Department of Conservation
Te Papa Atawhai

Concession Application
Form 3b – Private/commercial facility/structures

The Department recommends that you contact the Department of Conservation Office closest to where the activity is proposed to discuss the application prior to completing the application forms. Please provide all information requested in as much detail as possible. Applicants will be advised if further information is required before this application can be processed by the Department.

This form is to be used when the proposed activity is the building or use of any private or commercial facility or structure on public conservation land managed by the Department of Conservation. Examples may include lease of land to erect an information centre; authorisation to erect a weather station; or construct or lease a private/commercial campground or lodge. This form is to be completed in conjunction with either Applicant Information Form 1a (longer term concession) or Applicant Information Form 1b (one-off concession) as appropriate.

Please complete this application form, attach Form 1a or Form 1b, and any other applicable forms and information and send to permissions@doc.govt.nz. The Department will process the application and issue a concession if it is satisfied that the application meets all the requirements for granting a concession under the Conservation Act 1987.

If you require extra space for answering, please attach and label according to the relevant section.

Application from: Tony and Adele Delaney

Application for: Concession for Aoraki/Mount Cook Alpine Lodge Limited (CA-12646-ACC)

Prepared by: AJ Millward, Owner/Director, Transcend Consulting

Reviewed by: Stephen Christensen, Project Barrister

Important note from the Applicant for DOC decision makers and staff

We respectfully request that, in considering our application, you first determine whether the circumstances we have outlined satisfy the test in section 17Z(1)(a) of the Conservation Act 1987 for a term exceeding 30 years in exceptional circumstances.

We are proceeding based on the process option identified by the Department in March 2026, as it is important for us to understand, at the outset, whether this pathway includes access to the exceptional circumstances provision. Given the significance of this threshold issue for the structure of any subsequent concession and our ability to plan prudently, we ask that the Department request any further information needed to inform this work as soon as possible. We also ask that the Department communicate its decision on the exceptional circumstances question in writing at the earliest opportunity, before substantial further processing or negotiation on term and related conditions proceeds.

A. Description of Activity

Please describe the proposed activity in detail – where the site is located, please use NZTM GPS coordinates where possible, what you intend to use the building for, whether you intend to make any changes to the infrastructure.

Please include the name and status of the public conservation land, the size of the area for which you are applying and why this area has been chosen.

If necessary, attach further information including a map, a detailed site plan and drawings of proposal and label Attachment 3b: A.

We are applying for a new concession to continue the operation of Aoraki/Mount Cook Alpine Lodge Limited. This is our accommodation business that has been serving visitors to Aoraki/Mount Cook National Park since our inception in 2005. The business operates from existing premises at 101 Bowen Drive, Aoraki/Mount Cook Village, on a total site of approximately 706m², with the lodge building occupying around 350m² footprint.

Our whānau have been connected to the Aoraki/Mount Cook area for several generations, and we have called this place home since settling here in the 1970s. To make this dream a reality, we sold our family home, boat, car, and even gave away our dog; a commitment that underscores our deep roots and sacrifices for this whenua. The business began operating in September 2005, establishing the lodge as a family legacy and continuing our long-standing relationship with the village and its community. We chose to establish the lodge here because of our deep personal and family ties to the area and our commitment to providing a warm, affordable and family-oriented accommodation option that reflects the local values of manaakitanga and kaitiakitanga. The lodge was the first new accommodation business to open in Aoraki/Mount Cook Village in nearly 50 years, marking a significant contribution to the vibrancy and accessibility of the National Park.

Over the past two decades, we have invested significantly in maintaining and improving the property while ensuring all activity aligns with the principles of conservation stewardship under the Conservation Act. Through welcoming visitors, sharing our knowledge of the area, and supporting the respectful enjoyment of the park, we see our role as a practical extension of these conservation purposes; helping people appreciate and enjoy the natural and historic resources and values of Aoraki/Mount Cook while safeguarding these resources and values for future generations. We have consistently acted as responsible kaitiaki of the land and associated facilities and are not proposing any changes to the existing infrastructure as part of this concession renewal.

This application seeks the ability to keep operating our lodge into the future, with a request for tenure that is comparable and equitable to other long-term concessionaires in the village. This security will enable financing for essential renovations to maintain high standards in upkeep and will allow us to realise our return on the significant investment we have made.

Premises

The lodge was specifically designed and purpose-built for the site and with the Aoraki/Mount Cook Management Plan in mind. The design also reflects our understanding of the Mount Cook community and residents. The lodge remains consistent with the current Aoraki/Mount Cook Management Plan.

The lodge was purpose-built, with sustainability in mind, using native timbers and a tough low maintenance concrete exterior. The roof is long run colour steel with matching double-glazed aluminium joinery. It is a two-level building, with 16 guest rooms, communal kitchen/dining area, large deck/barbecue area, and a one-bedroom managers quarters. The lodge is approximately 27.5m x 16.4m x 30m.



B. Alternative sites considered

If your application is to **build, extend or add** to any permanent or temporary structures or facilities on public conservation land, please provide the following details:

- Could this structure or facility be reasonably located outside public conservation land? Provide details of other sites/areas considered.
- Could any potential adverse effects be significantly less (and/or different) in another conservation area or another part of the conservation area to which the application relates? Give details/reasons

N/A – The lodge is already built and operating.

C. Larger area

Is the size of the area you are applying for **larger** than the structure/facility **YES**

If **yes**, please detail the size difference in the box below, and answer the following 3 questions, if **no** please go on to the next section:

The surveyed site is 706m² and building footprint is approximately 350m². The remaining area is used as on-site carparking and garden areas surrounding the lodge structures.

Is this necessary for safety or security purposes? **YES**

Is this necessary as an integral part of the activity? **YES**

Is this essential to carrying on the activity? **YES**

The site is intentionally larger than the lodge itself to support smooth operations and meet the service expectations of a business of this kind. Because we operate in a remote area without access to supermarkets, guests are required to bring their own food and supplies, which makes convenient car parking essential.

To minimise environmental disruption during construction, several existing gardens on the site were left untouched. These have been retained and maintained to preserve the continuity of the local ecosystem.

D. Exclusive possession

Do you believe you need **exclusive possession** of the public conservation land on which your structure/building is located, i.e. no one else can use the land during your use of it? **YES**
(Exclusive occupation requires a lease which requires public notification of the application)

If **yes**, please answer the following 3 questions, if no please go to the next section:

Is exclusive possession necessary to protect public safety? **YES**

Is exclusive possession necessary to protect physical security of the activity? **YES**

Is exclusive possession necessary for the competent operation of the activity? **YES**

If the answer to any of the above is yes, please provide details and attach supporting evidence if necessary and label Attachment 3b:D.

Exclusive possession of the site is necessary for us to conduct our business in a normal manner associated with the provision of accommodation. This ensures the safety, privacy, and security of guests and staff. The public do not need access to the site, unless it is on the invitation of guests. The carpark has been sited with health and safety in mind, enabling guests to safely get from the carpark to the lodge. Public safety is paramount to our operation.

E. Technical Specifications (for telecommunications sites only)

Frequencies on which the equipment is to operate
N/A
Power to be used (transmitter output)
N/A
Polarisation of the signal
N/A
Type of antennae
N/A
The likely portion of a 24 hour period that transmitting will occur
N/A
Heaviest period of use
N/A

F. Term

Please detail the length of the term sought (i.e. number of years or months) and why.

Note: An application for a concession for a period over 10 years must be publicly notified, an application for a concession up to 10 years will not be publicly notified unless the adverse effects of the activity are such that it is required, or if an exclusive interest in the land is required.

We are applying for a new 49-year term, which we consider appropriate given the established nature of the site and existing structures.

When we made a significant investment in 2005, a 30-year concession was granted, with nine years of that term remaining. Comparable properties in the village with larger ownership structures have since received longer terms. To maintain financial certainty, to remain competitive, and to continue our ongoing

investment and maintenance at the same standard, we are seeking to restart our concession under a longer period of time.

A renewed 49-year term will provide long-term security to us as business owners and will appropriately recognise our longstanding investment in, and commitment to, the village.

Exceptional Circumstances justifying a 49-Year Concession Term

The Conservation Act 1987 section 17Z(1)(a) states “in exceptional circumstances, the Minister may grant a term not exceeding 60 years”. We note this applies when this advances conservation outcomes without compromising public interest. We consider this is the case in our situation:

1. We submit that granting Aoraki/Mount Cook Alpine Lodge Limited a 49-year term from expiry is justified by the highly **unusual regulatory technicality and procedural unfairness** we have faced.
2. We also submit that we meet the generally accepted definition for exceptional circumstances, covering our **investment in long-standing infrastructure**.

Details of our request for the use of exceptional circumstances are below. Critically, the exceptional circumstances we face sets no precedent due to the unique history of our business and its current lease arrangement; no other concessionaires face this exact confluence of factors.

Unusual regulatory technicality and procedural fairness

Regulatory Technicality and Evolving DOC Practice

Our original concession was granted under the Conservation Act 1987, which permits terms up to 49 years for certain facilities like accommodation lodges. DOC shifted processing similar applications to the National Parks Act (1980) around 2007 without communicating this change to us. We were not processed under the National Parks Act like our neighbours and therefore cannot be renewed under the National Parks Act 1980 (the NPA). This evolving operational practice was not disclosed, depriving us of the chance to reapply under the NPA. We had no ability to seek clarification, despite applying in good faith under established Conservation Act processes. Official guidance requires policy interpretation changes to include proper notice, transitional measures, and consultation with affected parties who have ordered their affairs accordingly; we received none, creating a technicality that now risks our 20-year legacy.

Breach of Procedural Fairness and Legitimate Expectation

New Zealand administrative law mandates procedural fairness and protection of legitimate expectations, particularly where decisions significantly impact rights acquired under prior practice. We reasonably expected consistent Conservation Act treatment for our accommodation concession and note that DOC's change in interpretation of the law (from processing these applications under the Conservation Act to the National Parks Act) was unnotified. This lack of transparency and equity (failing to advise us of the shift or offer a fair opportunity to respond) breaches these principles. Rectifying this via a 49-year Conservation Act concession term restores fairness without wide repercussions as our situation is completely unique.

Ongoing Commitment and No Precedent Risk

We remain willing to invest our time and money into Mount Cook, making the conservation estate a great place. Securing tenure is key to attracting partners for upkeep and renovations, even as we approach retirement. This encourages the right investors, countering the village's accommodation monopoly. With no risk of precedent (our case is highly unusual and out of the ordinary) a 49-year term aligns with Conservation Act goals of sustainable stewardship and corrects the parity issue we are currently subjected to.

Investment in long-standing infrastructure

Established Infrastructure

The proposal for renewal relies on established infrastructure that has been in operation for a considerable period and remains fit for purpose. Maintaining and utilising this existing investment avoids unnecessary environmental disturbance that would arise from constructing new facilities elsewhere, while supporting continuity of service within the conservation estate.

Our activity provides demonstrable and significant public and conservation benefits, contributing to recreation, education, and local economic wellbeing. Its operation aligns with broader conservation outcomes by enabling managed access and facilitating appreciation of Aoraki/Mount Cook's iconic natural and cultural values in a sustainable way.

Return on investment

The economic reality for this concession is that the useful life of the lodge buildings and associated infrastructure extends well beyond 30 years, with a typical depreciation schedule and maintenance cycle operating over several decades. During the first 10–15 years, much of our income has been directed toward recovering initial capital investment, with profitability emerging primarily between years 15 and 25. In the final years of our 30-year term we are facing significant barriers to reinvestment, as commercial lenders are unlikely to finance upgrades or maintenance when lease certainty is limited.

A lack of long-term certainty may lead to the deterioration of assets, creating a "stranded asset" problem inconsistent with DOC's aims for sustainable, well-maintained visitor infrastructure. A 49-year concession term aligns with the economic life of the assets, allowing full capital recovery, ongoing maintenance, and reinvestment throughout the lease period, while providing our lenders with the certainty required to support financing arrangements.

Given the long-lived nature of our operations and the scale of capital improvements made it is reasonable that appropriate time be allowed to ensure a fair return on investment. A 49-year tenure will provide much needed stability for ongoing management, employment, and conservation partnerships.

Role in the village ecosystem

The lodge forms an integral part of the village ecosystem, underpinning both the local economy and the wider visitor experience within the park setting. It provides capacity that sustains a diverse visitor profile that includes international travellers, school groups, and research teams.

The operation directly employs staff, with onsite accommodation deliberately provided to avoid the daily commuting patterns seen elsewhere, where staff routinely travel from Twizel on a 130 km return journey, causing associated emissions and safety implications. Through shared services, efficient land use, contributions via levies and active community participation, the lodge is structurally embedded in village infrastructure and local service provision rather than functioning as a standalone commercial enterprise. In practice, it also serves as an informal education node, orienting visitors to park values, conservation, and appropriate behaviour in a sensitive alpine environment, reinforcing the statutory purposes the park is intended to uphold.

Maintaining competitive equity

From a commercial perspective, maintaining competitive equity with newer operators is important. Comparable businesses, such as Grand Properties was established in 2013 with 25 units. Grand Properties benefits from longer, more secure concession terms that provide better access to finance.

By contrast, our current lease structure limits reinvestment despite a strong operational track record and proven commitment to sustainable management. Extending our concession term will provide the security needed to continue operating successfully alongside newer entrants, while safeguarding both economic and environmental outcomes for the village.

We are not seeking a competitive advantage over others that operate within the village. We simply want to be on a level playing field and seek not to be effectively penalised because of the previous inconsistency in the Department's approach to processing concession applications.

We have sought legal advice to test if what we are asking for is reasonable. Our lawyer has advised us that the unique history of our concession arrangement does create a true exception and that in the absence of a clear policy the granting of concessions for similar businesses with different terms appears arbitrary and unfair.

G. Bulk fuel storage

Under the Hazardous Substances and New Organisms Act 1996 (HSNO Act) 'Bulk fuel storage' is considered to be any single container, stationary or mobile, used or unused, that has a capacity in excess of 250 litres of Class 3 fuel types. This includes petrol, diesel, aviation gasoline, kerosene and Jet A1. For more information on Hazardous Substances, go to: http:/www.business.govt.nz/worksafe/information-guidance/legal-framework/hsno-act-1996

Do you intend to store fuel in bulk on the land as part of the activity? **NO**

If you have answered yes, then please provide full details of how and where you intend to store the fuel, and label any attachments including plans, maps and/or photographs as Attachment 3b:G. If your concession application is approved, you will be required to provide a copy of your HSNO compliance certification to the Department before you begin the activity.

N/A.

H. Environmental Impact Assessment

This section is one of the most important factors that will determine the Department's decision on the application. Please answer in detail.

In column 1 please list all the locations of your proposal, please use NZTM GPS coordinates where possible. In column 2 list any special features of the environment or the recreation values of that area. Then in column 3 list any effects (positive or adverse) that your activity may have on the values or features in column 2. In column 4 list the ways you intend to mitigate, remedy or avoid any adverse effects noted in column 3. Please add extra information or supporting evidence as necessary and label Attachment 3b:H.

Refer to Steps 1 and 2 in your Guide to Environmental Impact Assessment to help you fill in this section.

Overview of Environmental Impact

The location of the lodge is 170.0956988E -43.7340235S.

The lodge occupies an existing building footprint within the established Aoraki/Mount Cook Alpine Village commercial zone, resulting in no new visual or landscape impacts beyond those already authorised under the National Park Management Plan. Building exteriors are (and will continue to be) maintained to a high standard through a 10-year property maintenance plan, including regular painting, landscaping, and vegetation control to screen views from key visitor areas and preserve the park's outstanding natural character. No structural alterations, earthworks, or lighting additions are proposed, ensuring the activity continues to blend with the existing village form.

The activity is appropriate from an effects management basis, with all adverse effects either avoided through use of existing infrastructure or mitigated to below thresholds specified in the Aoraki/Mount Cook National Park Management Plan and Conservation Management Strategy. Ongoing monitoring via annual compliance reports, pest control logs, and maintenance audits is carried out to enable adaptive management, ensuring no material departure from approved baselines over the concession term. We have a long-standing history of compliance with all relevant legislation and can demonstrate voluntary compliance with the conditions of our concession through our 10-year maintenance plan.

Further details of our Environmental Impact Assessment are in the table below.

Special feature or value	Potential effects of your activity on the feature or value (positive or adverse)	Methods to remedy, mitigate or avoid any adverse effects identified
Amenities Area, set aside under Section 15 of the National Parks Act 1980. World Heritage Area – Te Wāhipounamu. National and international significance because of this protected land status.	Potential effects on biodiversity are negligible and are decreasing as flora and fauna have adapted to the lodge structure over the past 20 years.	Pets or animals are prohibited to prevent pest or weed introductions, alongside routine site inspections for invasive species.

Amenities Area, set aside under Section 15 of the National Parks Act 1980. World Heritage Area – Te Wāhipounamu. National and international significance because of this protected land status.	Maintenance of the buildings, landscaping to surrounding gardens.	We have a 10-year property maintenance plan that is in accordance with National Park Management Plan and guidance from Department of Conservation.
Amenities Area, set aside under Section 15 of the National Parks Act 1980. World Heritage Area – Te Wāhipounamu. National and international significance because of this protected land status.	Wastewater and stormwater systems connect to the existing village reticulation with no capacity upgrades required, maintaining discharge quality within consented limits and avoiding cumulative water quality impacts on downstream tussock wetlands.	All drainage and stormwater systems have been designed and are maintained to a standard previously approved. Monitoring of issues associated with these services are managed in a way to address any adverse impact as soon as practically possible. This is done in consultation with the Department of Conservation where needed.
Amenities Area, set aside under Section 15 of the National Parks Act 1980. World Heritage Area – Te Wāhipounamu. National and international significance because of this protected land status.	Hazardous substances/contaminants.	No substances other than those normally used in the process of construction will be used or discharged. There are no known hazardous installations. There are no hazardous substances associated with the ongoing operation of this facility.
Amenities Area, set aside under Section 15 of the National Parks Act 1980. World Heritage Area – Te Wāhipounamu. National and international significance because of this protected land status.	Domestic Animals/Biodiversity.	No domestic animals are permitted onsite, or anywhere within the Village or wider National Park.
Fire safety.	Fire safety.	Fire risk is mitigated through adherence to DOC restrictions (including no open fires, fire-safe vegetation buffers, and on-site extinguishers), consistent with comparable village accommodation approvals. Fire safety equipment

		is available on-site, staff are trained in its use and emergency procedures, and occupants must comply with fire restrictions. The applicant is a volunteer firefighter with relevant expertise.
Changes to structure.	Building Modifications.	No modifications to the buildings will be undertaken without the prior consideration and approval from the Department of Conservation. Any will need to be in accordance with the national park management plan.
Biodiversity.	Weeds/pest plants.	Monitoring of weed and pest plants in and around the land. Any plant pest will be removed and weed control will continue throughout the proposed term of the concession. Occupants will not be permitted to bring in any non-native plants (both inside and outside) onto the land.
Amenities Area, set aside under Section 15 of the National Parks Act 1980. World Heritage Area – Te Wāhipounamu. National and international significance because of this protected land status.	Waste.	Occupants will be advised to use waste receptacles, recycling depots and ensure all waste is stored in an appropriate way until it is removed off site, and out of the National Park.
Amenities Area, set aside under Section 15 of the National Parks Act 1980. World Heritage Area – Te Wāhipounamu. National and international significance because of this protected land status.	Cultural.	The Applicant will consult with Ngāi Tahu Runanga o Arowhenua if any cultural interpretation/information is proposed to be used.
Amenities Area, set aside under Section 15 of the National Parks Act 1980. World Heritage Area – Te Wāhipounamu. National and international significance	Visual effects.	Visual effects will be remedied through a 10-year property maintenance plan requiring annual painting, landscaping to screen views, and vegetation control aligned with park character.

because of this protected land status.		
Amenities Area, set aside under Section 15 of the National Parks Act 1980. World Heritage Area – Te Wāhipounamu. National and international significance because of this protected land status.	Noise.	This can be a potential effect on all those residing in the residential area of the Village. All practical steps will be undertaken to ensure all occupants, and any of their personal visitors, abide by reasonable noise levels for the environment. Monitoring of the noise levels will occur periodically.

I. Other

Is there any further information you wish to supply in support of your application? Please attach if necessary and label Attachment 3a: I.

In November 2025 we connected with Te Runanga o Arowhenua (Arowhenua) through Aoraki Environmental Consultancy Limited (AECL) and arranged a hui for Tuesday 25 November 2025. At this meeting we outlined the history of the lodge and shared our intention to seek a longer-term tenure under the National Parks Act (1980) to provide greater certainty for our whānau.

In that kōrero, AECL indicated no immediate concerns but emphasised the importance of further internal discussion and consultation before finalising their position, which we understand and fully respect. We discussed an appropriate process for ensuring Arowhenua are kept informed of any substantive changes we may propose to the dwelling over the course of our tenure and confirmed our commitment to bring such matters to Arowhenua for discussion in advance if they arise.

AECL requested a progress update from us in December 2025 as they had not yet received the application. We advised the application was going to be delayed while we worked through Conservation Act/National Parks Act implications with DOC.

We are pleased to be building this ongoing relationship and will continue to work with Arowhenua in partnership and good faith.

We also had a pre-application meeting with DOC on 24 of November 2025. In this meeting we discussed our activity and our intent to apply for early renewal due to needing financial certainty. We advised DOC we are a "family-owned business, wanting financial certainty to continue demonstrated stewardship of this site and before investing in further maintenance and upkeep".

Detailed timeline of Concession

2004 – On 1 January 2004 the concession term was granted for 30 years under Part 3B of the Conservation Act, with a subsequent variation of 1 additional year granted in September 2006. The variation was issued due to a 12-month delay in building due to a diesel spill on the neighbouring site. This variation is attached as Annex 1. It includes a first right of refusal.

2007 – Neighbours (Aoraki Court Motel) were directed by DOC to apply for a similar concession under the National Parks Act (NPA). The Hobbs family also received a 49-year lease under the NPA for an "Inn" (which they have not built).

2018 – Grand Properties received new 49-year term in association with 12 new units.

2022 – We had discussions with DOC in 2022 about the NPA and our right of refusal. DOC confirmed that visitor accommodation is managed under the National Parks Act, which allows for the provision of longer terms. A follow up email to this meeting (sent to DOC from Tony) is available on request. DOC did not respond to the questions on right of refusal.

2025 – We requested a meeting with Ngai Tahu in early November 2025 and were referred to Te Runanga o Arowhenua for this hui.

2025 – We met with DOC on 24 November 2025.

2025 – We met with Te Runanga o Arowhenua (Arowhenua) through Aoraki Environmental Consultancy Limited (AECL) on 25 November 2025.

2025 – We updated Ngai Tahu in December 2025 that the application was going to be delayed in coming to them while we worked through Conservation Act/National Parks Act implications.

2026 – We met with Nicci Mardle on 30 January 2026.

2026 – We met with Christine Butler and Nicci Mardle on 16 March 2026.