



Support Document for the Decision Maker on Permission Application 53555-ACC

Applicant: The Boys' Brigade – Northern Regional Trust
Permission Database Number: 53555-ACC
Decision Maker: Avi Holzapfel, Operations Manager, Hauraki District
Application Type and Concession Process: Type 2 - Notified
Date for Check-in meeting: 7 February 2017

Links to Documents

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Advisors

1. **Permissions:** Removed from public notification copy
2. **S&P:** Removed from public notification copy
3. **District Offices:** Removed from public notification copy

Please record staff time in the box provided. This is required for accurate cost recovery.

Pre-Task Assignment:

Function	Name	Time	Date
Capture Time			
Summary Time			
Understand Time			

Post Task Assignment:

Staff Member Name	Role and Office	Time Sent (in minutes)	Date
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** Ensure other names are added if task assigned by managers, or contribute to processing.*

Purpose: To make a decision on the application

Context:

The Applicant has applied for a Lease/Licence of the Michael Stead Memorial Lodge in Coromandel Forest Park for youth camping, educational and conservation activities.

The Boys Brigade has held a licences in the past for this same activity. This licence expired 31/03/2010 (Permissions # LIC 2035). The Applicant has held a lease over the Michael Stead Memorial Lodge since 1979. The lodge sleeps 24 people and is located in the Kauaeranga Valley in the Coromandel State Forest Park. The Applicant is applying to renew their lease over the lodge and have also applied for the surrounding area as a licence which they share with the adjoining Kauaeranga Valley Educational Trust. Please refer to Appendix 1 for a map of the area.

The Applicant currently administers and maintains the Michael Stead Memorial Lodge, the latter in co-operation with the Kauaeranga Valley Educational Trust. The Applicant also maintains the carparking and access in co-operation with the Department of Conservation park staff.

The authority for agreeing fees sits with Planning, Permissions and Land Director to ensure a consistent approach across the country. Where the fee setting is consistent with the Price Book, place based decision makers can incorporate this into their decision.

List any Issues Raised by Understand Team: N/A

List the CI's from the Decision Maker's initial meeting (they will be listed in the task register):
No critical issues identified – tasks allocated as per task register

Description of proposed activity

Contributions

Hauraki District Office: Removed from public notification copy

Task: Undertake iwi consultation

A request for comments was sent to 16 Hauraki iwi on 19/12/2016 with comments due on the 27/01/2017.

Only one iwi responded; Ngati Porou ki Hauraki stated they have no issues with the application.

Hauraki District Office: Removed from public notification copy

Task: Check if structure is on AMIS – if not, then start process to add it.

This task was undertaken by Bill who advised it is not included in AMIS and he would work on the process to add it in. It is noted that this work is separate to the concession process and is not a consideration when determining this application.

Hauraki District Office: Removed from public notification copy

Task: Identify and negotiate opportunities for conservation work by the Applicant (e.g. kauri dieback).

This is a continual piece of work which will be undertaken by the District outside the concession process. It is therefore not discussed any further.

Permissions Advisor: Removed from public notification copy

a) Statutory Analysis:

Criteria for decision	Yes	No
1. Is the activity consistent with the relevant conservation legislation?	✓	<input type="checkbox"/>
2. Is the activity consistent with the Conservation General Policy, all relevant Conservation Management Strategies, Conservation Management Plan, and all relevant management documents?	✓	<input type="checkbox"/>

b) Part 3B of Conservation Act 1987: Analysis (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...”

c) Public notification s17T(5):

Section 17T(4) requires the Minister to give public notice of the intention to do so before granting a lease, or a licence with a term exceeding 10 years. As this application is for a lease/licence public notification is required. It is considered that the decision maker in this case should be satisfied that public notification be required.

Given that this matter will be of local or regional interest only, placing of notification in The Waikato Times, and local newspaper the Hauraki Herald will be appropriate pursuant to s49(1) of the Conservation Act.

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

The Applicant notes the special features and values on the site include boggy rainforest to the immediate north of the site. The Applicant does not believe there are any negative impacts from the concession activity. They state Murray’s Walk boardwalk provides damage-free access to user groups and the public. There is an approved sewerage system in place and a shared water supply is held with the KVE Trust.

The Applicant states: “Trustee Ross McCarthy is responsible for the use and maintenance of the Lodge. The Trust has funded some additional facilities (solar power and gas hot water) as well as regular building maintenance. The wheelchair access ramp, for example was replaced during 2016.”

This application is for the renewal of an existing activity and the lodge building has been in place for over 40 years. As it is an existing activity no new effects are anticipated from approving this activity. The special conditions from the previous lease are recommended to be included in the new lease/licence (although updated where necessary). These special conditions cover waste, ensuring no overnight camping in licence grounds, access to the site, domestic animals, noise, building safety (maintenance). For a list of the full recommended conditions please refer to the Proposed Operating Conditions box below.

No new structures are anticipated to be built over the term of the activity and a standard condition is included in Schedule 2 (clause 11) of the Lease document which states no structures are to be erected or altered without the prior approval of the Grantor.

The following additional concerns have been identified by the Department and special conditions recommended for the following issues:

Fire hazard – one of the concerns identified by the Decision Maker was in regards to the fire hazard and requested the inclusion of a special condition relating to the fire hazard management plan for the Kauaeranga Valley. On 7 February 2017 the Department has not yet completed the fire plan and the recommended special condition will therefore cover this future fire plan.

Kauri dieback – the standard special conditions in relation to kauri dieback are recommended.

e) Monitoring Conditions

No specific monitoring is expected to be required but the standard condition allowing for cost recovery clause is recommended to be included (see Proposed Operating Conditions box below).

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

The land is Coromandel State Forest Park and is held under section 19, Conservation Park, of the Conservation Act 1987. Conservation Parks shall be managed so: (a) that their natural and historic resources are protected; and (b) subject to (a), to facilitate public recreation and enjoyment. “Protection” in section 2 of the Act means “its maintenance, so far as is practicable, in its current state...”

Although the application includes a structure (a lodge), it is considered that the proposed activity is not contrary to the purpose for which the land is held. The lodge is an existing activity and there will be no additional adverse effects to the natural and historic resources, therefore the land will be maintained in its current state. The lodge provides for groups to stay and facilitates public recreation and enjoyment.

g) Granting of a lease s17U(4) (5) and 6)

Pursuant to section 17U(4) the Minister shall not grant an application to build a structure where he or she is satisfied the activity could reasonably be undertaken in another location outside conservation land or another conservation area where the potential adverse effects would be significantly less. The Applicant is not proposing to build any new structures as part of this application but does have existing structures on the land. A standard condition of any lease prevents any new structures to be placed on the land without prior approval.

Section 17U(5) states the Minister may grant a lease or licence granting an interest in the land only if (a) the lease or licence relates to 1 or more fixed structures and facilities. This lease part of the application is for the Michael Stead Memorial Lodge which is a fixed structure so meets the test under s17U(5). The area surrounding the hut is being processed as a licence.

The licence area includes the area around the hut and also a short boardwalk known as Murray’s Walk. This is identified by the Applicant who notes foot access is freely available to foot traffic including access to Murray’s walk, the boardwalk and species identification activity. A locked gate prevents unauthorised vehicle access for security reasons and to prevent damage to the grass area.

Section 17U(6) states no lease may be granted unless the Applicant satisfies the Minister that exclusive possession is necessary for (a) the protection of public safety; or (b) the protection of the physical security of the activity concerned; or (c) the competent operation of the activity concerned. The Applicant requires exclusive possession for the protection of the physical security of the groups which stay at the lodge and also to allow the competent operation of the lodge and for the physical security of users of the lodge.

The Lodge is available for booking by groups and members of the Boys’ Brigade and ICONZ as well as to other groups and members of the public. It is considered the application meets the test set out in sections 17U(4) - (6).

h) Consistency with Relevant Management Strategies and Plans s17W:

Conservation General Policy (CGP) May 2005

Accommodation and related facilities are covered in section 10 of the CGP. The following policies are relevant to the application:

10 (a)	Accommodation and related facilities on public conservation lands and waters may be allowed for public recreation, educational and community services, consistent with the outcomes planned for places.
10 (b)	Accommodation and related facilities on public conservation lands and waters owned and occupied by people and organisations other than the Department, will require a concession.

10 (c)	Any application for a concession will comply with, or be consistent with, the objectives of the relevant Act, the statutory purposes for which the place is held, and any relevant conservation management strategy or plan.
10 (e)	All accommodation and related facilities including replacements, additions and extensions on public conservation lands and waters should: <ul style="list-style-type: none"> i. be consistent with the outcomes planned for places; ii. avoid or otherwise minimise adverse effects on natural resources and historical and cultural heritage, and on the benefit and enjoyment of the public, including public access; iii. complement and, wherever possible, be located close to existing accommodation and related facilities; iv. be located, designed, constructed and maintained to meet all legal requirements and standards; v. be of such a scale, design and colour that they harmonise with the landscape and seascape; vi. provide for disabled people in places where this is practicable; and vii. be available for use by the public.
10 (f)	The Department and all concessionaires should monitor the effects of the use of accommodation and related facilities on natural resources and historical and cultural heritage, and on the benefit and enjoyment of the public, including public access, to inform future management decisions

The application is consistent with the CGP as the accommodation is for an educational/community group (the Boys' Brigade). The concession application is consistent with policies 10 (c) and 10 (e) as shown in this report. Monitoring will be incorporated into the concession as discussed above in section (e) of this report.

Waikato Conservation Management Strategy 2014-2024 (CMS)

The following sections of the CMS are relevant when considering this application. The first section is Part Two, section 9 Hauraki – Coromandel Peninsula Place covers majority of the Hauraki-Coromandel Peninsula and includes the location of the Michael Stead Memorial Lodge. The other relevant section is Part Three, section 16 which covers specific policy requirements for Waikato.

Part Two, Hauraki – Coromandel Peninsula Place is characterised by indigenous forest, wetlands and ecologically diverse coastal and marine ecosystems. The Kauaeranga Valley has been identified as a priority ecosystem and it is also identified as having a strong environmental education focus with a Department Visitor Centre and three education camps managed under concession (of which one is this application). The relevant policies are set out in the table below:

Policy 9.2.2.32	Promote outdoor educational facilities and programmes in the Kauaeranga Valley, including the Department's Visitor Centre and its meeting facility, as valued education resources for schools and the community.
Policy 9.2.2.35	Liaise with the education camp trusts to facilitate increased use and promotion of existing built accommodation facilities available in the Kauaeranga Valley, and consider opportunities that could increase the availability of these facilities to the general public when concessions are reviewed.

The proposed activity will allow for the continuation of an outdoor educational facility. The Hauraki District Office is committed to liaising with the Applicant to encourage future use of the lodge. It is considered that the proposed activity is provided for in the Waikato CMS and the increased use of this facility is encouraged.

Part Three, section 16, Specific policy requirements for Waikato are relevant to the application. General authorisations are covered under 16.2 *“the Department has granted, under delegation from the Minister of Conservation, ... recreation and tourism activities such as guiding, sporting events, education camps, and the sale of goods and services to the public”* (underline added for emphasis).

Section 16.2.1 sets out a list of seven policies to consideration when granting authorisations. These policies include issuing authorisations in accordance with the relevant legislation and the provisions of the CGP. Policy 16.2.1.5 stated the following criteria will be used when considering applications for structures:

Section 16.2.1.5

The following criteria will be used when considering applications to erect or retain structures or utilities or for the adaptive reuse of existing buildings on public conservation lands and waters:

- a) the purposes for which the land concerned is held;
- b) the outcome and policies for the Place where the activity is proposed to occur (if the authorisation is within a Place);
- c) whether the structure could reasonably be located outside public conservation lands;
- d) whether the structure could reasonably be located in another location where there are fewer adverse effects;
- e) whether the structure adversely affects conservation including recreational values;
- f) whether the structure is readily available for public use;
- g) whether the structure is consistent with the visitor management zone on Map 3 and as described in Appendix 12;
- h) whether the structure enhances the visitor experience;
- i) whether the activity promotes or enhances the retention of a historic building;
- j) whether the activity is a suitable adaptive reuse of an existing building; and
- k) whether it is consistent with policies 16.5.1.1 to 16.5.1.9.

This report shows that the proposed activity is consistent with the policies in section 16.2.1.5 and 16.2.1.

It is considered that the proposed activity is consistent with the CMS.

Coromandel Peninsula Conservation Land Management Plan (CPCLMP) 2002

This plan sets out the management directions for land on the Coromandel Peninsula. Concessions are covered under section 3.9 of the CMCLP. The objective of section 3.9.1 is to ensure the effects of all concessions are consistent with the preservation and protection of natural and historic resources.

The relevant implementation clauses are to include a requirement to monitor effects of the activity and provide monitoring information to the Department; include a requirement to advocate to clients the preservation and protection of natural and historic resources in concession documents, be satisfied that concessionaires have the appropriate skills, qualifications and best practice for the activity sought; and where appropriate apply a precautionary approach to concession applications.

Monitoring will be included as a special condition, the Hauraki District Office will continue to encourage the Applicant to advocate the preservation and protection of natural and historic resources, and as the concession is for an existing structure the Department is satisfied the Applicant has the appropriate skills to undertake the activity.

The proposed activity is consistent with the CPCLMP provided the standard and special conditions are followed.

i) Any other relevant information:

Relevant information about the Applicant – The Applicant is a registered charity which was incorporated on 23 June 1983.

The Department is not aware of any convictions or charges related to the activity applied for or on any conservation related issue. The Applicant complied with the previous concession but has been operating without a concession since the expiry of the concession in 2010. Efforts were made by Departmental staff for the Applicant to apply for a new concession at the time of expiry with no success. When contacted in late 2016 the Applicant did not realise the need to renew their concession and immediately applied for the renewal (this application).

(2) also add any comments on any implications from other advice received

No additional comments.

Options

Authorising this activity as a lease for the building and licence for shared area outside the structure is the only option under consideration.

Applicant's comment

The Applicant was provided the report for comment on 8 March 2017. They confirmed on 24 March 2017 that they had checked the report thoroughly, had no problems and are happy for it to be approved (See [DOC-3002122](#)).

Proposed Operating Conditions

Permissions Advisor to provide:

1. Any standard conditions applicable to application
2. Any special conditions proposed for this application.

Concession Activity:

The occupation and operation of the Michael Stead Memorial Hut and surrounding land as an outdoor educational facility.

Term:

A term of 10 years has been requested by the Applicant and is appropriate under section 17Z(1) of the Conservation Act.

Fees:

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Special Conditions:

1. The Concessionaire must ensure all rubbish and waste is disposed of in an authorised site outside Public Conservation Land.
2. The Concessionaire must ensure that no overnight camping is carried out in the licence land.
3. The Concessionaire is to ensure that the Kauaeranga Forest Education Camp have access to the shared licence land at all times.
4. The Concessionaire must ensure the access gate to the site is kept locked when not in use.
5. The Concessionaire must ensure that no dogs, cats, cattle or other domestic animals are brought onto the land.
6. The Concessionaire must ensure no intrusive noise occurs beyond 10:00pm on any night which disturbs other users of the site.
7. The Concessionaire must be solely responsible for maintaining the structures and land in good order and condition at all times and comply with the Building Code.
8. The Concessionaire must keep a record of the use of the hut and forward this information to the Hauraki District Office by the commencement date of the concession each year.
9. The Concessionaire must ensure they comply with any active Department of Conservation Fire Hazard Management Plan for the Kauaeranga Valley.
10. If the Grantor determines that the conditions of this Document or the effects of Concession Activity should be monitored, the Concessionaire shall meet: either the full costs of any monitoring programme that is implemented; or, if the Grantor determines that the costs should be apportioned among several Concessionaires who use the same locations, part of the costs of

the monitoring programme. These costs will include the Department's standard charge-out rates for staff time and the mileage rates for vehicle use associated with the monitoring programme.

11. The Concessionaire must comply and ensure its clients comply with all guidelines and notices issued by the Kauri Dieback Programme (lead by Ministry of Primary Industry) to prevent and avoid the spread of the pest organism *Phytophthora taxon Agathis* (PTA) Kauri Dieback Disease as specified by the website www.kauridieback.co.nz/. The Concessionaire and clients must comply with the general guidelines and for specific concession activities the relevant guidelines as specified on www.kauridieback.co.nz/publications. The Concessionaire must update itself on these websites on a regular basis.
12. The Concessionaire must ensure that all vehicles and equipment are thoroughly cleaned of all visible soil and that footwear once cleaned is sprayed with SteriGENE (formally known as Trigen) solution before entering and when moving between areas where there are kauri. This is to reduce the potential for spread of PTA. Contact details for suppliers of SteriGENE may be obtained through the Department of Conservation.

Check-in Meeting

Emergent Critical Issues for Decision:

No further critical issues identified.

Decision Making

Pre-Decision Checklist:

- Iwi consultation complete?
- Statutory check undertaken?
- Local context obtained?
- Conflicts of interest declared/managed?
- Public notification required?

Decision:

Approve in principle / Decline

Date:

With the following Special Conditions (*refer to numbers in previous boxes*).

Rationale:

Post-Decision Checklist:

- Public Notification undertaken
- Permit/Concession document signed by Decision Maker (& Applicant)
- Copies of document sent to relevant DOC offices & filed
- Applicant invoiced
- Database updated

Appendix 1 – Map of lease/licence area

