

# Notified Concession Officer's Report to Decision Maker

**Officer's Report to Decision Maker:** Duncan Toogood, Operations Manager, Manawatu

## **Notified Application for a Notified Lease/Licence Concession**

**Applicant:** Manawatu Marine Boating Club Incorporated

**Permission Record Number:** 57635-OTH

The purpose of this report is to provide a thorough analysis of the application within the context of the legislation, the statutory planning framework and actual and potential effects, so the Decision Maker can consider the application; and confirm that it should be notified; and make a decision in principle whether it should be granted or declined.

### **1.0 Summary of proposal**

**Type of concession sought:** Notified Lease/Licence

**Term sought:** 10 years

#### **Background:**

The Manawatu Marine Boat Club own and occupy a building in the northern area of Foxton Harbour Improvements Reserve, situated around 2km from the Manawatu River mouth. They also own and maintain some other assets nearby (boat ramp and picnic area). Original arrangements for the location of the club were made when the reserve was administered by the Manawatu County Council.

When the county council was disestablished, the Boat Club assumed that administration of the land (and thus their lease) were transferred to the Horowhenua District Council.

As the Department of Conservation is now the administrator of the reserve, the Boat Club are seeking to formalise the existing arrangement for use and maintenance of the land.

A pre-application meeting was held with local Department staff and representatives the boat club and the Horowhenua District Councils Parks & Property team.

#### **Description of the proposed activity:**

The ownership, occupation, maintenance and repair of infrastructure including the boat club building, boat ramp, wharf, picnic and BBQ area, carpark and boat wash down area, with exclusive occupation of the club building site and use of surrounding area on part of Foxton Harbour Improvements Reserve.

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

Part of Foxton Harbour Improvements Reserve, as shown on the map below. The yellow outline on the map shows the proposed licence area, with the footprint of the club building being the proposed lease.

Permission Holder: Manawatu Marine Boat Club  
Permission Number: 57635-OTH  
Location ID: 71892



New Zealand Government  
Te Kawanatanga o Aotearoa



This map is to inform and may be unsuitable for other purposes e.g. engineering, surveying, navigation.



## **2.0 Information available for consideration**

### **Information received:**

#### From the applicant:

The applicant has submitted a complete application form, detailing the activity they propose to undertake.

#### From the Department's Manawatu District Office

The district office has provided comments and background on this application. These comments have been incorporated into the assessment of this application within this report.

#### From iwi

The Manawatu District Office initiated consultation with Ngati Raukawa. Ngati Raukawa have indicated that they have talked to relevant hapu and believe that a five-year term would be more appropriate than the 10 year term applied for, as this is the likely timeframe for Treaty settlements.

### **Requested information not received:**

#### From Iwi

The Manawatu District Office initiated consultation with Rangitane O Manawatu and Muaupoko on 7 June 2017, but no response was received.

#### From the Conservation Board

The Manawatu District Office initiated consultation with the Wellington Conservation Board on 7 June 2017, but no response was received.

## **3.0 Acknowledgement of complete application (s17S)**

An application is deemed complete once all information required under section 17S has been received.

### **Comment**

This application is deemed to be complete for the purposes of the Act.

## **4.0 Analysis of proposal (s17T, 17U, 17V, 17W, 17X, 17Y)**

Section 17T(2) requires the Minister to decline an application within 20 working days of it being deemed complete, if "...the application does not comply or is inconsistent with the provisions of this Act or any other relevant conservation management strategy or plan..."

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

This application involves exclusive possession of the land over the footprint of the club building and as such requires a lease concession. Under section 17T (4) of the Conservation Act 1987 the intention to grant a lease must be publicly notified.

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

#### Positive Effects

The proposed activity has a number of potential positive effects for recreation in the area. The boat club facilities such as the club building, wharf, boat ramp, picnic and BBQ area, carpark and boat wash down area all support recreation and enjoyment of the reserve for both club members and the public. The Manawatu District Office note that the area is well used by the community for recreation purposes. The club building houses the Manawatu Coastguard and also has a radio tower which is used for communicating with boats using the river and for co-ordinating search and rescue.

#### Adverse Effects

Should the infrastructure on the applied for site become dilapidated, the site could become a visual eyesore for users of the area and could compromise safe recreation for the public. As the applicant owns and maintains the infrastructure within the proposed concession area, the following special conditions are recommended for inclusion to ensure that the applicant acknowledges ownership of the infrastructure and is required to keep these maintained to an appropriate standard.

- *The Concessionaire acknowledges that all infrastructure and assets on the Concession Area are owned by the Concessionaire and that the Grantor will not maintain or replace these.*
- *The Concessionaire is responsible for the upkeep of all infrastructure and assets on the Concession Area and throughout the term of this Concession must maintain these to a tidy and safe standard as acceptable by the Grantor.*
- *The Concessionaire must provide a written report on the boat ramp to the Grantor, annually on the anniversary of this Concession, that includes the following information:*
  - *Figures of annual member and non-member use*
  - *A summary of current condition*
  - *Details of any maintenance carried out*

As the facilities being applied for are already existing, the nature of the site is fully developed and therefore no natural values exist within the site being applied for.

#### Cultural Implications

Ngati Raukawa, when consulted in regard to this application, identified that the area is subject to Treaty settlement implications and after consulting with relevant hapu recommended that a 5 year term would be more appropriate as this term would align with the likely timeframe for Treaty settlements. In acknowledging this, the decision maker will be presented with a choice as to, if approving this application in principle, whether a 5 or 10 year term be approved.

#### **Purpose for which the land is held s(17U(3):**

Foxton Harbour Improvements Reserve is held under Part 3 Section 23(1) of the Reserves Act 1977 for the purpose of providing and retaining areas for such local purpose or purposes as are specified in any classification of the reserve.

The reserve is a “harbour improvements” reserve. The proposed activity could be considered to be contributing to the improvement of the harbour through providing facilities that enable safe and efficient use of the harbour. As such, the proposed activity is not considered to be contrary to the purpose for which the land is held.

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

##### Wanganui Conservation Management Strategy 1997

The proposed concession area falls within the *Foston – Sand Country Place* in the Wanganui Conservation Management Strategy (CMS). A management objective in section 7.7.8 for recreation within the Place is:

*(i) To maintain and improve legal public access to the coast in a manner which does not detract from the coast's remote and natural character through:*

- *providing and informing the public about access to coastal areas administered by the Department. In sensitive areas access will be limited to walking access only.*
- *advocating to regional and district councils that they maintain and enhance access to and along the coast.*

Section 34.7 of the CMS addresses the siting of recreation and community recreation buildings public conservation land. Explanatory text within the section states that normally, there is no reason why private buildings should be situated on land administered by the Department. However, it goes on to list exceptions that exist in cases of inherited occupancies, recreational club buildings on recreation reserves and where land administered by the Department is the only possible site for community facilities.

Objectives within this section are:

*(i) To restrict the use of land administered by the Department for private or commercial buildings.*

*(ii) To limit the impact of currently leased buildings and structures to the minimum practicable.*

*(iii) To rationalise the private use of Crown-owned recreation reserve land.*

*(iv) To permit the erection of buildings associated with sport or community activities on reserves where this is consistent with the purpose of the reserve.*

Relevant implementations within the same section are:

*(v) Consent for new buildings and structures associated with outdoor recreation or community facilities may be granted where they are consistent with the purpose of the reserve and with this CMS.*

*(vi) The public will be informed of the reasons for any actions in respect of private baches, recreation and community buildings. Owners of buildings will be consulted.*

Section 38.3 addresses river-based recreation visitor opportunities. Explanatory text within the section describes the Manawatu River as being used for canoeing, jetboating and angling, as well as yachting, powerboating and water skiing in the lower reaches and estuarine area. It also highlights that the Department administers little land along the Manawatu, so its involvement in river issues is more likely to be in an advocacy capacity rather than a direct management role, e.g. providing improved access and visitor facilities.

Relevant implementations within this section are:

*(iii) Develop visitor facilities in areas administered by the Department that provide access to and complement use of river based opportunities.*

*(iv) Promote appropriate recreational use of other rivers in the Conservancy.*

#### Discussion:

The Manawatu Marine Boat Club facilities help to facilitate recreational boating activity and maintain access to the Manawatu River and nearby coastline.

The CMS does generally provide for recreational club/community buildings on reserves should the siting be consistent with the CMS and the purpose for which the reserve is held. As outlined above, the proposed activity is considered not contrary to the purpose for which the Foxton Harbour Improvements Reserve is held.

Given these considerations, the proposed activity is considered to be consistent with the objectives, implementations and policies of the CMS.

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

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

The Department is not aware of any convictions held by the Manawatu Marine Boat Club relating to the proposed activity.

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

The applicant has not held a concession with the Department before.

**Credit check result:**

This has been removed for the purposes of notification.

## **6.0 Proposed operating conditions**

**Concession Activity:**

The ownership, occupation, maintenance and repair of infrastructure including the boat club building, boat ramp, wharf, picnic and BBQ area, carpark and boat wash down area, with exclusive occupation of the club building site and use of surrounding area on part of Foxton Harbour Improvements Reserve.

**Term:**

The applicant has applied for a term of 10 years.

Ngati Raukawa, when consulted in regard to this application, identified that the area is subject to Treaty settlement implications and after consulting with relevant hapu recommended that a 5 year term would be more appropriate as this term would align with the likely timeframe for Treaty settlements.

The decision maker will be presented with a choice as to, if approving this application in principle, whether a 5 or 10 year term be approved.

**Fees:**

This has been removed for the purposes of notification.

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

- *The Concessionaire acknowledges that all infrastructure and assets on the Concession Area are owned by the Concessionaire and that the Grantor will not maintain or replace these.*
- *The Concessionaire is responsible for the upkeep of all infrastructure and assets on the Concession Area and throughout the term of this Concession must maintain these to a tidy and safe standard as acceptable by the Grantor.*
- *The Concessionaire must provide a written report on the boat ramp to the Grantor, annually on the anniversary of this Concession, that includes the following information:*
  - *Figures of annual member and non-member use*
  - *A summary of current condition*
  - *Details of any maintenance carried out*

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

The applicant was provided a copy of this report to review. They have provided the following response: *The Manawatu Marine Boating Club Executive Committee are happy with the Concession Officers report.*

*Our Boat Club has provided and maintained a facility for not only our club member but all members of the public to safely launch their boats for the past 50 years. The picnic area has been developed over this period and is primarily used by the public for picnicking and recreational fishing and is an integral part of marine recreation in the area.*

*To enable the club continuity in financial planning for the continued maintenance of this facility, our club would appreciate consideration of a 10-year concession term.*

## **8.0 Summary and Conclusions**

This application is not considered contrary to legislation and is considered to be consistent with the Wanganui Conservation Management Strategy 1997. Recommended special conditions would ensure that the applicant maintains the proposed concession area to a tidy and safe standard. The proposed concession area is subject to Treaty settlement implications and as such, should the application be approved in principle, a choice has been presented to the decision maker around the term of the concession.

## **9.0 Recommendations to decision maker**

Pursuant to the delegation dated 9 September 2015 it is recommended that the Manawatu Operations Manager:

- 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. Having regard to s49(1) of the Conservation Act 1987, be satisfied that any intent to grant the concession would be of local or regional interest only, in which case the publication of the public notice on this matter be limited notice in The Dominion Post newspaper.**
- 4. Approve in principle the granting of a Notified Lease/Licence concession to Manawatu Marine Boating Club Incorporated subject to the standard concession contract; and the special conditions identified in this report;**

**And either;**

**4a. Approve a term of 10 years; Or**

**4b. Approve a term of 5 years, having regard for Treaty Settlement implications.**

Karina Brennan Evans  
Permissions Advisor  
9 November 2017

Recommendation:

- |    |                               |
|----|-------------------------------|
| 1  | Approved/ <del>Declined</del> |
| 2  | Agree/ <del>Disagree</del>    |
| 3  | Agree/ <del>Disagree</del>    |
| 4  | Approved/ <del>Declined</del> |
| 4a | Approved/ <del>Declined</del> |
| 4b | Approved/ <del>Declined</del> |

If the recommendation is declined please discuss here why this is so:  
4a declined due to noted Treaty Settlement issues.

Original Report SIGNED by Duncan Toogood  
Operations Manager, Manawatu  
15/11/2017