

Notified Concession Officer's Report to Decision Maker

Officer's Report to Decision Maker: Shane Hall, Operations Manager, Greymouth District

Notified Application for a Lease

Applicant: Maruia Hot Springs Property Limited (MHSP)

Permission Record Number: 53670-ACC

File: PAC-00-25-06

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:

Maruia Hot Springs Property Limited have recently taken over the management and operation of the Maruia Hot Springs complex. The relevant concessions were assigned from Maruia Springs Thermal Resort Ltd to Maruia Hot Springs Property Ltd as at 1 August 2016. Adjacent to the complex there was a camping ground under licence LOC-0109 held by Maruia Springs Thermal Resort Ltd which was surrendered in 2010.

The new owners of the complex propose to reinstate the camping ground to be utilised as a campervan parking facility for approximately 22 campervans for use in conjunction with Maruia Hot Springs including bathing offering. The project would use local species of plants to delineate the parking bays to create a space in tune with its surrounding environment.

Information about the applicant:

The applicant supplied extensive background history and references for the company with the recent assignment application.

Type of concession sought: Notified Lease

Term sought: The applicant had originally applied a term of ten (10) years to provide certainty for the long-term plans for the resort and to amortise the cost of work to create the campground facility. However, as the application is being notified, the applicant has the option of extending the term. Advice given to the Applicant was that other leases in the Western South Island Region are usually 30 years. The Applicant has changed the proposed application term to 30 years.

Description of the proposed activity: Creation of a campervan parking facility for approximately 22 campervans for use in conjunction with Maruia Hot Springs including bathing offering.

The campervan park users will use the toilet and shower facilities located within the resort and no facilities are being constructed on public conservation land.

The project would use local species of plants to delineate the parking bays to create a space in tune with its surrounding environment.

Description of locations where activity is proposed:

Location	Activity
Unnamed scenic reserve - Maruia Springs - Maruia Springs Thermal Resort	Campgrounds (public)



Location Map



Application area for campervan park

A copy of the application is available on PAC-00-25-06 and is linked to Permissions.
[Maruia Springs Resort - Concession application for Campervan parking area](#)

2.0 Information available for consideration

Information received:

- From applicant – An application was received by the Greymouth Office on 8 December 2016 and Hokitika Shared Service Centre on 12 December 2016.
- From DOC staff - Operations staff from Greymouth Office were asked to comment and provide advice. The advice has been incorporated into this report.
- From Whanau/Hapu/Iwi – The application met the triggers for consultation as it would be publicly notified. Ngati Waewae have spoken with the Applicant and have no concerns regarding the application.
- From Conservation Board – The application met the triggers for consultation with the West Coast *Tai Poutini* Conservation Board as it would be publicly notified. The Board's response was that *'it does not see any issues with the application and it looks to be a good development for the area.'*

3.0 Acknowledgement of complete application (s17S)

An application is deemed complete once all information required under section 17S has been received.

COMMENT

This application is deemed to be complete for the purposes of the Act.

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..."

COMMENT

This application complies with and is consistent with Section 17T(2). It was therefore not considered appropriate for the application to be declined within 20 working days.

Public notification s17T(4):

Section 17T(4) of the Conservation Act 1987 states that before granting a lease, or a licence with a term (including all renewals) exceeding 10 years, in respect of a conservation area, the Minister must give public notice of the intention to do so.

COMMENT

Having regard to the matters as stated in this report, it is considered that the term and effects of the proposed activity are significant. It is considered that public notification is appropriate.

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

Applicant - Analysis of Effects

- Special features or values

The applicant has identified that there are no special features. The area is covered in grass and has areas of blackberry and willow trees in one corner. This area was previously used as a camping area.

- Potential effects of the activity

The activity would enhance the area by controlling weeds and planting local varieties of native plants and trees. It will tidy up the area and blend it in with the surrounding reserve.

- Methods to remedy, mitigate or avoid adverse effects.

The applicant did not identify methods as it is thought there are no adverse effects.

Department - Analysis of Effects

- Effects on conservation values and methods to manage and/or special conditions required

The site has low conservation values, being covered in grass with several weeds present including willow, blackberry and gorse.

The applicant proposes to control the weeds as part of their landscaping work. The native vegetation on site would be retained and more planting of native trees and shrubs to create screens between parking bays would occur.

Proposed Special Conditions

- The Concessionaire must plant native species of trees and shrubs only. Selection of these plants must be in consultation with the Grantor.
- The Concessionaire must undertake any necessary weed control on the land as directed by the Grantor.



Weeds on western side of application area

- Effects on cultural values and methods to manage and/or special conditions required

There are no known cultural or historic values. Nevertheless, the Standard and Special Conditions remedy, avoid and/or mitigate any potential adverse effects to these values.

- Effects on existing and future users and methods to manage and/or special conditions required

The site is largely covered with compacted gravel with grass growing on it. Some areas, particularly in the lower section may require more gravel to provide a hard surface for parking campervans. This would have little to no effect of existing and/or future users. The area would be accessible for walkers to access the river.



Panoramic shot of application area

- Cumulative effects of adding this activity to current activity on site and methods to manage and/or special conditions required

There are little to no cumulative effects of adding this activity to the site.



Existing entry access from Maruia Springs car park

Further standard special conditions

- The Concessionaire and/or their clients must not take any household pet (including but not limited to any dog) onto the licence area.
- Access to Department of Conservation staff or contractors must be available at all times.
- The Concessionaire must not erect any structures without the prior written consent of the Grantor.
- The Concessionaire and/or its clients must remove all rubbish from the site and dispose of the rubbish in an authorised dumping site off lands administered by the Grantor.
- The Concessionaire must not construct additional roads, tracks or bridges without the prior written consent of the Grantor.
- The Concessionaire and/or its clients must not construct any outdoor fireplaces, barbeques or incinerators without the written consent of the Grantor.

Monitoring Conditions

The Grantor is entitled to have any Department of Conservation staff member monitor the impact of the Concession Activity and compliance with the terms and conditions of the concession. Costs of this monitoring will be recovered from the Concessionaire at the standard charge out rate plus vehicle costs.

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

Conservation Act 1987

Legislation (purpose for which the land is held)

Section 17U(3) states: *"The Minister shall not grant an application for a concession if the proposed activity is contrary to the provisions of this Act or the purposes for which the land concerned is held"*

RESERVES ACT 1977

Reserves are managed by the Department for the purpose of *"... providing for the preservation and management for the benefit and enjoyment of the public..."*, areas of New Zealand possessing a number of values or features as set out in Section 3(1)(a) of the Reserves Act 1977.

Unnamed Scenic Reserve is held under Sections 19(1)(a) and (b) of the Reserves Act 1977.

Section 19(1)(a) of the Reserves Act 1977 states that *"...the appropriate provisions of this Act shall have effect, in relation to reserves classified as scenic reserves - "For the purpose of protecting and preserving in perpetuity for their intrinsic worth and for the benefit, enjoyment, and use of the*

public, suitable areas possessing such qualities of scenic interest, beauty, or natural features or landscape that their protection and preservation are desirable in the public interest."

Section 19 (1)(b) of the Reserves Act 1977 states that "... - *For the purposes of providing, in appropriate circumstances, suitable areas which by development and the introduction of flora, whether indigenous or exotic, will become of such scenic interest or beauty that their development, protection and preservation are desirable in the public interest.*"

COMMENT

The area is of low conservation value and the activity of campervan carpark is considered an appropriate activity on this land. The applicant has applied to plant more native trees and shrubs to create individual bays for campervan parking.

It is considered that adherence to the special conditions would ensure that the activity is not contrary with the purpose for which the land is held.

Consistency with Relevant Management Strategies and Plans s17W:

Conservation General Policy

The Conservation General Policy 2005 provides direction to activities requiring specific authorisation.

Policy 9 - People's Benefit and Enjoyment

9.1 Planning and management for people's benefit and enjoyment

- 9.1 (a) Recreational opportunities will be provided on public conservation lands and waters where provided, they should be consistent with the values of and outcomes planned for places.
- 9.1(b) The recreational opportunities and the outcomes planned for different places will be identified in conservation management strategies and plans and will be consistent with the statutory purposes for which the place is held.
- 9.1(c) Identification of the outcomes planned for different places and the range of recreational opportunities available should include as assessment of the following:
 - i. quality and characteristics of the experience to be maintained;
 - ii. public access and current recreational opportunities available;
 - iii. uniqueness of some current recreational opportunities;
 - iv. contribution to, and compatibility with, the wider network of recreational opportunities;
 - v. suitability for people with different capabilities, skills and interests; and
 - vi. current and projected levels of use.
- 9.1(d) Conservation management strategies should identify (based on the assessment criteria in policy 9.1(c)) how public access is to be enable, and what types of recreational opportunities, activities, information, accommodation, facilities and services (including those provided by concessionaires) are suitable in different places and to what extent.
- 9.1(e) Recreational opportunities should be managed using a variety of tools to support the outcomes planned for places, including, but not limited to, zoning and limitations on the number of people or activities, including those managed by concessionaires.
- 9.1(f) Recreation opportunities at places should be managed to avoid or otherwise minimise any adverse effects (including cumulative effects) on:

- i. natural resources and historical and cultural heritage where required by the relevant Act;
- ii. the qualities of peace and natural quiet, solitude, remoteness and wilderness, where present; and
- iii. the experiences of other people.

9.1(g) Public access to public conservation lands and waters will be free of charge. Charges may be made for the use of accommodation, facilities and services.

9.1(h) The Department may undertake advocacy and work cooperatively with other people and organisations to secure practical walking access to public conservation lands and waters to which there is no alternative practical walking access.

COMMENT

The application is consistent with the outcomes planned for Inangahua Place, the purpose for which the land is held and the objectives of the Reserves Act 1977. (9.1(a) -(b).

The recreation opportunities would still exist. Quality and characteristic would be maintained and access is available. (9.1(c-d)).

The proposal is for 22 campervan bays therefore recreational opportunities would be managed (9.1(e)). Standard and Special conditions would avoid, remedy or mitigate any adverse effects on conservation values (9.1(f)).

As mentioned above, walking access would be available and fees would be charged for the use of the campervan park (9.1 (g) - (h)).

9.5 The use of vehicles and other forms of transport

9.5(a) The use of vehicles and any other forms of transport should be compatible with the statutory purposes for which the place is held, or be necessary to enable the Department to perform its functions.

9.5(b) Conservation management strategies and plans will identify where the use of specified types of vehicles and other forms of transport may be allowed and will establish any conditions for use.

9.5(c) The Department should work with roading and aviation controlling authorities to avoid or otherwise minimise the adverse effects of specified types of vehicles and aircraft on public conservation lands and waters and the public enjoyment of those places.

COMMENT

The application is consistent with the outcomes planned for Inangahua Place, the purpose for which the land is held and the objectives of the Reserves Act 1977. (9.5(a).

Standard and Special conditions would avoid, remedy or mitigate any adverse effects on conservation values. (9.5(b).

There is an existing vehicle entrance to the proposed area. (9.5(c)).

Policy 10 - Accommodation and Related Facilities states criteria to be applied when considering all activities:

10 - Accommodation and Related Facilities

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(d) Any application for a concession to provide accommodation or related facilities, or to extend or add to an existing structure or facility, should meet the following criteria:
- i. the accommodation or related facility cannot reasonably be located outside public conservation lands and waters;
 - ii. it cannot reasonably be built elsewhere on public conservation lands and waters where the potential adverse effects would be significantly less; and the applicant cannot reasonably use or share an existing structure or facility.
- 10(e) All accommodation and related facilities including replacements, additions and extensions on public conservation lands and waters should:
- 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 disable 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.
- 10(g) New accommodation and related facilities, including encampments, on public conservation lands and waters for exclusive private use should not be permitted.
- 10(h) Existing private accommodation and related facilities, including encampments, on public conservation lands and waters will be phased out, except where specifically provided for or allowed in legislation, in accordance with the conditions and timeframes set out in any relevant concession or conservation management strategy or plan. They should be removed at the end of the phase-out period, unless retained by the Department for public use.
- 10(i) A ground rental should be charged for existing private accommodation and related facilities, including campgrounds, on public conservation lands and waters.
- 10(j) The Department should consult the relevant conservation board on all proposals for departmental accommodation and related facilities, including replacements, additions and extensions, on public conservation lands and waters.

COMMENT

The application is consistent with the outcomes planned for Inangahua Place, the purpose for which the land is held and the objectives of the Reserves Act 1977. (10 a-c).

The proposed campervan parking area cannot be located off public conservation lands, the area is largely grass covered gravel, and is suitable for campervan parking. (10d).

The proposed area is consistent with the outcomes planned for Inangahua Place, has little conservation value, is located adjacent to existing accommodation and facilities and would be designed to harmonise with the surrounding landscape. (10e).

The campervan park users will use the toilet and shower facilities located within the resort and no facilities are being constructed on public conservation land. (10g)
Clause 10h are not applicable as the area has previously been used as a camping ground and there are no structures i.e. a bach, whitebait hut etc. on the proposed area.
Fees would be charged for parking campervans in the proposed area. (10(i)).

Subject to adherence to the Departments Standard Terms and Conditions of a permit and the proposed special conditions it is considered that the proposed activity would not be inconsistent with the CGP.

West Coast *Tai Poutini* Conservation Management Strategy (CMS)

Section 3.6.1.1 discusses the provision and management of recreational opportunities.

The objectives are:

1. To provide a comprehensive range of recreational opportunities that enable people with different capabilities and interest to enjoy and appreciate *West Coast Tai Poutini* conservation lands, whilst protecting natural, historical and cultural heritage from adverse impacts of recreational use.
2. To avoid or minimise conflicts between different users, including people undertaking different types of activities in the same location.
3. To raise awareness of the value (including physical, mental and cultural value) of outdoor recreation for the health of people and communities.

COMMENT

The proposed area provides access to the Maruia River. Walking access to the river would be available. The application is not inconsistent with the objectives above. Adherence to standard terms and conditions will adequately mitigate the potential adverse effects of this activity.

Section 3.6.1.5 discusses front country sites which are located adjacent to formed and maintained roads or highways and include facilities such as picnic and camping areas, toilets, water supplies, signs, interpretation panels, lookout points, easy walking tracks etc.

The objectives are:

1. *To provide a range of day-use recreational opportunities located within easy reach of roads and highways, with facilities that meet high visitor asset management standards.*
2. *To enable people to explore a wide diversity of natural landscapes and a range of historical and cultural heritage, located within relatively easy reach of vehicle access, without the burden of carrying overnight equipment or supplies.*

COMMENT

Adjacent to the application area is the Maruia Hot Springs complex, which is on freehold land consisting of thermal pools, private bath houses, restaurant and accommodation. The application is for a campervan parking facility for approximately 22 campervans for use in conjunction with the complex. There are also short walks in the general location.

The application is not inconsistent with the objectives above. Adherence to standard terms and conditions will adequately mitigate the potential adverse effects of this activity.

Section 3.6.4.4 discusses camping opportunities available on public conservation lands. These camps range from remote or wilderness area camping where no facilities are provided though to designated campsites with vehicle access. Management issues associated with camping include localised environmental degradation including human waste, the risk of fire, competition for facilities between campers and day users at shared sites, social conflicts between large groups and people seeking a degree of solitude and privacy and camping for extended periods.

The policies for camping are:

1. *Camping may be permitted in all recreational zones, with the exception of intense interest sites.*
2. *Vehicle-based camping on public conservation land should comply with local authority freedom camping policy, bylaws and signs and in the case of vehicles without toilet facilities, should only take place in designated camping areas.*
3. *Camping should be discouraged in areas of ecological or cultural sensitivity, or those regarded as unsafe.*
4. *Maximum stay periods may be imposed at certain campsites during peak visitation period.*
5. *People camping in backcountry remote zones and gazetted wilderness areas should be encouraged to use fuel stoves rather than campfires.*

COMMENT

The proposed campervan park would be managed by MHSP as concessionaires.

The application is not inconsistent with the policy and objectives above. Adherence to standard terms and conditions will adequately mitigate the potential adverse effects of this activity.

5.0 Relevant information about the applicant

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

There are no known convictions or charges pending related to the activity applied for.

Past compliance with concession conditions:

There have been no compliance issues related to the activity applied for.

Credit check result:

The applicant is an existing customer and the SAP account has been checked. The account is up to date.

6.0 Proposed operating conditions

Concession Activity:

Occupation of land for a campervan parking facility for approximately 22 campervans for use in conjunction with Maruia Hot Springs.

Term:

A term of 30 years is considered appropriate as it is consistent with the Conservation Act 1987 and other leases in the Western South Island.

Fees:

Annual Activity Fee

The formula for calculating the activity fee is a percentage of the gross annual revenue generated from the campervan park. This is pursuant to the Concession Activity Fee Pricing Book/Percentage of Revenue Pricing Framework. Therefore, it is recommended that the activity fee be set at 7% of the gross annual revenue generated from the Campervan Park.

Annual Management Fee

A management fee is pursuant to Section 60D of the Conservation Act 1987 to cover the costs incurred by the Department to manage this concession.

The management fee is based on the base rate of \$150, \$100 for the annual portion of a three-yearly rent review and \$150 for the collection and calculation of the Activity Return. Therefore, it is recommended that the management fee be set at \$400 + GST per annum.

Monitoring Fee

Following monitoring, standard Department charge-out rates for staff time and mileage required for monitoring the effects of the Concession Activity and compliance with concession conditions will be invoiced.

Summary of special conditions as listed in effects assessment above: SPECIAL CONDITIONS

In respect to Ngāi Tahu

1. The Concessionaire is requested to consult the relevant Papatipu Runanga (Te Runanga o Ngati Waewae, phone 03 7556451, email admin@ngatiwaewae.org.nz) if they wish to use Ngāi Tahu cultural information. If the Concessionaire wishes to use the Tōpuni or statutory acknowledgement information contained in schedules 14-108 of the Ngāi Tahu Claims Settlement Act 1998, or any Department produced interpretative material in respect to Ngāi Tahu cultural information, they are requested to notify the relevant Papatipu Runanga, as a matter of courtesy.
2. The Concessionaire must, as far as practicable, attend any workshops held by the Department for the purpose of providing information to concessionaires, which is to include the Ngāi Tahu values associated with Tōpuni areas.
3. The Concessionaire must ensure any persons employed by the Concessionaire are requested to recognise and provide for Ngāi Tahu values in the conduct of their activities.

Didymo

4. The Concessionaire must comply and ensure its clients comply with the Ministry for Primary Industry (MPI)'s "Check, Clean, Dry" cleaning methods to prevent the spread of didymo (*Didymosphenia geminata*) and other freshwater pests when moving between waterways. "Check, Clean, Dry" cleaning methods can be found at <http://www.biosecurity.govt.nz/cleaning>. The Concessionaire must regularly check this website and update their precautions accordingly.

Other

5. The Concessionaire must plant native species of trees and shrubs only. Selection of these plants must be in consultation with the Grantor.
6. The Concessionaire must undertake any necessary weed control on the land as directed by the Grantor.
7. The Concessionaire and/or their clients must not take any household pet (including but not limited to any dog) onto the licence area.
8. Access to Department of Conservation staff or contractors must be available at all times.
9. The Concessionaire must not erect any structures without the prior written consent of the Grantor.
10. The Concessionaire and/or its clients must remove all rubbish from the site and dispose of the rubbish in an authorised dumping site off lands administered by the Grantor.
11. The Concessionaire must not construct additional roads, tracks or bridges without the prior written consent of the Grantor.

12. The Concessionaire and/or its clients must not construct any outdoor fireplaces, barbeques or incinerators without the written consent of the Grantor.

7.0 Applicant's comments on draft Officer's Report

The Applicant has been sent a copy of this report as this is a new activity. The Applicant has recently taken over the hot springs facility and all other concessions are historic. This would give the Applicant a better understanding of how concessions work.

The report was sent on 21 April 2017. The Applicant responded 3rd May 2017 and has no queries, concerns or issues with the report and requested it move on to the next stage.

8.0 Summary and Conclusions

The application for a 30 year lease is considered to be consistent with the legislation and statutory plans and with adherence to the Standard and proposed Special Conditions, the effects on the conservation values are considered to be adequately avoided, remedied or mitigated.

9.0 Recommendations to decision maker

Pursuant to the delegation dated 9 September 2015 it is recommended that the Operations Manager, Greymouth Office:

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 to Maruia Hot Springs Property Limited subject to the standard concession contract; and the special conditions identified in this report; and
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 Grey Star and The Press.

Lara Kelsen
Permissions Advisor
Hokitika Shared Service Centre

Recommendation:

- 1 Agree/Disagree
- 2 Agree/Disagree
- 3 Approved/Declined
- 4 Agree/Disagree

Signed: _____
Shane Hall
Operations Manager
Greymouth District
Western South Island

Date: