Department of Conservation
Te Papa Atawhai

Briefing: Further decisions for conservation land management reform

To	Minister of Conservation	**Date submitted**	23 July 2025
Action sought	Decide on policy for conservation land management reform.	**Priority**	High
Reference	25-B-0292	**DocCM**	DOC-10380125
Security Level	In Confidence		

Risk Assessment	Low	**Timeframe**	31 July 2025 – so that drafting instructions can be provided to PCO.
Attachments	None.		

Contacts	
Name and position	**Phone**
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Executive summary – Whakarāpopoto ā kaiwhakahaere

1. Cabinet has agreed to a suite of changes to conservation land management [CAB-25-MIN-0213.01].
2. Drafting is underway on the Conservation Acts (Land Management) Amendment Bill to implement these changes. However, there are some further decisions required on:
   - Processes for conservation land disposals, and
   - How "exempt" and "pre-approved" class concessions will work in the National Conservation Policy Statement and area plans, and
   - How different types of amenities areas will be distinguished from each other, and
   - Whether the process of establishing amenities areas should codify aspects of section 4 of the Conservation Act 1987.
3. These decisions can be made by you within the delegation from Cabinet. Your decisions will directly inform drafting instructions for the Parliamentary Counsel Office (PCO).

We recommend that you … (Ngā tohutohu)

		Decision
Land disposals		
a)	**Agree** to simplify the land disposals process by aligning the Reserves Act 1977 process with the Conservation Act 1987 process.	Yes / No
b)	**Agree** to allow the list of excluded land for exchanges and disposals to be varied by Order in Council, similar to the Crown Minerals Act 1991 and the Fast-track Approvals Act 2024.	Yes / No
Framework for class concessions		

c)	**Agree** an activity can be exempt or pre-approved unless:
	• The activity is contrary to the:
	  ○ Statutory provisions of the Act, or
	  ○ Purposes for which the land is held, or
	• The activity requires an interest in land, or
	• The adverse effects (including cumulative effects) cannot be avoided, remedied, or mitigated through adequate or reasonable conditions.
		Yes / No

d)	**Agree** that the following must be considered when deciding whether it is more appropriate to pre-approve an activity (rather than exempt it): • There is a need to more actively monitor volumes and potential cumulative effects; or • It is reasonable to continue to collect any fees, rents and/or royalties from the activity.	Yes / No

e)	**Agree** that for pre-approved activities, the Minister must set a maximum concession term appropriate for the nature of the activity and the need to monitor volumes and effects over time.	Yes / No
f)	**Agree** that area plans can only disapply an exempt or pre-approved activity where: • The NCPS has allowed disapplications for that particular exempt or pre-approved activity, • The Minister considers disapplication is required due to significant adverse effects on natural, cultural, or historic values present at the specific site, and • The area plan specifies the geographic boundaries of the disapplication, which must not be broader than necessary to avoid significant adverse effects on the specific values being protected.	Yes / No
g)	**Agree** that adding or amending activities from the list of exempt or pre-approved activities follows the process below (taking around 6 months) where: • The Director-General (DG) drafts changes to the National Conservation Policy Statement (NCPS) and area plans, if applicable. • The NZCA and Iwi are invited to comment in parallel with the public, and the timeframe for response is 20 working days. Comments are sought on the draft changes as well as any specific local areas that should not be subject to the class concession (which would be included in area plans instead). • The DG revises the draft changes following consultation and prepares a summary of submissions and impact analysis report. • The Minister approves changes to the NCPS and area plans, having regard to the summary of submissions and impact analysis report.	Yes / No
h)	**Agree** that revoking an exempt or pre-approved activity includes the following process: • The DG or Minister of Conservation can, with public notification, temporarily remove an activity from the exempt or pre-approved list in a specified area with immediate effect and for up to 3 months. • The Minister of Conservation can then direct the Director-General to amend the NCPS or relevant area plan to remove an exempt or pre-approved activity and then the change is publicly notified. • If the Minister determines an amendment is more appropriate, the class concession amendment process for the NCPS (as described in recommendation g) or truncated area plan amendment process apply as appropriate.	Yes / No

i)	**Agree** that class concessions in the first NCPS do not become operational in any given area, until the first area plan for that area is translated (including with any relevant disapplications included).	Yes / No
j)	**Agree** to a three-month consultation process following Bill enactment to gather information necessary for any disapplications in the first set of area plans.	Yes / No
k)	**Agree** that area plans will not be secondary legislation.	Yes / No
Amenities areas		
l)	**Agree** to rename amenity/amenities areas as follows to avoid confusion: • Conservation Act amenity areas (both future and existing ones) will be called 'natural character areas'. • National Parks Act amenities areas and any new amenities areas made under the Bill will be called 'visitor amenity areas'.	Yes / No
m)	**Agree** to codify processes giving effect to section 4 for the new visitor amenities areas tool, in line with the approach to management planning, concessions, and land exchanges and disposals.	Yes / No

s9(2)(a)

Date: 23/07/2025

Ruth Isaac
Deputy Director-General, Policy and Regulatory Services

Date: / /

Hon Tama Potaka
Minister of Conservation

Purpose – Te aronga

1. This briefing seeks further detailed policy decisions related to the following aspects of the Conservation Acts (Land Management) Amendment Bill:
    - Conservation land disposal processes.
    - Legislative framework for class concessions.
    - Amenities areas.

Background and context – Te horopaki

2. Cabinet has agreed to a suite of your proposals to speed up regulatory decisions and unlock greater economic activity on conservation land where the risks are manageable [CAB-25-MIN-0213.01]. At the time, Cabinet delegated authority to you to make decisions required for drafting, except for matters that require reporting back to Cabinet.
3. Drafting is underway on the Conservation Acts (Land Management) Amendment Bill to implement these changes. However, there are some further decisions required on detail for the Bill. These decisions can be made by you within the delegation from Cabinet.

Conservation land disposal processes

Aligning disposal processes

4. There are currently two different land disposal processes for conservation land- one under the Reserves Act 1977 and one under the Conservation Act 1987. They follow many of the same steps but have key differences including:
    - Disposing of land held under the Conservation Act is a decision for the Minister of Conservation, subject to the Public Works Act 1981, which Land Information New Zealand (LINZ) supports DOC with.
    - Disposing of reserves under the Reserves Act requires revoking reserve status, which is a decision for the Minister of Conservation. Upon revocation, the reserve becomes Crown land administered under the Land Act 1948. The disposal step then happens separately as a LINZ/Commissioner of Crown Lands decision.
5. This is a legacy issue rather than a result of deliberate policy intent.
6. For disposal processes in the Bill, we recommend following the Conservation Act process for all conservation land disposals (i.e. including reserves) as it is simpler and doesn't require a separate step to revoke the classification of the land itself. This will simplify the legislative landscape and the way land disposals are dealt with. It also means the Minister of Conservation will make decisions on the disposal instead of the Commissioner of Crown Lands.
7. s9(2)(f)(iv) [redacted]
8. s9(2)(f)(iv) [redacted]
    - [redacted]
    - [redacted]s

s9(2)(f)(iv) [redacted]

Mechanism for adding ineligible lands

9. Both the Crown Minerals Act 1991 and the Fast-track Approvals Act 2024 include a list of excluded conservation land similar to what is proposed for land exchanges and disposals here. They also both have an Order in Council mechanism for the Minister of Conservation to add to that list of excluded land (i.e. amend primary legislation). We recommend the same approach is taken for the Bill in relation to types of land ineligible for exchange and disposal.

Legislative framework for class concessions

10. Cabinet has agreed to allow class concessions through the National Conservation Policy Statement (NCPS) and area plans [CAB-25-MIN-0213.01]. These will significantly reduce the number of individual concession applications by pre-approving, exempting, or prohibiting entire classes of activities, as described below.

    - Exempt activities: activities which can be carried out without needing a concession.
    - Pre-approved activities: activities which are automatically approved and can be carried out after obtaining a simple permit (e.g. by purchasing one online).
    - Prohibited activities: activities for which a concession would automatically not be approved under any circumstance.

11. To support Bill drafting, we need your decisions on the legislative framework for class concessions. This framework will set out rules in the Bill relating to class concessions and has been informed by policy analysis of potential pre-approved and exempt activities (25-B-0278 refers).

12. This briefing provides advice on the exempt and pre-approved classes. We will provide advice on the legislative framework for prohibited activities in the coming months.

Criteria to be met for exempt and pre-approved activities

13. Based on our work to date on activities appropriate for each class of concession for the inaugural NCPS (25-B-0278 refers) and in line with the objectives and schema already agreed by Cabinet, we recommend that an activity can be exempt or pre-approved unless:

    - The activity is contrary to the:
        - Statutory provisions of the Act, or
        - Purposes for which the land is held, or
    - The activity requires an interest in land (for example, the activity would require exclusive use or the ability to install a permanent structure), or
    - There are no reasonable and practicable methods for avoiding, remedying, or mitigating adverse effects (including cumulative effects).

14. The Minister would be required to consider the scope of the activity, the effects to be managed, and the conditions to avoid, remedy or mitigate the effects in determining whether it meets the criteria above. The criteria would only need to be met at an aggregate level (i.e. for most areas of that type) and not every possible instance of the activity in every single area in scope of the class concession would be required to meet these (e.g. guided walking may not be appropriate in every single scenic reserve but a class concession can be provided because it is appropriate in most).

15. The criteria above would apply instead of the current criteria for a concession (e.g. those in section 17U of the Conservation Act; see Appendix 1).

16. The Bill should also provide considerations for when it is more appropriate to pre-approve an activity (rather than exempt it):

    - There is a need to more actively monitor volumes and potential cumulative effects, or
    - It is reasonable to continue to collect any fees, rents and/or royalties from the activity.

17. To satisfy the proposed test above, exempt and pre-approved activities will likely be lower-impact activities. The NCPS may include terms and conditions that allow these activities to take place in a way that manages potential adverse effects. Activities may be exempt or pre-approved for all conservation land, or specific land classifications/visitor zones (25-B-0278 refers).

18. Close to 30% of conservation land is classified as stewardship land. Stewardship land contains a wide range of values, and has not been fully assessed for what protection status is appropriate. Therefore, the activities being considered to pre-approve or exempt on stewardship land are, by necessity, those that will be exempt or pre-approved across a wide range of classification types.

19. A pre-approved activity must have a maximum term length appropriate for the nature of the activity and the need for DOC to monitor volumes and effects over time.

Ability for area plans to disapply class concessions in limited circumstances

20. To ensure the broadest possible application of class concessions, we recommend only the NCPS be allowed to create class concessions, and not area plans. However, it may be necessary for the NCPS to allow area plans to disapply class concessions in specific areas **in very limited circumstances**. For example, exempting or pre-approving an activity may be appropriate across almost all scenic reserves but not, for example, if a particular scenic reserve is:

    - Home to a breeding colony of endangered albatross for which the activity would have significant impacts, or
    - Wāhi tapu and the impacts are inappropriate.

21. However, this should only be possible in very limited circumstances, otherwise the benefits of class concessions will be harder to realise. We recommend:

    - The Bill will allow the NCPS to decide whether disapplications are possible in relation to each exempt or pre-approved activity.
    - The Bill will set out that area plans can only disapply an exempt or pre-approved activity where:
        - The NCPS has allowed disapplications for a particular exempt of pre-approved activity,
        - The Minister considers disapplication is required due to **significant adverse effects on natural, cultural, or historic values present at a specific site**, and
        - The area plan specifies the geographic boundaries of the disapplication, which must not be broader than necessary to avoid significant adverse effects on the specific values being protected.

22. We will use the upcoming targeted consultation on the NCPS to identify which class concessions proposed for the first NCPS would be appropriate to allow disapplications for, and which would be able to commence immediately without any.

23. Disapplying an exempt or pre-approved activity does not prohibit it from occurring. People can still apply for a concession, with their application assessed under the case-by-case process instead.

Adding or modifying an exempt or pre-approved activity

24. The NCPS will be the mechanism through which class concessions are created and modified. However, the full NCPS amendment process agreed by Cabinet is lengthy and out of proportion to the scale of change for class concessions alone. We therefore recommend a truncated amendment process in the table below, where the only changes to the NCPS relate to making or amending a class concession.

25. The truncated process would be used to approve changes to the NCPS that relate to class concessions, as well as any related disapplication in area plans. This would allow class concessions to come into effect at the same time as any relevant disapplication in an area plan, without any time lag. The process therefore includes seeking views on the proposed class concessions and whether any specific areas may not be appropriate for the class concessions. This consultation will inform assessment of the class concession and disapplications simultaneously, and removes the need to separately amend area plans (which, at minimum, will take 6 months).

26. Implementing this would not require DOC to comprehensively survey or assess whether a disapplication is needed for every possible site in which an activity is pre-approved or exempt. The proposed process allows people to raise where disapplications should be considered.

27. The class concession amendment process for the NCPS (with consequential changes to area plans) is as follows. We have also included comparisons to the relevant step of the NCPS amendment process. This process would not apply to minor or technical changes, which can be made without consultation.

Step in recommended class concession amendment process for NCPS	*Difference to standard NCPS amendment process*
The Director-General (DG) drafts changes.	Same as standard process.
The changes are publicly consulted on for 20 working days. Comments are sought on the draft NCPS and consequential area plan changes (disapplications) as well as any specific local areas that should not be covered by the class concession.	There would be no step before public consultation for the NZCA and Iwi to comment on the proposed changes, because they are relatively simple and straightforward to draft. The NZCA and Iwi will be able to provide input in parallel to public consultation. The consultation period is shorter than the standard process, which provides a minimum of 40 working days.
The DG revises the draft changes to the NCPS and area plans following public consultation. The DG also prepares a summary of submissions and impact analysis report.	Same as standard process.
Approval by Minister of changes to NCPS and any relevant area plans, having regard to summary of submissions, impact analysis report. Minister can request revisions before approval.	No step for NZCA and Iwi to review revised changes to NCPS and area plans, summary of submissions and impact analysis report. Approval step same as standard process but without requirement for Minister to consider Iwi and NZCA comments made at revision step.

28. The shorter timeframes than the standard NCPS amendment process reflect that these are discrete changes that will not take significant time to review.

29. See Appendix 2 for a more detailed comparison of the proposed class concession amendment process with the standard NCPS amendment process (as already approved by Cabinet).

Revoking a class for concessions

30. Monitoring of concessions and environmental effects may show that at times, an exempt or pre-approved activity is no longer appropriate as the adverse effects can no longer be avoided, remedied, or mitigated because of cumulative effects or other reasons. In these cases a swift response is required to revoke (or partially revoke) the class concession in the relevant areas and revert to case-by-case assessment (through the default concession application process) to prevent further adverse effects.

31. DOC already has the ability to close any area to all activity for operational activities – which can be used to provide an immediate response. In addition, we recommend that:

    - The Director-General of Conservation or Minister of Conservation can temporarily remove an activity from the exempt or pre-approved list (either in its entirety or only in relation to a specified area) with immediate effect, and for up to 3 months. The public would be notified. During this time applications can still be made and approved, but they would be assessed individually using the standard concessions application process.
    - The Minister of Conservation can then do one of the following:
        - Directly amend the NCPS (or area plan, depending on what is most appropriate) to remove the activity without going through the class concession amendment process. This would involve directing the Director-General to make the change and then publicly notifying that change. The lack of consultation and engagement reflects that revoking an activity does not prevent it from being approved, only changes the process it follows.
        - If the Minister determines that modifying the rules or disapplications for the activity is more appropriate, the class concession amendment process for the NCPS (described above) or truncated area plan amendment process apply as appropriate.

Transitional approach for class concessions and disapplications

32. Some of the exempt and pre-approved activities specified in the first NCPS will be able to come into force at the same time as the NCPS itself, because there will be no scope for area plans to disapply them in particular sites. Others, however, will require disapplications to be identified and included in area plans before they can come into effect. Ensuring that these class concessions and any relevant disapplications begin operating at the same time is important for reducing the risk of significant impacts on cultural and environmental values.

33. This means that for a subset of exempt and pre-approved activities – for which the first NCPS will allow disapplications – a separate process is required to identify relevant disapplications, so they can be included in the first area plans. We recommend that this happens as follows during the 12-month process agreed by Cabinet for translating existing management plans into area plans [CAB-25-MIN-0213.01]:

    - DOC completes a consultation process on class concession disapplications in the first three months following enactment.
    - Feedback from that process informs what disapplications are required for the first series of area plans, which can then be included in area plans as they are created through the translation process.

34. This means if the NCPS were to commence immediately after enactment, the more straightforward class concessions could commence at the same time. However, other class concessions which require disapplications (via area plans) would only come into force when the first area plan is translated for a given area – which could take up to 12 months from enactment.

35. If you instead want all class concessions to commence at the same time as the rest of the NCPS, this would require identifying all such disapplications on the same timeline as drafting and passing the Bill and NCPS, which we do not consider feasible.

Area plans do not need to be secondary legislation

36. If you agree with the suggested role for area plans in relation to class concessions above (i.e. only specifying disapplications), area plans would not be making decisions on concessions and do not need to be secondary legislation. This also means that, as per the status quo, area plans will be unable to regulate the general public (e.g. by setting limits or putting constraints on recreational activities).

37. Regulations or bylaws are still available to directly regulate public behaviour on conservation land – and are more appropriately used for this purpose, as well as being easier to create and change. Regulations and bylaws can also be nationally applied or area-specific (for example, applying to all national parks). This means rules will still be clear and simple.

Amenities areas

Approach to existing areas on the West Coast

38. Cabinet agreed to establish a new, more fit-for-purpose tool for creating amenities areas through the Bill. These new amenities areas would have different tests and processes compared to both existing 'amenity areas' made under the Conservation Act and 'amenities areas' that can be created in national parks under the National Parks Act 1980. That raises the question of how to distinguish between amenity/amenities areas under the Conservation Act, National Parks Act and the Bill.

39. The meaning of amenities areas under the National Parks Act is similar to the intended use under the Bill: providing for visitor amenities and other infrastructure that supports tourism. On the other hand, amenity areas under the Conservation Act generally contain natural forest and bush, and the Conservation Act does not provide for increased development of amenities in these areas.[1]

40. To avoid confusion, we recommend having clearly different names for the types of amenities areas as follows:

Current name	*Proposed name*	*Purpose*	*Proposed approach*
Amenity areas (Conservation Act)	Natural character areas	Primary purpose is protection of indigenous natural resources and historic resources. Secondary purpose is contributing to/facilitating appreciation of those resources. Fostering recreational attributes of the area is allowed subject to primary and secondary purpose.	These will continue to exist as a distinct type of land classification with no change to their current purpose – only the name of these areas will be changed to 'natural character areas'. We do not anticipate much – if any – future use of this

[1] This is more akin to the concept of "amenity values" under the Resource Management Act 1991, which are related to natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.

			classification beyond the current Conservation Act amenity areas. There are 22 such amenity areas on the West Coast, none of which have been used to provide for visitor amenities.
Amenities areas (National Parks Act)	Visitor amenity areas	Primary purpose is development and operation of recreational and public amenities and related services appropriate for public use and enjoyment of national parks. Principles applying to national parks (section 4 of National Parks Act) only apply where they are compatible with the development and operation of such amenities and services.	These will be merged with new amenities areas created under the Bill, proposed to be called 'visitor amenity areas'.
Amenities areas under Bill	Visitor amenity areas	Primary purpose agreed by Cabinet is the same as for national parks amenities areas: development and operation of recreational and public amenities and related services appropriate for public use and enjoyment of conservation land.	This classification will be called 'visitor amenity areas' and shared with amenities areas in national parks.

Clarity regarding section 4 of the Conservation Act

41. Cabinet agreed to codify section 4 for particular processes through this reform. The Cabinet paper was clear that this codification would apply to management planning, concessions, and land exchanges and disposals. However, it was not clear that this was also intended to apply to the new amenities area tool, and the requirement for the Minister to consult iwi on a proposed visitor amenities area prior to public notification.

42. The same risks exist for this as for the other processes – it is very likely to be seen as narrowing section 4. However, there is no reason to take a different approach to amenities areas than the other processes. We therefore recommend that you clarify that the codification of section 4 also applies to the new amenities area tool.

Risk assessment – Aronga tūraru

43. If you choose not to provide for disapplication of class concessions in certain areas, it would likely result in the NCPS being less enabling, as valid concerns may be raised about the specific impacts of particular activities in particular places. Not having the ability to disapply could result in either a conservative approach to exempting and pre-approving activities (diminishing the benefits of being able to take a class approach), or potentially significant effects in certain areas which are unmanaged.

44. Making class concessions operational before there is a process to consult on local disapplications risks an activity being enabled for an area that is considered inappropriate from cultural or conservation perspectives. This may be contentious. However, the recommended transitional approach minimises this risk with class concessions not operational until relevant disapplications have been decided.

Treaty principles (section 4) – Ngā mātāpono Tiriti (section 4)

45. The high bar for area plans to disapply class concessions in relation to cultural sites (see paragraph 19), may lead to challenges based on section 4 of the Conservation Act. It may be seen as too high a bar to provide for active protection of taonga, whenua, and Treaty rights and interests, depending on the classes. However, a lower threshold will likely significantly limit class concessions and frustrate the Government's intentions to introduce class concessions.

46. Codifying section 4 for amenities areas has similar opportunities and risks to those for management planning. It provides more certainty about what is required to give effect to section 4 in establishing an amenities area, by stating the requirement for the Minister to consult with iwi prior to public notification. Some Treaty partners may regard this as a narrowing of what section 4 requires. However, this was the approach agreed by Cabinet and clarifying the relationship with section 4 ensures the applicability of your proposed approach.

Consultation – Kōrero whakawhiti

47. We have consulted LINZ on aligning disposal processes between the Reserves Act and Conservation Act. They did not have any concerns with our recommendation.

Legal implications – Te hīraunga a ture

48. The decisions you make will directly inform DOC's drafting instructions to PCO on the Bill.

Next steps – Ngā tāwhaitanga

49. Your decisions are within your delegation from Cabinet and will be reflected in drafting instructions provided to PCO.

50. You will receive advice after your upcoming travel on further matters for the Cabinet report-back or priority matters for drafting. These include the system levy, competitive allocation and changes to the purpose of the Conservation Act.

51. Over the coming months, you will also continue to receive advice on other decisions needed for Bill drafting that are within your delegated authority.

52. The timeline we are working towards for the rest of the year is as follows:

12 August	All advice for Cabinet report-back sent to your office: system levy, competitive allocation, changes to purpose of Conservation Act. By this date, you will also receive f**urther** advice on the content of the first NCPS (following several weeks of targeted consultation) and upholding Treaty settlements.
Week beginning 18 August	Draft Cabinet paper sent to your office covering Bill report-back issues, NCPS and upholding Treaty settlements.
22 August	NCPS targeted consultation concludes.
25 August – 5 September	Ministerial consultation on draft Cabinet paper (two weeks but both are non-sitting weeks). Agency consultation will be concurrent.
Week beginning 25 August	Final advice sent to your office on NCPS targeted consultation.
8 – 10 September	Finalise Cabinet paper based on feedback received during ministerial and agency consultation.

11 September	Lodge Cabinet paper covering Bill report-back issues, NCPS and upholding Treaty settlements.
17 September	Cabinet paper discussed at ECO.
22 September	ECO decisions confirmed. As soon as possible after this, drafting instructions for the remainder of the Bill will be issued to Parliamentary Counsel Office (PCO). All remaining dates are subject to the time taken for PCO to complete drafting.
October – December	Bill completed and approved for introduction: aiming for LEG on 6 November and Cabinet confirmation on 10 November. This would allow introduction, first reading and referral to select committee by the end of November, or December at the latest.

ENDS

Appendix 1: Section 17U, Conservation Act 1987

17U Matters to be considered by Minister

(1) In considering any application for a concession, the Minister shall have regard to the following matters:

(a) the nature of the activity and the type of structure or facility (if any) proposed to be constructed:

(b) the effects of the activity, structure, or facility:

(c) any measures that can reasonably and practicably be undertaken to avoid, remedy, or mitigate any adverse effects of the activity:

(d) any information received by the Minister under sections 17S [contents of application], 17SD [further information applicant required to provide], and 17SE [commissioned report or advice]:

(e) any relevant environmental impact assessment, including any audit or review:

(f) any relevant oral or written submissions received as a result of any relevant public notice issued under section 49:

(g) any relevant information which may be withheld from any person in accordance with the Official Information Act 1982 or the Privacy Act 2020.

(2) The Minister may decline any application if the Minister considers that—

(a) the information available is insufficient or inadequate to enable him or her to assess the effects (including the effects of any proposed methods to avoid, remedy, or mitigate the adverse effects) of any activity, structure, or facility; or

(b) there are no adequate methods or no reasonable methods for remedying, avoiding, or mitigating the adverse effects of the activity, structure, or facility.

(3) The Minister shall not grant an application for a concession if the proposed activity is contrary to the provisions of this Act or the purposes for which the land concerned is held.

(4) The Minister shall not grant any application for a concession to build a structure or facility, or to extend or add to an existing structure or facility, where he or she is satisfied that the activity—

(a) could reasonably be undertaken in another location that—

(i) is outside the conservation area to which the application relates; or

(ii) is in another conservation area or in another part of the conservation area to which the application relates, where the potential adverse effects would be significantly less; or

(b) could reasonably use an existing structure or facility or the existing structure or facility without the addition.

(5) The Minister may grant a lease or a licence (other than a *profit à prendre*) granting an interest in land only if—

(a) the lease or licence relates to 1 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 purposes 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 an interest in land is essential to enable the activity to be carried on.

(6) No lease may be granted unless the applicant satisfies the Minister that exclusive possession is necessary for—

(a) the protection of public safety; or

(b) the protection of the physical security of the activity concerned; or

(c) the competent operation of the activity concerned.

(7) For the purposes of subsection (6), the competent operation of an activity includes the necessity for the activity to achieve adequate investment and maintenance.

(8) Nothing in this Act or any other Act requires the Minister to grant any concession if he or she considers that the grant of a concession is inappropriate in the circumstances of the particular application having regard to the matters set out in this section.

Appendix 2: Comparison of NCPS and area plan amendment processes

Process	Step 1: Initiation	Step 2: Drafting	Step 3: Targeted consultation	Step 4: Public notification	Step 5: Revision	Step 6: Review	Step 7: Revision (optional)	Step 8: Approval
NCPS amendment process *Agreed by Cabinet*	Minister initiates amendment and instructs Director-General (DG) to draft changes.	DG prepares draft policy or policies.	DG provides draft to iwi and NZCA for their review and comment. DG may revise draft based on comments from iwi and New Zealand Conservation Authority (NZCA). Duration 2 months (minimum) to provide comment.	DG notifies public of draft and seeks written comments. DG also notifies iwi, NZCA, conservation boards and NZ Fish and Game Council. Duration 2 months (minimum) to provide comment.	DG prepares: • Revised draft NCPS, • Summary of submissions, • Impact analysis report (including impacts on Treaty rights and interests).	DG provides revised draft, summary of submissions and impact analysis report to iwi and NZCA. Duration 1.5 months to provide comment.	DG may revise draft based on written comments from iwi and NZCA.	Minister approves changes to NCPS, having regard to: • Summary of submissions, • Impact analysis report, and • Any written comments from iwi and NZCA.
Class concession process: adding or modifying *Proposed in this briefing*	Minister initiates amendment and instructs DG to draft changes.	DG prepares draft class concession for inclusion in NCPS. DG also prepares any relevant disapplication (if changes relate to exempt or pre-approved activities) for inclusion in area plans.	*Not applicable*	DG notifies public of draft changes to NCPS (and area plans if applicable) and seeks written comments. Duration 1 month to provide comment.	DG prepares: • Revised draft changes to NCPS (and area plans if applicable), • Summary of submissions, • Impact analysis report (including impacts on Treaty rights and interests).	*Not applicable*	*Not applicable*	Minister approves changes to NCPS (and area plans if applicable), having regard to: • Summary of submissions, • Impact analysis report.
Class concession process: revoking *Proposed in this briefing*	Minister or DG can temporarily remove an activity from exempt or pre-approved list with immediate effect, for up to 3 months. Public is notified. Minister can then either: • Revoke class from NCPS and notify public, or • Amend NCPS or area plan – see relevant other rows in this table.	*Not applicable*	*Not applicable*	*Not applicable*	*Not applicable*	*Not applicable*	*Not applicable*	*Not applicable*
Area plan amendment process *Agreed by Cabinet*	Minister or DG initiates amendment process.	DG consults relevant iwi and conservation board(s) on aspirations for plan before drafting. DG then drafts area plan. DG then consults iwi and conservation board(s) on draft objectives and policies. Duration • 4 months for standard process. • 2 months for truncated process.	*Not applicable*	DG notifies public of draft and seeks written comments. Duration • 2 months (minimum) for standard process • 1 month (minimum) for truncated process	DG prepares: • Revised draft area plan, • Summary of submissions, • Impact analysis report (including impacts on Treaty rights and interests). Duration • 3 months for standard process. • 1 month for truncated process.	DG provides revised draft, summary of submissions and impact analysis report to iwi, conservation board(s) and NZCA. Duration • 2 months to provide comment for standard process. • 1 month to provide comment for truncated process.	DG may revise draft based on written comments from iwi, conservation board(s) and NZCA.	Minister approves changes to area plan, having regard to: • Summary of submissions, • Impact analysis report, and • Any written comments from iwi, conservation board(s) and NZCA.

Process	Step 1: Initiation	Step 2: Drafting	Step 3: Targeted consultation	Step 4: Public notification	Step 5: Revision	Step 6: Review	Step 7: Revision (optional)	Step 8: Approval
Minor or technical changes to NCPS and area plans *Agreed by Cabinet*	Minister or DG initiates amendment process.	DG prepares draft changes.	*Not applicable*	*Not applicable*	*Not applicable*	*Not applicable*	*Not applicable*	Minister approves changes.