon the occupants of the structure and surrounds. To avoid or minimise this adverse effect, a special condition is required.

"The Concessionaire is to ensure occupants of the site adhere to any fire restrictions in force."

Effects on Future and Existing Users

Limited Accommodation Resource

Staff accommodation in the Aoraki/Mount Cook area is limited and in high demand. Many Concessionaires require their staff to stay within the village to meet the needs of their clients. To ensure that accommodation is available to Concessionaire's key staff, a special condition is required to ensure leases for staff accommodation sites can only be held while concessionaires are operating in the National Park.

"The Concessionaire may use the site and buildings for the sole purpose of accommodating staff employed by the Concessionaire in activities authorised within the National Park."

"If staff accommodation is vacant, the Concessionaire may sublet it to the staff of other Concessionaires who operate in the Aoraki/Mount Cook National Park on the following terms and conditions:

- (i) *The Concessionaire's own staff who must, of necessity to the Concessionaire's operations, live in the Village must be offered the accommodation first, and have priority over the staff of other Concessionaires;*
- (ii) *Staff accommodation may only be provided to staff:*
 - a. *of a concessionaire currently operating in the Aoraki/Mount Cook National Park; and*
 - b. *who must, of necessity to that Concessionaire's operations, live in the Village;*
- (iii) *No advertising of staff accommodation is permitted."*

Monitoring Conditions

Annual site inspections are required to be carried out by the Department to ensure proposed work planned in the 10-year plan is undertaken. Standard condition 3.2 allows for the Department to enter the site with suitable notice, for the purpose of monitoring concession compliance.

Purpose for which the land is held s(17U(3):

National Parks Act 1980

The provisions in the National Parks Act 1980 have the purpose of preserving the natural values of the Park for their intrinsic worth and for the benefit, use and enjoyment of the public in perpetuity. National Parks are areas of New Zealand that contain scenery of such quality, and ecological systems or natural features so important that their preservation is of national interest. Section 4 of the National Parks Act declares that national parks shall be administered and maintained so the natural state, native species and historical interest shall be preserved. As the activity does not impede this purpose, the activity is not contrary to the purpose for which the land is held.

Amenity Areas are set apart for the development and operation of recreational and public amenities and related services for the use and enjoyment of the public in accordance with the National Parks Act. As this activity is considered operational to support the recreational use of the national park for public use and enjoyment, the activity is not contrary to the purpose for which the land is held.

Consistency with Relevant Management Strategies and Plans s17W:

General Policy for National Parks 2005

Provisions within this policy document address the purpose of preserving in perpetuity national parks, for their intrinsic worth and for the benefit, use and enjoyment of the public. National parks are areas that are;

- Unique;
- Of distinctive quality;
- Important ecological systems;
- Comprised of natural features that are so important, their preservation is in the national interest.

The public may have entry and access to national parks so that the full measure of the park benefits can be realised. Policy 9(b) allows for accommodation within national parks for staff of a concessionaire, for which a concession is required. Monitoring of the effects of use of the accommodation is required, in Policy 9(f). This monitoring must be undertaken by both the Department and the concessionaire.

Provided standard and special conditions are adhered to, the activity is consistent with the General Policy for National Parks 2005.

Canterbury (Waitaha) 2016 Conservation Management Strategy

Aoraki/Mount Cook National Park is a significant feature in the Canterbury landscape. To Ngai Tahu, Aoraki represents "the most sacred of ancestor" and is of cultural, spiritual and traditional significance.

The area contains a range of landforms and vegetation which facilitate many recreational and tourism opportunities.

Part Two – Places – National Parks

Policies within this part direct Aoraki/Mount Cook National Park to be managed in accordance with the Aoraki/Mount Cook National Park Management Plan (2.1.1). When assessing concession applications, consideration must be given to the values described in the "statement of outstanding universal value of the Te Wahipounamu-South West New Zealand World Heritage Area" (2.1.2).

Part Three – Specific Policy Requirements

Under the policies for this place, authorisations are required to be processed in accordance with relevant legislation, CMS documents and General Policies (3.1.9). Activities and their ongoing effects are required to be monitored (3.1.10). Vehicles are allowed only on roads and designated parking areas as identified in the Aoraki/Mount Cook National Park Plan and the Places part of the CMS (3.2.1). Domestic animals and pets can have an adverse effect on the natural and cultural values of public conservation lands and waters. Policy 3.7.2 states that animals including pets, should not be permitted on public conservation lands. The exception is dogs where they are permitted as in policies 3.8.1-3.8.7.

Provided standard and special conditions are adhered to, the activity is consistent with the Canterbury (Waitaha) 2016 Conservation Management Strategy.

Aoraki/Mount Cook National Park Management Plan 2004

Within the primary objectives of this plan (2.2.1), it is identified that the natural state of the park is to be preserved in perpetuity, as far as possible. To achieve this, the park is to be managed to "*protect its distinctive scenery, ecological systems, natural features and native plants and animals*". The Aoraki/Mount Cook Amenity Area has been set aside to facilitate the achievement of this objective.

All introduced plants and animal pests are to be removed as far as possible (2.2.2.2).

Applications

Applications for concessions must be considered in accordance with the relevant legislation, statutory planning and the objectives and policies of Aoraki/Mount Cook National Park Plan 2004 (4.3.2(a)). The method to achieve this includes an initial site assessment and ongoing annual inspections to determine compliance with concession provisions and the effects of activities on the natural, historic and cultural values of the area.

Staff Accommodation

Additional to the requirements of section 17U(4) of the Conservation Act, buildings within the Park are required to be appropriate to and compatible with the landscape and visitor management settings in which they are located (4.3.9(b)). This policy indicates the importance of the quality and level of maintenance required to ensure the values of the Park are maintained. A high level of maintenance is also reiterated in policy 6.1.2 where buildings are required to be maintained to a high standard, appropriate to the location within the National Park and the foreground of Aoraki Mount Cook.

Landscapes

As the natural values of the park are highly significant, facilities are required to be designed and located to minimise their impact on the landscape. Landscape restoration is required where land has been damaged during the provision of facilities (4.1.2(b)). Any landscape restoration is to be in accordance with policy 4.1.1. and attention to mitigating landscape impacts will be a condition of concessions, where relevant, to ensure a quality of park landscapes (4.1.2(b.4)).

Part Five of the Aoraki/Mount Cook National Park Plan 2004 pertains to the management of the Aoraki/Mount Cook Village. Objective one (5.2.1) has emphasis upon the maintenance and enhancement of the Village as a location of National and International significance. Objective Two requires the preservation of the landscapes and indigenous ecosystems and natural features. This is also reinforced in policy 6.1.2 where emphasis is placed on landscape management and the restoration of indigenous vegetation. Additional Objectives (5.2.2) require the extermination of all introduced plant and animal pests and to manage the Village in such a way that it does not detract from the Park's World Heritage Status.

Provided the standard and special conditions are adhered to, the proposed activity is consistent with the Aoraki/Mount Cook National Park Plan.

Statement of Outstanding Universal Value for Te Wāhipounamu-South West New Zealand World Heritage Area.

Te Wāhipounamu-South West New Zealand covers approximately 10% of New Zealand and encompasses the Aoraki/Mount Cook National Park. World Heritage sites are designated following an assessment of four criteria which require the sites to be "outstanding examples" of;

- Earth's evolutionary history;
- Representation of geological and biological and man's interaction with the natural environment;
- Superlative natural phenomena, formations or features;
- Significant and important natural habitats where threatened species of animals or plants of outstanding value are present.

Policy 2.1.2 of the Canterbury CMS requires consideration to be given to the statement of outstanding values. Provided standard and special conditions are adhered to, the proposed activity will not adversely affect the World Heritage status of Te Wāhipounamu-South Westland World Heritage Area.

5.0 Relevant information about the applicant

Convictions on any charge related to the activity applied for or on any conservation related issue:

Yes. Michael Davies has been convicted under the Resource Management Act 1991 for employing an arborist who cut down trees on a reserve.

Past compliance with concession conditions:

The District Office has indicated that there has been a history of poor exterior maintenance of the properties. The expired lease contract, which is rolling on until a decision is made on this application, requires that the lessee shall act in accordance with the Mt Cook National Park Plan (clause 10.2). 5.2.2 of the Aoraki/Mount Cook National Park Plan requires the village to be maintained to a high standard to reflect the World Heritage Status.

Credit check result:

Previous credit check carried out, no issues raised.

6.0 Proposed operating conditions**Concession Activity:**

Lease of Site 4, Site 11, Site 19 and Site 33 for accommodating the staff of Aoraki/Mount Cook Alpine Village Limited, while operating with in Aoraki/Mount Cook National Park.

Term:

Subsection 17Z(1) of the Conservation Act 1987 allows for a lease to be granted for a term not exceeding 30 years. The applicant has applied for a term of 30 years which is consistent with the Conservation Act 1987.

Fees:

These have been removed for the purposes of notification.

Summary of special conditions as listed in effects assessment above:**Property Maintenance**

"The Concessionaire or representative of the Concessionaire is to meet with the Department within two months of the granting of this concession, with the purpose of inspecting the property, assessing the current condition of the sites and discussing any maintenance work required by the Department."

"Any work required following a property inspection must be completed within an appropriate timeframe, as agreed by both parties. The timeframe must not be greater than 12 months from the inspection date."

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"Variations to the 10-year property maintenance plan may only be made with the approval of the Department."

"The landscaping must be of a standard acceptable to the Grantor."

"The Concessionaire must meet all reasonable charges imposed by the Grantor in respect of any landscape maintenance on the land."

Animals

"The Concessionaire must not bring animals onto the site, or permit animals to be brought onto the site".

Fire Restrictions

"The Concessionaire is to ensure occupants of the site adhere to any fire restrictions in force."

Permitted Activity

"The Concessionaire may use the site and buildings for the sole purpose of accommodating staff employed by the Concessionaire in activities authorised within the National Park."

"If staff accommodation is vacant, the Concessionaire may sublet it to the staff of other Concessionaires who operate in the Aoraki/Mount Cook National Park on the following terms and conditions:

- (i) The Concessionaire's own staff who must, of necessity to the Concessionaire's operations, live in the Village must be offered the accommodation first, and have priority over the staff of other Concessionaires;
- (ii) Staff accommodation may only be provided to staff:
 - a. of a concessionaire currently operating in the Aoraki/Mount Cook National Park; and
 - b. who must, of necessity to that Concessionaire's operations, live in the Village;
- (iii) No advertising of staff accommodation is permitted."

Grantor's Provision of Community Service, Benefit or Facility (Local Body Services)

1. The Concessionaire must pay to the Grantor a local body levy to cover the provision to the Concessionaire of such services as are supplied by the Grantor in its function as Local Authority for the Aoraki/Mount Cook Village in accordance with Sections 6.2.8 and 6.2.9 of the Aoraki/Mount Cook National Park Management Plan 2004.
2. Services supplied by the Grantor include (but are not limited to) the following:
 - water supply (drinking and fire-fighting)
 - sewerage and sewage treatment
 - Avalanche, flood and debris flow protection
 - Rubbish and recycling collection and disposal
 - Roading, lighting, storm water, and snow clearing up to the boundary of the Land defined in Item 1 of Schedule 1.
 - Landscaping and pathways up to the boundary of the Land defined in Item 1 of Schedule 1.
 - Industrial fire brigade
 - Civil defence and natural hazard management as per the Aoraki/Mount Cook Village Long Term Community Plan.
3. The contribution to local body services is to be calculated for each specific service in accordance with the most recent final version of the Aoraki/Mount Cook Village Long Term Community Plan (1 July 2009 – 30 June 2019)."

7.0 Applicant's comments on draft Officer's Report

"Thank you for the email below and I apologise for the delay in replying. I have sent your request to our Director and lawyers who have responded with the following suggested amendments to the wording.

In terms of condition (i) – we would prefer this was deleted – while we agree that only staff of concessionaires working within the National Park should be able to live there, there shouldn't be any restriction on concessionaires sub-letting the property for any length of time within the term of the concession, and in line with conditions ii – iv.

The only comment we have to make on those is that the conditions shouldn't refer to 'essential' staff but all staff employed by the concessionaire and should relate to staff working within the Park rather than just the village."

The Department's Response: Noted and amended

8.0 Summary and Conclusions

It is considered that the proposed activity;

- Is not inconsistent with the National Parks Act 1980 and the purpose for which the land is held;
- Is not contrary to the Conservation Act 1987; and

Is consistent with the;

- General Policy for National Parks 2005;
- Canterbury (Waitaha) Conservation Management Strategy, 2016;
- Aoraki/Mount Cook National Park Management Plan 2004;
- Statement of Outstanding Universal Value for Te Wāhipounamu-South West New Zealand World Heritage Area.

Any adverse effects on conservation values resulting from this activity are understood and can be adequately avoided, remedied or mitigated by the conditions of a concession (if granted).

9.0 Recommendations to decision maker

Pursuant to the delegation dated **9 September 2015** it is recommended that the **Aoraki Mount Cook Operations Manager, Mike Davies**;

- 1. Deem this application to be complete in terms of s17S of the Conservation Act 1987; and**
- 2. Agree that if this application is approved in principle then the intention to grant the concession will be publicly notified; and**
- 3. Approve in principle the granting of a Notified Lease concession to Aoraki/Mount Cook Village Limited subject to the standard concession contract; and the special conditions identified in this report.**
- 4. Having regard to s49(1) of the Conservation Act 1987, be satisfied that any intent to grant the concession would be of local or regional interest only, in which case the publication of the public notice on this matter be limited notice in the**

Original Report SIGNED by
Nicci Mardle
Permissions Advisor
Date: 16 August 2017

Recommendation:

- 1 Agree
- 2 Agree
- 3 Approved
- 4 Agree

Original Report SIGNED by
Mike Davies
Operations Manager
Aoraki Mount Cook

Date: 18 August 2017

