

# Notified Concession Officer's Report to Decision Maker

**Officer's Report to Decision Maker:** Shane Hall, Operations Manager, Western South Island, Greymouth

**Notified Application for a Lease**

**Applicant:** Westland Workgear

**Permission Record Number:** 45639-OTH

**File:** PAC-24-25-02

The purpose of this report is to provide a thorough analysis of the application within the context of the legislation, the statutory planning framework and actual and potential effects, so the Decision Maker can consider the application; and confirm that it should be notified; and make a decision in principle whether it should be granted or declined.

## 1.0 Summary of proposal

**Background:** Westland Workgear's current premises are located on 120 High Street in Greymouth. The growth of the business has put pressure on their current premises, which are inadequate for their current workforce and they do not have sufficient warehouse space.

**Information about the applicant:** Westland Workgear started in 1994 supplying work clothing, boots and personal safety products to industry and farmers. The business has grown over the years and now employs ten full time staff. Due to economic conditions on the West Coast in recent years, they changed their focus to supplying customers throughout New Zealand. This has been successful with 70% of their turnover now coming from outside the West Coast. Along with this, they have developed their own brand of clothing, Westpeak, which has gained in popularity throughout the country and wider. This growth seems sustainable and they have plans to increase Westpeak substantially in the near future.

Westland Workgear is in the process of buying part of Reserve 90 owned by the Greymouth District Council. Settlement of sale and Purchase agreement for Reserve 90 is conditional on removal of a Gazette Notice, with likely administrative delay.

**Type of concession sought:** Notified Lease

**Term sought:** Ten years plus

**Description of the proposed activity:** The applicant wishes to gain approval for the occupation of an area of local purpose reserve for the use as a car park (mostly for their staff) and access in conjunction with Westland Workgear's proposed new building.

The proposed car park is situated on part of a strip of public conservation land located parallel to the railway line, between the railway line and Cowper Street. The area extends from the south-western corner of the stormwater drainage ditch to north-east adjoining the road fronting Raleigh Street.

The area under application is a rectangular shaped area approximately 0.13 ha with dimensions of approximately 9.5 metres in width and 115 metres in length. This area would be cleared and gravelled, planted with native trees and a security fence would be erected along the boundary of the railway line. The applicant proposes to install an underground stormwater pipe, which would cross (9.5 m) the local purpose reserve to connect to the town sewage system. To connect the stormwater pipe some excavation work is required, which will be blended in afterwards with the gravelling of the area for the car park.



**Description of locations where activity is proposed:**

<b>Location</b>	<b>Activity</b>
<b>Westland Workgear</b>	<b>Car Park</b>

A copy of the application is available on file PAC-24-25-02 and linked to the Permissions database.

**2.0 Information available for consideration**

**Information received:**

- From applicant – An application for an easement was received by Greymouth District Office on 10 July 2015 and forwarded to Hokitika Shared Service Centre for processing. A site visit was arranged with the applicant on 27 September 2015, to clarify the area and concession type for the proposed car park. The applicant was advised that the proposed area would need to be under concession in form of a notified lease, as they wants to erect a fence and close out the public for safety reasons.
- From Iwi (if sought) – The application did not meet the triggers for consultation with iwi.
- From Conservation Board – The application was forwarded to the Conservation Board for comment on 02 September 2015. The Conservation Board has no objections to this proposal.
- From DOC staff – Greymouth Partnerships staff went with Permissions staff from Hokitika on a site visit and provided comments, which are incorporated in this Report and can be found under <https://doccm.doc.govt.nz/wcc/faces/wccdoc?dDocName=DOC-2589581>.

**3.0 Acknowledgement of complete application (s17S)**

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

**Comment**

This application is deemed to be complete for the purpose of the Act.

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

Section 17T(2) requires the Minister to decline an application within 20 working days of it being deemed complete, if “...the application does not comply or is inconsistent with the provisions of this Act or any other relevant conservation management strategy or plan...”

This application complies with and is consistent with Section T (2). It was therefore not considered appropriate for the application to be declined within twenty working days.

**Public notification s17T(4):**

Pursuant to section 17(T) (4) and in accordance with section 49 of the Conservation Act 1987, “before granting a lease, or licence with a term (including all renewals) exceeding 10 years, in respect of the conservation area, the Minister must give public notice of the intention to do so.”

Pursuant to section 23 (4) of the Reserves Act 1977, *“Where a local purpose reserve is not vested in a local authority and a local authority has not been appointed to control and manage it, the Minister may from time to time, by public notice, prohibit access to the whole or any specified part of the reserve, and in that case no person shall enter the reserve or, as the case may be, that part, except under authority of a permit issued by the Minister.”*

### **Comment**

If the application is granted in principle, the intent to grant and close the Reserve would be notified in the Greymouth Star.

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

#### Effects on flora

The area is covered with rough pasture species and rank grass. The area is currently maintained by the Grey District Council which includes mowing this grass. The adjacent area is also covered in pasture grass species and rank grasses but occasional gorse bushes or seedlings are present.

#### Effects on fauna

The area is likely to be suitable habitat for common introduced bird species such as sparrows, blackbirds and starlings.

#### Effects on freshwater values

There are no creeks or streams situated on the area under application. No freshwater values are present. The storm water drainage on the south-western boundary is unlikely to provide habitat for native fish.

#### Effects on historic values

There are no known and or recorded archaeological sites recorded in the area.

#### Effects on recreation values

The area is likely to receive minimal recreational use and may be occasionally used for walking dogs.

#### Visual Effects

The site looks like an abandoned reserve vegetated with a mix of weed species. The applicant states that they would keep the site tidy and remove all rubbish from the site. The applicant also states that they are happy to comply with any requirements of the Department in regards to plantings. The area has minimal natural or other conservation values and although the open rank grasses are mowed the area has an un-kept derelict look.

The following special conditions are considered appropriate:

- The Concessionaire must submit a design and ongoing maintenance plan of the car park to the Greymouth Office for approval before construction commences.

#### Effects on Vegetation

The stormwater drainage ditch on the north-western extent of a car park development ultimately drains into Blaketown Lagoon, so some form of riparian protection is desirable for this especially as gravelling would create greater peak runoff during rainfall. The current rank grass and gorse do provide a riparian vegetation filter to a limited extent but a different vegetation cover (e.g. native woody shrubs) would be better from a functional and aesthetic perspective.

Formation of the car park creates an opportunity for the Department to work with the applicant and other community organisations to undertake amenity planting along the railway margin and drainage ditch.

The following special condition is considered appropriate:

- The Concessionaire must ensure that car park development will not intrude within 1 metre of the storm water drainage ditch at the north western boundary, in order to retain ditch riparian vegetation.

### Public safety

The area sought by Westland Workgear is situated on part of a strip of public conservation land located parallel to the railway line, between the railway line and Cowper Street. This area will be part of the applicant's new workspace and to ensure public safety the applicant proposes to erect a security fence along the boundary of the railway line.

### **Comment**

The area currently has a rough un-kept appearance with minimal conservation values and it is considered that constructing a car park on the site would not create adverse impacts on the site or adjacent areas.

### **Purpose for which the land is held s(17U(3):**

The application under application is within Local Purpose Reserve – Road and Railway – Greymouth, managed under the Reserves Act 1977.

### **Reserves Act 1977**

Reserves are managed by the Department for the purpose of “...providing for the preservation and management for the benefit and enjoyment of the public...”, areas of New Zealand possessing a number of values or features as set out in Section 3(1) (a) of the Reserves Act 1977.

Local Purpose reserves are managed under Section 23 of the Reserves Act 1977 for the purpose of providing and retaining areas for such local purpose or purposes as are specified in any classification of the reserve

Section 23 (a) of the Reserves Act states “Where a local purpose reserve is not vested in a local authority and a local authority has not been appointed to control and manage it, the Minister may from time to time, by public notice, prohibit access to the whole or any specified part of the reserve, and in that case no person shall enter the reserve or, as the case may be, that part, except under authority of a permit issued by the Minister.”

The area under application was gazetted in 1868 and Gazette Notice states the area is “for a railway and road” (NZGZ, 1868 365).

### **Comment**

It is considered that the application area does not currently serve the purpose for which the land is held and it is unlikely that it will be required for road and railway purposes in the future. The use of the local purpose reserve under application for the purposes of the proposed occupation for a car park in conjunction with the applicant's proposed new building is not considered to be inconsistent with the purpose for which the land is held.

However, in order for the applicant to exclude access to the area (having a fence along the boundary of the railway line), part of the reserve is required to be closed in accordance with section 23 (4) of the Reserves Act 1977. This is required before the Department can grant a lease.

Therefore, if the recommendation in section 9.0 of this report is approved then the Department will publicly notify that the part of the reserve under application will be closed to prohibit access as required under section 23 (4) of the Reserves Act 1977.

### **Granting of a Lease**

Section 17U(5) of the Conservation Act states that:

“The Minister may grant a lease or licence (other than a profit a pendre) granting an interest in land only if –

- a) The lease or licence relates to one or more fixed structures and facilities (which structures and facilities do not include any track or road except where the track or road is an integral part of a larger facility) and;
- b) In any case where the application includes an area or areas around the structure or facility,-
  - i. Either-
    - A. It is necessary for the purpose of safety or security of the site, structure, or facility to include any area or areas (including any security fence) around the structure or facility; or

- B. *It is necessary to include any clearly defined area or areas that are an integral part of the activity on the land; and*
- ii. *The grant of a lease or licence granting interest in land essential to enable the activity to be carried on.*

**Comment**

The proposed lease is to authorise a car park in conjunction with Westland Workgear's proposed new building. The complete area would be fenced off to secure public safety. For the protection of public safety and the competent operation of the activity concerned, it is considered appropriate to grant a lease. The application is consistent with section 17U(6).

**Consistency with Relevant Management Strategies and Plans s17W:**

**Conservation General Policy (CGP)**

The CGP has provisions relating to 'Activities Requiring Specific Authorisation' (Policy 11).

**Policy 11 –Activities requiring specific authorisation**

Policy 11 of the CGP deals with Activities requiring specific authorisation, including concessions. It states that activities should avoid, remedy or mitigate any adverse effects (including cumulative effects) and maximise any positive effects, including effects on public enjoyment, to inform future management decisions. Concessionaires are to be responsible for the safe conduct of their operations.

**Comment**

If a concession is granted, it is considered that compliance with the Department's standard concession conditions and the proposed special conditions would ensure that the proposed activity is not inconsistent with the CGP.

**West Coast Te Tai o Poutini Conservation Management Strategy (CMS)**

The proposed activity is not considered in the CMS. However, section 17W (2) (b) of the Conservation Act 1987 states that *'where the relevant conservation management strategy or conservation management plan does not make any provisions for the activity to which the application relates in a conservation area, the Minister, after complying with the provisions of sections 17S, 17T and 17U of this Act, may grant a concession.'*

**Comment**

A review of the CMS is not considered necessary.

**5.0 Relevant information about the applicant**

**Convictions on any charge related to the activity applied for or on any conservation related issue:**

The Department of Conservation is not aware of any charges related to the activity or any conservation-related issue.

**Past compliance with concession conditions:**

The applicant has not previously held a concession.

**Credit check result:**

A check of credit trade references showed no known issues. A customer account was set up with the Department.

**6.0 Proposed operating conditions**

**Concession Activity:** Occupation of an area, approximately 0.13 ha of local purpose reserve for the use as a car park (mostly for their staff) and access in conjunction with Westland Workgear's proposed new building.

**Term:**

A term of 30 years for the lease is considered appropriate as it is consistent with the Conservation Act 1987, Reserves Act, 1977 and to ensure the future use of the car park area.

**Fees:**

Deleted from public notification copy.

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

1. The Concessionaire must submit a design and ongoing maintenance plan of the car park to the Greymouth Office for approval before constructing commences.
2. The Concessionaire must ensure that a car park development will not intrude within 1 metre of the storm water drainage ditch at the north western boundary, in order to retain ditch riparian vegetation.
3. In the event that any human remains, artefacts or historic sites are discovered, the Concessionaire must ensure that the Historic Heritage Protection Procedures appended to the concession document are followed.

**7.0 Applicant's comments on draft Officer's Report**

The report was sent to the applicant for comments.

The applicant is happy with the report and has no further comments to add.

**8.0 Summary and Conclusions**

The proposed activity is considered consistent with the relevant legislation and statutory plans. The proposed activity is not considered to be contrary to the purpose for which the land is held. It is considered that any potential adverse effects would be adequately managed by the standard and proposed special conditions. If the intent is to grant the application in principle, the application would be notified in the Greymouth Star before a final decision is made.

**9.0 Recommendations to decision maker**

Pursuant to the delegation dated 09 September 2015 it is recommended that the Operations Manager, Greymouth Office;

1. Deem this application to be complete in terms of s17S of the Conservation Act 1987; and
2. Agree that if this application is approved in principle then the intention to grant the concession will be publicly notified; and
3. Approve in principle the granting of a Notified Lease concession to Westland Workgear subject to the standard concession contract; and the special conditions identified in this report.
4. Having regard to s49(1) of the Conservation Act 1987, be satisfied that any intent to grant the concession would be of local or regional interest only, in which case the publication of the public notice on this matter be limited notice in the Greymouth Star.

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Melissa Lohr  
Permissions Advisor  
Hokitika Shared Service Centre

Recommendation:

- 1 Agree/Disagree
- 2 Agree/Disagree
- 3 Approved/Declined
- 4 Agree/ Disagree

Signed: \_\_\_\_\_  
Shane Hall  
Operations Manager  
Western South Island  
Greymouth Office  
Date: