



# Notified Concession Officer's Report to Decision Maker

**Officer's Report to Decision Maker:** Bhrent Guy, Operations Manager, Tongariro District

## Notified Application for a Lease

**Applicant:** Avondale College

**Permission Record Number:** 48616-OTH

**File:** PAC-05-06-127

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:** The Applicant has previously held a 15 year lease for their rope course on part of the Tongariro Conservation Area consisting of a five year term with two renewals, and which has since expired on the 31 December 2015. They have applied for a further lease for the rope course with the same term.

**Information about the Applicant:** Avondale College are a tertiary educational facility which have been operating this low ropes challenge course for 15 years. This challenge course provides students of Avondale College an opportunity to test their skills and develop their confidence whilst undertaking regular camping trips to the Tongariro Conservation Area.

An inspection report from Project Adventure New Zealand on May 2015 for the rope course indicated maintenance work required to ensure all equipment or elements of the ropes course were of an acceptable level of wear and which furthermore were to meet the current ACCT Standards for inspections and the manufacturer's recommendations. In the 2015 report, four elements failed the inspection. An inspection report from 2016 clearly indicates the Applicant's cooperation to integrate Health and Safety into their operations, as the equipment which required immediate attention are now of an acceptable standard. While the Department does not have the authority to claim Health and Safety expertise and can therefore not make any conclusive comment on the validity of the Applicant's Health and Safety plans, the Applicant continues to present motivation to implement the correct practices to meet the requirements of a concession.

**Type of concession sought:** Notified Lease

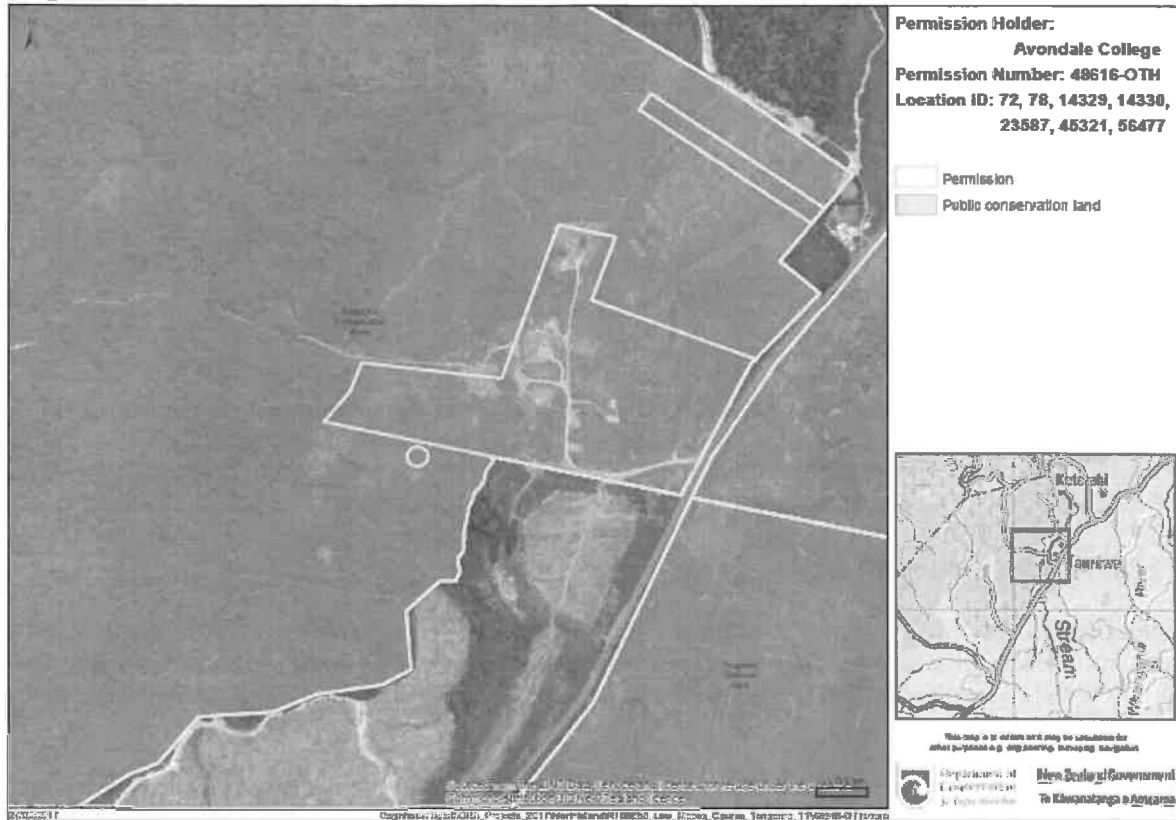
**Term sought:** 15 years

**Description of the proposed activity:** Low ropes challenge course on part of the Tongariro Conservation Area.

#### Description of locations where activity is proposed:

Location	Activity
Tongariro Conservation Area - Structure - Avondale College	Other - Structures

**Map of location:**



**2.0 Information available for consideration**

**Information received:**

- **From Applicant**  
 The Applicant has applied for a Lease and all relevant documents are as follows:  
 Link to the existing lease: [264781](#).  
 Link to the application: [2675763](#).  
 Link for the latest inspection report: [2979757](#).  
 Link from Worksafe explaining non-requirement for an audit: [2859836](#).  
 The Department accepts Project Adventure New Zealand as being suitable to inspect the course on an annual basis. The Applicant is required to comply with the safety requirements and complete any works required by Project Adventure Limited.
- **From whanau/hapu/iwi (if sought)**  
 Consultation was carried out with Te Runanganui o Ngati Hikairo ki Tongariro who responded on 29 January 2017 indicating no issue with the application for this concession other than the reduction of the 15 year term applied for, to a 10 year term. Link to Te Runanganui letter: [2964637](#).  
 The request for a term reduction is on the basis of comments written in the 2015 inspection report indicating the age and wear of the ropes course.  
 Health and Safety is not of Iwi concern, and has otherwise been reported as acceptable.
- **From Conservation Board (if sought)**  
 Board triggers have not been activated.
- **From DOC staff (including Operations, technical and legal comments)**  
 The Tongariro District Office has identified that the land is subject to an agreement between the Crown and Tuwharetoa however there are no clauses in the agreement in question that specifically

affect this land, while the adjoining land on which the Avondale College camp is located is part of the Central North Island Forests settlement.

### **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..."

#### **Public notification s17T(4):**

Under s17T(4) the Minister must give public notice before granting a lease with a term (including all renewals) exceeding 10 years.

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 local newspapers 'The Taupo Times' and 'The Turangi Chronicle' will be appropriate pursuant to s49(1) of the Conservation Act.

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

##### Conservation Area

Tongariro Conservation Area is a Conservation area, as defined in section 2 of the Conservation Act 1987:

- *conservation area* means any land or foreshore that is—
  - (a) land or foreshore for the time being held under this Act for conservation purposes; or
  - (b) land in respect of which an interest is held under this Act for conservation purposes

The proposed low ropes activity is not contradictory to the purpose of the land. Activities that have an element of risk to natural, historic and cultural resources and/or values will be appropriately mitigated by the Applicant.

#### **Tongariro/Taupo Conservation Management Strategy 2002-2012:**

##### **Consistency with Relevant Management Strategies and Plans s17W:**

Relevant documentation in this instance includes the Tongariro/Taupo Conservation Management Strategy (CMS).

*"Part iii(b) of the Conservation Act 1987, the National Parks Act 1980, and the Reserves Act 1977 enable concessions to be granted and provide the framework for the way that concessions are managed."*

As stated in section 3.5.1 of the Tongariro/Taupo CMS under the Conservation Act 1987, the Department is given the responsibility of fostering the use of natural and historic resources for recreation and allowing their use for tourism, provided this is consistent with their conservation.

Section 3.8.1 specifies recreation concessions as beneficial to the Department through the wider range of opportunities for outdoor recreation through the provision of facilities and services. The objective of managing recreation concessions as defined in section 3.8.1 of the Tongariro/Taupo Conservation Management Strategy is as follows;

- *“To foster visitor enjoyment of land managed by the Department through authorising commercial recreation and tourism activities which are compatible with the natural and historic values of any area and which do not reduce the enjoyment of these values by other visitors.*

It has been suggested that granting new concessions for the development of new buildings and structures are not appropriate as the Department believes there is a strict requirement to limit infrastructure development to achieve protection of the recreation values of existing visitors, otherwise existing concessions are deemed acceptable. Implementation of this objective and the values it illustrates result in opportunities that are deemed compatible with the natural and historic values of any area that promotes visitor enjoyment. Implementation guidelines include:

- a) The Department will assess and process applications for recreation concessions on public conservation land in accordance with the Conservation Act 1987 and standard operating procedures in place at the time.*
- b) Recreation and tourism concessions must conform with all other objectives and implementation provisions in the Tongariro/Taupo Conservation Management Strategy.*
- c) The Department will not grant any further concessions over an area if it is considered that an increase in use will adversely affect natural or historic resources or cause adverse and irresolvable conflict with other visitors to that area.*
- d) Public consultation and Tongariro/Taupo Conservation Board input will be sought for all advertised applications.*
- e) The Department will establish processes with iwi for their involvement in concession applications through He Kaupapa Rangatira.*
- f) Concessionaires must take primary responsibility for the safety of their clients and will comply with all relevant legislation.*
- g) The Department will maintain close liaison with concessionaires.*

Section 4.8.3 identifies Taurewa as a Place in the Plateau Forests further described as the most geologically diverse place in this Region with tectonic uplifting, faulting, volcanic activity, sedimentary and fluvial deposition and erosion resulting in this austere landscape. The Taurewa fault scarp remains the highest exposed fault scarp in the region at 260 meters high, and is considered worthy of inclusion in the earth deformation section of the inventory of the CMS. The inventory identifies the special conservation values of Taurewa as having the largest kiwi population in the central North Island and high requires high levels of protection.

The operation of a low ropes course can be considered when it is not inconsistent with visitor enjoyment of the land managed by the Department. This must be achieved through the authorisation of commercial recreation and tourism activities considered to be compatible with the natural and historic values of this area, which do not reduce the enjoyment of these values by other visitors.

The activity undertaken on the land in question has not raised any visitor concern, and continues to provide visitor enjoyment to the land while continuing to hold the natural and historic values of this area. The activity occurs approximately 20 times per year, with approximately 20-40 participants each visit, and are restricted to be used only by Avondale College or those with prior approval only. These restrictions assist in the protection of natural values, while the absence of comment from iwi and the District Office in relation to iwi concern subject to the activity being undertaken, hereby acts to demonstrate good practice and respect of cultural values held toward this land.

In these ways, the proposed activity hereby remains to be not inconsistent with the relevant Conservation Management Strategy.

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

- Effects on conservation values + methods to manage and/or special conditions required  
The Applicant has applied for a lease to continue operation of their current concession. There remains no record on file of any breaches or effects of concern to the Department. There are no comments to report from the District Office, hereby indicating the effects remain well managed by the Applicant under the current terms and conditions of their existing concession. Special conditions are included in the contract to manage any adverse effects.

- Effects on cultural values + methods to manage and/or special conditions required  
The effects on any cultural values present at this site should be minimal. No special conditions required.
- Effects on existing and future users + methods to manage and/or special conditions required  
Existing and future users relate to the students and staff of Avondale College and those which have been granted prior approval to undertake this activity on this land. The Department considers that the continuation of this activity will have minimal effects on the land and its users. Continued maintenance will be accomplished through the company which constructed the low ropes on this land, namely Project Adventure New Zealand, and remains an appropriate means to manage any adverse effects on this Land.
- Cumulative effects of adding this activity to current activity on site + methods to manage and/or special conditions required  
It is not considered that there will be any cumulative effect from this activity as there are no other activities being undertaken on this land. No special conditions required.

#### **5.0 Relevant information about the applicant**

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

There have been no convictions that have been brought to our attention.

##### **Past compliance with concession conditions:**

The Applicant has been operating their rope course on part of the Tongariro Conservation Area for the past 15 years. No concerns from the District Office have arisen, neither for the continuation of this activity, nor for the management undertaken by the Applicant at this location.

##### **Credit check result:**

As the Applicant is a current account holder, no credit check is required.

#### **6.0 Proposed operating conditions**

**Concession Activity:** Low ropes challenge course on part of the Tongariro Conservation Area.

**Term:** Section 17Z(1) of the Conservation Act allows for a lease to be granted for a term of not exceeding 30 years.

Te Runanganui o Ngati Hikairo ki Tongariro have stated that due to the comment in the Ropes Course Inspection Report as per below, the applied term of 15 years by the Applicant will only be supported if reduced to a term not exceeding 10 years;

*"The challenge ropes course is nearly 15 years of age and signs of minor wear, fatigue, and surface pitted/rust especially on the element attachment rapide links and NEBS bearing loads. The wear and fatigue can also be attributed to the amount of use, climatic conditions and the location."*

No comment considering Te Runanganui o Ngati Hikairo ki Tongariro's position has been forthcoming from the District Office.

As the safety of the Applicant's clients are not the concern of iwi, but the primary responsibility of the Applicant, the Department supports the applied for term of 15 years.

On the basis of the reasoning's behind the reduction of term as requested by iwi, it is recommended that the lease be approved for a term of fifteen years.

##### **Fees:**

##### Activity Fee:

The current Activity Fee for this concession is \$300.00 + GST per annum as has been such since January 2001. There is no Standard Operating Procedure for setting fees for this type of Activity to assist in the assessment of the current fee, and no record of how the current fee was originally set.

The Department considered placing a CPI on the fees, however with consideration toward the low-use applied to the rope course which acts to improve and define outdoor recreation skills of the students of Avondale College, it is therefore recommended that \$300.00 + GST continues to be the market value, and is to be set as such for the next three years. This is to be reviewed with the next rent review.

**Management Fee:**

No Management Fee for this concession has been set out in the past. In conjunction with the Concessions Guidance Document, administration of an annual Management Fee for \$350.00 + GST per annum is now applicable. This includes the ongoing management fee of the concession of \$150.00, a rent review fee of \$100.00, and a rates and recovery fee of \$100.00.

**Monitoring Fee:**

The District Office's request to comment on this proposal have not advised that regular monitoring will be required. Monitoring provisions have been included in the contract in the event that this position changes or the concession is assigned.

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

**Private land**

1. This Concession does not confer any right of access over any private land or public conservation land leased by the Grantor. Any arrangements necessary for access over private land or leased land are the responsibility of the Concessionaire. In granting this Concession the Grantor does not warrant that such access can be obtained.

**DOC staff**

2. The Grantor may send any officer of the Department on any of the activities authorised during the term of this Concession for the purpose of assessing the impact on conservation values, the standard of service offered and compliance with the terms and conditions of the Concession, at no expense to the Grantor.

**Wāhi Tapu**

3. The Concessionaire must recognise the sensitivity of wāhi tapu and urupa and seek guidance of iwi who claim mana whenua over any parts of the Land prior to providing interpretation on matters of iwi cultural significance and recognise the sensitivity of wāhi tapu and urupa.

**Vehicle use**

4. The Concessionaire must ensure that none of its vehicles or vehicles of its clients are taken off formed roads.

**Vehicle parking**

5. The Concessionaire must ensure that its vehicles and the vehicles of its clients are only parked only in designated parking areas.

**Animals**

6. The Concessionaire must not take, and must ensure that its clients do not take, any animals, including dogs or any domestic pets, onto the Land.

**Weeds**

7. The Concessionaire must take all precautions to ensure weeds are not introduced to the Land; this includes ensuring that all tyres, footwear, gaiters and packs used by the Concessionaire, its staff and clients are clean before entering the Land.

**Interpretation materials**

8. The Concessionaire must consult with and seek the guidance of iwi claiming mana whenua over any parts of the Land prior to providing interpretation on matters of cultural significance to such iwi.

9. The Concessionaire must provide detailed information of any historical, cultural or natural science interpretation provided by the Concessionaire to its clients in the course of the Concession Activity, to the Grantor within thirty days of the date of any such written request by the Grantor.
10. If the Grantor considers the interpretative material provided by the Concessionaire above unsatisfactory, the Concessionaire must prepare an interpretation plan for approval by the Grantor within 60 days of advice from the Grantor that this is required.

#### **Recordings of bird songs**

11. The Concessionaire must not and must ensure that its clients do not play recordings of bird songs on the Land.

#### **Monitoring**

12. 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.

### **7.0 Applicant's comments on draft Officer's Report**

The Applicant received a draft copy of the report and lease document for comment, and responded on 7 April 2017 with no queries or concerns.

### **8.0 Summary and Conclusions**

The application for a new lease for the low-ropes course is still consistent with the legislation and the CMS. The adverse effects are considered to be minor and are expected to be adequately managed by the standard and special conditions of the licence. The Applicant should be able to carry out the activity in an efficient manner.

\* There is no reason not to grant this concession for a term of 15 years.

### **9.0 Recommendations to decision maker**

Pursuant to the delegation dated 09 September 2015 it is recommended that Operations Manager, Tongariro District,

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 Avondale College 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 [local paper]**



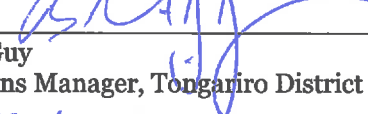
*Stormy Love*  
Permissions Advisor  
21 March 2017

Recommendation:

- 1      ~~Approved/Declined~~
- 2      ~~Approved/Declined~~
- 3      ~~Approved/Declined~~
- 4      ~~Approved/Declined~~

If the recommendation is declined please discuss here why this is so:

[Insert digital signature if using one]

Signed:   
Bhrent Guy  
Operations Manager, Tongariro District  
Date: 10/4/17