

First Determination Report to:
The Community Relations and Technical Support Manager
Wanganui Conservancy

(Approval in Principle/Decline)

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



Department of Conservation
Te Papa Atawhai

1.0 Introduction

1.1 The Application

The Department has received an application for Education/Instruction from 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.

This report is relevant to the Wanganui Conservancy only.

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 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 etc.

Please see attached refer to section 3.1 of this report for specific details of the proposed activities and areas.

The Centre also wishes to include the use of structures in the licence. Further details of these structures are also specified in section 3.1 of this report.

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

The status of the land affected by the application is:

Ruahine Forest Park
Egmont National Park
Whanganui National Park
Mohakatino Conservation Area
Mokau River 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.

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 Sir Edmund Hillary Outdoor Pursuits Centre has been operating for over thirty years. It has expanded during that time to become a large, well established centre. There is no evidence to indicate that this will not continue in the future.

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 Sfrito.

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."

2.7 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, the provisions of the Conservation Act 1987 and the relevant conservation management strategy, or plan.

3.0 3.0 Matters for Consideration

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

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

The land and concession activity are further defined as follows:

Activity	Area	Maximum number of clients per year	Maximum party size
Tramping Guide to Client ratio: 1: 10	Ruahine Forest Park <ul style="list-style-type: none"> North /South Traverse from Kuripapango to Pohangina River 	120	13
	Egmont National Park: <ul style="list-style-type: none"> Stoney River track Ahukawakawa Track Kaiauai Track Kokoowai Track The Puffer Maketawa Track Curtis Falls Track Waingongoro Track Summit Track Lower Dive Track Upper Dive Track 	100	13
Mountaineering Guide to client ratio 1:4 technical	Egmont National Park: <ul style="list-style-type: none"> Mt Taranaki 	120	15
Huts/Campsites used	Egmont National Park <ul style="list-style-type: none"> Camphouse Tahurangi Lodge Kapuni Lodge Syme Hut Lake Dive Hut Waiaua Gorge Hut Kahui Hut Holly Hut 	120	13
	Whanganui National Park <ul style="list-style-type: none"> Whakahoro John Coull Hut Tieke Marae 	180	13
	Mohakatino Conservation Area Mokau River Scenic Reserve <ul style="list-style-type: none"> Mokau River 	20	13
	Ruahine Forest Park <ul style="list-style-type: none"> Mid Pohangina Hut Waikamaka Hut Top Maroepa Hut Maroepa Forks Hut 	120	13

Comment

The activities (if not all locations) requested are presently the subject of a short term permit and therefore considered acceptable. The exceptions are canoeing in Whanganui National Park, Mohakatino Conservation Area and Mokau River Scenic Reserve. As the Rivers do not form part of those protected areas the activity has not been further addressed. Camping in the Mohakatino Conservation Area and Mokau River Scenic Reserve is the only new activity being asked for. As party sizes are small and the number of trips low in number, informal camping is acceptable.

3.2 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.

Although not identified by the Applicant, the Department considers that there could be a risk of fire associated with some activities (i.e. overnight camping).

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

- Follow the environmental care code
- Give consideration to different cultures
- Keep groups as small as possible
- Minimise use of heavily travelled tracks, especially during holiday periods
- When possible camp and take lunch breaks out of sight
- Respect other user's privacy and experience
- Keep 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)
- Do not leave personal markers
- Pick up any litter

- **Camping:**
 - Use existing campsites where possible
 - New sites - choose terrain not easily damaged
 - Minimise campsite construction
 - Avoid digging drainage channels around tents, cutting branches and trees and/or removing bush
 - Always leave campsite as clean and natural as possible

- **Fires:**
 - Only light fires where dead wood is available in abundance and replenished easily
 - No fires in National Parks
 - Avoid fires in high fire-risk situations
 - Light fires away from trees, roots and branches
 - Only use dead wood
 - All wood should be burnt to ashes and cold on departure and scatter (not in water supply), scatter collected wood

- Take care not to spill potential pollutants (kerosene, white spirits etc.)
- **Toilet Use:**
 - Toilet away from tracks, water and well frequented spots
 - For individual stops - shallow hole, covered after use
 - Standing camps - dig a shallow hole no deeper than the decomposed layer, spread layer of soils after each use, fill and cover when departing
 - Carry out or burn all sanitary protection
 - In mountain areas (greater visual impacts, slower waste decomposition), carry out human waste

- **Washing:** use container and after scatter all soapy water away from water source, refrain from using detergents
- Take all rubbish out (including left over food)
- Use reusable containers

Comment

Adherence to standard and special conditions included in the contract will ensure the applicant avoids remedies or mitigates many of the effects of the proposed activity.

3.3 Term

The term applied for is fifteen years.

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

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

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

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

Comment

This appears to cover all of the relevant issues.

3.6 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 Taupo Times, Waikato Times, The Herald, Hauraki Herald, Barrier Bulletin, Wanganui Chronicle, Manawatu Standard and Taranaki Daily News, Wairoa Star, Hawkes Bay Today and Rotorua Daily Post. Individuals, or groups may then object, or submit and be heard on the proposal. The objections and submissions will be considered in a 'final' report following notification.

3.7 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.

3.8 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.

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

The areas under application are managed under the Conservation Act 1987, the National Parks Act 1980 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"*.

National Parks Act 1980

National Parks are set aside for the purpose of *"preserving in perpetuity as national parks, for their intrinsic worth and for the benefit, use and enjoyment of the public"*(section 4(1)). The Act states that National Parks are administered to ensure as far as possible that they are preserved in their natural state. At the same time, the Act states the public has freedom of entry and access to parks for *"inspiration, enjoyment, recreation and other benefits"* (section 4(2)(e).

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.

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.

3.10 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 applicant wishes to include the use of existing structures in this licence, without the need to add or extend the structure.

3.11 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.

3.12 Exclusive Possession – Section 17U(6)

Section 17U(6) provides that:

“ No lease may be granted unless the applicant satisfies the Minister that exclusive possession is necessary for-

(a) The protection of public safety; or

(b) The protection of the physical security of the activity concerned; or

(c) The competent operation of the activity concerned.”

For the purposes of subsection (6) of this section, the competent operation of an activity includes the necessity for the activity to achieve adequate investment and maintenance.

Comment

Not applicable, a lease is not being applied for.

4.0 Planning Instruments

4.1 Relationship between Concessions and Conservation Management Strategies and Plans - Section 17W

Section 17W(1) provides *“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(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.”*

4.2 Wanganui Conservancy Conservation Management Strategy

The Wanganui Conservancy Conservation Management Strategy (CMS) is relevant to the areas under application. The CMS provides for recreation concessions and has an objective:

35.1

(i) To allow for wider visitor enjoyment of areas administered by the Department, by granting concessions for commercial recreation and tourism activities that are compatible with the protection of natural and historic values, are not inconsistent with the provisions of the Act under which the land is held or the purposes for which the land is held and do not adversely affect the appreciation and enjoyment of natural and historic values by others.

Comment

This application is not inconsistent with the objectives of the CMS. Inclusion of standard and special contract conditions will ensure that the objectives detailed above will be met.

4.3 Conservation Management Plans

The following Conservation Management Plans are relevant to the areas under application:

Whanganui National Park Management Plan

A concession for overnight stays in the park is consistent with the existing Management Plan and the Draft Plan 2006-2016.

Egmont National Park Management Plan

A concession for overnight stays, tramping and mountaineering in the park is consistent with the existing Management Plan.

Ruahine Forest Park Management Plan

A concession for overnight stays and tramping in the park is consistent with the existing Management Plan.

5.0 Conclusion and Special Conditions

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

The use of stated National Parks, Conservation Areas and Reserves for the purposes of Guiding Educational groups as well as skill, leadership and experiential training programmes open to the public is not inconsistent with the purpose for which the land is held.

In addition to the Department's standard concession conditions the special conditions outlined in the attached draft concession document are considered appropriate.

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.

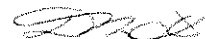
6.0 Applicants Comments

The applicant was sent the draft report and concession document for comment on 22 March. The applicant advised that they are happy with the draft report. No further comment was provided that requires further discussion or response.

7.0 Recommendation

Pursuant to the delegation it is recommended that the Community Relations Manager Wanganui Conservancy approve **in principle** the granting of a fifteen year concession 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 document.


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



Davina Mott
Community Relations Officer (Concessions)
Tongariro Taupo Conservancy
Date: 1 May 2007

Concessions Supervisor comments:

I support the recommendations of this
report based on the information contained
within it.


Stephanie Kemp
Date: 11/09/07

Recommendation:

1. Approved / ~~Declined~~



Peter Morton
Community Relations and Technical Support Manager,
Wanganui Conservancy
Date: 22/5/07