Selected Crown Permit and approval processes

Panel invites **EPA** reviews Application* comments on **Application** lodged with EPA **Application** [5 WDs] [Sch 4 cl 3] [15 WDs**] [Sch 4 cl 5-6] [Sch 4 cl 20-22] Conservation Act The fast-track approval process displaces the

process in ss 17SA-17SE, 17T, 17U(3)-(4) and 17W of the Conservation Act.

Provisions of the Conservation Act that are not modified by Schedule 5 otherwise apply to a fast-track concession, as relevant and with any necessary modifications.

A fast-track concession granted has the same force and effect as if it were ranted under the Conservation Act.

Crown Minerals Act

The fast-track approval process displaces the process for applications for access arrangements under ss 61 and 61B of the Crown Minerals Act

[Sch 10 cl 4-5]

but does not apply to applications for an access arrangement for any land or offshore area for which a permit cannot be granted under the Crown Minerals Act

[Sch 19, cl 3]

Wildlife Act

Authorities granted under this process are lawful authority to do anything in respect of wildlife that is specified in the consent as if the authority were granted under the Wildlife Act.

s 71 of the Wildlife Act (which requires joint ministerial consent in certain cases) does not apply to an approval granted via the fast track process.

Conservation Act

The Panel must specifically consider: whether an activity that involves a fast-track concession in relation to a conservation area could reasonably be undertaken in another location that-

Panel assesses

Application

- is outside the conservation area; or
- is in another conservation area or another part of the conservation area, where the potential adverse effects would be significantly less: and
- the legal and financial liabilities associated with decisions on leases, licences to occupy land, and easements; and
- any conservation management strategies or conservation management plans that have been co-authored, authored, or approved by a Treaty settlement entity.

[Sch 5, cl 5]

Wildlife Act

The Panel must specifically:

- request a report from the DG Conservation addressing risks and impacts to wildlife and have particular regard to that report
- take into account the purpose of the Wildlife Act 1953 when assessing wildlife effects of a project
- take into account impacts on threatened, data deficient, and at-risk wildlife species (as defined in the New Zealand Threat Classification System); and
- include conditions considered necessary to ensure that best practice standards are met; and
- in setting any condition, consider whether-
- the condition would minimise any impacts on protected wildlife, through avoidance, mitigation, or offsetting; or
- compensation should be provided for when impacts cannot be mitigated

[Sch 6, cl 1]

Panel consults on draft conditions + recommendation

[25-50WDs***]

Panel makes recommendation

> [s 25/Sch 3 cl 1/ Sch 4 cl 37-40]

Joint Ministers issue decision

[no timeframe]

[s 25/Sch 4 cl 40-43]

Wildlife Act The Ministers must specifically:

- have particular regard to the DG Conservation's report addressing risks and impacts to wildlife
- take into account the purpose of the Wildlife Act 1953 when assessing wildlife effects of a project
- take into account impacts on threatened, data deficient, and at-risk wildlife species (as defined in the New Zealand Threat Classification System); and
- include conditions considered necessary to ensure that best practice standards are met; and
- in setting any condition, consider whether-
- the condition would minimise any impacts on protected wildlife, through avoidance, mitigation, or offsetting; or
- compensation should be provided for when impacts cannot be mitigated

[Sch 6, cl 1]

Wildlife Act

"Joint Ministers" [s 4(1), Sch 5 cl 3]

= Ministers for Infrastructure, Transport, and Regional Development + the Minister of Conservation

Crown Minerals Act The Ministers must specifically:

In considering whether to agree to an access arrangement (or variation to an arrangement)

- have regard to the objectives of any Act under which the land is administered; and
- have regard to any purpose for which the land is held by the Crown; and
- have regard to any safeguards against potential adverse effects of carrying out the proposed programme of work; and
- have regard to the direct net economic and other benefits of the proposed activity in relation to which the access arrangement is sought; and
- have regard to any other matters that the Minister or the appropriate Minister or both (as the case requires) considers relevant.
- may consider any policy statement or management plan of the Crown in relation to the land

[Sch 10 cl 4-5]

Crown Minerals Act

"Joint Ministers" [s 4(1), Sch 10 cl 2]

= Ministers for Infrastructure, Transport, and Regional Development + the responsible or the appropriate Ministers (as defined in the Crown Minerals Act)

Under s 2A of the Crown Minerals Act appropriate Minister, in relation to Crown land or land in the common marine and coastal area, means-(a) the Minister charged with the administration of the land: or (b) if the land is part of the common marine and coastal area, the Minister described in paragraph (a) and the Minister of Conservation (if he or she is not the Minister described in that paragraph); or (c) if neither of paragraphs (a) and (b) applies, the Minister of Lands.

If there is uncertainty as to who is the appropriate Minister, the appropriate Minister is the Minister designated by the Governor-General by Order in Council.

Under s 2(1) of the Crown Minerals Act **Minister** means the Minister of the Crown who, under the authority of a warrant or with the authority of the Prime Minister, is responsible for the administration of that Act

Conservation Act

DOC must: prepare a report about any existing arrangements that create obligations in relation to the land in response to the Minister's request. In doing so, it must consult with every owner or administrator of the land (except for the Crown)

[Sch 5 cl 6]

ensure that compensation (whether proposed or agreed by the Applicant, or imposed by the Minister) in relation to a fast-track concession for land administered by DOC is used to ensure positive effects on land administered by the Department of Conservation (and not other land) [Sch 5 cl 8]

Conservation Act The Minister must specifically:

- have regard to the purpose of the Fast-Track Approvals Act
- have regard to any conservation management strategies or conservation management plans that have been co-authored, authored, or approved by a Treaty settlement entity and seek the views of the entity on the Application
- consider the purposes for which the land is held
- consider the status, ownership, and administration of the land
- consider whether the land is subject to any existing arrangements that create obligations in relation to the land
- consider the legal and financial liabilities associated with decisions on leases, licences to occupy land, and easements: and
- obtain and consider a report by DOC about any existing arrangements that create obligations in relation to the land before making their decision

[Sch 5 cl 6].

Conservation Act

Joint Ministers

= the Minister of Conservation only [Sch 5 cl 3]

Conservation Act





- Wildlife Act