

Summary of Submissions¹

Draft Policy for Recreation and Tourism Services in Wellington Regional Council Parks and Forests

Part 1 : Policy

1. Introduction

In general, we support Council in its aims and objectives, and the manner in which these are applied to the draft policy.

ARAC (3)

Basically the document is a useful one, well laid out and easy to read and understand.

Battle Hill Eventing Management Committee (8)

1.1 Status of the Policy

No submissions.

1.2 How to Use the Policy and Guidelines

(a) Scope of the Policy: The scope of the policy is unclear because of inconsistencies and variety of terms used in describing the actions on the WRC lands to which the policy applies. The Policy refers to **recreation and tourism services**; it states Part One relates to **recreation activities** but then that Part Two will relate to **activities** (thus not restricted to recreation ones). Then 1.1 refers to charges for use. In 1.2 the term **recreation activities and services** is used. Later (e.g. 2) reference is made to **activities and events** not only using a different term (noticeably not qualified with 'recreation') but also implying that activity and event are not the same thing for the purpose of the document. Because of different treatment of different cases it is critical to know precisely where the lines are drawn. To do that definitions and consistent use of the applicable terms are required.

Tararua Tramping Club (10)

(b) The definitions allow classification of the action. Consistent use then allows identification of the applicable parts of the policy. If our Club organises a tramping trip that is clearly recreation, but what combination of use, event, activity and service does that comprise? Would the same apply to a botanising session or a simple picnic and would those still be recreation? Clearly, because it is mentioned more than once as an example, the Policy is meant to apply to filming commercials, yet that is not recreation nor is it the provision of a service. We ask that the relevant sections of the policy are reworded to provide clarity and that it should try to provide certainty for 'users' by not leaving unnecessary subjective assessments to be made at the time. For the remainder of the submission we use the term 'use' to mean any type of use, including activity and event, qualifying it if necessary.

Tararua Tramping Club (10)

¹ A list of the organisations/individuals that made submissions is at the back of the document. Officers consulted with O'Brien Property Consultants Ltd. Like officers, O'Brien Property will be involved in implementing the Policy. For the purposes of this document, the comments from O'Brien Property are being treated as Submission No. 1.

Comment (a) and (b):

Agree that there is merit in clarifying the scope of the Policy and in defining some terms from the outset, to ensure consistency throughout the document.

Agree that “use” is an appropriate term to classify events, activities, services or facilities (that are currently referred to in different places in the document) so as to avoid confusion for readers. “Use” encompasses the various types of activities that can be experienced and/or undertaken in the parks and forests, whether commercial or non-commercial.

Recommendation (a) and (b):

Insert a definitions section noting:

- The scope of the *Policy for Recreation and Tourism in WRC Parks and Forests* includes but is not limited to:

recreation, tourism (including guiding activities), education and interpretation, and filming (including photo shoots).
- The word *use* shall be defined, for the purposes of the Policy, as including but not limited to:

activities, services, events and facilities.
- *Use* can then refer to any one or combination of the above.
- Substitute the words *activities, services, events and facilities* in the Policy for *use*.

2. **Overview of Commercial and Non-commercial Use of Wellington Regional Council Lands**

- (a) We agree that a distinction should be made between commercial and non-commercial organisations and also, in the latter case, between use which is intended to produce a profit and use which is not intended to do so. From now on we use the terms **commercial**, **non-commercial profit** and **non-commercial no-profit** respectively to identify these. The definition of commercial and non-commercial is not trivial and setting the boundary is to some extent subjective (see comment below on Waivers and Discounts).
- (b) We agree that such a Policy is required to control and charge for commercial use and non-commercial profit use but this should not apply to non-commercial no-profit use, unless that use is exclusive.

Tararua Tramping Club (10)

Comment (a) and (b):

Note that the charges are designed to be effects-based not profit-based. The Council is seeking to recover the (operational and maintenance) costs associated with various uses through the charges. The percentage of cost recovery varies depending on whether the use is commercial (100% cost recovery) or non-commercial.

Officers see no need for a third category of use (i.e. non-commercial no-profit). Where there are non-commercial operators receiving extra public services (i.e. over-and-above the services provided for casual use), a partial cost recovery approach to recover some of the operational and maintenance costs incurred, has been adopted. The section on waivers and discounts will enable the Council to address issues relating to park/forest “uses” with non-profit status (e.g. a charitable organisation involved in fundraising or an activity that is open to the public free of charge).

Recommendation (a) and (b):

No change.

- (c) We oppose the apparent definition of the non-commercial target of the Policy as club activities and events by the insertion of “(club)” after “non-commercial” here. Whether non-commercial users are individuals, informal groups or formal groups should make no difference.

Tararua Tramping Club (10)

Comment (c):

Delete reference to “(club)”. Agree that whether grouping is informal or formal is not generally relevant.

In some cases, being from a *bona fide* organisation, can be important for management purposes e.g. this is currently a requirement to obtain access to the Wainuiomata/Orongorongo Water Collection Area. However, generally speaking the charges for non-commercial use are designed to recover costs where there is an additional service or privilege requiring additional Council resources to manage, avoid or mitigate the effects of the use, over-and-above normal casual use. (For example, 4WD events, endurance events, mountain bike events where there is a cost to the Council in terms of ranger time to manage conflicts with other users and environmental effects). The Policy is not designed to discriminate against specific types of groups organising events but is endeavouring to recover costs depending on the type of use. Note the degree of cost recovery is different from commercial operators. Casual access is free.

Waivers and discounts apply where users have non-profit status.

Recommendation (c):

Delete reference to “(club)” after “commercial”. No other changes.

3. Relevant Legislation and Plans

- (a) Local Government Act 1974: We strongly support the requirement that provision must be made for public use and enjoyment and must be consistent with the conservation and protection of the intrinsic worth of the parks under this Act. The Policy should adopt this generally and explicitly state that it applies to all the lands.

Tararua Tramping Club (10)

Comment (a):

The Local Government 1974 relates to Regional Parks specifically. The Council's forests are held under the Water Board Act 1972 which enables Council to carry out its bulk water functions and enables the use of Water Board lands for recreational purposes.

This Policy cannot be contrary to the above Acts. Assessment of concession applications is made taking into account a park or forest's *Signature Values* and the management plan for the area. In addition to the Acts mentioned, these include provisions relating to conservation and protection and public use. No change needed.

- (b) We note that while the Act allows for fees to be charged it does not make such charging compulsory.
- (c) The provision of services and undertaking, promotion and encouragement of the development of services, amenities and programmes is for those that are considered **necessary**. The policy should not go beyond that and justify development, etc on the basis of demand rather than need. The enjoyment and appreciation of the qualities of the natural environment are easily compromised by unnecessary development and commercialisation. Although not as remote as much of the public conservation estate, these lands offer the opportunity to enjoy 'getting away from it all' to a larger proportion of population. The modern trend of growing intensity and commercial pressure on work and every day life means the need 'to get away from it all' is increasing.

Tararua Tramping Club (10)

Comment (b) and (c):

Recreation trends do change over time, and Council will need to deal with and respond to these changes. The Policy creates a framework for dealing with the issue of new concessions (including those demonstrating new uses) in the parks and forests. The Policy states that concessions must be compatible with the *Signature Values* and the objectives of the park or forest as set out in the respective management plan. Concession applications that are incompatible with these objectives cannot be granted. (The park management plans are due to be reviewed soon (commencing in the 2001/02 financial year) and will include revised concept plans for the parks.)

Potential conflicts with other users are considered very carefully. As a rule, casual use is given priority in the Parks and Forests (except where the management regime dictates differently (e.g. 4WDs in the Akatarawa Forest; walking access to the Wainuiomata/Orongorongo Water Collection Area).

- (d) Regional Park & Forest Lands Management Plans: We support the requirement that proposed concessions [do] not conflict with other users of the lands.

Tararua Tramping Club (10)

- (e) We note that the Conservation Act makes the important distinction between recreation, which is to be “fostered”, and tourism, which is to be merely “allowed”. While this doesn’t legally bind WRC we believe this distinction giving recreation precedence over tourism is equally appropriate to WRC lands and ask that the Policy state that (here or wherever more appropriate) and reflect that throughout.

Tararua Tramping Club (10)

Comment (e):

As noted, all decisions regarding use of land are made taking into account the three *Signature Values* (recreation, environment and heritage) and the respective park/forest Management Plans. (Each park or forest has its own ‘Signature’, the combination of those three values specific to that area). Tourism (including guiding services) is seen as a way to assist people to enjoy the parks and forests who wouldn’t otherwise get the opportunity. As noted, generally casual use is given priority over other uses and exclusive use is only granted in very special circumstances. Council recognises that potential conflicts between different types of use need to be addressed and managed carefully.

Recommendation (a) – (e):

No change.

4. **Types of Concessions**

- (a) As it is not clear from any preceding section this section must start by defining the organisation + use combinations which require a concession. These are: commercial use, non-commercial profit use and non-commercial no-profit exclusive use. All non-commercial no-profit use which is not exclusive use should not be subject to concession; it should be controlled just as for any individual member or group of the public on public lands. To discriminate against organised groups by requiring them to hold concessions on public land is unreasonable.

Tararua Tramping Club (10)

Comment (a)

Concessions are often used as a management and monitoring tool, in addition to or instead of a financial tool (e.g. trail bike permits (no charge); to clearly identify and set out occupational safety and health (OSH) issues and other responsibilities of organisers where there are large-scale events, even if a fundraising event.)

The charges are designed to recover costs where additional services or privileges are provided (over and above those for casual use). Non-commercial concessions are usually required where there is an organised event involving a significant number of people, potentially conflicting with other users, and involving significant amounts of ranger time e.g. mountain-biking or 4WD events. The Policy is not designed to discriminate against specific types of groups organising events but is endeavouring to recover costs depending on the type of use. Waivers and discounts apply where users have non-profit status.

4.1 **Explanation**

4.2 **Exclusive Rights**

- (b) There is a need to distinguish exclusive rights from exclusive use. Exclusive use is where the public are excluded from any part of the lands, whether temporarily or permanently, to allow some specific use and we are in general strongly opposed to this. Commercial use should not be allowed such exclusive use – these are public lands set aside for the public, not for private profit. Only in special circumstances should exclusive use be allowed and the issue is of such importance that even non-commercial no-profit use that is exclusive use should be subject to the concession process.

Tararua Tramping Club (10)

Comment (b):

The Council grants exclusive rights to areas or a type of use very rarely. Film companies are given exclusive use of the area they are actually filming in, during film “takes”, and for the purposes of the Health and Safety in Employment Act 1992. They are expected to maintain public access to the park or forest at all times. Only in very special cases have film companies or any other concessionaires been given exclusive use of part of a park or forest. All current concessions are non-exclusive.

In future, Wellington Regional Council may consider tendering for education and/or commercial recreation opportunities if visitor demand exists (for example, eco-tourism operations). It is envisaged that granting exclusive use would continue to be rare.

- (c) In considering a tender process the purpose must be to provide the best service to the public, not to raise revenue (see comment below on rationale for charges).

Tararua Tramping Club (10)

Comment (c):

The revenue being raised is based on cost recovery not profit (refer earlier comments). Furthermore, as noted the criteria for assessing concession applications includes compatibility with the *Signature Values* and objectives in the Management Plans. If a commercial operation provides an opportunity for new groups of people to experience and/or be educated in the Parks and Forests, as long as the concession is compatible with other uses and is not damaging the intrinsic values of the park or forest, there appears to be no need to discourage this type of use.

Rangers are given revenue targets. However, these too are based on cost recovery and would not be promoted at the expense of casual visitation.

Recommendation (a) – (c):

No change.

4.3 Criteria for Assessment

- (d) The criteria must include a requirement that the concession assist the public in its appreciation and enjoyment of the values of the lands or in another direct way support the purpose for which the land is held. With recreation having precedence over tourism (see our earlier comment) where the assessment indicates an adverse impact on recreation a tourism concession should not be allowed.

Tararua Tramping Club (10)

- (e) Even within the recreation category there is a range of appropriate recreation use and these vary in their degree of compatibility with the values (conservation etc.) for which the particular land has been set aside. Where there is potential conflict or competition between uses the assessment should give preference to those with the greater compatibility.

Tararua Tramping Club (10)

Comment (d) and (e):

These factors are implicit in the assessment of concession applications using the *Signature Values*, the Management Plans and relevant legislation.

- (f) Public notification does not remove the requirement of evidence of consultation with key stakeholders.

Tararua Tramping Club (10)

Comment (f):

Council offices generally contact key stakeholders directly before, and certainly in addition to undertaking public consultation. Note public consultation is a requirement for major concessions; Officers consult with key stakeholders regarding all concession applications.

Recommendation (d) – (f):

No change.

4.4 Types of Concessions**4.4.1 Major Concessions**

- (g) Second bullet point: Recommend rewording to “*May involve the building of structures.*”

- (h) Page 6, second paragraph: Recommend removing 5 and replacing with between 1 and 30 years.

O'Brien Property Consultancy Ltd (1)

- (i) Second bullet point: It's unclear why 'large eco-tourism operations' are considered likely to involve the building of substantial structures. We would have hoped that an eco-tourism operator would have avoided the impact of building substantial structures on these lands.

Tararua Tramping Club (10)

- (j) All major concessions must be publicly notified. Any concession that could have an adverse impact on the natural values or the public's enjoyment or appreciation of the lands should be publicly notified. We believe it is inappropriate for any concession, even a major one, to be for longer than 10 years. We note that management plans and policies are seldom for longer.

Tararua Tramping Club (10)

Comment (g) – (j):

Generally major concessions are granted for more than one year as there is often a significant amount of capital investment by the concessionaire, which warrants a longer term commitment by the Council (e.g. if concession involves construction of buildings (even on land adjacent to Council land)). Five years also distinguishes major from minor concessions (which are for terms up to 5 years).

However, 30 years may be too long a term for Council to commit to. A term of 20 years may be more appropriate. This does not mean that all major concessions would be granted for a term of 20 years; it merely provides for this option if, following the consultation process associated with major concessions, this is considered appropriate. (This term may also be inclusive of renewals.) Not only is there often significant investment by the concessionaire, major concessions often involve significant commitment by the Council with regard to the direction that a park or forest is taking, and how it will be managed in future. If a concession is consistent with the long-term plans for the park or forest, it may be beneficial for the Council to grant a 20 year term. As noted in the Policy, statutory (e.g. RMA) and Management plan constraints also apply.

Construction of buildings and large structures is generally discouraged but in occasional cases it may actually be beneficial to have some structures on site– subject to strict design codes and care in placement. (Consultation would be needed before approval could be given.)

The Policy provides for public consultation process in the case of major concessions. (i.e. The full statutory public notification process will be followed.)

Recommendation (g) – (j):

Page 6, second paragraph: Remove 30 and substitute with 20 years. No other changes.

4.4.2 Minor Concessions

- (k) First bullet point: Recommend rewording to “*Unlikely to involve constructing structures*”.
- (l) Suggest that first bullet point be moved down the list of points to de-emphasise it.

O’Brien Property Consultancy Ltd (1)

Comment: (k) and (l)

Agree with suggested amendments.

Recommendation (k) and (l) :

First bullet point: Reword to “*Unlikely to involve constructing structures*”.

Move first bullet point down the list of points to de-emphasise it.

4.4.3 Temporary Concessions

No submissions.

4.4.4 Trial Concessions

- (m) Question whether trial concessions are necessary at all. The very term suggests that the Council will assist an experiment and further suggests a concessionary fee structure. This is contradicted under the fees as there is no concession discussed. Recommend removal of 4.4.4 altogether as Temporary, Minor and Major concessions (progressively) cater for the same need.

O’Brien Property Consultancy Ltd (1)

- (n) Trial concessions conditions should not be any less strict than those for temporary concessions (e.g. low impact and no fixed structures). If it can be done before the trial, the long-term impact of ‘real’ concession should be assessed and the trial disallowed if the “real” concession would produce a long term negative impact. WRC **must** stop the trial in the three listed circumstances, not merely **may** stop the trial.

Tararua Tramping Club (10)

Comment (m) and (n):

Agree with (m). Recommend reference to trial concessions be deleted. Most of the concessions granted by the Council are for one year and there is no minimum period specified for the duration of concession contracts. There is no concessionary price structure and the conditions are exactly the same as for any other concession contracts. Agree that temporary, minor and major concessions cater progressively for the same need as a trial concession, and that the trial concession classification should be removed from the Policy. The standard concession contracts state that the Council retains the right to cancel the contract should the concessionaire attempt to use the locations for any purpose other than that nominated or if they do not meet the terms and conditions of the agreement. Therefore, a trial concession is not required to achieve these outcomes. (These contracts include provisions relating to impacts on the environment (land and vegetation), contamination of water, maintaining public access, instructions by Regional Council staff, etc.) If officers are unsure of the potential impacts of a proposal, then a temporary concession could be granted rather than a trial concession, to enable assessment of the impacts.

Recommendation (m) and (n):

Delete reference to trial concessions.

5. Rationale for Charges**5.1 Explanation**

- (a) Page 8, second bullet point: Suggest add “*and New Zealand wide*”.
- (b) Third bullet point: Question how you can, in advance of applications, measure the ability to pay.

O’Brien Property Consultancy Ltd (1)

- (c) It must be made clear here that any financial benefit arising from use (e.g. income from concessionaire fees) will not be a factor in determining whether to allow a use or not. We caution on this as WRC may, as other organisations appear to have, see such concessions as an attractive way to generate income for various purposes.

Tararua Tramping Club (10)

- (d) For commercial use the charge must at least meet the cost to WRC; we suggest there should also generally be a percentage of revenue or percentage of profit component in addition. These lands have been set aside for the public’s enjoyment and appreciation, not for private commercial gain.

Tararua Tramping Club (10)

Comment (a) – (d):

Agree with (a).

Willingness to pay is the market perception based on the experience of and levels set by other similar operators. Agree ability to pay is much harder to assess before applications are received. Delete reference to ability to pay.

Concessions are seen as a way to get other users into the parks and forests. Revenue is not the prime motivation. The charges (and therefore revenue) are based on cost recovery, not profiteering. Commercial operators are expected to pay 100% cost recovery. Protection of the environment, casual recreation opportunities and the intrinsic values of the parks and forests are very important to maintain. Therefore, decisions to permit certain uses are made on the basis of compatibility with the *Signature Values* and Management Plans (as well as legislative obligations and constraints).

- (e) Any income that is raised should be used only within the Parks and Forests, not for general or other specific WRC purposes. Nor must that income be used to reduce to reduce the level of funding from rates that would be provided were there no such income. It is in a way compensation for the commercialisation of these public lands.

Tararua Tramping Club (10)

Comment (e):

Revenue is placed back in Parks and Forests where it was earned. Revenue targets are built into existing budgets, as approved by the Council through the Annual Plan process.

Recommendation (a) – (e):

Page 8, second bullet point: Add “*and New Zealand wide.*”

Delete reference to willingness to pay. No other changes.

5.2 Key Assumptions

- (f) Fourth bullet point, line three: Is the best word effects or impacts?

O'Brien Property Consultancy Ltd (1)

- (g) We agree that access to WRC Parks and Forests is and should remain free for casual visitors. However, the assumption that ‘Organised non-commercial activities normally require or involve additional council services and/or privileges to use or occupy part of a park or forest’ is false. To adopt a different approval to organised non-commercial use based on that assumption is unreasonable. It must be made clear that if no additional service or privilege is required non-commercial no-profit use will not only be subject to no charge but also not require a concession.

Tararua Tramping Club (10)

Comment (f) and (g):

Agree with (f) that the best word is *impacts* rather than *effects*. There are advantages in having concessions (e.g. permits) from a management point of view even if there is no charge in some cases. The charges are designed to distinguish on the basis of use, not the type of organisation (although in practice, large-scale events run by clubs and other organised groups, do often require concessions)

Once it is ascertained as to whether a concession is needed, then commercial and non-commercial rates and waivers and discounts can be considered.

- (h) We agree that providing services of a ranger for educational groups, always provided these are non-commercial, should be without charge.

Tararua Tramping Club (10)

Comment (h)

Clarify that the Rangers are free for the first two hours to dissuade the situation where Rangers become “babysitters”.

Recommendation (f) – (h):

Substitute *effects* for *impacts*. No other changes.

6. Fees and Charges

6.1 Explanation

- (a) Does this cater for a Sweetwaters type event? We wonder, with all the specific provisions, that it would be wise to add a general provision for unforeseen events where the fee would reflect the activity and be negotiated or set on that basis.

O'Brien Property Consultants Ltd (1)

Comment (a):

All concessions generally involve some form of site occupation and we would expect most new concessions that fall outside the ambit of the activities listed in the schedule of charges, to do so. However, in order to insure that the Council is covered for unforeseen (but appropriate) events, it is proposed that in the *Site Occupation* section, the words "or use" be inserted after "site occupation" and the words "where activity not open to the public" be deleted. This would appear to give flexibility to charge a range of ways for a range of different concessions.

Note that all concession applications will be assessed for compatibility with the *Signature Values* and the objectives of the Park as set out in the respective Management Plan. Concession applications that are incompatible with these objectives cannot be granted.

- (b) The charges should distinguish between commercial use and non-commercial profit use. It is unclear that the division in the table between 'Commercial Activities' and 'Non-commercial events' represents the same boundary (refer comments on Scope of Policy and Overview of Commercial and Non-commercial Use of WRC Lands).

Tararua Tramping Club (10)

Comment (b):

Refer earlier comments re: distinction between commercial and non-commercial uses and the application of waivers and discounts.

- (c) We note and support the inclusion of a charge related to gross receipts or per person use in some cases. We believe an additional charge (or possibly an alternative charge) of a proportion of the commercial profit should apply (in the case of an alternative, on each occasion only where that exceeds the other amount). This would discourage profiteering.

Tararua Tramping Club (10)

- (d) The table for non-commercial should not apply to non-commercial no-profit use (unless exclusive). The appropriate relativities between the charges for the same commercial and non-commercial use depend greatly on how waivers and discounts will apply in practice.

Tararua Tramping Club (10)

Comment (c) :

The administrative costs of enforcing such processes need to be taken into account. Furthermore, the charges have been set on a cost recovery basis. The percentage of cost recovery is dependent on whether the use is commercial or non-commercial. (Refer earlier comments.)

Criteria have been set for applying waivers and discounts to deal with cases where a group is fundraising or has non-profit status.

Recommendation (a) – (e):

Amend *Site Occupation* section as proposed in (a) - refer below.
No other changes.

Commercial Activities**Applications**

- (a) Question the lack of distinction between application and renewals. Believe renewals should be a lesser cost than applications because you will be dealing with a known product and will have contract terms in place already to duplicate.

O'Brien Property Consultants Ltd (1)

Comment (a) :

The proposed fee for all applications is \$175 (GST inclusive), based on \$50/hour + GST for 3-4 hours work, which is consistent with the process and level set by the Department of Conservation and the Auckland Regional Council.

This approach was not considered to be appropriate for film companies (at the time of drafting the Policy) who regularly use the Parks and Forests and have several contracts throughout the year. The Policy currently provides for a fee discount for renewals, in the case of filming, to be permitted, at the discretion of the Manager, Parks and Forests (Strategy & Marketing), based on the estimated work involved in renewing the application.

A discount for renewals may be appropriate for activities other than filming. For example, it may not be appropriate to charge the full amount to a group organising a concert held twice a year on Regional Council land. Other than site specific conditions, the contract would be the same. Recommend that the discretion for the Manager, Parks and Forests (Strategy & Marketing) in relation to filming renewals, be extended to cover all renewals.

Recommendation (a):

Add to applications section that: *discounts in fees for renewals are permitted, at the discretion of the Manager, Parks and Forests (Strategy & Marketing), based on the estimated work involved in renewing the application.*

Processing

No submissions.

Bonds

No submissions.

Site occupation e.g. mini golf, eco-tourism operation

- (b) Refer comment(a) in **Explanation** section above.

Comment (b):

In order to insure that the Council is covered for unforeseen (but appropriate) events, propose that in the Site Occupation section, the words “or use” be inserted after “site occupation” and the words “where activity not open to the public” be deleted. This would then read

Site occupation or use, e.g., mini golf, eco-tourism operation:

Market rental for space occupied and/or 10% of gross receipts or negotiated flat fee or a per person/vehicle charge as appropriate.

Also propose to add a similar section to the schedule of charges for non-commercial use which would read:

Site occupation or use:

Negotiated flat fee or a per person/vehicle charge as appropriate.

Ranger assistance (above normal duties) once commercial operation commences

No submissions.

Commercial Activity (Non mechanised, e.g. guided walking)

- (c) Non-mechanised per participant charges should be lower than for mechanised per participant charges. That would reflect the lesser potential impact on the environment and other visitors enjoyment of that and also the degree of compatibility with the natural environment. However, the proposed scales are actually the other way around comparing mountain bike use (\$5 per day) with walking use (\$6 per day). The adverse environmental impact and conflict with other visitors’ enjoyment created by motorised vehicles justifies a larger differential between motorised mechanised (4WDs) over non motorised mechanised (MTBs). If the MTB fee is raised then so should the 4WD fee.

Tararua Tramping Club (10

Comment (c):

The charges for commercial non-mechanised activities (e.g. guided walking tours) have been set at \$3 per person/half-day and \$6 per person/full day in the draft policy.

This is not consistent with the fees set for horse trekking and mountain biking (both \$5 per participant) which have the potential to have a greater impact on the environment. Propose that commercial non-mechanised activities be set at \$2 per person/half-day and \$4 per person/full day.

Recommendation (a) - (c):

- Amend *Site Occupation* section to read:

Site occupation or use, e.g., mini golf, eco-tourism operation:

Market rental for space occupied and/or 10% of gross receipts or negotiated flat fee or a per person/vehicle charge as appropriate.

- Add a similar section to the schedule of charges for non-commercial use which would read:

Site occupation or use:

Negotiated flat fee or a per person/vehicle charge as appropriate

- Commercial non-mechanised activities be amended to \$2 per person/half-day and \$4 per person/full day.

Horse Trekking

- (d) Seems to be a conflict that horse trekking costs less than walking. Horses have the potential to impact on the environment more than walkers.

O'Brien Property Consultants Ltd (1)

Comment (d):

Agree. See comments above re: non-mechanised commercial activities (e.g. guided walking).

Recommendation (d):

No change.

Commercial Activity (Mechanised, e.g. vehicles and bikes)

No submissions.

4WD Bikes & Trail Bikes

No submissions.

4WDs

No submissions.

Mountain-bikes

- (e) We feel the fees for non-motorised activities (i.e. walking, MTBing, etc) are excessive. They are, apparently, based on “possible effects”. This implies that WRC is attempting to recoup the additional cost that events impose on them in terms of maintenance (there are extra charges for processing and ranger time).

All of the Karapoti Classic course is on former logging roads that are also used by motor vehicles. With the exception of maintenance carried out to allow access for logging trucks, very little maintenance is completed. I think it is extremely unlikely that the Karapoti Classic causes the WRC to carry out extra maintenance to the tune of \$5,000 p.a., but that is what the proposed fee structure would have that event pay.

The WRC needs to consider the flow-on effects of this policy – it will result in fewer events on WRC land, and as a result, less recreation overall.

Participants of both casual and organised recreation are ratepayers – they pay the WRC to supply recreational land/tracks. The policy will force event participants pay an extra charge for the privilege of using public land and tracks which they already fund through their rates.

The charge for mountain bikers is based on “possible effects”. Why not base the charge on real effects? The Department of Conservation has found MTB impacts to be of a similar scale to walking (Science & Research Series No. 92).

The Kennett Bros (6)

- (f) The Big Coast understands fully that in order to maintain the environment fees may be payable by events, and appreciates all the assistance provided by Rangers and staff and is happy to pay per rider concession fees, assuming that those fees take into account various important factors.

Over the preceding 14 months the fees per participant for The Big Coast have risen from \$1 to \$2 and are drafted to rise to a proposed \$5 per rider. This constitutes a rise of 500% over 14 months.

As this fee appears to be a flat rate, no consideration is made of the distance or area used by the concession. The environmental impact of rides using a made single track is different from that resulting from a competitive downhill event or cross country event. Evidence shows that cyclists on made tracks cause less environmental damage than the equivalent horse riders. The Big Coast uses approx. 17kms of trail in the Rimutaka Range, resulting in a combined cost per use of around 40c/km/user, close to that for running a car! These costs get passed on to the participants, mainly impacting on the families who ride together on The Big Coast.

The Big Coast follows the made Rimutaka Incline track over Siberia, and crosses from WRC to DOC managed land. Both Managers charge concessions fees for use, although to the riders, members of the Wellington public, the track is the same. In effect they are being charged twice for the use of the same track. A more suitable solution may be a fee for use of the entire track. A more suitable solution may be a fee for use of the entire track, split between the two land management agencies.

The Big Coast does not disagree in principle to user fees, as these provide funds for management projects. Issues arise from these fees being rigid, and not taking into effect the impact resulting from the event that various users may take part in.

Top Adventures (9)

Comment: (e) and (f):

Do not recommend changing the \$5 fee. This fee is consistent with the fees set for horse trekking and motorised recreation, taking into account the potential impact on the environment from these different types of activities (and likely maintenance requirements/costs). This tiered pricing structure is designed to reflect more accurately the potential impacts of different activities on the Parks and Forests.

The charges are also designed to recover operational costs such as assistance from Rangers in running the mountain bike events on Council land. In some instances (such as the “Karapoti Classic” event) the concessionaire is receiving exclusive use of an area for the duration of the event. Furthermore, the Policy retains flexibility for waivers and discounts to be negotiated at the discretion of the Manager, Parks and Forests (Strategy & Marketing), in some cases where the event benefits the management plan objectives and *Signature Values* of the Park or Forest; is an educational activity; or shows non-commercial benefit.

Recommendation (e) and (f):

No change.

Filming

Advertising Commercials

Feature Film

Television Drama

Sports Events (commercial purposes)

Conservation / recreation promotion

News / current affairs

Commercial still photography

Urgent applications

No submissions.

Preparation and clean-up costs

(g) Recommend addition of “*All actual costs are to be met by the concessionaire.*”

Comment (g):

Agree.

Recommendation (g):

Add “*All actual costs are to be met by the concessionaire.*”

Non-commercial Events**Booking fee**

- (h) The schedule of rates now includes a booking fee. There needs to be an explanation of why and how this is to be applied. In the course of a year I would be discussing and confirming (by e-mail) our usage requirements with the Battle Hill Ranger at least 10 or 15 times. Is every e-mail going to cost \$10.00?
- (i) We consider that this fee is unnecessary in the view that it is insignificant when compared to the fees for one usage. E.g. The minimum number of horses at any training day, rally r event would be about 15, the average being 25, and the maximum around 200. Why not set a minimum charge for each booked use of say 10 times a single charge. This could be applied across the board to all users.

Battle Hill Eventing Management Committee (8)

Comment (h) and (i) :

Arrangements for the Battle Hill Eventing Management Committee are covered by an independent licence agreement, which includes activity fees but no booking fees.

Following discussions with Parks and Forests Rangers, it is apparent that the administrative cost of collecting booking fees in most cases outweighs the benefits of collection. There is also a concern that introducing a booking fee may dissuade groups from making bookings. Booking systems are used by the Rangers to manage numbers and to monitor Park activities. Recommend that all references to booking *fees* be removed from the Policy. However, booking systems for some uses, e.g., picnic areas used by large groups, should remain.

Recommendation (h) and (i):

Delete all references to booking fees. Booking systems to remain in place.

Bond

- (j) Our only issue is in relation to the \$100 bond to secure bookings for upcoming events. Currently, as a regular user of your facilities, we are not charged a bond. Our records show we are dependable users who always ensure we do not damage the environment nor cause your staff any inconvenience.

It appears that we will be expected to supply a minimum of \$100 bond each time we use your facilities. Certainly we will conform to that requirement should it become part of the Policy, however we feel the administrative hassles this will create will outweigh its value to your organisation.

Wellington Area Trail Riding Club (5)

Comment (j):

Policy to remain unchanged as there is flexibility for special arrangements to be made through the waivers and discount section.

Recommendation (j):

No change.

Ranger assistance with non-commercial events

No submissions.

School Visits and School Events

- (k) Charges for non-commercial events (esp. school visits and other education groups) are too high. We disagree with existing and proposed new charges for these. Schools and educational opportunities should be encouraged.

Kapakapanui (7)

Comment (k):

Fee levels set to encourage participation while deterring against Rangers becoming “babysitters”, hence the two hours-free arrangement. (Note that Rangers have advised that a significant amount of information can be imparted within 2 hours, and that most school visits do not require the direct involvement of the Ranger for this long.) Reducing these fees is not recommended. It has already been recommended that the booking fees be removed. The section on waivers and discounts also provides flexibility for special arrangements to be made, where appropriate.

Recommendation (k):

No change.

Special Interest Groups (e.g. Forest & Bird, historic societies, botany clubs, universities)

- (l) Does scientific research in Parks include archaeological work? If so, this could be in breach of the Historic Places Act 1993. We would oppose unnecessary costs for research that is beneficial for the community.

Kapakapanui (7)

Comment (l):

Scientific research programmes are different from visits by small educational groups (which are similar to school visits) and are outside the scope of this Policy. They do not generally incur any charges.

Clarify that these visits do not refer to research programmes, (e.g. scientific and archaeological research), which are usually conducted over a reasonable period of time, and which benefit the community and the Council.

The section on waivers and discounts also provides flexibility for special arrangements to be made where appropriate.

Recommendation (l):

Clarify that these visits by special interest groups do not refer to research programmes, which benefit the community and the Council.

Ken Gray, Education Centre

Schools

Independent Groups

Private Functions

No submissions.

4WD Bikes and Trail Bikes and 4WD's

- (m) Pleased to see Council confirming its stated intention to retain a zero cost for casual users within the [Akatarawa] Forest.
- (n) The charges proposed for more organised motorised recreational (non-commercial) operations seem a little excessive, especially in light of the work done by many of our groups managing and controlling access, improving facilities within the Forest, and planning for future co-operative ventures with both Council and other users.
- (o) We would urge Council to take a more liberal approach to the question of cost recovery for these groups and recognise the tremendous progress that has been achieved by fostering a sense of “ownership”, “pride” and “belonging”. Our suggestion is to:
 - (a) Reduce the cost burden slightly to say \$10 per vehicle with no booking fees
 - (b) Recognise work done by volunteers, and allow the generation of a “green” economy, whereby work done in the Forest can be recompensed by a “green dollar” payment of say \$10 per hour. This would allow users in effect to gain a day’s recreation for 1 hour’s work. The “green dollars” would naturally be notional only, but could be accumulated by Clubs to provide ongoing incentives to respect and cherish the Forest values.

- (p) In all other matters, we find Council's draft policy an excellent framework from which to build towards a more co-operative and cost-effective direction for the management of the Forests and Regional Parks.

ARAC (3)

- (q) Our club understands the Council's requirement to fund its activities and understands the introduction of the fee regime. With the proposed increase to \$15 and contribution towards the booking fee, there is a level of unrest and discontent within the club membership. Therefore CCVC requests that a slightly lower charge be considered. In this we support the submission from ARAC and its proposal of a \$10 per vehicle per day charge along with the introduction of a so called "green dollar".

CCVC (4)

Comment (m) – (q):

Given the recommendation above to remove the booking fee, and considering the potential impact of 4WDs on the environment, a change is not considered to be appropriate. (These fees are also consistent with the tiered approach for different types of activities being more carefully defined in the new pricing structure. The tiered approach is designed to reflect relativities between different activities.)

Do not propose specifying an arrangement like the "green dollar" in the Policy. This would create a precedent for other volunteers doing work in the park and forests. Would prefer a more flexible arrangement whereby the Policy provides for discounts and/or other arrangements to recognise the input of volunteers in the parks and forests, to be made at the discretion of the Manager, Parks and Forests (Strategy & Marketing).

This discretion would apply to all user groups, not just motorised vehicle clubs. (This would be included in the section on Waivers and Discounts.)

There are regular meetings with ARAC to discuss these issues.

Furthermore, there are several other issues to work through before a "green dollar" scheme could be introduced, (e.g., developing ways to ensure the Council receives a satisfactory standard of work for the reduced fee, health and safety for the workers and other users, etc). These issues would be more appropriately addressed outside the scope of this policy.

Recommendation (m) – (q):

Provide for Manager, Parks and Forests (Strategy & Marketing) to have discretion re: arrangements to recognise voluntary work in the parks and forests. This will apply across the board i.e. to all groups not just for people involved in motorised recreation.

Mountain-bikes

No submissions.

Horses

No submissions.

Orienteering / Running

- (r) Oppose proposed increase in fees. Orienteering does not require special facilities or even managed land. Prefer to use the environment in its natural state. We do not damage the land or any buildings on the land. We do not require any assistance from WRC staff. Our events are totally self-managed.
- (s) We run several orienteering events throughout the year for our members and the general public. Entry fees are set to cover costs such as printing of maps. Our entry fees are set very low in order to encourage participation. Members of the public are welcome at our events. The result [of the proposed increase in fees] will be to drive the cost of orienteering so high that the number of participants falls to a level that it is no longer worth running local events.

Hutt Valley Orienteering Club (2)

Comment (r) and (s):

In general, there is substantial involvement by Rangers whenever an area needs to be closed to other Park users and/or a large number of people are entering the park/forest at one time.

Although Rangers may not be directly administering the event, such events do impact on overall management of the parks and forests. As noted above, the criteria for waivers and discounts mean that there is flexibility to make arrangements specific to various groups where appropriate.

Recommendation (r) and (s):

No change.

Picnic Area or Space reservations for groups (e.g. Weddings)

- (t) We consider that the proposed costs for picnic areas and space are prohibitive. We suggest \$1pp with no minimum number and that marquee costs be reduced to \$100.

Kapakapanui (7)

Comment (t):

Small groups are not charged. Fees only apply when booking an area i.e. for exclusive use. The section on waivers and discounts also provides flexibility for special arrangements to be made where appropriate.

Recommendation (t):

No change.

Camping

No submissions.

6.2 Waivers and Discounts

- (a) In principle (and subject to a clear distinction being made between commercial use and non-commercial profit use) we support a waiver/discount system for non-commercial profit to allow for the public good component of the profit and use. However, we are concerned that the discretionary nature of waivers and discounts may mean they would be rarely or inconsistently given. We are unaware of the contents of *Signature Values* and the detail of management plan objectives for each of the parks 'or forest' (rather than 'and').

Tararua Tramping Club (10)

Comment (a):

To be eligible for a waiver or discount, a proposed use must satisfy at least two of the following criteria:

- Benefit to the Management Plan objectives and *Signature Values* of the park or forest;
- Being an educational activity, (e.g. environmental education and interpretation);
- Having non-profit status, (i.e., must show clear non-commercial benefit).

These criteria will guide the assessment of applications by the Manager, Parks and Forests (Strategy & Marketing), who will (and does now) make decisions on waiving fees and discounts in consultation with the Manager, Parks and Forests (Operations).

- (b) We note the distinction being made by referring to **private** gain in 5.2 bullet point 3 and it is an important consideration for non-commercial profit use to what extent there is private gain. For example, if monetary (or equivalent) prizes are given with the profit being fund raising for a voluntary non-profit organisation.

Tararua Tramping Club (10)

Comment (b):

Refer earlier comments regarding cost recovery and application of waivers and discounts.

- (c) The policy should make it clear that discretion with respect to discounts as well as waivers is delegated to Manager, Parks and Forests.

Tararua Tramping Club (10)

Recommendation (a) – (c):

Insert "or discount" between "waivers and fees", first line, page 12. No other changes.

7. Safety and Insurance Requirements

- (a) The document needs to be more specific in the obligations of users in meeting the Health and Safety in Employment Act as it relates to the identification and minimisation of risks associated with hazards. The nature of horse riding is that there are more risks of personal injury than with other types of recreation on the Parks. Our eventing course at Battle Hill is made of solid structures, whether portable or permanent and may represent a falling or tripping hazard to other park users, whose liability is this?
- (b) There is also considerable ongoing maintenance of the course, mainly done by parents, which involves lifting, sawing, hammering and other construction work. My understanding is that we are doing this work at our risk. If this is too detailed for the policy perhaps it should refer to another document i.e. the license.

Battle Hill Eventing Management Committee (8)

Comment (a) and (b):

Safety issues and insurance requirements are covered in the licence documents. There is a requirement for an audited safety plan (as noted early in the Policy) to be deposited with the Council by any concessionaire. Concessionaires are also required to acknowledge receipt of and adhere to the Council's hazard plans and undertakes to add any new hazards to the plan identified or created during its term of occupation on that location. They are required to comply with the provisions of the Health and Safety in Employment Act 1992, and any approved code of practice or regulations made under this Act. This is all noted in the contracts but could be specified in the Policy.

Recommendation (a) and (b):

Include reference to hazard plans and the Health and Safety in Employment Act 1992. No other changes.

8. Termination of Concessions

- (a) Paragraph 1, line 3: Recommend deletion of the words "*without the Wellington Regional Council's consent.*"

O'Brien Property Consultants Ltd (1)

- (b) Paragraph 2: Recommend an additional sentence after "*statutory requirements*". "*On suspension or termination of the agreement, the concessionaire shall not be released from liability contained within the agreement until such time as all obligations of the concessionaire have been met, discharged and satisfied.*"

O'Brien Property Consultants Ltd (1)

Comment: Agree with (a) and (b).

Recommendations: Amend as suggested.

9. Business Plan

No submissions.

Appendix 1

No submissions.

Other Comments

- (a) Noted issues relating to access to Waitangirua Farm (owned by Landcorp) before and since it has become part of Belmont Regional Park.

Hutt Valley Orienteering Club (2)

Comment (a):

Issues outside the scope of this Policy. Issues can be addressed by Ranger, Belmont Regional Park liaising with the Orienteering Club.

- (b) Status of the Documents: The Policy suggests the Information Booklet is a summary of the Policy yet the Information Booklet appears to contain some unique and important detail (e.g. the only apparent definition of commercial/non-commercial) and there are inconsistencies. This makes it hard to be certain of the meaning and intent of some items, particularly in the area, key for us, of the distinction between commercial and non-commercial organisations and commercial and non-commercial activities and their different treatment.

Tararua Tramping Club (10)

Comment (b)

Refer changes made to clarify terms in the Policy. All changes made to the Policy will be reflected in the Information Booklet, which will also be checked for consistency before circulation

- (c) Signage: Where there is a need for signage relating to specific types of users **but equally to casual and organised**, the WRC should be responsible for the installation and upkeep. This may already be case and considered as too detailed for the policy. Examples:

- Information on where and where not to unload and tie up horses.
- The parks policy on rubbish removal.
- The policy on removal or heaping of horse manure.

Battle Hill Eventing Management Committee (8)

Comment: (c)

Signage is a matter that is dealt with in the contractual arrangements between the Council and the concessionaires. WRC provides signs for general park/forest use and to meet its legal obligations re; safety, etc.

However, WRC does require concessionaires to provide signs specific to their concession in some cases. Do not consider that this detail needs to be specified in the Policy.

Recommendation (c):

No change.

- (f) That Queen Elizabeth Park is the only Regional Park in our tribal area and it is an area of land subject to a Treaty of Waitangi claim. In the context of the RPS this means it needs to be managed in a partnership context. We are a little concerned that this is not reflected in the draft policy document - nor is the fact that the Park is not Council land. On this subject we would ask that decisions made on concessions for this Park be done in consultation with current land owners - DoC and with ourselves and Ngati Toa so that future land use is not prejudiced by land concessions (e.g. ongoing dairy farming).
- (g) The QE Park management plan is out of date and needs to be reviewed in a community of interest context before decisions are made about concessions.
- (h) Te Ati Awa and Ngati Toa need to be consulted about new applications and extensions or renewals to existing concessions.

Kapakapanui (7)

Comment (f) – (h):

The draft document provides for consultation with key stakeholders but does not specifically refer to iwi consultation. Propose that a statement be included in the Policy, specifically identifying that the Council will consult with iwi.

Recommendation (f) – (h)

Insert a statement specifically identifying that the Council will consult with iwi, in the Policy. Amend *Criteria for Assessment*.

Substitute:

- *provide evidence of consultation with key stakeholders.*

With:

- *provide evidence of consultation with iwi and other key stakeholders.*

Submissions on
Draft Information Booklet on Recreation and Tourism Services in Wellington
Regional Council Parks and Forests

How to Use this Booklet

1. Within the one ring binder there are three green “title pages” (Policy, Information Booklet and Changes to Fees & Charges). The first two have tables of contents but the last doesn’t nor is its content included in either table. The Policy suggests the Information Booklet is a summary of the Policy yet the Information Booklet appears to contain some unique and important detail (e.g. only apparent definition of commercial/non-commercial) and there are inconsistencies. This makes it hard to be certain of the meaning and intent of some items, particularly in the area, key to us, of the distinction between commercial and non-commercial organisation and commercial and non-commercial activities and their different treatment.

Tararua Tramping Club (10)

2. **What Does Commercial and Non-commercial Mean?**

The definition here ‘Commercial refers to recreation or tourism businesses’ fails to classify businesses which are neither tourism nor recreation ones (e.g. film industry). We also note that the definition of non-commercial, “non-commercial refers to club, association, school group or other non-business activities” includes individual members of the public and does not specifically relate to “organised” groups. We agree that no distinction should be made on that basis, but the Policy appears inconsistent with that. Use of first person singular elsewhere in the Information Booklet titles (6., 7., 8.1, 8.2 etc) seems to confirm applicability to individuals.

Tararua Tramping Club (10)

Comment (a) and (b):

Refer changes made to clarify terms in the Policy. All changes made to the Policy will be reflected in the Information Booklet, which will also be checked for consistency before circulation.

Fees and Charges: What do I have to Pay?

3. Processing: Recommend addition of “*These will be assessed and discussed with you at the time of your application.*”

O’Brien Property Consultants Ltd (1)

Comment (c):

Agreed.

Recommendation (c):

Amend as suggested. Also amend Policy Document.

Do I need a Concession?

4. Item (9) “Conduct one-off activities” would seem to cover just about anything that isn’t repeated. That seems far too extensive and we doubt that that was the intention.

Tararua Tramping Club (10)

Comment (d):

All activities have to be compatible with the *Signature Values*, the Management Plans and relevant legislation being approved. Furthermore, this is part of a list of different types of activities attempting to demonstrate the types of activities that may need a concession. Consider, that taken in this context, it is likely to cause few problems.

Recommendation (d):

No change.

Submissions were received from:

1. O'Brien Property Consultancy Limited²
2. Hutt Valley Orienteering Club
3. The Akatarawa Recreational Action Committee: *Friends of Akatarawa* (ARAC)
4. The Cross Country Vehicle Club
5. Wellington Area Trail Riding Club
6. The Kennett Bros
7. Kapakapanui, Te Runanga o Te Ati Awa ki Whakarongotai Inc., in partnership with Papatuanuku
8. Battle Hill Eventing Management Committee
9. Top Adventures
10. Tararua Tramping Club

² Officers consulted with O'Brien Property Consultants Ltd. Like officers, O'Brien Property will be involved in implementing the Policy. For the purposes of this document, the comments from O'Brien Property are being treated as Submission No. 1.