

By email: [REDACTED]

12 November 2024

Tēna koe [REDACTED]

**Official information request for information relating to public access requirements under OIO consent decision 201310046 on 6 August 2013.**

I refer to your official information request dated 31 October 2024 as follows:

*"The farm land is owned by Lees Valley Station and was subject to OIO approval decision on 6 August 2013, case number 201310046. The decision included condition 6 which required the applicant to consult with the New Zealand Walking Access Commission. The purpose of the consultation was to determine whether any public access should be formalised, with potential associated formal protection.*

*I would therefore like to know:*

- 1. Whether there was any requirement for Lees Valley Station to formalise any public access, in particular to the Townsend River?*
- 2. If there was a requirement to formalise public access, was that access to be subject to formal protection?*
- 3. If there was a requirement to provide formal access and to protect that access formally has this been done and what does it allow or provide for?*
- 4. If there is a formal protection of access, or requirement to provide formal protection, can you please provide me with a copy of the document/s that require/s this and the document/s that set/s out the requirements and/or obligations of the landowner in relation to public access. "*

In order to provide you with further context, in terms of the information you have requested, please note that the only requirements relating to public access as per Special Condition 6 of OIO Notice of Decision 201310046 are for the applicant to consult with the NZ Walking Access Commission (now Herenga ā Nuku Aotearoa, Outdoor Access Commission) concerning whether any public access should be formalised and to implement any reasonable formal protection recommended by Herenga ā Nuku up to a maximum of \$20,000.

Our response to your questions is below:

1. Please refer to the context provided above. We have attached a report which presents the Commission's recommendations for providing, protecting or improving walking access over land subject to OIO consent decision 201310046. Special Condition 6 of OIO Notice of Decision 201310046 relating to access can be found as Appendix B of the report. We made seven public access recommendations, as detailed in the report. Note that our recommendations are not requirements on the OIO consent holder. The

recommendations in the report are intended to form the basis for consultation as per consent condition 6. Recommendation (i) includes access to the Townshend River as well as to the Townshend Track.

2. Refer to Q1. All seven recommendations were for formally protected public access. However, these are not requirements on the OIO consent holder. The recommendations are detailed in section 6 of the report.
3. Refer to Q1. Recommendations (i-iv) were accepted by the applicant subject to negotiation. We have attached a memo that details the tentative agreements regarding access over Lees Valley Station. Access has now been formalised on the Youngman Stream Track (recommendation iii), and the Tarn Hut Track (recommendation iv). Negotiations to formalise public access up the Townshend Valley are still ongoing (recommendations i and ii).
4. We have attached the registered easement instruments for the Youngman Stream and Tarn Hut walkways. These provide information on the owner's obligations. Information on the access that has been formalised, including the special easement terms, is also publicly available here:  
<https://gazette.govt.nz/notice/id/2022-In2364>.

Please note that it is our policy to release our responses to official information requests proactively, where possible. Our response to your request will be published shortly at <https://www.herengaanuku.govt.nz/our-work/about/disclosure/official-information-act-responses>, with your personal information removed.

Nāku noa, nā



Kirsti Douglas, National Operations Manager

- Encl. Report [2014 12]: Access Recommendations Mt Pember Station OIO 201310046  
Memo [2017 12 21]: Public Access over Lees Valley Station – Tentative Agreements to satisfy OIO condition  
Easement Instrument No. 12421015.1 [2022 04 14]: Youngman Stream Walkway  
Easement Instrument No. 12421015.2 [2022 04 14]: Tarn Hut Walkway

# Mt Pember Station



OIO Case No 201310046  
Lees Valley Station LLC

## Access Recommendations



NZ Walking Access Commission - December 2014

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**Approval to progress final negotiations for public access**

This approval authorises the NZ Walking Access Commission's Regional Field Advisor to progress and finalise the public access in terms of the recommendations set out in this report.



15 / 12 / 2014

.....  
M P Neeson Chief Executive  
New Zealand Walking Access Commission

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# Recommendations for Public Access

**Case:** CMS 1999 – Mt Pember

**OIO Case:** OIO 201310046

**Property Manager:** Grasslands LLC **section 9 (2) (a)**

**Local Authority:** Waimakariri District

**Case Received** 17 September 2013

**Field Inspection:** 30 January 2014

**Report Date:** 10 October 2014

**Legal details:** See Appendix A

## 1. Purpose

This report presents the Commission's recommendations for providing, protecting or improving walking access over land that is the subject to an Overseas Investment Consent.

These recommendations are deemed, to be necessary to meet Special Condition 6 (the "WAC condition") specified in the Notice of Decision Case: 201310046.

See Appendix B for copy of the public access conditions, which may be summarised as:

- Consult with the Commission concerning whether any public access should be formalised
- Implement any reasonable formal protection recommended by the Commission, the cost of which (up to a maximum sum of \$20,000) shall be borne by the purchaser.

## 2. Context

The properties comprise 27,243 ha extending east from the Puketeraki Range to the Okuku Range in the Canterbury foothills. Conservation lands adjoin the properties to the south, (excluding Ashley Gorge), and to the north in the headwaters of the Lilburne and Ashley Rivers. The properties (previously Mt Pember, Snowdale, Wharfedale, Kingsdown and Debourbles) occupy most of Lees Valley, which drains to the south via Ashley Gorge, and the separate block (previously Okuku Hills) to the west which drains south and west into the Okuku River (see Figures 1 and 2).

The properties have traditionally been used to reach the surrounding conservation lands primarily for hunting and tramping, and the western section (Lilburne and Whistler catchments) has traditionally provided opportunities for tramping and horse trekking.

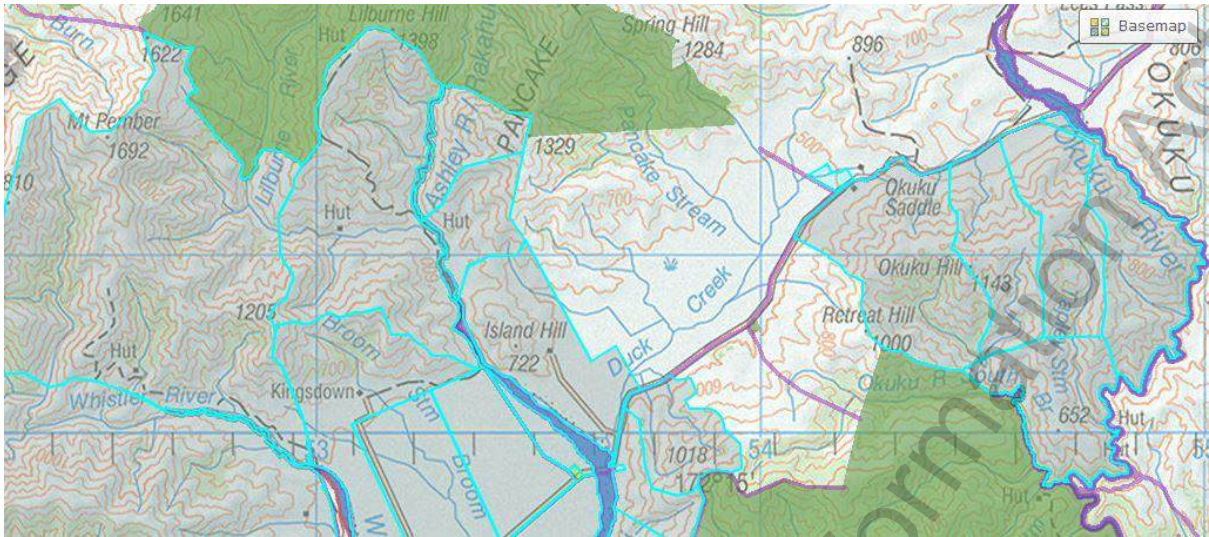


Figure 1: Northern catchments (Pt Pember/Lees Valley Station shaded light blue)

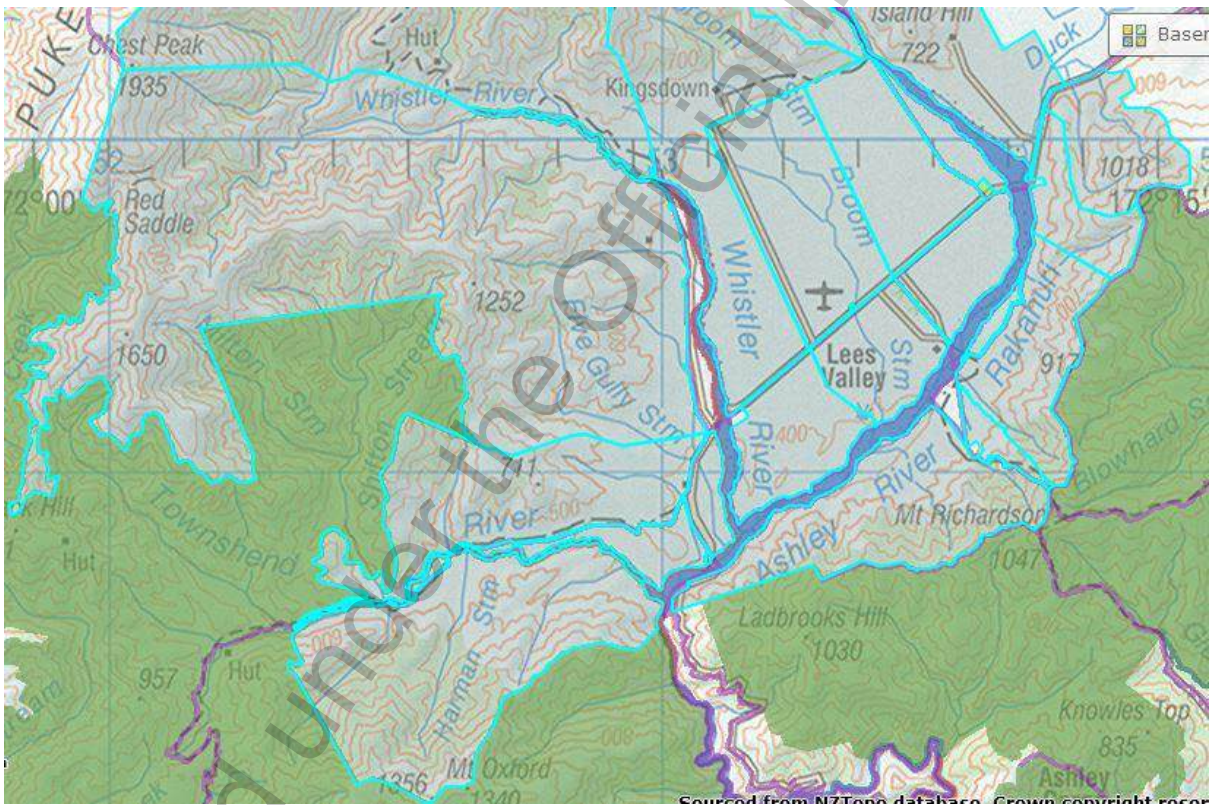


Figure 2: Southern catchments (Pt Pember/Lees Valley Station shaded light blue)

### 3. Consultation

In undertaking the assessment and in making the recommendations the Commission has sought information on public access from staff of the Department of Conservation (DOC) and the Waimakariri District Council, and representatives of several recreation groups.

A field inspection of parts of the property was undertaken with DOC representatives on 30 January 2013.

Immediately before the inspection, the Regional Field Advisor (and DOC representatives) met with **section 9 (2) (a)** (Grasslands LLC, Manager for Lees Valley Station LLC) and a recreation advisor. There was a general discussion regarding access possibilities and the nature of unformed legal roads (ULR).

## 4. Access Assessment

### **Existing legal access**

The Lees Valley Road runs approximately southwest-northeast through the flats of the properties, providing public access between the Ashley Gorge in the south and the Okuku Pass Road in the north. There are a number of other legal roads intersecting parts of the property. Unformed legal roads (ULRs) or marginal strips reserved from sale exist on either side of the Ashley/(Rakahuri), Townsend and Okuku Rivers where they intersect the properties, and ULR or marginal strips exist on either side of the Whistler River for some 14km up from its junction with the Ashley River.

The Mt Pember and Snowdale pastoral leases at the western extent of the properties are subject to Part 4A Conservation Act 1987. Therefore streams on these leases which have an average width of 3m or greater, will have 20m wide marginal strips reserved from sale or disposition, and these marginal strips will be available for public access and recreational use (see sections 24 and 24C Conservation Act 1987).

An overview of existing legal access (apart from Part 4A marginal strips) is provided in Figure 3 below.

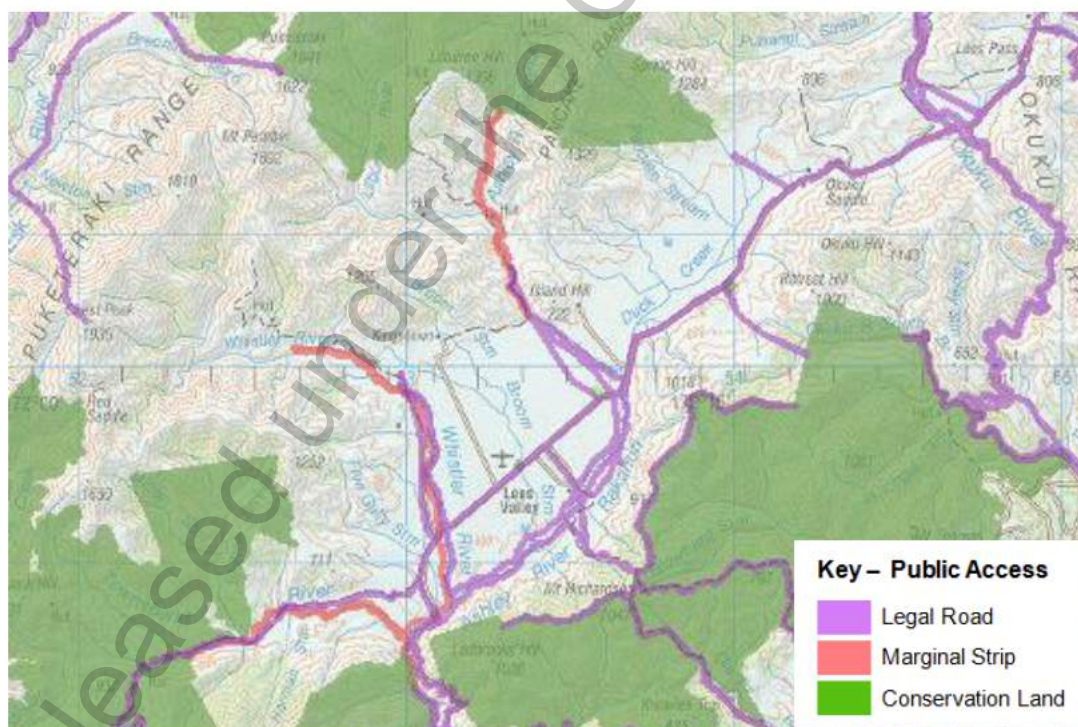


Figure 3: Overview of existing legal access (apart from Part 4A marginal strips)

In addressing priorities for public access and in making its recommendations for public access the Commission notes the following:



### **Access to Oxford Forest Conservation Area:**

- 4.1. There is a marginal strip on either side of the Townshend Stream west from the Ashley River.
- 4.2. There is ULR (Wharfedale Track) from the Lees Valley Road to the conservation area ('A'-'B'-'C' in Figure 4) and beyond, part of the original stock route and cart road built in the late 1870s<sup>1</sup>. A 4WD track and a DOC walking and mountain biking track are generally co-incident with the ULR as shown in the cadastre, for most of its length (i.e. 'B'-'C' in Figure 4).
- 4.3. There is a DOC walking and mountain biking track (Townshend Track) signed and marked from the Lees Valley Road to the conservation area ('D'-'B'-'C' in Figure 4. See Appendix C, Photo 1). While this track is partially coincident with the ULR ('B'-'C' in Figure 4), it initially follows a separate 4WD track south of the ULR ('D'-'B' in Figure 4)
- 4.4. There is a 4WD track up the Townshend Valley, partially coincident with the ULR ('B'-'C' in Figure 4). From 'B' east, there is a 4WD track in the vicinity of the ULR as shown in the cadastre ('B'-'A'), and also one to the south ('B'-'D').
- 4.5. The 4WD tracks have enabled recreational vehicle access to the conservation area, with the consent of the previous owners and the payment of a nominal fee of approximately \$25. The fee has been a contribution towards the owners cost of maintaining access on the 4WD track.



Figure 4: Access to Oxford Forest Conservation Area, Townshend Valley

### **Access to Puketeraki Range: Whistler Valley**

- 4.6. There is approximately 5 km of legal road (Snowdale Road) from the Lees Valley Road, west of the Whistler River. The road is formed and maintained to near the Snowdale homestead ('A'-'B' in Figure 5 below), and has previously been formed beyond, to the river ('B'-'C' in Figure 5. See Appendix C, photos 5 & 6).

<sup>1</sup> Foothills Forest brochure. Department of Conservation, 2008.  
Papers Past- Star, Issue 6446, 16 January 1889, PUKETERAKI.

- 4.7. A short length of Snowdale Road (ULR) extends northwards across the Whistler River ('C'-'D' in Figure 5).
- 4.8. There is a 20m wide marginal strip on the true right of the Whistler River for some 8.6km up from the Lees Valley Road, to where the river exits the Snowdale pastoral lease ('E' in Figure 5).
- 4.9. On the true left of the Whistler River, there is ULR from the Lees Valley Road until it connects with Snowdale Road ('C' in Figure 5) and then a 20m wide marginal strip to the boundary of the Snowdale pastoral lease ('E' in Figure 5).

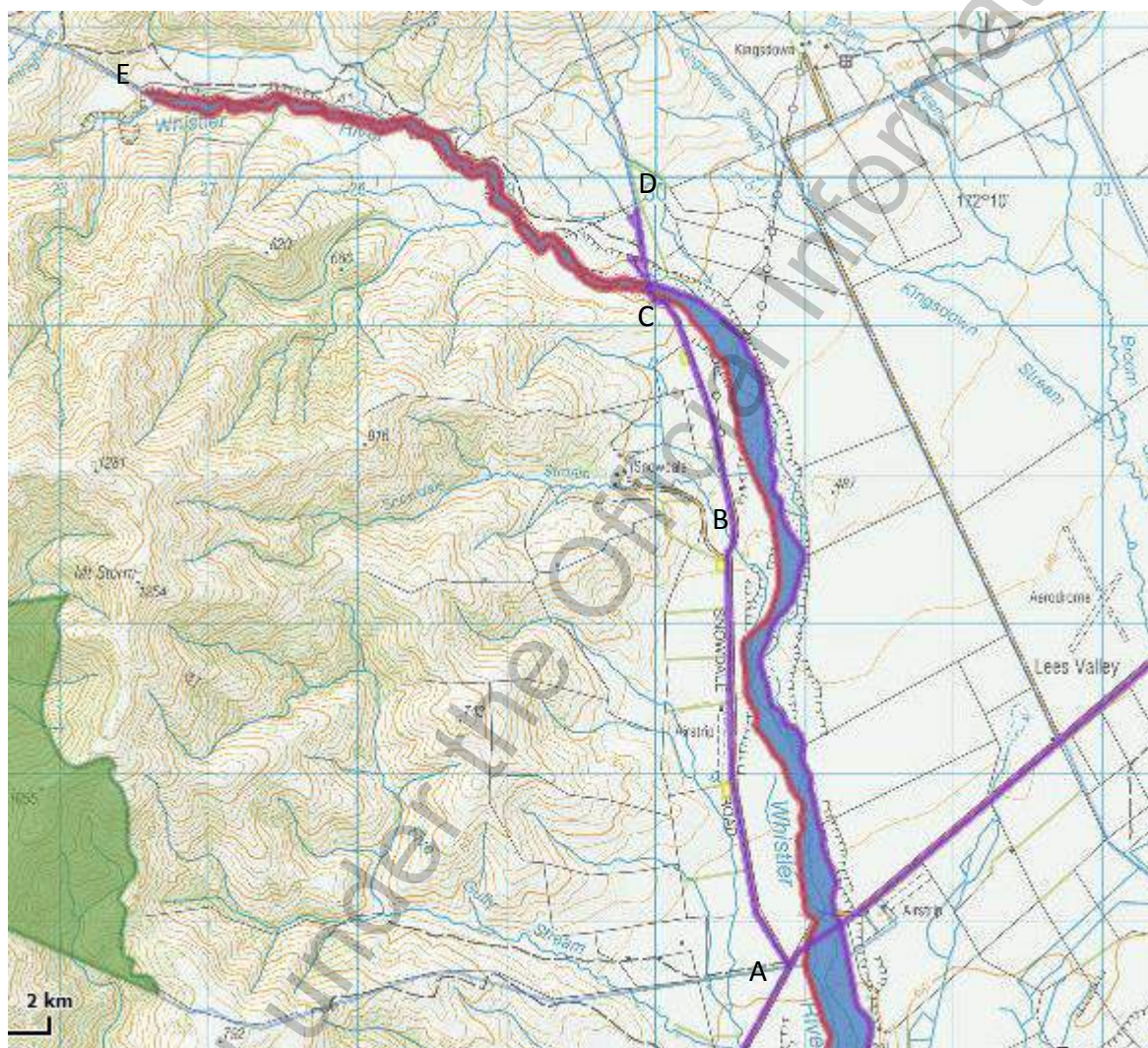


Figure 5: Legal access up Whistler River valley

- 4.10. The Snowdale pastoral lease is subject to Part 4A of the Conservation Act 1987, therefore on disposition there will be a 20m marginal strip created on either side of any stream with an average bed width of 3 metres or more. These marginal strips will be available for public access and recreational use.<sup>2</sup>
- 4.11. There has traditionally been tramping access in the Whistler Valley to or from Chest Peak on the Puketeraki Range, generally utilising the old skifield track. The generally accepted<sup>3</sup> but unmarked routes from Chest Peak traverse the range south through

<sup>2</sup> Section 24 and 24C, Conservation Act 1987

<sup>3</sup> e.g. in "Conservation resource and values of Mt Pember Pastoral Lease, Canterbury" unpublished Department of Conservation report, 6 June 1996.

Red Saddle to Mt Storm and then down the Snowdale faces (see Figure 6), or north along the range to then descend into the Lilburne and Ashley Valleys (see Figure 7).

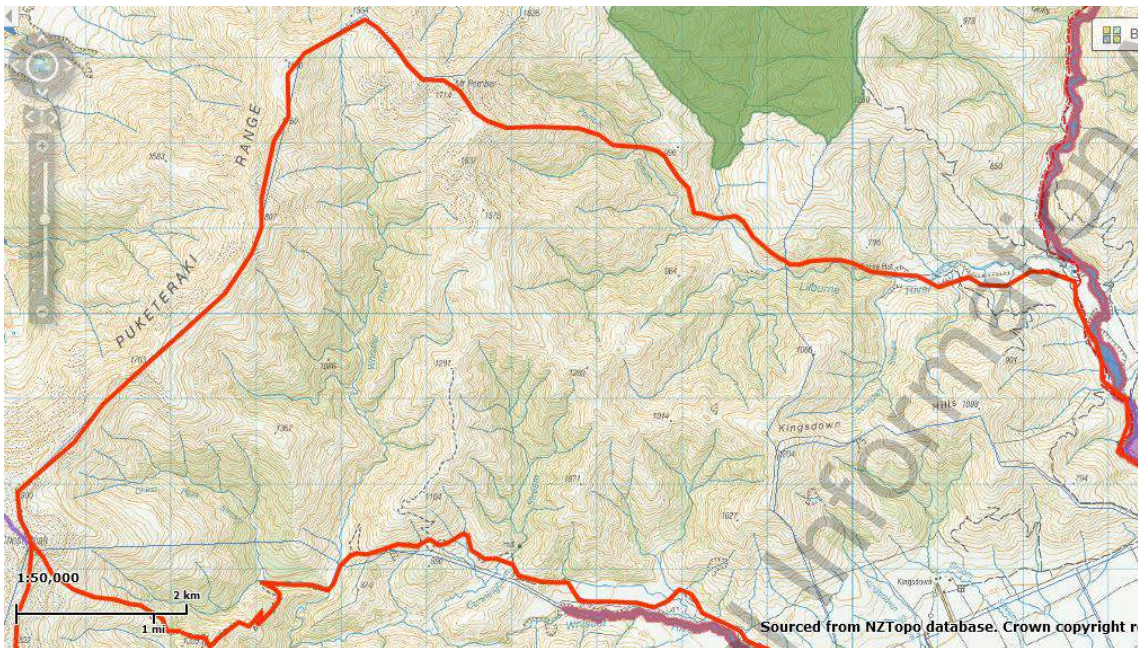


Figure 6: Whistler Access; typical circuit to Chest Peak and traverse north, shown in orange

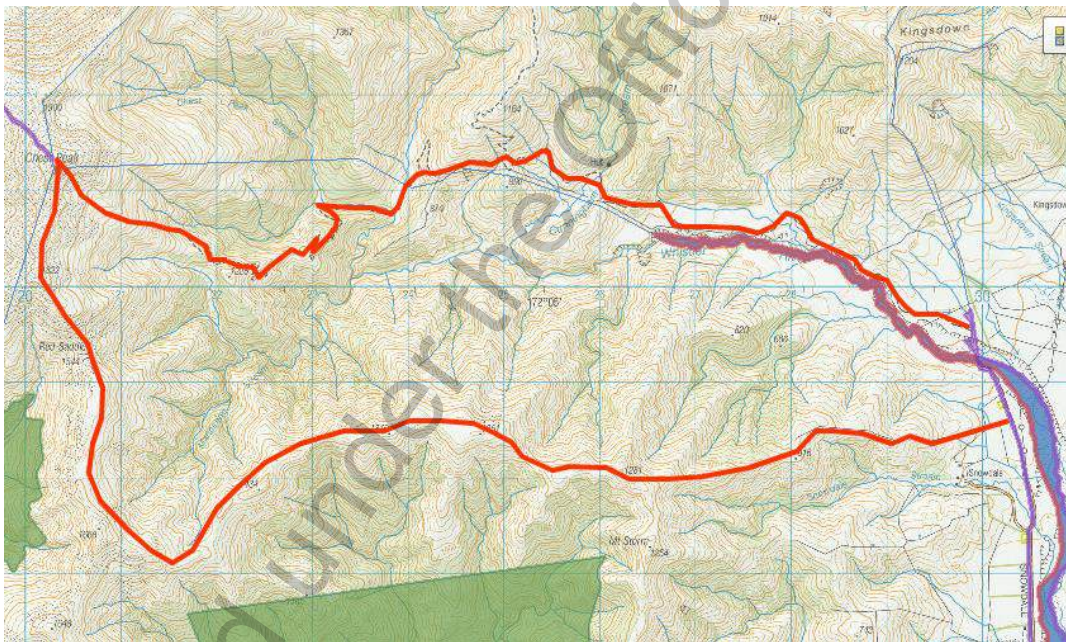


Figure 7: Whistler Access; typical circuit (shown orange) Chest Peak and return south

#### **Access to Puketeraki Forest Conservation Area: Ashley Valley**

4.12. There is ULR on both sides of the Ashley River upstream from the Less Valley Road. On the true right of the river the ULR is approximately 3.5km long, while on the true left the ULR extends approximately 5.1 km from the Lees Valley Road (see Figure 8 below).

4.13. There is approximately 3.2 km of ULR running north-west across the flats from the Lees Valley Road (east of the bridge over the Ashley River). There is a vehicle track on the general line of this ULR ('A'-'B' in Figure 8, and see Appendix C, photo 8).

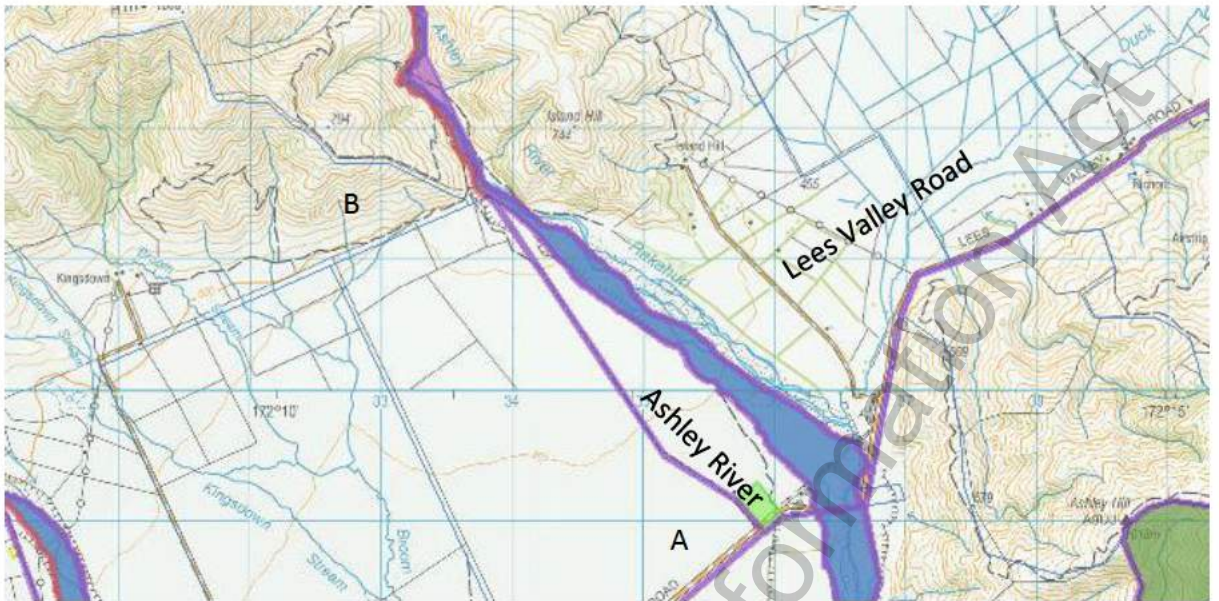


Figure 8: Ashley Valley legal roads (in purple).

- 4.14. There are marginal strips on both sides of the Ashley River north from the end of the ULR to the Puketeraki Forest Conservation Area (see figure 9).
- 4.15. There is a DOC tramping track (Youngman Stream Hut Track) marked on the true right of the Ashley River from the end of the tracked ULR ('B' in Figure 8) into the conservation area (see Figure 9, and Appendix C, photos 9 & 10). The marked tramping track also extends south-west to the Tarn Hut (Youngman Stream to Tarn Hut Track). Other than where the Youngman Stream Hut Track is coincident with the marginal strip (see Figure 9 below), the marked track has no legal status.

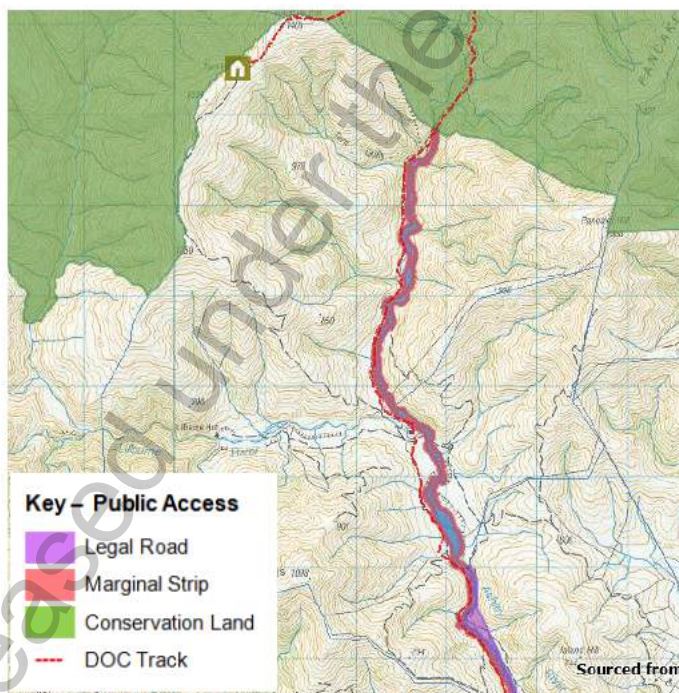


Figure 9: Ashley River marginal strips, and DOC tracks

- 4.16. There is a recognised tramping route (Tarn Hut track) from the Youngman Stream Hut Track near the junction of the Ashley and Lilburne Rivers, north-west up the

ridge to the Tarn Hut (See Figure 10 below). This has historically formed part of a round trip in the Ashley headwaters and is signed and marked (see Appendix C, photo 11).

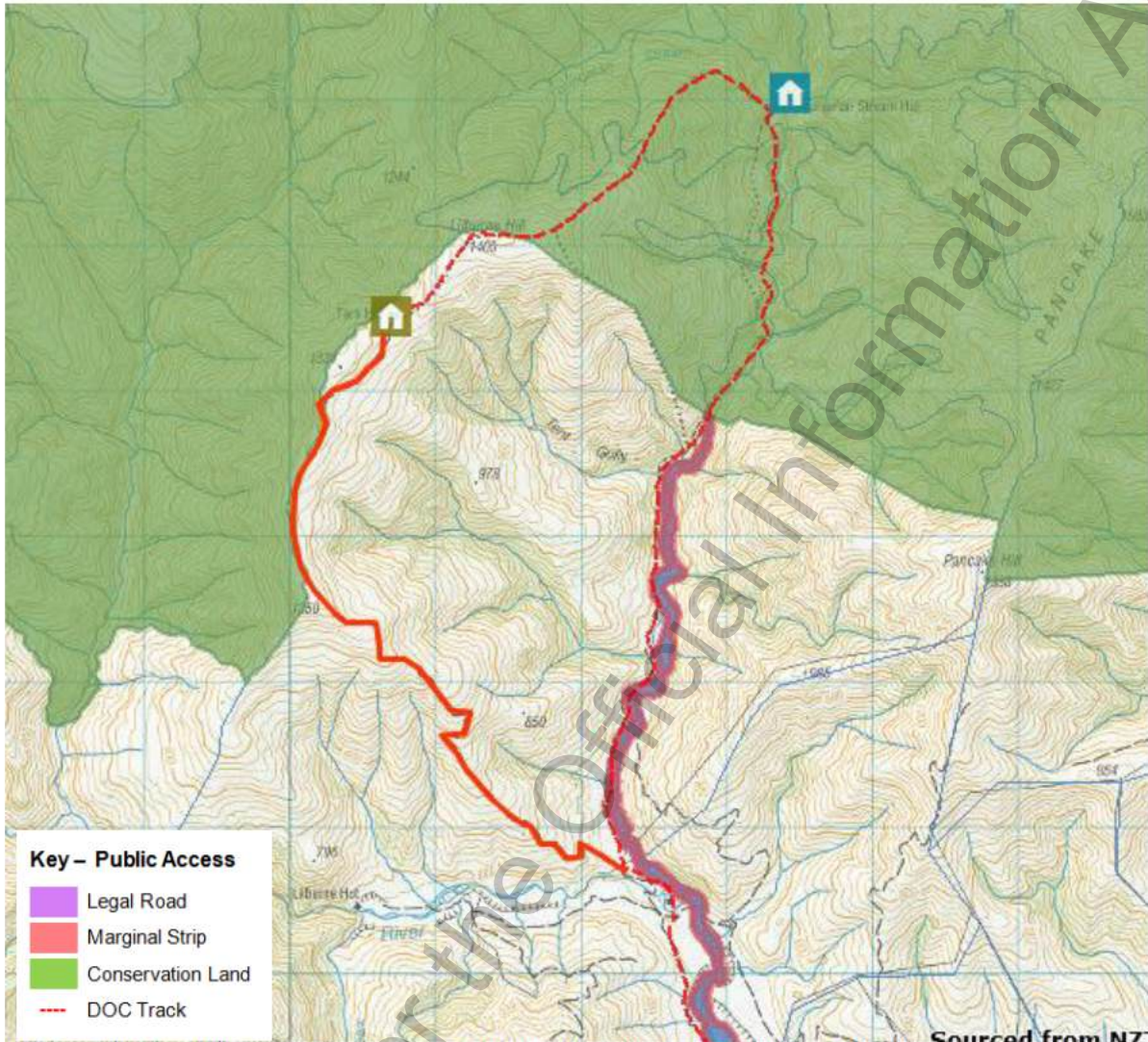


Figure 10: Tarn Hut track (in solid red), showing the round trip including Youngman Stream Hut Track (dotted red)

### **Access to Puketeraki Range: Lilburne Valley**

- 4.17. There is an historic pack track up the Lilburne Valley, to Puketeraki and over to Mt White<sup>4</sup>. This unmarked track connects with ULR west from Puketeraki (see Figure 11 below).

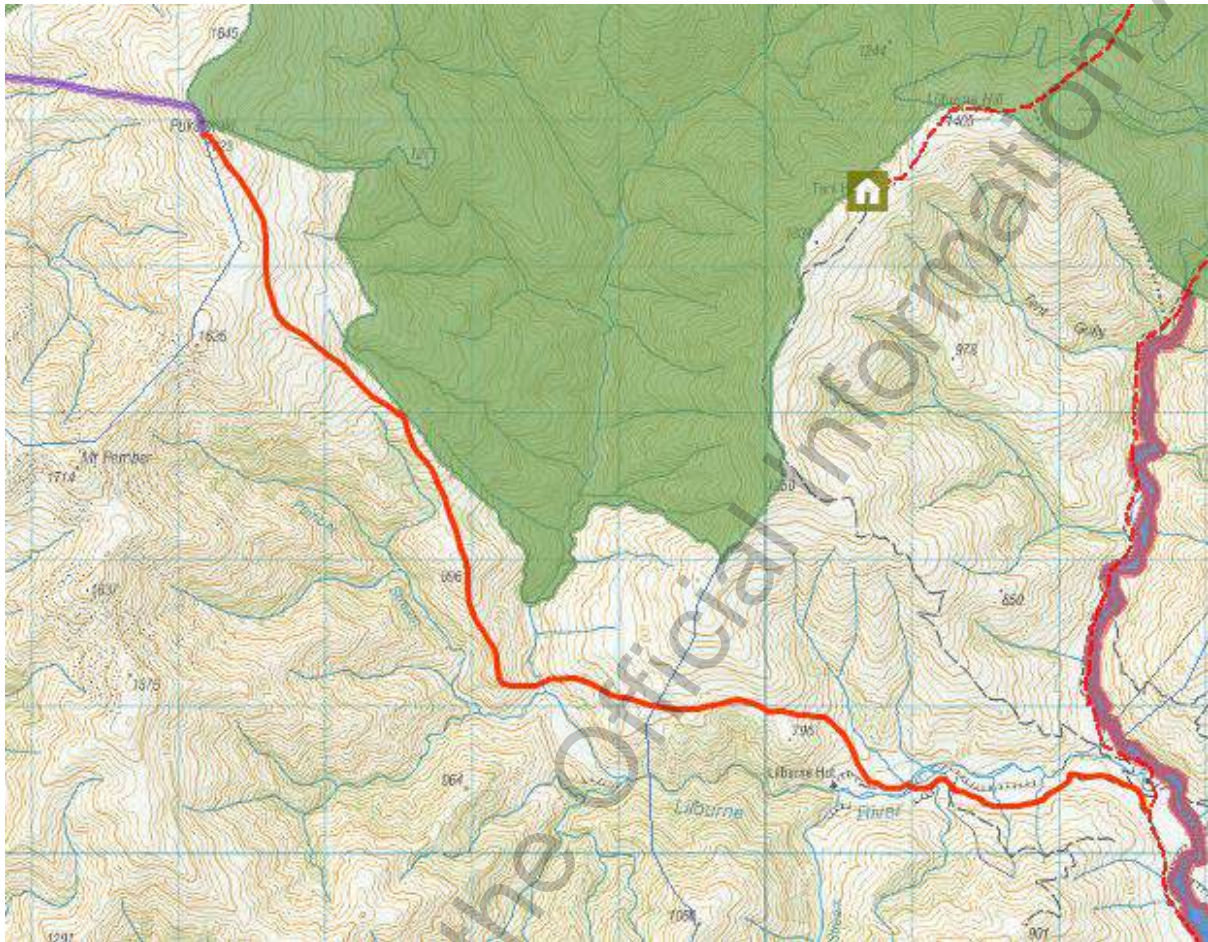


Figure 11: Lilburne Valley historic pack track; approximate route shown in solid red

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<sup>4</sup> Peter Hurst, pers comm

**Access alongside the Okuku River, Okuku Hill block**

- 4.18. A marginal strip exists on the true left of the Okuku River South Branch, forming part of the south-western boundary of the Okuku Hill block, and a marginal strip exists on the true right of the Okuku River, forming the eastern boundary (see Figure 12 below).

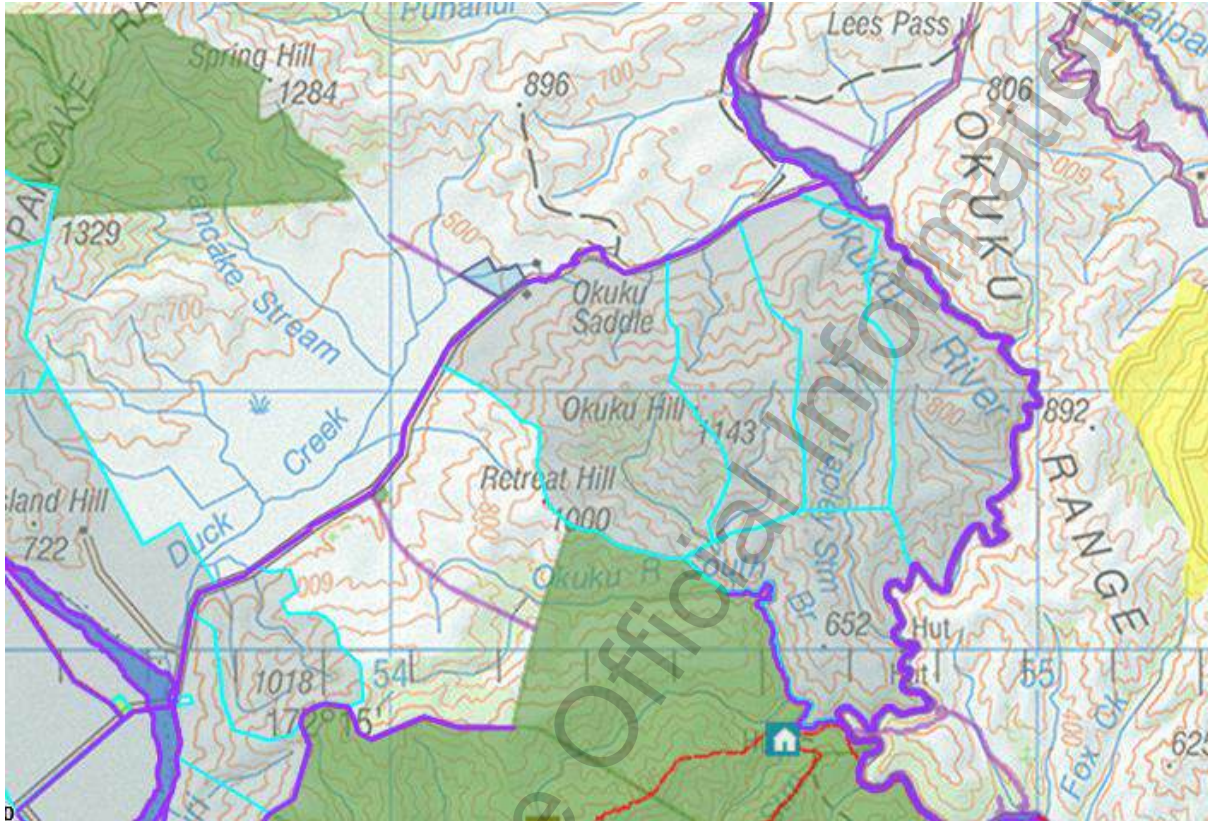


Figure 12: Okuku River access

### **Access to Mt Thomas Forest Conservation Area: Blowhard Track**

- 4.19. There is ULR in the vicinity of Dorman Stream (just south of the De Bourbles homestead) from the Ashley River to the conservation area and beyond (see Figure 13, and Appendix C, photos 13 -16). This was an historical stock route<sup>5</sup>, and forms part of the Blowhard track to/from the Glentui Valley.

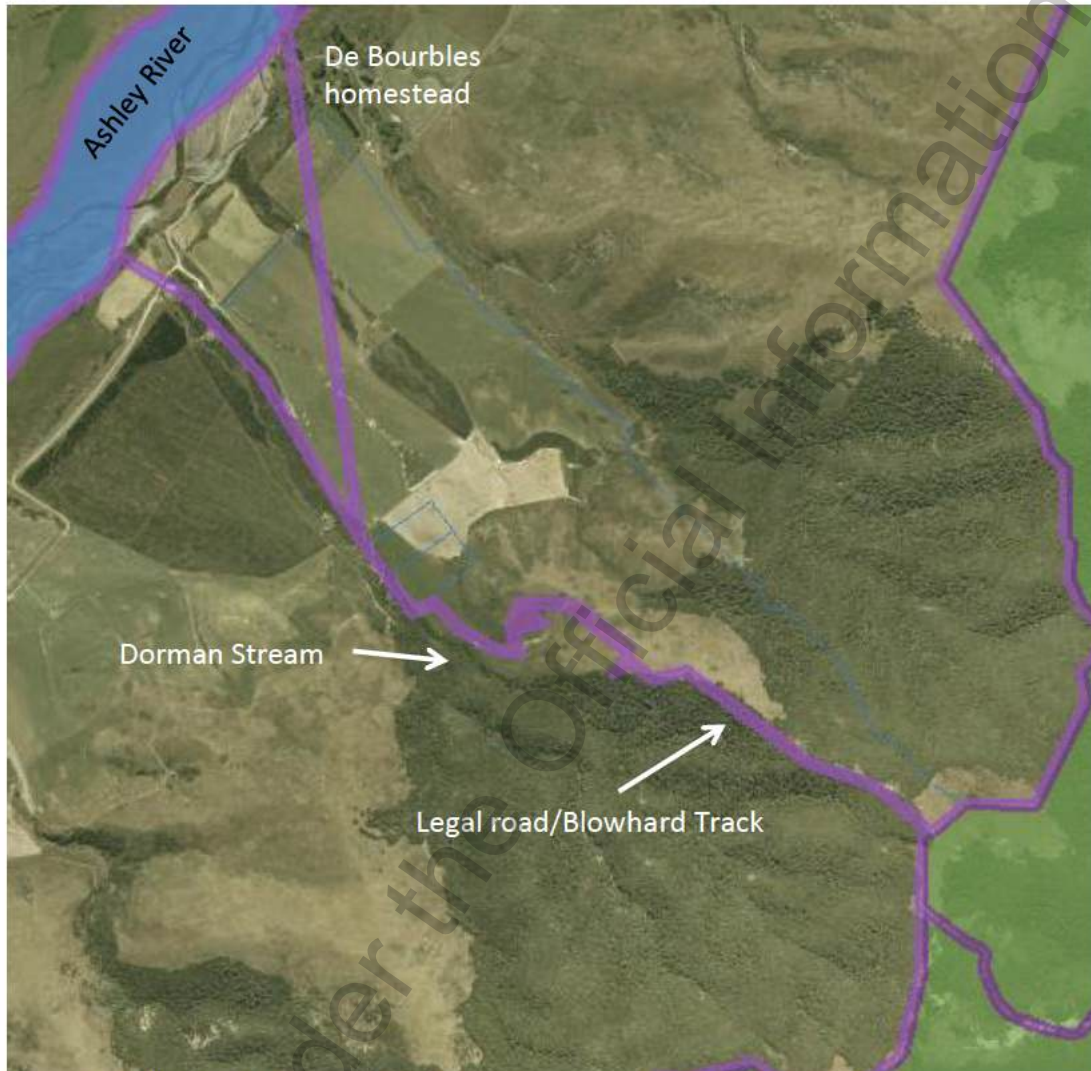


Figure 13: ULR and Blowhard Track

### **Access to the Ashley River**

- 4.20. ULR and/or marginal strips adjoin the Ashley River, north of the Lees Valley Road (see 4.12 and 4.14 above).
- 4.21. ULR adjoins the true left of the Ashley River south of the Lees Valley Road, down to the southern boundary of the property (and beyond).

<sup>5</sup> Foothills Forest brochure, Department of Conservation, 2008.

Acland, L.G.D. 1946. The Early Canterbury Runs: Containing the First, Second and Third (new) Series. Wharfedale – (Runs 21, 169 and 170).



- 4.22. ULR also adjoins the true right of the Ashley River south of the Lees Valley Road, down the Whistler River, and marginal strip adjoins the true right of the Ashley River from there down to the southern boundary of the property (and beyond).
- 4.23. The ULR and marginal strips adjoining the Ashley River are accessible from Lees Valley Road where it crosses the Ashley River, via the Whistler River from where Lees Valley Road crosses it, and from Wharfedale Road (see Figure 14).

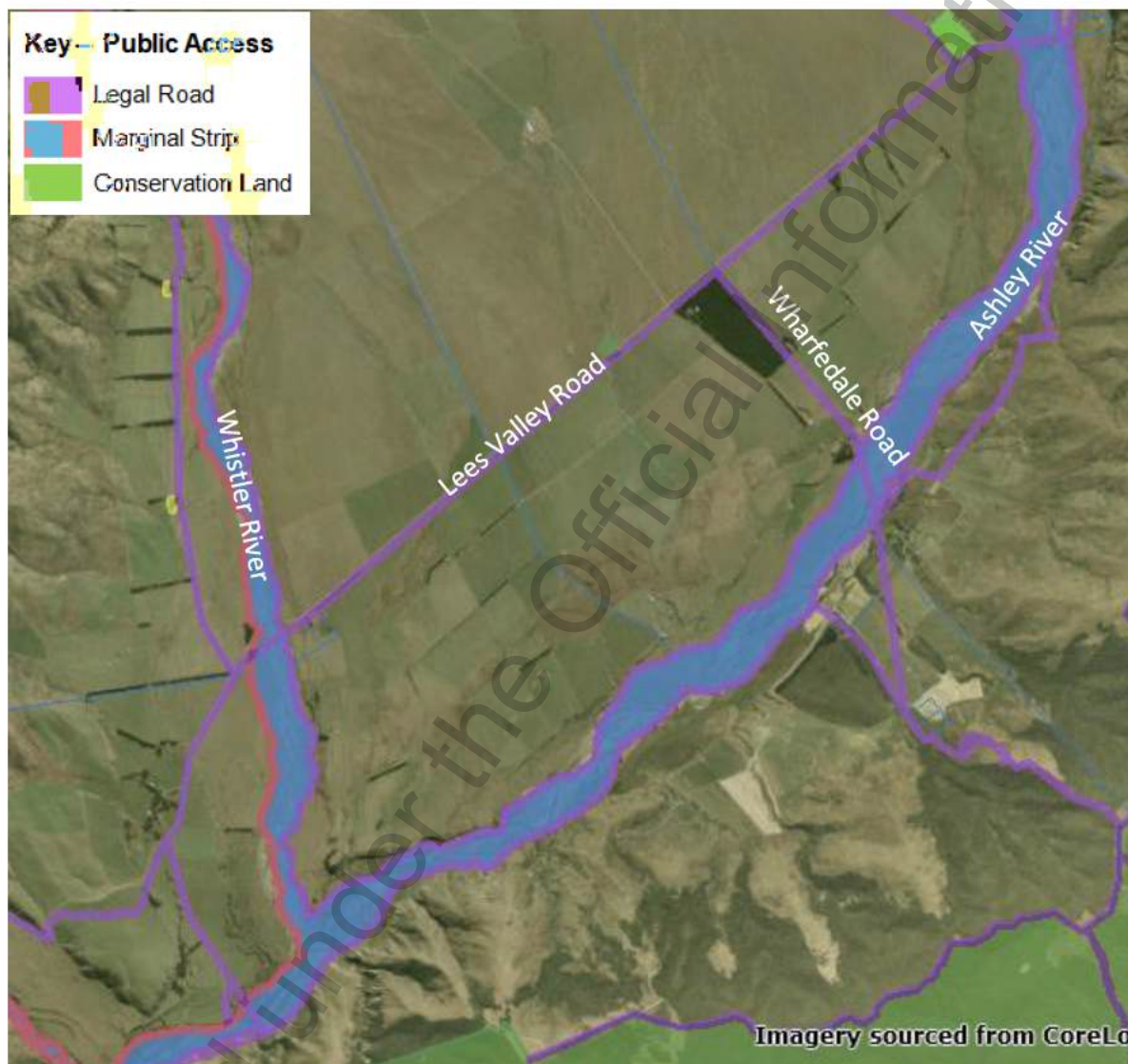


Figure 14: ULR and marginal strip adjoining the Ashley River

## 5. Priorities for access:

Section 9 Walking Access Act 2008 (WA Act) established the Objective of the Commission, including the negotiation of walking access and types of access that may be associated with walking access such as with motor vehicles.

Section 10 WA Act establishes the functions of the Commission including 1(g), negotiating rights in addition to any walking access such as the right of access with motor vehicles.

Section 11 WA Act sets out the Commission's statutory priorities for negotiating walking access over private land.

Consideration of priorities for access on Mt Pember/Lees Valley Station, are addressed in the table below.

<b>Consideration of priorities for access – Section 11 Walking Access Act 2008</b>	
<b><i>Desirability of access;</i></b>	<b><i>Recommended public access to address these priorities</i></b>
<i>11 (a) over land on the coast where there is not already walking access over the foreshore or the land adjoining the foreshore on its landward side:</i>	None, as there is no coast or foreshore adjoining this property.
<i>11 (b) over land adjoining rivers or lakes where there is not already walking access over the land:</i>	None, as there is already legal access adjoining the rivers.
<i>11 (c) to parts of the coast, rivers, or lakes to which there is not already walking access:</i>	None, as there is adequate legal access to the rivers.
<i>11 (d) being continuous over land adjoining the coast, rivers, or lakes (for example, by replacing walking access that has become obstructed by being submerged beneath a body of water):</i>	None, as there is continuous legal access adjoining the rivers.
<i>11 (e) to conservation areas (within the meaning of section 2(1) of the Conservation Act 1987):</i>	<ul style="list-style-type: none"> <li>i. Formalise walking, mountain biking and horse access on the existing DOC Townshend Track up the Townshend Valley to the Oxford Forest Conservation Area.</li> <li>ii. Formalise 4WD vehicle access up the Townshend Valley to the Oxford Forest Conservation Area.</li> <li>iii. Formalise walking access on the existing DOC Youngman Hut Stream Track up the Ashley Valley to the Puketeraki Forest Conservation Area.</li> <li>iv. Formalise walking access on the Tarn Hut Track from the Youngman Stream Hut Track near the junction of the Ashley and Lilburne Rivers, to the Puketeraki Forest Conservation Area, thereby creating an access loop in the Ashley headwaters.</li> <li>v. Formalise walking, mountain biking and horse access on the Blowhard Track to the Mt Thomas Forest Conservation Area.</li> </ul>
<i>11 (f) to areas of scenic or recreational value:</i>	<ul style="list-style-type: none"> <li>vi. Formalise walking access to the Puketeraki Range, with return loops</li> <li>vii. Formalise walking, and horse access up the Lilburne Valley to the Puketeraki Range.</li> </ul>
<i>11 (g) to sports fish (within the meaning of section 2(1) of the Conservation Act 1987) and game (within the meaning of section 2(1) of the Wildlife Act 1953).</i>	No specific recommendations, as there is already legal access to sports fish, and recommendations i-v above also address access to game.

## 6. Detailed Access Recommendations:

Neither Lees Valley Station LLC nor their property managers Grasslands LLC have been consulted regarding the formalising of any public access on the property. The recommendations in this report are intended to form the basis for such consultation, as per condition 6 of the OIO Notice of Decision (see Appendix B ).

### **Recommendations:**

#### **i DOC Townshend Track**

Formalise by way of easement, walking, mountain biking and horse access on the existing DOC track up the Townshend Valley, to the Oxford Forest Conservation Area.

While ULR technically provides legal access up the valley, and the Townshend Track appears to be generally coincident with much of it, the eastern end of the Townshend Track has been located away from the ULR to minimise any disruption to farming activities, and the route has not been formalised. The existing agreed access on the Townshend Track should be formalised to protect the valuable public access created by DOC.

#### **ii 4WD access Townshend Valley**

Formalise 4WD vehicle access up the Townshend Valley to the Oxford Forest Conservation Area.

There is ULR up the Townshend Valley and the 4WD access appears to be generally coincident with much of it, with the possible exception of the eastern end of the ULR. While the ULR is technically available for vehicle use, the existing practical 4WD access from the Lees Valley Road is initially on one of two farm tracks, and the previous owner allowed public 4WD vehicle access for a payment of approximately \$25, as a contribution towards the cost of maintain the 4WD access. Providing the payment is reasonable (in relation to track maintenance, particularly river crossings), and the track is usable, the majority of people wishing to drive up the valley have been reasonably happy. A similar arrangement could be formalised (possibly involving the New Zealand Deer Stalkers Association) to ensure both recreationalists and the landholder have a clear understanding of the process and responsibilities. If this is not possible, there could be recourse to use the ULR.

#### **iii DOC Youngman Stream Hut Track, Ashley Valley**

Formalise by way of easement, walking access on the existing DOC Youngman Stream Hut Track up the Ashley Valley to the Puketeraki Forest Conservation Area.

There is legal and practical vehicle access for some 3.2km across the Ashley flats on the ULR off Lees Valley Road, to a locked gate at the northern end of the ULR. While there is marginal strip on the true right of the Ashley River, the DOC track up the Ashley is on a practical route that generally follows a 4WD track but the route has not been formalised. The access should be formalised to ensure it is enduring practical access.

#### **iv Tarn Hut Track**

Formalise by way of easement, walking access on the Tarn Hut Track from the Youngman Stream Hut Track near the junction of the Ashley and Lilburne Rivers up the ridge to the Tarn Hut and to the Puketeraki Forest Conservation Area, thereby creating an access loop in the Ashley headwaters.

The Tarn Hut Track is a traditional tramping route and provides an important section of an access loop in the Ashley headwaters. The access should be formalised to ensure it is enduring practical access.

**v Blowhard Track**

Formalise walking, mountain biking and horse access on the Blowhard Track to the Mt Thomas Forest Conservation Area.

This is an historic route between Lees Valley and the Canterbury plains. The most practical public access may not always be on the ULR, and practical public access (e.g. alongside a fence) should be formalised by way of an easement where the access is not on the ULR.

**vi Puketeraki Range**

Formalise by way of easement, walking access to the Puketeraki Range, with return loops.

There has been traditional tramping access to the Puketeraki Range. The most common routes are loops, including the Whistler Valley to Chest Peak, with trampers then heading south or north along the range to complete a loop. Generally one loop comes back via Red Saddle and Mt Storm to the Snowdale faces, and another comes back via Mt Pember and the Lilburne Valley. Most access to and from Chest Peak is likely to be via the old skifield track.

**vii Lilburne Valley**

Formalise by way of easement, walking and horse access up the Lilburne Valley to the Puketeraki Range,

There is an historic pack track up the Lilburne Valley to Puketeraki and beyond. There is an increasing interest in horse trekking, and this route would also be part of the walking access loop in *vi* above.

## **7. Costs**

The OIO Notice of Decision, condition 6 (see Appendix B), provides that Lees Valley LLC will implement reasonable formal protection of access, and bear the cost to a maximum sum of \$20,000.

**Appendices:**

**Appendix A: Schedule of Land Lees Valley Station LLC**

<b>Tenure</b>	<b>Legal Description</b>	<b>Area (Ha)</b>	<b>CFR</b>
Leasehold	Run 298 Snowdale	5,920.5509	CB529/87
Leasehold	Run 300 Mt Pember	8,166.5563	CB529/31
Freehold	Section 2 & 3 Lees Valley Settlement	1,522.0226	CB35D/432
Freehold	Section 13 Lees Valley Settlement	1,612.6722	CB34C/668
Freehold	Section 21 Lees Valley Settlement	376.8000	CB32B/877
Freehold	Sections 22, 23 & 24 Lees Valley Settlement	2,270.6910	CB32F/687
Freehold	Lots 6-11, DP 2984	4,119.1333	CB315/264 (part cancelled)
Freehold	Lot 1, DP 26296	32.3116	CB8B/521
Freehold	Lot 2, DP 26296	0.0971	CB8A/1298
Freehold	Lot 1 DP 81317	1,306.0000	CB47A/1085
Freehold	Lot 2 DP 81317	1,916.0000	CB47A/1086
TOTAL		27,242.8350	

**Appendix B: WAC condition (6), OIO Notice of Decision 201310046**

WAC condition

6. The Applicant must consult with the New Zealand Walking Access Commission ("WAC") concerning whether any public access should be formalised. The Applicant must:
  - (a) Provide WAC with a copy of this condition of consent within 15 working days of the date of settlement with information identifying and describing the land including aerial photographs, maps and titles;
  - (b) Implement any reasonable formal protection recommended by WAC, the cost of which (up to a maximum sum of \$20,000) shall to be borne by the Applicant;
  - (c) Agree that any dispute, difference or claim between WAC and the Applicant will be referred to and finally resolved in arbitration in Wellington, New Zealand. The tribunal will consist of a sole arbitrator appointed by agreement between the parties or if the parties cannot agree by the President of the New Zealand Law Society;
  - (d) Share the cost of any arbitration equally with WAC (each party will be liable for their own legal costs); and
  - (e) Provide a copy of any award made by the arbitrator to the Overseas Investment Office within 15 working days of the award being made.

**Appendix C: Photographs**



*Photo 1: Start of DOC Track up the Townshend Valley, off Lees valley Road.*



Photo 2: Part way up the Townshend. Emergency route to avoid river crossings.



Photo 3: Foot/mountain bike bridge over Townshend Stream near boundary of Oxford Forest Conservation Area





*Photo 4: South-west along approximate line of ULR up the Townshend Valley, off Lees Valley Road.*

Released under the Official Information Act

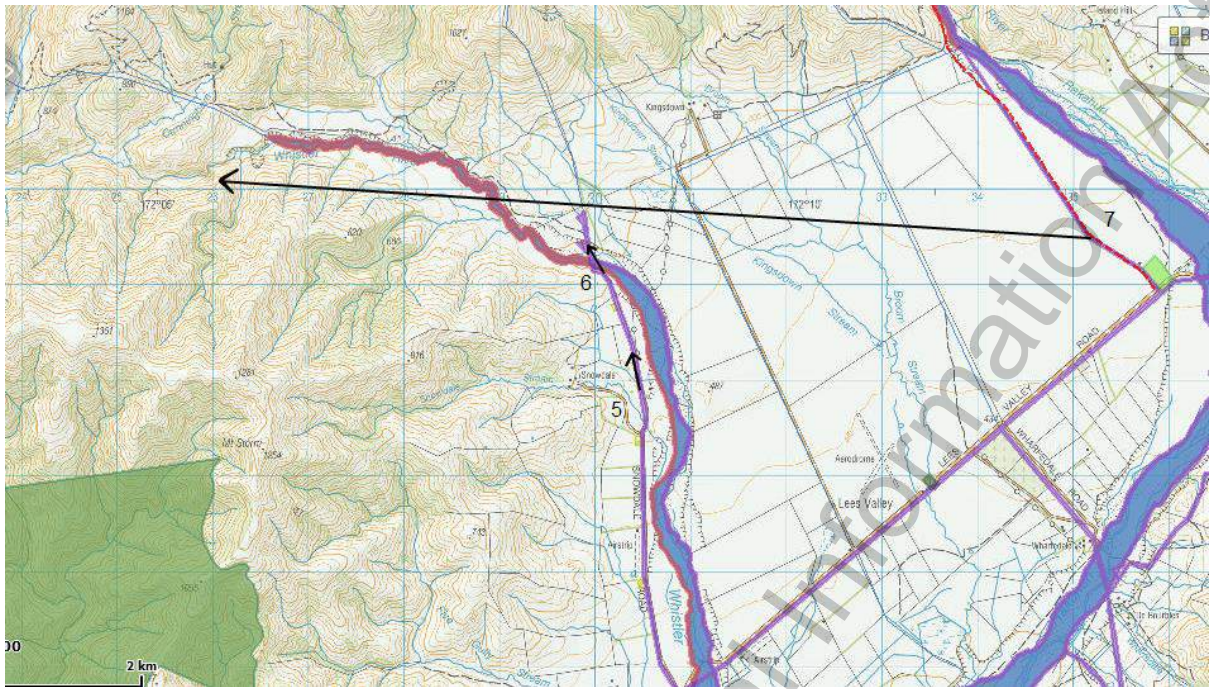


Photo 5: North up Snowdale Road near Snowdale homestead.



*Photo 6: North across Whistler River onto end of Snowdale Road ULR.*



*Photo 7: West up Whistler Valley onto Puketeraki Range (from the Ashley flats).*



Photo 8: North-west up Ashley ULR, off Lees Valley Road.



Photo 9: DOC signage behind locked gate at end of Ashley ULR – access to the Puketeraki Forest Conservation Area.



Photo 10: Actual start of the DOC track up the Ashley, to avoid locked deer gate.

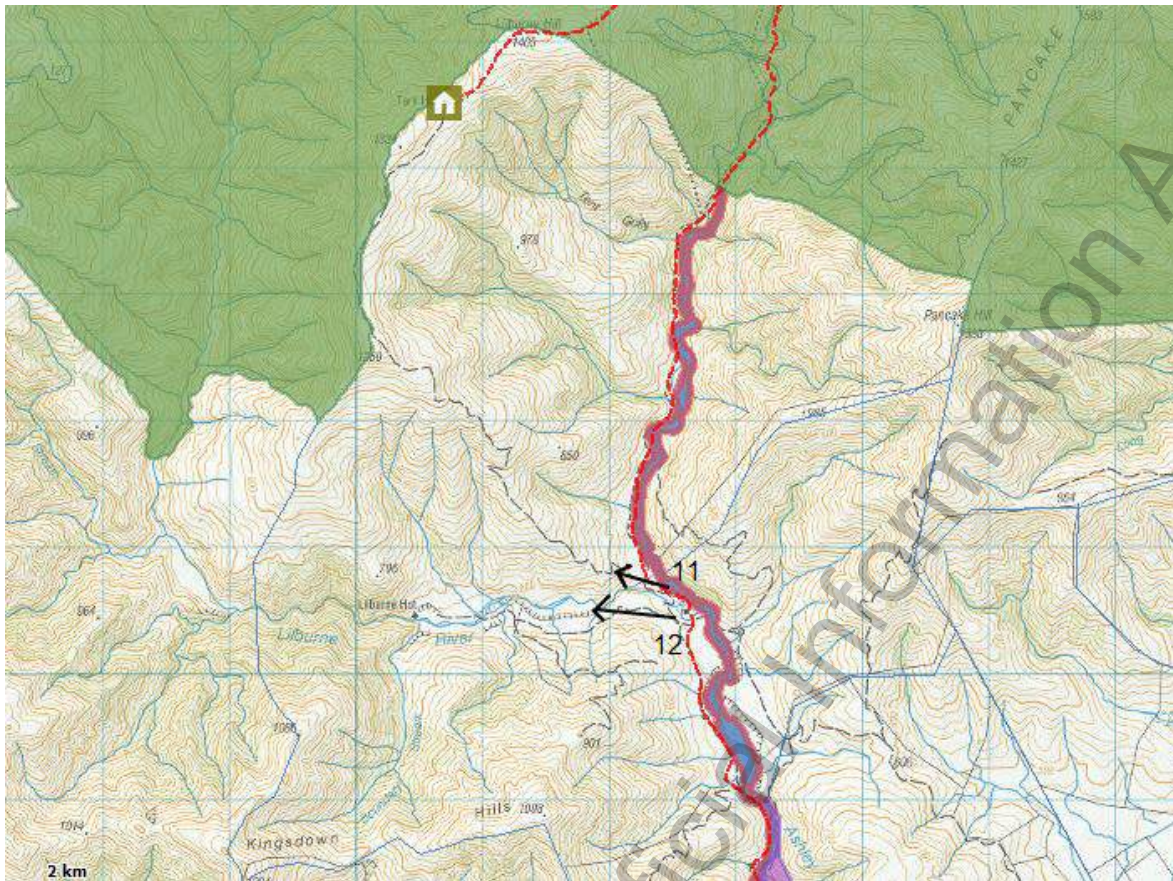


Photo 11: DOC signage indicating loop track in Ashley headwaters. Tarn Hut Track visible.



*Photo 12: West up the lower Lilburne Valley (Private Track No Access).*

Released under the Official Information Act

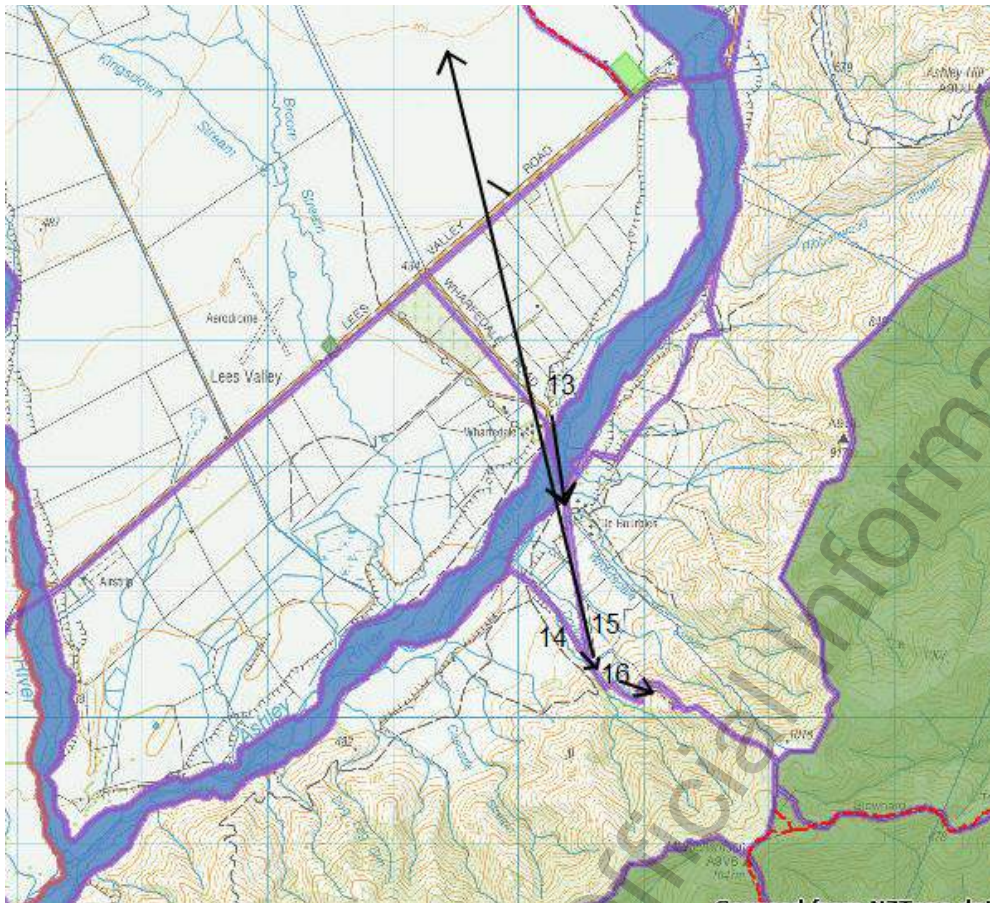


Photo 13: South along approximate line of ULR across Ashley River, from Wharfedale Road, to reach Blowhard Track.





*Photo 14: South-east up approximate line of Blowhard Track.*



*Photo 15: North from lower Blowhard Track, over De Bourbles and Wharfedale homesteads, towards the Ashley Valley.*



*Photo 16: West onto Blowhard Track, near boundary of the Mt Thomas Forest Conservation Area.*

Released under the Official Information Act



## - GRASSLANDS NZ, LLC -

Producing triple bottom line returns and leading the Brown Revolution® via  
the allocation of capital and human creativity into land based enterprises

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DATE: 21 December 2017

TO: Geoff Holgate, New Zealand Walking Access Commission

COPY TO: **section 9 (2) (a)** Station Manager Lees Valley Station, **section 9 (2) (a)** CEO Grasslands NZ, LLC

FROM:

**SUBJECT: Public Access over Lees Valley Station – Tentative Agreements to satisfy OIO condition**

---

Dear Geoff

Further to our meetings and correspondence, we set out below the points of agreement we have reached, subject of course to approval by the Board of Lees Valley Station, LLC (LVS), with regard to public access across parts of Lees Valley Station (the Property).

The relevant condition of LVS's OIO consent to acquire the Property was that LVS was required to consult with the New Zealand Walking Access Commission ("WAC") concerning whether any public access should be formalised. LVS is required, pursuant to the OIO consent, to implement any reasonable formal protection recommended by WAC, and bear up to a maximum sum of \$20,000. It is the desire of WAC and also LVS, to maintain access to these tracks and, importantly, access to public land (owned by Department of Conservation (DoC)) via these tracks while keeping with the notion that such access is over private land and a running farm/station.

We have had various meetings and correspondence with you to discuss the proposals initially recommended in the report commissioned by WAC and, more recently also with **section 9 (2) (a)**, to discuss and consider these proposals more deeply and to identify in which areas the access could be formalized, and which we did not consider necessary.

We have come to a tentative agreement with you regarding the aspects to be formalized in order to satisfy the condition of our OIO consent, which is of course subject to approval by the Board of LVS, in the United States. The details of these tentative agreements are set out below. You will note these are broken down into track sections, consistent with the initial report and our subsequent correspondence, with diagrams throughout to assist.

I would ask that you please review this and confirm to me that it reflects our mutual understanding. I will then seek the approval of the LVS Board and we can proceed with an Agreement to Grant an Easement, as noted below.

I look forward to hearing from you in the New Year and wish you a happy Christmas and holiday break.

Yours sincerely

**section 9 (2) (a)**

Operations Manager

Grasslands NZ, LLC

Lees Valley Station, Canterbury

## **DOC TOWNSHEND TRACK**

### ***Walking, mountain biking and horse access, Townshend Valley***

WAC proposed to formalise by way of easement, walking, mountain biking and horse access on the existing DOC track up the Townshend Valley, to the Oxford Forest Conservation Area.

Existing access deviates from the unformed legal road and instead via a track running through LVS property. Rather than use the unformed legal road, which would provide more interference with farm operations, we've agreed to keep the track where it currently is (D-B-C shown on image).

It is acknowledged that people accessing the DoC land do so for hunting and, as such, will have dogs with them. A requirement of the easement will be that dogs are to be under "effective control" and must have verifiable certification of dosage for sheep measles and provide the same to us if requested. This will be a requirement for any dogs brought onto LVS property, not only in this area.

We agreed that LVS would create or extend the parking area for vehicles by levelling an area on the roadside, not used for farming operations.

### ***4WD access, Townshend Valley***

WAC proposed to formalise 4WD vehicle access up the Townshend Valley to the Oxford Forest Conservation Area. The track currently used does not, once again, follow the unformed legal road. We proposed to retain access along the existing track (D-B-C shown on image and away from the Mt Pember yards). Vehicles will be permitted on the marked route only and signage will be installed to require gates to be left as found.

Vehicle access will be closed for lambing for 6 weeks, from late September until late November.

Currently, LVS charges \$25 per vehicle which contributes to road maintenance, with a gate key provided on payment. This will be retained and was agreed with WAC and DoC.



Figure 4: Access to Oxford Forest Conservation Area, Townshend Valley

## DOC YOUNGMAN STREAM HUT TRACK & TARN HUT TRACK, ASHLEY VALLEY

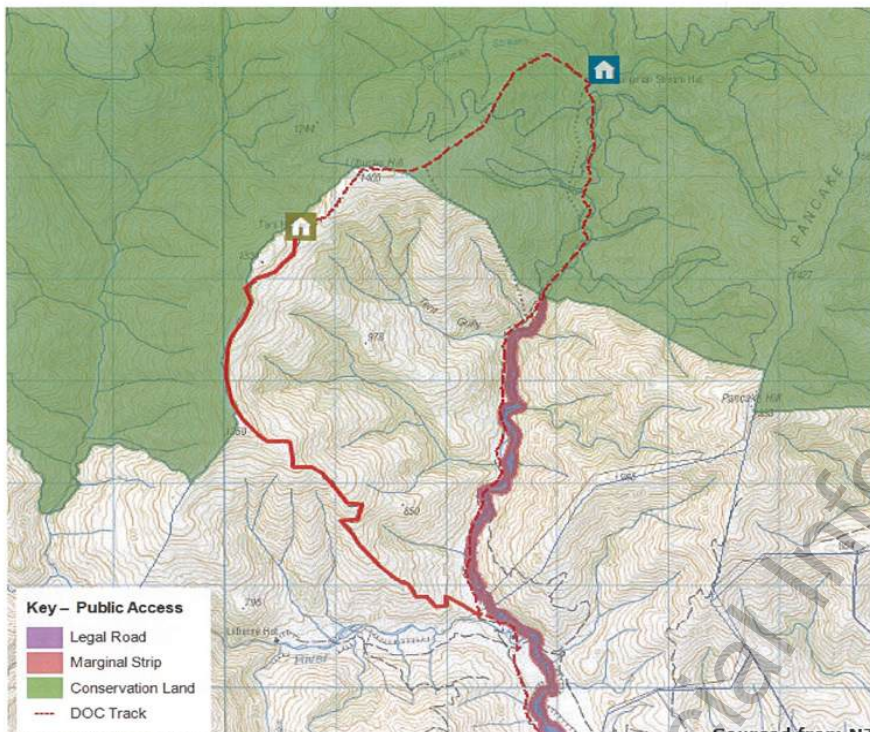


Figure 10: Tarn Hut track (in solid red), showing the round trip including Youngman Stream Hut Track (dotted red)

### DOC Youngman Stream Hut Track, Ashley Valley

WAC proposed to formalise by way of easement, walking access on the existing DOC Youngman Stream Hut Track up the Ashley Valley to the Puketeraki Forest Conservation Area. As much of this track runs along or alongside the marginal strip of the Ashley River, this was agreed.

Signage will be installed to note that walking access shall be on the farm track where practicable.

No dogs will be permitted in this area.

### Tarn Hut Track

WAC proposed to formalise by way of easement, walking and mountain biking access on the Tarn Hut Track (solid red in above diagram) from the Youngman Stream Hut Track near the junction of the Ashley and Lilburne Rivers up the ridge to the Tarn Hut and to the Puketeraki Forest Conservation Area, thereby creating an access loop in the Ashley headwaters.

This track is over LVS land with no marginal strip nor unformed legal road, but is a well established walking track which provides a return loop from the Youngman Stream Hut Track. It is possible to drive up this track but the easement will be for walking and mountain biking access only.

No dogs will be permitted in this area.

The Tarn Hut itself (a DoC hut) actually sits on LVS land. We see no reason to require this to be moved, but DoC's ownership of the hut itself will be included in the documentation by way of a licence to occupy.

The Tarn Hut track will be closed for lambing for 6 weeks late September until late November and also during April to allow undisturbed sheep grazing of the eastern faces.

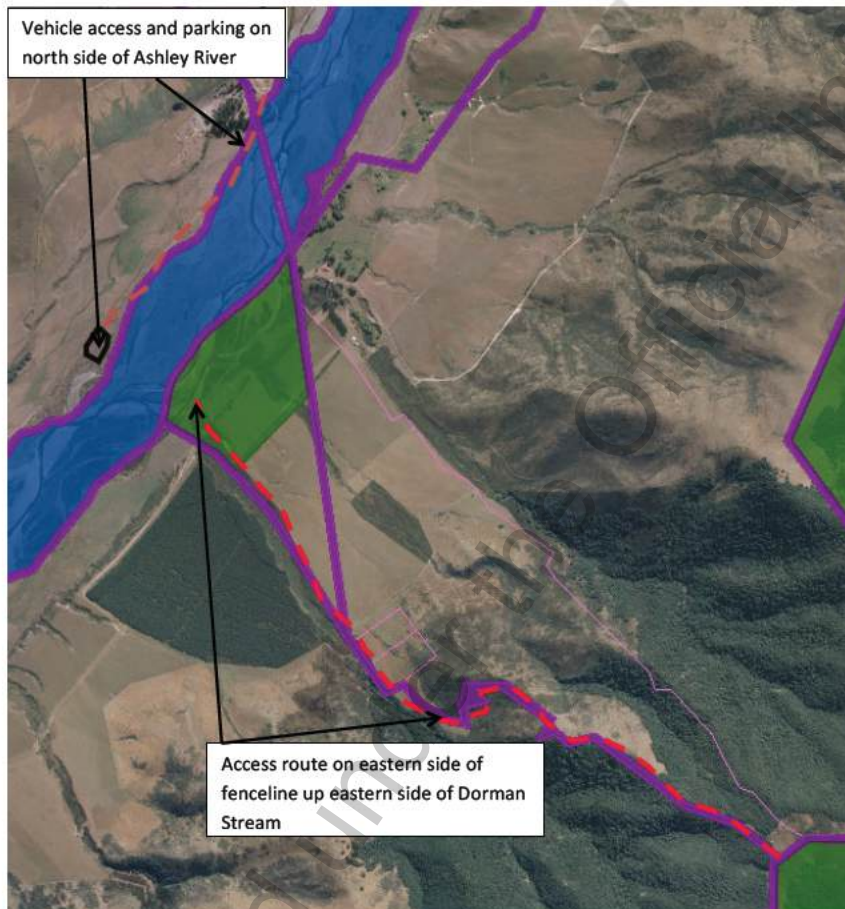
Signage will be installed at the Tarn Hut and entrance from the Tarn Hut track to advise of this closure.

## **BLOWHARD TRACK**

WAC has proposed to formalise walking, mountain biking and horse access on the Blowhard Track to the Mt Thomas Forest Conservation Area. The Blowhard Track is a well established track but its location poses potential access complexities.

It runs from the Ashley River, a little further along the river from the De Bourbles Homestead. Signage will be installed to divert members of the public away from the homestead. A parking area would be established on the north side of the Ashley River with signage warning of possible rapid changes in the river.

The access route will be up the eastern side of the fence line on the eastern side of Dorman Stream. While we consider it unlikely for dogs to be brought onto this area of the property, we will require that any dogs are to be under "effective control" and must have verifiable certification of dosage for sheep measles and provide the same to us if requested.



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### **Puketeraki Range and Lilburne Valley**

Walking access to the Puketeraki Range, with return loops, and walking and horse access up the Lilburne Valley to the Puketeraki Range was discussed, however it has been agreed that these tracks will not be the subject of a formal easement. Access will continue to be on a case by case basis. Consent to access these areas will not be unreasonably withheld, but may be withheld for operational purposes at LVS discretion.

### **Puketeraki Range**

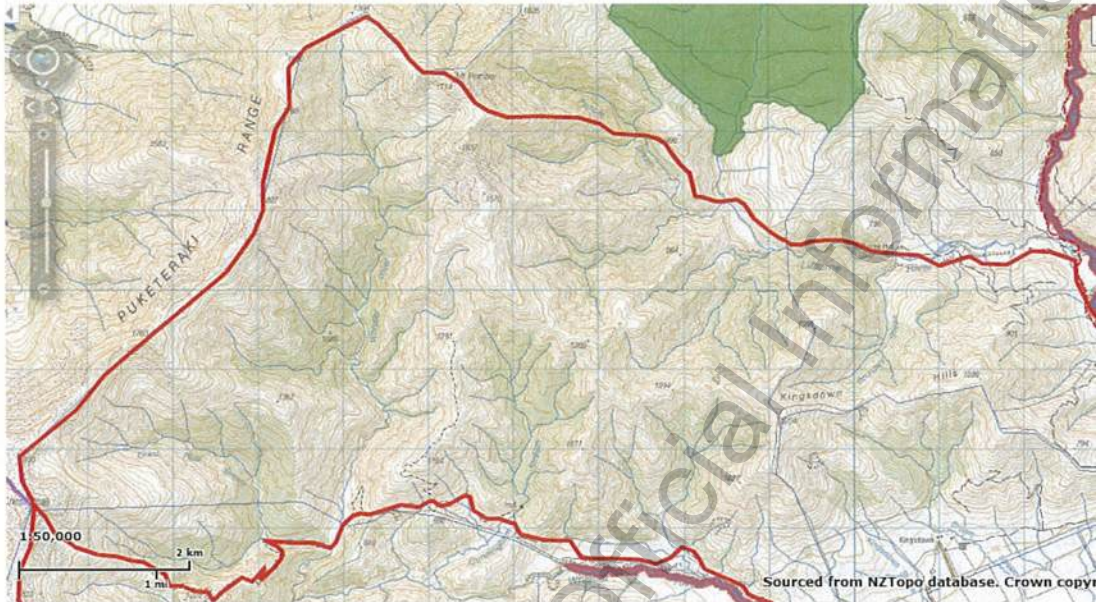


Figure 6: Whistler Access; typical circuit to Chest Peak and traverse north, shown in orange

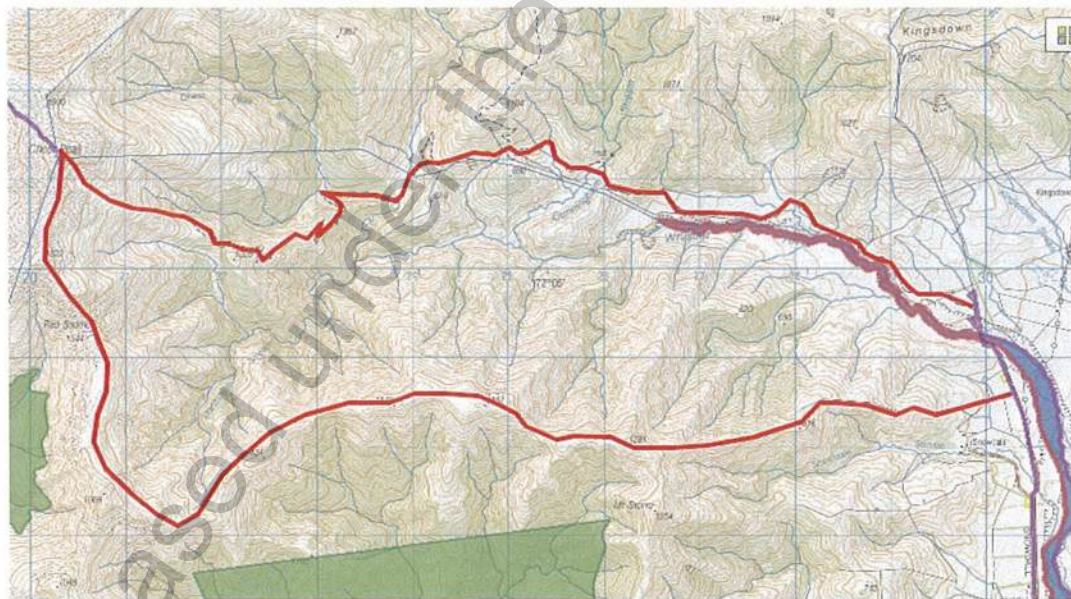


Figure 7: Whistler Access; typical circuit (shown orange) Chest Peak and return south

## Lilburne Valley

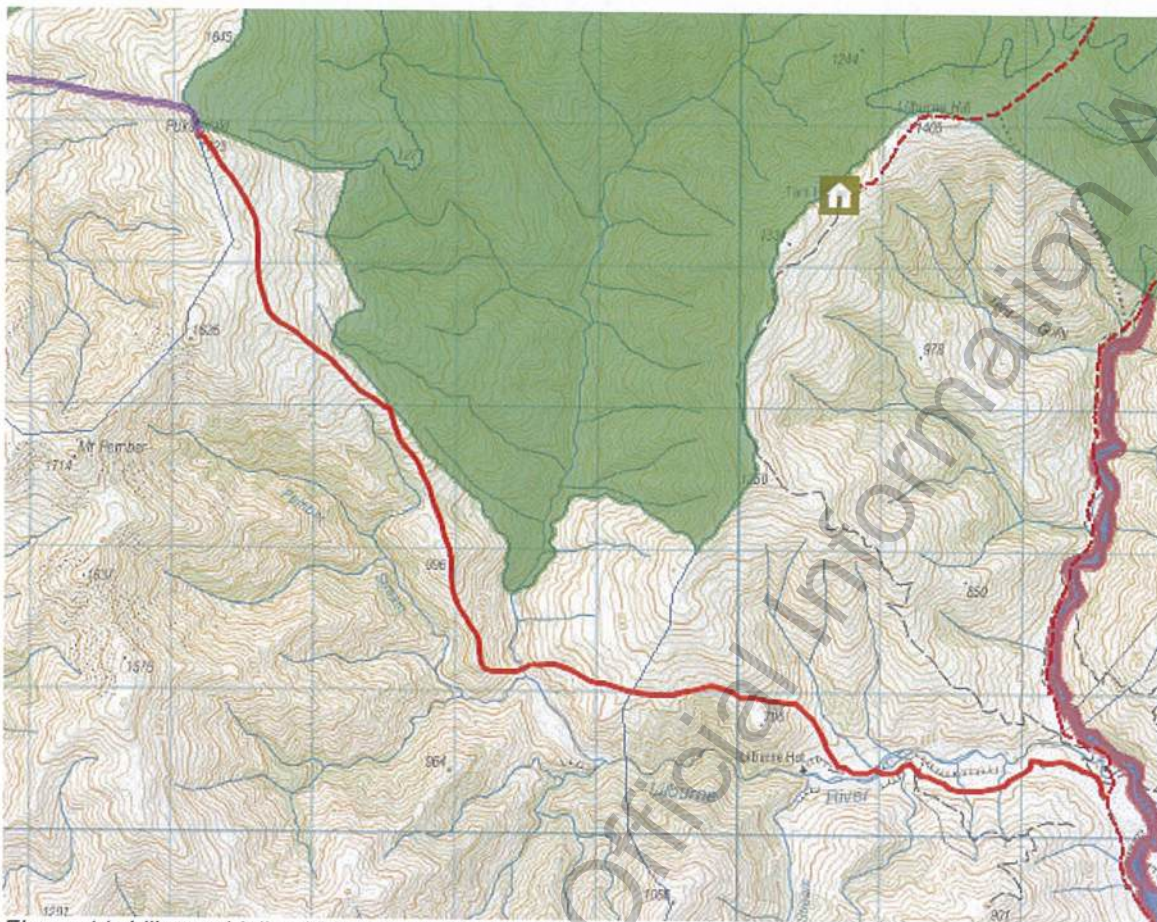


Figure 11: Lilburne Valley historic pack track; approximate route shown in solid red

**Firearms** – it will be a provision of the easement agreement (for all above areas) that any firearms carried anywhere on LVS property shall be unloaded. Signage will also be installed by DoC prohibiting shooting on private land. This is consistent with the access over LVS land being for the purpose of accessing public/DoC hunting areas.

**Dogs** – A requirement of the easement (for all above areas) will also be that any dogs brought anywhere onto the Property are to be under “effective control” and must have verifiable certification of dosage for sheep measles and provide the same to us if requested.

### Documentation and next steps

Once we confirm agreement to the above, we will need to formalize these matters into an Agreement to Grant an Easement setting out the terms above, and would incorporate the rights and obligations of each party as would be contained in a registrable easement instrument. Indicative routes would be identified in the agreement and, on a practical level would be identified by marked track on the property.

The registration of the easement itself is something we have discussed at relative length as, in order to do so, the routes will need to be surveyed. This can be an expensive exercise and, for a property the size of LVS and the areas proposed to be covered, may be an expense DoC does not wish to incur.

The OIO decision requires LVS to implement any reasonable formal protection recommended by the Commission, up to a maximum cost to LVS of \$20,000. This may be insufficient to complete survey and signage of all of the planned easements. Geoff Holgate is looking into the survey matters and it may be that this can be achieved at a lower cost for DoC than initially anticipated, whether due to suppliers or the possibility of funding within DoC for this. We have not yet had the feedback on these inquiries. Ultimately, an easement is preferable from the perspective of both LVS and DoC, but it is a question of cost.



While there may be insufficient funds to create formal easements at this initial stage, the agreement to grant easements would create an interest in land, which is caveatable. It would give Doc, as the interest holder, the right to lodge a caveat against dealings with the land. This would mean that no transfer or other dealing with the land could take effect without the consent of DoC. For example, if LVS was to sell the land at some point in the future, the caveat would serve as a notice to a potential purchaser that DoC held an interest in the land and any transfer would be subject to that interest. While a caveat is designed to be a temporary measure, there is no reason why this cannot remain until such a time as DoC is in a position to initiate survey and registration.

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# View Instrument Details



Instrument No 12421015.1  
Status Registered  
Date & Time Lodged 14 April 2022 15:00  
Lodged By section 9 (2) (a)  
Instrument Type Easement Instrument



Affected Records of Title	Land District
CB34C/668	Canterbury
CB47A/1086	Canterbury

Annexure Schedule Contains 3 Pages.

## Grantor Certifications

I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

## Signature

Signed by Scott James Holdaway as Grantor Representative on 14/04/2022 09:01 AM

## Grantee Certifications

I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

## Signature

Signed by Scott James Holdaway as Grantee Representative on 14/04/2022 09:01 AM

\*\*\* End of Report \*\*\*

**Form 22**

**Easement instrument to grant easement for use as a walkway**

(Section 109 Land Transfer Act 2017 and section 26 Walking Access Act 2008)

**Grantor**

Lees Valley Station, LLC

**Grantee**

New Zealand Walking Access Commission

**Grant of Easement**

The Grantor being the registered owner of the burdened land set out in Schedule A grants to the Grantee, in gross, the easement(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s)

**Schedule A**

Purpose of Easement	Shown (plan reference)	Burdened Land (Record of Title)	Benefited Land (Record of Title) or In gross
Walkway under the Walking Access Act 2008	A, B, C, AX, D, E DP 544455	CB47A/1086	In gross
Walkway under the Walking Access Act 2008	A on DP 81317	CB34C/668	In gross

**Easements rights and powers (including terms, covenants and conditions)**

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2018.  
The implied rights and powers are hereby **added to** by the provisions set out in Annexure Schedule 1.

Released under the Official Information Act

## Annexure Schedule 1

**It is hereby agreed and declared that**

Subject to the grant created by this instrument the Grantors and its, his, her or their heirs or assigns may continue to exercise all of the rights of a registered proprietor over the land subject to the right.

**Rights, Powers and Remedies****Walkway**

1. The right of way easement in gross created by this instrument expresses a grant to the New Zealand Walking Access Commission for use as a walkway under the Walking Access Act 2008 of a right of way in gross on foot only to permit any member of the public to pass and repass and perform any non-commercial activity that is reasonably incidental to that of passing and repassing over the land subject to the right.
2. The rights, powers and remedies which apply to the above grant are specified in the Walking Access Act 2008 and prevail if, and to the extent that, they are inconsistent with the covenants implied by s111 of the Land Transfer Act 2017.
3. "Grantee" shall mean the New Zealand Walking Access Commission ("the Commission"), and includes any Controlling Authority of this easement appointed by the Commission for the purposes of the Walking Access Act 2008 and the agents, employees, contractors, tenants, licensees, and other invitees of either the Commission or the Controlling Authority respectively.
4. Clause 12 of Schedule 5 of the Land Transfer Regulations 2018 must be read subject to the above definition of "Grantee" so that liability for damage arising from entering and doing work on the walkway or other land specified in that clause falls on either the Commission or the Controlling Authority as may be appropriate.

**Special Easement Terms**

5. The standard easement terms contained above must be read subject to the special easement terms set out below.

**Animals**

6. Members of the public are not permitted to be accompanied by any animals on the Burdened Land at any time.

**Right to pass with bicycles**

7. The Grantor and the Grantee also agree that this easement grants a right for members of the public to pass and repass by bicycles which have no motor or power assistance of any kind over easement areas marked A, B and C on DP544455, for the purposes of access to and from the Tarn Hut Track easement (being areas AY and AZ on DP544455 registered over the Burdened Land).

**Right to pass with vehicles**

8. The Grantor and Grantee also agree that this easement grants a right for members of the public to pass and repass by vehicles and/or bicycles which have no motor or power assistance of any kind over the area marked A on DP81317, for the purposes of access to and from the Youngman Stream Track (as recorded in this easement instrument) and to the Tarn Hut Track easement (being areas AY and AZ on DP544455) registered over the Burdened Land. The parties agree that rights to pass along area A DP81317 are intended as an alternative to the right to pass over the unformed legal road indicated on DP81317, in order to access those tracks.

**Firearms**

9. If a member of the public holds a hunting permit issued by the Director-General of Conservation, that person may cross the easement area with a firearm provided it is unloaded at all times. As a condition of access, any such person must produce the permit on request by the Grantor or Grantee.

**Limitation on liability**

10. For the avoidance of doubt, the Grantor and the Grantee agree and acknowledge that section 66 of the Walking Access Act 2008 applies to all access granted pursuant to this easement.

**General**

11. The Grantor and the Grantee also agree that subject to controlling authority approval, vehicles may be taken by the Grantee on to the walkway for maintenance purposes only.

**Agreement**

This instrument is the entire agreement of the Grantor and Grantee.

# View Instrument Details



Instrument No 12421015.2  
Status Registered  
Date & Time Lodged 14 April 2022 15:00  
Lodged By section 9 (2) (a)  
Instrument Type Easement Instrument



Affected Records of Title      Land District  
CB47A/1086                      Canterbury

Annexure Schedule Contains 3 Pages.

## Grantor Certifications

I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

## Signature

Signed by Scott James Holdaway as Grantor Representative on 12/04/2022 09:32 AM

## Grantee Certifications

I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

## Signature

Signed by Scott James Holdaway as Grantee Representative on 14/04/2022 09:01 AM

\*\*\* End of Report \*\*\*

**Form 22**

**Easement instrument to grant easement for use as a walkway**

(Section 109 Land Transfer Act 2017 and section 26 Walking Access Act 2008)

**Grantor**

Lees Valley Station, LLC

**Grantee**

New Zealand Walking Access Commission

**Grant of Easement**

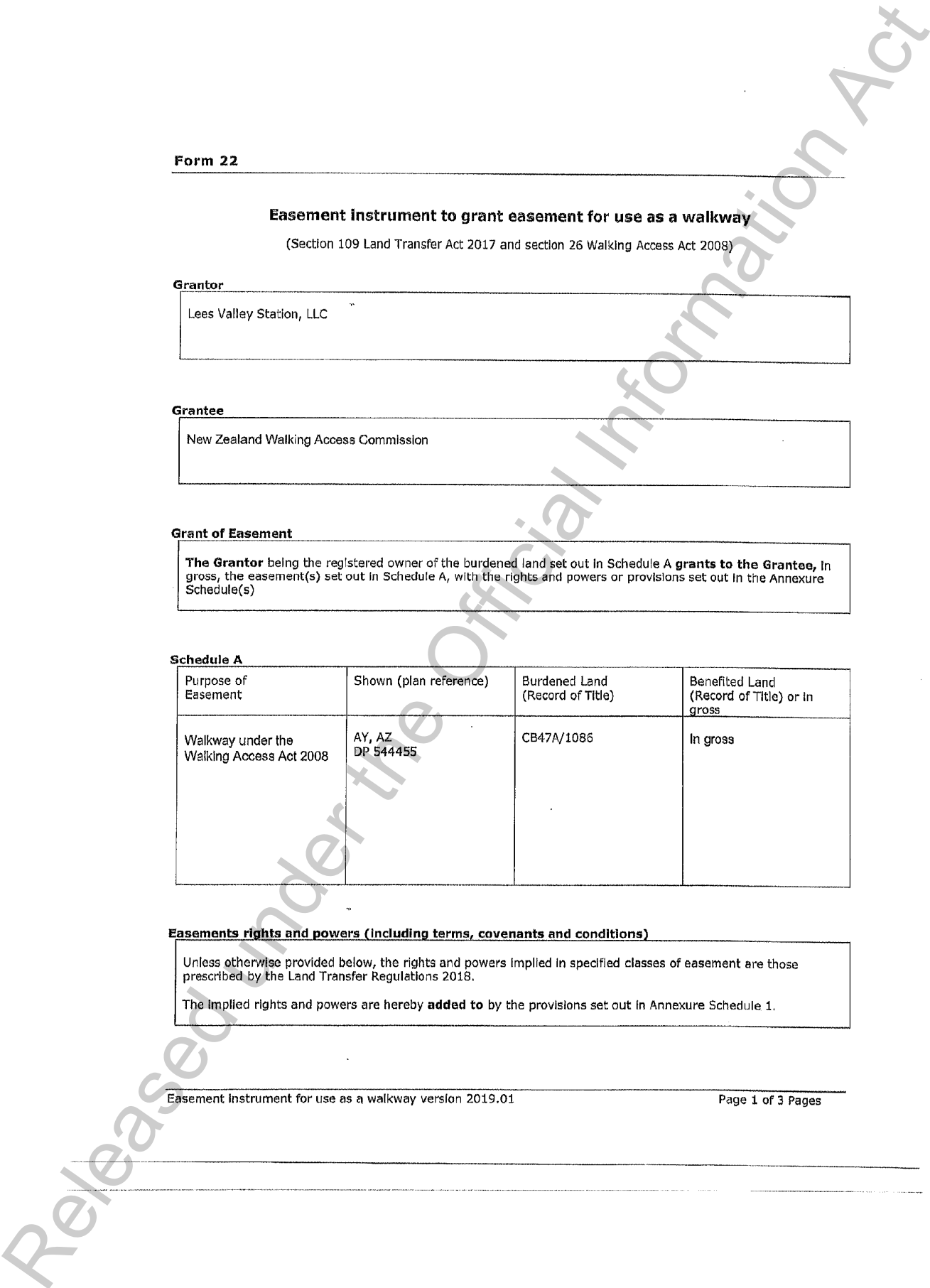
The Grantor being the registered owner of the burdened land set out in Schedule A grants to the Grantee, in gross, the easement(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s)

**Schedule A**

Purpose of Easement	Shown (plan reference)	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Walkway under the Walking Access Act 2008	AY, AZ DP 544455	CB47A/1086	In gross

**Easements rights and powers (including terms, covenants and conditions)**

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2018.  
The implied rights and powers are hereby **added to** by the provisions set out in Annexure Schedule 1.



## Annexure Schedule 1

**It is hereby agreed and declared that**

Subject to the grant created by this Instrument the Grantors and Its, his, her or their heirs or assigns may continue to exercise all of the rights of a registered proprietor over the land subject to the right.

**Rights, Powers and Remedies****Walkway**

1. The right of way easement in gross created by this instrument expresses a grant to the New Zealand Walking Access Commission for use as a walkway under the Walking Access Act 2008 of a right of way in gross on foot only to permit any member of the public to pass and repass and perform any non-commercial activity that is reasonably incidental to that of passing and repassing over the land subject to the right.
2. The rights, powers and remedies which apply to the above grant are specified in the Walking Access Act 2008 and prevail if, and to the extent that, they are inconsistent with the covenants implied by s111 of the Land Transfer Act 2017.
3. "Grantee" shall mean the New Zealand Walking Access Commission ("the Commission"), and includes any Controlling Authority of this easement appointed by the Commission for the purposes of the Walking Access Act 2008 and the agents, employees, contractors, tenants, licensees, and other invitees of either the Commission or the Controlling Authority respectively.
4. Clause 12 of Schedule 5 of the Land Transfer Regulations 2018 must be read subject to the above definition of "Grantee" so that liability for damage arising from entering and doing work on the walkway or other land specified in that clause falls on either the Commission or the Controlling Authority as may be appropriate.

**Special Easement Terms**

5. The standard easement terms contained above must be read subject to the special easement terms set out below.

**Right to pass with bicycles**

6. The Grantor and the Grantee also agree that the easement grants a right for members of the public to pass and repass by bicycles which have no motor or power assistance of any kind.

**Closure**

7. Access shall be closed for farming operational requirements from 1 October to 20 November (inclusive) and the month of April in each calendar year.

**Animals**

8. Members of the public are not permitted to be accompanied by any animals on the Burdened Land at any time.

**Firearms**

9. If a member of the public holds a hunting permit issued by the Director-General of Conservation, that person may cross the easement area with a firearm provided it is unloaded at all times. As a condition of access, any such person must produce the permit on request by the Grantor or Grantee.



**Tarn Hut**

10. The Grantor and Grantee agree and acknowledge that the Tarn Hut, marked AZ on Deposited Plan 544455 is owned by the Department of Conservation but sits on the Burdened Land. The Grantor shall in no way be liable for maintenance or any other obligation in respect of the Tarn Hut, such obligations shall instead be the burden of the Department of Conservation. The Department of Conservation shall, at any time, be entitled to move the Tarn Hut from the Burdened Land and relocate the Tarn Hut onto land owned by it, provided it makes good any damage to the Burdened Land. For the purposes of Part 2 Subpart 1 of the Contracts and Commercial Law Act 2017, this clause is for the benefit of and intended to be enforceable by the Department of Conservation.

**Limitation on liability**

11. For the avoidance of doubt, the Grantor and the Grantee agree and acknowledge that section 66 of the Walking Access Act 2008 applies to all access granted pursuant to this easement.

**General**

12. The Grantor and the Grantee also agree that subject to Controlling Authority approval, vehicles may be taken by the Grantee on to the Walkway for maintenance purposes only.

**Agreement**

This instrument is the entire agreement of the Grantor and Grantee.