

Notified Concession Officer's Report to Decision Maker

Officer's Report to Decision Maker: Annie Wallace, Operations Manager, Coastal Otago, Eastern South Island Region

Notified Application for a Notified Lease and Licence

Applicant: New Zealand Deerstalkers Association (Palmerston Branch) Incorporated

Permission Record Number: 38929-ACC

File: PAC-00-03-03

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

1.1 Background: The Staircase Hut ("the hut") is a privately owned hut, operated and maintained by the applicant and is situated on conservation land within the Waianakarua Scenic Reserve.

There has been no prior authorisation for this hut and associated activities (outdoor toilet and helicopter landing site), and the applicant wishes to regularise their activity over conservation land under Part 3B of the Conservation Act 1987 for a new Concession lease and licence, and associated terms and conditions.

The hut is an iron shed approximately 17.50m² set on timber poles (see figure 1). Basic design includes 6 bunk sleeping quarters. A water tank on raised plinth and large enclosed porch for boot and pack storage complete the structure. A wood burning stove is housed in the central living area and a washing basin attached to an exterior wall. Includes a self-contained port-a-loo toilet (approximately 1.50m²).

A helicopter landing site is to be used in conjunction with the hut and port-a-loo toilet for maintenance (repairs and upgrades), deliver/pick-up hunters and re-provision supplies.

The hut has been used for accommodation and shelter associated with recreational hunting and training for 50+ years and is open to the public for no charge.

Information about the applicant: Applicant is a local branch of Deerstalkers affiliated to national body, New Deerstalkers' Association Incorporated. Registered as an Incorporated Society (registration number 226083).

Type of concession sought: Notified Lease and Licence

Term sought: 30 years. The term is discussed in more detail in Section 6.1 of this Report.

Description of the proposed activity applied for:

The concession activity applied for involves the following elements:

- (a) To own, occupy, repair and maintain the Staircase Hut (“the hut”) and toilet in the Waianakarua Scenic Reserve for the purpose of recreational hunting and training; and
- (b) To establish and maintain a helicopter landing site (helipad) to be used in conjunction with the hut for maintenance (repairs and upgrades), deliver/pick-up hunters and re-provision supplies.

Description of locations where activity is proposed: The Waianakarua Scenic Reserve is mixed podocarp-broad leaved hardwood forest, native bush clad valley floor and sides, with tussock tops, deeply dissected valleys with plenty of regeneration.

- 1. Hut & Toilet: NZTopo50 map Series: CC17 81818; NZMS 260 I42 279434 – Map Grid/NZTM 2000 coordinates: 1418093E, 4981827N.
- 2. Helicopter Landing Site - NZTM 2000 coordinates 1418085E, 4981740N (refer to discussion in Section 4.2.2 of this Report).

Table 1: Conservation status of the land affected by the application

Conservation Unit Number	Conservation Unit Name	Legal Description	NaPALIS ID:	Activity
I42038	Waianakarua Scenic Reserve	Section 4 Blk XI Otepopo SD as shown on SO 22058	2805565	Lease for the ownership, operation, maintenance and repair of the hut and toilet, and licence for a helicopter landing site (helipad).

Note: The Waianakarua Scenic Reserve is approximately 4,147.54 hectares.

1.2 Photographs and DOC website link relevant to the application

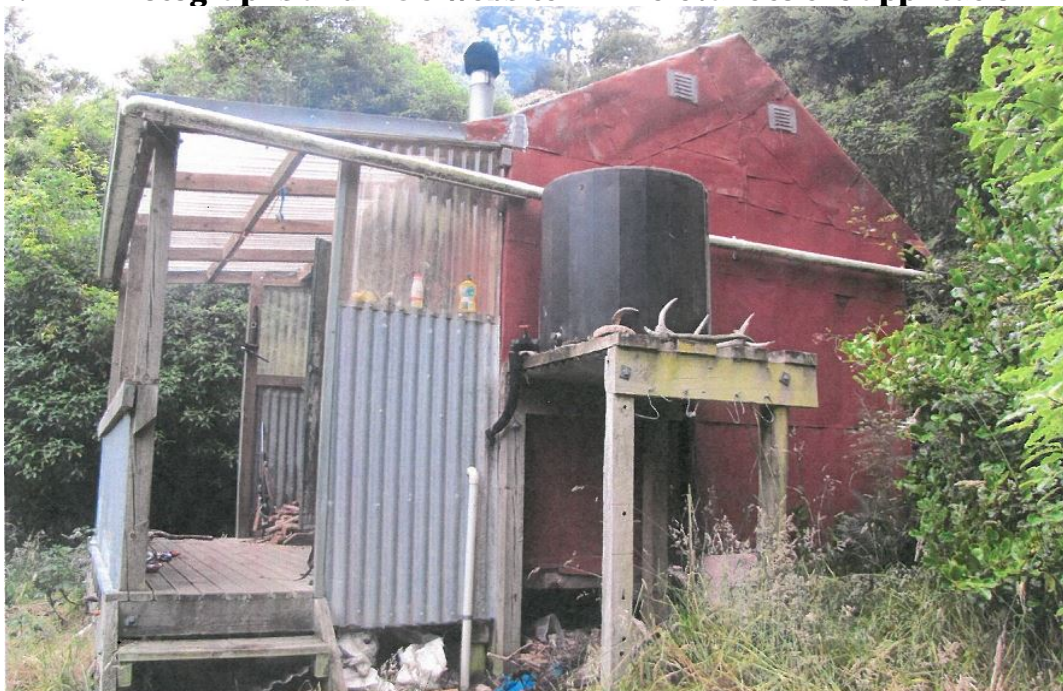


Figure 1: side view of Staircase hut

On DOC website at link:

<http://www.doc.govt.nz/parks-and-recreation/places-to-go/otago/places/moeraki-area/things-to-do/staircase-hut/>

1.3 Characteristics of the Application Area

As noted above, the application area is located within the Waianakarua Scenic Reserve.

The Otago Conservation Management Strategy, extracts of which are reproduced in Section 4.5 of this Report, describes the location in detail.

1.4 Appendices to this Report

Appendix A: Map of proposed lease and licence area

Appendix B: Draft Concession Document (Lease and Licence) *for reference purposes only* recorded as [DOC-2917518](#).

2.0 Information available for consideration

Information received:

Record all sources and all information received.

- From applicant - application is recorded as [DOCDM-1408264](#)
- From Iwi – protocols not triggered and consultation not sought
- From Conservation Board - protocols not triggered and consultation not sought
- From DOC staff: recorded as [DOCDM-1544231](#)

Requested information not received:

All information requested to consider this application has been provided to the Department.

3.0 Acknowledgement of complete application (s17S)

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

The Minister should be satisfied that the application is complete for the purposes of the Act.

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

4.1 Analysis of the Proposal - Section 17T

Declining an Application within 20 working days – s17T

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...”

This application appears to comply with and be consistent with s.17T(2). It is therefore not considered appropriate for the application to be declined within twenty working days.

Public notification s17T(4):

Pursuant to section 17T(4) of the Conservation Act 1987 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 in accordance with section 49. Accordingly, this application is required to be publicly notified.

4.2 Analysis of the Proposal - the Effects of the Activity and the Availability of Methods to Avoid, Remedy or Mitigate Adverse Effects –s17U(1) and s17U(2)

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

Section 17U(1) requires the Minister to have regard to the effects of the activity as well as the measures that can be imposed to avoid, remedy or mitigate adverse effects. Section 4.2 of this Report considers the effects of the activity from a number of perspectives which can generally be categorised as follows:

- Effects on conservation values
- Effects on cultural values
- Effects on existing and future users
- Cumulative effects of adding this activity to current activity on site.

In accordance with section 17U(1)(c), this Report also considers what measures can reasonably and practicably be undertaken to avoid, remedy or mitigate the adverse effects. As is required by section 17U(1)(c).

When analysing the effects of the proposed activities, this report considers the following material:

- (a) Environmental Impact Assessment (EIA) included in application; and
- (b) Feedback received from Departmental staff in the Coastal Otago District Office.

In addition to the material noted in the preceding paragraph this Report also assesses the application by reference to the relevant conservation planning documents, including:

1. Otago Conservation Management Strategy 2016 (Otago CMS) (refer to Section 4.5 of this Report); and
2. Conservation General Policy (May 2005)(CGP) (refer to Section 4.5 of this Report).

4.2.1 Applicant's analysis of the effects of the activity plus methods to avoid, remedy or mitigate

Frequency of Activity at Hut

This is not a high usage hut.

Weed & Pest Control

The applicant will make a significant contribution to pest control in the area and limited weed control in the vicinity of the hut.

Toilet

Recently upgraded self-contained port-a-loo toilet installed.

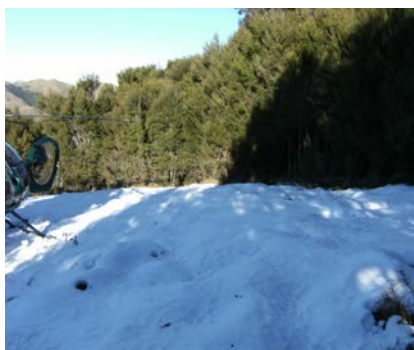
Environmental Impact Assessment (EIA):

No issues.

4.2.2 Analysis of the effects of the Activity by Departmental Staff together with proposed methods to avoid, remedy or mitigate adverse effects.

Helicopter Landing Site

Option 1 (Current Landing Site)



Figures 2-4: Current helicopter landing site

Option 2 (Proposed new site)



Figure 5: proposed new helicopter landing site

The helicopter landing site used for the hut (currently Option 1 above) is a natural clearing close to the hut. Because of this it makes it hazardous for a several reasons:

- (a) The clearing forces helicopters to land facing the wrong way for the prevailing wind; and
- (b) overhanging vegetation making the area tight to land in; and
- (c) the surface of the landing pad is sloped so the helicopter rotors come close to the ground creating a hazard for passengers disembarking from the machines left side.

The applicant has asked for 1 of 2 things to occur.

Option 1

The applicant may be able to trim back the vegetation all around the helipad by at least 2m deep to free up space for the rotor disk and cut away a section of the pad to create some depth between the rotors and the ground at NZTM 2000 coordinates 1417990E, 4981785N.

Option 2

50m from the current helipad is a knoll which could be cleared of vegetation to create a better helipad that would allow for helicopters to land facing their preferred direction dictated by the wind. With it being a knoll, the passengers would be walking down hill after disembarking reducing the rotor hazard considerably. This second option would also allow larger helicopters to land such as the Otago Rescue helicopters at NZTM 2000 coordinates 1418085E, 4981740N.

The District Office has no problems with either of these options so long as whichever one is chosen by the applicant it is communicated to us with a method of completion and in conjunction with the helicopter companies which use the helipad.

Dunedin Service Centre comments on helicopter landing site

The applicant's preference is option 2 and District Office have no issue with either option being included in any concession, if granted. From a safety perspective, it is recommended that option 2 be considered for approval - refer to special conditions 1-7 and 21 in Section 6.4 of this Report.

Dunedin Service Centre general comments on the effects of activity

As a well as being affiliated to an established national organisation, the applicant has a range of procedures, processes and plans in place for all aspects of its operation to which it is required to adhere to.

Should a concession be granted, approval will be subject to conditions that ensure that any future adverse effects caused by the activity are avoided, remedied or mitigated.

Monitoring Conditions

No monitoring required.

4.2.3 Third party comments on the effects of the activity plus methods to avoid, remedy or mitigate

None.

4.2.4 Positive Effects

Over the last 5 years the hut has had two stainless steel benches installed, new fire-proof mattresses, a port-a-loo toilet installed on site and a new roof on the hut.

The recreational hunters using this hut have a positive effect on pest control i.e. pigs, deer, possums, rabbits, hares, goats etc. The applicant assists with weed control in the immediate vicinity of the hut.

The applicant promotes the outdoor hunting experience, facilitates an appreciation for the outdoors and provides opportunities for greater participation in recreational hunting on conservation lands which is a statutory purpose of the Department and also one of the Departments 'Intermediate Outcomes' specified in its current 'Statement of Intent' (2012-2017).

The proposed continuation of this activity will enable and enrich the public's outdoor experience with more people connecting, engaging and contributing to conservation and to value its benefits; in a safe manner. The applicant will continue to inspire and develop competent hunters and to train young hunters.

4.2.5 Cumulative Effects

Overall, the granting of a concession to continue with this activity will not result in any significant new adverse effects over and above those already known for this existing historic activity at this location.

4.2.6 Any other relevant information

None.

4.3 Analysis of the Proposal - Other Matters to be Considered by the Minister - s17U(4) and s17U(5)

4.3.1 Alternative Locations – s17U(4)

The Department is satisfied pursuant to s.17U(4) that it would be impractical to consider if the activity could reasonably be undertaken in another location. The applicant has been successfully operating the activity at the current location for 50+ years and wish to continue to utilise the existing hut, without the need to build a new hut at a new location (on conservation land) that would undoubtedly have significant new potential impacts and similar effects to those already known in the current slightly modified environment.

4.3.2 Appropriateness of Granting a Lease or Licence

The Applicant sought two classes of concession in the application. These included a lease and a licence. The dimensions of each of these areas is set out below in this Report.

In general, this Report agrees with the approach taken by the applicant that two classes of concession be granted:

- (a) a lease to correspond with the footprint of the existing structures – hut and toilet; and
- (b) a licence for the helicopter landing site.

4.3.3 Feedback from the District Office as to the dimensions of the Lease and Licence Areas

In assessing the extent of each area to be set aside as a lease and licence, regard has been had to the feedback received from the Department's District Office. That feedback can be summarised as follows:

4.3.4 Proposed Lease Area

The footprint of the hut (approximately 17.50m²) and toilet (approximately 1.50m²).

4.3.5 Proposed Licence Area

Helicopter landing site to service the hut being approximately 600m² (20 x 30 metres) as discussed in section 4.2.2 of this Report.

4.3.6 Dunedin Service Centre Recommendations

Even though the applicant has stated that “the hut and port-a-loo toilet are unlocked and available to members of the public to use”, and this is reflected in proposed special condition 11 in Section 6.4 of this Report *i.e.* “*The hut and port-a-loo toilet are to remain unlocked and accessible to the public at all times*”. It is considered that it is appropriate to grant a lease pursuant to s.17U(5) as the proposal relates to 1 or more fixed structures and facilities and it is possible that the hut and/or toilet may need to be locked in the future to protect the physical security of the activity [s.17U(6)(b)], and so the applicant can operate the activity competently as they have an investment in the hut and toilet, and the applicant needs to deliver the outdoor activities in a competent and safe manner [s.17U(6)(c)].

It is also considered appropriate to grant a licence for the helicopter landing site (helipad) as this will be an integral part of the activity to enable access to the hut and toilet for maintenance (repairs and upgrades), deliver/pick-up hunters and re-provision supplies [s.17U(5)(b)(i)(B)].

The Minister should be satisfied that the grant of a lease (Staircase Hut and toilet) and licence (helicopter landing site) granting an interest in the land is essential to enable this historic activity to be carried on [s.17U(5)(b)(ii)].

4.4 Analysis of the Proposal – Purpose for Which the Land is Held - Section 17U(3)

Section 17U(3) provides that the Minister cannot grant a concession if the proposed activity is either contrary to the Act or to the purposes for which the land is held.

The application affects land held under the Conservation Act 1987 for the following purposes:

Scenic Reserve under Section 19(1)(a) of the Reserves Act 1977.

4.4.1 Assessment of the Purpose for which the Scenic Reserve is held

The purpose for which Scenic Reserve is held is set out in section 19(1)(a):

“19 Scenic reserves

(1) It is hereby declared that the appropriate provisions of this Act shall have effect, in relation to reserves classified as scenic reserves—

(a) for the purpose of protecting and preserving in perpetuity for their intrinsic worth and for the benefit, enjoyment, and use of the public, suitable areas possessing such qualities of scenic interest, beauty, or natural features or landscape that their protection and preservation are desirable in the public interest:”

Section 19(1)(a) refers to “protection”. The term “protection” is defined in section 2(1) of the Conservation Act 1987 as:

*“**protection**, in relation to a resource, means its maintenance, so far as is practicable, in its current state; ...”* (underline added for emphasis).

As noted above, the scenic area has a number of conservation values identified in Section 4.5 of this Report. In order to comply with the test laid down by section 17U(3) the granting of a concession must not be contrary to the protection of those values.

In this case the pre-existing activities that would take place within the scientific area are:

- (a) A lease to correspond with the footprint of the existing structures – hut and toilet;
and
- (b) A licence for the helicopter landing site.

Protecting the values of the scenic area in their “current state” can be understood to mean protecting them as they currently are, namely with the applicant’s historic activity and human disturbance already evident. Allowing continued access to the applicant to utilise the hut, toilet and helicopter landing site would not amount to a failure to protect the values identified in this Report because the “current state” of those values would continue. Accordingly, it would not be contrary to the purposes for which the land is held to grant a lease for the hut and toilet, and licence for the helicopter landing site.

4.4.2 Assessment of whether the activities are otherwise contrary to the Conservation Act 1987

For the purposes of section 17U(3) there are no provisions of the Conservation Act 1987 that would be breached by the granting of the lease, licence and easement.

4.5 Analysis of the Proposal – Consistency with relevant Conservation Management Strategies and Plans – 17W

Where a conservation management strategy or conservation management plan exists for a particular location a concession can only be granted if doing so is consistent with the management strategy or plan (s17W).

In this case a conservation management strategy does affect the area to which the application relates. The relevant management strategy is the Otago Conservation Management Strategy 2016 (“Otago CMS”). The Otago CMS is subservient to the Conservation General Policy 2005 in so far as it must implement the general policies set out in the 2005 document and it must not derogate from the general policies. Where a conservation management strategy is silent on an issue reference can be made to the Conservation General Policy for direction.

There is no relevant conservation management plan for the area.

Conservation General Policy (May 2005) (CGP):

It is recognised in the CGP that there are a variety of activities undertaken by people and organisations on public conservation lands and waters that require. The application for a concession to continue to operate the hut on conservation land is consistent with:

- Policy 9 – People’s Benefit and Enjoyment, and
- Policy 10 - Accommodation and Related Facilities.

It is considered that the proposed activity is consistent with the CGP.

Consistency with Relevant Management Strategies and Plans s17W:

Otago Conservation Management Strategy 2016 (Otago CMS)

The conservation land affected by the application is included in Section 2.4 Central Otago Uplands Place (pages 74-81); Map 5.4 and 5.4.1 (pages 15-16); Map Table 7.10 and Map 10 of 19 (pages 52-53) of the Otago CMS.

Extracts from the Otago CMS have been included in the table below.

- Extracts taken from **Part One** Section's 1.3 and 1.5.3 of the Otago CMS (pages 17-44)
- Reference only to comprehensive objectives included in Sections 1.5.1.1 to 1.5.1.19 in relation to recreation (pages 33-35)
- Extracts taken from **Part Two – Places**; Section 2.4 of the Otago CMS (pages 74-81)
- Extracts taken from **Part Three – Specific policy requirements for Otago**; Section's 3.1, 3.6 and 3.10 of the Otago CMS (pages 121-156)
- Extracts from **Appendix 6: Threats or pests and wild animals present in Otago** (Page 229)

Extracts taken from **Part One** Section's 1.3 and 1.5.3 of the Otago CMS

1.3 Distinctive features, values and issues of Otago

Recreation—seasonal changes and diverse opportunities—short walks to wilderness

The Central Otago mountains are renowned for their seasonal recreation experiences and the opportunity to easily find solitude and natural quiet. During summer the area is popular for tramping, hunting, horse riding, angling, camping, and four-wheel drive and motor-bike touring on old farm tracks, together with experiencing its gold mining heritage. In winter the high country becomes a haven for backcountry skiing. (underline added for emphasis).

1.5.3 Recreation

Where possible, the Department seeks to collaborate or partner with others to maintain or better develop visitor opportunities on public conservation lands and waters, and elsewhere.

The heritage and/or historic value of backcountry facilities is highly regarded by New Zealanders and internationally, and to assist their retention an agreement has been reached between outdoor recreation clubs and the Department to facilitate shared management arrangements for these facilities.

The extensive public conservation lands and waters of Otago present an opportunity for more people to participate in recreation and in so doing to gain health benefits and an improved sense of well-being. The Department manages a well-established network of

visitor facilities and recreation opportunities, complemented by concessionaire facilities and services and by regional and local parks and facilities managed by councils, trusts and landowners.

While the Department's main focus will be on the recreation opportunities and experiences in public conservation lands and water, which in Otago are backcountry experiences, wildlife viewing, seasonal recreation and adventure, it will also work with councils, trusts and others, especially where they provide opportunities that differ from or complement those provided by the Department.

OBJECTIVES

1.5.3.1 Understand demand for outdoor recreation and provide recreation opportunities where:

- a) the recreation opportunities are consistent with:
 - i) the protection of indigenous natural, historic and cultural resources; and*
 - ii) the purpose for which the lands and waters concerned are held; and**
- b) demand is evident; and*
- c) demand is expected to be sustained.*

1.5.3.4 Recognise the historic and/or heritage value of huts (identified in Appendix 15¹) and tracks in Otago, and its ongoing value for backcountry and frontcountry recreation. To achieve this, work with outdoor recreation groups and the Otago Conservation Board to assist with management and retention of the network, while recognising that some parts of the network may need to adapt in response to changes in the community that uses them. (underline added for emphasis).

1.5.3.11 Understand and encourage visitor desires to undertake voluntary conservation work as recreation, including when initiated by concessionaires.

1.5.3.12 Encourage recreation opportunities on public conservation lands and waters that are consistent with outcomes for a Place and that meet one or more of the following:

- a) emphasise access close to urban and holiday accommodation areas, and State Highways;*
- b) integrate recreation opportunities on and off public conservation lands and waters;*
- c) integrate recreation opportunities across Otago and with neighbouring public conservation lands and waters;*
- d) integrate recreation opportunities with objectives in sections 1.5.1–1.5.5;*
- e) provide education benefits to schools and educational groups;*
- f) have been subjected to thorough environmental impact assessment and landscape design processes, and are likely to have minimal environmental and landscape impacts; and*
- g) are supported or enabled by facilities that are able to be maintained into the future. (underline added for emphasis).*

Extracts taken from **Part Two – Places**; Section 2.4 of the Otago CMS

2.4 Central Otago Uplands Place

Description

¹ **Appendix 15 Publicly available huts on public conservation lands and/or managed by the Department within Otago:** 2.4 Central Otago Uplands Place – **Hut Name:** Staircase Hut; **Public Access:** Wainakarua Scenic Reserve; **Location:** Wainakarua Scenic Reserve (Owned and managed by NZDA).

Several huts associated with Otago's early climbing, skiing, tramping or hunting heritage also remain.

The Central Otago Uplands Place provides recreation opportunities for mountain biking, tramping, hunting, backcountry skiing, fishing and horse trekking. Backcountry huts, tracks and roads, and frontcountry facilities are present. (underline added for emphasis).

Outcome, policies and milestones for the Central Otago Uplands Place

OUTCOME

More people enjoy the range of summer and winter recreational activities in the Place. In winter, recreational uses such as backcountry skiing, dog sledding, skijoring and hunting occur and natural quiet and solitude prevail. (underline added for emphasis).

POLICIES

2.4.6 Should allow aircraft access within the public conservation lands and waters, only as identified on Map 4, and in Policies 3.6.1–3.6.9 and Table 3.6.2 in Part Three.

Extracts taken from **Part Three – Specific policy requirements for Otago**; Section's 3.1, 3.2, 3.8, 3.10 and 3.11 of the Otago CMS

3.1 General

Policies

3.1.5 Manage recreation opportunities, including those provided by concessionaires, in accordance with the visitor management zones shown on Map 3 and as described in Appendix 12.

Authorisations (General)

Unless enabled by other legislation, anyone wishing to undertake an activity for specific gain or reward (including carrying out a trade, occupation or business) on public conservation lands and waters..., or the construction of a structure, requires an authorisation. The most common authorisation is a concession under Part 3B of the Conservation Act 1987. The Department aims to allow for a range of authorisations that are consistent with relevant legislation and policy, the protection of natural resources and historic and cultural values, and the recreational settings and planned outcomes and policies for specific Places (Part Two).

3.6 Aircraft

Both recreational and commercial aircraft can facilitate use and enjoyment of public conservation lands and waters by providing access to difficult-to-reach places and for people with limited time. (underline added for emphasis).

- *Green Zone—areas where a concession application to land an aircraft is likely to be granted, subject to any relevant outcome and/or the criteria in the relevant policies. This zone may apply where:
 - (i) *conservation, including recreation, values are unlikely to be affected by landings;**

- (ii) *there are natural limits on sites where landings can actually occur (e.g. forest cover, steep terrain); or*
- (iii) *there is likely to be little demand for aircraft access over the life of this CMS.*

Policies

3.6.1 *Should apply (but not be limited to) the following criteria when assessing concession applications for all aircraft landings:⁴⁸*

- a) is consistent with the outcome and policies for the Place in which the activity is proposed to occur and Table 3.6.1;*
- b) is consistent with the aircraft zoning provisions in this CMS and the aircraft access zones on Map 4;*
- c) is consistent with the purposes for which the lands and waters concerned are held;*
- d) adverse effects on conservation values including adverse effects on natural quiet are avoided, remedied or mitigated;*
- e) adverse effects on other visitors (taking into account the size of zone and the proximity of other ground users) are avoided, remedied or mitigated;*
- f) the need for monitoring the activity using global positioning systems and newer technologies;*
- g) landings near tracks, huts and car parks (unless otherwise specified in an outcome or policy for a Place) are avoided; and*
- h) the need to hold and comply with certification in a noise management scheme approved by the Department, in specified locations.*

⁴⁸ *This includes landings, take-offs and hovering.*

3.10 Structures and utilities

Most structures on public conservation lands and waters relate to one of the following purposes:

- *The Department's operational requirements*
- *The public's appreciation and enjoyment of the intrinsic, natural, historic and cultural*
- *values consistent with the purposes for which the land concerned is held*
- *Utilities.*

Utilities are facilities that provide essential public services, such as: telecommunications; energy generation and transmissions; sewerage; water supply and flood control; oil and gas transmissions; roads and airstrips; hydrological and weather stations; and seismic monitoring.

Structures and utilities can be temporary or intended for long-term use. They can share space (usually a public facility) or require exclusive occupation of space (usually a private facility). Both may be either commercial or non-commercial in nature. Regardless of the nature of the structure, there is a legislative expectation, section 17U(4) Conservation Act 1987, that the necessity for the structure or facility to be constructed on public conservation lands and waters is clearly established.

Appendix 6: Threats or pests and wild animals present in Otago

Dunedin Service Centre Comments on the Otago CMS

The hut has been specifically referred to in Section 1.5.3.4 and Appendix 15² of the Otago CMS.

Section 3.11 of the Otago CMS relating to “Private accommodation and related facilities” does not apply as this is not private accommodation, and the hut and toilet will remain unlocked for the applicant’s members and the general public to use.

The applicant’s activities are supported by the Department’s Intermediate Outcome to improve recreational opportunities (Section 1.5.3 of the Otago CMS) i.e. encourage, support and enable recreational hunters to participate in their recreational activity, especially in isolated locations such as Wainakarua Scenic Reserve.

The applicant’s activity also assists the Department with the control of animal pests e.g. pigs, deer, wild sheep, goats, possums (Table in Appendix 6 of the Otago CMS).

The use of, and ongoing maintenance of a helicopter landing site in a green zone is appropriate to allow the applicant access for hut maintenance (repairs and upgrades), deliver/pick-up hunters and re-provision supplies to a difficult to reach place, and for people with limited time (Section 3.6 of the Otago CMS).

It is considered that the proposed activities are consistent with the Otago CMS subject to suitable conditions being imposed as provided for in section 6.4 of this Report.

5.0 Relevant information about the applicant

Convictions on any charge related to the activity applied for or on any conservation related issue: Section C, form 1a applicant stated “No, not as far as I know”.

Past compliance with concession conditions: No previous concessions held by applicant.

Credit check result: Need for credit check waived.

² **Appendix 15 Publicly available huts on public conservation lands and/or managed by the Department within Otago:** 2.4 Central Otago Uplands Place – **Hut Name:** Staircase Hut; **Public Access:** Wainakarua Scenic Reserve; **Location:** Wainakarua Scenic Reserve (Owned and managed by NZDA).

6.0 Proposed operating conditions

Appendix B contains the draft concession document. The concession is broken into distinct parts:

- The first portion of the concession document sets out the operative parts of the lease and licence document and includes the names of the parties; contains their signatures; and provides the background.
- The second part of the concession contains Schedule 1. Schedule 1 sets out many of the key terms used elsewhere in the concession.
- Schedule 2 contains the standard conditions applied to most concessions.
- Schedule 3 contains the special conditions that have been prepared specifically for this application.
- Subsequent schedules contain maps or plans depicting the concession area(s).

This portion of the Report considers the content of Schedule 1 of the proposed concession(s) and makes recommendations as to the drafting of some of the key terms.

6.1 Concession Activity and Term:

The Applicant sought a concession on the following terms:

Lease and licence for the ownership, occupation, operation, maintenance and repair of Staircase Hut (“the hut”), and port-a-loo toilet situated within the Waianakarua Scenic Reserve for the purpose of providing a base for hunting activities and hunting education, comprising:

- (i) Lease Land being the footprint of the Staircase Hut (“the hut”) being approximately 17.5m² and port-a-loo toilet being approximately 1.5m²; and
- (ii) Licence Land being the helicopter landing site being approximately 600m² (20 x 30 metres).

In light of the findings of this Report, it is considered appropriate to issue one concession lease for the hut and toilet and licence for the helicopter landing site.

The concession activity is therefore different for each of the two tenure types i.e. lease and licence.

“Concession Activity” in respect of the Lease Land: To occupy the Lease Land (Staircase Hut “the hut” and port-a-loo toilet) for recreational hunting activities and hunting education purposes only.

“Concession Activity” for the licence portion: To use the Licence Land for the purpose of a helicopter landing site (helipad) to service the activities described on the Lease Land involving:

- (i) maintenance (repairs and upgrades);
- (ii) the delivery and pick-up of recreational hunters; and
- (iii) re-provisioning of supplies.

Term:

17Z Term of concession

- (1) *A lease or a licence may be granted for a term (which term shall include all renewals of the lease or licence) not exceeding 30 years or, where the Minister is satisfied that there are exceptional circumstances, for a term not exceeding 60 years.*
- (2) *A permit may be granted for a term not exceeding 10 years but shall not be renewable.*
- (3) *An easement may be granted for a term not exceeding 30 years, but—*
 - (a) *in exceptional circumstances, the Minister may grant a term not exceeding 60 years:*
 - (b) *where the easement provides a right of way access to a property to which there is no other practical access, the term may be for such longer period as the Minister considers appropriate:*
 - (c) *where the easement is for a public work (as defined in the [Public Works Act 1981](#)), the term may be for the reasonably foreseeable duration of that public work.*

Dunedin Service Centre Comments on Term

The applicant requested 30 years and it is considered that this is appropriate pursuant to s.17Z(1).

6.2 Fees: *Deleted from public notification copy of report.*

6.3 Bond *Deleted from public notification copy of report.*

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

Note: The Department did consider including all, or extracts from “Department of Conservation Hut Service Standards (dated 14 May 2004)” with specific reference to a standard hut. It was not considered necessary as the applicant is affiliated to a recognised national organisation and any identified and potential adverse effects can be adequately avoided, remedied or mitigated by conditions.

PROPOSED SPECIAL CONDITIONS

The Schedules referred to in the proposed special conditions below are contained in standard template for a lease and licence concession document recorded as [DOC-2917518](#) (refer Appendix B).

ESTABLISHMENT OF THE NEW HELICOPTER LANDING SITE (HELIPAD)

Prior to establishment of the Helicopter Landing Site (Helipad) facility

1. The Concessionaire must advise the Grantor within 20 working days before commencing any work on establishment of the new helicopter landing site facility to confirm:
 - (a) the final location;
 - (b) expected commencement and completion dates;
 - (c) construction methods and standards;
 - (d) any revegetation, remediation or reinstatement measures to be performed by the Concessionaire and required by the Grantor to the Land.
2. Works must not commence until the Grantor has given written approval for the works to proceed.
3. Any vegetation (including native vegetation) removal and soil disturbance necessary to carry out the establishment of the facility must be kept to a minimum.
4. The Grantor may inspect the site during the establishment of the facility to assess compliance with the concession conditions.
5. The Concessionaire must advise the Grantor when all work to establish the facility has been completed.
6. The Concessionaire must ensure that the helicopter landing site (helipad) is established within 3 months of the commencement of this Concession.
7. The Concessionaire must advise the Grantor once the helicopter landing site (helipad) has been completed.

Accidental Discovery Protocol (ADP)

8. The Concessionaire must take all reasonable care to avoid any archaeological values on the Land which includes (but is not limited to) historic sites and protected New Zealand objects on the Land. In the event that archaeological sites or other features with heritage values are found during any approved earth disturbance work on the Land:
 - (a) Work must cease immediately until further notice and advice must be sought from the Grantor;
 - (b) If it is an archaeological site as defined by the Heritage New Zealand Pouhere Taonga Act 2014 then Heritage New Zealand must be contacted and their advice also sought;
 - (c) If it is an archaeological site relating to Māori activity then the Papatipu Rūnanga must be contacted and their advice sought;

- (d) If it is an artefact as defined by the Protected Objects Act then the Ministry for Culture and Heritage must be notified within 28 days;
- (e) If it is human remains the NZ Police should also be notified;
- (f) In the event of cessation of approved work because of discovery of potential historical artefact or archaeological site the Concessionaire must not recommence work until permitted to do so by the Grantor.

Occupation of hut

- 9. The Staircase Hut ("the hut") is not to be used for permanent or semi-permanent accommodation.
- 10. The Concessionaire must not use this concession as an entitlement to provide accommodation in a commercial manner. The Concessionaire is permitted to have visitors, however no payment for use of the hut is to be received.

Public use of hut and toilet

- 11. The hut and port-a-loo toilet are to remain unlocked and accessible to the public at all times.

Dogs

- 12. Hunters with valid hunting permits may bring hunting dogs onto the Land if this is authorised under that hunting permit.

Fire and safety

- 13. Further to sub-clause 9.1 in Schedule 2:
 - (a) the Concessionaire may operate an internal wood burning stove;
 - (b) the Concessionaire, in consultation with the Grantor, must carry out initial clearing of vegetation around the hut to a minimum distance of 3 metres, but no more than 5 metres, and ensure this precautionary buffer zone is maintained for the duration of the Concession.
- 14. The Concessionaire must comply with the requirements of the Fire Service Act 1975 and Fire Safety and Evacuation of Buildings Regulations 2006 in respect to the hut (for "shared occupancy accommodation").

Compliance and monitoring

- 15. The Concessionaire must adhere to the New Zealand Environmental Care Code Guidelines and New Zealand Water Care Code.
- 16. The Grantor may recover from the Concessionaire on a cost-recovery basis reasonable costs associated with any site visits, to confirm the Concessionaire's compliance with Concession conditions.
- 17. Environmental Monitoring inspections may be conducted from time to time by the Grantor or their agent, at no cost to the Concessionaire.

Building and structure integrity

18. In the event that any of the Concessionaire's buildings or structures are partially or completely destroyed by fire, earthquake, avalanche, flood or by any other means, the Grantor is under no obligation whatsoever to repair, replace or reinstate any building or structure or pay for the costs of same.
19. The Concessionaire must comply with the requirements of the Department of Conservation Hut Service Standards (dated 14 May 2004) for a basic hut ("the Hut Standards"). The Grantor will advise the Concessionaire of any remedial or rectification work required to perform to meet the Hut Standards. The Concessionaire must perform the required work without unreasonable delay and to a standard acceptable to the Grantor.
20. Should the Concessionaire fail to meet the requirements in clause 11 of this Schedule (in the opinion of the Grantor) the Grantor may treat such failure as a breach of the Concession, entitling the Grantor to either suspend the concession (until such time as the required work is completed) or terminate the concession.

Use of helicopters

21. The Concessionaire may conduct up to ten (10) helicopter landings per year using a helicopter operator approved by the Grantor, who holds a current Concession with the Department of Conservation. The purpose of the landings are for hut and toilet maintenance (repairs and upgrades), the delivery and pick-up of hunters and re-provisioning of supplies. The Concessionaire must notify the Grantor at least five (5) working days before any landing occurs. Any approved landing must only occur at the location (outside the lease area) as described in Item 1 of Schedule 1 and marked on the map in Schedule 4.

Proposed special condition 22 deleted from public notification copy of report.

7.0 Applicant's comments on draft Officer's Report

The applicant was forwarded a copy of this Report for their comment on 16 February 2017 and responded on 31 May 2017 stating that "*...the club members have read the two documents and agree with the contents.*"

8.0 Summary and Conclusions

This existing activity is not contrary to the purpose for which the land is held and relevant legislation, and is consistent with statutory plans.

The contents of this report should satisfy the Minister that there appears to be no reason why the Minister should not grant a concession to the applicant for the proposed activity. Any adverse effects on conservation values such as biodiversity, historic, social and amenity values resulting from the activity are well understood at this location due to the historic nature of the activity and can be avoided, remedied or mitigated by conditions in any concession (if granted).

9.0 Recommendations to decision maker

Pursuant to the delegation dated 8 September 2015 / 9 September 2015 it is recommended that the 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. Approve in principle the granting of a Notified Lease and Licence concession to New Zealand Deerstalkers Association (Palmerston Branch) Incorporated subject to the standard concession contract; and the special conditions identified in this report; and**
- 4. 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 Otago Daily Times.**

Original report SIGNED by Kelvin Brown,
Dunedin Permissions Advisor

Date: 14/06/2017

Recommendations:

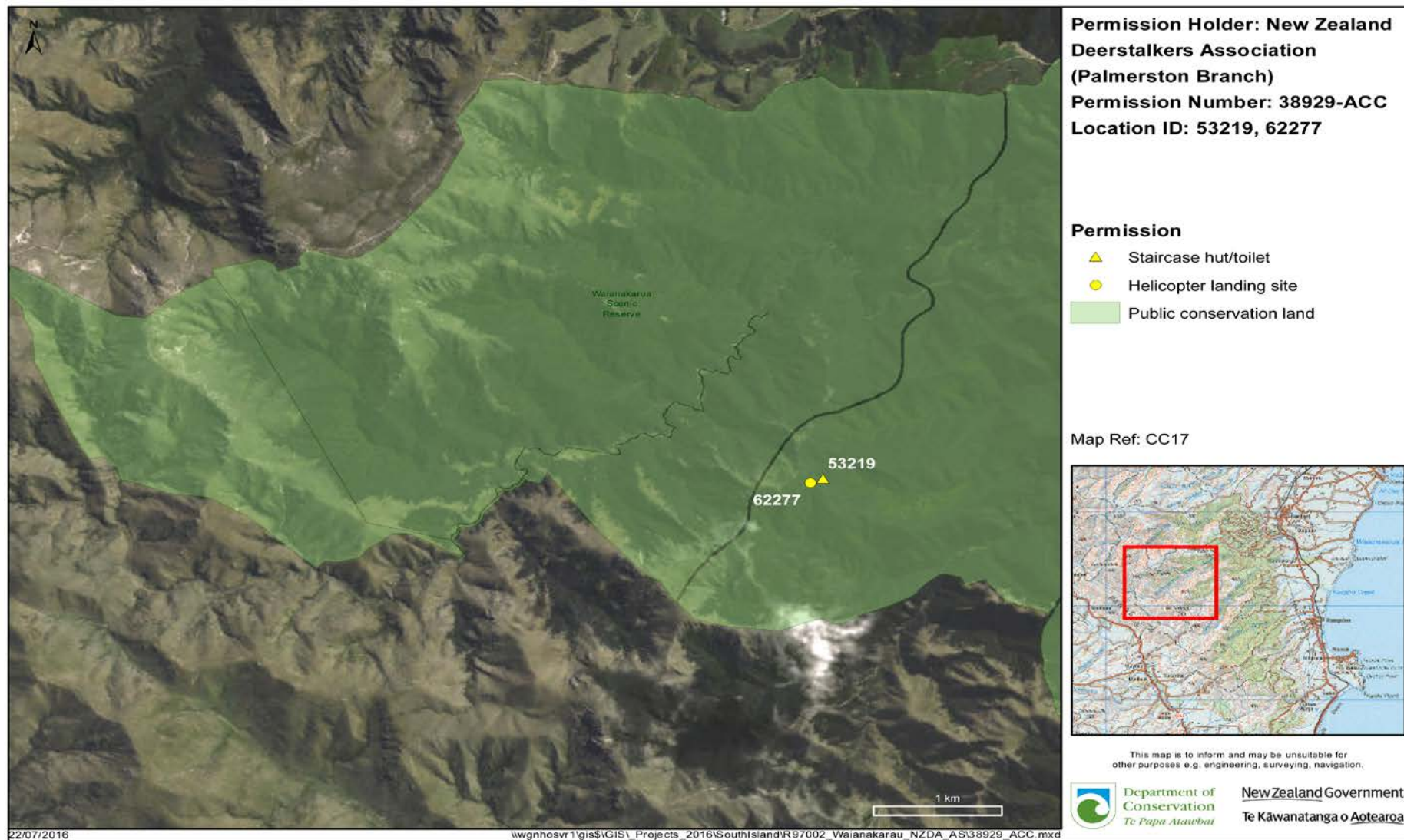
1. Approved
2. Agree
3. Approved
4. Approved

If the recommendation is declined please discuss here why this is so:

Original report SIGNED by Annie Wallace,
Operations Manager, Coastal Otago, Eastern South Island Region

Date: 28/06/2017

Appendix A: Map of proposed lease and licence



Appendix B: Draft Concession Document (Lease and Licence) *for reference purposes only*

recorded as [DOC-2917518](#)