

First Determination Report to:
The Auckland Conservator

(Approval in Principle/Decline)

**Application for concession by
Sir Edmund Hillary Outdoor Pursuits Centre**

Case No: 2009/2010 - 31



Department of Conservation
Te Papa Atawhai

1.0 Introduction

1.1 The Application

The Department has received an application to undertake outdoor education activities from the Sir Edmund Hillary Outdoor Pursuits Centre (OPC).

The purpose of this report is to consider the application in accordance with the relevant legislation and recommend whether the application should be approved in principle, or declined.

1.2 The Law

Part IIIB of the Conservation Act 1987 sets out the provisions dealing with concessions. These include:

- *Section 17S - 'Contents of the application'*. This is discussed in section 2 of this report.
- *Section 17T - 'Process for a complete application'*. This 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..." It is discussed in section 2.6 of the report
- *Section 17U - 'Matters to be considered by the Minister'* - This includes, but is not limited to, the consideration of the effects of the proposal (s17U(1)(b)); measures that can be taken to avoid, remedy, or mitigate, any adverse effects of the activity (s17U(1)(c)); and the purpose for which the land is held under the relevant legislation (s17U(3)). These matters are discussed more comprehensively in section 3 of this report.
- *Section 17W - 'Relationship between concessions and conservation management strategies and plans'*. This is discussed in section 4 of this report.

2.0 Contents of the Application - Section 17S

Under section 17S of the Conservation Act 1987 the applicant is required to outline details relating to the application. These are outlined in this section. A copy of the complete application is attached as Appendix (A).

2.1 The Applicant

Sir Edmund Hillary Outdoor Pursuits Centre
Private Bag 37
TURANGI

The applicant is predominantly a non-profit charitable trust, established by Graeme Dingle in 1972.

2.2 Description of the Activity - Section 17S(1)(a)

The Sir Edmund Hillary Outdoor Pursuits Centre is an outdoor education centre running courses for school students as well as skill, leadership and experiential training programmes open to the public. These courses may involve tramping, camping, orienteering, mountaineering, canoeing, rafting and such like.

Please refer to section 3.1 of this report for specific details of the activities proposed within the Auckland Conservancy.

2.3 Identity and Status of Area under Application - Section 17S(1)(b)

The status of the land affected by the application is:

Auckland Conservancy
Hirakimata / Kaitoke Swamp Ecological Area
Great Barrier Forest Conservation Area
Great Barrier Forest Stewardship Area
Okiwi Recreation Reserve
Bushs Beach Recreation Reserve
Te Paparahi Stewardship Area
Kaikoura Island Scenic Reserve
Rakitu Island Scenic Reserve

2.4 Effects of the Proposed Activities - Section 17S(1)(c)

The applicant has identified a number of effects. These and the appropriate avoidance and mitigation measures are discussed in Section 3.2 of this report.

Comment

The applicant has provided an assessment of all relevant adverse effects that could arise out of the proposed activities. Some of these adverse effects are considered significant and therefore are discussed further in Section 3.2 of this report.

2.5 Proposed Type of Concession and Duration - Section 17S(1)(d) & (e)

A licence for a term of fifteen years has been applied for. The reason given for this term is to "allow security in forward planning". Further discussion on the term is provided in section 3.2.5 of this report.

Comment

The term of 15 years applied for is within the maximum 30 year term permitted for licenses under the Conservation Act 1987.

2.6 Relevant Information relating to the Applicant's Ability to carry out the Activity - Section 17S(1)(f)

The applicant has been operating successfully for over 30 years. The following information is taken from the OPC website "OPC is committed to environmental responsibility and sustainability. We implement and maintain a documented Environmental Management System that establishes a framework of suitable

objectives, strategies and indicators. Through continual monitoring and audit of our environmental performance OPC is able to take a leading role in environmental best practice in the field, domestic and educational arenas.

OPC has an excellent reputation nationally and is seen as a leading provider of outdoor education in NZ. Our reputation as a provider of quality education is expanding into the international arena and we have an increasing number of foreign full fee paying students enrolling onto our tertiary courses.

OPC has strong relationships with all major providers of Outdoor Leadership training in the country – offering work placements and employment opportunities for their students when appropriate. We also have a close working relationship with Waiariki Institute of Technology, with whom we offer our year long Certificate courses in a joint venture arrangement.

OPC is active in ensuring that decisions made by our ITO are reflective of the outdoor industry and meet the needs of our organization. We have a strong working relationship with ITO.

OPC is committed to ensuring that the organisation develops and supports a staff profile that reflects its mission and special character. This is demonstrated through, regular strategic evaluation and planning, a robust quality management system, effective risk identification, a dynamic mentoring scheme, a significant financial commitment to staff training, and consistent performance monitoring and assessment.

OPC will continue to foster a learning environment that is comfortable, safe and supportive for people from all cultures.

The OPC Trust Board is the legal authority for OPC. The Trust Board's role is one of governance and it delegates the day-to-day operations of the organisation to the Director and his/her staff. Trustees volunteer their time to OPC and are a dedicated, hard working, diversely skilled, enthusiastic group. Local iwi have a representative on the Trust board. This person is nominated by the local hapu.

The Trust's role is setting philosophy; establishing organisational policy, long range planning and financial control. OPC is incorporated as a Charitable Trust Board and has its own legal identity outside the Trustees."

Comment

The applicant's ability to carry out the proposed activities is demonstrated by their considerable experience and commitment to environmental responsibility and sustainability.

3.0 Process for Complete Application - Section 17T(2)

3.1 Process for a Complete Application - Section 17T(2)

This section requires the Minister to decline a complete application within 20 working days of its receipt 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 is considered to be complete. It appears to comply with and be consistent with most provisions of the Conservation Act 1987 and the relevant conservation management strategy.

The application includes activities on Motu Kaikoura Island. This island is owned by the Crown but is administered by the Motu Kaikoura Trust (MKT). As such comments have been sought from the MKT on the application and taken into account in preparing this report and associated concession documents. A separate concession document has been prepared in respect of Kaikoura Island as the MKT are a party to authorising any concession activities on the island.

4.0 Matters for Consideration

Section 17U(1) requires the Minister to have regard to the following matters:

4.1 Nature of Activity - Section 17U(1)(a)

Guiding educational groups as well as skill, leadership and experiential training programmes in camping and tramping on both designated and undesignated sites and tracks, rock climbing, gorging, abseiling and coasteering (coastal rock scrambling).

Comment

The proposed activity is considered to be acceptable on public conservation land subject to limits on numbers and exclusion of some activities from some of the proposed sites. Off track activities within the Okiwi Station lease is considered acceptable but is subject to the written approval by the Lessee (currently Helen Mabey).

4.2 Effects of Activity - Section 17U(1)(b) and any Measures to Avoid, Remedy, or Mitigate Effects - Section 17U(1)(c)

The applicant has made an assessment of the effects of the proposed activity (refer section F and Appendix 1 of the application).

The Applicant has identified the following effects:

- Natural waterways will be affected or used.
- Unsure about disturbance of native vegetation.
- Unsure about disturbance to soils, wetlands and other natural features.
- Activity will be visible from within or adjoining areas.

- Unsure about the possibility of introducing weeds to the area.
- Other visitors will be present in the area(s).
- Activity will focus on plants, animals and/or sites of traditional importance to Maori.
- Positive effects on natural and historic values.
- Foster recreation
- Promotion of understanding of conservation.

The Applicant has standard operating procedures in place to avoid, remedy or mitigate effects on the environment and other users. These include:

- Following the environmental care code
- Giving consideration to different cultures
- Keeping groups as small as possible
- Minimising use of heavily travelled tracks, especially during holiday periods
- When possible camp or take lunch breaks out of sight
- Respecting other user's privacy and experience
- Keeping to the track where it exists
- When travelling across country, consider fanning out rather than walking in single file, travel across snow and rocks as much as possible, find a way around ecologically fragile areas (moss beds, alpine herb fields)
- No leaving of personal markers
- Picking up any litter
- Not removing any vegetation and respecting wildlife
- No making of bivouacs from natural materials
- Camping:

Using existing campsites where possible

New sites - choose terrain not easily damaged

Minimising campsite construction

Avoiding the digging of drainage channels around tents, cutting branches and trees and/or removing bush

Always leaving the campsite as clean and natural as possible

- Fires:
 - Only lighting fires where dead wood is available in abundance and replenished easily.
 - Avoiding fires in high or extreme fire-risk situations
 - Lighting fires away from trees, roots and branches
 - Only using dead wood
 - All wood burnt to ashes and made cold prior to departure and scattered (not in water supply), collected wood is also scattered.
- Taking care not to spill potential pollutants (kerosene, white spirits etc.)
- Toilet Use:
 - Toilets located away from tracks, water and well frequented spots
 - For individual stops - shallow hole, covered after use
 - Standing camps - A shallow hole is dug no deeper than the decomposed layer, and a layer of soils is spread after each use, the hole is to be filled and covered after use.

All sanitary protection is to be carried out or burned.

In mountain areas (greater visual impacts, slower waste decomposition), human waste is to be carried out

- Washing: A soapy container is used and all soapy water scattered away from water source, refrain from using detergents.
- All rubbish is to be taken out (including left over food)
- Use of reusable containers

Comment

The Department is satisfied that the applicant has covered all relevant effects on the environment associated with the proposed activity, with the exception of the potential spread of kauri dieback disease (phytophthora Taxon Agathis). Adherence to standard and special conditions included in the concession contracts (licenses for Great Barrier Island and Kaikoura Island) will ensure the applicant adequately avoids, remedies or mitigates the adverse effects of the proposed activity. It is however considered that some effects are significant, including the spread of kauri dieback disease, requiring restrictions on activities and exclusion of some activities from areas as discussed further below:

Visitor experience

The proposal involves large numbers of students undertaking various recreational activities over Great Barrier, Kaikoura and Rakitu Islands. There is an expectation that for back country tracks, off track tramping areas and the Te Papanahi Stewardship Area ("TPSA") that low visitor numbers will be experienced by those using them. Many backcountry tracks such as the one from the Kauri dams to Mt Hikarimata are narrow in places and therefore could lead to a 'bottleneck' of visitors if large groups are encountered. The TPSA is managed as a remote experience area and therefore is discussed separately.

Special conditions have been included in the contract that restrict the maximum number of students, instructors and teachers across all backcountry tracks on the island per day to 52. Numbers will be limited on off track tramping areas on Great Barrier Island to a maximum of 80 people across all areas per day and no more than 480 or 2000 people days per year across all areas visited depending on whether an area is identified as being ecologically sensitive. 480 'people days' refers to the total number resulting from combinations of number of people multiplied by duration (days each person is present). This type of limit therefore gives the applicant flexibility around the number of people undertaking the activity and the number trips they wish to undertake in a given year.

Numbers will be limited on off track tramping areas on Kaikoura Island to a maximum of 1 group of 13 (including students, instructors and teachers) and no more than 26 across all off track areas per day.

Backcountry tracks, off track tramping areas and the TPSA will be monitored regularly by both the applicant and the Department of Conservation ("DOC") in order to ensure that any adverse effects that may arise in an area are sufficiently mitigated and future adverse effects in the area are avoided. The right to adjust allowed

numbers has been provided for in the draft license as one of the methods to mitigate or avoid adverse effects.

The Te Paparahi Stewardship Area

The TPSA is managed as a remote experience area with limited tracks and minimal facilities with an emphasis on protection of habitats, species and historic and cultural values.

It is considered that the proposed camping at designated sites and tramping on formed tracks and tramping off track will preserve the remote experience values of the TPSA provided visitor numbers are kept to appropriate levels and appropriate contract conditions are adhered to. In this regard, the number of people visiting the area will be limited to a maximum of 200 per year including instructor and teachers. The group size shall also be restricted to a maximum of 13 people including instructor and teachers.

Due to the remoteness of the area it is considered that the proposed off track camping, gorging, abseiling coastal rock faces and/or coastering activities be excluded from the TPSA. There are sufficient areas on other parts of Great Barrier Island permitted by this License where these activities can be undertaken.

Flora and fauna and their habitats

Both Kaikoura and Great Barrier islands contain many species of flora and fauna and their associated habitats. There is a potential for the proposed activities to severely impact on this flora and fauna through activities such as trampling of undergrowth during off-track tramping, off-track camping and traversing of canyons and other topography. The Department has also recently identified kauri dieback disease as being a serious threat to kauri populations present on Great Barrier and Kaikoura Islands, and off track activity has the potential to spread this disease.

Adherence to special conditions included in the contract will ensure that flora and fauna and their habitats will be adequately protected. Due to the Kauri Dieback disease off track activities have been restricted to areas where kauri is not yet known to be present, but hygiene procedures will still be required. As more information is obtained about the disease further off track areas may be added to the concession and/or hygiene procedures may be amended. The Department will continue to assess other areas where the applicant can go off track.

An assessment has been done of ecological sensitivity on Great Barrier Island resulting in areas identified where off track activity is either permitted or excluded. Within the areas where off track activity is permitted, a zone has been identified where ecological sensitivity is higher than in other parts and therefore a lower cap on daily and annual numbers of people has been applied.

As stated above, the applicant will also be required to prepare in conjunction with the Department a monitoring programme which will assist in avoiding or mitigating

adverse effects on the environment. The right to adjust allowed numbers has been provided for in the draft license as one of the methods to mitigate or avoid adverse effects.

Te Paparahi Stewardship Area

The TPSA is managed as a remote wilderness area with an emphasis on the protection of species and their habitats and therefore it is considered that the proposed camping off track, gorging, abseiling, and coasteering activities be excluded from the TPSA. There are other areas where these activities can be undertaken under this License. In the future there may be scope to allow these activities within the TPSA but this will depend on the level of environmental impact resulting from the applicant's operations under this License and the results of any studies of conservation values of the TPSA that are undertaken.

It is however considered that the proposed camping at established sites (Rangiwhakea Bay and Miners Cove) and tramping off track will not hinder the protection of species and habitats of TPSA provided visitor numbers are kept to appropriate levels and appropriate contract conditions are adhered to.

4.3 Term

The term applied for is fifteen years.

Comment

A fifteen year term is within the maximum 30 year term permitted under the Conservation Act 1987 for licenses and therefore is considered appropriate.

15 years will provide the applicant with enough time to establish the various activities and to run them efficiently and to also provide a reasonable return on the applicant's investment.

4.4 Any Information Received under Section 17S or 17T- Section 17U(1)(d)

Additional information on the proposal was requested and supplied by the applicant.

Information on the application was sought from staff at the Conservancy's Great Barrier Island Area Office. Comments provided have been included in the discussion at 3.2 of this report. Original comments can be found on file PAC 02 06 36.

Information on the application was also sought from the Auckland Conservation Board (ACB), the Motu Kaikoura Trust and Ngati Rehua. The ACB was consulted as the nature and scale of the activities were not clearly envisaged in the Auckland Conservation Management Strategy 1995 - 2005. The Motu Kaikoura Trust was consulted as the Trust has an agreement with the Department of Conservation to control and manage Kaikoura Island and has also entered into a Heads of Agreement with the applicant over the use of Kaikoura Island. Ngati Rehua was consulted as the proposal includes activities within areas valued as culturally significant to them.

The ACB

The ACB advised that they are supportive of the use of public conservation land for educational opportunities due to the raised public awareness of conservation that would result. However, they also advised that any use of public conservation land on Great Barrier Island needs to take into consideration the nature and sensitivity of the area characterised by opportunities to recreate in a remote wilderness area (TPSA), the greatest range of walking/tramping opportunities in the Auckland Conservancy and high ecological, historic and cultural values.

The ACB also advised that granting exclusive use of areas and facilities was not appropriate given the applicant was a commercial operator.

The ACB also made comments on specific activities including tramping, camping, gorging, rock climbing/abseiling and Coasteering.

The ACB recommended tramping on formed tracks with a ratio of 10 to 12 students accompanied by one teacher/instructor and agreed with the mitigation measure that tracks be used on a rotating basis. They recommended that tramping off tracks should be discouraged even if small numbers of students were proposed.

In regard to camping, the ACB supports camping at designated sites but that off-track camping is discouraged. They also recommend that if off-track camping or tramping is permitted, prior approval must be obtained from the Department's Great Barrier Area Office.

The ACB is supportive of rock climbing/abseiling and coasteering provided they are undertaken in areas where damage to vegetation is minimised but that Coasteering not take place during the seabird breeding season where seabirds are known to nest. Gorging is not supported by the ACB due to the potential damage to flora and fauna and waterways.

The ACB also commented on whether the applicant had consulted Great Barrier Island iwi and whether other activities the department or local communities carry out on the Island such as pest control or species monitoring could be incorporated into the applicant's application.

The Motu Kaikoura Trust

The Trust advised that they support the application where it is consistent with the Heads of Agreement between the Trust and the applicant. However, the Trust stated that some activities would require separate approval including rock climbing and abseiling.

Ngati Rehua

Ngati Rehua advised that they opposed the TPSA component of the application until such time as the Department makes the area a priority for a project to bring back the Kokako on a joint management basis.

Comment

The ACB

In summarising the above comments, the ACB support the application in general in that it will assist in raising public awareness of conservation on Great Barrier and Kaikoura Islands. However, the ACB are opposed to off-track tramping and camping and gorging activities and wish for restrictions to be placed on other activities proposed. These comments are addressed as follows:

The TPSA

Due to the remoteness and high ecological significance of the TPSA it is considered that the proposed off track camping, gorging, abseiling coastal rock faces and/or coasteering activities be excluded from the TPSA. It is considered that the proposed camping at designated sites and tramping off track will preserve the remote experience values of the TPSA provided visitor numbers operating under the license are kept to appropriate levels and appropriate contract conditions are adhered to.

Areas outside the TPSA

It is considered that the proposal will raise public awareness of conservation through the use of outdoor education provided that activities are of a nature and scale that ensures that the nature and sensitivity of the area is preserved. Conditions within the contract will ensure that this is the case such as the requirement for comprehensive site monitoring.

Off-track tramping and camping is to be permitted but only within specified areas where ecological sensitivity is relatively low. Restrictions will be placed on numbers and regular monitoring of tramping and camping in these areas will be carried out.

All areas to be used for gorging will need to initially be approved by the Great Barrier Island Area Office prior to any gorging commencing. A limit of 13 per group (including OPC instructor and teachers) and no more than 80 people per day over all sites will be applied to gorging activity. Restrictions will also be imposed regarding the use of anchors. The activity will also be regularly monitored.

Restrictions will be placed on other activities proposed by limiting group sizes, group frequency and by ensuring activities are regularly monitored. For instance, a limit of 80 students per day (including OPC instructor and accompanying teacher) will be set for tramping on all formed tracks. These limits will ensure that the experience of other visitors will not be adversely affected and ensure that the tracks themselves are not damaged from overuse.

The Motu Kaikoura Trust

As stated by the Trust, the application is generally in accordance with the Heads of Agreement entered into by the Trust and the applicant. Conditions will require that activities including abseiling and rock climbing are carried out subject to the Trust's approval.

Ngati Rehua

Ngati Rehua opposes the Te Paparahi Component of the application but do not give an actual reason for this other than requesting that the Department bring back the Kakapo to the area under a joint management programme. The Department does not consider that absence of a programme to bring back Kokako into the TPSA is a ground to decline the application within this area. However, restrictions will be imposed in order to protect flora and fauna and the unique visitor experience found in the area. Camping off track, gorging, abseiling coastal rock faces and/or coasteering activities are also to be excluded from the area.

4.5 Any Relevant Environmental Impact Assessment (EIA) Including Audit or Review - Section 17U(1)(e)

The applicant has provided an adequate assessment of effects in section F and Appendix 1 of the application.

Comment

The EIA submitted by the applicant covered all of the relevant issues. No separate audit or review was considered necessary.

4.6 Any Relevant Oral or Written Submissions Received as a Result of Public Notification - Section 17U(1)(f)

The effects of this type of activity and the term applied for fifteen years require this application to be publicly notified pursuant to section 49 of the Conservation Act 1987. If the recommendation from this report is accepted, then it is recommended that the application be notified in the "New Zealand Herald" and the "Barrier Bulletin". Individuals, or groups may then object, or submit and be heard on the proposal. Any objections and submissions will be considered in a 'final' report following notification.

4.7 Any Relevant Information which may be Withheld under the Official Information Act 1982 or the Privacy Act 1993 – Section 17U(1)(g)

While any request for information under the Privacy Act, or the Official Information Act, would be considered on its merits and on a case by case basis, there is no relevant information concerning this application which may be withheld under the Official Information Act, or Privacy Act.

4.8 Decline of Application - Section 17U(2)

This provides that the Minister may decline any application if the Minister considers that:

- (a) *The information available is insufficient or inadequate to enable him or her to assess the effects (including the effects of any proposed methods to avoid, remedy, or mitigate the adverse effects) of any activity, structure, or facility; or*

- (b) *There are no adequate methods or no reasonable methods for remedying, avoiding, or mitigating the adverse effects of the activity, structure, or facility."*

Comment

It is considered that there is sufficient information on the effects of this proposal to enable the Minister to assess the effects of the proposed activity.

It is considered that the Department's standard permit conditions and special conditions will allow the applicant to avoid, remedy or mitigate, the effects of the application, if it is to be granted.

The TPSA is managed as a remote wilderness area with an emphasis on protection of species, habitat and the historic and cultural values that the area possesses. Due to the scale of the proposed activity and the potential impact it may have on the environment, restrictions have been imposed in order to adequately avoid, remedy or mitigate the adverse effects of the activity. Off track camping, gorging, abseiling coastal rock faces and/or coasteering activities are also to be excluded from the TPSA.

4.9 Purpose for which the Land is held - Section 17U(3)

The areas under application are managed under the Conservation Act 1987 and the Reserves Act 1977. The Minister may not grant a concession if the proposed activity is contrary to the purpose for which the land is held.

Conservation Act 1987

Land held under the Conservation Act is held for Conservation purposes. Conservation is defined under the Act as "*the preservation and protection of natural and historic resources for the purpose of maintaining their intrinsic values, providing for their appreciation and recreational enjoyment by the public, and safeguarding the options of future generations*".

The purpose of particular areas is as follows:

Conservation areas: *Areas held for conservation purposes.*

Stewardship areas: *Areas managed so that its natural and historic resources are protected.*

Ecological areas: *Areas managed as to protect the value for which it 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(a) of the Act.

The purpose of particular reserves is as follows:

Recreation reserves: Providing areas for the recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside, with emphasis on the retention of open spaces and on outdoor recreational activities, including recreational tracks in the countryside.

Scenic Reserves: 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: and 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 use of the areas listed in Section 3.1 for the purposes of Education/Instruction is not inconsistent with the purpose for which the land is held.

4.10 Structures – Section 17U(4)

Section 17U(4) provides that:

“The Minister shall not grant any application for a concession to build a structure or facility, or to extend or add to an existing structure or facility, where he or she is satisfied that the activity-

- (a) Could reasonably be undertaken in another location that-*
 - (i) Is outside the conservation area to which the application relates; or*
 - (ii) Is in another conservation area or in another part of the conservation area to which the application relates, where the potential adverse effects would be significantly less; or*
- (b) Could reasonably use an existing structure or facility or the existing structure or facility without the addition.”*

Comment

The only facility that the applicant wishes to use is anchors for use in abseiling and rock climbing. Where there are existing anchors these will be used instead.

4.11 Interest in Land – Section 17U(5)

Section 17U(5) provides that:

“The Minister may grant a lease or a licence (other than a profit à prendre) granting an interest in land only if-

- (a) The lease or licence relates to one or more fixed structures and facilities (which structures and facilities do not include any track or road except where the track or road is an integral part of a larger facility); and*
- (b) In any case where the application includes an area or areas around the structure or facility, -*

(i) Either:

(A) It is necessary for the purposes of safety or security of the site, structure, or facility to include any area or areas

*(including any security fence) around the structure or facility;
or*

*(B) It is necessary to include any clearly defined area or areas
that are an integral part of the activity on the land; and*

- (ii) The grant of a lease or licence granting an interest in land is essential to enable the activity to be carried on.”

Comment

A granting of a licence to the applicant would be for non-exclusive use.

5.0 Planning Instruments

5.1 Relationship between Concessions and Conservation Management Strategies and Plans – Section 17W

Section 17W(1) Where a conservation management strategy, or conservation management plan, has been established for a conservation area and the strategy, or plan, provides for the issue of a concession, a concession shall not be granted in that case unless the concession and its granting is consistent with the strategy, or plan.

Section 17W(2)(b) allows the Minister to grant a concession if the management plan does not make provision for the activity, provided it complies with sections 17S, 17T and 17U of the Conservation Act.

Section 17W(3) of the Conservation Act states that “the Minister may decline any application, whether, or not, it is in accordance with any relevant conservation management strategy, or conservation management plan, if he or she considers that the effects of the activity are such that that a review of the strategy, or plan, or the preparation of a strategy, or plan is more appropriate.”

5.2 Conservation General Policy (2005)

The General Policy has been prepared under section 17C of the Conservation Act 1987. It provides guidance for consistent management of all lands, waters and all natural and historic resources managed by the Department.

It is considered that this application is consistent with the Conservation General Policy (2005).

5.3 Auckland Conservation Management Strategy 1995 – 2005

The Auckland Conservation Management Strategy (CMS) will be relevant to the areas under the application.

The CMS includes the following objectives relevant to the application:

Objectives:

4.2.3 Ensure the survival, as far as is possible of all indigenous species of flora and fauna, both rare and commonplace, in their natural communities and habitats, and the preservation of the natural ecosystems and landscapes which give Great Barrier Island its own recognisable character.

4.2.4 Protect those elements of the natural environment which make Great Barrier island an increasingly important refuge for species and habitat processes now extinct or endangered on mainland New Zealand.

Implementation:

4.11.1 Manage the Te Paparahi (Northern Bush) Stewardship Area as a remote experience area.

4.11.16 Discourage freedom camping on lands administered by the Department.

4.11.17 Require written permits for all camping in the Te Paparahi (Northern Block). Camping in this block is allowed only at Te Kawau, Rangiwakea, Te Kirikiri and Miners Bay.

4.11.20 Prohibit fires, except at designated sites for cooking fires, at Medlands, Awana, Harataonga, Okiwi, Akapoua and Whangaparapara campgrounds, Bushs Beach, and Kairaraa and Whangaparapara Huts, and require a permit for their use.

4.12.2 Consider applications for concessions for foot guiding in all scenic and historic reserves, Okiwi and Harataonga Recreation Reserves and all areas subject to the Conservation Act, except for Te Paparahi Stewardship Area.

Table 12, Volume 1 of the CMS – Recreation / Tourism Opportunities states that foot guiding is prohibited within the Bushs Beach Recreation Reserve.

Comment

The majority of the application is not inconsistent with the above objectives and policies of the CMS.

Contract conditions will ensure that flora and fauna and related ecosystems will be adequately protected in relation to the various activities proposed (see section 3.2). Although off track activities including freedom camping will be permitted it will be closely monitored. There will be restrictions on group sizes, and activities will be confined to areas where ecological sensitivity is not as high and where kauri is not present. There will also be a requirement to follow specific hygiene procedures relating to kauri dieback disease.

Contract conditions will ensure that visitor numbers will be kept to levels that will not lead to overcrowding which has the potential to reduce the quality experience people have of the many tracks and visitor attractions available.

The TPSA and Bushs Beach Recreation Reserve

Various recreational activities are proposed for the TPSA and rock climbing and abseiling activities are proposed for Bushs Beach Recreation Reserve. The CMS prohibits "foot guiding" within the TPSA and Bushs Beach Recreation Reserve. Foot guiding is not defined but is normally taken to apply to commercial guiding of clients in various recreational activities by a tour company.

The application is for the running of courses for school students as well as skill, leadership and experiential training programmes open to the public that involve various outdoor recreational activities. The applicant is also a non-profit making charitable trust where any surplus funds generated in a year are re-directed back into the operation. It is considered therefore that the application does not fall within the normal definition of "foot guiding" as commonly used, as the proposed activities are outdoor education and training, and not a commercial tour company operation. It is not intended by the CMS that "foot guiding" capture all types of organised groups with a guide or leader. Rule 47.1.8 of the CMS directs the decision maker to consider "other applications" for key areas or applications for other areas. It is considered that the application is an "other application" in that it is not an activity specifically envisaged by the CMS.

The application including recreational activities in the TPSA and Bushs Beach Recreation Reserve can therefore be considered under Rule 47.1.8 and therefore is not prohibited.

In considering proposed activities within the TPSA under Rule 47.1.8 of the CMS, weight is given to a visitor policy for the area prepared by the Auckland Conservancy in March 2007. Although it is not a legally binding document it provides steering on the amount of guiding concession activity that is considered consistent with ensuring the remote experience nature of the area is preserved. The policy sets out several visitor management policies to manage visitor use of the TPSA. These policies are summarised as follows:

- Management in accordance with recreation values including a focus on self-reliance and closeness to nature, few encounters with other visitors and small party sizes, relatively free of recreation facilities, non-mechanised access and visitors expect to be away from the sights and sounds of human influence.
- Maximum party size of 8 (including guides and teachers), a low interaction rate with others, low numbers at Rangiwhakea Bay and Miner's Cove campsites
- Guiding concessions shouldn't dominate the visitor management setting and be indistinguishable from other approved recreation activities.

To ensure visitor management is in accordance with the above visitor management policies and due to the ecological significance that the TPSA possesses, proposed off track camping, gorging, abseiling coastal rock faces and/or coasteering activities are to be excluded from the area. Restrictions will be placed on proposed tramping on Burrill's Track, off track tramping, and camping at Rangiwhakea Bay and Miner's Bay in order for these activities to be consistent with the above policies.

It is considered that the visitor management policy of having a maximum of 8 in a party would not be viable for the applicant given the costs of undertaking the activity and the fact that it would amount to only 5 clients per group plus guides and teachers. It is considered that a maximum of 13 per group (including guides and teachers) will make the activity viable for the applicant and this coupled with an annual cap of 200 placed on the number of people (including guides and teachers) allowed into the TPSA per year, will ensure that the operation is indistinguishable from other recreation activities. Given this 200 cap it is likely that only one or two groups will visit the entire area on any day.

Rock climbing and abseiling activities are considered appropriate for the coastal rock faces of Bushs Beach Recreation Reserve.

It is not considered that the effects of the activities OPC proposes are such that a review of the strategy is appropriate.

5.4 Conservation Management Plan

There is no Conservation Management Plan (CMP) relevant to the areas under application.

5.5 Hauraki Gulf Marine Park Act 2000

The provisions of this Act apply as the sites are public conservation areas included within the Hauraki Gulf Marine Park pursuant to section 33 of the Act.

The provisions of this Act also apply as the application relates to Kaikoura Island which lies on an island within the Hauraki Gulf.

The main purpose of this Act is to integrate the management of the natural, historic and physical resources of the Hauraki Gulf, its islands and catchments.

Comment

The details of the proposal and an analysis of its effects where necessary, are set out in detail elsewhere in this report. It is considered that the proposal will have minor adverse effects on the environment through the imposition of appropriate contract conditions.

After having had particular regard to the provisions of sections 7 and 8 of the Act, it is our opinion that the proposal is consistent with the purposes of the Act.

The proposal is also consistent with the purposes of the Hauraki Gulf Marine Park as set out in section 32 of the Act.

6.0 Conclusion and Special Conditions

The information provided by the applicants is complete enough to allow further consideration.

The use of stated Conservation Areas, Reserves, an Ecological Area and a Stewardship Area for the purposes of guiding educational groups as well as skill, leadership and experiential training programmes in various activities is generally not inconsistent with the purpose for which the land is held. The exceptions to this are within the TPSA where activities will be limited to camping at designated sites and off track tramping, and excluding all off track activity in areas where kauri is known to be present until further notice.

In addition to the Department's standard concession conditions the special conditions outlined in the attached draft concession documents are considered appropriate for ensuring adverse effects resulting from the proposal will be no more than minor.

There appears to be no reason why the Minister cannot publicly notify his intention to grant a concession to Sir Edmund Hillary Outdoor Pursuits Centre with a final decision on this application being made subject to the applicant's acceptance of the attached conditions and the outcome of the public notification process.

7.0 Applicants Comments

The applicant was sent the draft report and two concession documents for comment on a number of occasions over the past year. Comments have been provided and discussed between the applicant and staff of the Department to ensure mutual understanding. As a result a number of amendments have been made to the two draft licence documents. The series of draft reports and concession documents and the applicants' comments on these can be found on file Pac 02 06 36 01.

8.0 Recommendation

Pursuant to a written delegation it is recommended that the Conservator:

1. **Decline** that part of the application as it relates to off track camping, gorging, abseiling coastal rock faces and/or coasteering activities within the Te Paparahi Stewardship Area.
2. **Agree** that the application is only of regional significance.
3. **Approve** the General Manager Operations, Northern, acting under delegated authority to grant approval to the national licence in respect of those sites within the Auckland Conservancy.
4. **Approve in principle** the granting of two fifteen year licences (national license and separate license relating to Kaikoura Island) to Sir Edmund Hillary Outdoor Pursuits

Centre subject to the outcome of public notification process, and the standard and special conditions identified in the attached draft concession documents.

If this application is approved in principle then the intention to grant the concession will be publicly notified.

Darcy Liddell

Darcy Liddell
Community Relations Officer – Permissions
Auckland Conservancy
Date: 9 October 2009

Concessions Supervisor comments:

Recommendations endorsed.

Date: 9/10/09

Darcy J.O.M. Liddell

Conservancy Solicitor comments:

Date:

Glen has given her endorsement of this to CSM by phone & a follow-up email.

9/10/09

[Signature] CSM.

Conservation Support Manager comments:

Recommendations endorsed.

Date:

9/10/09

[Signature]

Recommendation:

- Agree to*
1. ~~Approved~~ / Declined *as per recommendation 1.*
 2. Agree / ~~Disagree~~
 3. Approved / ~~Declined~~
 4. Approved / ~~Declined~~

Sean Goddard
Auckland Conservator
Date:

9th October 2009

[Signature]