



greater WELLINGTON
REGIONAL COUNCIL

Greater Wellington Regional Council Parks and Forests 2008

Draft Concessions Guidelines

FOR FURTHER INFORMATION

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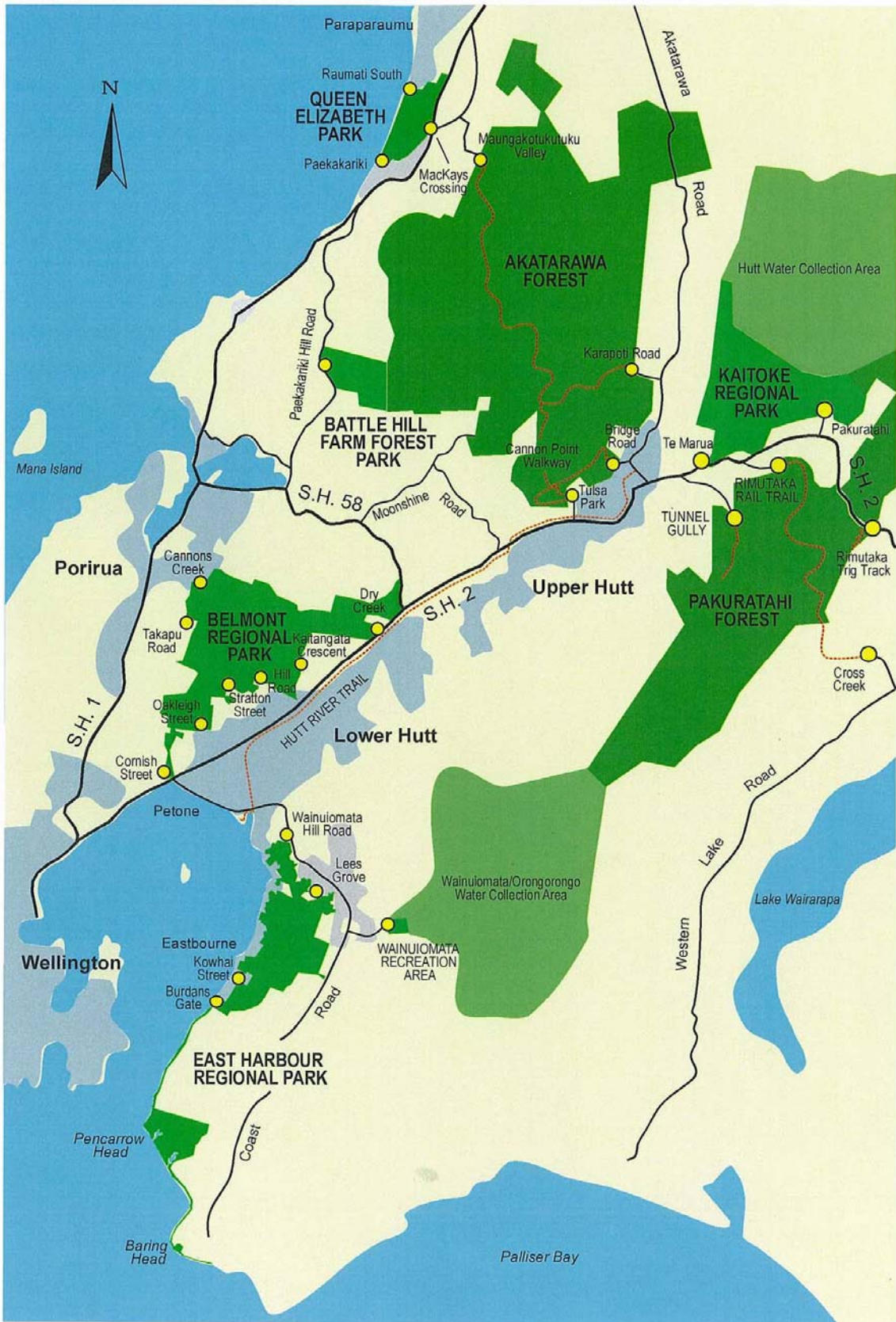
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Contents

1.	Introduction to concessions	1
1.1	What is a concession?	1
	Leases	1
	Licences	1
	Permits/Consents	1
	Easement	1
1.2	Why charge fees?	2
1.2.1	General	2
1.2.2	Commercial versus non-commercial events and activities	2
1.3	When is a concession required?	3
1.3.1	Short-term concessions	3
1.3.2	Long-term concessions (leases, licences, easements)	3
1.4	Assessment of concession applications	4
2.	Policies	7
2.1	General	7
2.2	Applications for concession	7
2.2.1	Short-term concessions	7
2.2.2	Long-term concessions	7
2.2.3	Facilities	8
2.2.4	Filming/Photography	8
2.2.5	Motorised recreation	9
2.3	Fees/Waivers	9
2.4	Health and safety	9
2.5	Traffic management	10
2.6	Public liability	10
2.7	Business plan requirements	10
2.8	Concession renewals	10
2.9	Monitoring of concessions	11

Appendices

1	Concession and permit fee structure
2	Definitions



Map 1 - Greater Wellington Regional Council's Parks and Forests' lands [excludes Hutt River Trail]

NB: Please note that the current water collection areas, as annotated above on Map 1, are subject to water operation requirements and thereby public access is restricted.

1. Introduction to concessions

1.1 What is a concession?

A concession is an official authorisation for an individual or group to undertake an activity and/or event on land owned and/or managed by Greater Wellington Regional Council (GWRC).

A concession provides a:

- Legal right to carry out an activity/event on lands owned and/or managed by GWRC.
- Formal relationship between the concession holder and GWRC, ensuring that both parties are aware of their obligations.

Concessions include the following:

- Short-term activities/use in the Region's parks and forests, including all permits.
- Long-term activities/use in the Region's parks and forests, including all leases, licences and easements.

Leases

Provide exclusive rights to occupy buildings or a specified area of land. Leases are granted according to the relevant provisions of the *Reserves Act 1977*, *Local Government Act 2002* and/or *Wellington Regional Water Board Act 1972*. They require approval by GWRC or one of its Committees. Where an activity is not provided for in a park-specific management plan, the public will be notified by means of consultation. Where an activity is already provided for in such a plan, public notification will be at GWRC's discretion and may require resource consent or permits from other authorities.

Licences

Give 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 and are granted according to the relevant provisions of the *Reserves Act 1977*, *Local Government Act 2002* and/or *Wellington Regional Water Board Act 1972*.

Permits/Consents

Provide a written authority for entry or to enable an activity or event to be undertaken in an area for a limited time period. Permits are required for all managed and restricted activities in each individual park or forest management plan. They may be low impact, medium impact or high impact. Criteria for assessing permits are included in these guidelines.

Easement

This gives a right of access over or through land and may allow for the installation of pipelines, cables or overhead wires or other utility services.

1.2 Why charge fees?

1.2.1 General

GWRC, as landowner and/or manager, has the right to charge entry fees into parks and forests under the *Local Government Act 1974*, *Local Government Act 2002* as provided for in the Parks and Forests bylaws, and the *Wellington Regional Water Board Act 1972*. Under the *Reserves Act 1977*, GWRC may prohibit or regulate the carrying out of any trade, business or occupation within the parks and forests of the Region provided the land has reserve status.

The use of a park or forest over and above casual use can result in greater environmental impacts because of an increased intensity of use and can also result in significant social impacts or cultural effects. Other factors, such as the time of year or exclusive use of an area, can also result in impacts on the park/forest and other users.

Access to GWRC's parks and forests is free for casual visitors. Any low impact/non-commercial activity/event with 30 participants or less is considered to be casual use of a park or forest, so no fees will be charged. Also, appropriately, fees shall be waived for schools and college students (or for those under 19) for those who apply from the school or college directly.

Concessionaires are required to pay concession fees for the privilege of obtaining commercial or other benefits from public land.

Bond payments are required as a guarantee of concessionaire performance and as a cost recovery mechanism if the concessionaire fails to comply with the conditions as set out in the concession agreement.

This is whereby activity results in more than minor impacts to the park/forest, for example:

- Failure to clean up rubbish/paint/course markings.
- If keys are not returned/broken locks on gates.
- If the concessionaire fails to pay activity fees.

The bond monies are used to act as insurance and cover any additional costs that may have been incurred because of the activity taking place.

Charges set for commercial and non-commercial recreation by the Department of Conservation and Auckland Regional Council has been used as a benchmark. Commercially acceptable rates will apply to commercial use to avoid or minimise any ratepayer subsidy of private gain.

1.2.2 Commercial versus non-commercial events and activities

Upon application, an event or activity will be assessed to whether it is commercial or non-commercial. To ensure non-commercial activities remain non-commercial in nature, GWRC may require applicants to demonstrate evidence of this and to sign a disclaimer.

The definitions are as follows:

A commercial activity includes:

- An activity where the purpose is to operate a business and/or obtain profit or gain from its operations utilising GWRC's parks and forests.
- Conducting a trade, business or occupation on GWRC owned or managed land.
- Profit and private benefit involved.

A non-commercial activity:

- Includes an activity for where a private individual, club or any organisation will not generate profit or gain from the use of GWRC's parks and forests.
- Has greater than 30 participants (with the exemption of motorised recreation).
- Is likely to require additional services/privileges, health and safety and route planning.
- Is subject to standards terms and conditions for use of parks/forests.

1.3 When is a concession required?

1.3.1 Short-term concessions

A concession will be required where:

- The use of GWRC land is used for more than just casual use, i.e. more than 30 people undertaking a particular activity.

Table 1 on page 5 outlines for each activity as to whether a permit or a streamlined/full concession is required. Examples of what concession is required for a variety of activities is as per below. As from the table, it is assessed that:

- Horse riding events with less than 30 horses or competitors will require a permit from the ranger or Upper Hutt depot.
- Non-commercial activities with less than 150 people will require a streamlined concession from the Wellington head office.
- Commercial motorised recreation activities, horse riding events (>30) and all non-commercial activities greater than 150 people will require a full concession from Wellington head office because of the impacts of the activity on the park or forest.

1.3.2 Long-term concessions (leases, licences, easements)

For all activities/operations that involve ongoing use/activity of GWRC land, including grazing, occupation and other long-term land use, the public may be granted a lease, licence or easement. Long-term concessions are generally considered to be greater than two years.

1.4 Assessment of concession applications

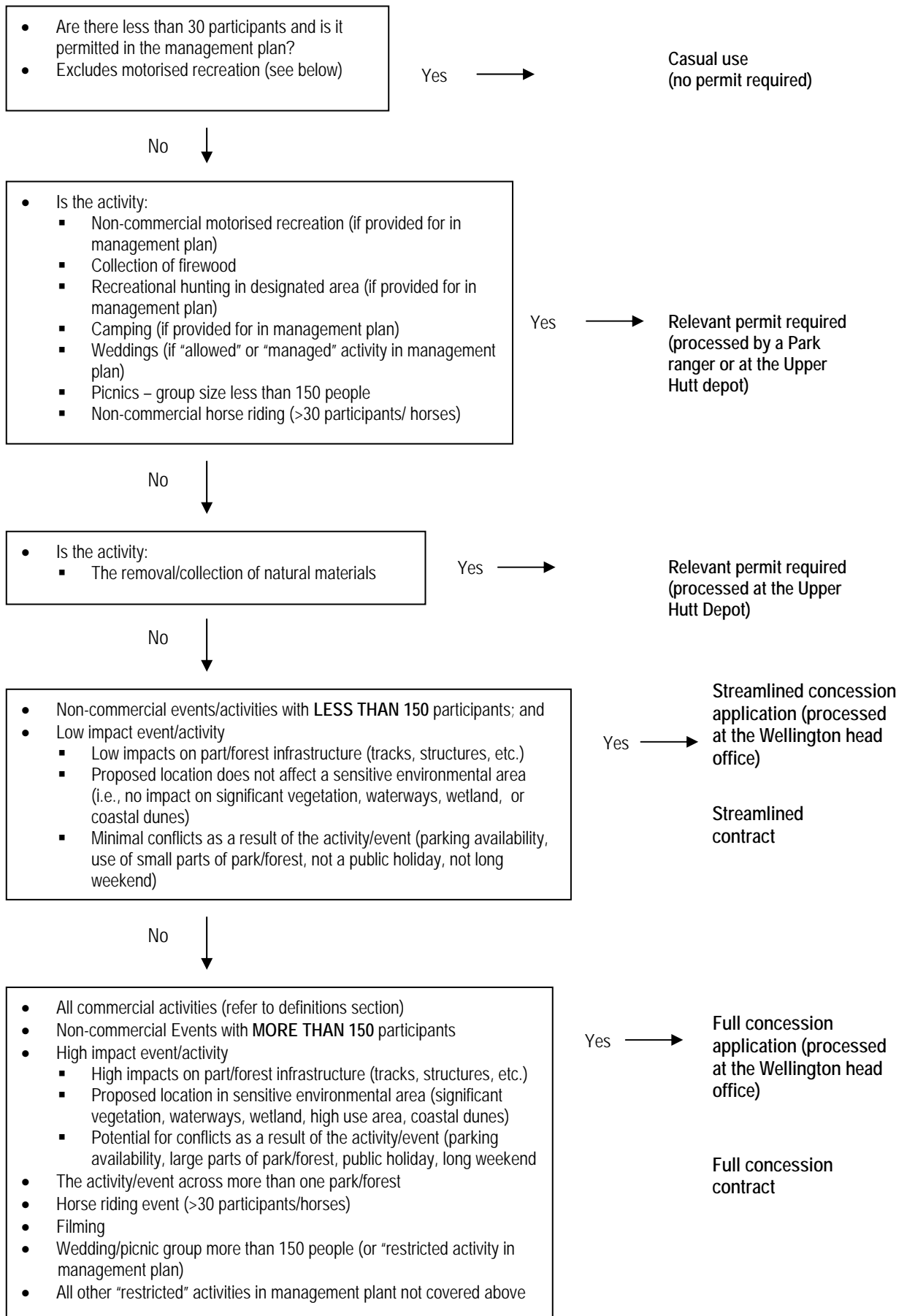
GWRC aims to have a process that is fair and equitable, for both new and renewed permit applications, based on good information and predetermined criteria, and implemented in a manner consistent with the purpose and objectives of the management plan for the park/forest and other relevant statutes.

In assessing the proposed activity, we assess the level of impact of the proposed activity, the objectives and policies in the other parts of the management plan, and the specific guidelines as set out in this document. Each concession application is assessed for its compatibility with the objectives of the parks or forests as set out in the relevant management plan. Concession applications that are incompatible with these objectives may not be granted.

Some decisions on applications for concessions are made by GWRC staff, while others may require Council decisions or, in specific circumstances, be referred to the Minister of Conservation (for Scenic Reserves). Public and iwi comment may also be required for long-term concessions, e.g., leases and licences.

The public notification process involves the concession proposal being advertised and a period being specified in which written submissions can be sent to GWRC for consideration, and may involve a hearing from which the public has the right to attend to it.

Table 1 – Flow chart to determine whether a permit or a streamlined/full concession is required



Non-commercial events

Number of participants

31-150

150+

Impact	LOW (minor effects)	Streamlined concession	Full concession
	HIGH (significant effects)	Full concession	Full concession

Commercial events

Number of participants

All

Impact	LOW (minor effects)	Full concession
	HIGH (significant effects)	Full concession

2. Policies

2.1 General

- Policy 1: To require all short-term concession applications to be received at least 15 working days prior to the event taking place.
- Policy 2: To set conditions for short-term concession contracts and long-term concession contracts as considered necessary for the protection of the parks and forests, and the protection and control of casual users and visitors.
- Policy 3: All applications for concessions may be approved in full or with conditions, or declined by GWRC.

Explanatory note

A minimum 15 working days ahead of any event is required to make sure that the activity/event does not clash with anything else in the particular park or forest. Urgent concession applications may be accepted but there will be a surcharge.

2.2 Applications for concession

2.2.1 Short-term concessions

- Policy 4: To consider applications for short-term commercial activities in GWRC parks and forests, subject to conditions and a fee specified in the concessions fee structure.
- Policy 5: To manage the impacts of short-term commercial activities within the GWRC parks and forests to maximise community benefit, whilst avoiding or minimising detrimental impacts.
- Policy 6: To ensure that short-term commercial activities are compatible with the park or forest's character and values, while managing potential conflict with other casual users of the GWRC parks and forests.
- Policy 7: To consider short-term non-commercial activities/events in the GWRC parks and forests, subject to the criteria in Table 1 as per the concessions fee structure.

2.2.2 Long-term concessions

- Policy 8: To consider applications for long-term activities in the GWRC parks and forests on a case-by-case basis, subject to the provisions of the *Reserves Act 1977*, the *Wellington Water Board Act 1972* and all other relevant legislation, GWRC policy, plans and strategies (refer to appendix 3 for policy implementation from the *Regional Parks Network Management Plan*).

- Policy 9: To consult with iwi on all long-term concession applications in the GWRC parks and forests.
- Policy 10: To determine, in each particular circumstance, the terms and conditions upon which long-term concessions will be granted, and when appropriate, shall be subject to the provisions of the *Reserves Act 1977* and subject to further provisions as set out of the First Schedule to the Act (refer to appendix 3 for policy implementation from the *Regional Parks Network Management Plan*).
- Policy 11: The initial basic rate for long-term concessions (leases/licences) for where there are no applicable existing leases and licences by a registered valuer, will be assessed in light of the market of any equivalent leases and licences categories.
- Policy 12: Rental reviews for all long-term concessions shall take place every three years. The basis of rental reviews shall be assessed in accordance with market information. For where this is not available, rental reviews shall be assessed in accordance with the movement of the Consumer Price Index over a three year period. Easements are generally not subject to a review.

2.2.3 Facilities

- Policy 13: To impose a user fee on an individual or group where the privilege of access to any part of a park or forest, its facilities or buildings is granted to such an individual or group to the exclusion of the general public, including:
- Picnics
 - Camping
 - Ken Gray Education Centre facility
 - Stratton Street building facility

Explanatory note

It is considered appropriate to charge a fee for the privilege of exclusive use of an area within a park/forest. This is primarily by permit and is dealt with by the Ranger. In the case of forest users, a bond may be required for keys.

2.2.4 Filming/Photography

- Policy 14: To encourage and provide for commercial filming and photography concessions in the GWRC parks and forests in a manner that protects and preserves the character and values of the parks and forests. These commercial filming and photography concessions shall be subject to an assigned activity fee as per the concessions fee structure.

Policy 15: To waive the activity fee for films undertaken by students for educational purposes at the discretion of the Manager, Parks.

2.2.5 Motorised recreation

Policy 16: To impose a user fee on all motorised recreational users of parks and forests, subject to an assigned activity fee as per the concessions fee structure.

Explanatory note

Motorised recreation is a high-impact activity. Therefore, it is considered appropriate to charge an activity fee.

2.3 Fees/Waivers

Policy 17: To waive fees for any event exclusively associated with school or college aged children (<19 years of age) that are directly applied for by schools or colleges.

Explanatory note

GWRC considers that it has a responsibility to encourage school aged children into the Region's parks and forests and to promote education in these areas. Fees will be waived for all school and college aged children undertaking activities that require a concession.

School and college groups should be able to use and enjoy the parks and forests of the Wellington Region for free and with the services of rangers in order to foster environmental and cultural/heritage awareness with younger generations and help GWRC achieve its environmental objectives.

2.4 Health and safety

Policy 18: To require a health and safety plan to be submitted with all concession applications for all events/filming and activities.

Explanatory note

The Health and Safety in Employment Act 1992 requires that all employers develop emergency procedures and that emergency procedures and plans are in place to help minimise loss and ensure the safety of staff, participants and volunteers.

Under the Occupiers' Liability Act 1962 GWRC must demonstrate a common duty of care to ensure that in all the circumstances that visitors/park users will be reasonably safe in using the premises for the purposes for which he is invited or permitted by the occupier to be there. Public safety is a key management issue with implications on both event and concession management.

The event organiser is responsible for ensuring that the health and safety plan is followed and that there is a compliance with the requirements of the Health and Safety in Employment Act 1992.

See Department of Conservation guidelines on safety plans - (<http://www.doc.govt.nz/upload/documents/about-doc/concessions-and-permits/concessions/concessionaire-safety-plans.pdf>)

2.5 Traffic management

Policy 19: To require an audited traffic management plan in accordance with Transit New Zealand's Code of Practice to be submitted with all concession applications when the event planned will:

- Close off a road to vehicular traffic.
- Disrupt vehicular traffic in any way (i.e., stopping or slowing traffic flow it for a period of time).
- Block a footpath to pedestrian traffic resulting in pedestrians needing to find an alternative route around the event/filming.

Explanatory note

There is always a safety risk when conducting an activity on or near the road. To obtain a traffic management plan, or to find out if you would need one, you will need to contact an outside traffic management company (GWRC does not prepare traffic management plans).

2.6 Public liability

Policy 20: To require written confirmation from all short-term concession holders that they hold current public liability insurance policy cover.

2.7 Business plan requirements

Policy 21: To require a business plan to be submitted with concession applications for all long-term (two years plus) large-scale commercial events.

Explanatory note

Many events and concessions fail within the first year of operation. Of the many factors that might lead these businesses to fail are factors like poor planning. A business plan should be a prerequisite for all large-scale commercial events. A well planned event or concession is not only likely to be more successful but should have fewer impacts.

2.8 Concession renewals

Policy 22: To provide existing short-term concession holders with the opportunity to renew their concession, subject to meet the following assessment criteria:

- (1) Applications to be received by GWRC no less than two months prior to the expiry of the current concession.

- (2) Scale, frequency, party size, location is the same or has less impact than what is permitted in the existing concession.
- (3) The activity will continue to comply with all relevant Council policies, bylaws and management plans.
- (4) The activity will not result in any more than minor environmental/social/cultural effects.
- (5) The concession has performed well during the duration of the concession and that there has been no complaints, damage, breaches of concession.
- (6) There are no outstanding financial balances with GWRC.

Policy 23: To assess the renewal of long-term activities/uses on a case by case basis subject to the provisions of the *Reserves Act 1977*, the *Wellington Regional Water Board Act 1972* and all other relevant legislation, Council policy, plans and strategies.

Policy 24: All long-term concession holders cannot assign or transfer a lease without the prior written consent in writing from GWRC.

2.9 Monitoring of concessions

Policy 25: To undertake an audit monitoring of concessions, subject to the following assessment criteria:

- The assessment of impacts on the parks and forests caused by any activity; and
- The implementation of further controls through conditions on concessions that are necessary to protect and preserve the values of the park/forest and/or manage conflict of other use; and
- Whether or not the activity/event is relevantly deemed appropriate in light of relevant Council policy and strategy.

Policy 26: To consider the performance of concession holders when assessing renewal applications for concessions, as outlined in Policy 22.

Policy 27: To monitor the performance of short-term concession holders through the use of:

- Concessionaire feedback forms
- Ranger post-event assessment forms

Policy 30: To monitor outstanding financial balances of concession holders on an ongoing basis.

Appendix 1

Concession and Permit fee structure

Concession and permit fee structure

Activity	Fees (all inclusive of GST)
<p>Concessions application fees</p> <p>Commercial new applications</p> <p>Non-commercial and over 150 participants (refer to definitions section)</p> <p>NB: To ensure that these non-commercial activities remain non-commercial, GWRC will require them to demonstrate evidence of this and to sign a disclaimer.</p> <p>Renewal applications</p> <p>Urgent applications</p> <p>Film activities undertaken by students for educational purposes</p>	<p>\$175 non-refundable application fee for new applications.</p> <p>\$50 non-refundable application fee for new applications.</p> <p>\$50 non-refundable application fee for renewal applications.</p> <p>\$250 for urgent applications (received less than 15 working days before event/activity take place)</p> <p>Nil</p>
<p>Bonds</p> <p>Non-commercial activities/events (greater than 30 participants)</p> <p>All commercial activities/events</p>	<p>At discretion of Ranger, dependent on level of impact and displacement to other users</p> <p>Minimum \$200 and up to \$2,000, dependent on level of impact and displacement to other users</p>
<p>Ranger assistance costs [above normal duties] - at the discretion of the Ranger</p>	<p>\$50/hour for Ranger time</p> <p>\$80/hour for Ranger and vehicle</p>
<p>Fee waiver</p>	<p>For any events/activities exclusively associated with school or college aged children (<19 years of age) that are directly applied for by schools or colleges.</p>
<p>Commercial activities (to include running, orienteering, mountain-biking, guided tours etc)</p>	<p>\$5 per participant – full day</p> <p>\$2.50 per participant – half day</p>
<p>Non-commercial activities/tours over 150 participants</p>	<p>\$5 per participant – full day</p> <p>\$2.50 per participant – half day</p>
<p>Festivals/Events</p>	<p>10 percent of gross receipts of the festival/event and any associated mobile traders;</p> <p>Or \$2 per person charge, for whichever is appropriate to the event or festival</p>
<p>Commercial passenger vehicle conveyance</p>	<p>\$2 per person</p>
<p>Horse riding - events and trekking (greater than 30 horses and people)</p>	<p>Events \$5 per person</p> <p>Rally/practice \$3 per person</p>
<p>Motor and trail bike permit (Commercial)</p>	<p>\$15/bike full day</p> <p>\$10/bike half day</p>
<p>Motor and trail bike permit (Non-commercial)</p>	<p>\$20 for a 6 month permit</p>
<p>4WDs/Motorised vehicles</p> <p>All commercial events</p> <p>Non-commercial club events</p>	<p>\$40/vehicle full day</p> <p>\$25/vehicle half day</p> <p>\$15/vehicle full day</p>
<p>Picnic areas or space reservations for groups</p>	<p>\$20 per group minimum, up to 20 people</p> <p>\$1 per person for groups >20</p> <p>\$500 weekend flat rate (Fri-Sun) for marquees</p> <p>NB: No booking fee but you must reserve a space with the Ranger</p>

Activity	Fees (all inclusive of GST)
Weddings Ceremony only Ceremony and function	\$200 \$500 (plus bond at discretion of Ranger)
Filming/Photography Advertising commercials Feature films Television other than news/current affairs Conservation/educational/recreation promotion News/current affairs Commercial still photography Preparation and cleanup costs	\$750/day \$500/day Greater than 10 days, rates negotiated at discretion of Manager, Parks and according to impacts. \$500/day Nil if for non-commercial purposes (must demonstrate this with evidence) Nil \$300/day Negotiated, depending on size and nature of filming. All actual costs are to be met by the concessionaire.
Schools	School groups have free access with ranger time for first 2 hours and then Ranger time at \$30/hour after that.
	Vehicle costs (if needed) to apply after first 2 hours.
	For school/college related events refer to fee waiver activities.
Special Interest Groups , e.g., Forest and Bird, historic societies, conservation groups, botany clubs, universities (this does not apply to formal research programmes, e.g., scientific and archaeological research)	Free access. First 2 hours free with Ranger. \$50/hour Ranger time after first 2 hours. Vehicle costs may apply.
Park facilities Ken Gray Education Centre Stratton Street barn	\$50 booking fee Bond may be required
Mobile traders , i.e. coffee cart, hot dog stand, bike shop stand etc.	A one-off will have a per session charge of \$10. Casual, or occupation less than a 12 month period according to the operational period, is to be negotiated at discretion of Manager, Parks. For a 12 month period or more – Minimum \$100 to \$500, which is to be negotiated at discretion of Manager, Parks.
High impact collecting and research permit	\$100 deposit
Camping permit	\$5/adult/night \$2/child/night under 16 years of age (if unsupervised, particularly 14-16 years old, adult rates apply)
Firewood permit	\$25 (per light vehicle)
Hunting permit	Nil
Independent groups	Free access \$50/hour Ranger interpretation (if requested)

Appendix 2

Definitions

Definitions

Casual use	<ul style="list-style-type: none">• All non-commercial activities/uses with less than 30 participants resulting in low impacts
Commercial activity	<ul style="list-style-type: none">• Conducting a trade, business or occupation on GWRC owned or managed land• Profit and private benefit involved• Is an activity where the purpose is to operate a business and/or obtain profit or gain from its operations utilising the GWRC parks and forests
Easement	<ul style="list-style-type: none">• This gives a right of access over or through land and may allow for the installation of pipelines, cables/overhead wires or utility services
High impact activity	<ul style="list-style-type: none">• Activities considered resulting in more than minor environmental/social effects• In considering whether an activity is "high impact", the following factors will be taken into account:<ul style="list-style-type: none">▪ Size of group▪ Location▪ Duration▪ Time of day▪ Season or time of year▪ Infrastructure conditions▪ Environmental conditions▪ Sensitive of the site▪ Level of public interest▪ Regional signification of proposed activity/event, e.g. golf courses, major sporting events, shooting ranges
Lease	<ul style="list-style-type: none">• This provides exclusive rights to occupy buildings or a specified area of land. Leases are granted according to the relevant provisions of the <i>Reserves Act 1977</i> and/or <i>Wellington Regional Water Board Act 1972</i>.
Licence	<ul style="list-style-type: none">• 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. Licences are granted according to the relevant provisions of the <i>Reserves Act 1977</i> and/or <i>Wellington Regional Water Board Act 1972</i>.
Low impact activity	<ul style="list-style-type: none">• Activities considered resulting in little or no significant environmental/ social impacts
Permits	<ul style="list-style-type: none">• A written authority for entry or to enable an activity or event to be undertaken in an area for a limited period.• In the GWRC forest areas, such as Akatarawa or Pakuratahi Forests, public access is restricted. The areas are operational, and health and safety matters need to be addressed.
Non-commercial activity	<p>Includes:</p> <ul style="list-style-type: none">• An activity for where a private individual, club or any organisation will not profit or gain from the use of GWRC's parks and forests• Has greater than 30 participants (with the exemption of motorised recreation)• Likely to require additional services/privileges, health and safety, and route planning• Subject to standard terms and conditions for use of parks/forests