

19 December 2024

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Tēnā koe [REDACTED]

### Tranche 2 documents

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.

On 10 December we provided a Tranche 1 response to your request and on 18 December I advised you of my decisions on your remaining questions (Tranche 2). This letter concludes Tranche 2 of your request by providing those documents.

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

1. (Your question 3) *A written statement of reasons for the DOC decision in respect of the granting to the DWS permission number 107337-OTH and the calculation of the related annual fees.*

Please find the Decision Support Document for permission number 107337-OTH attached (item 20 in Table 1 appended to this letter). We note the decision-maker did not provide written reasons for their decision as the decision to grant the permission aligned with the recommendations (including the annual fees) presented to them in the Decision Support Document.

We have released to you the decision memo (item 21 in Table 1) signed by the Commercial Manager setting out the recommended annual fees to the decision-maker, and the rationale for this. Please note this memo is referenced in the above Decision Support Document.

Information relating to another concession application by a third party outside of the scope of your request has been redacted in both documents.

2. (Your questions 4, 5 & 6) *Any document including emails, correspondence, notes of telephone and other communications in relation to instructions by Kayla Mahon and any others on behalf of DOC to the valuer Quotable Value (QV) to assess the market value of the easement to DWS in respect of decision 107337-OTH.*

*Any document including emails, correspondence, notes of telephone and other communications between DOC staff and the valuer including copies of documents provided to and from the valuer QV.*

*Any document including emails, correspondence, notes of telephone and other communications between DOC staff and DOC staff and their consultants relating to the valuation and the calculation of the fees applicable to easement 107337-OTH.*

Please find this information attached (items 22-27 in Table 1). We have interpreted the scope of your questions as excluding administrative documents such as invoices. Please note to avoid duplication, where email attachments are repeated in email threads, we have only provided copies of these once.

Information in these documents relating to other concession applications outside of the scope of your request has been redacted.

3. (Your question 7) *A copy of the valuation by Quotable Value to DOC in relation to decision 107337 – OTH including copies of any documents referred to, including appendices to the valuation or attached to the QV valuation.*

We are in active negotiation concerning the activity fee with your client and proposed a new activity fee for their consideration on 11 December 2024.

We previously provided your client pages 3-4 of the valuation on 11 September 2024.

The remainder of the valuation is withheld under section 9(2)(j) of the Official Information Act to enable DOC to continue negotiation without prejudice or disadvantage.

We advised your client on 11 December 2024 that we have previously withheld the valuation as if this matter proceeds to arbitration, the likely outcome would be that your client would be required to seek their own valuation. It is important that any valuation sought by your client is independent. The release of the QV valuation report may affect subsequent valuation decisions and be prejudicial to due process being followed.

4. (Your question 13) *Provide a list of all current water easements in gross granted by DOC to water utility providers and territorial authorities in Central Otago district and specify the concessionaire and specify which are charged an annual easement fee and which are not.*

Our systems cannot report on whether easements are “water easements in gross”. This is because easements are often granted for multiple purposes such as rights of way, vehicle access, and installation of structures. We also are unable to run reports on whether a concessionaire is a territorial authority or water utility provider.

We are able to generate a list of easements identified in our systems as water-related in Central Otago (rather than “water easements in gross”) such as for the purposes of drainage, and water supply, which resulted in a list of over 80 easements.

We are able to manually identify a small number of these as being held by territorial authorities and have provided you this information, including whether they are charged fees (see item 28 in Table 1).

Responding to the remainder of your request would require individually reviewing each easement record in our permission files to identify whether the holders are water utility providers. This information is therefore refused under section 18(f) of the Official Information Act due to substantial collation and research.

We can check our systems to identify water-related easements held and fees charged against a list of water utility providers. If you would like us to provide this information, please provide a list of water utility providers.

I have decided to release the relevant parts of the documents listed in Table 1, subject to: information being withheld under the following sections of the Official Information Act:

- personal information, under section 9(2)(a) – to protect the privacy of natural persons, including deceased people,
- commercially sensitive information, under section 9(2)(b)(ii) – to protect the commercial position of the person who supplied the information, or who is the subject of the information,
- confidential information, under section 9(2)(j) – to enable the Crown to negotiate without disadvantage or prejudice.

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**

<b>Item</b>	<b>Our question number</b>	<b>Date</b>	<b>Document description</b>	<b>Decision</b>
20	1	September 2024	Decision Support Document for permission number 107337-OTH	<i>Released in part</i>
21	1	September 2024	Memo to Commercial Manager: Recommendation of market fee for permission number 107337-OTH	<i>Released in part</i>
22	2	February 2024 - July 2024	Email correspondence between Kayla Mahon and QV, including email attachments.	<i>Released in part</i>
23	2	June 2024	Email correspondence between Juliet Bruce and QV, including email attachment.	<i>Released in part</i>
24	2	8-9 June 2024	Juliet Bruce's notes from telephone conversation with QV re: valuer site visit.	<i>Released in part</i>
25	2	August 2023-October 2024	Email correspondence between Kayla Mahon and Ben Fielding, including email attachments.	<i>Released in part</i>
26	2	September 2023-April 2024	Email correspondence between the Commercial team, including email attachments.	<i>Released in part</i>
27	2	April 2024-June 2024	Email correspondence between Ben Fielding and Juliet Bruce, including email attachments.	<i>Released in part</i>
28	3	November 2024	Central Otago – Water related easements held by territorial authorities	<i>Released in full</i>