Application for an Easement on Public Conservation Land

Department of Conservation
Te Papa Atawhai
New Zealand Government

Is this the right application for me?

Use this application form if you seek an easement concession across public conservation land, either to benefit other land or in gross (e.g. right of way), for the following purpose:

- a right to convey water.
- a right to drain water.
- a right to drain sewage.
- a right of way.
- a right to convey electricity.
- a right to convey telecommunications.
- a right to convey gas.

Use this form for new applications and variations to an existing easement concession across land administered by the Department of Conservation (DOC).

How do I complete this application form?

- Complete all sections of this form.
- DOC encourages electronic applications (e.g. a typed Word document), rather than handwritten applications. Electronic applications are easier to read and less likely to be returned to you for clarification.
- If you need extra space, attach or include extra documents and label them according to the relevant section. Record the document details in section **L Attachments**.
- It is recommended that you read the standard and optional terms and conditions in the concession (easement) template[1] to inform your application.

Personal information will be managed by DOC confidentially. For further information check DOC's privacy and security statements.

If I need some help, where do I get more information?

- Check DOC's Access/Easement[2] webpage.
- Arrange a pre-application meeting (either face to face or over the phone) by contacting the local DOC office[3] closest to where your activity is taking place. You can use DOC maps[4] to identify which District Office you should contact. Or arrange a meeting with any of our offices that process concessions[5] – choose the one closest to where the activity is proposed.
- It is recommended that you seek legal advice for guidance when completing this form.

[1] https://www.doc.govt.nz/globalassets/documents/about-doc/concessions-and-permits/concessions/concession-contract-easement.pdf
[2] https://www.doc.govt.nz/get-involved/apply-for-permits/business-or-activity/access-easements/
[3] https://www.doc.govt.nz/footer-links/contact-us/office-by-name/
[4] http://maps.doc.govt.nz/mapviewer/index.html?viewer=docmaps
[5] https://www.doc.govt.nz/get-involved/apply-for-permits/contacts

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Have you considered DOC's statutory planning documents?

Your easement concession must not be inconsistent with DOC's relevant statutory planning documents[6] as they set out how DOC and our Treaty partners manage public conservation land. Statutory planning documents can have a direct impact on your application.

Book a pre-application meeting with DOC staff if you require assistance navigating DOC's statutory planning documents.

Have you considered the environmental effects of your easement concession?

It is your responsibility, as the applicant for the concession (easement), to **provide a detailed description** of the:

- Activity.
- The potential effects.
- Ways that you can remedy, mitigate or avoid any potential adverse effects.

A list of potential effects is supplied in this application form, under section **K Effects Assessment** for you to consider and attach to this application. The size and scale or your environmental effects assessment should be in proportion with the size and sale of the activity and its potential effects. You will need to describe the existing environment, the potential effects and describe your methods to avoid, remedy or mitigate these effects. For further information check DOC's Environmental Impact Assessment[7] and DOC's guide to preparing your environmental impact assessment[8]. We also recommend that you read the standard conditions in the concession (easement) template[9] about protecting the environment to inform your application. In many cases an Assessment of Environmental Effect (AEE) prepared for a resource consent under the Resource Management Act 1991 may be sufficient.

Book a pre-application meeting with DOC staff if you require assistance in scoping the environmental effects you will need to consider in your application.

How do I submit my application?

Email your completed application, recommended location forms, and any other attachments to:

permissions@doc.govt.nz

What happens next?

Once received, your application will be assessed by DOC. If your application is complete, DOC will begin processing.

If your application is incomplete it will be returned to you for more information.

Why does DOC ask for this information?

The questions in this application form are designed to cover the requirements set out in conservation legislation. Your answers allow us to assess:

- The effects of your activity and your proposed methods to avoid, remedy or mitigate any adverse effects of the activity.
- Your qualifications, resources, skills and experience to adequately conduct the activity on public conservation land.

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[6] https://www.doc.govt.nz/about-us/our-policies-and-plans/statutory-plans/

[7] https://www.doc.govt.nz/get-involved/apply-for-permits/managing-your-concession/environmental-impact-assessment/

[8] https://www.doc.govt.nz/globalassets/documents/about-doc/concessions-and-permits/concessions/guide-to-environmental-impact-assessments.pdf

[9] https://www.doc.govt.nz/globalassets/documents/about-doc/concessions-and-permits/concessions/concession-contract-easement.pdf

- Your creditworthiness is a factor in determining whether DOC should extend credit to you and set up a DOC customer accounts receivable credit account for cost recovery. To make this assessment DOC will supply your information to a credit checking agency.

Note: Information collected by DOC will be supplied to a debt collection agency in the event of non-payment of payable fees.

Treaty Partner consultation

DOC has a statutory responsibility to give effect to the principles of the Treaty of Waitangi. One component of this may be DOC consulting with Treaty Partners about your application. This consultation will feed into DOC's decision-making process. More information can be found on the DOC website on our iwi/hapū/whānau consultation[10] page.

Contact your local DOC office[11] if you require further information about consultation.

What fees will I pay?

You may be required to pay a **processing fee** for this application regardless of whether your application is granted or not. You may request an estimate of the processing fees for your application. If you request an estimate, DOC may require you to pay the reasonable costs of the estimate prior to it being prepared. DOC will not process your application until the estimate has been provided to you. In addition, if you are granted an easement concession over public conservation land you may also be required to pay a **bond, insurance, monitoring fees and ongoing concession easement activity[12] and management fees**. Minor easement concession fees are listed on the Access/Easement[13] page on the DOC website.

DOC will invoice your processing fees after your application has been considered. If your application is large or complex, DOC may undertake billing at intervals periodically during processing until a decision is made. If you withdraw your application DOC will invoice you for the costs incurred up to the point of your withdrawal.

Your application will set up a credit account with DOC. See the checklist at the end of the form for the terms and conditions you need to accept for a DOC credit account.

Will my application be publicly notified?

- Your application for an easement concession may be publicly notified if having regard to the effects of the activity it is considered appropriate to do so.[14]

What does DOC require if my application is approved?

If your application is approved DOC may require:

- **Insurance** to indemnify the Minister of Conservation against any claims or liabilities arising from your actions. The level of insurance cover will depend on the activity.
- A **bond** may be required to be in place before undertaking your activity.[15]

Note: The Minister can vary the easement concession if the information on which the easement concession was granted contained material inaccuracies. DOC may also recover any costs incurred.

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[10] https://www.doc.govt.nz/get-involved/apply-for-permits/iwi-consultation/
[11] https://www.doc.govt.nz/footer-links/contact-us/office-by-name/
[12] https://www.doc.govt.nz/get-involved/apply-for-permits/managing-your-concession/ongoing-concession-fees/
[13] https://www.doc.govt.nz/get-involved/apply-for-permits/business-or-activity/access-easements/
[14] http://www.legislation.govt.nz/act/public/1987/0065/latest/DLM7475509.html
[15] http://www.legislation.govt.nz/act/public/1987/0065/latest/DLM104654.html

Registration

If you wish to register the easement concession on the Record of Title (formerly known as a Certificate of Title) you need to:

- Discuss with DOC your intention to register your application.
- Record your intent to register in section **M Registration on a Record of Title**.
- Gain DOC's permission to register your application.
- Engage your own legal advice to complete your registration.
- Check the conditions in the concession (easement) template.
- Provide detailed plans to DOC (GIS shapefiles (.shp) are recommended).

Note: The applicant will be responsible for registering the easement concession and all the costs of registration.

A. Applicant details

Legal status of applicant (tick)	☐ **Individual** (Go to ❶)	
	☑ **Registered company** (Go to ❷)	☐ **Trust** (Go to ❷)
	☐ **Incorporated society** (Go to ❷)	☐ **Other** (Go to ❷)

❶	**Applicant name (individual)**			
	Phone		**Mobile phone**	
	Email			
	Physical address		**Postcode**	
	Postal address (if different from above)		**Postcode**	

❷	**Applicant name (full name of registered company, trust, incorporated society or other)**	Kingfish Lodge 2016 Limited		
	Trading name (if different from applicant name)			
	NZBN (To apply go to: https://www.nzbn.govt.nz)	9429042301790	**Company, trust or incorporated society registration number**	
	Registered office of company or incorporated society (if applicable)			
	Company phone		**Company website**	
	Contact person and role	[redacted] - Director		
	Phone		**Mobile phone**	[redacted]
	Email	[redacted]		
	Postal address	[redacted]	**Postcode**	[redacted]
	Street address (if different from postal address)	[redacted]	**Postcode**	[redacted]

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B. Variation of an existing easement concession.

Is this application *varying* an existing easement concession?

No	☑
Yes	☐
Easement concession number you wish to vary	

C. Pre-application meeting

Have you had a pre-application meeting or spoken to someone in DOC in relation to this application?

No	☐
Yes	☑

If yes, state when and who you met/spoke with.

19th July - Meeting held with Darcy Liddell & Fleur Corbett

D. Location and nature of the proposed easement concession

Name (physical description/common name) and land status of public conservation land on which the concession (easement) will cover.

Marginal Strip - Right to transmit electricity, right to convey sewage & right to convey stormwater.

Will your easement concession benefit other land?

No	☐
Yes	☑

If yes, provide the Lot, Deposited Plan (DP) and record of title of the other land that the easement concession will benefit.

Lot 1 DP 198828

Provide the following documents (as attachments) and record the document details in the section L Attachments of this form:

- **Detailed site plan** - with proposed easement, for example:
  - For a road: the length, width, area and position where the easement will be situated.
  - For a pipe: length, width, diameter of the pipe, area and position where the easement will be situated.
  - For telecommunications: mast dimensions and type, including height, site footprint (m²) and position where the easement facility will be situated.
- **Map** of the site
- **Aerial photo** of the site
- **Drawings of the proposal (**DOC's recommendation is for a GIS shapefiles (.shp) especially if you are going to register the easement on the title of the land)
- **GPS coordinates** (if available) and **provisional survey plan** (if available).

Record the document details in the section L Attachments of this form.

E. Description of activity

Select (by ticking the box) all the easement concession types you are applying for:

A right to convey water:	☐
A right to drain water:	☑
A right to drain sewage:	☑
A right of way:	☐
A right to convey electricity:	☑
A right to convey telecommunications:	☐
A right to convey gas:	☐

Describe in detail the reasons for your proposed easement concession, including why an easement is required (as opposed to a lease, license or permit). Location details can be completed in section D.

Various discussions with the department have taken place over the years. The inclusion of easements was determined to be the most appropriate way forward. Refer to the Concession application for additional detail.

F. Permanent or temporary structures or facilities

As part of your easement, do you wish to build, extend or add to any permanent or temporary structures or facilities on public conservation land (e.g. pipes, pumps, pump sheds, storage tanks, towers, poles, fences, storage facilities)?

No	☐
Yes	☑

If yes, answer the following four questions.

❶ Provide full details about the structure or facility (e.g. dimensions, materials, location, purpose) and methods of construction (e.g. number of people and vehicles involved).

Refer to the concession application and the licence application for detail.

❷ Will you or do you own the structure?

- If yes, will you have co-sitees located on the structure?
- If yes, provide details of any co-sitees.
- If no, provide details of who owns the structure.

The infrastrucutre will be owned by Kingfish Lodge.

❸ Could your structure or facility, or addition/extension to an existing structure or facility, be reasonably located outside public conservation land?

- If yes, provide details of other sites/areas that have been considered.
- If no, provide reasons why existing structures or facilities outside of public conservation land are not suitable.

No. Refer to the application for the reasons why this is not possible.

❹ Could any potential adverse effects of your structure or facility (or addition/extension to an existing structure or facility) be significantly less (and/or different) in another conservation area or another part of the conservation area you are applying for? Give details/reasons.

No other areas are suitable. The existing built development of Kingfish Lodge adjoins this part of the marginal strip.
The proposal seeks to remove many existing encroachments and legalise what has historically been established.

❺ Could you use an existing structure or facility? Could you use the existing structure or facility without any additions?

- If yes, provide details of any existing structures or facilities that you have considered using, or how your activity might be undertaken without making an addition to the existing structure or facility.
- If no, provide reasons why any existing structure or facility could not be used without any additions.

The overall propsoal seeks to reduce the amount of the marginal strip which is currently impacted by wastewater infrastrucutre.
Stormwater infrastrucutre is sought to improve the environmental effects on the coastal marine area and electricitical easements are sought to provide power to coastal strucutres for safety purposes.

G. Technical Specifications (for telecommunications easements only)

If you are applying for telecommunications sites, you must provide full details about the following information:

Radio frequencies	
Transmitter power output	
Polarisation of the signal	
Type of antennae	
Likely portion of a 24-hour period that transmission will occur	
Likely heaviest period of use during a 24-hour period	
Describe how the site(s) will be accessed (e.g. by foot along x track, by x road, or by a helicopter landing at x)	

H. Are you applying for any other DOC permissions?

Are you applying for other DOC permissions in addition to this easement?

No	☐
Yes e.g. Permanent and temporary structures (that are not part of your easement)	☑

If yes, state the other permits you are applying for?

Refer to the Licence application.

I. Duration (term of easement)

In accordance with section 17Z(3)(a)(c) of the Conservation Act 1987, an easement may be granted for a term not exceeding 30 years, except:

(a) In exceptional circumstances, the Minister may grant a term not exceeding 60 years

(b) Where the easement provides a right of way access to a property to which there is no other practical access, the term may be for such longer period as the Minister considers appropriate

(c) Where the easement is for a public work (as defined in the Public Works Act 1981), the term may be for the reasonably foreseeable duration of that public work.

Detail the length of the term sought (i.e. **must be** number of years or months) and why *(Note: in perpetuity/forever or similar meaning is not a term under the Act and not able to be granted)*:

30 years

If you are seeking over 30 years, explain why:

J. Consultation undertaken

DOC has a statutory obligation to give effect to the principles of the Treaty of Waitangi. This often requires consultation with our Treaty Partner (iwi/hapū/whānau of local Maori) on your application. If you have already consulted with our Treaty Partner, or with other interested stakeholders (including other parties already located at your proposed location), DOC would like to know about it.

We recommend you discuss consultation with a DOC staff member before starting your application.

Have you carried out any consultation?

No	☐
Yes	☑

If yes, supply details of each Treaty Partner or interested stakeholders consulted with.

Copy and paste the table below and complete for each Treaty Partner or other interested stakeholders. If you received a written response to consultation attach a copy and record all attachments in section 'L Attachments', including:

- Additional pages with the required information
- Written responses to your consultation with Treaty Partners or other interested stakeholders**.**

Whānau/hapū/iwi or other interested party consulted with:	Te Runanga o Whaingaroa
Name of individual you consulted with:	
Date of consultation:	18th July, 20th July and also many previous disucssions.
Form of consultation (e.g. email, meeting):	
Outcome of consultation:	Refer to application.

Other interested stakeholders consulted with e.g. Conservation Boards or community groups:	Far North District Council, Northland Regional Council & a meeting has been sought with Kahukuraariki.
Name of individual you consulted with:	
Date of consultation:	Ongoing.
Form of consultation (e.g. email, meeting):	Phone, Email and meetings
Outcome of consultation:	Refer to application documents

K. Consistency with DOC statutory plans

List the DOC's statutory planning documents[16] relevant to your application.

The Northland Conservation Management Strategy 2014 is applicable to this application. The application site is located within 9. Whangaroa - [redacted]. Kingfish Lodge is one of the many anchorages located within the harbour and this application assists in meeting policy 9.2.2.3. Works on the Kingfish Lodge land seek to enhance the conservation values of the local area. The proposal is considered consistient with this document.

Are you aware of any potential inconsistency of your easement concession with DOC's statutory planning documents?

No	☑
Yes	☐

[16] https://www.doc.govt.nz/about-us/our-policies-and-plans/statutory-plans/

If you have answered yes, explain why it is inconsistent with the statutory planning documents

L. Effects assessment

Identify actual or possible effects of the easement concession applied for. Describe the actions you propose to take to avoid, remedy or mitigate any adverse effects. For further information check DOC's Environmental Impact Assessment[17] and DOC's guide to preparing your environmental impact assessment[18].

If you have identified effects or mitigation measures for adverse effects not included in the table below or you have a full Environmental Impact Assessment attach this information to your application. Record this additional information in the table below and in section K as an attachment.

Have you attached a full Environmental Impact Assessment?

Yes	☑
No	☐

If you have answered **no** provide a **description of environmental effects** of your easement concession in the table below including details of the:

- Existing environment
- Potential effects
- Proposed methods to avoid, remedy or mitigate the adverse effect/s.

Description of environmental effects	
No effects as the easement uses an existing structure or facility (including a road or track) and there will be no modification or disturbance due to increased use.	☐

[17] https://www.doc.govt.nz/get-involved/apply-for-permits/managing-your-concession/environmental-impact-assessment/
[18] https://www.doc.govt.nz/globalassets/documents/about-doc/concessions-and-permits/concessions/guide-to-environmental-impact-assessments.pdf

Effects	Description
Effects on the **landscape** e.g. ability of landscape to accommodate changes.	Power and sewer will be located underground. Stormwater infrastrucutre will generally be located underground with the sump able to be viewed.
Effects on the **visual** composition of the landscape	Nil
Effects on **cultural values** of Tangata Whenua or members of the public	Positive as the stormwater infrastructure will reduce the amount of sediment entering the harbour. Electrical provides for safe use of existing infrastructure and sewer assists with and upgrade to the existing system and reduces the amount of encroachment currently within the marginal strip.
Effects on **historic sites or objects** including Wahi Tapu e.g, disturbance of the ground.	Nil. Refer to Archaeoligical Assessment.
Effects on **existing infrastructure** such as roads, tracks, huts, carparks, huts etc.	Nil.
Effects on **existing vegetation** e.g. disturbance or removal of vegetation.	Nil.
Effects of **earthworks** e.g. removal of topsoil and where removed earthworks will be stored. Note: All earthworks storage on public conservation land needs to be authorised.	See erosion and sediment control plan.
Effects on **wildlife or wildlife habitat**	Nil.
Effects on **aquatic habitat** (waterways, swamps, freshwater animals and vegetation)**.**	Positive
Effects **on other users** (tangata whenua, recreational users and concessionaires) of the Land.	Minor works required to place underground infrastructure. May result in temporary closure of the marginal strip while works are undertaken.
Effects of the easement **increase threats** (pests, weeds, pathogens and fire) to public conservation land.	The use of the marginal strip is historical. Kingfish Lodge actively traps pests and manages weeds accross both their site and the marginal strip.
Effects of **increased rubbish, toilet waste or debris left on public conservation land** during construction and regular use of the easement.	The introduction of the easements are not considered to increase rubbish or waste volumes in comparision to existing activities in and around the marginal strip. Regular maintenance activites by Kingfish Lodge seek to keep this environment clean and of a high standard, especially when attracting high profile clientele.
Cumulative effects that could be caused by the easement.	In allowing for the easements it enables the redevelopment of Kingfish Lodge. This is currently run down and the redev will bring the lodge back to its former glory.
Positive effects of the easement.	Reduction in sediment runoff into the coastal marine area. Secure lighting for safety. Improved wastewater disposal and treatment on the adjacent site.

M. Attachments

Attachments should *only* be used if there is:

- A specific question requiring a map or further information
- Not enough space on the form to finish your answer
- You have additional information that supports your answer
- You wish to make an additional request of DOC regarding the application.

Label each document clearly and complete the table below.

Section of the application form the attachment relates to	Document title	Document format (e.g. Word, PDF, Excel, jpg etc.)	Description of attachment
Correct example ✓ *D*	*Easement site plan*	*.shp (shapefile)*	*Detailed site plan of the easement*
Correct example ✓ *J*	*Effects Assessment*	*Word*	*Effects assessment on: Landscape, cultural values, existing vegetation, wildlife, earthworks, other users and positive effects.*
Incorrect example ✗ *Table*	*Doc1*	*Word*	*Table*

N. Registration on a Record of Title

Are you going to register your easement concession (if granted) on the Record of Title (formerly known as the Certificate of Title)?

No	☐
Yes	☑

If yes, you will be responsible for registering the easement concession, including all costs.

O. Checklist

Application checklist	Tick
I have completed all sections of this form relevant to my application and understand that the form will be returned to me if it is incomplete.	☑
I certify that the information provided in this application form and any attached additional forms is, to the best of my knowledge, true and correct.	☑
I have supplied maps to accompany my shapefiles (.shp) and/or NZTM GPS locations listed in section E Locations.	☑
I have detailed, in Section 'K Effects assessment', the easements environmental effects or I have supplied a full Environmental Impact Assessment and attached to section 'L Attachments'.	☑
I have indicated in section 'M Do you intend to register the easement concession' that I do or do not want the easement registered.	☑
I understand if I want the easement registered on the Record of Title I will be paying all the costs of the registration including surveying and independent legal advice.	☑
I have appropriately labelled all attachments and completed section 'L. Attachments' to match.	☑

P. Terms and conditions for a credit account with the Department of Conservation

Have you held an account with the Department of Conservation before?	Tick
No	☐
Yes	☑
If "yes", under what name:	Kingfish Lodge 2016 Limited

In ticking this checklist and placing your name below you are acknowledging that you have read and agreed to these terms and conditions for an account with the Department of Conservation

Terms and conditions	Tick
I/We agree that the Department of Conservation can provide my/our details to the Department's Credit Checking Agency to enable it to conduct a full credit check.	☑
I/We agree that any change which affects the trading address, legal entity, structure of management or control of the applicant's company (as detailed in this application) will be notified in writing to the Department of Conservation within 7 days of that change becoming effective.	☑
I/We agree to notify the Department of Conservation of any disputed charges within 14 days of the date of the invoice.	☑
I/We agree to fully pay the Department of Conservation for any invoice received on or before the due date.	☑
I/We agree to pay all costs incurred (including interest, legal costs and debt recovery fees) to recover any money owing on this account.	☑
I/We agree that the credit account provided by the Department of Conservation may be withdrawn by the Department of Conservation, if any terms and conditions (as above) of the credit account are not met.	☑
I/We agree that the Department of Conservation can provide my details to the Department's Debt Collection Agency in the event of non-payment of payable fees.	☑

Applicant Name/s (of authorised person/s)		**Date**	15/08/2022

For Departmental use			
Credit check completed			
Comments:			
Signed		**Name**	
Approved (Tier 4 manager or above)		**Name**	

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