



# Policy for Recreation and Tourism in Wellington Regional Council Parks and Forests

July 2001

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Part 2 : Guidelines for Managing Recreation and Tourism in Wellington Regional Council Parks and Forests (Separate Document)

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*Part One*

**Policy**

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## 1. Introduction

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This policy has been prepared for use by the Wellington Regional Council staff and Councillors involved with the management of commercial and non-commercial recreation and tourism in the Council's parks and forests.

The document is in two parts. Part One provides the general policy directions and a schedule of charges that relate to commercial and non-commercial recreation and tourism. Part Two (separate document) contains guidelines for use by Council staff. These guidelines outline the steps to follow when processing applications for and managing commercial and non-commercial recreation and tourism in the parks and forests.

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### 1.1 Status of the Policy

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

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### 1.2 How to Use the Policy and Guidelines

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The policy sets out the relevant background, legislative mandates, fees and charges and rationale for the management of commercial and non-commercial recreation and tourism in the Wellington Regional Council's parks and forests. This policy is intended to inform Council staff, Councillors and interested recreation/tourism operators or members of the public.

The policy is summarised in a helpful booklet entitled *Recreation and Tourism in Wellington Regional Council Parks and Forests*. This booklet is designed for use primarily by park users - members of the public, recreation and tourism operators, recreation clubs, charities and so on, who use Regional Council parks and forests.

The guidelines are designed for use by Council staff (mainly park rangers and administration or recreation planning staff) for processing commercial and non-commercial concession applications and managing permits or other agreements between Council and park users.

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### 1.3 Definitions of Terms

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The scope of the *Policy for Recreation and Tourism in Wellington Regional Council 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 as including but not limited to:

*activities, services, events and facilities.*

(*Use* can refer to any one or combination of the above.)

*Commercial* and *non-commercial* are used to classify whether an individual, group or organisation's use is a business or not. *Commercial* refers to use carried out for profit or as a means of livelihood or gain. This includes but is not limited to recreation, tourism and filming businesses. *Non-commercial* refers to non-business, non-profit - making use and includes but is not limited to club, association, and school group use.

A *concession* grants legal rights to an individual or organisation (known as a concessionaire) to carry out themselves or offer for visitors, recreation and tourism uses (as defined within the scope of this Policy) in Wellington Regional Council parks and forests. (Concessions are required for all commercial use and some non-commercial use. Concessions are not required by casual visitors unless the management regime of an area requires it, e.g., trail bike permits in the Akatarawa Forest, permits for hunting in Kaitoke Regional Park and the Pakuratahi Forest.)

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

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

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

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

This policy recognises the relatively small but growing composition of commercial and structured non-commercial use (i.e., non-commercial use requiring additional services or privileges over and above normal casual use) of Council parks and forests.

## 3. Relevant Legislation and Plans

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

At least one and sometimes two - three of these Acts will influence the approval process for granting a concession (explained below).

### **Local Government Act 1974**

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

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

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

### **Wellington Regional Water Board Act 1972**

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

Currently, the Hutt Water Collection Area is open to recreational use. An Access Plan providing for restricted public access to the Wainuiomata/Orongorongo Water Collection Area was approved and implemented in 2000.

### **Resource Management Act 1991**

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

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

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

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

### **Reserves Act 1977**

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

The general purpose of the Reserves Act includes providing for the preservation and management for the benefit and enjoyment of the public, areas of New Zealand possessing:

- (1) recreational use or potential (whether active or passive);
- (2) environmental and landscape amenity or interest; or
- (3) natural, scenic, historic, cultural, archaeological, biological, geological, scientific, educational, community, or other special features or value.

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

### **Regional Park and Forest Lands Management Plans**

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

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

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

## **Akatarawa Forest Motorised Recreational User Code and Management Guidelines, 1997**

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

### **4. Types of Concessions**

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#### **4.1 Explanation**

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As noted, a concession grants legal rights to an individual or organisation (known as a concessionaire) to carry out themselves or offer for visitors, recreation and tourism uses (e.g., services, events, activities) in Wellington Regional Council parks and forests. The concession is normally granted as a lease, an easement, a license, or permit, or a combination of these (refer Appendix 1).

#### **4.2 Exclusivity**

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

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

#### **4.3 Criteria for Assessment**

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

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



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

## 4.4 **Types of Concessions**

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There are three main types of concessions, classified as major, minor and temporary. An outline of each concession and the requirements for approval follows. Detailed procedures for processing each type of concession are provided in Part 2 of this policy (*Guidelines for the Management of Recreation and Tourism in Wellington Regional Council Parks and Forests*).

### 4.4.1 **Major Concessions**

A major concession is:

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

Examples of major concessions:

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

A major concession will require approval by the Wellington Regional Council, a committee of the Regional Council, or a delegated officer of the Council and will be notified to the public unless provided for in an approved management plan and allowed under relevant legislation. (The public notification process involves the concession proposal being advertised and a period being specified in which written submissions can be sent to the Council for consideration. Key stakeholders are consulted on all types of concession applications.) A major concession could be one of, or a combination of lease, easement, licence.

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

A major concession is likely to have a term of between 5 and 20 years (subject to legislative and management plan constraints). The process of approving a major concession involves a detailed application (including an environmental and social impact assessment), business plan, audited safety plan, public notification and submissions subject to the above proviso. Administration fees are required. It can take several months to process.

#### 4.4.2 *Minor Concessions*

A minor concession:

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

Examples of minor concessions:

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

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

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

#### 4.4.3 *Temporary Concessions*

A temporary concession involves:

- a single event within a six month period;
- low impact; and
- no fixed structures.

Examples of temporary concessions:

- one-off sporting events;
- filming.

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

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

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## **5. Rationale for Charges**

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### **5.1 Explanation**

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

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

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

- relative effects of the activity;
- market rates that apply to other similar opportunities in the Wellington Region and New Zealand wide;
- an assessment of willingness to pay; and
- cost recovery targets.

The fact that both commercial and structured non-commercial use in the Regional Council's Parks and Forests is still developing was also taken into account. Commercial operations will be dealt with in a commercial manner (consistent with other agencies managing similar opportunities); a cost-recovery approach has been adopted.

In the case of non-commercial users receiving extra public services, a partial cost recovery approach to recover some of the operational and maintenance costs incurred, has been adopted. There is still the opportunity to waive or discount fees and charges (refer to 6.2 : Waivers and Discounts).

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### **5.2 Assumptions**

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

- © Access to Wellington Regional Council parks and forests is free for casual visitors. Structured non-commercial and commercial use normally requires or involves additional Council services and/or privileges to use or occupy part of a park or forest, (i.e., over and above normal casual use). The Council believes that those who benefit directly from this additional use, service or privilege should contribute financially towards the associated costs. Some or all of the charges are recovered from users, the percentage of cost recovery being dependent upon the nature of the use/organisation.

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

## 6. Fees and Charges

### 6.1 Explanation

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

Commercial Use	Fees & Bonds (all inclusive of GST)
<b>Applications</b>	\$175 non-refundable application fee for new applications and renewals. (Renewals may be at a reduced rate at the discretion of the Manager, Parks and Forests (Strategy & Marketing) based on the estimated work involved in renewing the application.)
<b>Processing</b>	Processing charges based on estimate of staff costs, public notification, consultation or any other processing costs required. These will be assessed and discussed with you at the time of your application.
<b>Bonds</b>	Bonds may be required depending on activity and effects.

Commercial Use	<b>Fees &amp; Bonds (all inclusive of GST)</b>
<b>Site occupation or use, e.g., mini golf, eco-tourism operation</b>	Market rental for space occupied and/or 10% of gross receipts or negotiated flat fee or a per person/vehicle charge as appropriate.
<b>Ranger assistance (above normal duties) once commercial operation commences</b>	\$50/hr for ranger time \$80/hr ranger & vehicle
<b>Commercial Use (Non mechanised, e.g., guided walking)</b>	\$4 per person full day \$2 per person half day
Horse Trekking	\$5 per participant
<b>Commercial Use (Mechanised, e.g., vehicles and bikes)</b>	
4WD Bikes & Trail Bikes	\$15/bike full day \$10/bike half day
4WDs	\$30/vehicle full day \$20/vehicle half day
MTBs	\$5 per participant
<b>Filming</b>	<p>\$175 non-refundable application fee for new applications and renewals. (Renewals may be at a reduced rate at the discretion of the Manager, Parks and Forests (Strategy &amp; Marketing) based on the estimated work involved in renewing the application).</p> <p>Processing charges based on estimate of staff costs, public notification, consultation or any other processing costs required.</p> <p>A bond may be required depending on potential effects. This is dependent on type of filming but set at a minimum of one-day charge and at the discretion of the Manager, Parks and Forests (Strategy &amp; Marketing).</p> <p>The following rates apply during filming and where the film company has exclusive possession of the site:</p> <p><i>Advertising Commercials</i> \$500/day  <i>Feature Film</i> \$500/day  <i>Television Drama</i> \$500/day  <i>Sports Events (commercial purposes)</i> \$300/day  <i>Conservation/recreation promotion</i> Nil if for non-commercial purposes  <i>News/current affairs</i> Nil  <i>Commercial still photography</i> \$300/day  <i>Urgent applications</i> \$250 surcharge  <i>Preparation and clean-up costs</i> Negotiated - depending on size and nature of filming. All actual costs are to be met by the concessionaire.</p>

Non-commercial Use*	<b>Fees &amp; Bonds (all inclusive of GST)</b>
<b><i>Bond</i></b>	\$100 bond minimum charge or higher negotiated bond, depending on effects.
<b><i>Site Occupation or Use</i></b>	Negotiated flat fee or a per person/vehicle charge as appropriate.
<b><i>Ranger assistance (above normal duties) with non-commercial use</i></b>	\$50/hr ranger time \$80/hr ranger with vehicle
<b><i>Schools</i></b>	School groups free access with ranger time free for first 2 hours.  Ranger time at \$30/hr after that. Vehicle costs (if needed) to apply after first 2 hours.
<b><i>Special Interest Groups, e.g., Forest &amp; Bird, historic societies, botany clubs, universities (this does not apply to formal research programmes, e.g., scientific and archaeological research)</i></b>	Free access. First 2 hours free with ranger. \$50/hr ranger time after first 2 hours. Vehicle costs may apply.
<b><i>Ken Gray, Education Centre</i></b>	Bond may be required.
<b><i>Schools</i></b>	Free access. Ranger free for first 2 hours. \$30/hr ranger time after first 2 hours.
<b><i>Independent Groups</i></b>	Free access. \$50/hr ranger interpretation (if requested).
<b><i>Private Functions</i></b>	\$2/head or \$100/group, whichever is greater.  \$100 bond.
<b><i>4WD Bikes and Trail Bikes</i></b>	\$10/Bike.
<b><i>4WDs</i></b>	\$15/vehicle
<b><i>MTBs</i></b>	\$5 per participant
<b><i>Horses</i></b>	Events : \$5 per competitor  Rally/Practice : \$3 per participant
<b><i>Orienteering/Running</i></b>	\$3 per participant
<b><i>Picnic Area or Space reservations for groups, (e.g., Weddings)</i></b>	\$20 per group minimum, up to 20

	<p>people.</p> <p>\$1 per person for groups &gt;20.</p> <p>\$200 weekend flat rate (Fri-Sun) for marquees.</p> <p><b>NB: No booking fee, but you must reserve a space with the Ranger.</b></p>
<b>Camping</b>	<p>\$5/adult/night.</p> <p>\$2/child/night under 16 years of age (if unsupervised, particularly 14-16 years old, adult rates apply).</p> <p>For flat site, tapped/potable water &amp; toilets and/or picnic tables, coin operated BBQs.</p>
<p><i>* Over and above normal casual use (i.e., requiring additional services or privileges over casual use). All casual use of the parks and forests remains free of charge.</i></p>	

## 6.2 Waivers and Discounts

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

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

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

Discounts and/or other arrangements to recognise the input of volunteers in the Parks and Forests may be entered into at the discretion of the Manager, Parks and Forests (Strategy & Marketing).

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

## 7. Safety and Insurance Requirements

Concessionaires are responsible for the safety of their clients and shall operate within any safety guidelines or standards as set by agencies such as the New Zealand Mountain and Water Safety Councils and the Police (Search and Rescue) or relevant sporting bodies. 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 that Act. In most cases they will need to provide an audited safety plan (refer 4.3 : Criteria for Assessment and 4.4 : Types of Concessions).



Concessionaires are also required to acknowledge receipt of and adhere to the Council's hazard plans and undertake to add any new hazards to the plan identified or created during the term of their occupation.

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

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## **8. Termination of Concessions**

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Concessionaires will be liable for any breaches of the concession agreement by them or their tenants, staff or agents. Interest in a concession shall not be transferred, sublet or disposed of.

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

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

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## **9. Business Plan**

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

Appendix 1

**A : Leases, Easements, Licences, Permits**

Type	Description
<b>Lease</b>	This provides exclusive rights to occupy buildings or a specified area of land.
<b>Easement</b>	This gives a right of access over or through land and may allow for the installation of pipelines, cables or overhead wires.
<b>Licence</b>	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.
<b>Permit</b>	This is a written authority for entry or to enable an activity or event to be undertaken in an area for a limited period.

**B : Explanation of *Signature Values***

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