



Intention to Grant a 5 year Lease (Approved In Principle)

To Fire and Emergency New Zealand For the location of the Kaiteriteri Fire Station in Kaiteriteri Recreation Reserve, Inlet Road, Kaiteriteri

1. Context

The Applicant has applied for a renewal of a lease for the fire station land and building in Kaiteriteri Recreation Reserve. The fire station occupies an area measuring approx. 0.3 ha.

The Fire Service is a statutory Crown agent created to provide fire-fighting and emergency services throughout New Zealand as well as fire safety education. The Applicant has held a concession over the land since 1 September 1997 (NM-22753-OTH) and intends to continue using the land for fire-station purposes with no changes anticipated.

The applicant does not intend to make any changes to the existing building.



Kaiteriteri Volunteer Fire Brigade Building - Inlet Road, Kaiteriteri (Kaiteriteri Recreation Reserve)

Location



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

Julia Mackie, Permissions Advisor

Decision in Principle

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:

1. Does the application include all the required information as per s17S?

Yes

S17T: Process for complete application

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

- The concession type is a lease – this is for exclusive access to public conservation land;
- The term of the concession exceeds ten years;
- The effects of the activity mean it is appropriate to do so.

Criteria for decision:

2. Is public notification required?

Yes

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

The application is for the renewal of a lease for the continued location of an emergency services building on public conservation land, that being Kaiteriteri Recreation Reserve.

Continued occupation of the area of the Reserve would ensure the continued provision of fire and emergency services to all resident and visitors to the area is maintained.

The potential adverse effects on conservation values of this activity are considered to be minimal and would be appropriately managed by the standard conditions of Lease and recommended special conditions included in this report.

The Kaiteriteri Recreation Reserve is controlled and managed jointly by the Kaiteriteri Recreation Reserve Board and the Department via the Kaiteriteri Recreation Reserve and Kaka Point Historic Reserve Management Plan 2016. The Board has been consulted and responded

that they remain committed to making provision for a site on the Reserve for a Fire Station in the long term. Due to major landscaping works planned for in the Reserve, the existing building may need to be relocated and therefore the Board considers a five year term most appropriate. The Board also commented they wish to retain the ability to re-site the building within the Reserve at any point in time should this be desirable as part of the Phase 3 Development Project.

The following special condition is recommended for inclusion should the application be approved.

1. The Grantor and Kaiteriteri Recreation Reserve Board may, if considered appropriate, direct the Concessionaire to re-locate the building elsewhere within the Kaiteriteri Recreation Reserve should landscaping work need to be undertaken as part of the Phase 3 Development Project. All costs associated with any re-location required, is to be borne by the Concessionaire.

Criteria for decision:

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

Yes

Discussion:

Section 3B of the Conservation Act 1987 refers to the compliance of concessions with a conservation management strategy or plan. The Reserves Act 1977 transfers this reference to a management plan prepared under the Reserves Act 1977, where an administering body like the Board controls the concession process.

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:

4. Is the activity not contrary to the purpose for which the land is held?

Yes

Discussion:

The continued occupation of this small area of the Reserve would not affect the purpose for which recreation reserves are held under the Reserves Act 1977 and therefore is still considered not contrary with the purpose for which the land is held.

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:

5. Is the activity consistent with all relevant statutory planning documents?

Yes

Discussion:

Kaiteriteri Recreation Reserve and Kaka Point Historic Reserve Management Plan 2016

Sections 7.2 Concessions and 9 Non-recreation concessions relate to this application.

7.2 policies provide that concession activities for activities within the Reserve are advertised for submissions where necessary and recommendations from both the Board and the Department will be considered prior to any concession being issued. The concession must be consistent with this Plan and the Board is responsible for monitoring and managing approved concession activities. Policy (5) provides for the Board to set concession fees for leases...with consideration of national standard applied by the Department. Policy (6) states application processing costs will be recovered by the Department and (8) any income from concession leases to be applied by the Board to the operation, management and development of the Reserve.

7.2.3 Method 2) states the Department will present concession applications and a draft determination report to the Board for review before any decision to grant or refuse an application are made.

Section 9 specifically includes mention of the lease to the fire brigade for the fire station at a peppercorn rental of benefit to the wider community and the Reserve and explains that recreational enjoyment of the Reserve and natural values are not adversely affected by the current non-recreation concessions and these types of activities can occur in the Reserve where adverse effects can be avoided. Relevant 9.1.2 Policies state non-recreation applications will be considered on a case by case basis by the Boards (in accordance with the Conservation and Reserves Acts); non-recreation concession activities should only occur where there is no reasonable alternative for location elsewhere.

Comment - In this instance the application relates to an existing structure and therefore cannot reasonably be located elsewhere outside of the Reserve.

The application has been processed as per the Management Plan policies above and the continued location of the fire station on this small portion of Reserve is considered consistent with Plan provisions.

3. Proposed Operating Conditions

Conditions

Standard conditions applicable to the proposed activity:

Please refer to draft Lease at link below

[59883-OTH Fire and Emergency NZ draft lease concession =DOC-3122417](#)

Special conditions relevant to this application:

1. The Grantor and Kaiteriteri Recreation Reserve Board may, if considered appropriate, direct the Concessionaire to re-locate the building elsewhere within the Kaiteriteri Recreation Reserve should landscaping work need to be undertaken as part of the Phase 3 Development Project. All costs associated with any re-location required, is to be borne by the Concessionaire.

Term

The applicant has stated that their preferred term is for a term of 5 years with a right of renewal for a further 5 years.

Discussion

The Kaiteriteri Recreation Reserve Board has recommended a term of 5 years only in view of the proposed landscape development works that likely would occur in the area and result in the fire station building needing to be relocated to a suitable site elsewhere in the Reserve. At that time a new lease should be applied for to reflect the relocated site.

It is therefore recommended a term of 5 years in approved.

Fees

In view of the public good and community benefit that would continue to derive from locating this fire station at this location, it is not considered appropriate to charge activity and management fees for occupation of the site. A fee waiver has been approved - linked at [Fee waiver 59883-OTH NZ Fire Service Kaiteriteri DOC-3151313](#).

It is recommended the processing fee of \$1540 +GST is recovered from the applicant.

Note: This fee section is proposed to be removed in the support document version to be notified.

4. Applicant comment:

In view of the proposed special condition relating to the potential relocation of the building, it was considered prudent to liaise with the applicant to ensure they were aware of the proposed landscaping plans and also that the Board's request was workable.

The applicant responded confirming FENZ is happy with 5 year initial term and acknowledging that the fire station may be required to be relocated within that time. It was also confirmed that any costs associated with a relocation would be borne by FENZ not the Department.

5. Decision Making

Recommendation

Approve the granting of a lease to Fire and Emergency New Zealand for a term of 5 years. The Kaiteriteri Recreation Reserve Board supports the application.

Decision: Notified Concession under Part 3B of the Conservation Act 1987 and Section 59A of the Reserves Act 1977

Decision in Principle

1. Deem this application to be complete in terms of s17S of the Conservation Act 1987:

Agree / ~~Disagree~~

2. Agree that if this application is approved in principle then the intention to grant the concession will be publicly notified:

Agree / ~~Disagree~~

3. Approve in principle the granting of a LEASE to FIRE AND EMERGENCY NEW ZEALAND subject to the standard concession contract and the special conditions listed below:

Approve / ~~Decline~~

4. Having regard to s49(1) of the Conservation Act 1987, agree that any intent to grant the permission would be of local or regional interest only, in which case the publication of public notice on this matter be limited notice in the Nelson Mail:

Agree / ~~Disagree~~

Special conditions to be included:

1. The Grantor and Kaiteriteri Recreation Reserve Board may, if considered appropriate, direct the Concessionaire to re-locate the building elsewhere within the Kaiteriteri Recreation Reserve should landscaping work need to be undertaken as part of the Phase 3 Development Project. All costs associated with any re-location required, is to be borne by the Concessionaire.



Signed by Kath Inwood, Acting Operations Manager,

Motueka District, Northern South Island Region
Pursuant to the delegation dated 9 September 2015.

Date 19/09/2017

Final Decision

Complete this section after the application has been publicly notified.

Submissions received

Summarise matters raised in submissions.

Matters raised at Hearing

Summarise matters raised at Hearing.

Analysis of public notification

If any changes are recommended to the Proposed Operating Conditions, discuss in this section and set out the new conditions in the Proposed Operating Conditions section (section 7). Clearly identify where conditions have changed so it is clear which conditions have been considered for each decision.

Criteria for decision:

5. Should there be a change in decision or in the proposed operating conditions as a result of the public notification?

Yes / No

Discussion:

Final Decision

6. Approve the granting of a LEASE to FIRE AND EMERGENCY NEW ZEALAND subject to the standard concession contract and the special conditions listed below:

Approve / Decline

Special conditions to be included:

Decision Maker to list the condition numbers to be included, as per section 6 (Proposed Operating Conditions) of this report.

Signed by Mark Townsend, Operations Manager, Motueka District
Pursuant to the delegation dated 9 September 2015

Date

