Application for an Easement on Public Conservation Land



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) template¹ 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/Easement² webpage.
- Arrange a pre-application meeting (either face to face or over the phone) by contacting the local DOC office³ closest to where your activity is taking place. You can use DOC maps⁴ to identify which District Office you should contact. Or arrange a meeting with any of our offices that process concessions⁵ – choose the one closest to where the activity is proposed.
- It is recommended that you seek legal advice for guidance when completing this form.

http://maps.doc.govt.nz/mapviewer/index.html?viewer=docmaps

https://www.doc.govt.nz/get-involved/apply-for-permits/contacts

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

https://www.doc.govt.nz/get-involved/apply-for-permits/business-or-activity/access-easements/

https://www.doc.govt.nz/footer-links/contact-us/office-by-name/

Have you considered DOC's statutory planning documents?

Your easement concession must not be inconsistent with <u>DOC's relevant statutory planning documents</u>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 Assessment⁷ and DOC's guide to preparing your environmental impact assessment⁸. We also recommend that you read the standard conditions in the concession (easement) template⁹ 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.

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

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

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 office¹¹ 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 <u>ongoing concession easement activity</u>¹² and management fees**. Minor easement concession fees are listed on the <u>Access/Easement</u>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/

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 1)								
		Reg	istered	d company	(Go to	2)	Tru	ıst (Go	to ②)		
		☐ Inco	rporat	ed society	(Go to	2)	Oth	ner (Go	to ②)		
1	Applicant name (individual)										
	Phone				Мо	bile ph	one				
	Email										
	Physical address								Postc	ode	
	Postal address (if dif from above)	ferent							Postc	ode	
2	Applicant name (full name of register trust, incorporated s other)		ny,	Albert	: Gra	eme Fa	amily T	'rust			
	Trading name (if different from app	licant nam	ıe)								
	NZBN (To apply go to: https://www.nzbn.govt.nz)					incorp	any, trus orated s ration nu	ociety			
	Registered office of company or incorpor society (if applicable										
	Company phone				С	ompar	ny websi	te			
	Contact person and	role				- tr	rustee				
	Phone				Mo	bile pł	none				
	Email										
	Postal address							Posto	code		
	Street address (if different from postal address)							Post	code		

B. Variation of an existing easem	ent concession.
Is this application varying an existing easement cond	cession?
No	X
Yes	
Easement concession number you wish to vary	
C. Pre-application meeting	
Have you had a pre-application meeting or spoken to	o someone in DOC in relation to this application?
No	
Yes	x
If yes, state when and who you met/spoke with.	
D. Location and nature of the pro Name (physical description/common name) and land	•
concession (easement) will cover.	
	·
Sounds Foreshore Reserve (SFR) fronting Le	·
	·
Sounds Foreshore Reserve (SFR) fronting Le	·
Sounds Foreshore Reserve (SFR) fronting Lewis Will your easement concession benefit other land?	ot 3 DP 1584.
Sounds Foreshore Reserve (SFR) fronting Leaves Will your easement concession benefit other land? No Yes	x
Will your easement concession benefit other land? No Yes If yes, provide the Lot, Deposited Plan (DP) and	x

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:
 - o 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.
 - o 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.	Des	cription	of activity
----	-----	----------	-------------

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

A right to convey water:	X
A right to drain water:	
A right to drain sewage:	
A right of way:	
A right to convey electricity:	X
A right to convey telecommunications:	X
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.

An easement is required to convey water, electricity and telecommunications to the boatshed from the dwelling on Lot 3 DP 1584. It is also required for the flying fox wire(conveys luggage only)from the foreshore structures to the dwelling on Lot 3 DP 1584. The site is boat access only and there is no access to the site other than over the SFR.

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		X
Yes		
f yes,	answer the following four questions.	
1	Provide full details about the structure or facili and methods of construction (e.g. number of	ty (e.g. dimensions, materials, location, purpose) people and vehicles involved).
2	 Will you or do you own the structure? If yes, will you have co-sitees located of the structure? If yes, provide details of any co-sitees. If no, provide details of who owns the structure? 	
8	Could your structure or facility, or addition/ext reasonably located outside public conservation. If yes, provide details of other sites/are lif no, provide reasons why existing structure are not suitable.	n land?

		tructure or facility (or addition/extension to an ss (and/or different) in another conservation area are applying for? Give details/reasons.
6	 without any additions? If yes, provide details of any existing susing, or how your activity might be unstructure or facility. 	? Could you use the existing structure or facility structures or facilities that you have considered indertaken without making an addition to the existing g structure or facility could not be used without any
G.	Technical Specifications (for te	elecommunications easements only)
If you	Technical Specifications (for telecommunications sites, you nation:	•
If you inform	are applying for telecommunications sites, you	•
If you inform Radi	are applying for telecommunications sites, you nation:	•
If you inform Radi Tran	are applying for telecommunications sites, you nation: to frequencies	•
If you inform Radi Tran	are applying for telecommunications sites, you nation: o frequencies smitter power output	•
If you inform Radii Tran Pola Type Likel	are applying for telecommunications sites, you nation: to frequencies smitter power output risation of the signal	•
If you inform Radii Tran Pola Type Likel will c	are applying for telecommunications sites, you nation: to frequencies smitter power output risation of the signal e of antennae by portion of a 24-hour period that transmission occur by heaviest period of use during a 24-hour	•

ii. Are you applying for any other	DOC permissions:
Are you applying for other DOC permissions in addition	on to this easement?
No	
Yes e.g. Permanent and temporary structures (that are not part of your easement)	$\overline{\mathbf{x}}$
If yes, state the other permits you are applying for? A concession application for the south eadeck attached to the dwelling on Lot 3 Dito the dwelling, the ramp to the boatshed boatshed, all of which are located on the	P 1584, the path and deck from the jetty d, part of the jetty and part of the
This concession application also includes the beach.	s a seawall, proposed steps from the jetty to
Duration (term of easement)	

plying for any other DOC permissions?

ш

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:	

Consultation undertaken J.

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	X
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 statuto List the DOC's statutory planning documents 16 relevant	
List the <u>DOC's statutory planning documents</u> ¹⁶ relevant The Conservation General Policy The Marlborough Sounds Maritime Park Mar	vant to your application.
The Conservation General Policy The Marlborough Sounds Maritime Park Mar The Conservation Management Stratery for Are you aware of any potential inconsistency of your documents?	vant to your application.
List the DOC's statutory planning documents 16 relevant The Conservation General Policy The Marlborough Sounds Maritime Park Mar The Conservation Management Stratery for the Mary The M	vant to your application. nagement Plan (MSMPMP). Nelson/Marlborough Conservancy 1996 - 2006
The Conservation General Policy The Marlborough Sounds Maritime Park Mar The Conservation Management Stratery for Are you aware of any potential inconsistency of your documents?	reasement concession with DOC's statutory planning
List the DOC's statutory planning documents 16 relevant The Conservation General Policy The Marlborough Sounds Maritime Park Mar The Conservation Management Stratery for Management Stratery for documents? Are you aware of any potential inconsistency of your documents?	reasement concession with DOC's statutory planning

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 and DOC's guide to preparing your environmental impact assessment 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 The easement application seeks to formalise the use of the SFR. The structures requiring easements are all in place. There will be no modification of these structures. There will be no increased use of the structures
increased use.

^{17 &}lt;a href="https://www.doc.govt.nz/get-involved/apply-for-permits/managing-your-concession/environmental-impact-assessment/">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/quide-to-environmental-impact-assessments.pdf

Effects	Description
Effects on the landscape e.g. ability of landscape to accommodate changes.	
Effects on the visual composition of the landscape	
Effects on cultural values of Tangata Whenua or members of the public	
Effects on historic sites or objects including Wahi Tapu e.g, disturbance of the ground.	
Effects on existing infrastructure such as roads, tracks, huts, carparks, huts etc.	
Effects on existing vegetation e.g. disturbance or removal of 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.	
Effects on wildlife or wildlife habitat	
Effects on aquatic habitat (waterways, swamps, freshwater animals and vegetation).	
Effects on other users (tangata whenua, recreational users and concessionaires) of the Land.	
Effects of the easement increase threats (pests, weeds, pathogens and fire) to public conservation land.	
Effects of increased rubbish, toilet waste or debris left on public conservation land during construction and regular use of the easement.	
Cumulative effects that could be caused by the easement.	
Positive effects of the easement.	

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> <u>J</u>	Effects Assessment	Word	Effects assessment on: Landscape, cultural values, existing vegetation, wildlife, earthworks, other users and positive effects.
Incorrect example <i>X</i> <u>Table</u>	Doc1	Word	Table
D	Topographica Survey	al pdf	Topographical survey of site showing location of structures
D	Aerial Photo	pdf	requiring easements. Aerial Photo of site.

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.

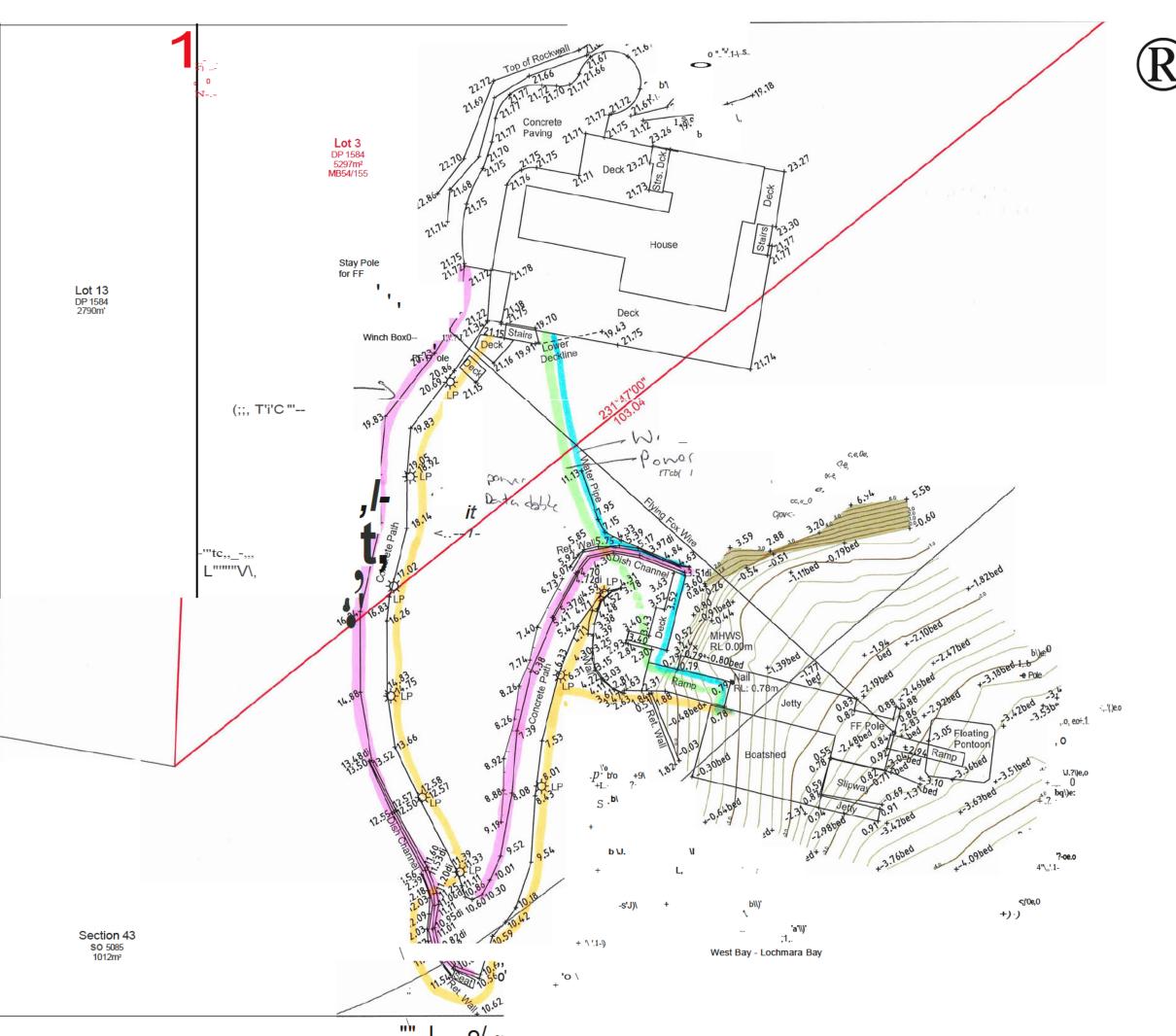
O. Checklist

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

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	K		
Yes			
If "yes", under what name:			
In ticking this checklist and placing your nam read and agreed to these terms and condit Conservation	_		_
Terms and conditions			Tick
I/We agree that the Department of Conservation can proper Department's Credit Checking Agency to enable it to conservation.	•		×
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.			x
I/We agree to notify the Department of Conservation of any disputed charges within 14 days of the date of the invoice.			x
I/We agree to fully pay the Department of Conservation for any invoice received on or before the due date.			x
I/We agree to pay all costs incurred (including interest, 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.			x
Applicant Name/s (of authorised person/s)	Date	27/09/20	023
For Departmental use			
Credit check completed			
Comments:			
Signed	Name		
Approved (Tier 4 manager Name			

or above)





Horizontal Origin Mark: IT IV DP 2506 Marlborough 2000

Vertical Origin Mean High Water Springs 0.00m

Contour Interval: 0.20m

Client:

Project Title: Lot 3 DP 1584 West Bay - Lochmara Bay

Sheet Title:

Topographical Survey



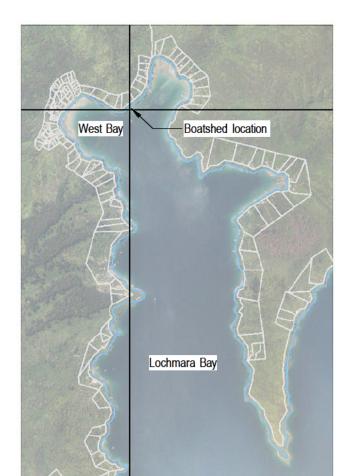
WW	w.scopesurveying.co.nz	
	(03) 577 67 55	1
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Date: Wed May	3 11:46:39 2023		
Project No:	Sheet No:	Rev:	
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JETTY & BOATHOUSE UPGRADES

LOT 3 DP1584 LOCHMARA BAY









GENERAL NOTES

UNLESS OTHERWISE INDICATED, ALL DIMENSIONS ARE GIVEN IN MILLIMETERS. DO NOT SCALE OFF DRAWINGS.

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PROJECT INFORMATION

Territorial Authority:

Reference Numbers Resource Consent

Project Information Memorandum:

Building Consent:

Legal Description:

Resource Management Plan:

Zone:

Topographic Class: Wind Region: Earthquake Zone : Wind Zone Exposure Zone **Snow Loading:**

DRAWING REGISTER

DWG	Sheet Name	Revision	Date	Description
A01	SITE PLAN	Α	17/05/23	Preliminary
A02	EXISTING PLAN	Α	17/05/23	Preliminary
A03	PROPOSED PLAN	Α	17/05/23	Preliminary
A04	EXISTING SECTIONS	Α	17/05/23	Preliminary
A05	PROPOSED SECTIONS	Α	17/05/23	Preliminary
A06	EXISTING 3D VIEW	Α	17/05/23	Preliminary
A07	PROPOSED 3D VIEW	Α	17/05/23	Preliminary
80A	MAIN DWELLING DECK	В	13/07/23	Preliminary
A09	MAIN DWELLING DECK	В	13/07/23	Preliminary
A10	MAIN DWELLING DECK	В	13/07/23	Preliminary
	Copy 1			

SITE PLAN NTScale

SCALE PROJECT STATUS A3 RC

REVISION DATE 17/05/23

DWG NO. 9100-A01-A