

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>

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 of your environmental effects assessment should be in proportion with the size and scale 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.

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.

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)	<input type="checkbox"/> Individual (Go to 1)
	<input checked="" type="checkbox"/> Registered company (Go to 2) <input type="checkbox"/> Trust (Go to 2)
	<input type="checkbox"/> Incorporated society (Go to 2) <input type="checkbox"/> Other (Go to 2)

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

2	Applicant name (full name of registered company, trust, incorporated society or other)		RD Petroleum Limited	
	Trading name (if different from applicant name)			
	NZBN (To apply go to: https://www.nzbn.govt.nz)	9429034796054	Company, trust or incorporated society registration number	
	Registered office of company or incorporated society (if applicable)		399 Moray Place, Dunedin 9016	
	Company phone	0800440014	Company website	www.rdp.co.nz
	Contact person and role		Craig Fitzgerald Engineering Manager	
	Phone		Mobile phone	
	Email			
	Postal address		Postcode	8140
	Street address (if different from postal address)		Postcode	8042

B. Variation of an existing easement concession.

Is this application *varying* an existing easement concession?

No	<input checked="" type="checkbox"/>
Yes	<input type="checkbox"/>
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	<input checked="" type="checkbox"/>
Yes	<input type="checkbox"/>

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

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.

Land adjacent to Wilmot Pass Road between RD Petroleum Tank and the meridian wharf. Fiordland National Park.

Will your easement concession benefit other land?

No	<input checked="" type="checkbox"/>
Yes	<input type="checkbox"/>

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

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:	<input type="checkbox"/>
A right to drain water:	<input type="checkbox"/>
A right to drain sewage:	<input type="checkbox"/>
A right of way:	<input type="checkbox"/>
A right to convey electricity: and Diesel	<input checked="" type="checkbox"/>
A right to convey telecommunications:	<input type="checkbox"/>
A right to convey gas:	<input type="checkbox"/>

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.

An existing double contained fuel line and cable runs from the diesel tank down to the wharf, this was installed a number of years ago and exact location is not known. There is an existing easement PAC-14-04-64 associated with the existing concession PAC-14-18-72.

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	<input checked="" type="checkbox"/>
Yes	<input type="checkbox"/>

If yes, answer the following four questions.

- 1** 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).

- 2** Will you or do you own the structure?
- If yes, will you have co-sites located on the structure?
 - If yes, provide details of any co-sites.
 - If no, provide details of who owns the structure.

Yes and no co-sites.

- 3** 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 as the whole area is public land.

- 4 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 as the pipe is underground and any effects would be the same regardless of location

- 5 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.

Yes the pipeline is already in place and has been since the 1990's.

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?

Form 3b – Private/commercial facility/structures, this is a concession for the tank currently in place.

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*):

10 Years to match the concession application for the tank.

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:	
Name of individual you consulted with:	
Date of consultation:	
Form of consultation (e.g. email, meeting):	
Outcome of consultation:	

Other interested stakeholders consulted with e.g. Conservation Boards or community groups:	
Name of individual you consulted with:	
Date of consultation:	
Form of consultation (e.g. email, meeting):	
Outcome of consultation:	

K. Consistency with DOC statutory plans

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

Fiordland National Park Management Plan.
Southland Murihiku Conservation Management Strategy

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

No	<input checked="" type="checkbox"/>
Yes	<input type="checkbox"/>

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	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

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.	The easement is currently in place and is not new or being changed and the pipeline is underground which will result in no effects on the landscape.
Effects on the visual composition of the landscape	The easement is currently in place and is not new or being changed and the pipeline is underground which will result in no effects on the visual composition of the landscape.
Effects on cultural values of Tangata Whenua or members of the public	The easement is currently in place and is not new or being changed and the pipeline is underground access to the easement is not restricted.
Effects on historic sites or objects including Wahi Tapu e.g, disturbance of the ground.	The easement is currently in place will not create any new ground disturbance effects.
Effects on existing infrastructure such as roads, tracks, huts, carparks, huts etc.	The easement is currently in place will not create any new effects on existing infrastructure.
Effects on existing vegetation e.g. disturbance or removal of vegetation.	The easement is currently in place will not create any new effects on existing vegetation.
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.	No earthworks proposed.
Effects on wildlife or wildlife habitat	The easement is currently in place will not create any new effects on wildlife or wildlife habitat. A possible effect exists were the pipeline to fail and leak into the ground, but this is mitigated by the pipeline being double contained and a specialised UPVC fuel resistant line and not subject to corrosion. A leak detector is also fitted to the pump at the tank to shut down the flow in the event of a failure.
Effects on aquatic habitat (waterways, swamps, freshwater animals and vegetation).	The easement is currently in place will not create any new effects on the aquatic habitat. A possible effect exists were the pipeline to fail and leak into the ground and on into the water, but this is mitigated by the pipeline being double contained and a specialised UPVC fuel resistant line and not subject to corrosion. A leak detector is also fitted to the pump at the tank to shut down the flow in the event of a failure.

Effects on other users (tangata whenua, recreational users and concessionaires) of the Land.	Due to the nature of the easement and its existence currently there is not expected to be any effects on other users.
Effects of the easement increase threats (pests, weeds, pathogens and fire) to public conservation land.	Due to the nature of the easement and its existence currently there is not expected to be any effect of increased threats.
Effects of increased rubbish, toilet waste or debris left on public conservation land during construction and regular use of the easement.	Due to the nature of the easement effects from increased rubbish, toilet waste or debris is not an issue.
Cumulative effects that could be caused by the easement.	Cumulative effects are mitigated by the pipeline being double contained and a specialised UPVC fuel resistant line and not subject to corrosion.
Positive effects of the easement.	The easement allows fuel to be available at the wharf for users from dispensers rather than portable containers.

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
<u>Correct example</u> ✓ D	Easement site plan	.shp (shapefile)	Detailed site plan of the easement
<u>Correct example</u> ✓ J	Effects Assessment	Word	Effects assessment on: Landscape, cultural values, existing vegetation, wildlife, earthworks, other users and positive effects.
<u>Incorrect example</u> X Table	Doc1	Word	Table
D	Site Plan	PDF	Site Plan
D	Easement Aerial	PDF	DOC Lease and Easement Plan

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	<input checked="" type="checkbox"/>
Yes	<input type="checkbox"/>

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.	<input checked="" type="checkbox"/>
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.	<input checked="" type="checkbox"/>
I have supplied maps to accompany my shapefiles (.shp) and/or NZTM GPS locations listed in section E Locations.	<input checked="" type="checkbox"/>
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'.	<input checked="" type="checkbox"/>
I have indicated in section 'M Do you intend to register the easement concession' that I do or do not want the easement registered.	<input checked="" type="checkbox"/>
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.	<input checked="" type="checkbox"/>
I have appropriately labelled all attachments and completed section 'L. Attachments' to match.	<input checked="" type="checkbox"/>

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	<input type="checkbox"/>
Yes	<input checked="" type="checkbox"/>
If "yes", under what name:	RD Petroleum 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.	<input checked="" type="checkbox"/>
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.	<input checked="" type="checkbox"/>
I/We agree to notify the Department of Conservation of any disputed charges within 14 days of the date of the invoice.	<input checked="" type="checkbox"/>
I/We agree to fully pay the Department of Conservation for any invoice received on or before the due date.	<input checked="" type="checkbox"/>
I/We agree to pay all costs incurred (including interest, legal costs and debt recovery fees) to recover any money owing on this account.	<input checked="" type="checkbox"/>
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.	<input checked="" type="checkbox"/>
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.	<input checked="" type="checkbox"/>

Applicant Name/s (of authorised person/s)	RD Petroleum Limited Craig Fitzgerald	Date	8 th June 2021
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For Departmental use			
Credit check completed			
Comments:			
Signed		Name	
Approved (Tier 4 manager or above)		Name	