

File Ref: 67833-OTH

24 August 2018

Upper Clutha Radio Telephone Users Association
c/-Paterson Pitts Group
PO Box 283
Wanaka 9305

For the attention of: Pete Smallfield

Dear Pete

**Re: CONCESSION APPLICATION: 67833-OTH: SOLAR ARRAY INSTALLATION,
ROYS PEAK, WANAKA**

I refer to your concession application received on 30 April 2018. Your concession application number is 67833-OTH. Please quote this number in any communications related to your concession application.

The purpose of this letter is to clarify the status of your current registered easement for a right to convey electricity via overhead lines and to invite you to meet with me to discuss your application.

I am aware that part of the solar panel array infrastructure was established on conservation land during the processing of your application i.e. without the necessary authority under Part 3B of the Conservation Act 1987. At this stage in the concession process, rather than acting to have any unauthorised infrastructure removed from conservation land, I would like to consider your feedback on the following issues before I decide on the most appropriate course of action.

What is the status of your current easement?

You have an existing easement for a right to convey electricity (overhead lines) recorded in our permissions database as Concession Number OT-14758-OTH. This Deed of Easement has also been registered in the public registry under CIR 73984 (Instrument YEC 5465908.1). A copy of this registered easement is attached.

Can you please confirm, given this application is for a replacement power source (i.e. solar energy), if it is your intention to either retain this infrastructure as a backup to the solar power or, surrender this easement - especially if it is no longer fit for purpose.

Department of Conservation
Te Papa Atawhai
PO Box 176, Alexandra 9320, New Zealand
Telephone 03-440 2040, Fax 03-440 2041

If this easement is redundant, then you may wish to surrender it. If this is the case, then I may require the removal of this infrastructure, at your cost.

If it is determined that the most appropriate course of action is to continue to process an application, then it will be processed as a notified lease to formalise the encroachment (albeit minor) of the solar panel array installation. I have attached an outline of this process in Appendix 1, which includes a cost and time estimate.

It should be noted that processing costs can be significant for a notified concession process that would include public notification, the possibility of submissions being received, and a hearing (if required).

To arrange a meeting, please contact Kerie Uren, Ranger, Community at phone [REDACTED] or mobile [REDACTED].

Before the meeting, you may need to seek legal advice.

Yours sincerely,



Mike Tubbs
Operations Manager, Central Otago
for Director-General

Appendix 1

Part 3B Concession (Lease)

Introduction

Continue to process your concession application for the solar panel array structure as a lease in accordance with Part 3B of the Conservation Act 1987.

Legislation

There have been recent changes to the Conservation Act 1987. These were made under the Resource Legislation Amendment Act 2017 and came into effect on 18 October 2017. One of the changes is that applications that require public notification will now be notified **before** a decision is made.

This means that your application will be viewed by the public; they will have the opportunity to make submissions and a hearing may be held before any decision is made.

Processing costs

As agreed by you in the application form, the Department recovers all costs to process a concession application from applicants regardless of whether the application is approved or declined.

Detailed below is a cost estimate to enable the processing of your application to be completed. This estimate does not include time and costs associated with receiving and summarising submissions or hearing costs. Should there be any further costs over and above those signalled in the estimate, then the Department would inform you in advance as soon as they become apparent.

Further information required

The Acting Permissions/SLM Manager has confirmed that during the processing of your application that it was determined that further information would be required pursuant to section 17SD(1) of the Conservation Act 1987.

As your application will be the documentation to be publicly notified, it is imperative that the public understand the contents of your application as a "stand-alone" document. If, after considering your feedback on this letter, it is determined that a lease is the most appropriate mechanism, it is recommended that you resubmit Concession Application Form 3b (Private/commercial facility/structures) to reflect the contents of this letter and incorporate the additional information requested below. This will ensure that Departmental staff and the general public can reasonably understand the application i.e. it is clear and unambiguous. Once the information is received, the resubmitted form 3b will be amalgamated with your form 1a and resource consent decision already held by the Department.

1. Form 3b, Section A. Description of Activity

You can still refer to the Resource Consent decision however, you need to be specific in this section of the application as to what structure is on conservation land. You have already confirmed in an email dated 18 June 2018 that only part of the solar panel array infrastructure has been established on conservation land. Please provide:

- (i) reference to the fact that encroachment on conservation land is limited to part of the solar panel array infrastructure only;
 - (ii) that this is now a retrospective application;
 - (iii) approximate measurements of the solar panel array encroachment on conservation land e.g. approximately 10m (long) x 2m (wide) x 2.15m (height);
 - (iv) GPS co-ordinates of the solar panel array infrastructure (e.g. from E1286945 N5043306 to E1286925 N5043321);
 - (v) an “as-built” plan (labelled 3b:A) clearly showing the encroachment on conservation land; and
 - (vi) preferably some photographs of the established infrastructure (labelled 3b:B).
2. Form 3b. Section B. Alternative sites considered

This is probably the most appropriate place to make reference to why concession number OT-14758-OTH referred to in this letter, for an existing easement right to convey electricity (overhead lines), is no longer appropriate (e.g. not fit for purpose), and why solar power is necessary. This was referred to in a testimonial attached to Application Form 1a from Peter Rhodes (“Blue Peter”) stating “...Historically, the marine radio facility has been powered by a 400 volts cable for 5 kms up the side of Roys Peak from Mt Aspiring Road. This is subject to power interruption from lightning strikes and/or mains power failure. The plan to repower the site from solar panels will remove this limitation and provide a reliable communication facility for marine radio channel users, emergency services, police and rescue services.”

3. Form 3b. Section F. Term

You must state a term sought (i.e. number of years or months), rather than a text description of “Concession is sought for the life of the existing telecommunication infrastructure”. You need to refer to Section 17Z(1) of the Conservation Act 1987 for guidance on the Term of concession.

4. Form 3b. Section H. Environmental Impact Assessment

The location on public conservation land is known as “*The Stack Conservation Area (F40111) NaPALIS ID: 2804495 – Roys Peak, Wanaka*”

For further mapping information refer to link: <https://www.doc.govt.nz/our-work/maps-and-data/>

Appendix 1 (Continued)

Cost and Time Estimate for Processing Concession Application

Date: 15 August 2018

Application for a Notified Lease Concession

Applicant: Upper Clutha Radio Telephone Users Association

Permission Record Number: 67833-OTH

File: N/A

Cost Estimate:

Overview	Description	No of Hours	Cost per Hour	Fee (Excluding GST)
Application Process				
Pre-application (when more than 4 hours required)	<ul style="list-style-type: none"> • Discussion with either District Office or Permissions staff 	0.00	\$115.00	\$0.00
Statutory Processing Team	<ul style="list-style-type: none"> • Capturing, summarising and disseminating application 	2.00	\$115.00	\$230.00
Dunedin Service Centre Time	<ul style="list-style-type: none"> • Review of application • Meetings • Correspondence with applicant • Correspondence with District Office/other staff • Review of CMS and other Legal Documentation • Report Writing • Preparing documentation for public notification • Preparation of contract / maps 	22.00	\$115.00	\$2,530.00
District Office (Ranger) Time	<ul style="list-style-type: none"> • Meetings • Comments on application • Site visit if necessary 	4.25	\$115.00	\$488.75
Legal	<ul style="list-style-type: none"> • Meetings • Drafting correspondence/legal advice 	0.00	\$165.00	\$0.00

Continued...

Overview	Description	No of Hours	Cost per Hour	Fee (Excluding GST)
Application Process				
Other Staff Time	<ul style="list-style-type: none"> • Science & Technical • GIS • Management Planning • Fee advice 	0.00	\$115.00	\$0.00
Managers' time (including Operations, SLM/Permissions, Business Support, Statutory Manager)	<ul style="list-style-type: none"> • Meetings • Preparation of advice • Collation of District Information • Decision making 	1.50	\$125.00	\$187.50
Director's time (as Decision maker)	<ul style="list-style-type: none"> • Meetings • Decision making 	0.00	\$185.00	\$0.00
Director PPL time	<ul style="list-style-type: none"> • Fee waiver 	0.00	\$185.00	\$0.00
SUB TOTAL	(not including submission/hearing costs)	29.75		\$3,436.25
Notification / Hearing Costs				
Public Notification	<ul style="list-style-type: none"> • Cost of advertising 			\$750.00
TOTAL	(including advertising but not including submission / hearing costs)			\$4,186.25