



caring about you & your environment

**Policy for Commercial
and
Non-commercial
Recreation on
Regional Council Lands**

DRAFT

June 2000

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RECREATION AND TOURISM CONCESSIONS ON WELLINGTON
REGIONAL COUNCIL LANDS**

PART ONE

POLICY

1 INTRODUCTION

This policy has been prepared for use by the Wellington Regional Council staff and Councillors involved with the management of commercial and non-commercial recreation and tourism on Council lands.

The document is in two parts. Part One provides the general policy directions and a schedule of charges that relate to commercial and non-commercial recreation activities on council lands. Part Two contains guidelines for use by Council staff. These guidelines outline the steps to follow when processing or managing commercial and non-commercial activities.

1.1 STATUS OF THE POLICY

This is a non-statutory document prepared in terms of the Local Government Act 1974. This document replaces the Commercial Recreation and Related Services on Regional Council Lands Concessions Policy, 1993 and the Charges for Services in Wellington Regional Parks, 1996. It is intended to remain an operational document for a maximum of five years after which it will be reviewed, although a review of part or all of the document is possible within the five year timeframe. Charges for commercial or non-commercial use are likely to be reviewed within the next three years.

1.2 HOW TO USE THE POLICY AND GUIDELINES

The policy sets out the relevant background, legislative mandates, fees and charges and rationale for the management of commercial and non-commercial recreation activities and services on Council lands. This section is intended for use by Council staff and Councillors and interested tourism operators or members of the public.

The policy is summarised in a helpful booklet entitled "Commercial and Non-commercial Recreation and Tourism Activities on Regional Council Lands". This booklet is designed for use primarily by park users - members of the public, recreation and tourism operators, recreation clubs, charities and so on, who use regional council parks and forests.

The guidelines are designed for use by Council staff (mainly park rangers and administration or recreation planning staff) for processing commercial concessions, permits or other agreements between Council and park users.

2 OVERVIEW OF COMMERCIAL AND NON-COMMERCIAL USE OF WELLINGTON REGIONAL COUNCIL LANDS

This policy has been prepared at a time when commercial and non-commercial use of Council parks and forests is still at an early stage. Of the estimated one million visitors that use Council parks and forests each year, most are casual visitors not involved with commercial or non-commercial (club) activities.

Non-commercial activities such as club 4WD rallies in the Akatarawa Forest and pony club competitions at Battle Hill Farm Forest Park are a small but well established component of the overall use of Council parks and forests.

There are currently commercial recreation/tourism operators who are licensed and operating 4WD tours, mountain bike events and rafting on Council land. Filming for commercials and feature movies has increased over the last five years, although this sector of activity fluctuates from year to year. On average, about 10 applications for new recreation businesses are received each year and although this indicates increasing interest in developing commercial activities, most either do not start operating or begin operating but are not viable enough to be sustained. Reasons include a lack of understanding of markets, poor planning or commitment and a lack of equity.

This policy recognises the relatively small but growing composition of commercial and non-commercial use of Council parks and forests.

3 RELEVANT LEGISLATION AND PLANS

There are four key Acts and related area management plans that have a bearing on commercial and non-commercial use of parks and forests in the Wellington region.

At least one and sometimes two – three of these Acts will influence the approval process for granting a concession.

Local Government Act 1974

The Act provides the legal mandate for creating Regional Parks in Wellington and sets out specific provisions for the management of those parks. In particular, the management of regional parks must ensure that provision is made for the public use and enjoyment, as long as this is not inconsistent with the conservation and protection of the intrinsic worth of the parks.

The Act (and subsequent amendments) also allows the Council to carry out recreation provision and environmental and heritage protection in its parks and forests. It also provides the legal mandate to charge fees and recover costs of managing park land/forests and providing services or facilities to the public.

The Council may (jointly or singly) provide facilities for use of the parks by the public and undertake, promote and encourage the development of services, amenities and programmes which are considered necessary for the provision of recreation, amusement and instruction of the public.

Wellington Regional Water Board Act 1972

The primary purpose of this Act is to enable Council to carry out its bulk water functions. The Act also enables the use of water board lands (usually forested areas) for recreational purposes. The forests managed by the Parks and Forests Group are held primarily as existing or future water collection areas. The Act enables Council to carry out its bulk water collection, indigenous forests protection, plantation forestry and recreation facility development functions in an integrated manner on lands held for water catchment purposes.

Currently, the Hutt Valley water supply catchment is open to recreational use whilst the Wainuiomata/Orongorongo Catchment remains closed to the public.

Resource Management Act 1991

This Act enables the Regional Council to use planning and policy mechanisms to manage the effects of recreation on natural and physical resources (i.e. a mandate to manage the effects of activities on water, soils, air, the coast and other natural resources) at the Regional level. Mechanisms include the Regional Policy Statement and the Coastal Plan. In broad terms, these mechanisms encourage the dual purposes of recreational use and sustainable management of the region's natural resources.

Some recreational developments may require resource consents (for instance, for a building construction) under the conditions of this Act.

The Resource Management Act also establishes the Regional Council as a heritage protection authority. As such it may:

- (1) *Give notice to a territorial authority of its requirement for a heritage order for the purpose of protecting:*
 - (a) *Any place of special interest, character, intrinsic or amenity value or visual appeal, or of special significance to the tangata whenua for spiritual, cultural, or historical reasons; and*
 - (b) *Such area of land (if any) surrounding that place as is reasonably necessary for the purpose of ensuring the protection and reasonable enjoyment of that place.*
- (2) *For the purposes of this section, a place may be of special interest by having special cultural, architectural, historical, scientific, ecological, or other interest.*

Reserves Act 1977

The Reserves Act is administered by the Department of Conservation. The legislation directly affects Council's management of land it administers that is declared reserve (e.g., Queen Elizabeth Park, part of East Harbour Regional Park). This Act makes provision for the control, management, maintenance, preservation, development, and use of public reserve lands.

The general purpose of the Reserves Act is to provide for:

- (1) the preservation and management for the benefit and enjoyment of the public, areas of New Zealand possessing: recreational use or potential (whether active or passive);
- (2) environmental and landscape amenity or interest; or
- (3) natural, scenic, historic, cultural, archaeological, biological, geological, scientific, educational, community, or other special features or value.

Under this Act, the Regional Council has the mandate to manage a range of reserves for different purposes (e.g. recreation reserves, scenic reserves, historic reserves) and on behalf of other agencies (for instance, the Department of Conservation).

Regional Park and Forest Lands Management Plans

The forests and each regional park managed by Wellington Regional Council are governed by a management plan with detailed management policies (for instance, the Forest Lands Management Plan and the Battle Hill Farm Forest Park Management Plan).

The management plans outline the aim, objectives and policies for the management of the parks and forests. The management plans are subject to public consultation before they can be formally adopted by Council.

The plans help identify potential conflicts between a proposed concession activity and other users in the park or forest. Each concession application will be assessed for its compatibility with the objectives of the Park as set out in the respective management plan. Concession applications that are incompatible with these objectives cannot be granted.

Akatarawa Forest Motorised Recreational User Code and Management Guidelines, 1997

These guidelines provide a code of conduct for users of Akatarawa Forest and the outline of a working relationship between Wellington Regional Council and the Akatarawa Recreation Action Committee (ARAC).

4 TYPES OF CONCESSIONS

4.1 EXPLANATION

A concession grants legal rights for an individual or organisation (known as a concessionaire) to offer services and facilities for visitors to Wellington Regional Council parks and forests. The concession is normally granted as a lease, license, an easement or permit (or a combination of these).

4.2 EXCLUSIVE RIGHTS

Exclusive commercial rights (that is, an operator having a monopoly) are rarely granted, and may only be possible where environmental and or social/cultural values outweigh the benefits or principles of competition. Film Companies may be granted exclusive use of a specified area, for a short term, at the discretion of the Council.

In future, Wellington Regional Council may consider tendering for education and/or commercial recreation opportunities if visitor demand exists (for example, eco-tourism operations).

4.3 CRITERIA FOR ASSESSMENT

Depending on the type of concession which an application is classified and processed as, there are different criteria which must be met. These vary from a major to a temporary concession, but as a general rule, the application should:

- comply with all relevant legislation and management plans
- have a detailed environmental and social effects assessment
- have an audited safety plan
- provide evidence of operator and guide experience and qualifications
- provide a comprehensive business plan (preferably including an operations plan and financial forecast for the operation)
- be compatible with the Wellington Regional Council park or forest *Signature Values* [See Appendix 1B for explanation]
- provide evidence of consultation with key stakeholders.

Administration fees would normally apply (except in the case of some permits for casual use).

4.4 TYPES OF CONCESSIONS

There are four main types of concessions, classified as major, minor, temporary and trial. An outline of each concession and the requirements for approval follows. Detailed procedures for processing each type of concession are provided in Part 2 of this policy (Guidelines for the Management of Commercial and Non-Commercial Recreation Concessions on Wellington Regional Council Lands).

4.4.1 MAJOR CONCESSIONS

A major concession is:

- one which is a service or facility, and
- involves the building of substantial structures (e.g. large eco-tourism operations); or
- is a regular use or occupation of Council land (running daily or frequently for most of the year or season); or
- its impact may be of regional economic, environmental, social and/or community significance or concern .

Examples of major concessions:

- mini golf or golf course
- daily transport services
- some guiding services and major sporting/ recreational events

A major concession will require approval by the Wellington Regional Council, a committee of the Regional or a delegated officer of the Council and is generally notified to the public unless provided for in an approved management plan and allowed under relevant legislation. A major concession could be one of, or a combination of lease, licence, easement.

A major concession may also need resource consent. This is a separate procedure, and not part of the concession application.

A major concession is likely to have a term of between 5 to 30 years (subject to legislative and management plan constraints). The process of approving a major concession involves a detailed application (including an environmental and social impact assessment), business plan, administrative fees and charges, audited safety plan, public notification and submissions. It can take several months to process.

4.4.2 MINOR CONCESSIONS

A minor concession:

- does not involve constructing substantial fixed structures, and
- involves regular small scale operations, or
- involves only occasional operations (operating on any one site, more than twice a year but not daily or frequently throughout the year or season); and
- has little or no impact on the site or beyond it.

Examples of minor concessions:

- occasional transport services
- guiding services
- some nature/sightseeing tours
- some longer term filming where temporary structures/sets need construction.

A minor concession will require approval by a delegated officer of Wellington Regional Council, and could be either a licence or a permit.

A minor concession is likely to have a term of up to five years. A detailed application, business plan and an assessment of the environmental and social effects is required. Public notification may not be needed.

4.4.3 TEMPORARY CONCESSIONS

A temporary concession involves:

- A single event within a 6 month period;
- low impact; and
- no fixed structures

Examples of temporary concessions:

- one-off sporting events
- filming

A temporary concession will require approval by a delegated officer of Wellington Regional Council, and is most likely to be authorised as a permit.

The duration of a temporary concession is unlikely to be longer than 6 months. To process a temporary concession a detailed application (including an assessment of effects and possibly an audited safety plan) and administration fees are required. A business plan may be required.

4.4.4 TRIAL CONCESSIONS

A trial concession allows:

- the viability and acceptability of a venture to be tested; and
- no long-term impact on the conservation of natural or cultural resources;

At the end of the trial concession, Wellington Regional Council can:

- extend the trial period; or
- classify the concession as major, minor or temporary and process accordingly; or
- decline the application.

The Wellington Regional Council may stop the trial if:

- it proves inconsistent with other recreation, environment, heritage values;
- it is not being competently carried out; or
- the trial agreement is being broken.

A trial concession will require approval by a delegated officer of Wellington Regional Council, and is likely to be a permit.

A trial concession will run for no longer than one year. Trial concessions require a detailed application (including effects assessment and safety plan), business plan and administration fees will normally apply.

5 RATIONALE FOR CHARGES

5.1 EXPLANATION

The following fees and charges have been set at levels which the Council, in consultation with the key affected parties, feels are fair, consistent and are able to be explained.

The fees and charges were last set in 1996 and it is intended that regular reviews of charges will be made every two - four years, to keep pace with any changes that occur in the range of facilities and services provided, what other Wellington-based agencies are charging for similar services or facilities (such as the Department of Conservation) and what, if any, cost recovery targets are set by Council.

The charges contained in this review have been set with regard to four main criteria:

- Relative effects of the activity;
- Market rates that apply to other similar opportunities in the Wellington region;
- An assessment of willingness and ability to pay; and
- Cost recovery targets.

The fact that both commercial and non-commercial recreation in the Wellington region is still developing was also taken into account. Commercial operations will be dealt with in a commercial manner (consistent with other agencies managing similar opportunities in the Wellington region); a cost-recovery approach has been adopted.

In the case of non-commercial operators receiving extra public services, a partial cost recovery approach to recover some of the operational and maintenance costs incurred, has been adopted. There is still the opportunity to waive or discount costs (refer to Waivers and Discounts).

5.2 KEY ASSUMPTIONS

It is important to clarify and be explicit about the key assumptions, which underpin any system of charges or fees for use of regional parks and forests. The key assumptions are:

- Access to Wellington Regional Council Parks and Forests is free for casual visitors. Organised non-commercial and commercial activities normally require or involve additional Council services and/or privileges to use or occupy part of a park or forest. The Council believes that those who benefit directly from this additional use, service or privilege should

contribute financially towards the associated costs. Some or all of the charges are recovered from users, the percentage of cost recovery being dependent upon the nature of the event/organisation.

- Charges set for commercial and non-commercial recreation by the Department of Conservation have been used as a reasonable bench mark for comparison with Council charges, as Conservation areas adjoin some Council land and elsewhere, provide similar sorts of opportunities and recreation facilities for the Wellington population;
- Full or almost full cost recovery will apply to commercial activities to avoid or minimise any rate payer subsidy of private gain;
- Some activities (for instance, endurance events, mountain bike events, 4WD events, some filming such as large feature movies) can produce more environmental effects than others. Charges and fees in this policy tend to reflect this due to the additional Council resources needed to manage, avoid or mitigate these affects or repair damage. It is difficult to accurately cost the effects that arise from each activity as so much depends on the number of participants, length of the event (time and distance), the weather and general condition of the track or grassed area prior to the event taking place. Therefore, a simple and practical approach to setting fees has been adopted;
- There are benefits to the community from improving environmental education. School groups and other educational groups should be able to use and enjoy the parks and forests of the Wellington region for free and with the services of rangers (up to two hours free) in order to foster environmental and cultural/heritage awareness with younger generations and help Council achieve its environmental objectives. Some nominal charges may be required where ranger input is greater than two hours.

6 FEES AND CHARGES

6.1 EXPLANATION

The following schedule of fees and charges will apply to all new concession applications. Existing concession fees and charges remain valid but will be reviewed and adjusted within specified review periods or once the concession term expires.

Commercial Activities	Application Fees, Activity Fees & Bonds (all inclusive of GST)
Applications	\$175 non-refundable application fee for new applications and renewals.
Processing	Processing charges based on estimate of staff costs, public notification, consultation or any other processing costs required.
Bonds	Bonds may be required depending on activity and effects.
Site occupation e.g. mini golf, eco-tourism operation	Market rental for space occupied and/or 10% of gross receipts or negotiated flat fee where activity not open to the public or a per person/vehicle charge as appropriate.
Ranger assistance (above normal duties) once commercial operation commences	\$50/hr for ranger time \$80/hr ranger & vehicle
Commercial Activity (Non mechanised, e.g. guided walking)	\$6 per person full day \$3 per person half day
Horse Trekking	\$5 per participant

Commercial Activity (Mechanised, e.g. vehicles and bikes)	
<i>4WD Bikes & Trail Bikes</i>	\$15/bike full day \$10/bike half day
<i>4WDs</i>	\$30/vehicle full day \$20/vehicle half day
Filming	<p>\$175 non-refundable application fee for new applications and renewals. (Renewals may be at a reduced rate at the discretion of the Manager, Parks & Forests (Strategy & Marketing)).</p> <p>Processing charges based on estimate of staff costs, public notification, consultation or any other processing costs required.</p> <p>A bond may be required depending on potential effects. This is dependent on type of filming but set at a minimum of one-day charge and at the discretion of the Manager, Parks and Forests (Strategy and Marketing).</p> <p>The following rates apply during filming and where the film company has exclusive possession of the site:</p> <p>Advertising Commercials \$500 / day Feature Film \$500 / day Television Drama \$500 / day Sports Events (commercial purposes) \$300 / day Film schools / students Conservation / recreation promotion \$100 / day News / current affairs Nil if for non-commercial purposes Commercial still photography Nil \$300 / day</p> <p>Urgent applications \$250 surcharge</p> <p>Preparation and clean-up costs Negotiated – depending on size and nature of filming</p>

Non-commercial Events/Activities	Booking Fees, Activity Fees & Bonds (all inclusive of GST)
Booking fee	\$10 booking fee
Bond	\$100 bond minimum charge or higher negotiated bond, depending on effects.
Ranger assistance with non-commercial events	\$50/hr ranger time \$80/hr ranger with vehicle
School Visits and School Events	School groups free with ranger time free up to first 2 hours. Ranger time at \$30/hr after that. Vehicle costs (if needed) to apply after first 2 hours.
Special Interest Groups (e.g. Forest & Bird, historic societies, nature clubs, universities)	Free access First 2 hours free with ranger \$50/hr ranger time after first 2 hours Vehicle costs may apply
Ken Gray, Education Centre	Bond may be required
Schools	Free access. Ranger free for first 2 hours. \$30/hr ranger time after first 2 hours
Independent Groups:	Free access. \$50/hr ranger interpretation (if requested)
Private Functions:	\$10 booking fee \$2/head or \$100/group, whichever is greater

Non-Commercial Events/Activities	Activity Fees (all inclusive of GST)
4WDs	\$10 Booking Fee \$15/vehicle
Trail Bikes	\$10 Booking Fee \$10/Bike
MTBs	\$10 Event Booking Fee \$5 per bike
Horses	Events: \$5 per competitor Rally/Practice: \$3 per participant \$10 Event Booking Fee
Orienteering / Running	\$3 per participant \$10 Booking Fee
Picnic Area or Space reservations for groups (e.g. Weddings)	\$20 per group minimum \$1 per person for groups >20 NB. No Booking fee, but you must reserve a space with the ranger
Camping	\$5/adult/night \$2/child/night under 16 years of age For flat site, tapped/potable water & toilets and/or picnic tables, coin operated BBQs.

6.2 WAIVERS AND DISCOUNTS

Some activities may be eligible for a waiver or discount on fees and charges if they satisfy at least two of the following criteria:

CRITERIA	EXPLANATION
Benefits to the management plan objectives and <i>Signature Values</i> of the park or forest	This activity could be a direct contribution to the management plan objectives and <i>Signature Values</i> of the Wellington Regional Council parks and forests.
Educational activity	The core activity is education relating to Wellington Regional Council parks and forests. Examples could be school groups.
Non-profit status	The activity must show clear non-commercial benefit. For example, a charitable organisation involved in fund-raising, or an activity that is open to the public and free of charge.

Discretion with respect to the waiver of fees is delegated to the Manager, Parks and Forests (Strategy & Marketing).

Please note that an explanation of *Signature Values* is provided in Appendix 1:B.

7 SAFETY AND INSURANCE REQUIREMENTS

Concessionaires are responsible for the safety of their clients and shall operate within any safety guidelines or standards as set by agencies such as New Zealand Mountain and Water Safety Councils and the Police (Search and Rescue) or relevant sporting bodies.

Concessionaires shall have adequate public liability insurance to indemnify the Wellington Regional Council against any claims arising from the operation of the concession.

8 TERMINATION OF CONCESSIONS

Concessionaires will be liable for any breaches of the concession agreement by them or their tenants, staff or agents. Interest in a concession shall not be transferred, sublet or disposed of without the Wellington Regional Council's consent.

The Wellington Regional Council may suspend or terminate a concession agreement for non-compliance with the conditions of the agreement or other statutory requirements. Where access is made available over Wellington Regional Council roads, tracks or rivers, continual availability is not guaranteed.

Concession agreements that are not used within a period of two years, for major concessions, and one year, for other concessions, from the date of commencement, shall expire.

9 BUSINESS PLAN

The Council wants to see successful commercial operations taking place on land that it manages. To assist the Council with its appraisal of an applicant's business viability, business plans will be required in most cases. For some major concession applications, the Council may seek external business advice to assess viability.

APPENDIX 1

A : Leases, Easements, Licenses, Permits

TYPE	DESCRIPTION
A lease	This provides exclusive rights to occupy buildings or a specified area of land.
An easement	This gives a right of access over or through land and may allow for the installation of pipelines, cables or overhead wires.
A licence	This gives the right to occupy or work in an area but not necessarily to the exclusion of the public or other licensees. Licences may allow temporary modifications to the land such as relocatable buildings, campsites or facilities.
A permit	This is a written authority for entry or to enable an activity or event to be undertaken in an area for a limited period.

B : Explanation of *Signature Values*

Signature values are a standard set of criteria used to assess the recreation, environmental and heritage values of Council parks and forests. These provide a '*Signature*' for each area, which identifies its unique character and helps Council staff decide how to manage it appropriately.

Part Two

Guidelines for Managing Commercial and Non-Commercial Recreation and Tourism Concessions on Wellington Regional Council Lands

(to be prepared following public input Part One – Policy)