

## **Department of Conservation Concessions Processing Review**

The Department has recently completed a substantive review of the Department's processes for concession applications. The recommendations arising from the review will be implemented partly by the changes to internal procedures (such as Standard Operating Procedures) and partly by legislative changes which will no doubt be subject to further public input.

In terms of the changes that are likely to affect commercial operations on conservation land they relate generally to the following:

1. General procedural changes to improve timelines, efficiency, transparency and certainty in the Department's processing of concessions;
2. Procedural improvements in respect of notification of concession applications, hearings and Reconsideration hearings;
3. Improvements to the renewal process
4. Improvements for nationwide concessions; and
5. Extension of the recently introduced "conforming schedule", effectively creating permitted activities.

### **General Changes to Concession Application and Hearing Process**

In order to shorten timeframes and improve certainty and transparency a number of changes are proposed. Many of these will be given effect to by the release of a new standard operating procedure which the Department intends to release on **1 July**. The changes include the following types of measures. The recommended changes include:

1. More emphasis on pre-lodgement meetings with Department of Conservation staff;
2. Implementation of a process more akin to resource management resource consent processing;
3. Shortening of timeframe for submissions on notified concessions and restriction of ability for the Department of Conservation to stop the processing clock;
4. Implementation of a discount policy when the Department does not meet timeframes;
5. Tightening of consultation timeframes; and
6. Express right for applicant to be heard at the hearing and to have a right of reply.

### **Renewal of Concessions**

In respect of the renewal of concessions, similar provisions to the RMA will be introduced to provide for the renewal of concessions if the renewal application is made 6 months prior to expiry. This move will require a law change.

A formal first in first serve principle will also be applied for competing concession applications that are not subject to the tendering process.

### **Nationwide Concessions**

Changes are also proposed for businesses that undertake activities in the Conservation estate throughout New Zealand or in more than one conservancy. An improved nationwide concession process is recommended using either a lead concession setting out standard conditions which is then repeated each time you want to undertake the same activity at a different site, or, where a formal group of operators is undertaking the same activity a standard concession may be negotiated between the Department and that group of operators.

## Reconsideration Process

The review does not propose changes to the appeal rights that currently exist i.e. there is no change recommending appeal rights to the Environment Court be introduced. The only form of appeal on any decision in respect of concessions is Judicial Review in the High Court. However the review does recommend improving the formal Reconsideration process by applying timeframes, recommending that new information be able to be considered at the Reconsideration hearing and requiring that a Department officer, a member of the relevant conservation board and a ministerial appointee attend on the panel.

## Tenders

The review notes that further work is required to determine how tendering for an opportunity would work. Further public engagement on this topic is recommended.

## Conforming Schedules

Previously in the 2005 concessions review the recommended use of conforming schedules was implemented. The schedules are intended to essentially create a list of permitted activities which will always be granted provided that the applicant applies for exactly what is listed, shows they can carry out the activity, gains independent audit approval for their safety plan, obtains the required insurance and pays the application fee. If all of this is complied with the concession will be granted within 5 working days. The application process is currently online.

Currently this process only applies to guided walking on identified tracks. This became operational in March of this year. Over the next year the review notes that conforming schedules will be investigated and developed for the following activities: mountain biking, 4WD driving, photography, guided hunting or fishing and bee keeping.

If you have any questions in respect of these proposed changes please do not hesitate to contact us. Many of these changes will need to be implemented through changes to the Conservation Act and there is likely to be opportunity for public comment on that.



**Maree Baker**  
Partner

Direct 03 471 5447  
Mobile 027 295 4704  
Email:

[maree.baker@andersonlloyd.co.nz](mailto:maree.baker@andersonlloyd.co.nz)