

DOC DM-1235284  
Internal Document - Requests for Comments - Historic  
3 July 2013



# Request for Comments Form - Area Office/Science & Technical

**Applicant:** Hawke's Bay Regional Investment Company Limited

**Permission Database Number:** 36801-OTH

**File Number:** PAC 09 04 178

**Application Type and Concession Process:** Notified Easement

Hawke's Bay Regional Investment Company Limited (HBRIC Ltd) has applied for an easement to inundate 5 pieces of land, totalling 22.2ha (approx.) of the Ruahine Forest Park. The purpose of this inundation is to allow for the Ruataniwha Irrigation Dam to be constructed.

No dam infrastructure would be on Public Conservation Land; it would simply be inundated with water.

The land is situated on the edge of the Park and the applicant has stated that aside from the Ruahine Ranges, there are no outstanding features or landscapes (refer page 61 of the Application.) The Applicant also refers to the adjacent farm land described as having "modified working rural character". All of the pieces of land are deemed to be Conservation Park, as defined by section 61(2) of the Conservation Act 1987 (the Act).

**Date Sent:** 3 July 2013

**From:** Arna Litchfield

**Comment sought from:** Science & Technical – Recreation and Historic

**Specific issues to consider:**

Under the concessions process, the considerations are limited to the effects on the land itself, and any positive effects or mitigation that is undertaken on other areas is not relevant in this instance. Also note that under the terms of the Act, we cannot take into account any economic benefit of this activity. Bearing this in mind, please consider the following:

Section 17U of the Act states that:

- (1) In considering any application for a concession, the Minister shall have regard to the following matters:
  - (a) the nature of the activity and the type of structure or facility (if any) proposed to be constructed;
  - (b) the effects of the activity, structure, or facility;
  - (c) any measures that can reasonably and practicably be undertaken to avoid, remedy, or mitigate any adverse effects of the activity;
  - (d) any information received by the Minister under section 17S or section 17T;
  - (e) any relevant environmental impact assessment, including any audit or review;
  - (f) any relevant oral or written submissions received as a result of any relevant public notice issued under section 49;
  - (g) any relevant information which may be withheld from any person in accordance with the Official Information Act 1982 or the Privacy Act 1993.
- (2) The Minister may decline any application if the Minister considers that—
  - (a) the information available is insufficient or inadequate to enable him or her to assess the effects (including the effects of any proposed methods to avoid, remedy, or mitigate the adverse effects) of any activity, structure, or facility; or
  - (b) there are no adequate methods or no reasonable methods for remedying, avoiding, or mitigating the adverse effects of the activity, structure, or facility.

- (3) The Minister shall not grant an application for a concession if the proposed activity is contrary to the provisions of this Act or the purposes for which the land concerned is held.
- (4) The Minister shall not grant any application for a concession to build a structure or facility, or to extend or add to an existing structure or facility, where he or she is satisfied that the activity—
- (a) could reasonably be undertaken in another location that—
    - (i) is outside the conservation area to which the application relates; or
    - (ii) is in another conservation area or in another part of the conservation area to which the application relates, where the potential adverse effects would be significantly less; or
  - (b) could reasonably use an existing structure or facility or the existing structure or facility without the addition.
- (5) 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.
- (6) 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.
- (7) For the purposes of subsection (6), the competent operation of an activity includes the necessity for the activity to achieve adequate investment and maintenance.

While I do not refer to all of the above subsections, I have included the section in its entirety for your reference.

With reference to section 17U of the Act:

1. What are the effects of the activity, ie what effect will flooding those five pieces of land have? Are there any historic sites that would be lost? Would any recreation value would be lost?
2. Can the effects of flooding these sections of land be avoided, remedied or mitigated? If so, how? Please remember, that under the terms of the Act, we are only able to consider what can be done on the subject pieces of land, nowhere else.

Other Questions:

3. Sections 17T(2) and 17T(3) of the Act state:
  - (2) If the Minister is satisfied that the complete application does not comply with or is inconsistent with the provisions of this Act or any relevant conservation management strategy or conservation management plan, he or she shall, within 20 working days after receipt of the application, decline the application and inform the applicant that he or she has declined the application and the reasons for declining the application.
  - (3) Nothing in this Act or any other Act shall require the Minister to grant any concession if he or she considers that the grant of a concession is inappropriate in the circumstances of the particular application having regard to the matters set out in section 17U.

Bearing these sections in mind, are there any reasons to decline this application?

4. The land is deemed to be a Conservation Park. Section s19(1) of the Act states:  
Every conservation park shall so be managed—  
(a) that its natural and historic resources are protected; and  
(b) subject to paragraph (a), to facilitate public recreation and enjoyment.  
Is flooding this land contrary to this purpose?
5. Are there any recreation or historic concerns in relation to this site, particularly given the designation of the land as Conservation Park?
6. If a concession is appropriate, what special conditions are required in order to avoid, remedy or mitigate and adverse effects of the activity?

If a concession is appropriate, please outline any areas of the application where you feel further information is required from the applicant; we only have one opportunity to request further information, so we need to make sure that we have everything covered. If you do require additional information, please provide an estimate of the time you believe it will take you to evaluate this information once received; this will form part of any cost estimate provided to the Applicant.

**Deadline for request for additional information:** Friday 12 July 2013

**Deadline for comments:** Friday 12 July 2013

Please refer to the following documents:  
Forms 1a and 3b – docdm 1234948  
Environmental Impact Assessment – docdm 1234682

Please record staff time in the box provided. This is required for accurate cost recovery.

Staff member name, role and group	Time spent (in minutes)	AM/S&T Manager Signoff (if required by S&T or Ops)	Date
Emma Greig Technical Advisor - Recreation	120		12/7/13
Richard Nester Technical Advisor - Historic	120		12/7/13
Andrew Mercer Programme Manager – Visitor Assets, Manawatu Rangitikei Area	120		12/7/13

## 1.0 Effects of activity applied for

Are there any effects (adverse or positive including cumulative) other than those identified by the applicant that need to be managed?

- Environmental (landform, flora, fauna, freshwater, biodiversity, historic, other, including impacts on such)
- Social (noise, visual, recreational, other users of PCL, other)
- Cultural (iwi concerns)

Are there any operational management issues such as access/status, condition of site/facilities and/or local limitations that the concessionaire needs to manage?

**Recreation effects:** The recreation section of the AEE is weak and fails to identify a number of recreation impacts including:

- Sufficient attention and proposed mitigation to the flooding of a portion of the access track (through the cliff on the true right side of the river - the old road) which provides access to yeomans track this was not provided in the AEE
- DOC is considering investing and promoting Colenso's trail - no understanding or consideration of these plans is evident in the AEE
- Due to the access issues through big hill station, DOC is considering partnering with the local iwi land owners to build a horse/quad track to parks peak hut so that the Maori land owners can access there land beyond - again this is not mentioned or considered in the AEE

## 2.0 Measures to manage adverse effects identified

Where you have noted adverse effects above can you suggest a way the applicant can avoid, remedy or mitigate that effect. If this not already mentioned in the standard conditions of the concession contract it may be used to develop a special condition - *please check the standard contract conditions with the permissions advisor if necessary.*

**Recreation effects:** There are some issues with the mitigation measures:

- Access is currently 24-7 proposed mitigation plan will restrict access via a gate
- The new access will increase the length of time it takes to walk to historic Ellis hut and Yeomen's track, this will limit the day walk opportunities at these locations
- The planned access now puts people at the base of a cliff requiring significant work to get bikes and people up to Parks peak and Ellis hut
- 2004 ROR says DOC will push Yeoman's track out to Mangleton road, the proposed mitigation will prevent this by blocking one end of this track
- Some facilities are required at the car park a toilet, day shelter and room to camp
- The current state of the proposed track location (muddy, steep, a cliff) is not discussed nor is the expected standard of the proposed track

**Historic effects:**

- When moving the historic mill site, a full site survey should be carried out by heritage staff that understand the functionality and layout of mill sites

## 3.0 Treaty Settlement Implications

Are you aware of any specific Treaty Settlement implications related to this application in the way of:

- Is the site subject to the application due to be transferred to Iwi? (Note particular negotiations and any other DOC staff who should be consulted):

- Any specific post-settlement implementation obligations that relate to the site or proposed activity:

#### **4.0 Applicant Experience**

Do you have any comment to make about the applicant's suitability to undertake the concession activity and be a responsible concessionaire?

#### **5.0 Other comments/recommendations**

Do you have any other comments/recommendations in regard to this concession application?

#### **6.0 Ongoing monitoring requirements**

If the concession activity is approved what would you suggest the monitoring requirements be, and why:

- Frequency of monitoring (annual, bi-annual etc):
- Staff time (including travel to and from site, site visit and time to write up appropriate report):
- Mileage:

#### **7.0 Further information required**

If further information is required please contact the permissions advisor on the front page to confirm if it should be a formal request to the applicant.

**Recreation effects:** Further information is required as described in sections 1.0 and 2.0. To further discuss these issues please contact Andrew Mercer in the Manawatu Rangitikei Area Office:

Andrew Mercer

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