

17 September 2025

Tēnā koe [REDACTED]

Thank you for your request to the Department of Conservation (DOC), received on 20 August 2025, in which you asked for:

1. *“Details of the level of Activity Fees paid by holders of accommodation concessions identified in the [list of DOC permissions granted for activities identified as ‘Huts’ (public or private) on public conservation land] spreadsheet, for the 2025 financial year.*
2. *The Conservation Act 1987 allows for the term of a concession to extend beyond 30 years in ‘exceptional circumstances.’*
 - a. *How many concessions have been extended beyond 30 years under ‘exceptional circumstances’?*
 - b. *Can we please receive copies of operational policy or guidance applied by DOC in determining what constitutes ‘exceptional circumstances’?*
 - c. *Can you please provide confirmation that this decision has been delegated to DOC, or if the decision remains with the Minister for Conservation?”*

On 1 September 2025, you clarified your request to the following:

1. *“Details of the level of Activity Fees paid by holders of accommodation concessions identified in the [list of DOC permissions granted for activities identified as ‘Huts’ (public or private) on public conservation land] spreadsheet, for the 2025 financial year.*
2. *The Conservation Act 1987 allows for the term of a concession to extend beyond 30 years in ‘exceptional circumstances.’*
 - a. *How many concessions, being a lease or licence, have been extended beyond 30 years?*
 - b. *Alternatively (where the request under [2a.] above would still require substantial collation / review) how many concessions, being a lease or licence for accommodation activities, have been extended beyond 30 years?*
3. *Can we please receive copies of operational policy or guidance applied by DOC in determining what constitutes ‘exceptional circumstances’?*
4. *Can you please provide confirmation that this decision has been delegated to DOC, or if the decision remains with the Minister for Conservation?”*

We have considered your request under the Official Information Act 1982 (the OIA).

Your questions and our responses are listed below:

1. *Details of the level of Activity Fees paid by holders of accommodation concessions identified in the [list of DOC permissions granted for activities identified as ‘Huts’ (public or private) on public conservation land] spreadsheet, for the 2025 financial year.*

We are unable to provide a detailed breakdown of activity fees for individual accommodation concession holders due to commercial sensitivity. Releasing this information could compromise the commercial position of the concession holders, so the requested information is withheld under section 9(2)(b)(ii) of the Official Information Act (OIA) – to protect the commercial position of the person who supplied the information, or who is the subject of the information.

Instead, we have prepared a summary under section 16(e) of the OIA. This summary presents total concession fees invoiced for accommodation permissions, broken down by Hut (Public) and Hut (Private), during the 2024/25 financial year. As requested, this information includes average, minimum, and maximum activity fees:

Table 1: Accommodation permissions with a single “hut” activity - Financial year 2025 fees invoiced

Billing Type	Activity List	Distinct Count of Permission ID	Total	Average	Min	Max
Activity Fee	Huts (Private)	18	\$28,616	\$1,590	\$0	\$4,216
	Huts (public)	5	\$2,707	\$541	\$0	\$2,350
Management Fee	Huts (Private)	19	\$5,500	\$289	\$50	\$350
	Huts (public)	5	\$1,800	\$360	\$150	\$500
Processing Fee	Huts (Private)	6	\$7,539	\$1,256	\$230	\$4,149
Total		30*	\$46,162			
Data notes: • 37 accommodation permissions with FY2024/25 invoicing have a private or public "hut" activity. Thirty of these have a single "hut" activity and seven have multiple activities including a "hut" activity. • Where there is more than one activity type listed, we are unable to provide a breakdown of fees for individual activity types. This is mainly because the fees are not structured in a way that allow us to allocate a proportion of a fee to individual activities. For this reason, we have excluded the seven permissions with more than one activity type from this dataset. • *Distinct counts of permissions sum to more than the column total as permissions may have more than one type of billing in a financial year.						

In financial year 2024/25, 11 permissions with accommodation as a primary service were approved.

2. *The Conservation Act 1987 allows for the term of a concession to extend beyond 30 years in ‘exceptional circumstances.’*
 - a. *How many concessions, being a lease or licence, have been extended beyond 30 years?*
 - b. *Alternatively (where the request under [2a.] above would still require substantial collation / review) how many concessions, being a lease or licence for accommodation activities, have been extended beyond 30 years?*

DOC is currently managing 302 lease or licence permissions with a term of 31 years or more. Of these, 154 have accommodation as the primary service.

3. *Can we please receive copies of operational policy or guidance applied by DOC in determining what constitutes 'exceptional circumstances'?*

We have identified two documents in scope of part 3 of your request.

Item	Date	Document description	Decision
1	15 July 2016	Interpretation and Application of Statutory Planning Documents - <i>DOC-2802376</i>	Refused in full.
2	26 October 2021	2021 legal review and advice for Exceptional Circumstances Guidance section of Interpretation and Application of Statutory Planning Documents - <i>DOC-6727316</i>	Withheld in full.

The document entitled *'Interpretation and Application of Statutory Planning Documents'*, dated 15 July 2016, contains guidance used by Permissions Advisors to determine whether a concession application meets criteria that would constitute 'exceptional circumstances'. This document is publicly available on DOC's website at:

<https://www.doc.govt.nz/news/issues/assessing-statutory-planning-documents/>. I am therefore refusing this document in full under section 18(d) of the OIA.

I regret that I am not able to provide you with the second document listed in the table above, *'Review of Exceptional Circumstances Guidance 2021'*, dated 26 October 2021, as this document is subject to legal privilege. I am withholding this information under section 9(2)(h) of the OIA – to maintain legal professional privilege.

In making my decision, I have considered the public interest considerations in section 9(1) of the OIA and determined there are no public interests that outweigh the grounds for withholding.

4. *Can you please provide confirmation that this decision [allows for the term of a concession to extend beyond 30 years in 'exceptional circumstances.'] has been delegated to DOC, or if the decision remains with the Minister for Conservation?"*

The following sections of the Conservation Act 1987 provide the Minister of Conservation, or the Minister of Hunting and Fishing in the case of concessions relating to hunting and sports fishing, with powers in relation to easements and leases and licences exceeding 30 years:

- Section 17Z(1) – Satisfy him/herself as to whether there are exceptional circumstances to grant a lease or licence for a term not exceeding 60 years.
- Section 17Z(3)(a) – Grant, in exceptional circumstances, an easement for a term not exceeding 60 years.

The above, among other powers provided for in the Conservation Act 1987, were delegated by the Minister of Conservation to the Director-General of Conservation on 9 September 2015. Within this Instrument of Delegation, the then Director-General of Conservation, Hon Maggie Barry ONZM, subsequently delegated these powers to the following roles within DOC:

- any Deputy Director-General,
- Director, Operations or Regional Operations Director or Directors in other groups where such a decision is within the scope of their role description,

- Director Regulatory System Performance, Director Regulatory Authorisations, and Director Treaty Negotiations and Land.

As part of the creation of the portfolio for Hunting and Fishing, the Prime Minister instructed the Minister for Hunting and Fishing to exercise the above powers in relation to concessions related to hunting and sports fishing only. The Minister for Hunting and Fishing delegated these powers to the Director-General of Conservation on 24 April 2024, who sub-delegated these powers to the above listed roles concurrently.

As advised to you on 29 August 2025, there are a number of reasons why a concession may have a term longer than 30 years without being granted under 'exceptional circumstances'. For example, section 17Z(3)(b) of the Conservation Act 1987 allows for the granting or refusal to grant an easement for such longer period as the Minister considers appropriate, where the easement provides a right of way access to a property to which there is no other practical access (subject to Property Law Act 2007 regarding access to landlocked land). Section 17Z(3)(b) has also been sub-delegated on the above authority.

You are entitled to seek an investigation and review of my decision by writing to an Ombudsman as provided by section 28(3) of the OIA.

Please note that this letter (with your personal details removed) may be published on DOC's website.

Nāku noa, nā



Anita Murrell
Principal Advisor, Regulatory Authorisations
Department of Conservation
Te Papa Atawhai