

OIAD-4617

10 December 2024

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Tēnā koe [REDACTED]

Thank you for your request to the Department of Conservation (DOC), received on 26 October 2024, in which you asked for:

- material relating to concessions PAC-13-04-17 and 107337-OTH, and
- information on DOC's policies relating to setting easement concession activity fees.

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

On 20 November 2024 we extended the timeframe to respond to your request to 18 December 2024 due to both the large quantity of information sought and the consultation necessary.

This letter forms Tranche 1 of the response to your request. We will respond to the remainder of your questions, as Tranche 2 by 18 December 2024.

Your questions and our responses are listed below. Please note that we have renumbered and reordered some of your questions.

1. *Any document which contains the Department of Conservation (DOC) policies, principles, rules or guidelines for making decisions about requests for easements over DOC administered land and the charging of fees and the granting of peppercorn or other nominal fees in respect of decisions to grant DOC easements. This will include documents relating to easement pricing of fees and the methodology by which this is done.*

DOC does not hold policies, principles, rules or guidelines specifically for making decisions on concession applications for easements over DOC administered land. In making decisions on applications for easements, we are guided by policies that apply to decision-making on concession applications in general. These documents are released to you (items 1- 6 in Table 1 appended to this letter).

We have interpreted your request for information relating to “the charging of fees and the granting of peppercorn or other nominal fees” as being concerned with activity fees, rather than management fees and other charges. Copies of the documents requested are released to you (see items 7-11, Table 1).

Please note that there is no presumption that a peppercorn or nominal fee will be charged when determining an appropriate activity fee for an easement. Our policy is to proceed on the basis that a market fee will be charged (see item 7, Table 1). Sometimes, we commission independent valuations to assist us to calculate a market fee.

We may then consider discounting or waiving the activity fee charged, in line with our policies (see item 10, Table 1).

2. (Your question 8) *A copy of the current capital value of the land on which easement 107337-OTH relates being Record of Title OT 18C/313, and any more recent valuation obtained by DOC.*

The capital value of the land is available publicly in the Otago Regional Council, and Queenstown Lakes District Council rating databases. We have provided links below to access these databases:

- [Otago Regional Council Property Search](#)
- [Queenstown Lakes District Council - Rating Information Search](#)

DOC has not obtained more recent valuations for the capital value of that land, than the valuations provided by the councils. Therefore, this information is refused under section 18(e) of the Official Information Act as it does not exist.

3. (Your question 10) *Copies of previous easement decisions used as a precedent to support the annual fee decision 107337-OTH.*

Previous easement decisions were not used as a precedent to support the annual activity fee decision for application 107337-OTH. This information is refused under section 18(e) of the Official Information Act as it does not exist.

In general, we do not rely on previous easement fee decisions to inform our setting of activity fees. All easement fee decisions are made in accordance with the policies released to you in response to Question 1.

4. (Your questions 12 & 11) *A written statement of reasons for the DOC decision in respect of the granting to DWS the easement in 1997 and the basis for setting the rental fee.*

Any document including emails, correspondence, notes of telephone and other communications between DOC and Berry & Co regarding the easement granted by DOC to DWS in 1997, including a copy of the decision granting that previous easement which provided for a 10 cent rental.

Please find a copy of the decision to grant the 1997 easement (PAC-13-04-17) attached as item 12, which includes handwritten reasons for setting the peppercorn rental fee. For your interest, the Field Centre Report, which informed the decision is attached (item 13, Table 1).

Records of communication between DOC and Berry & Co are released to you (items 14-17, Table 1). We note DOC's correspondence with Berry & Co only covers the period January 1998 - December 1998. According to our files, Dalefield Water Supply Society communicated with DOC via multiple law firms from 1997-1999 regarding the 1997 easement.

5. (Your question 9) *A copy of the documents supporting the calculation in the DOC Easement Fee Calculator document for the DWS easement undated which made a Total Recommend Fee of \$70,937.50 , including details of the right granted to "TCW - Water supply Fee: \$ 40,000.00" and right granted to "RTCE - Overhead/ Underground Cables Fee: \$ 16,750.00". This will include a copies of rights granted to TCW and RTCE and the basis for the calculation of those fees.*

The calculation in the Easement Fee Calculator document (item 19, Table 1) was supported by information on DOC's website on non-commercial easement fees, available at the link below (and items 7 - 8 Table 1).

[Concession fees: Managing your concession](#)

As noted on the above webpage, easement activity fees may be calculated at different rates depending on the number of beneficiaries.

The TCW – Water supply Fee refers to a right to convey water for supply. As advised on the above webpage, a non-commercial easement for this purpose is charged at a starting rate of \$400 + GST. This rate was multiplied by 100 benefitting properties to arrive at the recommended fee of \$40,000.

The RTCE – Overhead/Underground Cables Fee refers a right to convey electricity through underground and overhead cables. Per our website, a non-commercial easement for this purpose is charged at a starting rate of \$335 + GST. Again, this rate was multiplied by 100 benefitting properties. This fee was then discounted by 50% based on the cables being co-trenched with the water pipes to arrive at a recommended fee of \$16,750.00.

An Environmental Premium of 25% (being \$14,187.50 + GST) was added on top of the above fees due to the proposed easement's location in a Wildlife Management Reserve. Information on Environmental Premiums is available on the above webpage. This brought the calculation to a total of \$70,937.50 + GST.

We note Dalefield Water Supply Society were provided a copy of the concession contract for the easement on 27 September 2024 for execution. This contract sets out details of the proposed rights to convey water and electricity.

6. *(Your question 2) Any document which contains the DOC policies, principles, rules or guidelines for making decisions under section 17ZH of the Conservation Act 1987 (the Act) and examples of previous easement decisions illustrating the use of section 17ZH of the Act in respect of easements and their fees.*

We understand you have previously asked about the application of section 17ZH of the Conservation Act in relation to calculating the activity fee for 107337-OTH. This provision provides for the Minister of Conservation or the Director-General of Conservation (DOC) to charge concessionaires when the Minister or DOC are providing a community service, benefit, or facility for the benefit of concessionaires.

We do not consider that section 17ZH applied to the calculation of the easement activity fee for 107337-OTH. Section 17ZH requires the Minister or DOC to be providing a service for the benefit of concessionaires and does not apply to a concessionaire providing a service for the benefit of private landowners.

An example of where DOC has applied section 17ZH is Aoraki Mt. Cook Village. DOC provides concessionaires services similar to what a local council would provide such as rubbish collection, and concessionaires are charged a separate fee for this service. We commonly refer to these as “Community Service” and “Community Service Contribution” fees.

An extract from our Price Book that sets out our policies regarding section 17ZH and cases where it is currently applied is attached as item 19.

Section 17ZH has not been previously applied to making decisions in respect of easements and their fees in the context of concessionaires providing a service, benefit or facility for the benefit of others. This information is therefore refused under section 18(e) of the Official Information Act as it does not exist.

I have decided to release the relevant parts of the documents listed in Table 1, subject to information being withheld under section 9(2)(a) of the Official Information Act – to protect the privacy of natural persons, including deceased people. In making this decision, I have considered section 9(1) of the Official Information Act and determined there are no public interests that outweigh the grounds for withholding.

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 Official Information Act.

Please note that this letter (with your personal details removed) and attached documents may be published on the Department’s website.

Nāku noa, nā



Siobhan Quayle,
Director Regulatory Systems Performance
Department of Conservation
Te Papa Atawhai

Table 1 - Schedule of documents

Item	Our question number	Date	Document description	Decision
1	1	July 2024	Standard Recommendation and Decision Report Template	<i>Released in full</i>
2	1	July 2024	Complex Recommendation and Decision Report Template	<i>Released in full</i>
3	1	July 2024	Permissions – Guide to completing Recommendation and Decision Report	<i>Released in full</i>
4	1	February 2016 (<i>last updated date</i>)	Making Good Decisions – a resource for decision makers and permissions advisors	<i>Released in full</i>
5	1	July 2016	Interpretation and Application of Statutory Planning Documents	<i>Released in full</i>
6	1	October 2024	Decide on a Permissions Application – DOC Intranet webpage	<i>Released in full</i>
7	1	October 2024	Concession Activity Fee Price Book – Calculating a market fee – DOC Intranet webpage	<i>Released in part</i>
8	1	October 2024	Concession Activity Fee Price Book – Easement pricing process – DOC Intranet webpage	<i>Released in full</i>
9	1	October 2024	Concession Activity Fee Price Book – Valuations – DOC Intranet webpage	<i>Released in full</i>
10	1	October 2024	Concession Activity Fee Price Book – Discounts & Waivers – DOC Intranet webpage	<i>Released in full</i>
11	1	September 2024	National Transaction Centre and Permissions – Activity Fee Decision-Making Flowchart	<i>Released in full</i>

12	4	July 1997	Decision to grant easement PAC-13-04-17 & supporting correspondence.	<i>Released in full</i>
13	4	June 1997	Field Centre Report Application for a Concession for PAC-13-04-17	<i>Released in part</i>
14	4	February 1998	Correspondence between DOC and Berry & Co regarding transfer	<i>Released in full</i>
15	4	November 1998	Correspondence between DOC & Berry & Co regarding transfer, with 1 attachment (Transfer document with handwritten amendments)	<i>Released in full</i>
16	4	November 1998	DOC correspondence to Berry & Co regarding transfer, with 1 attachment (Transfer document for execution)	<i>Released in full</i>
17	4	December 1998	Berry & Co correspondence to DOC regarding transfer	<i>Released in full</i>
18	5	September 2024	Easement Fee Calculation for 107337-OTH	<i>Released in full</i>
19	6	October 2024	Concession Activity Fee Price Book – Community Service & Contribution Fees – DOC Intranet webpage	<i>Released in full</i>