

18 March 2025

Tēnā koe

Thank you for your request to the Department of Conservation (the Department), received on 21 February 2025, in which you asked for the following:

‘Thank you for the attached "summary of valuation" which confirms our understanding that the methodology adopted by DOC was to compare our proposed easement fee with that of similar easements. That however begs the question as to whether comparisons have indeed been made with similar easements. This is why as part of our Official Information Act request we asked for a list of current water easements in gross granted by DOC to water utility providers and territorial authorities in Central Otago district (i.e. Requiring Authorities like DWS) specifying the concessionaire and whether they are charged an annual easement fee. DOC in their response advised they were unable to access this information.

Would you then please provide us with copies of those easements you refer to, which show that they are indeed similar to the proposed DWS easement?’

I have considered your request under the Official Information Act 1982 (OIA).

The Department’s response

The “summary of valuation” provided to you in my email of 14 February 2025 outlines the methodology used by the independent third party valuer. It does not reflect the Department’s methodology. As noted in our response to your previous request (OIAD-4617), we are not in a position to release the full independent valuation report due to the ongoing dispute. In an effort to provide some information relevant to the report a summary of the third-party valuation was provided to you under section 16(e) of the OIA.

Each application for a concession received by the Department is a fresh application to be considered on its merits. Previous easement decisions were not used by the Department as a precedent to support the annual activity fee decision for application 107337-OTH. Provision of such information is therefore refused under section 18(e) of the OIA, as it does not exist.

I regret that I am not able to provide you with the information you seek regarding a “*list of current water easements in gross granted by DOC to water utility providers and territorial authorities in Central Otago district*”. This was previously refused by the Department under section 18(f) of the OIA, as the information was not able to be made available without substantial collation or research; or alternatively, charging for making the requested information available.

Instead, I attach for your attention Schedule 1. This schedule provides an overview of activity fees relating to water supply easement concessions in gross that have been approved in the 12 months since 1 March 2024 across New Zealand. I hope this can provide a clearer picture of the activity fees that are applied to water supply easement concessions in comparison to the one applied to Dalefield Water Supply Society Inc.

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 OIA.

Other communications with the Department

I would also like to reassure you that we are still working on the legal aspects of the proposed new easement. I apologise for the delay.

Obligation to provide official information

Please note that a distinction under the OIA exists between a request for information already known to and held by an agency (official information); and a request to an agency to form an opinion or provide an explanation or comment and thus create new information to answer the request (not official information).

There is no obligation on an agency, such as the Department, to form an opinion, provide an official position, or create information to answer a request or question – or respond to commentary. Consequently, the Department's responses will generally not respond to any perspective or view espoused but be specific to fact only.

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

If you would like to discuss this response with us, please contact me by email at kcameron@doc.govt.nz.

Nāku noa, nā

A handwritten signature in dark ink, appearing to read 'Kameron', enclosed within a faint circular outline.

Kirsty Cameron
Commercial Manager
Department of Conservation | *Te Papa Atawhai*

Schedule 1 – Water supply easement concessions in gross approved in the 12 months since 1 March 2024

Activity fee per annum	Number of benefitting lots	Value per benefitting lot
\$15,600	100	\$156
\$1831.50	1	\$1831.50
\$10,712.00	37	\$289.51
\$1831.50	1	\$1831.50
\$2081.00	1	\$2081.00
\$440.00	1	\$440.00