



Department of
Conservation
Te Papa Atawhai

Intention to Grant a 10 year Lease/Licence (Approved In Principle)

To Motuora Restoration Society Incorporated

Context

Motuora Restoration Society (MRS) held a lease for an area on Motuora where a plant nursery, standing out areas and a potting shed are located. This lease AK-0039-OTH, expired on 30 June 2017.

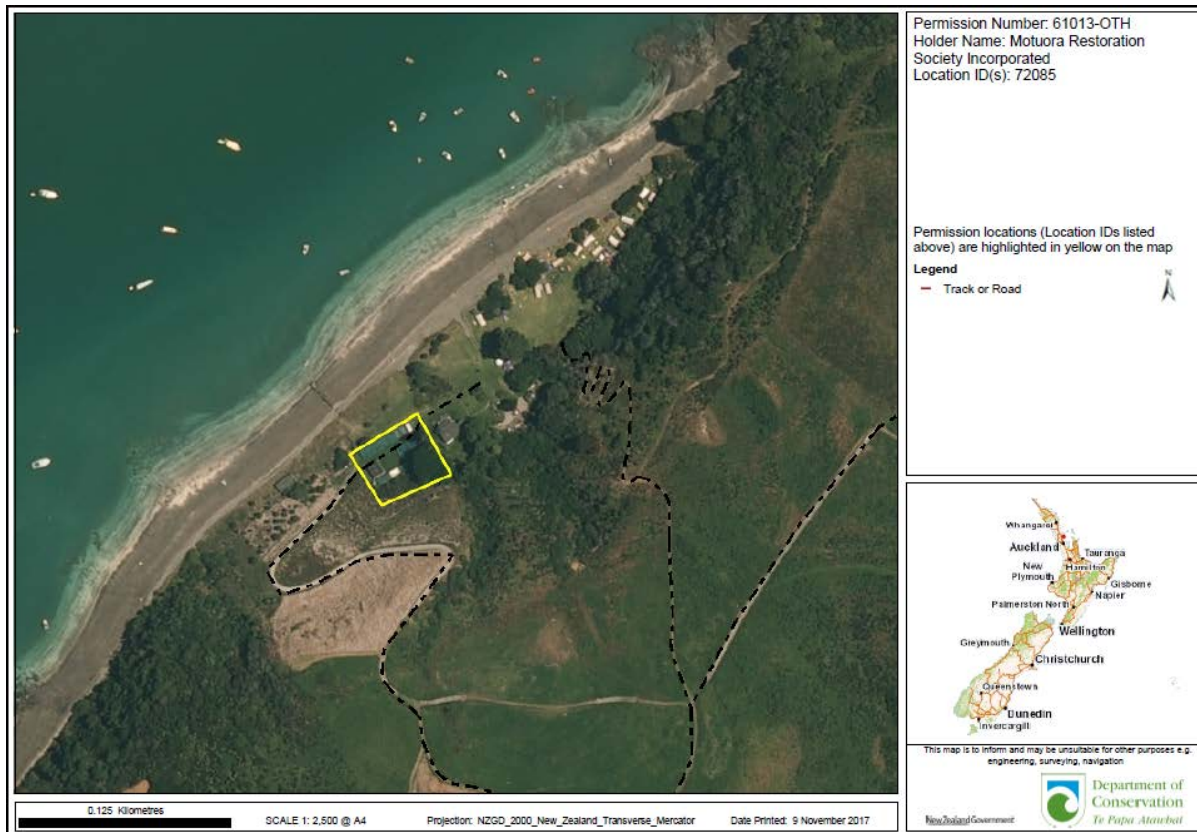
The Department has received a new application for a notified lease concession from Motuora Restoration Society Incorporated to continue their existing activity, as well as to allow MRS to install up to two removable cabins, each with area less than 10 square metres, which will be fitted out to provide sleeping accommodation for up to four people (two per cabin).

The site is currently used as a native plant nursery including germination of seeds, potting seedlings into individual containers, growing on and hardening-off for planting. The current arrangement of potting shed, seed raising and standing out areas will be maintained.

The cabins will each have an area less than 10 square metres, which will be fitted out to provide sleeping accommodation for up to four people (two per cabin). These cabins will be sourced from Euro Cabins New Zealand and are 2.7m x 3.9m with a full height of 2.4m. No building consent is required for these cabins. The cabins are made from glass fibre moulded panels coated with a pigmented GEL-COAT in white. They are resistant to ultra-violet sunlight. These cabins will be located in a section of the standing out areas and will be anchored to the heavy wooden frame of an existing shade-house.

The term applied for is for a ten-year period.

The Applicant works closely with the Department with their restoration activities with their key contact person being Patrick Clark. The Auckland Inner Islands Office is supportive of the nursery activity on-going and is comfortable with the application.



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

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

Comment: All information required under section 17S has been provided. Further information was requested on 18 August 2017 on the type of cabins. This information was provided on 19 August 2017.

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 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:

2. Is public notification required?

Yes

Comment: The concession is for a lease which requires public notification under section 17T(4). It is considered that the application will be of local or regional interest only and placing notification in the New Zealand Herald is appropriate pursuant to section 49(1) of the Conservation Act.

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;
- The contributions described in the context and check in meetings, and outlined in this document.

Any adverse effects identified that are not managed by a standard condition for the activity may require a site/activity specific special condition to either avoid, remedy, or mitigate the adverse effect. Include the condition proposed and a description of how it avoids, remedies, or mitigates the adverse effect, and list the condition in the Proposed Operating Conditions section of this document.

Note that only information relevant to the activity on public conservation land can be considered – if information about effects of the activity is included in the above sources that is outside of this scope, note why it is not a relevant consideration under the Conservation Act (for example, economic benefits to an area).

Criteria for decision:

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

Yes

Discussion:

The Applicant does not consider there to be any potential effects of the activity on the land and states “No adverse environmental impacts anticipated. The site has been in use as a seed raising and plant nursery for over ten years, no changes with potential environmental impacts are anticipated.”

This application is for a new lease of an existing nursery with the addition of placing removable cabins on the sites as the previous lease expired. Many of the relevant conditions from the past lease will be transferred to the new lease which will ensure any effects from the existing activity are avoided, remedied or mitigated. These conditions cover electricity and water supply to the site, vehicle use, not using cultural material without consulting with iwi, and weed control.

Placement of cabins:

There may be some minor effects associated with placing the removable cabins onto the land. The cabins are to be constructed off-site and delivered fully assembled by barge. Site preparation will require a few days works but no ground works will be needed. The cabins will be anchored to the heavy wooden frame of an existing shade-house in the nursery. The installation of the cabins is expected to take just a few days and will all be undertaken in the existing lease area. The Applicant has provided a map of the proposed location of the cabins and the final locations are recommended to be agreed to by the Applicant. This will ensure there are minimal construction effects associated with the placement of the cabins. There are already multiple sheds and small buildings within the lease area and it is considered that the two cabins will fit into the existing landscape. There are not expected to be any adverse effects from the placement of the cabins in the existing nursery area.

The cabins will be used for volunteers of Motuora Restoration Society and only when undertaking restoration activities. The cabins will not be available for use by the public or for any other reason. Special conditions are recommended to ensure proper use of the cabins.

Effects on flora and fauna:

There are a great number of birds and lizards which may use the proposed lease area and be affected by the proposed activity. However, the nursery is an existing modified site and the only new activity is the placement of two cabins. It is considered that there are benefits to fauna from the proposed activity due to the restoration activities undertaken by the Applicant. The plants grown at the nursery by the Applicant have contributed to the restoration of the island and increased the native vegetation which has also provided greater habitat for the fauna across the island. The nursery is an existing modified site but plants grown at the nursery will contribute to a net gain for the flora and fauna on Motuora Island.

Biosecurity effects:

There is potential of a biosecurity invasion when delivering cabins to the proposed site and for ongoing visits to the island. Biosecurity is critical to keeping Motuora Island pest free and all protocols must be followed. The Applicant states there are currently no biosecurity checks carried out on visitors for the island and instead all visitors are advised of biosecurity steps before visiting the island. In order to avoid pests being brought onto the island, the Applicant states the cabins will be new and a physical check of the cabins and barge by Department staff will satisfy the biosecurity requirements.

The Department's current biosecurity controls will be included in the lease and include:

- Complying with the Department of Conservation's 'Pest-free Island Biosecurity Checklist'

- All commercial vessels must have been inspected prior to landing at the island (or hold a pest-free warrant)
- All materials will be checked before loading and where practical the source of the products will be accredited. The Applicant will inform the Department about sourcing materials and use preferred suppliers where practical.
- The Department may provide dogs to inspect trucks and barges and provides protocols for quarries and other sources.
- The Applicant must report any sightings of any rats or other pests.

The application is for an existing activity and any new adverse effects will be minimal. The previous conditions will be included in the new lease. Potential adverse effects include effects from the placement of the cabins, effects on flora and fauna, and biosecurity effects. The proposed special conditions outlined in section 7 below will ensure any adverse effects are less than minimal.

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 consistent with s17U(3) of the Conservation Act? (That is, not contrary to the purpose for which the land is held).

Yes

Discussion:

The land is Motuora Island Recreation Reserve. Reserves are managed by the Department for the purpose of “*providing for the preservation and management for the benefit and enjoyment of the public area of New Zealand*”. In accordance with Section 59A of the Reserves Act 1977, the Minister may, in accordance with Part 3B of the Conservation Act 1987, grant a concession in respect of any reserve vested in the Crown.

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

The activity is for the continuation of the plant nursery to propagate plants for restoration of Motuora Island. Although the Applicant is requesting a lease, they do not intend on preventing public access through the lease area. The proposed activity will contribute to the protection and recreational enjoyment of the island by members of the public. It is considered that the proposed activity is not contrary to the purpose for which the land is held.

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:

5. 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?)

Yes

Discussion:

The application is a new lease for the purposes of continuing to operate after the expiration of their previous lease concession for the plant nursery on Motuora Island. The nursery propagates plants for restoration projects on the island (and also other nearby islands undergoing restoration). The nursery location is already established on the island. As such it cannot reasonably be undertaken at another location.

S17U(5): A lease or licence may only be granted if it relates to a fixed structure/s?

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 1 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.

Discussion:

The Applicant has applied for a lease for the plant nursery which is considered a facility. The Oxford Dictionary defines facilities as ‘a place, amenity, or piece of equipment provided for a particular purpose.’ The proposal is not contrary to section 17U(5) as the lease area will be for the plant nursery facility only.

S17U(6): Is exclusive possession necessary?

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.

Discussion:

The Applicant has stated that exclusive possession is necessary to protect the physical security of the activity. They have stated that *“while there have been no past issues with visitors entering the nursery area, it is not feasible for another party to make some alternative use of the area while it is an active nursery. Access by members of the public visiting the Island who may choose to walk through the nursery is not a problem - there is no need to exclude visitors from the site”*.

The Department agrees that exclusive use is necessary to protect the physical security of the nursery activity. The proposed activity is consistent with section 17U(6).

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:

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

Yes

Discussion:

Conservation General Policy

As the application is for the inclusion of two cabins within the lease area section 10 Accommodation and related facilities is relevant to the application:

10 (a)	Accommodation and related facilities on public conservation lands and waters may be allowed for public recreation, educational and community services, consistent with the outcomes planned for places.
10 (b)	Accommodation and related facilities on public conservation lands and waters owned and occupied by people and organisations other than the Department, will require a concession.
10 (c)	Any application for a concession will comply with, or be consistent with, the objectives of the relevant Act, the statutory purposes for which the place is held, and any relevant conservation management strategy or plan.
10 (e)	All accommodation and related facilities including replacements, additions and extensions on public conservation lands and waters should: <ul style="list-style-type: none"> i. be consistent with the outcomes planned for places;

	<ul style="list-style-type: none"> ii. avoid or otherwise minimise adverse effects on natural resources and historical and cultural heritage, and on the benefit and enjoyment of the public, including public access; iii. complement and, wherever possible, be located close to existing accommodation and related facilities; iv. be located, designed, constructed and maintained to meet all legal requirements and standards; v. be of such a scale, design and colour that they harmonise with the landscape and seascape; vi. provide for disabled people in places where this is practicable; and vii. be available for use by the public.
10 (f)	The Department and all concessionaires should monitor the effects of the use of accommodation and related facilities on natural resources and historical and cultural heritage, and on the benefit and enjoyment of the public, including public access, to inform future management decisions

The application is broadly consistent with the above policies. The purpose of the cabins is to provide accommodation for the Applicant's volunteers to aid in the restoration of Motuora Island which can be considered a community service. The cabins will be authorised under this lease concession. As shown by this report the proposed activity is consistent with the Act, purpose for which the land is held and Auckland Conservation Management Strategy. The cabins are of a scale and character which will fit into the existing nursery environment. The cabins will be available for use by nursery workers and volunteers but not for use by the public which is inconsistent with policy 10 (e) (vii). However, the nursery workers will no longer require the use of the campground which will be available for use by the public. Monitoring is a standard condition of all concessions.

Section 11 'Activities requiring specific authorisation (not covered elsewhere)', specifically 11.1 'All Activities' is also relevant to consider:

11.1 (a)	Any application for a concession or other authorisation will comply with, or be consistent with, the objectives of the relevant Act, the statutory purposes for which the place is held, and any conservation management strategy or plan.
11.1 (b)	All activities on public conservation lands and waters which require a concession or other authorisation should, where relevant, avoid, remedy or mitigate any adverse effects (including cumulative effects) and maximise any positive effects on natural resources and historical and cultural heritage, and on the benefit and enjoyment of the public, including public access.
11.1 (c)	The Department and all concession and other authorisation Concessionaires should monitor the effects of authorised activities on natural resources, historical and cultural heritage, and the benefit and enjoyment of the public, including public access, to inform future management decisions.
11.1 (d)	Concession and other authorisation Concessionaires will be responsible for the safe conduct of their operations, including the safety of staff, clients, contractors, and the public, and compliance with relevant safety standards and legal obligations.
11.1 (e)	The policies below for the activities specified are to be considered in conjunction with policies 11.1 (a) to 11.1 (d).

This report shows the proposed activity is consistent with all the above policies and the recommended special conditions will ensure adverse effects will be minimised to the extent possible.

Based on the above policies it is considered that the proposal is not inconsistent with the Conservation General Policy.

Auckland Conservation Management Strategy 2014-2024 (CMS)

The CMS is made up of three parts. Part One covers general policies of the region. Part Two Section 17 covers Motuora Island Place. Part Three covers specific policy requirements for Auckland.

Part One:

Section 4 covers Distinctive features, values and issues of Auckland. 4.3 Treasured Islands – Ngā motu taonga states islands are significant for their high natural values, as sites for ecological restoration programmes and pest free sanctuaries. The maintenance of mammalian pest-free islands is of great importance and is achieved through vigilant biosecurity measures, which also focus on preventing the spread of weeds and other invasive organisms.

Section 5 of the Auckland CMS covers the Treaty of Waitangi principles. The Department recognises the role of tangata whenua as kaitiaki and acknowledges their mana whenua. Effective partnerships with tangata whenua also help to achieve conservation of natural resources and historic and cultural heritage. Settlement processes are underway with most iwi in the Auckland/Tāmaki Makaurau area. The Department has a contributing role in the settlement of historical claims. Motuora Island is significant to iwi and has been included as a potential redress site in the Marutūāhu iwi collective redress.

Section 6 outlines the vision of Auckland by 2024. In section 6.1 the Department has identified key places for nationally important natural heritage management in Auckland which includes the inshore islands of the Gulf. Motuora Island is identified as one of the islands with actively engaged community groups undertaking restoration and reintroductions. The Department is partnering with these groups by keeping islands free of mammalian pests, providing technical advice and supporting translocations of the species. Section 6.3 ‘More people participate in recreation’ identifies Motuora Island as a Gateway destination where the Department will encourage more people to participate in recreation.

Section 7 Hauraki Gulf Marine Park was established by legislation in 2000 and covers 1.2 million hectares including Tiritiri Matangi Island. This legislation is relevant to this application and covered in more detail in below.

Part One identifies Motuora Island as a distinctive and important island which is treasured by the local community and is also important to iwi. The CMS recognises the work community groups undertaken in restoring islands such as Motuora island.

Part Two: Section 17 Motuora Island Place

Motuora Island is classified as a recreation reserve and much of the original vegetation was cleared many years ago but it has always been free of mammalian pests. The island is currently a kiwi

creche and is home to many rare birds. The CMS identifies the work of the Applicant in undertaking a considerable amount of conservation work and has led to many species being returned to the island. Motuora Island features in Māori tradition and is said to be one of the floats of an ancestral fishing net of Toi Te Huatahi. There is a pā at the southwest end but little other archaeological evidence. The island is not serviced by a ferry but is near to the mainland so is accessible by private boat. The lack of wharf enables the Department to manage the island as a low-key visitor destination.

The Outcome recognises the island as having a self-sustaining ecosystem that has re-established through community-led restoration activities. The CMS recognises that the Department works cooperatively with the Applicant to manage the island reserve. Sites of significance to tangata whenua are protected and tangata whenua work collaboratively with the Department and Applicant. Visitors arrive by private boat or water taxi and self-reliantly undertake biosecurity measures. Visitors are able to camp or stay overnight in appropriately scaled built accommodation and can experience the regenerating landscape by using the track network.

The policies for Motuora Island place do not apply to this application and are to reclassify the island as a scenic reserve, not allow aircraft landings and to consult with Ngāti Manuhiri and tangata whenua to ensure bi-culturally appropriate accommodation is presented about the island.

Section 17.2.3 Milestones – Outputs states that by 2024 the following will be completed:

17.2.3.3	A sequenced introduction and reintroduction of threatened fauna and flora in accordance with the Motuora Native Species Restoration Plan.
17.2.3.4	The diversity of plant species within the replanted areas is enhanced and includes threatened species.
17.2.3.5	Sustained control of significant pest plants that disrupt restoration processes and threaten indigenous species.

The proposed activity is a key component of these milestones and the Applicant plays a key role to ensure the island is restored.

Part Three:

Part Three, section 24 covers Specific Policy requirements and is relevant to the application.

The policies in 24.2.1 sets out a list of general policies to consider when granting authorisations. These policies include issuing authorisations in accordance with the relevant legislation and the provisions of the Conservation General Policy.

Section 24.2 discusses the different authorisation types to allow a range of activities that are consistent with relevant legislation and policy. Monitoring of authorised activities is required and is particularly necessary for the Gulf islands. Community groups associated with island restoration programmes are increasingly applying for authorisations to enable them to undertake additional activities will allow for the expansion of services and generate additional funding for conservation activities.

Policy 24.2.1.1	Issue authorisations in accordance with relevant legislation and the provisions of the Conservation General Policy 2005.
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Policy 24.2.1.2	Monitor authorised activities and their effects, including cumulative effects, on a regular and ongoing basis.
Policy 24.2.1.3	Should not grant authorisations that are inconsistent with the objectives in Part One or the outcomes and policies in Parts Two and Three.
Policy 24.2.1.4	The following criteria will be used when considering applications to erect or retain structures or for the adaptive reuse of existing structures on public conservation lands and waters: <ul style="list-style-type: none"> a) the purposes for which the land concerned is held; b) the outcomes and policies for the Place where the activity is proposed to occur; c) whether the structure could reasonably be located outside public conservation lands; d) whether the structure could reasonably be located in another location where fewer potential adverse effects would result from the activity; e) whether the structure adversely affects conservation, including recreational, values; f) whether the structure is readily available for public use; g) whether the structure is consistent with the visitor management zone in Volume II, Map 3 and as described in Appendix 11; h) whether the structure enhances the visitor experience; i) whether the activity promotes or enhances the retention of a historic building; and j) whether the activity is a suitable adaptive reuse of an existing building.

This report shows that the proposed activity is not inconsistent with the policies in section 24.2 of the CMS. The proposed activity is consistent with the Conservation General Policy and the CMS. structures provide for services on the island and as such cannot be located outside public conservation land. Monitoring will be a standard condition of the lease. Policy 24.2.1.4 must be considered as they are erecting the cabins. The location of the cabins has been chosen within the existing nursery area and is of a scale to complement existing nursery structures. The cabins do not adversely affect conservation or recreational values. The cabins will not be available for public use but will be used by nursery staff when undertaking restoration activities which will enhance visitor experience on the island.

Section 24.5 Covers private accommodation and related facilities. After consideration it has been determined that the proposed cabins do not fit the definition of private accommodation. Although the cabins will not available for members of the public, they are removeable cabins for use by volunteers when undertaking restoration works on the island only. It is proposed to include special conditions restricting the use of the cabins for this purpose.

Section 24.3 covers vehicles but this is mostly for recreational use. Policy 24.3.1.3 states may allow motorised vehicles on public conservation lands and waters for the construction, operation and/or maintenance of authorised utilities, farming operations and restoration activities. Policy 24.3.1.4 sets out requirements which must be considered when considering the use of motorised vehicles on public conservation lands and waters. The proposed vehicle use is consistent with these clauses.

The above analysis shows the proposed activity is consistent with Parts 1, 2 and 3 of the CMS.

Hauraki Gulf Marine Parks Act 2000

Motuora Recreation Reserve falls within the boundaries of the Hauraki Gulf Marine Park Act as established by section 33 of the HGMPA as the Park includes all reserves within the Hauraki Gulf, its islands and coastal areas. The Act has no specific reference to Motuora Island or to the concessions regime, however it must be considered alongside other legislation.

The Decision Maker must act consistently with ss 7, and 8, and consider ss 11, 32, 33 and 37 of the Act. These provide, in summary, as follows:

Section 7 provides for the recognition of the national significance of Hauraki Gulf in a number of ways; it particularly recognises that the historic, traditional, cultural and spiritual relationship of the tangata whenua of the Gulf with the Gulf and its islands and the social, economic, recreational and cultural wellbeing of people and communities are matters of national significance

Section 8 sets out six objectives for managing the Hauraki Gulf in recognition of the national significance of the Gulf, its islands and catchments. These include: protecting and enhancing the natural, historic and physical resources of the Gulf and its islands; protecting and enhancing the those natural, historic and physical resources (including kaimoana) of the Gulf and its islands with which tangata whenua have an historic, traditional, cultural and spiritual relationship; protecting the cultural and historic associations of people and communities in the Gulf with its resources; and maintaining and enhancing the natural and physical resources of the Gulf which contribute to the recreation and enjoyment of the Gulf for the people and communities of the Gulf.

Section 11 provides that sections 7 and 8 have the same effect as a statement of general policy under the Reserves Act 1977. In other words, they are policies for the implementation of that Act and the Minister must act consistently with them.

Section 32 sets out the purposes of the Park, some of which overlap with the management objectives in s 8. They are, in summary:

- (a) To recognise and protect in perpetuity the national significance of the land and resources within the Park;
- (b) To protect in perpetuity and for the benefit, use and enjoyment of the people and communities of the Gulf and New Zealand, the natural and historic resources of the Park for their intrinsic worth;
- (c) To recognise and have particular regard to the historic, traditional, cultural and spiritual relationship of tangata whenua with the Gulf, its islands and the resources of the Park; and
- (d) To sustain the life-supporting capacity of the soil, air, water and ecosystems of the Gulf in the Park.

Section 37 requires any person administering land in the Park (such as the Minister) to recognise and give effect to the purpose of the Park (while recognising that such land continues to be administered in accordance with the Reserves Act).

Recognising and giving effect to the purpose of the Park is met in this case where the decision is also in accordance with the matters set out in sections 7 and 8, as discussed above.

In summary, sections 7 & 8 are statements of general policy for the implementation of the Reserves Act 1977. They recognise the national significance of the Gulf and its islands and establish management objectives. These include the protection of historic resources; the protection of resources to which tangata whenua have a relationship; and the protection of the associations that people and communities in and around the Gulf have with its resources. It is considered that the proposed activity is not inconsistent with these policies as it will contribute to the restoration of the island and provide for the benefit, use and enjoyment of the people and communities of New Zealand, and protect the natural and historic resources of the park.

Summary

The analysis above shows proposed activity is considered to be consistent with all relevant sections of the Conservation General Policy, CMS and the Hauraki Gulf Marine Parks Act 2000.

Conditions

Standard conditions applicable to the proposed activity:

Monitoring

1. If the Grantor determines that the conditions of this Document or the effects of Concession Activity should be monitored, the Concessionaire shall meet: either the full costs of any monitoring programme that is implemented; or, if the Grantor determines that the costs should be apportioned among several Concessionaires who use the same locations, part of the costs of the monitoring programme. These costs will include the Department's standard charge-out rates for staff time and the mileage rates for vehicle use associated with the monitoring programme.

Special conditions relevant to this application:

2. The Concessionaire shall ensure that all buildings, facilities and structures on the Site, including any fences and pathways are kept in good repair, order and condition at all times, and shall meet all costs arising from this clause. The Concessionaire shall be fully responsible for the servicing, cleaning and maintenance of all buildings and facilities within the sites.
3. If at any time the Concessionaire requires electricity to be supplied to the Site, and this requires connection to the Grantor's electricity supply system, the Concessionaire shall meet all costs arising from the installation of any electricity supply to the Site, and shall contribute to the reasonable costs of maintenance of the said system, and shall make payment to the Grantor for the electricity supplied. The Grantor does not guarantee that electricity will be supplied at all times, and the electricity supply system will operate at the Grantor's discretion.
4. The Concessionaire shall be responsible for and meet all costs of maintaining the water supply line within the Site, commencing at the point where the supply line first enters the Site and shall be fully responsible for any further upgrading or replacement of the water

supply line. If at any time during the term of the lease any part of the water supply system should require upgrading or replacement by the Grantor, then, unless the need for the upgrading or replacement has been caused by negligence on the part of the Grantor, the Concessionaire shall contribute a share of the costs based in the proportionate share of water volume used by the respective parties. The Grantor shall have no obligation or liability for any loss or damage, costs or expenses incurred but the Concessionaire arising from the failure of the water supply system. The Concessionaire shall indemnify the Grantor from and against any loss or damage occasioned by the Concessionaire's neglect or failure to properly maintain the water supply line.

5. The Concessionaire shall be permitted to locate and use approved vehicles within the Site and on the Motuora Island Recreation Reserve for the purposes of transport of persons, equipment or plants provided however that any such vehicle complies with the standards required for the carriage of passengers and goods, and subject to the prior consent of the Grantor.
6. The Concessionaire shall submit a written annual report to the Grantor before the 1st February in each year, which shall set out the intended significant work programmes for the forthcoming year. (defined as the forthcoming 12 months to the next 1 February anniversary).
7. The Concessionaire may, at its own cost, locate signs within the Site to interpret for the public the activity permitted within the Site or elsewhere on Motuora Island, and locate signs at any site within the Island to interpret any activities being undertaken at those sites, provided that the prior written consent of the Grantor has been given for the design, location, size and text of any signs.
8. The Concessionaire shall not include any references to any matters of cultural significance to iwi who claim mana whenua over the Site, in any interpretation presentation whether written or oral, unless the Concessionaire has consulted with those iwi and has obtained their consent.

Heritage and Archaeological

9. In the event that an unidentified archaeological site is located during works then in terms of the Heritage New Zealand Pouhere Taonga Act (2014), there is an archaeological discovery protocol that is to be followed as follows:
 - a. Work shall cease immediately at that place and within 20metres around the site.
 - b. The contractor must shut down all machinery, secure the area, and advise the Site Manager.
 - c. The Site Manager shall secure the site and notify the Heritage New Zealand Regional Archaeologist. Further assessment by an archaeologist may be required.
 - d. If the site is of Maori origin, the Site Manager shall notify the Heritage New Zealand Regional Archaeologist and the appropriate iwi groups or kaitaki representative of the discovery and ensure site access to enable appropriate cultural procedures and tikanga to be undertaken, as long as all statutory

requirements under legislation are met (Heritage New Zealand Pouhere Taonga Act (2014)).

- e. If human remains (koiwi tangata) are uncovered the Site Manager shall advise the Heritage New Zealand Regional Archaeologist, NZ Police and the appropriate iwi groups or kaitaki representative and the above process under d) shall apply. Remains are not to be moved until such time as iwi and Heritage New Zealand have responded.
- f. Works affecting the archaeological site and any human remains (koiwi tangata) shall not resume until Heritage New Zealand gives written approval for work to continue. Further assessment by an archaeologist may be required.
- g. Where iwi so request, any information recorded as the result of the find such as a description of location and content, is to be provided for their records.
- h. Heritage New Zealand will determine if an archaeological authority under the Heritage New Zealand Pouhere Taonga Act (2014) is required for works to continue.

Weeds

10. The Concessionaire shall not take onto the island any explosives, or plants, soil, seeds, or animals, without the prior consent of the Grantor.
11. The Concessionaire shall ensure that weed free potting and seed raising mix is brought on to the Site and used at all times which shall contain pine bark, peat and pumice or a similar mixture, and is sited in such a manner to prevent contamination from soil and seeds from other plants.
12. The Concessionaire shall not bring onto the site or any part of Motuora Island, any plants grown at any other location with the exception of plants grown in the Tiritiri Matangi Island nursery or at any location which has the prior approval of the Grantor. The Concessionaire shall remove all weeds from any plants grown at any other location and shall keep all such plants standing within the Site for a minimum of two months and shall regularly remove and destroy all weeds that may grow during this period.

Biosecurity

13. The Concessionaire must ensure that all machinery and equipment brought to the island shall be thoroughly cleaned. Any gravel used for the project shall be sourced from an approved weed free source.
14. The Concessionaire must comply with and ensure its contractors comply with the Department of Conservation's 'Pest-free Island Biosecurity Checklist' (attached as Schedule 5) regarding biosecurity measures, including checking footwear, clothing and gear for pests before departure from the mainland.
15. Any commercial vessels, including barges to be taken to the island must have previously been inspected by the Ranger Services (Biosecurity), or hold a Pest-free Warrant.

Cabins

16. Two cabins may be installed and must be Euro Cabins with a size each of no more than 2.7m by 3.9m and a height of 2.4m and painted white.
17. The Concessionaire must advise the Grantor of the intention to locate the cabins on the island at least two weeks prior to the intended date to allow the biosecurity provisions to be undertaken. The final location of the cabins must be determined in consultation with the Grantor.
18. The Concessionaire must ensure the cabins are used as staff accommodation only by volunteers undertaking restoration work on Motuora Island.

Monitoring

No specific monitoring has been identified but the standard condition providing for cost recovery of any monitoring undertaken will be included as a special condition. The Department works closely with the Applicant and is aware of activities being undertaken on Motuora Recreation Reserve.

Term

The Applicant has applied for a term of 10 years as the planting programme has approximately 10 years left to run. The management and monitoring plans are likely to extend beyond this but the nursery will no longer be required. Under section 17Z provides for leases to be granted for a term not exceeding 30 years. Ngāti Manuhiri have requested the term to be five years with a 5 year right of renewal.

A term of 10 years is recommended as this is the length requested to complete the nursery programme. Reducing the term to five years with a five year right of renewal is not considered necessary as Schedule 2, standard conditions includes review conditions if the Concessionaire does not meet the terms of the lease.

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

Decision in Principle

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

Agree / ~~Decline~~

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

Agree / ~~Decline~~

3. Approve in principle the granting of a lease to Motuora Restoration Society 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 New Zealand Herald:

Approve / ~~Decline~~

Signed by Keith Gell, Operations Manager, Auckland Inner Islands

Pursuant to the delegation dated 9 September 2015

12 February 2018