



First Determination Report

Notified concession

Application Details

Decision Maker	[REDACTED]	Twizel Operations Manager
Permissions Manager	[REDACTED]	
Applicant:	Alpine Recreation Canterbury Limited	
Permission Number	39955-ACC	
Permission Type	Notified Lease and Easement	

Key Dates

Application received	1 November 2014
Decision due	Overdue

Document Links

Application	DOCDM-1508681
Task Assignment	DOC-5964063

Resources

Permissions Advisor	Max Clark
District Office	Twizel Senior Heritage and Visitors Ranger [REDACTED]
	Twizel Senior Community Ranger [REDACTED]

1. Purpose

To make a decision on the application.

2. Context

Alpine Recreation Canterbury Limited (the Applicant) are a guiding company that offer trekking, climbing and skiing trips and courses. They own and manage Rex Simpson Hut, which is used as part of their guiding operations. The current lease concession for Rex Simpson Hut (CA-222-ACC, [OLDDM-308233](#)) expired in April 2014, and has remained active while the new Lease application is being processed. This application is for the continued lease of the site occupied by the hut.

The Applicant is a well-established operator, having been running since 1981 and with all guides being certified with the New Zealand Mountain Guides Association and the International Federation of Mountain Guides. The Applicant currently holds three concessions with the Department, two for their guiding operation as well as a Lease for Caroline Hut. The Applicant has held concessions with the Department since the early 1990s.

The Rex Simpson Hut has been in existence since 1985 and is used by the Applicant as accommodation for their guided walking trips over summer and for ski touring, snowshoeing trips and avalanche courses in winter. While the primary purpose of the hut is to accommodate the Applicant's guided trips, the hut is also made available for public use via a booking system [via the applicants website](#), with [guidance provided](#) about using the hut.

It is proposed that that hut continue to be used primarily by the Applicant's guided groups, while also available for public use through a booking system. Part of the hut would continue to be made available as an emergency shelter; however, this is not intended for planned overnight use.

The hut provides a number of facilities including a fully equipped kitchen, gas cookers, wood burning stove and solar powered electric lighting. The hut is accessed via Richmond Station, current owned by Michael Burtscher. The applicant has acquired permission from Michael to access the Station in order to access the hut.

The previous Lease did not address vehicle access to the hut. However, there is an unnamed access road to the hut over Public Conservation Land that covers approximately 3km in length. This the only vehicle access to the hut, and the applicant uses this road for hut re-stocking and maintenance. Therefore, in addition to a Lease, this application also includes an Easement for vehicle access.

Term

30 years

Location

The activity has been applied for at the following location:

Conservation area	Description of location	Land status	Activity
Te Kahui Kaupeka Conservation Park	Rex Simpson Hut 43.7685° S, 170.6318° E Approx 60m ² footprint, 5.2 metres x 11.2 metres	s.19 - Conservation Park	Lease: To own, occupy and maintain Rex Simpson Hut for the purpose of providing overnight accommodation to guided clients and members of the public. No changes to the land or buildings are proposed.
	Unnamed access road to Rex Simpson Hut Approximately 3km in length over Public Conservation Land		Easement: For right of way for vehicle access to Rex Simpson Hut via the access road.

Figure 1: Location of Rex Simpson Hut, approximately 2km south of Mount Gerald.



Figure 2: Photo of Rex Simpson Hut from www.alpinerecreation.com, showing the exterior appearance of the hut.

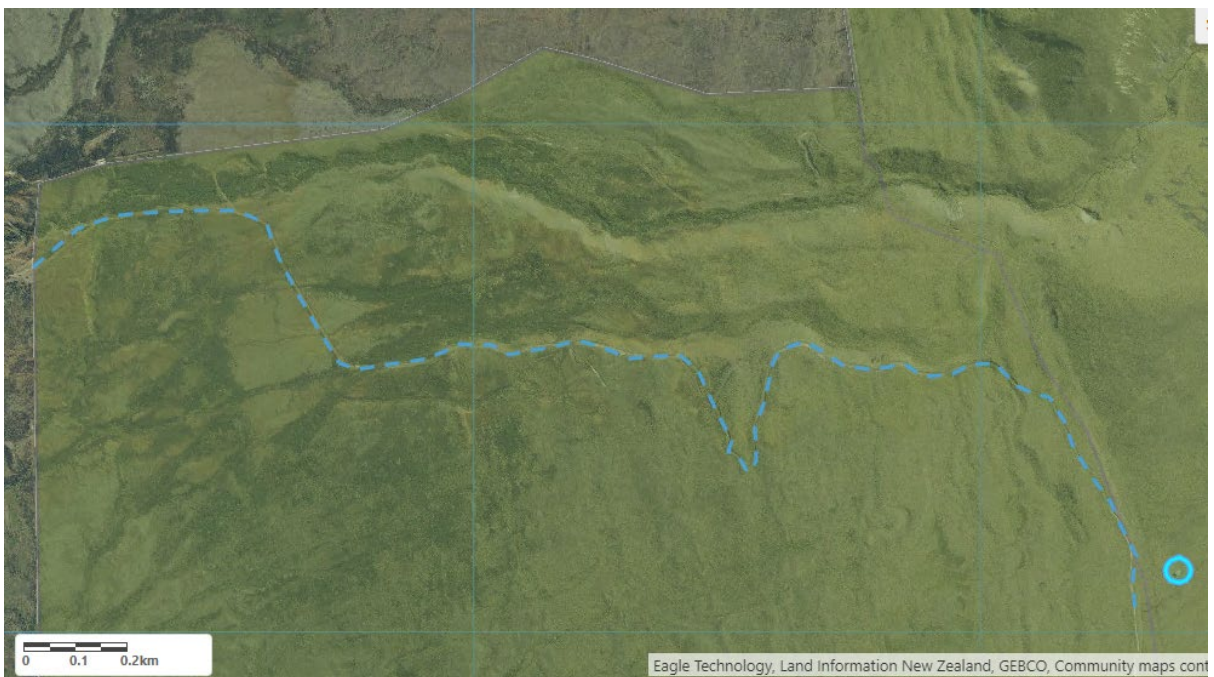


Figure 3: The access road (dashed blue line) to Rex Simpson Hut (blue circle). The road measures approximately 3km in length within Te Kahui Kaupeka Conservation Park (green area).

Relevant details about the Applicant

Credit check result	Credit check not required, as the applicant has held a lease with the Department before.
Compliance with previous permission conditions	No known breaches of previous permissions held by the Applicant.
Relevant convictions	The Department is not aware of any such convictions.

3. Critical Issues

1. How to ensure that all relevant consultation has been carried out?

Iwi triggers are met by the application, and iwi consultation was carried out by the District Office. The Canterbury Aoraki Conservation Board have been consulted, as the application requires public notification. This application had iwi consultation carried out in 2021, which is still considered relevant in 2023.

2. How to understand the activity fees associated with the activity?

A fee assessment has been submitted to the commercial team, as they are now processing assessments for all activity fees regarding buildings on public conservation land.

3. How to understand the requirements of the emergency shelter?

The emergency shelter and public booking system are parts of the application that allow the hut to meet the criteria of the Conservation General Policy (which states that states that private accommodation on public conservation land should be phased out).

The applicant needs to ensure that the emergency shelter they're offering is appropriate for public use. If we apply the basic standards for DOC huts, the emergency shelter at Rex Simpson Hut should meet the following minimum service standard requirements:

- **Weatherproof**
With natural light and ventilation
- **In a reasonable state of repair**
Fit for purpose, ie, not a store room
- **Not dangerous**
No flammable soft furnishings (curtains, mattresses, bedding).
Bunk barriers (if fall from bunk is >1m)
- **Not insanitary**
Bench flat surfaces must be clean/able to be cleaned

The ventilation is a safety measure for monoxide poisoning from gas cookers or lights. The Department has a sign to warn about this, which we can supply to the applicant. The District Office has advised that an A4 size louvred aluminium vent in the lower half of the door would be sufficient for ventilation purposes. As an emergency shelter in an alpine area, the ventilation cannot rely on the doors being left open (this would be inappropriate in the case of severe weather, for example).

As of winter 2023, the applicant has stated that they are willing to add a vent to the emergency shelter part of the hut as part of the proposed Lease.

We will carry out improvements to the ventilation of the emergency shelter at the next available opportunity, ie when the 4WD track through Mt Gerald Station is dry enough to drive up there with building materials (likely to be late November). Meantime please note that there is a ventilation shaft through to the main room of the hut.

4. How to understand if a Bond is necessary/possible?

A proposed special condition in the draft Contract states that:

The Concessionaire must ensure the Hut is available to be booked and used by the general public on the following terms: [...]

c) *If the booking system is discontinued for the Hut, the Grantor may require that the hut will be phased out and the facilities be removed at the Concessionaire's own cost.*

As well as:

Remediation

Unless otherwise instructed by the Grantor, upon the expiry, termination or surrender of this Concession, the Concessionaire must remove the hut, toilet, and kea-proof facilities from the Land, and restore the Land to a state which is as close as practicable to its previous state, to the satisfaction of the Twizel Operations Manager, at the expense of the Concessionaire.

This remediation must be fully completed within 12 months of the expiry, termination or surrender of this Concession. If this does not happen, the Director General may undertake the works at your expense.

Although the concession does not currently require a bond, a proposed special condition (Review Of Special Conditions) states that:

In addition to the express opportunities the Grantor has to review the conditions elsewhere in this Concession, the Grantor may within three (3) months after or before each Concession Fee Review Date, and after consulting with the Concessionaire, delete, amend, vary or add any condition to more effectively manage the Concession Activity and/or its effects.

This condition allows the Department to include a bond condition during a review period, after consulting with the concessionaire. This also provides a general option for reviewing the contract over the 30-year term, if the environmental or legislative state of the site changes.

5. How to understand the wastewater system at the Hut?

Communication with the applicant as of 10th May 2023 ([DOC-7336913](#)) states that:

The hut is in the sub-alpine, hence we have a toilet above a deep hole, and we empty the wastewater into the toilet. The hut does not have a sink, so we carefully collect all grey water from the hut in a grey water bucket and dispose it in the toilet. This has been the case since 1985 and a site visit will show you that there is no visible impact on the surrounding of the hut at all. We carry out all our compostable waste as well, so we have no danger of involuntarily planting out seeds into the environment. We collect our drinking water from well above the hut (approx. 200m from the hut).

6. How to ensure appropriate iwi engagement and public notification?

Iwi consultation has been carried out by the District Office.

Due to the local nature of the activity and the historic occupation of the site, it is considered that the activity is of regional interest only and any intention to grant the lease concession need only be advertised in the Christchurch Press.

7. Consultation with Treaty Partners

Twizel District Office – [REDACTED] Community Ranger

SECTION A: Treaty Settlement implications

- Is any site subject to the application due to be transferred to whānau, hapū, or iwi? No
- Has a Treaty settlement disclosure form been completed for the site? Were any existing encumbrances noted on that form? NA
- Who is leading the negotiations process for DOC in the Policy Negotiations Team? NA
- If your Treaty Partners have settlement legislation in place already, are there any specific post-settlement implementation obligations that relate to the site or proposed activity? NA

SECTION B: Marine and Coastal (Takutai Moana) Area Act 2011

Not applicable

SECTION C: Whānau, hapū, and iwi consulted

Consultation Summary			
Treaty Partner consulted with	Arowhenua	Moeraki	Waihao
Date consultation was sent out	3 May 2021	3 May 2021	3 May 2021
Consultation time frame end	31 May 2023	31 May 2021	31 May 2021

date			
Consultation method (email, phone, face to face etc)	email	email	email
How many attempts made to consult?	1	1	1
DOC-CM link to any consultation emails received	docCM - Arowhenua Formal Response rex Simpson 39955-ACC	DOC-7363254	DOC-7363247

SECTION D: Consultation with Arowhenua

- Does this application activate any agreed triggers for consultation with Treaty Partners?

Yes - Answer remaining questions.

- Did the whānau, hapū, or iwi engage in consultation on this application? If not, ensure attempts to engage are detailed in Section C.

Yes

- What is the interest of the whānau, hapū, or iwi in the site or activity?

Wastewater treatment.

- What are their views on the activity (taking place at the specified site)?

Supportive

- What sort of adverse effects do the whānau, hapū, or iwi believe the activity will have on their interests (at the specified site)?

19th May - Tania Richardson from Aukaha (consultant to Rūnanga o Moeraki) would like to know what happens with sewage and waste water at the hut. A quick search gave me details for Caroline Hut (pumped and flown out). Would you know by any chance what happens at Rex Simpson hut? Are you happy to ask Anne, or do you want me to enquire?

Enquired with the applicant and replied:

Rex Simpson Hut has a long drop (same as the nearest DOC hut - Camp Stream Hut). So no tank (sorry for my wrong assumption). It is used only for toilet waste and grey water; all solid materials (including biodegradable waste) get carried out.

The water source is a small unnamed stream off the saddle and piped underground to about 100-150 m from the hut, where it can be collected. The satellite photo does not show the pipeline or collection point.

- Have the whānau, hapū, or iwi identified any methods to avoid, remedy, or mitigate these effects?

No

- Summarise any other information provided by the whānau, hapū, or iwi.

All in support

8. Contributions

Fee Assessment for Activity Fee

All commercial leases on DOC land now require a fee assessment from the Commercial team. The fee assessment has been completed as of 21 June 2023.

Fee assessment form: [DOC-7332383](#)

Caroline Hut Concession (81603-ACC)

The applicant has an active lease with the Department for Caroline Hut currently (81603-ACC, March 2022 – Feb 2027). They built and have been operating Caroline Hut for their guided activity since November 1990. The hut was established under s50 of the National Parks Act and is located within the Aoraki/Mt Cook Tōpuni area boundary.

The 5-year lease for Caroline Hut reflects the ongoing Aoraki Mount Cook National Park Management Plan review, and that it is also located in a Tōpuni area. The Lease for Caroline Hut provides that on its expiry, the Department can decide that the land should not be leased again and that ARCL will not be entitled to compensation for any improvements and will remove the hut.

By comparison, Rex Simpson Hut is not in a Tōpuni site or in Aoraki Mount Cook National Park. There is nothing to indicate that a 30-year term for Rex Simpson Hut is inappropriate, or that it should be removed after the proposed Lease ends.

Relevant links for 81603-ACC:

[Caroline Hut Contract](#)

[Caroline Hut Fee Assessment](#)

[Caroline Hut DSD](#)

Canterbury Aoraki Conservation Board feedback

Consultation with the Canterbury Aoraki Conservation Board has been triggered by public notification of the application. The Board was largely supportive of the Hut's valuable recreational function, with some key issues flagged (in bold text below) as important to address

regarding the proposed Lease ([DOC-7366339](#), received 7 July 2023).

- **Conditions that ensure if lease is terminated that building and ancillary structures are removed – Such conditions should be included in the lease.**

The draft Lease has a condition that:

If the booking system is discontinued for the Hut, the Grantor may require that the hut will be phased out and the facilities be removed at the Concessionaire's own cost.

The following condition has also been added to the draft Contract.

Site Remediation

Unless otherwise instructed by the Grantor, upon the expiry, termination or surrender of this Concession, the Concessionaire must remove the hut, toilet, and kea-proof facilities from the Land, and restore the Land to a state which is as close as practicable to its previous state, to the satisfaction of the Twizel Operations Manager, at the expense of the Concessionaire.

This remediation must be fully completed within 12 months of the expiry, termination or surrender of this Concession. If this does not happen, the Director General may undertake the works at your expense.

- **Shorter Lease term – The application is for 30 years. This may be longer than the lifespan of the building. 20 years with a right of renewal may be more suitable.**

The conditions for Site Remediation (see above) are considered sufficient to manage any difference between the lifespan of the building and the term of the lease. 30 years is a common term issued for public huts on DOC land.

- **Conditions to encourage sustainable energy use – Conditions in the lease should encourage a sustainable approach to heating, insulation, and lighting.**

The draft Lease has a condition that:

The Concessionaire must use clean fuels in preference to fossil fuels wherever possible.

- **Conditions that ensure sewerage system is up to standard – It is my understanding that the toilet is a fly-out system like what the company have at Caroline Hut. So in this tussock environment it is an ideal practice to look after the site.**

This is addressed by various conditions in the draft Lease:

The parties acknowledge that the Concessionaire's current toilet facility is a long drop. In accordance with Clause 9.5 of Schedule 2, the Concessionaire

acknowledges that the Grantor may require the Concessionaire to make alternative provision for a sanitary facility if, at any time during the term, the Grantor acting reasonably, considers an alternative facility is appropriate.

The Concessionaire's toilet facilities on the Land must comply with the following:

- a. There must be no discharge of sewage from the toilet onto the Land or adjoining public conservation land;*
- b. The toilet facilities must comply with the provisions of the Resource Management Act 1991 at all times, including any requirements to obtain and comply with all resource consents necessary to install and operate a toilet system, and must comply with all district and regional plans, including any relevant permitted activities.*

The Concessionaire must obtain the prior written approval of the Twizel Area Manager prior to moving or installing any new toilet facilities on the Land.

The Concessionaire must, if requested by the granter, install a soak pit well away from any waterbody and drain greywater into the soak pit. The location of the soak pit must have the prior written approval of the Twizel Area Manager.

The Concessionaire must comply with any lawful notice or direction issued by local authorities regarding sewage and/or storm water disposal from the Land. The Concessionaire must indemnify the Grantor for any loss or damage caused or suffered as a result of non-compliance with this condition, including without limitation, the cost of ensuring compliance with any such direction or notice.

- **A public booking system – A public booking system to enable other uses apart from the lessee to have access to the building is essential.**

The applicants have this booking system set up & accessible already, and this is addressed by various conditions in the draft Lease:

The Concessionaire must ensure the Hut is available to be booked and used by the general public on the following terms:

- a) An easily available booking system will be maintained by the Concessionaire;*
- b) The Concessionaire may charge a fair and reasonable fee agreed to by the Grantor for the use of the facilities;*
- c) If the booking system is discontinued for the Hut, the Grantor may require that the hut will be phased out and the facilities be removed at the Concessionaire's own cost.*

The Concessionaire shall have no right to exclude members of the public from the

use of the Hut when such use is in accord with the purpose for which the Hut is maintained. Reasons the Concessionaire may exclude the general public from the use of the Hut may include but are not limited to:

- a) knowledge that there is no booking available for the Hut at that time because all available bookings are taken;*
- b) the proposed user is known to the Concessionaire to be unlikely to meet the obligations in respect of care in the use of the Hut or payment for its use.*

The Concessionaire shall allow the Grantor to annually audit the public booking system.

The Concessionaire shall provide an annual return of user numbers to the Twizel District Office, on a form provided by the Grantor, to the Grantor on the Concession Fee Payment Date each year.

The Concessionaire must record all related queries and bookings. These records must be made available to the Grantor within 10 working days of the request.

Twizel District Office: Ursula Paul, Senior Ranger Community

In support of this application to be approved, under condition that emergency shelter gets improved as discussed (ventilation/light).

Analysis of the Principles of the Treaty of Waitangi

Max Clark, Permissions Advisor

Section 4 of the Conservation Act 1987 states ‘This Act shall be so interpreted and administered as to give effect to the principles of the Treaty of Waitangi’.

The key [principles](#) of the Treaty of Waitangi that apply to DOC’s work are:

1. Partnership – mutual good faith and reasonableness: The Crown and Māori must act towards each other reasonably and in good faith;
2. Informed decision-making: Both the Crown and Māori need to be well informed of the other’s interests and views;
3. Active protection: The Crown must actively protect Māori interests retained under the Treaty as part of the promises made in the Treaty for the right to govern;
4. Redress and reconciliation: The Treaty relationship should include processes to address differences of view between the Crown and Māori.

Discussion:

Iwi consultation for this application was triggered by the Twizel District Office. The district office consulted with 3 iwi entities (Rūnanga o Arowhenua, Rūnanga o Waihao, Rūnanga o Moeraki) regarding guided hunting activities in the three proposed National Parks. The

district office received one response, from Kylie Hall on behalf of Te Rūnanga o Arowhenua (Arowhenua) and Aoraki Environmental Consultancy Limited (AEC).

The relevant Treaty Partner for this application is Ngāi Tahu through their hapū, Te Rūnanga o Arowhenua. The Department and Ngāi Tahu have worked together in partnership to come up with a triggers document that reflects when and why consultation with Ngai Tahu is required. The agreed triggers document ensures informed decision making and active protection of Māori interests.

The District determined that iwi consultation should be undertaken and have done so using the agreed communication channels. Arowhenua and AEC support the on-going use of Rex Simpson Hut for the proposed activity.

Feedback from iwi has been considered and measures taken to address concerns through standard and special conditions where appropriate to protect Maori interests. No other active protection provisions are known.

Redress and reconciliation may be considered to have been achieved through the Ngāi Tahu Claims Settlement Act 1998.

It is the Department's view that in this instance, the manner in which the Department has considered tangata whenua meets section 4 of the Conservation Act and has given effect to the principles of Te Tiriti o Waitangi.

Statutory Analysis: Notified Concession under Part 3B of the Conservation Act 1987

Max Clark, Permissions Advisor

S17S: Contents of application

To be complete (s17S(1)), an application for a concession must include:

- A description of the proposed activity;
- A description of the locations for the proposed activity;
- A description of the potential effects of the proposed activity and proposed action to avoid, remedy, or mitigate adverse effects;
- The proposed term and reasons for that term;
- Relevant information about the application (as requested in the application form).

Criteria for decision:

- Does the application include all the required information as per s17S?

Yes

S17T(2): Process for complete application

The intention to grant a concession must be publicly notified it meets any of the following criteria:

- The concession type is a lease – this is for exclusive use of public conservation land;
- The term of the concession exceeds ten years (unless it is an easement – an easement may be granted for a term exceeding ten years without public notification);
- The effects of the activity mean it is appropriate to do so.

Criteria for decision:

- Is public notification required?

Yes

State why public notification is required:

This application is for the exclusive use of public conservation land. On this basis, there is a requirement to notify the application.

As the application was originally submitted prior to 2017, under section 1AA of the Conservation Act 1987, the notification must be made in line with the CA87 prior to amendments of 18 October 2017. The relevant sections include:

As per s17T(4) and s17T(5):

(4) 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.*

(5) Before granting a licence with a term (including all renewals) not exceeding 10 years, or a permit or easement, in respect of a conservation area, the Minister may give public notice of the intention to do so if, having regard to the effects of the licence, permit, or easement, he or she considers it appropriate to give the notice.

As per s49(2)b:

(b) every objection or submission shall be sent to the Director-General at the place and before the date specified in the notice in that behalf, being a date *not less than 40 working days after the date of publication* of the notice;

Therefore, public notification of the Intention to Grant must be publicly notified for 40 working days.

After having regard to the contents of this Report and the effects at this location, it is considered appropriate to publicly notify the intention to grant the easement pursuant to s.17T(5).

S17U(1) and (2): Analysis of effects

Briefly discuss the positive and adverse effects of the proposed activity, drawing on information from:

- The application form, as provided by the Applicant; and
- The contributions described in the context and check in meetings, and outlined in this document.

Criteria for decision:

- Is the activity consistent with s17U(1) and (2) of the Conservation Act?

Yes

Discussion:

Flora and fauna

A potential adverse effect of the hut's presence in Te Kahui Kaupeka Conservation Park is the associated trampling of vegetation and disturbance of wildlife. The hut is located on an existing network of walking tracks, and any vegetation trampling will mostly be confined to such tracks. The proposed special condition for vehicle use confines all vehicle use to the existing unnamed access road.

The hut is located at the edge of the known range of kea as of 2023. Special conditions are proposed to ensure any lead-based products on the hut are replaced during routine maintenance, to protect kea from lead poisoning.

Fire risk

There is increased risk of fire that comes with having the hut bring visitors to the area. The proposed special conditions for fire state that the applicant must supply adequate fire extinguishing appliances and communicate the fire risks at the site to all clients and invitees.

Public use of hut

The applicant has an existing online system of hut booking for members of the public. The proposed special conditions directs the applicant to record all related queries and bookings, and provide an annual return of visitor numbers to the Department.

If the public booking system is discontinued, the proposed special conditions state that the Department may require that the hut is removed at the applicant's own cost, as this would constitute a significant change of activity (moving from public use to exclusively private use).

Emergency shelter

The proposed special conditions regarding the emergency shelter at the hut state that it must always remain unlocked and meet the minimum service standard requirements for DOC huts:

- Weatherproof, with natural light and ventilation;
- In a reasonable state of repair;
- Not dangerous, and;
- Not insanitary

Cultural considerations

The proposed special conditions regarding Ngāi Tahu and Wāhi Tapu state that the applicant must respect the cultural value of the land, any interpretation of such cultural matters, and consult the relevant Rūnanga if they wish to use Ngāi Tahu cultural information.

Monitoring conditions

The proposed special conditions for monitoring state that the Department may visit the site for building inspections or emergency purposes only, and that costs may be recovered by the Department for site assessments.

Pristine environment

There is no known evidence of environmental degradation, or any sign of rubbish from the Applicant's use of the hut in the 30 years of use. To account for potential adverse effects, the special conditions relating to fuels and waste, sanitary facilities, and wastewater are proposed.

If the public booking system is discontinued, or following the expiry, termination or surrender of the lease, the applicant is required (under the proposed conditions for Public Use of the Hut and Site Remediation) to fully remediate the site "to a state which is as close as practicable to its previous state". If this does not happen, then the Department may undertake the works at the applicants' expense.

Visual impact

The footprint of the hut is minimal, and the hut is coloured to blend in with the surrounding landscape (i.e. a tan and beige palette). When the hut becomes half-covered in snow, it is more visible against the white background, but is no more "offensive" visually than any of the other sub-alpine huts in the area.

Ongoing maintenance

To ensure that the applicant can protect their infrastructure investment and provide a safe operation, the proposed special conditions allow the rights to carry out on-going maintenance without consulting the Department each time, "where such maintenance does not alter the external appearance of the hut".

Summary

In conclusion, with the proposed special conditions listed in the contract, the hut and its use is consistent with s17U(1) and (2) of the Conservation Act. Any adverse effects of the activity will be sufficiently avoided, minimised, or mitigated by the proposed special conditions.

S17U(3): Purpose for which the land is held

A concession shall not be granted if the proposed activity is contrary to the purpose for which the land is held.

Criteria for decision:

- Is the activity not contrary to s17U(3) of the Conservation Act? (That is, consistent with the purpose for which the land is held – although note that 'not contrary to' is not as high as a test as 'consistent with').

Yes

Discussion:

Rex Simpson Hut is located within Te Kahui Kaupeka Conservation Park. Conservation Parks are held under the Conservation Act 1987 for the purpose of managing the area so that its natural and historic resources are protected and subject to this, to facilitate public recreation and enjoyment.

It is considered the activity under application is not contrary to the purpose for which the land is held, as on-site accommodation facilitates recreation and enjoyment of the park.

With the general clauses and special conditions listed in the contract, the proposed activity is consistent with s17U(3) of the Conservation Act and is not contrary to the purpose that the land is held for.

S17U(4): Can a structure or facility be reasonably undertaken elsewhere?

A concession to build or extend a structure or facility shall not be granted if the activity could reasonably be undertaken in another location that is outside conservation land or in another conservation area where the potential adverse effects would be significantly less, or if the activity could reasonably be undertaken in an existing structure.

Criteria for decision:

- Is the activity consistent with s17U(4) of the Conservation Act? (That is, the activity cannot reasonably be undertaken at another location or in an existing structure?)

No

Discussion:

Rex Simpson Hut is an existing structure that has been in place for over 30 years. The adverse effects of moving the structure to another location would be greater than using this existing structure. Therefore, it is not considered reasonable for the activity to be undertaken in another location. The activity is therefore consistent with s17U(4) of the Conservation Act.

S17W: Relationship between concessions and conservation management strategies and plans

A concession shall not be granted unless the proposed activity is consistent with any established conservation management strategy, conservation management plan, and/or national park management plan.

Criteria for decision:

- Is the activity consistent with all relevant statutory planning documents?

Yes

Discussion:

The following statutory documents are relevant to this application and are discussed in more detail below:

- Conservation General Policy 2005 (CGP)
- Canterbury (Waitaha) Conservation Management Strategy 2016 (CCMS)

Conservation General Policy 2005 (CGP)

Policy 10 (Accommodation and Related Facilities) in the CGP states that private accommodation on PCL should be phased out, which is not relevant for Rex Simpson Hut while it is available for public booking. The remaining issues around accommodation raised in the CGP are all covered in the Canterbury CMS, as addressed below.

Given the inclusion of the recommended special conditions, the proposed activity is considered to be consistent with the Conservation General Policy.

Canterbury (Waitaha) Conservation Management Strategy 2016 (CCMS)

Policy 3.10.1 outlines that a number of criteria should be applied when considering applications to retain structures on public conservation lands. Criteria from this policy relevant to this application is as follows:

- The purposes for which the land is held;
- The outcomes and policies for the Place where the activity is proposed to occur;
- Whether the structure could reasonably be located outside public conservation lands;
- Whether the structure could reasonably be located in another location where fewer adverse effects would result from the activity;
- Whether the structure adversely affects conservation, including recreational, values;
- Whether the structure is readily available for public use;
- Whether the structure is consistent with visitor management zones;
- Whether the policies for private accommodation and related facilities should be applied.

As outlined above, the proposed activity is considered not to be contrary to the purposes for which the land is held. There are no location-specific outcomes and policies within the CMS that are relevant to the proposed activity.

Given that the hut is already established, and that it is placed where it is so as to allow recreational utilisation of the surround routes, it is not considered appropriate that the hut be situated in a different location.

While a different set of policies govern 'private accommodation and related facilities' in section 3.11, the proposed activity is not exclusively for private use, so does not therefore fall under such policies.

Section 3.2.3 of the CCMS states that the Department "may allow motorised vehicles on public conservation lands for the construction, operation and/or maintenance of authorised utilities", which encompasses the proposed use of the unnamed access road to Rex Simpson Hut. Any adverse effects will be monitored by the District Office, along with the monitoring for the hut itself.

Given the above considerations and the inclusion of the recommended special conditions, the applied for activity is considered to be consistent with the Canterbury (Waitaha) Conservation Management Strategy 2016.

Summary

Subject to adherence to the standard clauses of a Lease and any proposed special conditions, if it were granted, it is considered that the proposed activity would not be inconsistent with the relevant statutory planning documents (Conservation General Policy and Canterbury Conservation Management Strategy).

9. Proposed Operating Conditions

Conditions

Standard conditions applicable to the proposed activity:

Refer to Schedule 2 of the draft Contract: [DOC-7331535](#)

Special conditions relevant to this application:

- ✓ Climate Change considerations
- ✓ In respect to Ngāi Tahu
- ✓ Wāhi Tapu
- ✓ Interpretation materials
- ✓ Fuels and Waste
- ✓ Vehicle use
- ✓ Sanitary facilities
- ✓ Wastewater disposal
- ✓ Fire
- ✓ Kea protection
- ✓ Animals
- ✓ Structures and facilities
- ✓ Emergency shelter
- ✓ Maintenance
- ✓ Department monitoring
- ✓ Public Use of the Hut
- ✓ Site Remediation
- ✓ Review of Special Conditions

Monitoring

Standard Departmental charge-out rates for staff time and mileage required to monitor the effects of the Concession Activity apply. See Schedule 3 of the draft contract.

Term

30 years

Fees

Processing fee: [REDACTED]

- This processing fee represents the processing fees accrued *to the point of notification* and does not include the cost of Public Notification or the final decision post-notification.

Management fee: \$400.00 plus GST per annum

This is comprised of:

- the base rate: \$150.00 plus GST

- rent/fee review: \$100.00 plus GST
- annual activity returns: \$150.00 plus GST

Activity fee: The sum of the:

- Lease Fee [REDACTED] and [REDACTED]
- Easement fee (\$1,463.00 per annum plus GST)

A fee assessment has been submitted to confirm the activity fee: [DOC-7332383](#)

10. Applicant Comments

Comments received from Applicant ([DOC-7371430](#))

We will carry out improvements to the ventilation of the emergency shelter at the next available opportunity, ie when the 4WD track through Mt Gerald Station is dry enough to drive up there with building materials (likely to be late November). Meantime please note that there is a ventilation shaft through to the main room of the hut.

Discussion

These comments are consistent with discussions that the District Office and Permissions Advisor have had with the applicant. The District Office will assess the hut in the 2023/24 summer season after these changes have been made.

11. Decision Making

Recommendations

The proposed activity is not contrary to the purpose for which the land is held and is consistent with all relevant statutory planning documents (Conservation General Policy and Canterbury Conservation Management Strategy).

It is considered that any adverse effects can be managed by ensuring strict adherence to the terms, clauses, and special conditions proposed.

The applicant provides public bookings for the hut via their website and maintains the hut to an acceptable standard. Part of the hut is unlocked to provide emergency shelter for the public. The District Office supports the applicant's management of the hut, as part of the wider network of huts in the area.

A proposed special condition, "Review Of Special Conditions", allows the Department to potentially include a bond condition during a review period, after consulting with the concessionaire. This also provides a general option for reviewing the contract over the 30-year term, if the environmental or legislative state of the site changes significantly. The proposed activity and existing strictures are not high-risk, and a bond is not currently recommended by the District or Permissions Advisor.

Based on this, I recommend that this application for a Lease and Easement is Approved in

Principle for the full term of 30 years, and then publicly notified.

Recommendations to Decision Maker

After having regard to the contents of this Report and the effects at this location, I consider that it is appropriate to publicly notify the intention to grant the Lease and Easement pursuant to s17T(5).

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

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. Agree that a bond, pursuant to s17X(e) is not required; and
4. Approve in principle the granting of a Notified Concession (Lease and Easement) subject to the standard and special concession conditions identified in this report to ALPINE RECREATION CANTERBURY LIMITED; and
5. Having regard to s49(1) of the Conservation Act 1987, be satisfied that any intent to grant the concession would be of regional interest only, in which case the publication of the public notice on this matter be limited notice in The Christchurch Press.



Signed by _____ Permissions Advisor
Christchurch Shared Service Centre

___17 July 2023_____

Date

Recommendations:

1. Approved / Declined

2. Agree / Disagree
3. Agree / Disagree
4. Approved / ~~Declined~~
5. Agree / ~~Disagree~~



Signed by [redacted] Twizel Operations Manager
Pursuant to the delegation dated 9 September 2015

11 July 2023
Date

Decision Maker comments

Decision Maker may comment here on the rationale behind their decision.