

## Application for a concession – State Highway 8

Clause 3 of Schedule 6 outlines the information required in an application for a concession.

The activity applied for, as set out in A.11 (Section 4.3.2, pgs 11-12) of the application, states:

*“A concession (easement in favour of NZTA and CODC) for activities occurring on public conservation land within the underlying Ardgour Road / Lindis River and Lower Lindis Conservation Areas as follows:*

- *Safety improvement upgrades within the existing road reserve at the SH8 / Ardgour Road intersection, which includes:*
  - *The formation of a 3.5 m wide right turn bay on SH8;*
  - *The reprofiling of the existing roadside safety barrier on Ardgour Road to follow the new road edge alignment;*
  - *The widening of the SH8 road carriageway and provision of 1.5 m wide road shoulders;*
  - *New pavement marking and give way controls;*
- *All associated construction activities including the establishment of construction laydown areas, erosion and sediment control measures, any necessary culverts and temporary traffic management measures.”*

This assessment provides commentary set out in the table below. The assessment comments on whether the information requirements are considered to be met in relation to the concession sought.

**Table 1.3 Assessment of Information Requirements Schedule 6 Clause 3**

Relevant section	Is the information present?	Application document reference	Is the information provided in sufficient detail?	Comments
<p>Clause 3(1) Schedule 6 - For the purposes of section 43(3)(e), an application for a <b>concession</b> must include the following information:</p>				
(a) a description of the proposed activity:	Yes	A.11 (pg 11) A.15 (pgs 113,115)	Yes	<b>Information present and sufficient</b>

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Relevant section	Is the information present?	Application document reference	Is the information provided in sufficient detail?	Comments
(b) a description, maps, and GPS coordinates identifying the places where the proposed activity will be carried out (including the classification of those places, the ownership and management arrangements, and, if applicable, the name, of the places):	Yes	D.07  A.15 (pg 115) C.24 C.27 C.28 D.07 (pg 5)	Yes	<b>Information present and sufficient</b>
(c) information about whether the project could reasonably be undertaken in another location, or in another conservation area or another part of the conservation area, where the potential adverse effects would be significantly less:	Yes	A.15 (pgs 121-122)	Yes	<b>Information present and sufficient</b>
(d) in the case of an application for an approval within paragraph (a) of the definition of concession or paragraph (a) of the definition of Reserves Act approval, information about the extent to which the project is consistent with—				
(i) the relevant conservation management strategy and conservation management plan:	Yes	A.15 (pgs 129-136) B.39 (pgs 13-16)	Yes	<b>Information present</b> Although a general assessment is provided. DOC was unable to identify where specifically the application assesses the upgrade of roads/roading infrastructure against consistency with the CMS.
(ii) any conservation management strategies or conservation management plans that have been	N/A	N/A	N/A	

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co-authored, authored, or approved by a Treaty settlement entity:				
(e) in the case of an application for an approval within paragraph (b) of the definition of Reserves Act approval, information about the extent to which the project is consistent with any management plan approved under section 41 of the Reserves Act 1977:	N/A	N/A	N/A	
(f) information about the extent to which the project is in keeping with the purposes for which the land is held, status, ownership and administration:	Yes	A.15 (pg 124)	Yes	<b>Information present and sufficient</b>
(g) a description of— (i) the potential effects (positive and negative) of the proposed activity:	Yes	A.15 (Pg 126) A.13 (pgs 64-66)	No	<p><b>Information present</b> The applicant has provided high level commentary on the broader effects of the overall proposal and has focused on the concession itself as an effects management strategy.</p> <p>DOC has not identified a specific assessment of effects in relation to the concession proposal. An assessment for the upgrade of this intersection within close proximity</p>

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Relevant section	Is the information present?	Application document reference	Is the information provided in sufficient detail?	Comments
				to a waterbody would typically cover effects of vegetation clearance, earthworks, increased traffic volumes on conservation values including biodiversity, recreation, heritage.
(ii) any actions that the applicant proposes to take to avoid, remedy, mitigate, offset, or compensate for any adverse effects of the proposed activity:	Yes	A.13 (pgs 64-66) A.15 (pgs 126-127) D.07	Undetermined	<p><b>Information present</b></p> <p>Whilst some effects management may be captured as part of broader management plans and conditions e.g. earthworks management, DOC has been unable to identify information around the management of effects in relation to the specific concession proposed (noting as above commentary on the effects of the proposed concession are also limited). DOC notes a wildlife approval has not been sought in relation to any activities on PCL.</p>
(iii) details of the type of concession for which the applicant is applying:	Yes	A.15 (pg 115) A.15 (pgs 126-127)	Yes	<b>Information present and sufficient</b>
(h) a statement of—				
(i) the proposed duration of the concession; and	Yes	A.15 (pg 127)	Yes	<b>Information present and sufficient</b>

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Relevant section	Is the information present?	Application document reference	Is the information provided in sufficient detail?	Comments
(ii) the reasons for the proposed duration:	Yes	A.15 (pg 127)	Yes	<b>Information present and sufficient</b>
(i) relevant information relating to the applicant, including any information relevant to their ability to carry out the proposed activity (including whether the applicant or any company director, trustee, partner, or anyone else involved with the application has been convicted of any offence or has any current criminal charges pending before a court):	Yes	A.08 (pg 17) A.15 (pgs 6-7)	Yes	<b>Information present and sufficient</b> DOC has not identified any issues in relation to the applicant's compliance with previous conservation approvals.
(j) if the applicant applies for a lease, a licence granting an interest in land, or an easement, —				
(i) reasons for the request; and	Yes	A.15 (pgs 127-128)	Yes	<b>Information present and sufficient</b>
(ii) sufficient information to satisfy the panel that, in terms of clause 7, it is appropriate under section 81 to grant the lease, licence, or easement (as the case may be):	Yes	A.15 (pgs 127-128)	Undetermined	<b>Information present</b> DOC has been unable to identify information which assesses the specific effects and management of those effects related to this concession activity. The applicant has not addressed why an easement concession is most appropriate.

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(k) full details of any consultation undertaken with relevant iwi and with reserve owners and managers:	Yes	A.12 (pgs 4-5, 7-10)	Undetermined	<p><b>Information present</b></p> <p>The applicant advises they have consulted generally with relevant iwi; DOC is unable to determine the sufficiency of engagement with iwi re consultation in relation to the proposed concession.</p>
(l) information about financial and legal liabilities and obligations associated with the land:	Yes	A.15 (pgs 128-129) B.30 (pg 109)	Undetermined	<p><b>Information present</b></p> <p>DOC was unable to identify if the applicant had considered any existing concessionaries that may be considered to have an interest in the land or if there are none.</p> <p>There is no information about whether NZTA/ CODC are willing to take the easement(s). DOC can comment further on this as part of the process.</p>
(m) in the case of an application for an approval referred to in paragraph (b) of the definition of Reserves Act approval where the reserve is owned or managed by a local authority, confirmation that the local authority has provided written agreement for the activity to be undertaken on the reserve:	N/A	N/A	N/A	

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<p>(n) confirmation that the applicant has written agreement from the holder of a right of first refusal or right of offer or return to waive that right for the purposes of any lease proposed in the application if—</p> <ul style="list-style-type: none"> <li>(i) the proposed lease would be for a term (including any renewals) that will, or is likely to, be more than 50 years; and</li> <li>(ii) the granting of the lease would trigger the right of first refusal or right of offer or return.</li> </ul>	N/A	N/A	N/A	