

[REDACTED]

21 November 2024

Tēnā koe [REDACTED]

**Official information request for information relating to Tasmin Pine Forest Ltd (TPFL) recreational access.**

I refer to your official information request dated 4 November 2024, as follows:

*"[...] to understand the current access law and especially*  
*- that is based on statute*  
*- that is variable according to policy of the incumbent government.*  
*- what [Herenga ā Nuku] has managed to achieve regarding recreational access over land owned by TPFL.*

*In this instance I would welcome extra information to help identify discrepancies in decisions that negatively affect recreation access over TPFL land, and where it may be possible for action to overcome forestry company resistance to affirming or establishing reasonable access. Answer to these queries could help.*

*Question 1. What is the legal status of the David Parker / Helen Clark announcement regarding the increased ability of NZ govt to negotiate new public access to conservation land. Was this confirmed by statute? (Think this was back around 2008.)*

*Question 2. Regarding access that [Herenga ā Nuku] sought to confirm with TPFL. Can you confirm the number of routes sought and the number you were successful with?*

*Q.3. What routes in Nelson Marlborough rejected by TPFL, were desirable for assuring long established or historic tramping access?*

*Q4. What were the reasons given by the Company for rejection of affirming these?*

*Q5. Is the large proportion of TPFL rejections reasonable?*

*Q6. Is there any channel for reviewing forestry company rejections of previously available public access across crown forest land... using the public interest argument?*

*It is a tragedy if this was all lost with the passage of the 1989 crown forestry assets act. Ideally I would like to identify avenues for corrective action. "*

Our response to Questions 1-4 and 6 is below:

Q1. Herenga ā Nuku does not hold this information. However, it is publicly available on the Land Information New Zealand website. Information about the Overseas Investment Act, including previous and current Ministerial directive letter is here: <https://www.linz.govt.nz/our-work/overseas-investment-regulation/legislation-ministers-and-delegated-powers>. Information about the history of the Overseas Investment Office (OIO) is

here: <https://www.linz.govt.nz/our-work/overseas-investment-regulation/history-overseas-investment-office>.

- Q2. We understand your query is relevant to the overseas investment decision 20161009 – Sumitomo Forestry Co Ltd. The decision summary is publicly available here: <https://www.linz.govt.nz/our-work/overseas-investment-regulation/decisions/2016-06/201610009>. We have attached 13 reports, which present our recommendations for providing, protecting or improving walking access over land subject to OIO consent decision 201610009.
- Q3. This information can be found in the attached reports (refer to Q2) – see the 'Access Assessment', 'Priorities for public access' and 'Access Recommendation' sections of each report.
- Q4. We have attached a memo sent to TPFL listing our access recommendations, including the comments directly provided to us by TPFL.
- Q6. Under the Crown Forest Assets Act 1989, Crown Forest had Public Access Easements created on appropriate routes to secure public access through the forests on defined routes (subject to the conditions in the easement instruments). These are legal easements which have been registered on the forest titles and remain on the land titles through successive owners. These can only be removed using a process provided in sections 26-27 of the Crown Forest Assets Act and include public consultation as part of that process. The Crown Forest Assets Act is publicly available here: <https://www.legislation.govt.nz/act/public/1989/0099/latest/whole.html#DLM192341>.

Unfortunately, Herenga ā Nuku does not hold the information to answer Question 5. To provide you with further context, please note that OIO Notice of Decision 20161009 sets out the 'Walking Access' conditions of consent and requires that '*[t]he Consent Holder must consult with WAC [now Herenga ā Nuku Aotearoa, Outdoor Access Commission] to determine what the Consent Holder can reasonably do (having regard to the proposed use of the Land, the impact of the access initiative on such use, and the costs and obligations on the Consent Holder in implementing the relevant access initiative)...*'. The full wording of the 'Walking Access' conditions of consent are in the appendices of the attached reports. The reports detail the access recommendations that we considered reasonable at the time and are intended to form the basis for consultation as per the consent condition (refer to Q2). TPFL then provided feedback, including any rejections, on the recommendations (refer to Q4 and the attached memo). We do not hold information on whether TPFL's feedback was reasonable. I am therefore refusing this part of your request under section 18(g) of the OIA because the information is not held.

Please note that our policy is to proactively release our responses to official information requests 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.

You have the right to seek an investigation and review of this response by the Ombudsman. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Nāku noa, nā

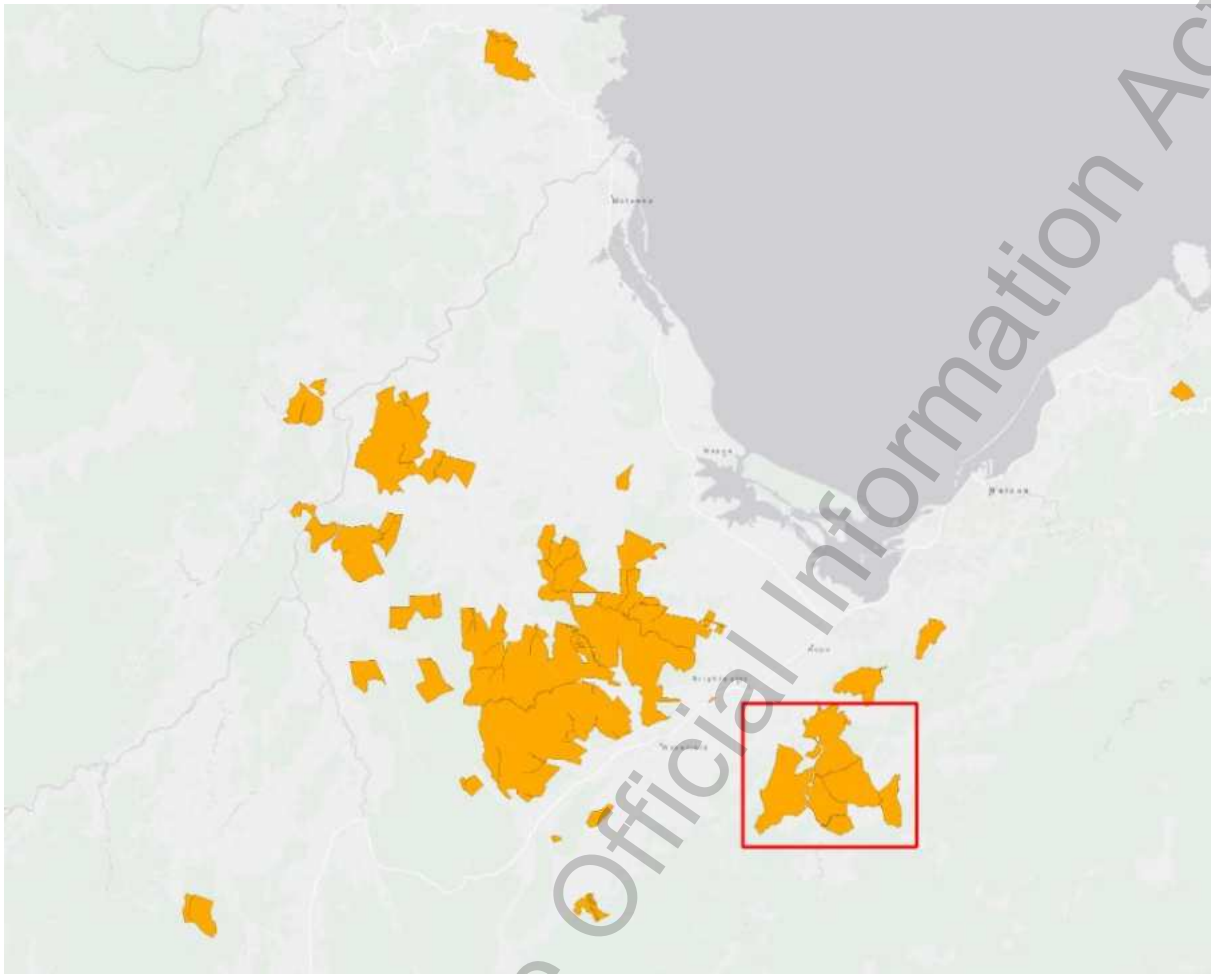


Kirsti Douglas, National Operations Manager

- Encl. Report [2018 06]: Access Recommendations 1 – Lee Valley OIO 201610009  
Report [2018 06]: Access Recommendations 2 – Buchanan Forest OIO 201610009  
Report [2018 06]: Access Recommendations 3 – Moutere North / Moutere South OIO 201610009  
Report [2018 06]: Access Recommendations 4 – Pearse Forest OIO 201610009  
Report [2018 06]: Access Recommendations 5 – Eatwell Forest OIO 201610009  
Report [2018 06]: Access Recommendations 6 – Stanley Brook 1,2,3 Forests OIO 201610009

Report [2018 06]: Access Recommendations 7 – Riwaka Forest OIO 201610009  
Report [2018 06]: Access Recommendations 8 – Slippery Creek Forest OIO 201610009  
Report [2018 06]: Access Recommendations 9 – Whangamoā Forest OIO 201610009  
Report [2018 06]: Access Recommendations 10 – Greenhill and Orinoco Forests OIO 201610009  
Report [2018 06]: Access Recommendations 11 – Richmond Forest OIO 201610009  
Report [2018 06]: Access Recommendations 12 – 88 Valley 01 and 02 OIO 201610009  
Report [2018 06]: Access Recommendations 13 – Mahana OIO 201610009  
Memo [2023 05]: TPFL access recommendations with comments

# Lee Valley



OIO Case 201610009  
Tasman Pine Forests Ltd

## **Access Recommendations**

Report 1 of 13



NZ Walking Access Commission – June 2018

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# Recommendations for public access

**Case:** CMS 3535  
**OIO Case:** 201610009  
**Applicant:** Sumitomo Forestry Company Limited  
**Representative:** Unknown  
**Property Manager:** Tasman Pine Forests Ltd (section 9 (2) (a) General Manager)  
**Local Authority:** Tasman District Council  
**Case Received:** 21 July 2016  
**Field Inspections:** 26 April 2017, 1 January 2018  
**Report Date:** 27 June 2018  
**Legal details:** Below, as supplied by Tasman Pine Forests Ltd

| Certificates of Title          | Legal Description  | Area (ha)    |
|--------------------------------|--|--------------|
| 500315                         | Lot 1 DP 11439 and Section 87-99 Square 1 and Lot 2 DP 425410                            | 109.4653     |
| 500882<br>Limited as to titles | Part Section 6 Block 1 Waimea East District (interests, covenant under RMA)              | 13.4 approx. |
| NL109/245                      | Section 10 Block XV Waimea Survey (prior ref NLPR 12/3 WA418)                            | 265.4738     |
| NL18/94                        | Section 1 Block XIV Waimea Survey District   | 61.0468      |
| NL21/34                        | Section 4 Block XIV Waimea Survey District   | 201.5334     |
| NL2B/177                       | Section 6 Block XIV Waimea Survey District and Section 2 Block XV Waimea Survey District | 78.8125      |
| NL30/23                        | Section 4 Block XV Waimea Survey District  | 121.4057     |
| NL30/26                        | Section 5 Block XV Waimea Survey District  | 128.5282     |
| NL33/164                       | Part Section 25 Square 44  | 3.9077       |
| NL33/252                       | Part Section 2 Block XIV Waimea Survey D   | 9.5278       |
| NL3A/319                       | Section 8 Block XV Waimea Survey D   | 123.0244     |
| NL3A/320                       | Section 12 Block XIV Waimea Survey D (prior ref NL38/29)                                 | 186.1554     |
| NL3A/321                       | Section 13-14 Block XIV Waimea Survey D  | 232.5273     |
| NL46/42                        | Lot 2 DP 995   | 84.1746      |
| NL4A/743                       | Lot 1 DP 8549 (ROW)  | 50.1888      |
| NL4A/977                       | Part Section 21-23 Square 44 and Part Section 1-2 Block I Waimea South District          | 348.2705     |
| NL4D/922                       | Part Section 32 Square 44  | 2.2634       |
| NL51/235                       | DP 1385  | 10.1880      |
| NL51/236                       | Part Section 31 Square 44  | 93.4116      |
| NL6C/715                       | Lot 1 DP 11121   | 37.2600      |
| NL6D/1103                      | Lot 1 DP 11528 (easement by Fairdale)  | 153.8300     |
| NL6D/76                        | Lot 1 DP 10858   | 134.0000     |
| NL6D/867                       | Part Section 32 Square 44  | 84.1069      |

|   |   |                     |
|---|---|---------------------|
| NL7C/1185<br>Four parcels,<br>limited as to<br>titles | Part Lot 2-4 DP 11439   | 2.5 approx          |
| NL8A/1090   | Lot 2-3 DP 13139 (easement) (prior reference NL6C/470, NL6c/471, NL7C/1184)   | 186.2540            |
| NL8A/1091   | Section 78, Part Section 76-77 and Part Section 79-81 Square 1 (prior ref NL6C/471) electricity and water easements | 151.0732            |
| NL8A/290  | Lot 1 DP 12761 and Part Section 2 Block XIV Waimea Survey District  | 239.3165            |
| <b>Total Area</b>                                     |   | <b>3112 approx.</b> |

## 1 Introduction

The New Zealand Walking Access Commission (the Commission) was established in 2008 by the *Walking Access Act*. The Commission is the Crown entity that leads and supports the negotiation, establishment, maintenance, and improvement of walking access and types of access that may be associated with walking access such as access with firearms, dogs, bicycles, or motor vehicles.

This report is prepared by the Commission to progress the walking access conditions approved by the Minister of Finance and the Minister for Land Information for the purchase of sensitive land as defined under section 12 and 17 of the Overseas Investment Act 2005.

In considering its priorities for negotiating public access over private land, the Commission is guided by the provisions in section 11 of the *Walking Access Act*.

In summary the Commission recommends that the Applicant:

- Establish a public access easement (under the Walking Access Act 2008) for walking and mountain biking access to Mt Richmond Forest Park over the “Mt Richmond route”
- Create an esplanade strip and/or access strip alongside the upper Serpentine to secure public walking access to Mt Richmond Forest Park, in the vicinity of Starveall Hut and Te Araroa Trail.
- Establish a transparent user friendly managed access system to meet community demand for vehicle access through Lee Valley Forest into Mt Richmond Forest Park via the Starveall walking track. To provide clarity, the process and conditions for gaining access into the Applicant forests should be captured in an MOU between the Applicant, local council and the Commission.
- Create esplanade strips (or access strips as appropriate) to replace eroded or impractical sections of ULR alongside the east side of the Lee River.
- Create 20m wide esplanade strip on the east side of the Lee River between the Lee Valley Rd/Mead Rd Bridge and the Lee-Roding confluence, where the Lee River adjoins or is within Lee Valley Forest.
- Create 20m wide esplanade strips where the Roding River adjoins or is within Lee Valley Forest.
- Create 80m wide access strip in the vicinity of the Lee-Roding confluence to secure a recreational amenity at the Lee-Roding confluence.
- Transfer title ML7C/1185 to the TDC, subject to the Council’s agreement.
- Advertise access policies and procedures for each Applicant-owned forest on the company’s website.
- Supply and install signage for all public access provided.

The purpose of this summary is to provide an overview of the more detailed 'Access recommendations' located at the rear of the report, located before Appendix A. **In the event of any inconsistency between the two, the 'Access recommendations' section prevails**".

In addition, access to any areas which are proposed for protection due to their conservation values will be assessed for access requirements once those areas are determined by DOC

## 2 Purpose

This report provides the public access recommendations for negotiation and final agreement with the applicant.

Tasman Pine Forests Ltd (TPF) hold the OIO consent for a large number of forest blocks. Because of the large area of land involved in this application, the forestry blocks have been divided into 13 cases based on a geographical area. The Commission has assessed the forest block(s) within each geographical area in separate reports. This report (1 of 13) covers Lee Valley in the Tasman District.

## 3 Walking access conditions

The walking access conditions in the Ministers' consent (Appendix A) require the applicant to consult with the Commission to determine what they can reasonably do to:

- (a) Establish and register a public access easement for walking and mountain biking access from its Lee Valley forest into Mt Richmond Forest Park (Mt Richmond Route)
- (b) Implement any reasonable Walking Access recommended by the Commission. Mechanisms could include the registration of new instruments, establishing and maintaining walking and mountain biking tracks and the erection of signs.
- (c) Implement the Mt Richmond Route and any other walking access recommended by the Commission within two years of its recommendations being made or within a mutually agreed timeframe.
- (d) The cost of implementing Commission recommendations will be borne by the consent holder.

## 4 Consultation

The Commission has consulted with the Applicant, the Department of Conservation (DOC), Nelson-Marlborough Fish and Game Council (F&G), Tasman District Council (TDC), Heritage NZ Pouhere Taonga (HNZ), Nelson Tramping Club and Federated Mountain Clubs (NTC, FMC), Nelson Mountain Bike Club (NMTBC), Mountain Bike Trails Trust (MBTT), NZ Deerstalkers Association (NZDA), Nelson Horse Riding Club (NHRC) and Nelson Bays Trail Riding Club (NBTRC).

## 5 Field inspections

A field inspection of the Mead-Rd to Mt Richmond driving route was undertaken with Department of Conservation and Mountain Bike Trails Trust (MTB) on 26 April 2017. Regional field advisor Penny Wardle inspected from the Lee Valley-Meade Rd bridge to the Lee-Roding confluence on 1 January 2018.



## 6 Context

Lee Valley Forest is a 3112 ha plantation forest located 30km south east of Nelson, rising from about 90m in the valley to 1720m (Map 1). Forestry and quarrying are the predominant activities on surrounding properties.

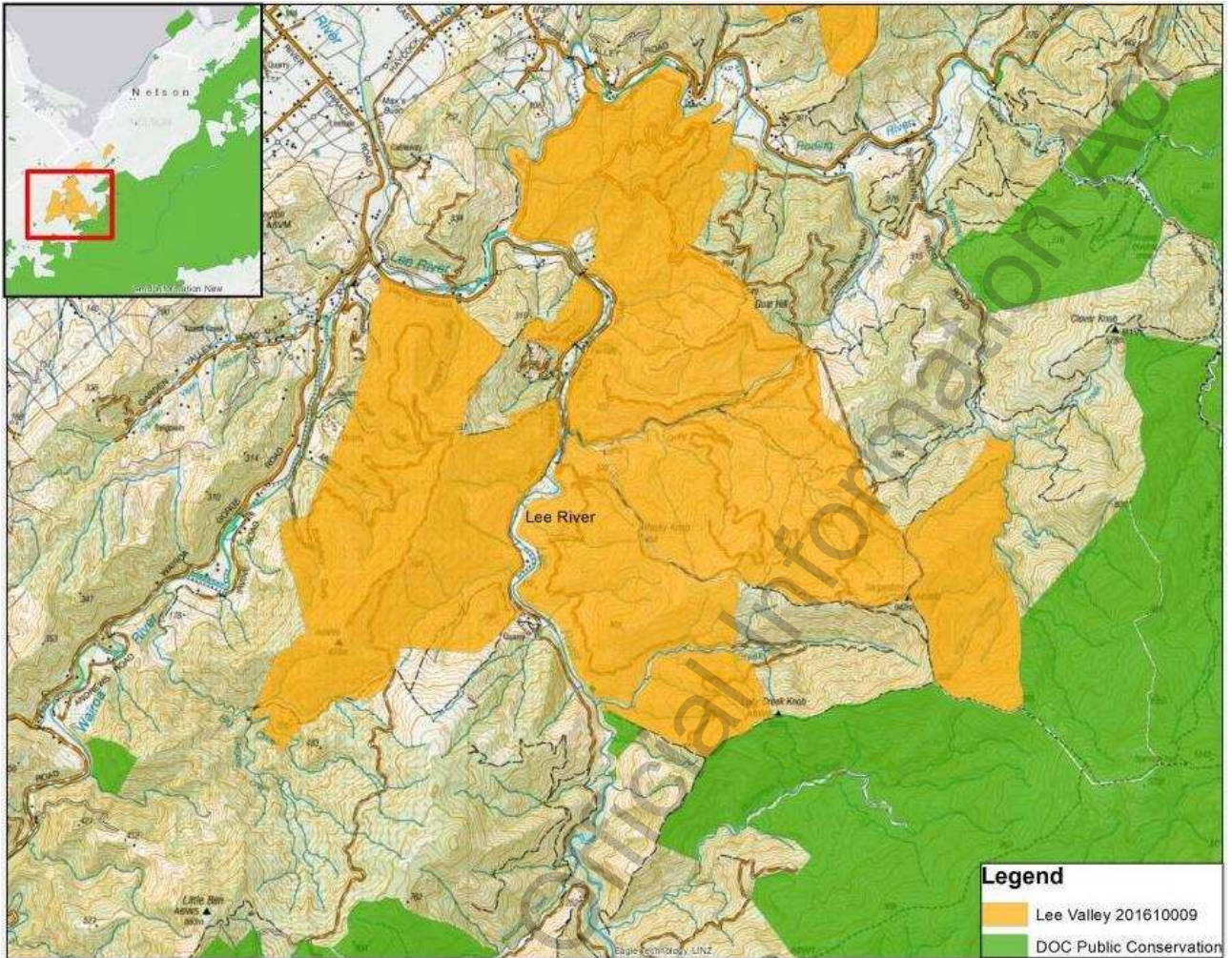
Mt Richmond Forest Park, New Zealand's second largest Forest Park, is accessed from the property. Mt Richmond Forest Park is an important recreational area in the Tasman District and is frequently visited by trampers, mountain bikers, horse riders and hunters. A section of Te Araroa Trail is within the Forest Park, within 2km of Lee Valley Forest.

The MTB Trails Trust's Epic Trails Plan envisions making the Nelson-Tasman region a national and international mountain biking destination. Planned Epic trails are located on the property and surrounding private and public land. The Department of Conservation (DOC), Tasman District Council (TDC), Nelson City Council (NCC) and forestry companies support the concept.

The Roding and Lee Rivers, major tributaries of the Waimea River, flow through the property and are highly valued for picnicking and swimming. Public reserves along these rivers are popular where they exist, with well-maintained facilities (picnic tables, BBQs and toilets). Currently there is limited freshwater angling value in the Lee and Roding Rivers.

TDC and Waimea Irrigators Ltd propose to build the Waimea Community Dam at the head of the Lee Valley, upstream of, and not adjoining, the property's northern boundary. It is likely that this project will proceed following confirmation in April 2018 that landowners and Government have committed funding. The dam is expected to create improved recreational opportunities for the wider area with demand for walking, kayaking, jet-boating likely to increase. Fish stocks in the Lee River are expected to improve dramatically if the dam is constructed creating significant angling interest.

Lee Valley Forest contains a number of significant natural areas (SNA B 27b, B 42, B 49, B 51, B 54, B 66, B 100, B 105, B 113) in the TDC district plan.



Map 1: Context, Lee Valley Forest

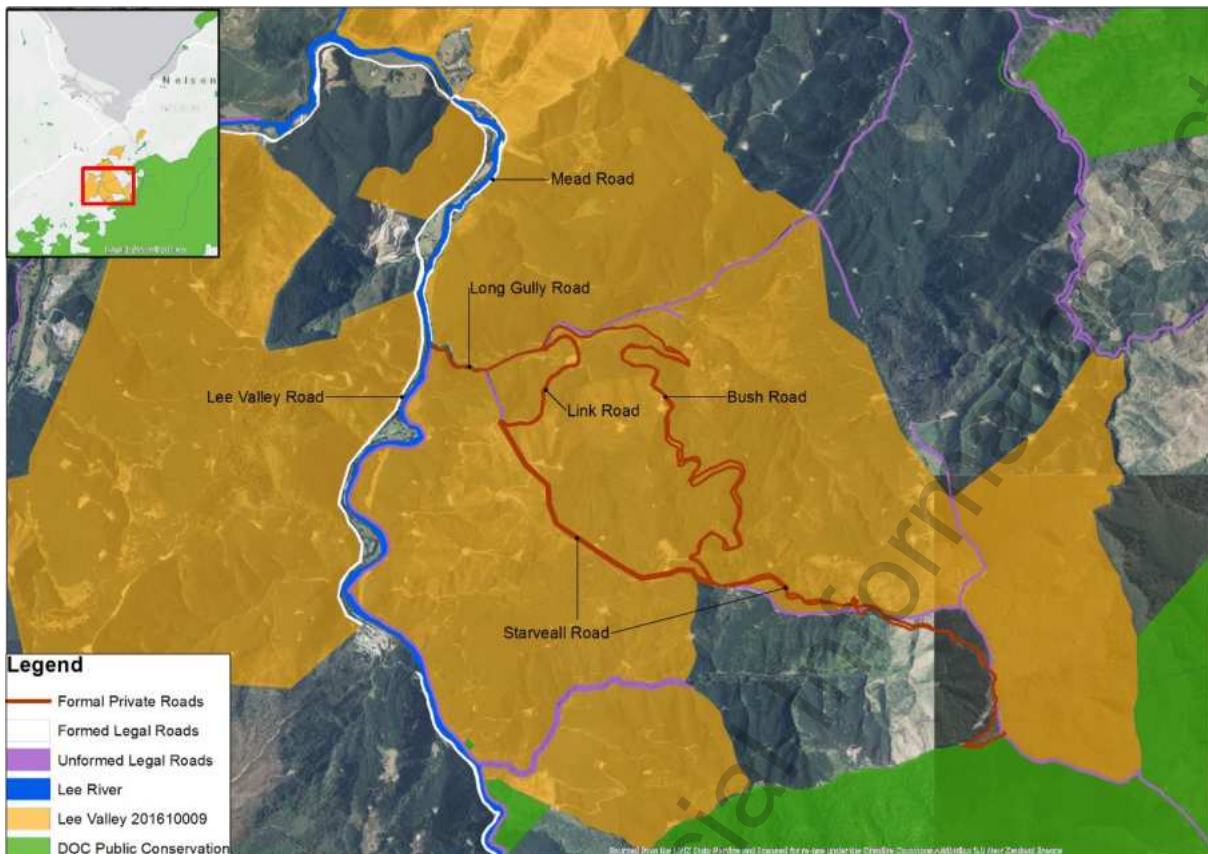
Source: [www.wams.org.nz](http://www.wams.org.nz)

## 7 Analysis of existing legal access

### **Legal Road** (Map 2)

Main access to the property is via Lee Valley Road, Mead Road and Aniseed Valley Road. Formed roads and forestry tracks align with many of the legal roads, but frequently do not. Lee Valley Road and Mead Road bisect the property on either side of the Lee River and much of Mead road is unformed or not aligned with the road parcel.

Unformed legal roads bisect the property.



Map 2; Private and formed legal and unformed legal roads connecting with public conservation land

Source: [www.wams.org.nz](http://www.wams.org.nz)

### **Access to Conservation Areas (Map 2)**

The property adjoins the extensive Mt Richmond Forest Park and two smaller areas of public conservation land - an isolated forest park parcel and a road metal reserve planted in pines.

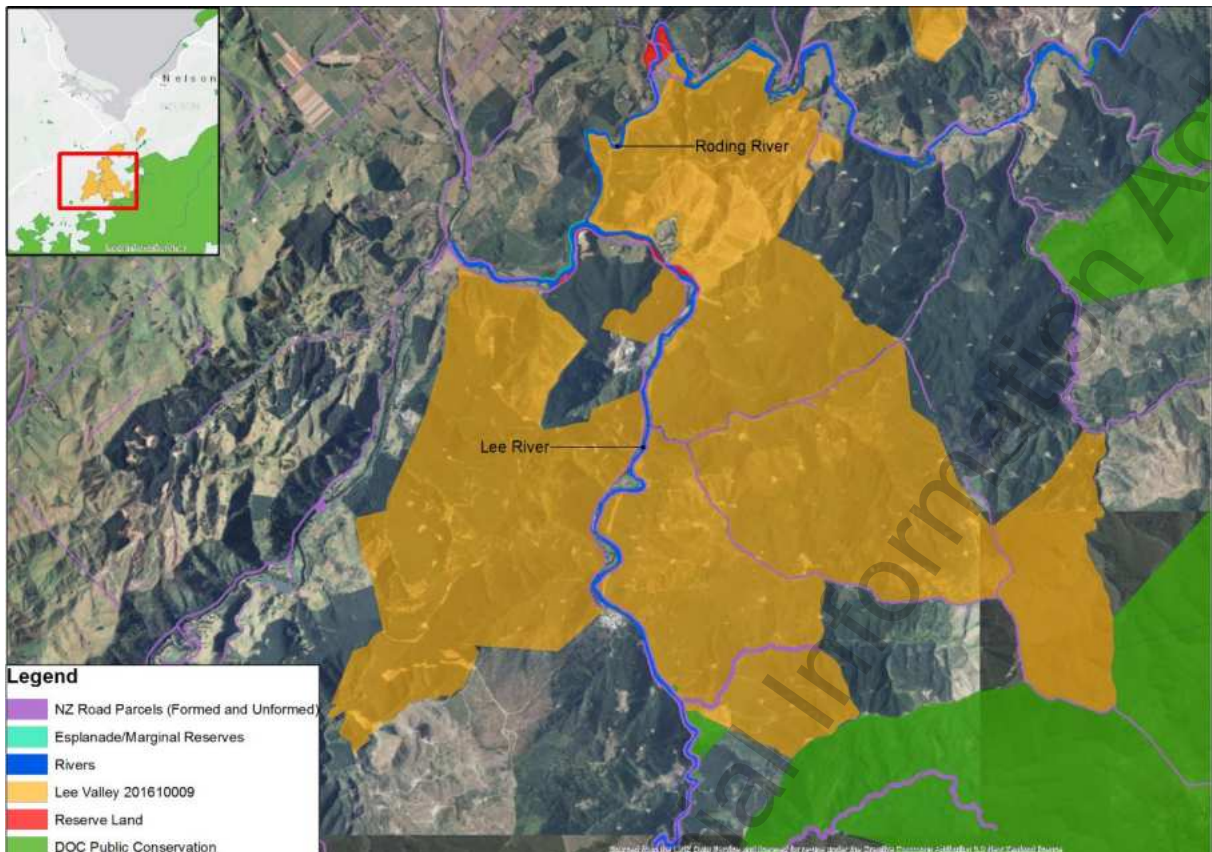
There is no formed road access for vehicles to the Forest Park on legal roads that adjoin or intersect the property as the formed roads deviate from the legal road parcels in places.

### **Access to Waterways**

#### Lee River

The Lee River intersects the property. Riparian access along this river is not continuous.

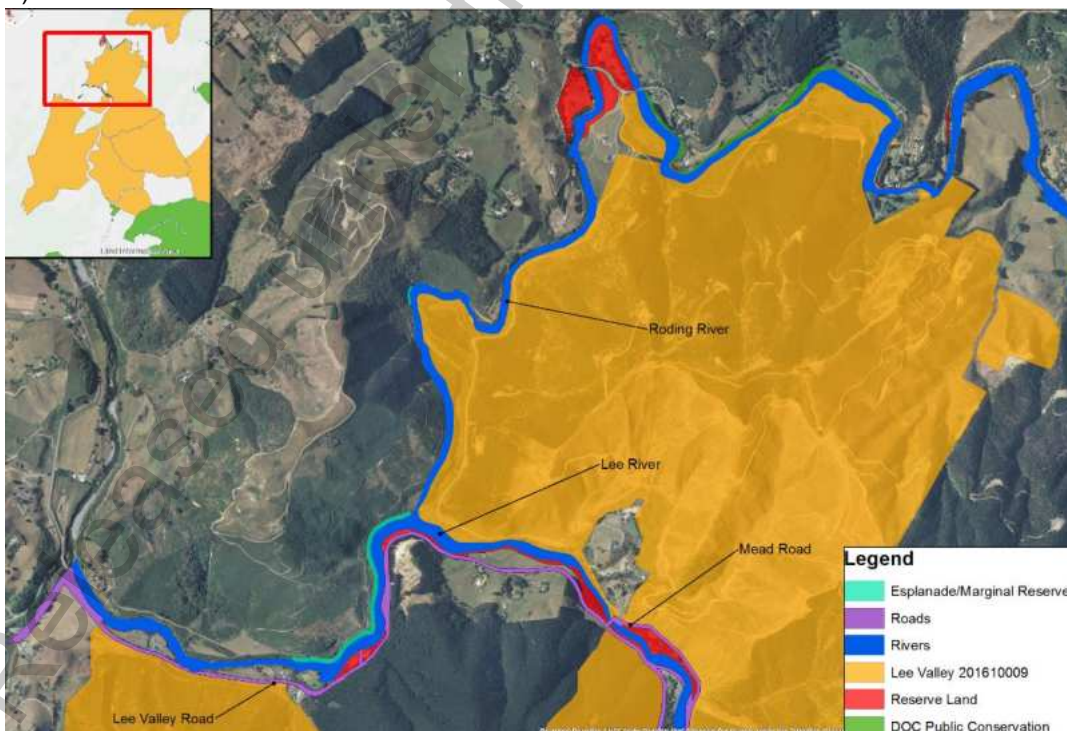
Formed legal road (Lee Valley Road) separates the west side of the Lee River and the property boundary. Mead Road lies between the east side of the Lee River and the property boundary (Map 3). Formed road deviates from legal road at Fairdale where there is a locked gate.



Map 3: Access along the Lee and Roding Rivers

Source: [www.wams.org.nz](http://www.wams.org.nz)

There are several recreational reserves (esplanade reserves, DOC reserves and esplanade strips) on the true left of the Lee River in the north of the area as the Lee River turns to the North West (Map 3). These Reserves and esplanade strips all have access from either Lee Valley or Mead Road. However, there is no riparian access on the true right of the Lee River where it adjoins the subject property downstream of the Lee Valley Rd-Mead Rd bridge (Map 4).



Map 4: Recreation reserves adjoining the Lee River and Roding Rivers

Source: [www.wams.org.nz](http://www.wams.org.nz)

## Roding River

There is marginal strip on the true right of the Roding Rover in the vicinity of the subject property and on the opposite side of the river, but there is no public access where the Roding River adjoins, or is within, the subject property (Map 4).

## **8 Access assessment**

Consultation with the Nelson Tramping Club, Federated Mountain Clubs, Waimea Tramping Club, Nelson Marlborough Fish and Game and the MTB Trails Trust identified that public access along the Lee and Roding Rivers and into Mt Richmond Forest Park through Lee Valley Forest is highly valued.

Mt Richmond Forest Park is popular for recreational use including tramping, mountain biking, hunting and horse-riding. Rivers adjoining and within the forest are frequently visited for picnicking and swimming.

Public access through Lee Valley Forest into Mt Richmond Park is currently limited and controlled by a permit system. Access is available only outside work hours and may be restricted when there are perceived risks such as fire danger or harvesting.

The Applicant owns cutting rights to and manages what was previously Crown Forest, now owned by Ngāti Koata. The aim is to manage recreation seamlessly across freehold and Ngāti Koata titles.

Current public recreational access arrangements (which the Applicant is re-negotiating with Ngāti Koata) include:

- Mountain bikers can buy permits to ride forestry roads on the property (which link to other nearby forests also owned or managed by the applicant)
- Trampers can seek vehicular access through the property to Mt Richmond Forest Park. They must attend annual induction training and pay a fee for access codes to locked gates
- Horse-riders can purchase an annual permit to access the Applicant forests including Lee Valley
- Hunting access has been available only to the staff of the Applicant, its contractors and Ngāti Koata
- Motor-bike riders have not had access to Lee Valley Forest due to perceived conflict with other users

### ***Access to Public Conservation Land***

Trampers and hunters wish to reach public conservation land Richmond Forest Park via DOC's Starveall Track to start their experience as quickly as possible. Vehicle access to this point is possible on formed and unformed legal roads, and private forestry tracks. However, there is no continuous practical legal access from Lee Valley through the Applicant forest to Mt Richmond Forest Park.

- A locked gate at Fairdale on Mead Valley Road restricts driving access beyond this point. Limited vehicle access for trampers is allowed by permit, requiring completing an annual induction course (Map 2).

- Private forestry roads, Bush and Link Roads provide a practical connection to Starveall Rd. This is the sole driving route to a high altitude entrance to a DOC's Starveall tramping track which connects with the Richmond Range-Te Araroa Trail (Map 2).

The Commission notes that the final section of Starveall Rd connecting with the DOC walking track is on Ngāti Koata private title, and outside the scope of this report. However, it recommends the Applicant as holders of the cutting rights consult with Ngati Koata as the land holder with the aim of confirming managed public access on Ngati Koata land (Map 2).

### ***Access to Rivers***

Secure legal access along the Lee, Roding and Serpentine Rivers is not continuous.

#### The Lee River

- A locked gate at Fairdale on Mead Valley Road prevents vehicle access to the True Right of Lee River upstream of this gate.
- There is no practical legal access along the ULR alignment on the east side of the Lee River upstream from Fairdale, where a formed road deviates from ULR. Private access easements have been created on deviations with access interests held by other parties.
- There is no legal public access adjoining the east side of the Lee River from downstream of the Mead Rd-Lee Valley Rd Bridge to the Roding River confluence (Map 4).
- A road on the Applicant's title linking the Lee and Aniseed Valleys is private with easements in favour of other titles.
- An electric fence prevents access to a grassy corner alongside the Lee River, just below the Lee Valley confluence. Swimming holes here and upstream of the Lee-Roding confluence are frequently visited despite vehicle access being prevented by a locked gate (Map 4).

The area above and below the confluence of the Lee and Roding Rivers is a popular and valuable recreation amenity. Improved public access to this area would be a significant benefit.

#### The Roding River

There is no public access where the Roding River adjoins, or is within, the subject property.

### ***Access for mountain biking***

The property is currently used for mountain biking. Work has started building a new Epic trail, on ULR adjoining the Lee River. Access is not practical along small sections of the ULR which have been eroded by the Lee River.

### Access for horse-riding

Lee Valley is one of two Tasman Pine Forest Ltd forests where horse-riding access may be acquired by purchasing a single annual permit. Typically, horse-riders gain entry via Mead Rd where there is adequate parking. In the Goat Hill area (see map 18 below) forestry roads used by riders connect with roads in adjoining Nelson Pine Forests.

## 9 Priorities for public access

Section 11 of the Walking Access Act 2008 sets out the Commission's statutory priorities for negotiating walking access over private land. These priorities for the Lee Valley Forest property are addressed in the table below.

| Access Criteria – Section 11 of the Walking Access Act 2008  |   |
|--|---|
| Consideration of priorities for walking access over private land   | Recommended public access to address these priorities   |
| <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>                                      | N/A   |
| <i>11 (b) over land adjoining rivers or lakes where there is not already walking access over the land:</i>   | <ol style="list-style-type: none"><li>i. Enable managed vehicle access on Mead Rd</li><li>ii. Establish esplanade strips alongside the Lee, Roding and Upper Serpentine Rivers</li><li>iii. Create an amenity area for recreation near the confluence of the Lee and Roding Rivers.</li><li>iv. Transfer title ML7C/1185 to the TDC for formal incorporation into its adjacent White Gates Reserve</li></ol>  |
| <i>11 (c) to parts of the coast, rivers, or lakes to which there is not already walking access:</i>  | <ol style="list-style-type: none"><li>i. Provide public walking and biking access from the Mead-Lee Valley bridge to proposed reserve at the Lee-Roding confluence</li></ol>  |
| <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> | <ol style="list-style-type: none"><li>i. Create public access adjoining the Lee River where the ULR is not practically accessible</li></ol>   |
| <i>11 (e) to conservation areas (within the meaning of section 2(1) of the Conservation Act 1987):</i>   | <ol style="list-style-type: none"><li>i. Enable managed vehicle access to Mt Richmond Forest Park from the Lee Valley via Mead Rd.</li><li>ii. Create a public access easement (under the Walking Access Act 2008) for walking and mountain biking access to Mt Richmond Forest Park over the "Mt Richmond Route" included in OIO conditions.</li><li>iii. Create an esplanade strip along the upper Serpentine and an access strip to connect the ULR adjoining Saddle Creek with public conservation land in the vicinity of Straveall hut and Te Araroa trail.</li></ol> |

|   |  |
|---|--|
| 11 (f) to areas of scenic or recreational value:  | <ul style="list-style-type: none"> <li>• See 11b, 11c</li> </ul> |
| 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). | <ul style="list-style-type: none"> <li>• See 11b, 11e</li> </ul> |

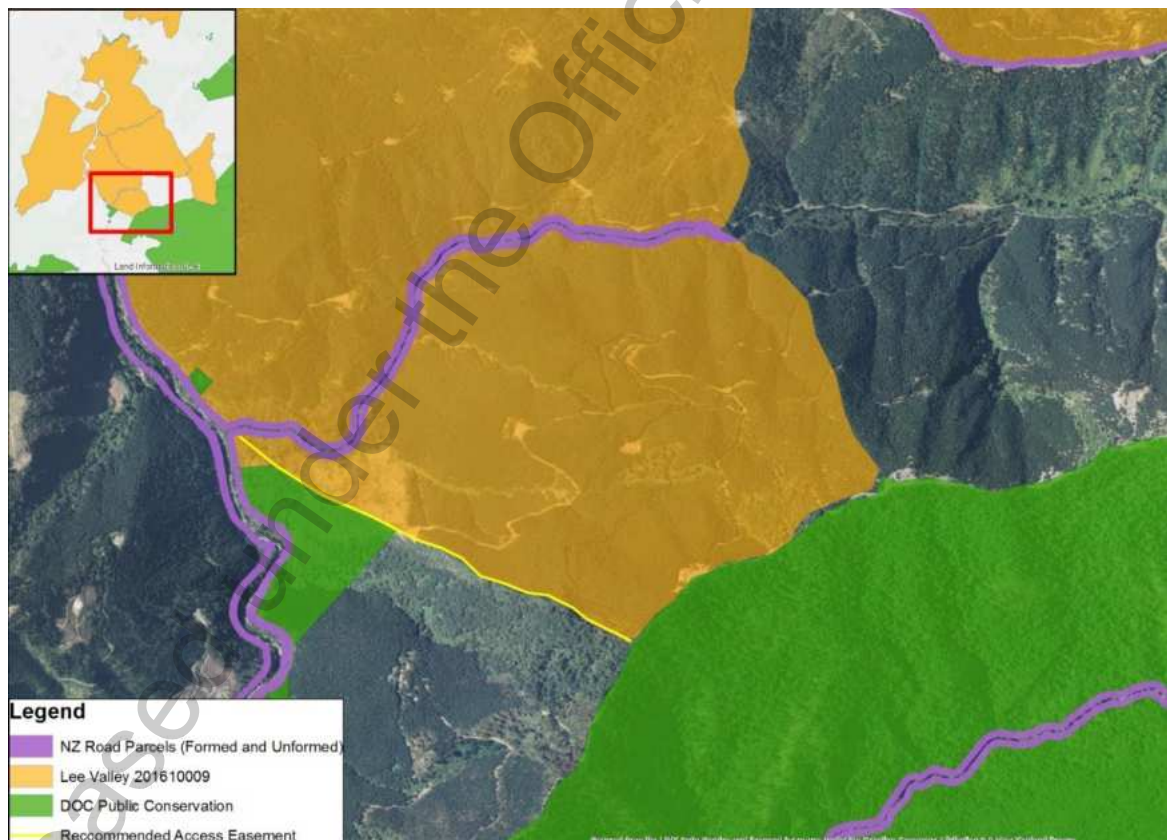
## 10 Access recommendations

The final implementation of these public walking access recommendations is subject to agreement between the Applicant and the Commission. In addition to the existing recreational access arrangements, the following access enhancements are recommended.

### Access to Mt Richmond Forest Park

The Commission recommends that the Applicant:

- Establish a public access easement (under the Walking Access Act 2008) for walking and mountain biking access to Mt Richmond Forest Park over the “Mt Richmond Route” (yellow on Map 5 below). Register the easement on title NL3A/321 and develop a route following consultation with the MTB Trails Trust and Nelson MTB Club.



Map 5: Mt Richmond route

Source: [www.wams.org.nz](http://www.wams.org.nz)

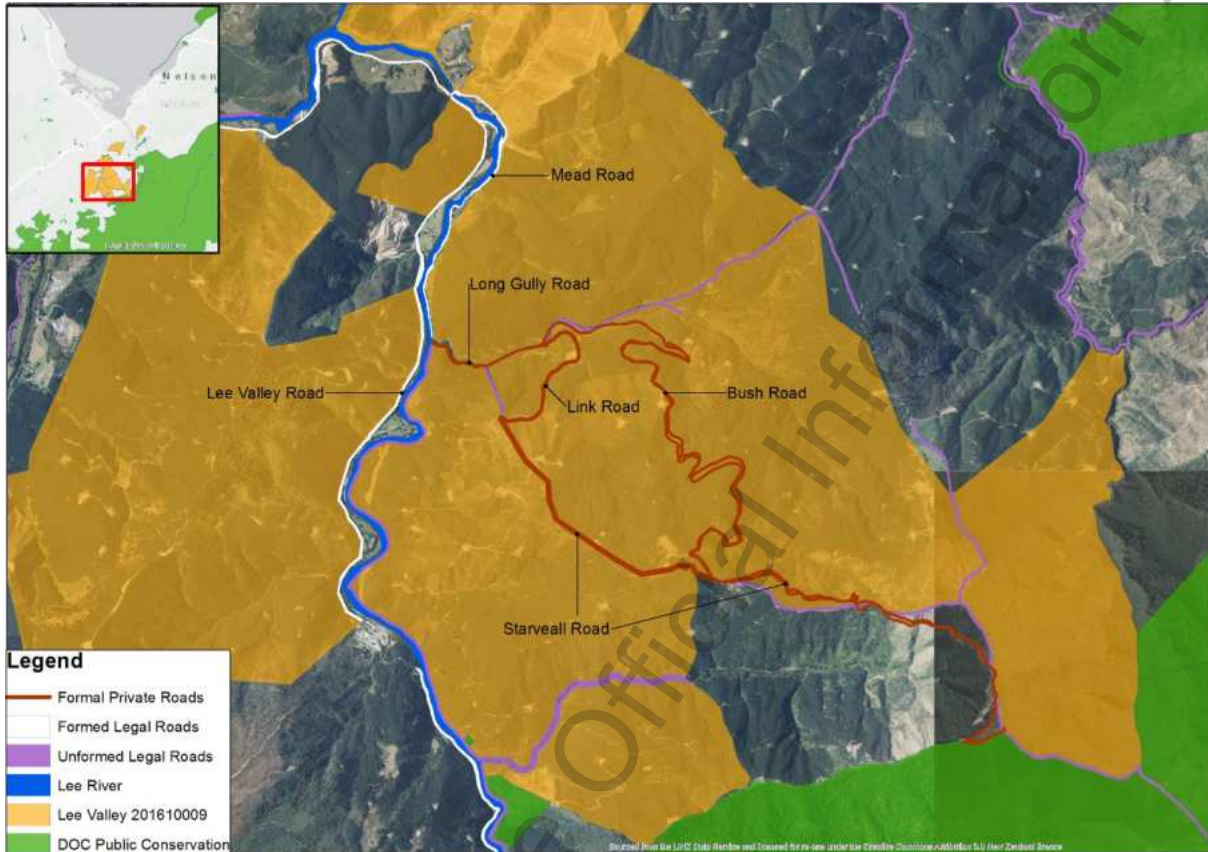


- Create an esplanade strip alongside the upper Serpentine River and a connecting access strip following the property boundary northwards to secure public walking access to Mt Richmond Forest Park, in the vicinity of Starveall Hut and Te Araroa Trail (Map 6). Depict the esplanade strip and access strip on a plan to be lodged with LINZ and recorded in the cadastre. Depiction of parcels for recommended esplanade and access strips on a survey plan (cadastral survey dataset) to be lodged at LINZ



Map 6: Access from the Serpentine River to public conservation land Source: [www.wams.org.nz](http://www.wams.org.nz)

- Establish a transparent user friendly managed access system to meet community demand for access through Lee Valley Forest into Mt Richmond Forest Park via the Starveall walking track via Starveall Road or Bush Road. To provide clarity, the process and conditions for gaining access into the Applicant forests should be captured in an MOU between the Applicant, Tasman District Council and the Commission (Map 7).



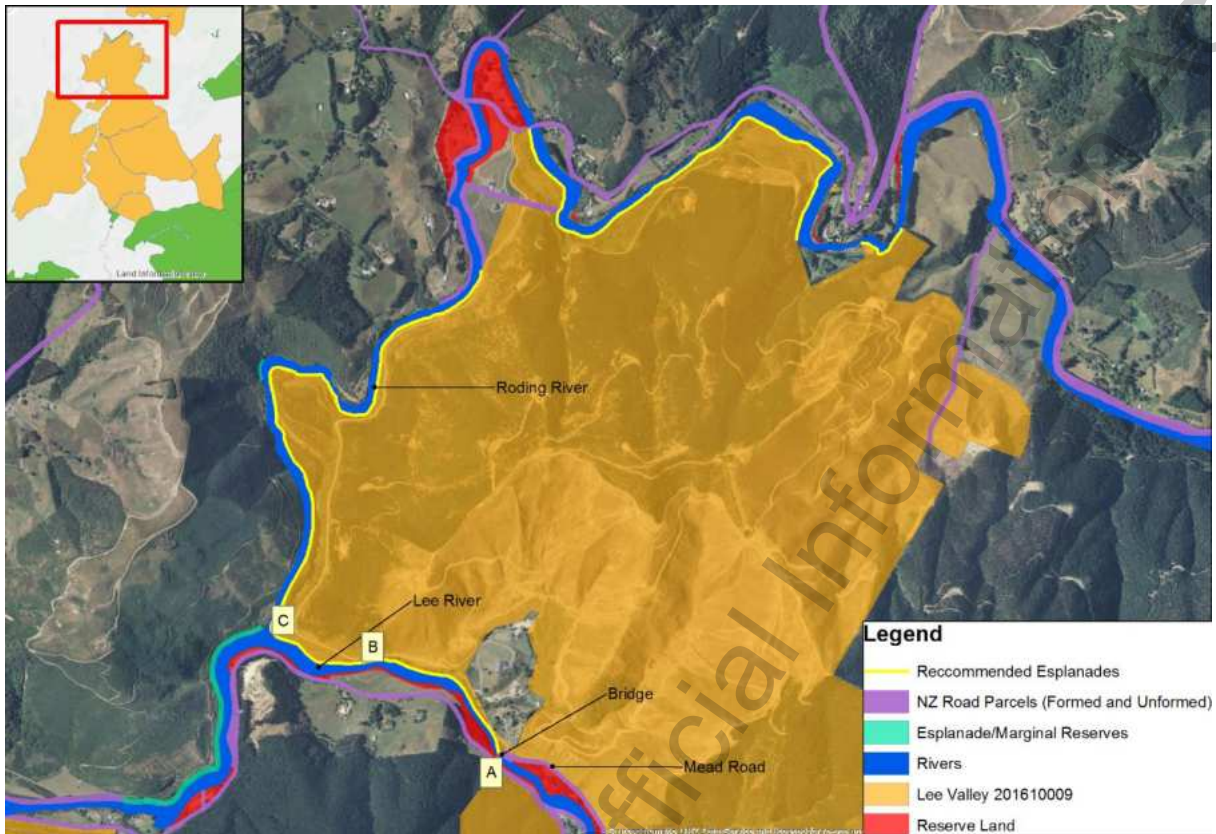
Map 7: Private and formed and unformed legal Roads

Source: [www.wams.org.nz](http://www.wams.org.nz)

### Access to and along waterways

The Commission recommends that the Applicant:

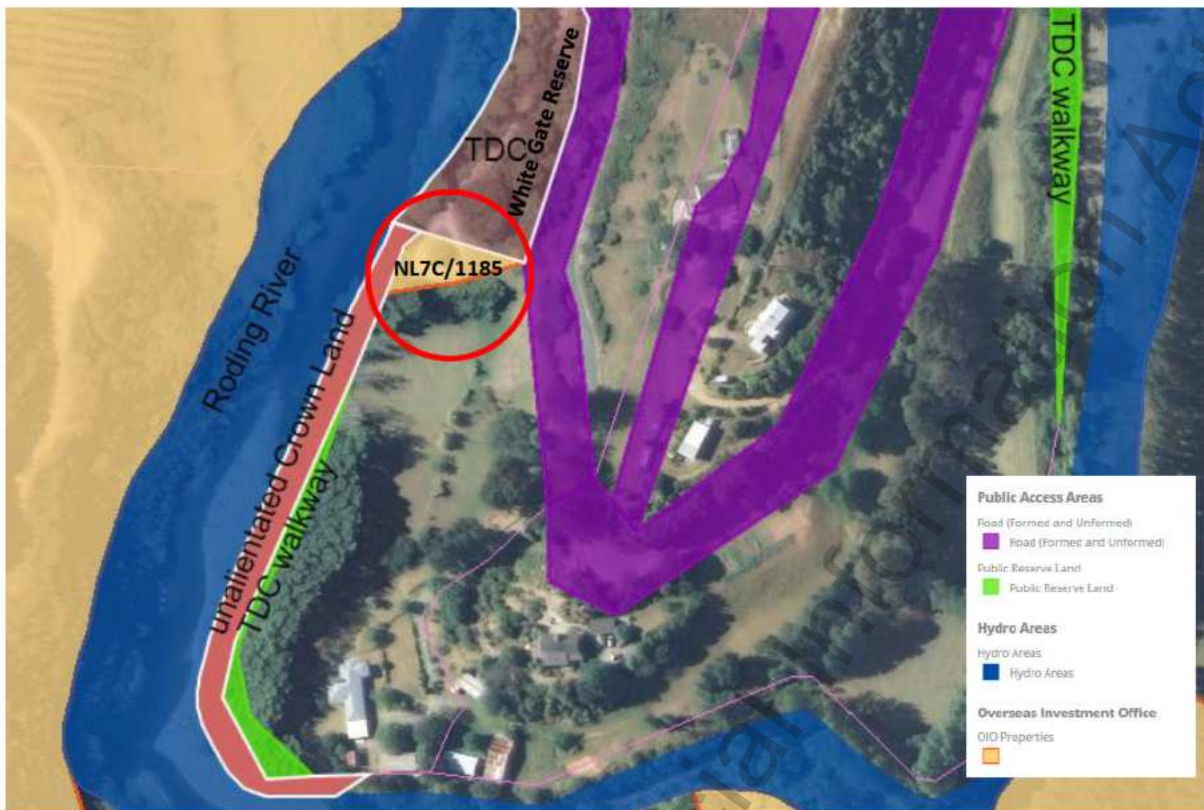
- Create 20m wide esplanade strip(s) pursuant to section 235 of the Resource Management Act 1991 on the east side of the Lee River between the Lee Valley Rd/Mead Rd bridge and the Lee-Roding confluence, where the Lee River adjoins or is within the subject land (A-B Map 8 for the purposes of creating enduring public and recreational access in the vicinity of the Lee River.
- Create an 80m wide access strip in the vicinity of the Lee-Roding confluence on title NL8A/1091 between the private road connecting Lee and Aniseed Valleys and recommended esplanade strip, to secure a recreational amenity at the Lee-Roding confluence (B-C Map 8) subject to mutually agreed constraints relating to forestry operations. Once established, this easement would be managed by the TDC.
- Create 20m wide esplanade strips where the Roding River adjoins or is within the subject land (yellow lines Map 8). This is for the purposes of creating enduring public and recreational access in the vicinity of the Roding River.



Map 8: Recommended access adjoining the Lee and Roding Rivers

Source: [www.wams.org.nz](http://www.wams.org.nz)

- Create esplanade strips (or access strips as appropriate) to replace eroded or impractical sections of ULR alongside the east side of the Lee River.
- Transfer title ML7C/1185 to the TDC, subject to the Council's agreement. This will incorporate an isolated Tasman Pine Forests Ltd parcel managed as part of the White Gate Reserve to Tasman District Council ownership, for the purposes of maintaining enduring public and recreational access in the vicinity of the Roding River (Map 9).



Map 9: TPF title recommended for incorporation into TDC White Gate Reserve

Source: [www.wams.org.nz](http://www.wams.org.nz)

### General walking, mountain biking and horseback access

The Commission recommends that the Applicant:

- Enable public access on all legal roads adjoining or intersecting the property and remove all locked gates on these roads (formed and unformed), working with user groups to establish appropriate alternatives.
- Review the current managed recreational access arrangements in consultation with user groups with the aim of streamlining and simplifying the arrangements.
- Advertise access policies and procedures for each the Applicant-owned forest on the company's website.
- Depict all esplanade and access strips recommended in this report on a plan to be lodged with LINZ and recorded in the cadastre.
- Supply and install signage for all public access provided.

In addition, access to any areas which are proposed for protection due to their conservation values will be assessed for access requirements once those areas are determined by DOC.

## Appendix A – OIO Notice of Decision

### Notice of Decision – Case 201610009 – Statutory Conditions of Consent

#### *Walking Access*

9. The Consent Holder must consult with WAC to determine what the Consent Holder can reasonably do (having regard to the proposed use of the Land, the impact of the access initiative on such use, and the costs and obligations on the Consent Holder in implementing the relevant access initiative) to:
- establish and register a public access easement for walking and mountain biking access to Mt Richmond National Park over the route marked in yellow on the map below ("**Mt Richmond Route**"); and
  - provide, protect or improve public walking access over the Land generally or part of that land (such as, where reasonable, the registration of new instruments, the erection of signs on the Land, establishing and maintaining walking and mountain biking tracks, or other similar mechanisms recommended by WAC) ("**Walking Access**").



The Consent Holder must:

- Write to the Operations Manager at WAC (PO Box 12348, Thorndon, Wellington 6144) within 15 working days from the Settlement Date advising that the Consent Holder wishes to consult about Walking Access and the Mt Richmond Route and enclose:
    - a copy of the Decision Summary for this consent; and
    - a copy of this condition together with information identifying and describing the Land including aerial photographs, maps and Certificate(s) of Title;
  - Implement the Mt Richmond Route and/or any Walking Access recommended by WAC ("**WAC Recommendation**") within two years from WAC making the WAC Recommendation, or such other timeframe as mutually agreed between the Consent Holder and WAC. The cost of any Walking Access shall be borne by the Consent Holder.
10. The Consent Holder must provide to the OIO a copy of the letter sent to WAC under condition 9 within 20 working days from the Settlement Date.

## Appendix B - Example of esplanade strip instrument template

### Instrument creating esplanade strip

[Section 235](#), Resource Management Act 1991

#### Background

[Full name, address, and occupation of land owner] (the **Grantor**) is registered as proprietor of the land described in Schedule A (the **land**).

[Name of territorial authority] (the **Grantee**) is a local authority (within the meaning of the [Local Government Act 2002](#)) in whose district the land is located.

#### Creation of esplanade strip

- 1 The Grantor creates in favour of the Grantee an esplanade strip described in Schedule B (the **strip**) for the purposes of public access and recreational use over the land described in Schedule A (the **land**) on the following terms.
- 2 This strip is created to give effect to the walking access recommendations as set out in New Zealand Walking Access Commission's report to the Grantor dated **XXXXXXX**, which addresses the walking access condition of purchase of the land in terms of the Overseas Investment Act 2005.

#### Covenants

- 3 The Grantor and Grantee covenant as follows:
- 4 The following acts are prohibited on the land:
  - (a) wilfully endangering, disturbing, or annoying a lawful user of the strip (including the owner or occupier of the strip):
  - (b) wilfully damaging or interfering with a structure adjoining or on the land (including a building, fence, gate, stile, marker, bridge, or notice):
  - (c) wilfully interfering with or disturbing livestock lawfully permitted on the strip.
- 5 The prohibitions in clause (b) and (c) above do not apply to the owner or occupier of the strip or to employees or agents authorised by the owner or occupier.
- 6 The following acts are also prohibited on the land over which the strip has been created:
  - (a) lighting a fire:
  - (b) carrying a firearm:
  - (c) discharging or shooting a firearm:
  - (d) camping:
  - (e) taking an animal on to, or having charge of an animal on, the land:
  - (f) taking a vehicle on to, or driving or having charge or control of a vehicle on, the land (whether the vehicle is motorised or not):
  - (g) wilfully damaging or removing a plant (unless acting in accordance with the [Biosecurity Act 1993](#)):
  - (h) laying poison or setting a snare or trap (unless acting in accordance with the [Biosecurity Act 1993](#)).
- 7 The following other restrictions apply to the strip:
  - (a) The Grantor shall not take any actions or undertake works which may impede public access along the strip.
- 8 The following fencing requirements apply to the strip:
  - (a) Any fencing which will restrict public access and recreational use of the strip is prohibited.
  - (b) The owner or occupier shall be under no obligation to fence the boundaries of the strip.
- 9 Access to the strip is on the following terms:

- (a) any person shall have the right, at any time, to pass and repass over and along the land over which the strip has been created, subject to any other provisions of this instrument.
- 10 The words "owner or occupier" where used in this instrument shall include the registered proprietors for the time being of the land

.....  
Signed by Grantor in the presence of—

[signature, occupation, and address of witness]

Date

.....  
Executed by Grantee by common seal or by 2 officers, as provided by the territorial authority's rules

Date

[As the esplanade strip is created under [section 235](#) of the Resource Management Act 1991, the consent of every person having a registered interest in the land must be endorsed on this instrument.]

\*Signed by [full name of person or body corporate] having a registered interest in the land as acknowledgement of my consent to this instrument, in the presence of—  
[signature, occupation, and address of witness]

Date

\*Delete if there are no persons with a registered interest in the land other than the Grantor or repeat as necessary if there is more than 1 other registered interest in the land.

## **Schedule A**

*[Give a full description of the land owned by the Grantor, including the lot and deposited plan, certificate of title reference(s), and any encumbrances.]*

## **Schedule B**

*[State the width in metres of the strip and refer to plan depicting the strip annexed to this instrument or deposited in the Land Registry Office.]*

Released under the Official Information Act



## Appendix C - Access strip instrument template

### Easement for access strip

[Section 237B](#), Resource Management Act 1991

#### Background

[Full name, address, and occupation of land owner] (the **Grantor**) is registered as proprietor of the land described in Schedule A (the **land**).

[Name of local authority] (the **Grantee**) is a local authority (within the meaning of the [Local Government Act 2002](#)) in whose district the land is located.

#### Grant of easement for access strip

1. The Grantor grants to the Grantee an easement for an access strip.
2. This strip is created to give effect to the walking access recommendations as set out in New Zealand Walking Access Commission's report to the Grantor dated XXXXXXX, which addresses the walking access condition of purchase of the land in terms of the Overseas Investment Act 2005.
3. The easement confers the right for any person, at any time, to pass and repass over and along the land, for the purpose of giving an access strip described in Schedule B (the **strip**) to [give full description of the existing reserve or strip, river, lake, or part of the coast on or adjoining the land to which the easement is allowing access] on the following terms.

#### Covenants

4. The Grantor and Grantee covenant as follows:
5. The following acts are prohibited on the land:
  - a) wilfully endangering, disturbing, or annoying a lawful user of the strip (including the owner or occupier of the strip):
  - b) wilfully damaging or interfering with a structure adjoining or on the land (including a building, fence, gate, stile, marker, bridge, or notice):
  - c) wilfully interfering with or disturbing livestock lawfully permitted on the strip.
6. The prohibitions in clause 5(b) and (c) do not apply to the owner or occupier of the strip or to employees or agents authorised by the owner or occupier.
7. The following acts are also prohibited on the land over which the strip has been created:
  - a) lighting a fire:
  - b) carrying a firearm:
  - c) discharging or shooting a firearm:
  - d) camping:
  - e) taking an animal on to, or having charge of an animal on, the land:
  - f) taking a vehicle on to, or driving or having charge or control of a vehicle on, the land (whether the vehicle is motorised or not):

- g) wilfully damaging or removing a plant (unless acting in accordance with the [Biosecurity Act 1993](#)):
- h) laying poison or setting a snare or trap (unless acting in accordance with the [Biosecurity Act 1993](#)).
8. The following other restrictions apply to the strip:
- (a) The Grantor shall not take any actions or undertake works which may impede public access along the strip.
9. The following fencing requirements apply to the strip:
- (a) Any fencing which will restrict public access use of the strip is prohibited.
- (b) The owner or occupier shall be under no obligation to fence the boundaries of the strip.
10. Access to the strip is on the following terms:
- (a) any person shall have the right, at any time, to pass and repass over and along the land over which the strip has been created, subject to any other provisions of this instrument.
11. The words "owner or occupier" where used in this instrument shall include the registered proprietors for the time being of the land.

Signed by Grantor in the presence of—

*[signature, occupation, and  
address of witness]*

Executed by Grantee by common seal or by 2 officers, as provided by the territorial authority's rules

Date

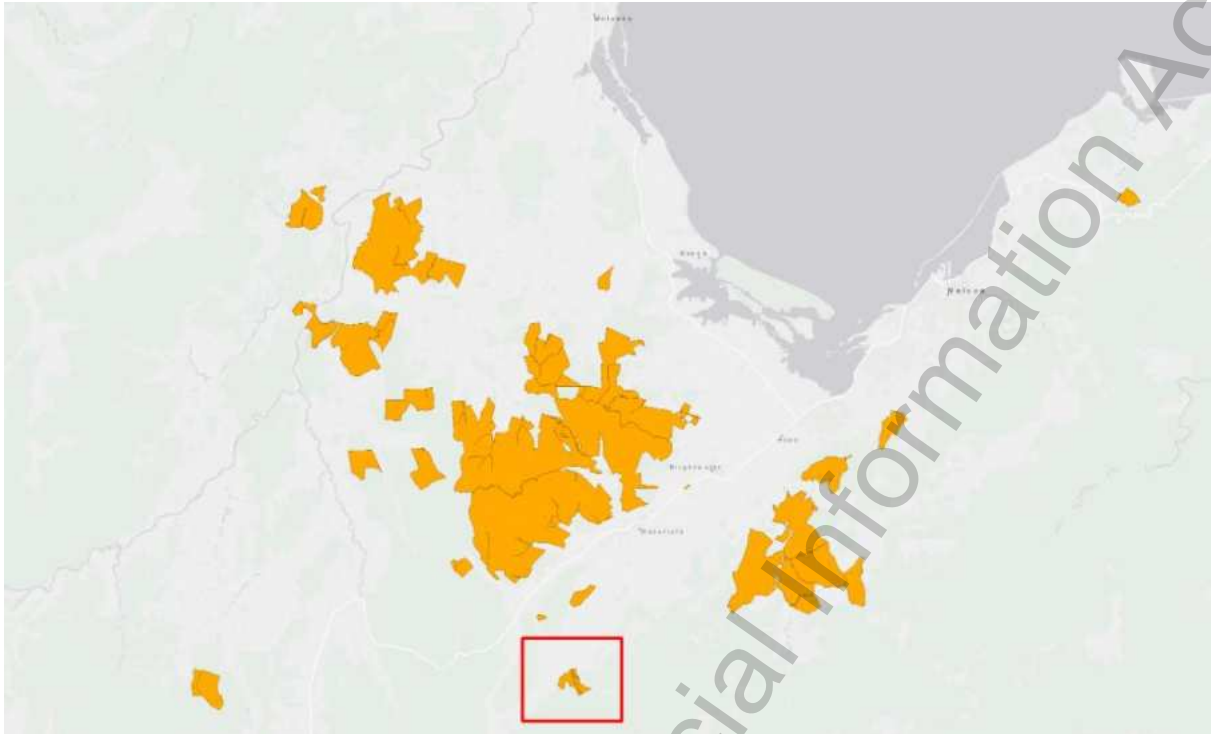
## **Schedule A**

*[Give a full description of the land owned by the Grantor over which the strip applies, including the portion of the land affected by the easement, by reference to the plan defining it, the lot and deposited plan, certificate of title reference(s), and any encumbrances.]*

## **Schedule B**

*[State the width in metres of the easement and refer to plan (if any) depicting the easement annexed to this instrument or deposited in the Land Registry Office.]*

# Buchanan Forest



OIO Case No 201610009  
Sumitomo Forestry Company Limited

## Access Recommendations

Report 2 of 13



NZ Walking Access Commission – June 2018

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# Recommendations for public access

|                          |  |
|--------------------------|--|
| <b>Case:</b>             | CMS 3568   |
| <b>OIO Case:</b>         | 201610009  |
| <b>Applicant:</b>        | Sumitomo Forestry Company Limited                            |
| <b>Representative:</b>   | Unknown  |
| <b>Property Manager:</b> | Tasman Pine Forests Ltd (section 9 (2) (a), General Manager) |
| <b>Local Authority:</b>  | Tasman District  |
| <b>Case Received:</b>    | 21 July 2016   |
| <b>Field Inspection:</b> | Desktop  |
| <b>Report Date:</b>      | 26 June 2018   |
| <b>Legal details:</b>    |  |

| Certificates of Title | Legal Description | Area (ha)       |
|-----------------------|-------------------|-----------------|
| NL7C/505              | Lots 1-3 DP12531  | 131.4240        |
|                       | <b>Total Area</b> | <b>131.4240</b> |

## 1. Introduction

The New Zealand Walking Access Commission (the Commission) was established in 2008 by the *Walking Access Act*. The Commission is the Crown entity that leads and supports the negotiation, establishment, maintenance, and improvement of walking access and types of access that may be associated with walking access such as access with firearms, dogs, bicycles, or motor vehicles.

This report is prepared by the Commission to progress the walking access conditions approved by the Minister of Finance and the Minister for Land Information for the purchase of sensitive land as defined under section 12 and 17 of the Overseas Investment Act 2005.

In considering its priorities for negotiating public access over private land, the Commission is guided by the provisions in section 11 of the *Walking Access Act*.

In summary the Commission recommends:

- The existing right of public access over the forestry road within Buchanan Forest be marked with signage, the route marked and any locks on gates be removed.
- Establish a transparent user friendly managed access system to meet community demand for access through Buchanan Forest into Mt Richmond Forest Park via the forestry road. To provide clarity, the process and conditions for gaining access into the Applicant forests should be captured in an MOU between the Applicant, local council and the Commission.
- Advertise access policies and procedures for each Applicant-owned forest on the company's website

## 2. Purpose

This report provides the public access recommendations for negotiation and final agreement with the applicant.

Tasman Pine Forests Ltd (TPF) hold the OIO consent for a large number of forest blocks. Because of the large area of land involved in this application, the forestry blocks have been divided into 13 geographically-based cases. The Commission has assessed each of these forest blocks in a separate report. This report (2 of 13) covers Buchanan Forest, Gordon Range, Nelson.

## 3. Walking access conditions

The walking access conditions in the Ministers' consent (Appendix A) require the Applicant to consult with the Commission to determine what the Applicant can reasonably do to provide, protect or improve public walking access over the land (such as, where reasonable, the registration of new instruments, the erection of signs, establishing and maintaining walking and mountain biking tracks, or other similar mechanisms recommended by the Commission). The cost of any walking access shall be borne by the Applicant.

## 4. Consultation

The Commission has consulted with the Applicant, the Department of Conservation (DOC), Nelson-Marlborough Fish and Game Council (F&G), Tasman District Council (TDC), Heritage NZ Pouhere Taonga (HNZ), Nelson Tramping Club and Federated Mountain Clubs (NTC, FMC), Nelson Mountain Bike Club (NMTBC), Mountain Bike Trails Trust (MTBTT), NZ Deerstalkers Association (NZDA), Nelson Horse Riding Club (NHRC), Nelson Bays Trail Riding Club (NBTRC), and adjoining landholder Robert Buchanan.

## 5. Field inspection

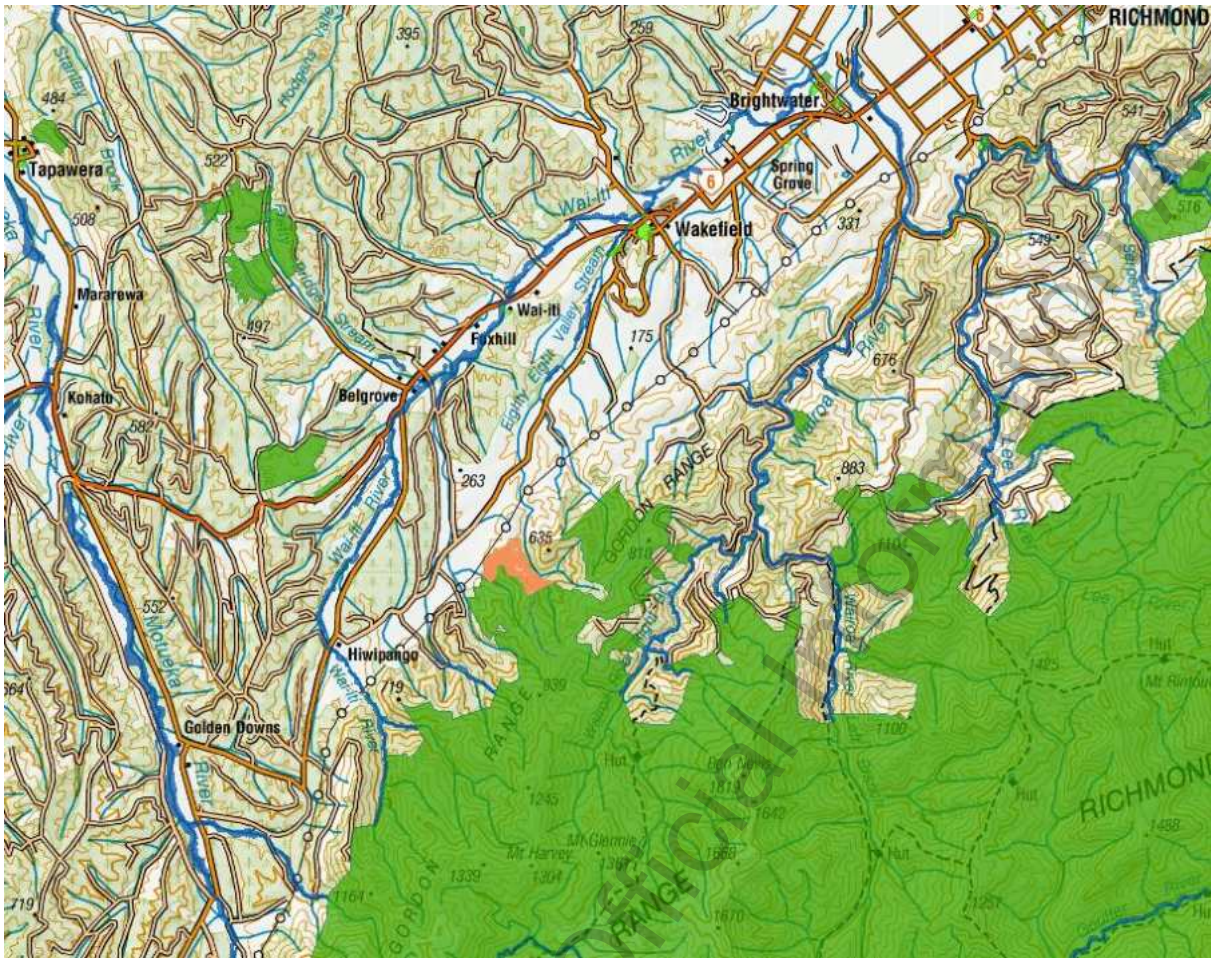
This is a desktop report and no field inspection has been undertaken

## 6. Context

The 131 ha Buchanan Forest is located between the Eight Eight Valley and Gordon Range. The Forest is 10km south west of Wakefield and 23km south west of Richmond/Nelson (Map 1).

Eighty Eight Valley is a productive flat and rolling livestock farming area with both medium scale properties and small holdings. The wider area is intensively settled, with townships including Brightwater and Wakefield nearby. There are pine plantations on most steep hill country, on either side of the valley.

The Forest is on the north-west facing flanks of the Gordon Range in Mt Richmond Forest Park. This part of the Richmond Forest is highly valued for hunting, tramping and mountain biking.



Map 1 Location of Buchanan Forest (shaded orange)

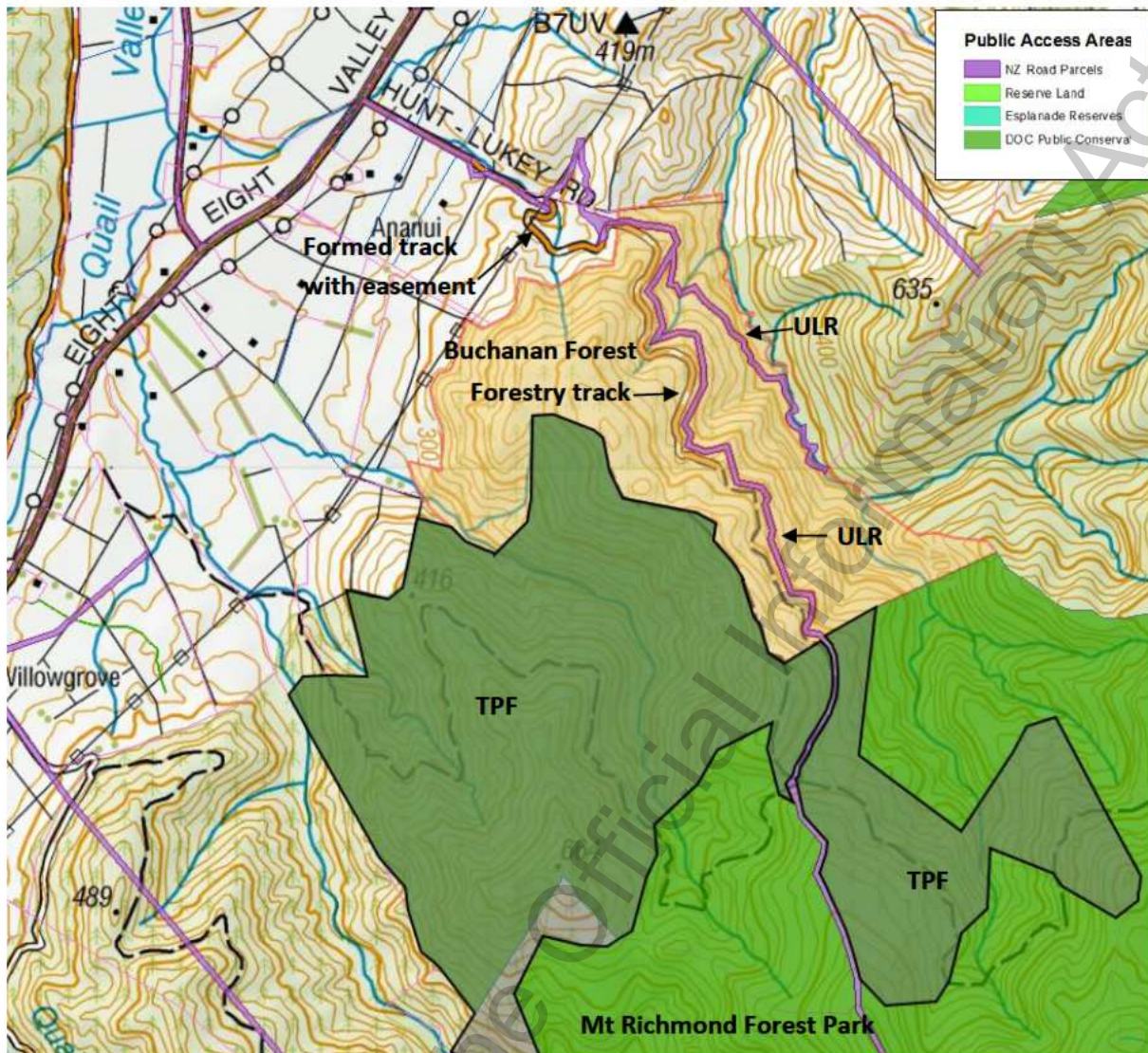
Source: [www.wams.org.nz](http://www.wams.org.nz)

## 7. Analysis of existing legal access

### **Legal Road**

Hunt-Lukey Road, a partially formed and unformed legal road (ULR), provides legal access to Buchanan Forest from Eighty Eight Valley Road. The ULR branches into two separate ULRs intersecting the property. One of these legal roads provides legal access to the Mt Richmond Forest Park, the other, to the east, ultimately forms part of the eastern boundary of the block (Map 2).

Vehicle access to the property is via Hunt-Lukey Road and an easement over the formed track where it deviates from the unformed Hunt-Lukey Road). The easement is in favour of the Crown (see Appendix B)



Map 2 Legal access to Buchanan Forest (shaded orange)

Source: [www.wams.org.nz](http://www.wams.org.nz)

### Conservation Areas

The property is in the vicinity of public conservation land, Gordon Range which is part of the Mt Richmond Forest Park. Access to Mt Richmond Forest park is available via ULR (shown in Map 2) that bisects Buchanan Forest. The ULR runs continuously from Eighty Eight Valley Road to Richmond Forest Park. It does not appear to currently provide practical access.

Vehicular access to Mt Richmond Forest Park is via the forestry track through Buchanan Forest which is separate from, but closely follows the line of the ULR. The easement over the forestry track allows for vehicular access in favour of the Crown, including visitors (see Appendix B)

### Riparian Access

There is no riparian access within or connecting with the Buchanan Forest block, apart from the eastern ULR which may provide access to a significant tributary of the Eighty Eight Valley Stream.



## Easements

TPF share the benefit of a right of way easement that enables vehicular access over the formed Hunt-Lukey Road, where it deviates from the legal road parcel (see Appendix B (“C” on DP 11155)).

The Crown has the benefit of an easement that extends the length of the forestry road within Buchanan Forest (refer CFR NL7C/505 in Appendix B and TE 2454941.1 in Appendix C).

## 8. Access assessment

Consultation with DOC, MTB Trails Trust, Nelson Mountain Bike Club, Nelson Tramping Club, FMC and NZDA identified that public access into Mt Richmond Forest Park through Buchanan Forest is highly valued.

The Gordons Range Trail (mountain bike trail) uses the forestry track within the Buchanan Forest. This is one of a series of “Epic” mountain bike trails in the top of the South Island. This intermediate grade four-hour loop track starts and ends in Brightwater or Wakefield, circumnavigating the Gordon Range and exiting via the Wairoa Gorge (Appendix D).

Current vehicular access to Richmond Forest park is via Hunt-Lukey Road, forestry track and ULR, however the public right to use this access has been interpreted as requiring landowner permission. Within Buchanan Forest, locked gates prevent vehicle access on the forestry track.

Currently mountain bikers require permits to ride in all TPF forests including Buchanan Forest.

The Commission believes that there are public access rights over the existing ROW (which covers both the deviations from Hunt – Lukey Road and the forestry track within Buchanan Forest) which are not currently being made available to the public. Recognising the public entitlement to use the forestry road within Buchanan Forest could enable unrestricted public use the forestry road on foot, cycle and by vehicle and provide secure public access to Mt Richmond Forest Park

## 9. Priorities for public access

Section 11 of the Walking Access Act 2008 sets out the Commission’s statutory priorities for negotiating walking access over private land. These priorities for the Buchanan Forestry Block are addressed in the table below:

| Access Criteria – Section 11 of the Walking Access Act 2008   |  |
|---|--|
| Consideration of priorities for walking access over private land  | Recommended public access to address these priorities                            |
| <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> | N/A  |
| <i>11 (b) over land adjoining rivers or lakes where there is not already walking access over the land:</i>  | N/A<br>There are no rivers wider than 3m adjoining or intersecting the property. |

|   |   |
|---|---|
| 11 (c) to parts of the coast, rivers, or lakes to which there is not already walking access:  | N/A   |
| 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): | N/A   |
| 11 (e) to conservation areas (within the meaning of section 2(1) of the Conservation Act 1987):   | Applicable<br>Enable vehicular, cycling and walking access to Mt Richmond Forest Park |
| 11 (f) to areas of scenic or recreational value:  | Applicable<br>Enable vehicular, cycling and walking access to Mt Richmond Forest Park |
| 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).                           | N/A   |

## 10. Access recommendations

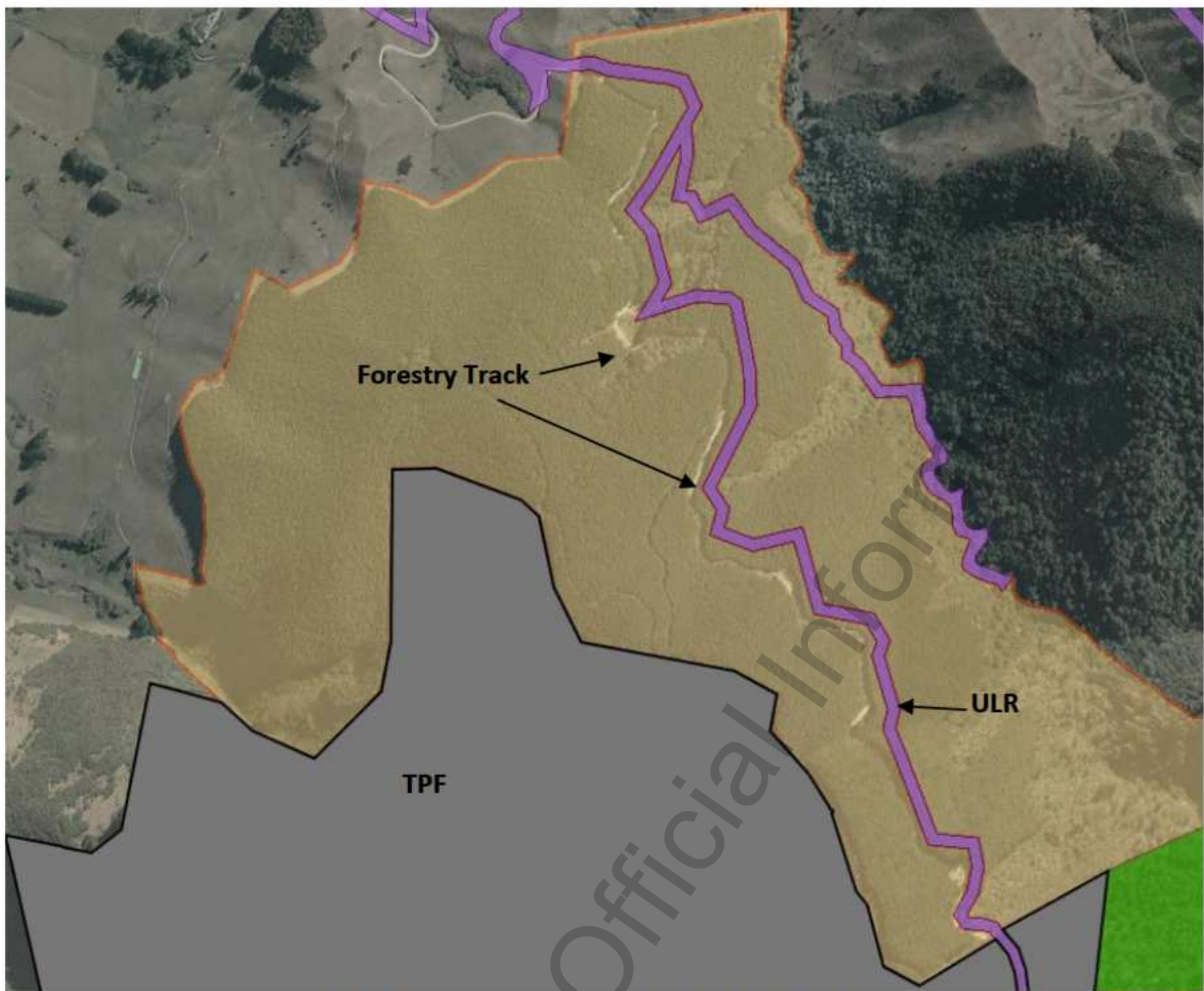
The final alignments for these public access recommendations are subject to agreement between the Applicant and the Commission.

The Commission recommends that;

1. Unrestricted public access be made available on the forestry road that bisects the Buchanan forestry block; and
2. This public access be identified with signage and the route marked.
3. Establish a transparent user friendly managed access system to meet community demand for access through Buchanan Forest into Mt Richmond Forest Park via the forestry road. To provide clarity, the process and conditions for gaining access into the Applicant forests should be captured in an MOU between the Applicant, local council and the Commission.
4. Advertise access policies and procedures for each Applicant-owned forest on the company's website

The Commission believes that there are public access rights over the existing ROW on the forestry road, (shown as "D" and "E" on survey plan associated with the Computer Freehold Register, Appendix B) bisecting the Buchanan forest block.

In the event that public access rights were to be shown to not exist then a public access easement (Gazetted Walkway) is to be established over the route for walking, cycling, horse riding and vehicles.



Map 3 Recommended access on forestry track through Buchanan Forest (shaded orange)

Source: [www.wams.org.nz](http://www.wams.org.nz)

Released under the Official Information Act

## Appendix A – OIO Notice of Decision

### Notice of Decision – Case 201610009 – Statutory Conditions of Consent

#### *Walking Access*

9. The Consent Holder must consult with WAC to determine what the Consent Holder can reasonably do (having regard to the proposed use of the Land, the impact of the access initiative on such use, and the costs and obligations on the Consent Holder in implementing the relevant access initiative) to:
- establish and register a public access easement for walking and mountain biking access to Mt Richmond National Park over the route marked in yellow on the map below ("**Mt Richmond Route**"); and
  - provide, protect or improve public walking access over the Land generally or part of that land (such as, where reasonable, the registration of new instruments, the erection of signs on the Land, establishing and maintaining walking and mountain biking tracks, or other similar mechanisms recommended by WAC) ("**Walking Access**").



The Consent Holder must

- Write to the Operations Manager at WAC (PO Box 12348, Thorndon, Wellington 6144) within 15 working days from the Settlement Date advising that the Consent Holder wishes to consult about Walking Access and the Mt Richmond Route and enclose:
    - a copy of the Decision Summary for this consent; and
    - a copy of this condition together with information identifying and describing the Land including aerial photographs, maps and Certificate(s) of Title;
  - Implement the Mt Richmond Route and/or any Walking Access recommended by WAC ("**WAC Recommendation**") within two years from WAC making the WAC Recommendation, or such other timeframe as mutually agreed between the Consent Holder and WAC. The cost of any Walking Access shall be borne by the Consent Holder.
10. The Consent Holder must provide to the OIO a copy of the letter sent to WAC under condition 9 within 20 working days from the Settlement Date.

## Appendix B - CFR NL7C/505 (Buchanan Forest Block)



### COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952



R. W. Muir  
Registrar-General  
of Land

#### Search Copy

**Identifier** NL7C/505  
**Land Registration District** Nelson  
**Date Issued** 06 March 1986

#### Prior References

NL7A/530                      NL7A/531                      NL7A/532

**Estate** Fee Simple  
**Area** 131.4240 hectares more or less  
**Legal Description** Lot 1-3 Deposited Plan 12531

#### Proprietors

Tasman Bay Forests Company

#### Interests

245494.1 Transfer creating the following easement in gross

| Type         | Servient Tenement                   | Easement Area  | Grantee  | Statutory Restriction |
|--------------|-------------------------------------|----------------|--|-----------------------|
| Right of way | Lot 2 Deposited Plan 12531 - herein | D & E DP 11155 | Her Majesty the Queen<br>for the purposes of the<br>Forests Act 1949 |                       |

Subject to Section 308 (4) Local Government Act 1974

The parts of Lots 1 and 2 DP 12531 which were formerly comprised in CT NL7A/530 are subject to Section 8 Mining Act 1971

The parts of Lots 1 and 2 DP 12531 which were formerly comprised in CT NL7A/530 are subject to Section 168A Coal Mines Act 1925

8923060.1 Mortgage to Coöperatieve Centrale Raiffeisen-Boerenleenbank B.A. - 30.11.2011 at 3:09 pm

9282659.1 Notice pursuant to Section 195(2) Climate Change Response Act 2002 - 17.1.2013 at 3:51 pm

Transaction Id  
Client Reference dward002

Search Copy Dated 4/08/15 8:23 am, Page 1 of 2  
Register Only



APPROVED  
 DATES

Perman in Section 34d of the Local Government Act 1974, the Waikato County Council hereby certifies that the proposed easements are shown in the Table of Proposed Easements hereunder.

Dated this 20th day of February 1982.

*[Signature]* Chairman  
*[Signature]* Principal Officer

| SHOWN | PROPOSE | SERV TENENT                | GRANTEE                                  |
|-------|---------|----------------------------|--|
| C     | RDK     | PL 56/72<br>CT 7A/531LH    | H. H. DUBB                               |
| D     | RDK     | PL 56/73/812<br>CT 7A/531M | for the purposes of the Forests Act 1949 |
| E     | RDK     | PL 56/3<br>CT 7A/530       | As 7A/530                                |

Total Area  
 Comprised in CT 7A/531LH & CT 7A/530

I. Ross D. Shiley  
 Registered Surveyor and holder of an annual practicing certificate  
 hereby certifies that this plan has been made by a survey conducted  
 by me or under my direction. That 50% of the area shown on this  
 plan has been made in accordance with the respective conditions  
 of the respective sections of the Forests Act 1949.

Dated this 15th day of February 1982.

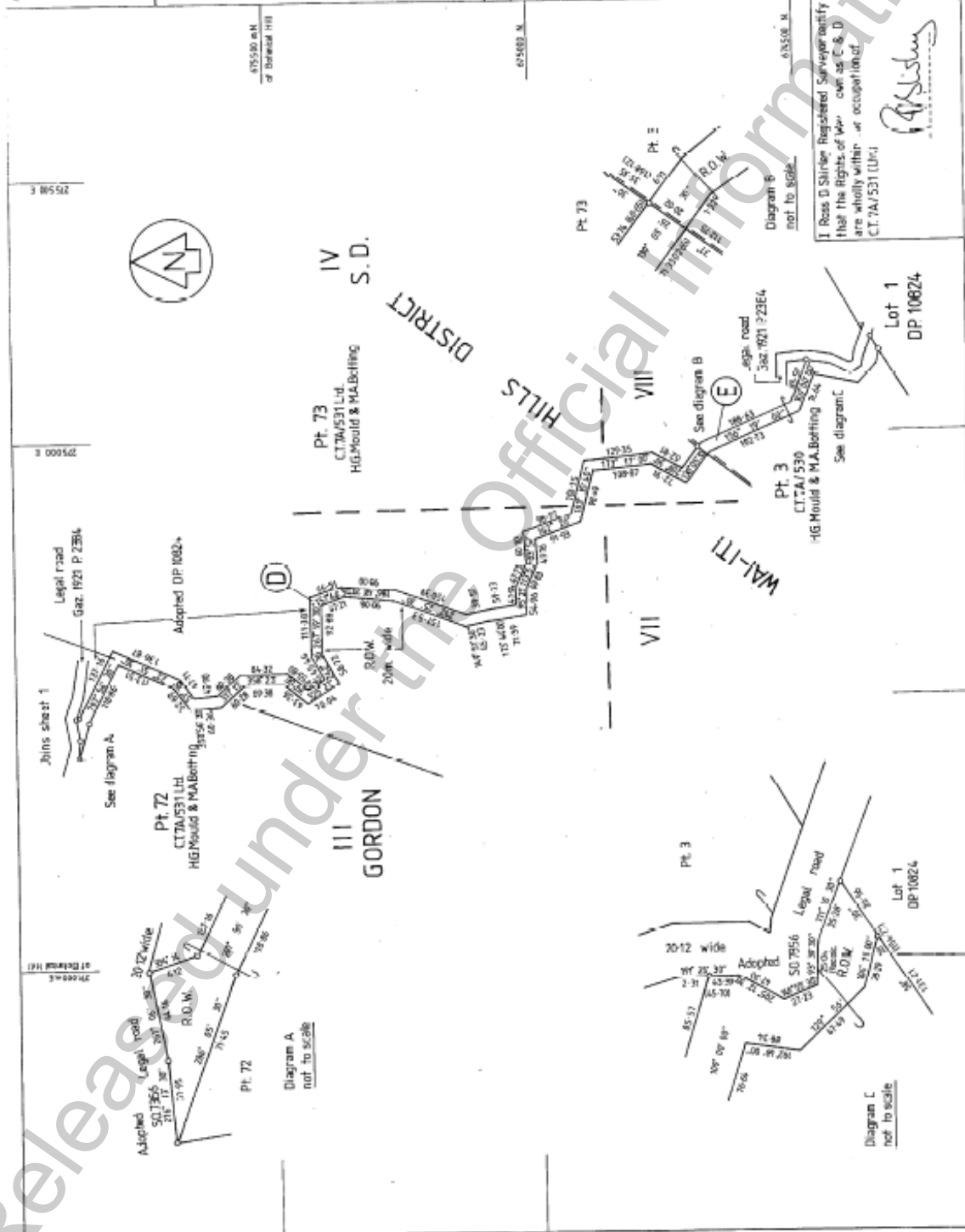
*[Signature]*  
 Registered Surveyor

Field Book 2012 p. 11-20. Traverse Area 172 p. 175-178  
 Traverse Area 516 326,760,801,603,800  
 315' 0.00' W.M.  
 Easements 1/2000

Approved as to Survey  
 2/1/82  
*[Signature]* Chief Surveyor

Deposited this 5th day of February 1982

11155  
 1/11/82  
 11155  
 1/11/82



LOCAL AUTHORITY WAIKATO COUNTY COUNCIL  
 Surveyed by N.Z. FOREST SERVICE  
 Scale 1:5000  
 Date FEBRUARY 1982

Easements over Pt. Sec. 72 & Pt. Sec. 73 Wai-iti Hills District  
 & Pt. 3 Blk. VIII Gordon S.D.

LAND DISTRICT NELSON  
 SURVEY BLK. & DIST. III, IV, VII & VIII GORDON  
 NZRS 261 SHEET NO. N.28

# Appendix C – Right of Way TR 245494.1

Approved by the Registrar-General of Land, Wellington, No. 367635/80  
Approved by the District Land Registrar, North Auckland, No. 4363/80

Under the Land Transfer Act 1952

245494.1  
TE

## Memorandum of Transfer

HAROLD GEORGE MOULD of Wakefield, farmer and MILES ALSTAIR BOTTING of Nelson, Solicitor as executors (jointly interse) as to an undivided one half share, and the said HAROLD GEORGE MOULD as to an undivided one half share as tenants in common in the shares (hereinafter called "the Transferors") are

being registered as proprietors

of an estate in fee-simple

subject however to such encumbrances, liens and interests as are notified by memoranda underwritten or endorsed hereon in those pieces of land situated in the Land District of Nelson containing

FIRSTLY: ONE HUNDRED AND SEVENTY EIGHT DECIMAL TWO TWO FIVE ONE HECTARES  
(178.2251 ha)

more or less being part of part 9 and 13 of Section 45 District of Waimea South and parts of Sections 68, 68A, 71, 72 and 73 District of Wai-iti Hills situated in Blocks III, IV, VII and VIII Gordon Survey District and being all of that land comprised and described in Certificate of Title Volume 7A Folio 531 Limited as to Parcels (Nelson Registry)

SECONDLY: TWENTY SIX DECIMAL EIGHT ONE THREE TWO HECTARES (26.8132 ha) more or less being part Sections 3 and 9 Block VIII Gordon Survey District and being all of that land comprised and described in Certificate of Title Volume 7A Folio 530 (Nelson Registry) SUBJECT TO: Section 8 of the Mining Act 1971 and Section 168A of the Coal Mines Act 1925.

#0BND04 11688 N.L.#####00:00

NEW ZEALAND STAMP DUTY NNT

2008-10-10 10:10:10



IN CONSIDERATION OF the sum of ONE DOLLAR (\$1.00) paid to the Transferors by the Minister of Forests acting for and on behalf of HER MAJESTY THE QUEEN (the receipt of which sum is hereby acknowledged), the Transferors HEREBY TRANSFER AND GRANT to HER MAJESTY THE QUEEN for the purposes of the Forests Act 1949 (hereinafter called "the Transferee") as an Easement in gross the full, free, uninterrupted and unrestricted right, liberty and privilege for the Transferee together with her servants, agents, contractors and visitors (in common with the Transferors and any other person lawfully entitled so to do) from time to time and at all times to go pass and repass ~~and stop upon~~ with or without carriages, vehicles, motor vehicles, machinery and implements of any kind through over and along those portions of the land as is more particularly shown marked with the letters "C", "D" and "E" on Deposited Plan 11155 TO THE INTENT that the land shall be forever subject to the Easement hereby created AND OTHERWISE UPON the terms and conditions imposed by virtue of section 90D of and the Seventh (7th) Schedule to the Land Transfer Act 1952 with the following additions, modifications and variations namely:

1. The Transferee shall bear all necessary survey and legal costs incurred in forming, defining and surveying the Right of Way together with any legal costs incurred in registering this Memorandum of Transfer.
2. The Transferee shall be responsible for and bear all costs of the maintenance of the Right of Way PROVIDED THAT if damage is caused to the Right of Way by the Transferors or the Transferors' servants, tenants, agents, workmen, licensees, invitees and/or any persons acting for or on their behalf shall be promptly repaired and made good by the Transferors at their own expense.

→  
- 7A/531  
E on  
7A/530

Released under the Official Information Act

## Appendix D – MBT Trails Trust Gordons Range

### Gordons Range

March 15 2015

The windfalls have been cleared. There were a few small branches down from the recent wind but weren't a problem.

**Note:** As at June 15 2014 there are extensive windfalls on the road between 14 & 14.5km and 15 & 16km. You can get through, but allow an extra half an hour. This is a good winter ride when the tracks are too wet to ride and you want a 4-6 hour ride.

**Rating:** Grade 2+

**Know before you go:** Gravel and forestry roads. There is some strenuous climbing on this ride, but none of the hills are too steep to ride. It is reasonably remote and you can't rely on cellphone coverage, so be self sufficient and take a bit of warm clothing as it is colder than down on the mudflats. There is water available between 10 & 14km on Gordons Rd. 4 to 5 hours from Brightwater back to Brightwater.

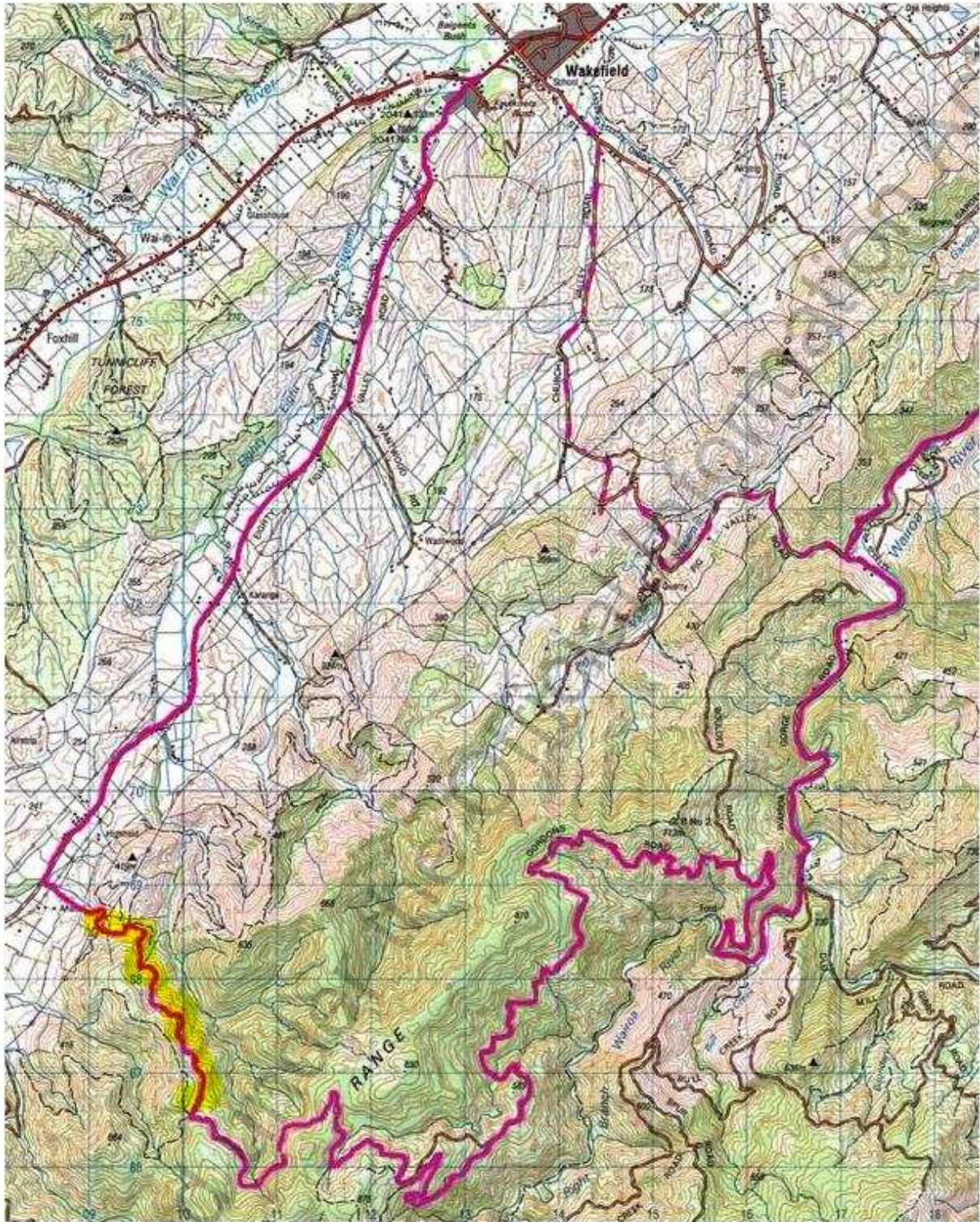
**Getting there:** From Brightwater ride up River Terrace and turn up the Wairoa Gorge, or from Wakefield ride up Church Valley and Pig Valley to the Wairoa Gorge. Follow up the gorge past the Pig Valley intersection and at the Forks keep right and head up the Right Branch of the Wairoa for about 3km where the road heads up the hill.



There is a locked forestry gate here and this is the start of Gordons Rd. From the gate climb for 45-60 mins to reach the ridge. There is one intersection on the climb with Boulder Road where you keep left. From here the road drops then rises a couple of times through patches of native bush. There is a creek where you can usually get drinking water. At 16km the road crosses a spur and undulates around the hill for 2km before starting an exhilarating 6km descent to another locked gate on the edge of farmland. Part way down the descent there is a major intersection with Spur Road. Keep to the right here and stay on Gordons Rd. Cruise down through the farm taking care not to spook stock (the farmer is MTB friendly, so don't upset him) and out on to 88 Valley Rd about 1km north of Quail Valley intersection.



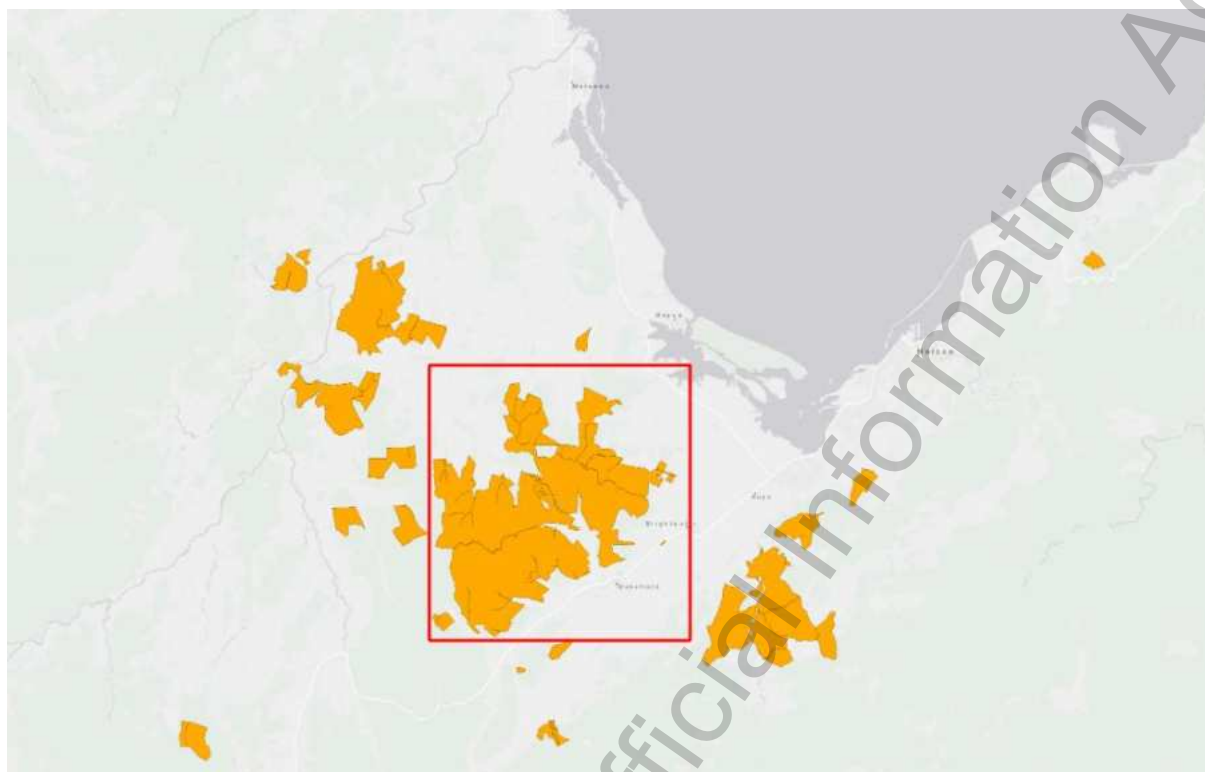
Turn up the tarseal down to Wakefield and soak up the village culture, coffee and quiche at Wakefield's Chateau Rhubarbe. Allow at least 4 hours round trip if starting from Brightwater. For variety riding this loop counter-clockwise is an equally rewarding ride.



Map 4 Gordons Range Track (Buchanan Forest portion highlighted yellow)

[www.mttrailsrust.org.nz/Gordons-Range](http://www.mttrailsrust.org.nz/Gordons-Range)

# Moutere North / Moutere South



OIO Case No 201610009  
Sumitomo Forestry Company Limited

## Public Access Recommendations

Report 3 of 13



NZ Walking Access Commission – June 2018

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# Recommendations for public access

**Case:** CMS 3569  
**Applicant:** Sumitomo Forestry Company Limited  
**Representative:** Unknown  
**Property Manager:** Tasman Pine Forests Ltd (section 9 (2) (a), General Manager)  
**Local Authority:** Tasman District Council  
**Case Received:** 19 August 2016  
**Field Inspection:** Desktop  
**Report Date:** 27 June 2018

## Legal details:

| Certificates of Title | Legal Description       | Area (ha) |
|-----------------------|-------------------------|-----------|
|                       | See table in Appendix A |           |
|                       |                         |           |
|                       | Total approx            | 10,735    |

## 1 Introduction

The New Zealand Walking Access Commission (the Commission) was established in 2008 by the *Walking Access Act*. The Commission is the Crown entity that leads and supports the negotiation, establishment, maintenance, and improvement of walking access and types of access that may be associated with walking access such as access with firearms, dogs, bicycles, or motor vehicles.

This desktop report is prepared by the Commission to progress the walking access conditions approved by the Minister of Finance and the Minister for Land Information for the purchase of sensitive land as defined under section 12 and 17 of the Overseas Investment Act 2005.

In considering its priorities for negotiating public access over private land, the Commission is guided by the provisions in section 11 of the *Walking Access Act 2008*.

In summary the Commission recommends the following actions:

- Formalise sections of the Dovedale/Pigeon Valley Road which are not currently legal road.
- Create access strips over parts of Western Boundary/Elder and Eder/Bennits Roads where the formed road is not on the legal road line.
- Create esplanade strips alongside both banks of Eves Valley Stream from Eves Valley Scenic Reserve to and including Eves Valley Stream Marginal Strip, if required.
- Enable public access on all legal roads adjoining or intersecting the property.
- Negotiate a memorandum of agreement with Nelson-Marlborough Fish and Game Council for managed access for game bird hunting.

- Access to any areas which are proposed for protection due to their conservation values will be assessed for access requirements once those areas are determined by DOC.
- Establish a transparent user friendly managed access system to meet community demand for access through and connecting Moutere North and Moutere South Forests. To provide clarity, the process and conditions for gaining access into the Applicant forests should be captured in an MOU between the Applicant, local council and the Commission.

## 2 Purpose

This report provides the public access recommendations for negotiation and final agreement with the applicant.

Tasman Pine Forests Ltd (TPF) holds the OIO consent for a large number of forest blocks. Because of the large area of land involved in this application, the forestry blocks have been divided into 13 cases based on a geographical area. The Commission has assessed the forest block(s) within each geographical area in separate reports. This report (3 of 13) covers the Moutere North and Moutere South forests.

## 3 Walking access conditions

The walking access conditions in the Ministers' consent (Appendix B) require the Applicant to consult with the Commission to determine what the Applicant can reasonably do to provide, protect or improve public walking access over the land (such as, where reasonable, the registration of new instruments, the erection of signs, establishing and maintaining walking and mountain biking tracks, or other similar mechanisms recommended by the Commission). The cost of any walking access shall be borne by the Applicant.

## 4 Consultation

The Commission has consulted with the Applicant, the Department of Conservation (DOC), Nelson-Marlborough Fish and Game Council (F&G), Tasman District Council (TDC), Nelson City Council (NCC), Heritage NZ Pouhere Taonga (HNZ), Nelson Tramping Club (NTC), Federated Mountain Clubs (FMC), Nelson Mountain Bike Club (NMBC), Mountain Bike Trails Trust (MTBTT), NZ Deerstalkers Association (NZDA), Nelson Horse Riding Club (NHRC) and Nelson Bays Trail Riding Club (NBTRC), and Nelson Motor Cycle Club.

## 5 Field Inspection

A field inspection was undertaken on 14 September 2017 with [section 9 \(2\) \(a\)](#), TPF.

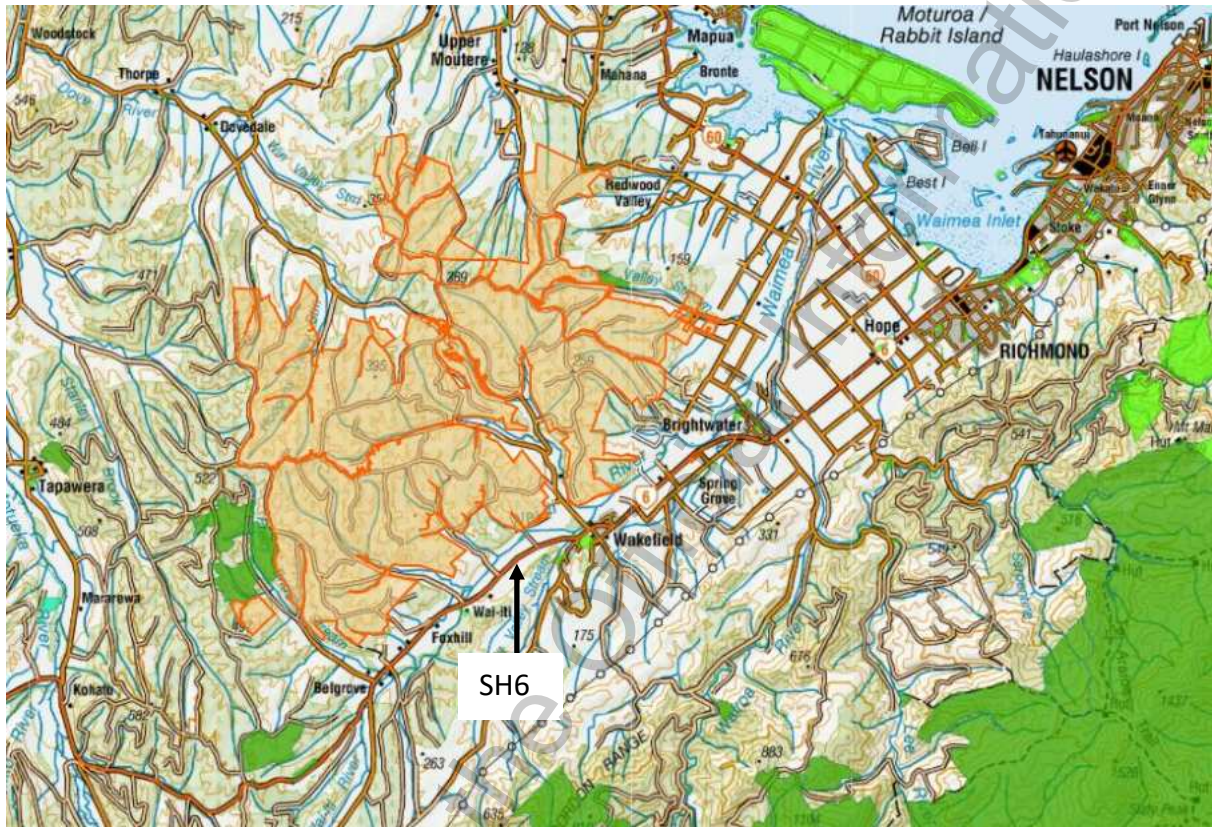
## 6 Context

This approximately 10,700 hectare property (shaded orange on Map 1 below) is predominately in pine forest. It lies some 15 km south west of Nelson. It extends a further 16km to the west and south west and up to 13km to the north and north west of State Highway 6 and Wakefield into a hilly area broadly used for forestry. Surrounding flat land to the east and south is generally farmed at a small scale for crops, fruit and vegetables.

Being within 5km of the settlements of Wakefield and Brightwater and under 20km from Brightwater and the city of Nelson, the Moutere Forests have high public recreational use. The area is popular for mountain biking, motorbike riding, horse riding, walking, and game bird

hunting. Regular car rallies have been held here. This is the only forest where TPF has offered public hunting for large animals by permit, between April and September.

Some 17 areas within the Moutere South and Moutere North Forests have been identified as a significant natural areas (SNAs) in the TDC district plan; SNA 334a, SNA MU 248, SNA MU 220, SNA MU 224, SNA MU 215b, SNA MU 34, SNA MU 340, SNA MU 55, SNA MU 181, SNA MU 174, SNA MU 353, SNA MU 339, SNA MU 53, SNA MU 264, SNA MU 294, SNA MU 412, SNA MU 411.



Map 1. Location of the property (shaded orange)

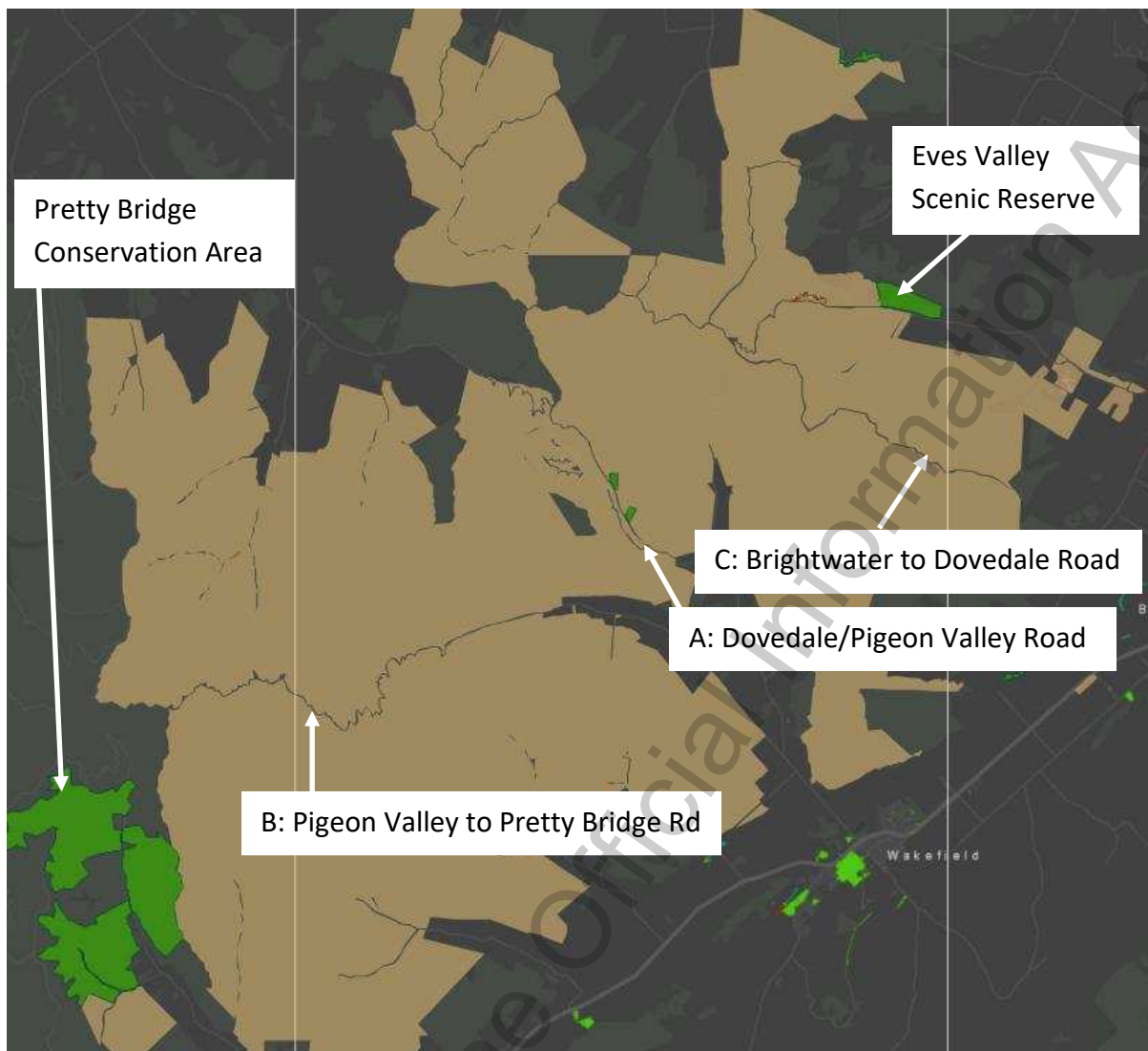
Source: [www.wams.org.nz](http://www.wams.org.nz)

## 7 Analysis of existing legal access

### **Legal Road**

This large forestry block has numerous legal roads providing practical legal access to the forests. In addition, there are many unformed legal roads (ULRs) intersecting the property, indicated by the grey lines crossing the property (shaded beige) on Map 2.





Map 2: Legal roads (grey lines), and conservation areas adjoining the property (shaded beige)

Source: [www.wams.org.nz](http://www.wams.org.nz)

There are three key routes providing legal access through the property, indicated as 'A', 'B' and 'C' on Map 2.

'A' is the Dovedale/Pigeon Valley Road which divides the Moutere North and South blocks. This formed gravel road largely follows legal road linking Wakefield with Dovedale.

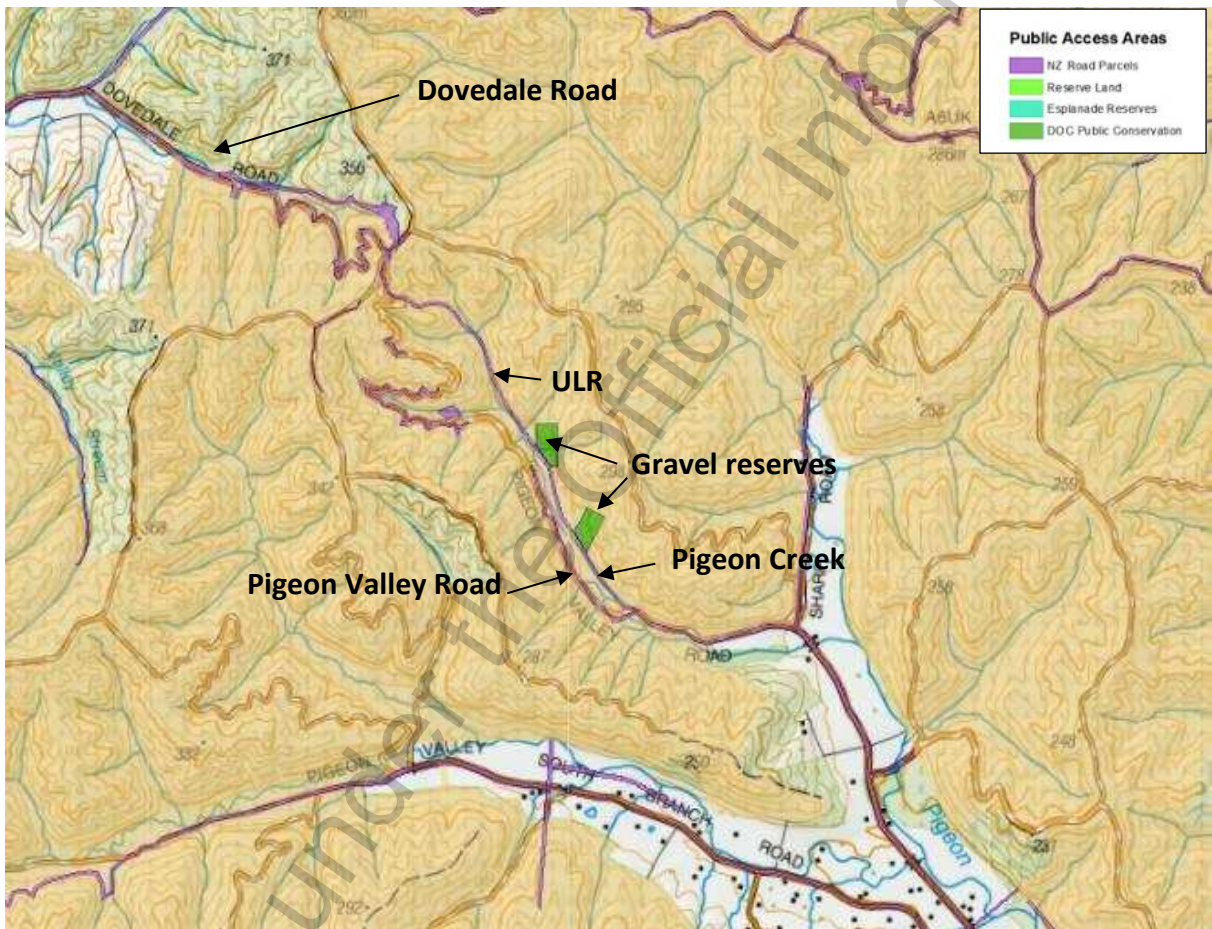
'B' is partially unformed, and where formed, the road often falls outside the ULR. This road provides legal access between the Wakefield area east of the property towards the Pretty Bridge Conservation Area, to the west.

'C' is partially unformed, and where formed, the road often falls outside the ULR. This road provides legal access connecting the Brightwater area east of the property with the Dovedale area to the west.

Other legal roads (formed and unformed) extend into the forest block (Maps 3, 4, 5). In many instances the formed road deviates from the legal road.



Map 3: Legal road from Pretty Bridge to South Pigeon Valley Road "B". The property is shaded orange  
 Source: [www.wams.org.nz](http://www.wams.org.nz)



Map 4: Legal roads shaded purple between Pigeon Valley Road and Dovedale Road. The property is shaded orange.  
 Source: [www.wams.org.nz](http://www.wams.org.nz)



Map 5: Legal road connecting Eves Valley Road to Dovedale Road.  
 Source: [www.wams.org.nz](http://www.wams.org.nz)

### **Conservation Areas**

Three areas of public conservation land (PCL) adjoin this property (Map 2). There are also three small gravel reserves adjoining the property.

Three separate blocks (formerly State Forest) comprise the Pretty Bridge Conservation Area and two adjoin part of the western boundary of the property.

The Eves Valley Scenic Reserve (28ha, shaded green on Maps 2 and 5) adjoins the property in the east, along Eves Valley Road.

Some 800m upstream from the scenic reserve is the Eves Valley Stream Marginal Strip, a fixed marginal strip.

Access is available to all these areas of PCL via legal roads.

### **Riparian Access**

Legal roads are in the vicinity of Pigeon Creek (Map 4) and Eves Valley Stream (Map 6) and they adjoin small sections of the streams and provide access connections across the property. Fixed marginal strips exist on a section of Eves Valley Stream (Map 6).



Map 6: Fixed marginal strip alongside a part of Eves Valley Stream

Source: [www.wams.org.nz](http://www.wams.org.nz)

## **8 Access assessment**

The Moutere north and Moutere south forests are highly valued for recreational walking, mountain biking, motor biking, horse riding, game bird shooting and hunting. Horse riders often live on the outskirts of the forest. Car rallies have been held here but not in recent years. Recreational use is offered by a permit system.

Cycle trails that traverse the property are publicly advertised. Maps are available through MBTT which has a network of existing routes through the forest including the 'Alternative Tapawera Brightwater Route' (Map 7 and Appendix E). This route initially follows legal road from the west (part of route B on Maps 4 and 5) then turns north and follows forestry tracks including Western Boundary road, connecting either with route 'A', or linking to route 'C' on legal road towards Brightwater.



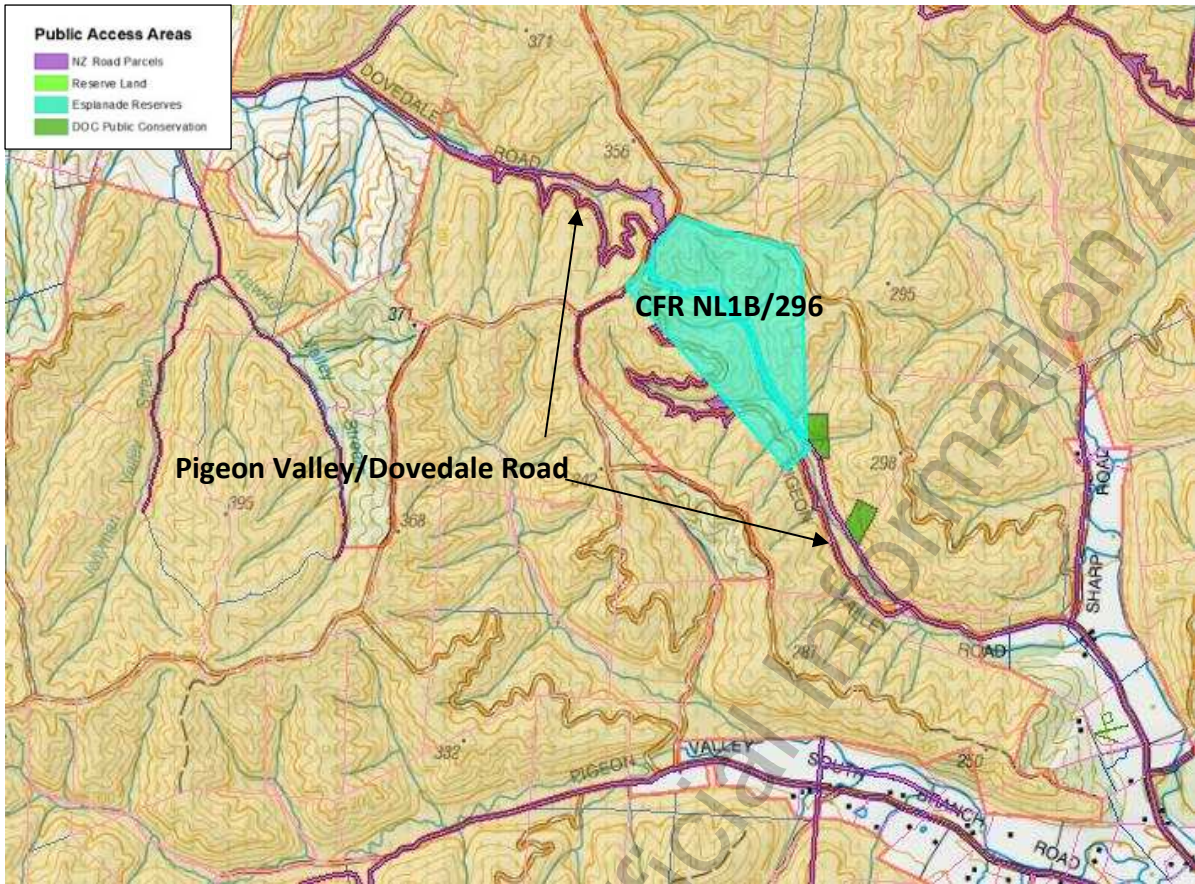
Map 7: 'Alternative Tapawera Brightwater Route' over legal road and forestry roads Source: MBTT

F&G have expressed an interest in game bird in these forests. It is desirable that the Applicant discuss with F&G arrangements for managed access for these purposes, subject to forest operational constraints.

#### **Access over Legal Roads**

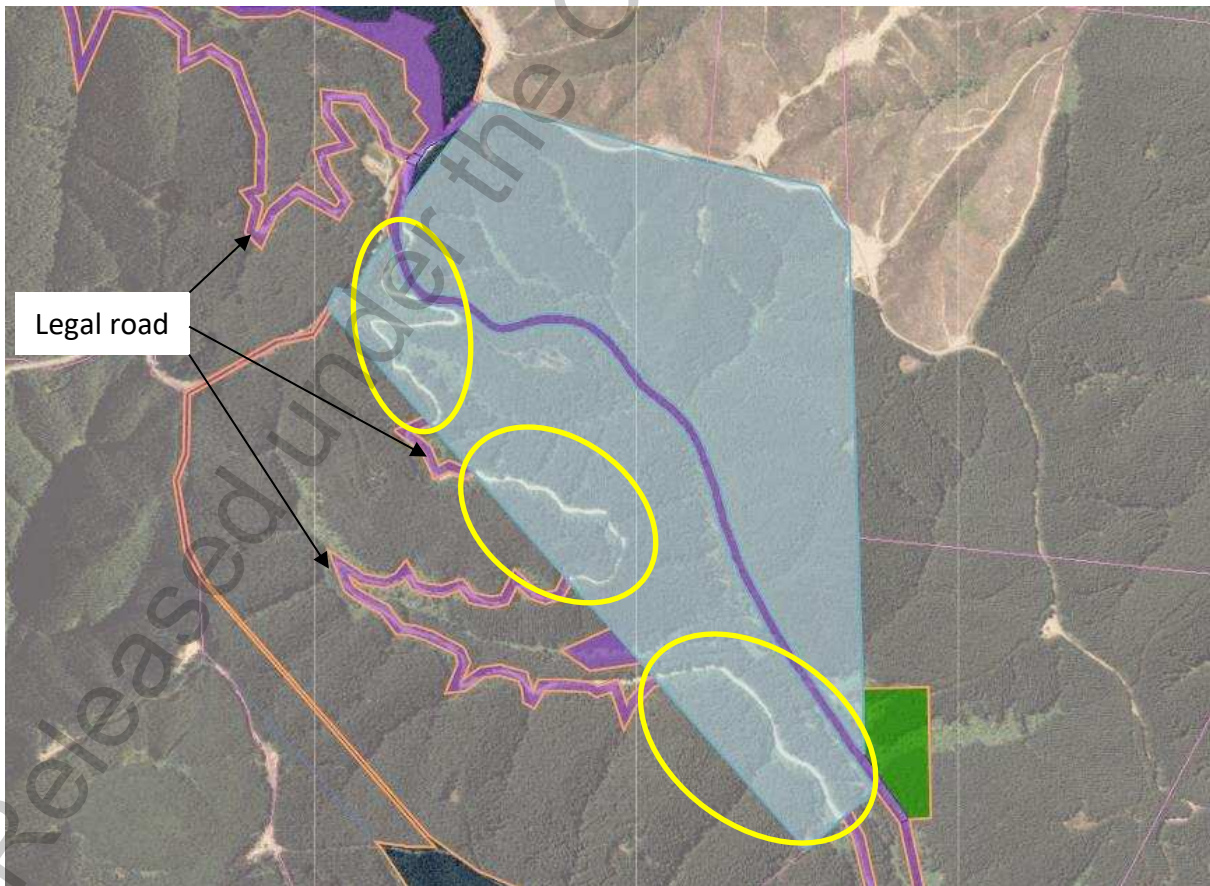
The key issues regarding access over legal roads that intersect this property are that the formed roads do not always align with the legal roads, there are gaps in the legal roads (i.e. there may not be continuous legal access along the what is assumed to be legal road), and there are locked gates on legal roads.

The primary road for access through this property is Dovedale/ Pigeon Valley Road (Maps 2 and 4). It is maintained as legal road by TDC and viewed by TDC, TPF and the community as a public road. It forms part of the Great Taste Trail. However, within the area of CFR NL1B/296 (Map 8), parts of the formed road have never been legalised (Map 9).



Map 8: Location of CFR NL1B/296 (shaded blue) The property is shaded orange

Source: [www.wams.org.nz](http://www.wams.org.nz)

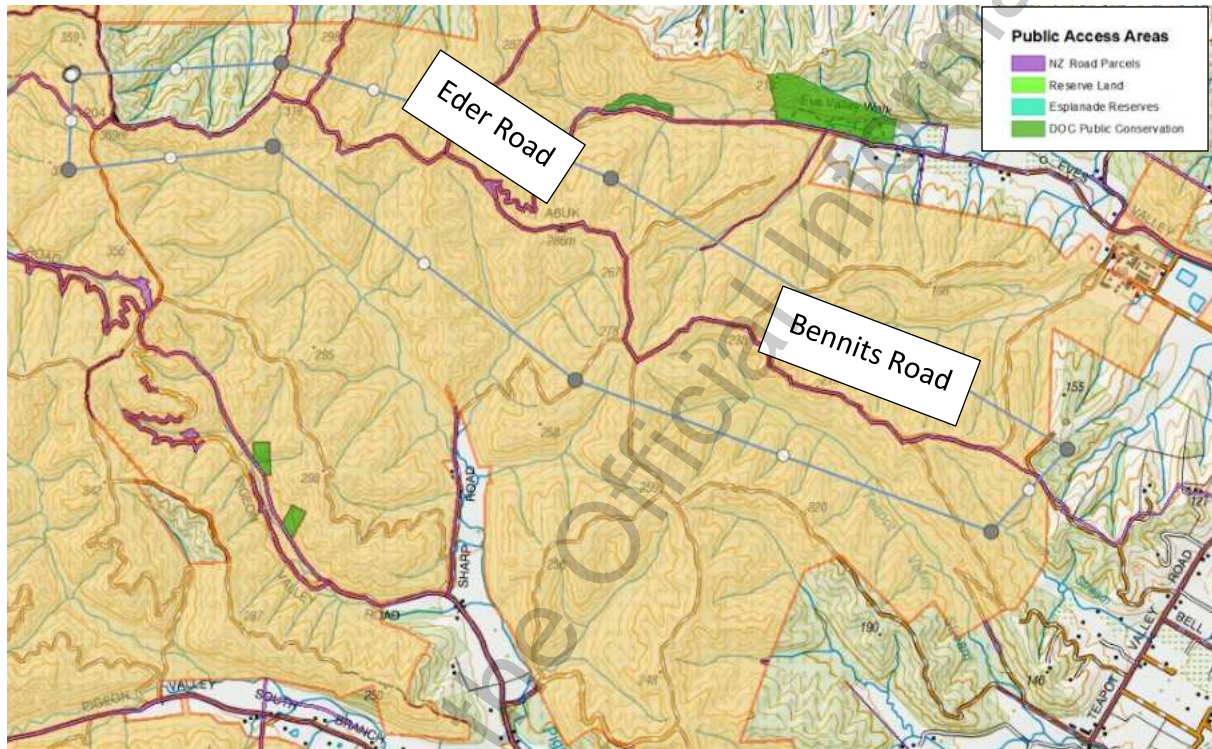


Map 9: Sections of the Pigeon Valley-Dovedale Road without legal road status (yellow circles) within CFR NL1B/296 (shaded pale blue)

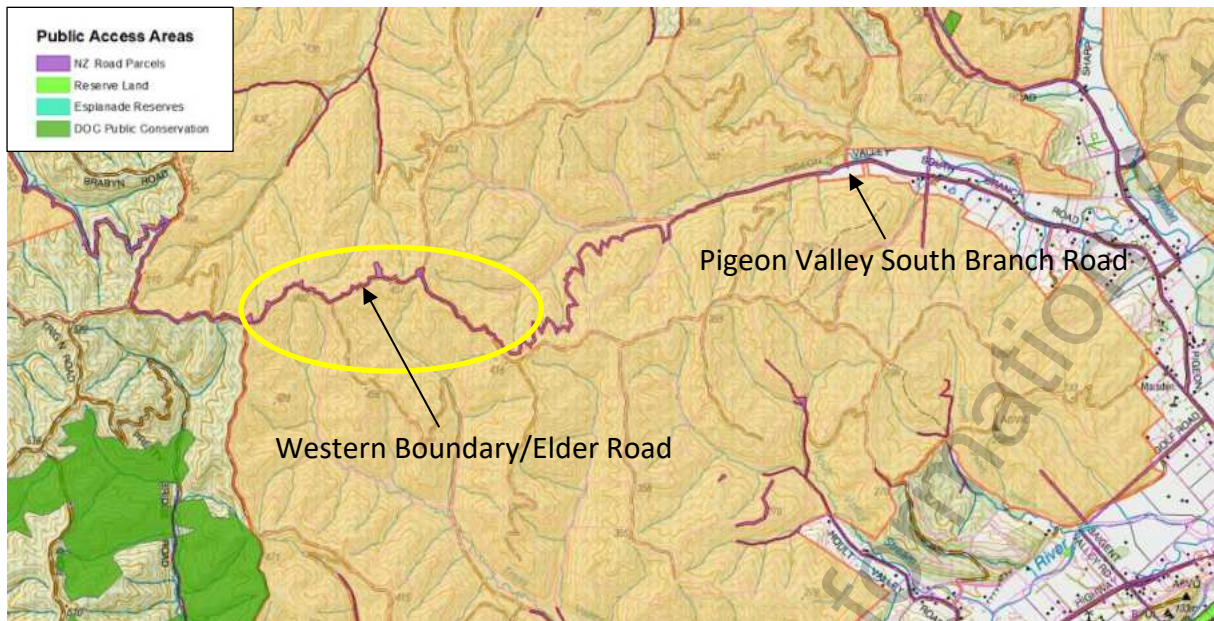
Source: [www.wams.org.nz](http://www.wams.org.nz)

It is recommended that the formed sections of the Dovedale/Pigeon Valley Road within CFR NL1B/296 that are not legal road, be formalised to provide for public vehicle access. This is fully supported by TDC and would be done through the Public Works Act 1981, to create legal road parcels over the formed road. This would provide the same legal status for the entire Pigeon Valley-Dovedale Road.

There are other legal roads intersecting the property, where the formed road deviates from the legal road. This includes parts of Eder/Bennits Road (Map 10) and Western Boundary/Elder Road (Map 11). These roads form part of the MBTT 'Alternative Tapawera Brightwater Route'.



Map 10: Eder/Bennits Roads where formed road and legal road deviate (blue shape), property shaded orange  
Source: [www.wams.org.nz](http://www.wams.org.nz)



Map 11: Sections of Western Boundary/Elder Road where formed road deviates from legal road (yellow circle), property shaded orange Source: [www.wams.org.nz](http://www.wams.org.nz)

The Commission recommends that the legal access, providing for walking and cycling access, on the formed road be provided by the creation of access strips (Resource Management Act 1991) over those sections of formed road not on the legal road.

No action is recommended on other routes where formed roads deviate from the legal road line, other than acknowledgement that public access is available over legal roads.

The Commission acknowledges the Applicant's desire to manage access within the property. It also notes that restricted access to all but the Pigeon Valley Road has become generally accepted, and that the lack of vehicles using the roads may be valued by some recreational users. TPF should continue working with user groups to arrive at a preferred solution. However there must be unrestricted access on ULRs, including where forestry roads coincide with ULRs, and locks on gates on ULR must be removed.

**Access along a river**

Access to and along Eves Valley Stream may need to be improved. The stream has apparently moved outside the Eves Valley Stream fixed marginal strip and there is a lack of riparian access between the marginal strip and Eves Valley Scenic Reserve (Map 6).

Esplanade strips along both sides of Eve Valley Stream would provide continuous enduring public access along this part of the watercourse, and connect the marginal strip and Scenic Reserve. Esplanade strips would also provide for riparian access alongside any part of the stream where it has moved outside the marginal strip or may do so in the future.

Subject to a site visit to verify the nature of the stream and need for access, the Commission recommends the creation of the above esplanade strips.

### Access to protected areas

DOC is evaluating SNAs identified in the TDC District Plan. Following this evaluation there may be a requirement for formalised protection of these areas, in which case the need for public access will also be determined.

## 9 Priorities for public access

Section 11 of the Walking Access Act 2008 sets out the Commission's statutory priorities for negotiating walking access over private land. These priorities for the Moutere forests property are addressed in the table below:

| Access Criteria – Section 11 of the Walking Access Act 2008  |  |
|--|--|
| Consideration of priorities for walking access over private land   | Recommended public access to address these priorities  |
| <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>                                      | N/A  |
| <i>11 (b) over land adjoining rivers or lakes where there is not already walking access over the land:</i>   | Applicable<br>Create esplanade strips along the Eves Valley Stream where it is adjacent to the property, and connect the marginal strip to the Eves Valley Scenic Reserve  |
| <i>11 (c) to parts of the coast, rivers, or lakes to which there is not already walking access:</i>  | N/A  |
| <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> | Applicable<br>Create an esplanade strip along the Eves Valley Stream where it has eroded through the fixed marginal strip and now adjoins the property   |
| <i>11 (e) to conservation areas (within the meaning of section 2(1) of the Conservation Act 1987):</i>   | N/A  |
| <i>11 (f) to areas of scenic or recreational value:</i>  | Applicable<br>1. Ensure legal public vehicle access on the formed Dovedale/Pigeon Valley Road by formalising any sections not on the legal road line<br>2. Ensure legal public access on the formed Western Boundary/Elder and Eder/Bennits Roads by formalising any sections not on the legal road line |
| <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>                           | Applicable<br>Provide for managed access for game bird hunting on the property.  |



## 10 Access Recommendations

The final implementation for these public access recommendations are subject to agreement between the Applicant and the Commission. The costs of establishing any public access are to be borne by the consent holder.

The Commission recommends that the Applicant:

- Enable Tasman District Council to create legal road parcels, pursuant to the Public Works Act 1981, over sections of the Dovedale/Pigeon Valley Road where the formed road is currently not legal road (notably within Title NL1B/296, see Map 9 above).
- Create access strips pursuant to section 237B Resource Management Act 1991 over those portions of forest roads (known as Western Boundary/Elder and Eder/Bennits Roads) that deviate from the legal road line (Map 10 and 11 above) and which form the “Alternative Tapawera Brightwater Route”. The access strips to provide for walking and cycling, to be depicted on a plan to be lodged with LINZ and recorded in the cadastre. See Appendix C for example of access strip instrument template.
- Subject to a site visit and confirmation of the need from the Commission, create esplanade strips pursuant to section 235 of the Resource Management Act 1991, alongside Eves Valley Stream from Eves Valley Scenic Reserve to the western end of the Eves Valley Stream marginal strip (i.e. including parts of the stream where the stream has moved outside the fixed marginal strip) (Map 6 above). Depict the esplanade strips strip on a plan to be lodged with LINZ and recorded in the cadastre. See Appendix D for example of esplanade strip instrument template
- Enable public access on all legal roads adjoining or intersecting the property, and remove all locked gates on these roads (formed and unformed), working with user groups to establish appropriate alternatives
- Negotiate a memorandum of understanding with Nelson Marlborough Fish & Game Council to allow licensed game bird hunters access for managed game bird hunting.
- Establish a transparent user friendly managed access system to meet community demand for access through and connecting Moutere North and Moutere South Forests. To provide clarity, the process and conditions for gaining access into the Applicant forests should be captured in an MOU between the Applicant, local council and the Commission.

In addition, access to any areas which are proposed for protection due to their conservation values will be assessed for access requirements once those areas are determined by DOC.

## Appendix A - List of titles with areas

| Block       | CFR       | Ha       | Block       | CFR       | Ha       |
|-------------|-----------|----------|-------------|-----------|----------|
| Moutere Nth | 320358    | 184.1027 | Moutere Sth | NL19/139  | 32.9414  |
| Moutere Nth | NL100/185 | 121.4057 | Moutere Sth | NL19/180  | 40.8732  |
| Moutere Nth | NL104/129 | 142.596  | Moutere Sth | NL19/182  | 19.0202  |
| Moutere Nth | NL105/75  | 114.9307 | Moutere Sth | NL19/198  | 79.0756  |
| Moutere Nth | NL10B/652 | 27.6882  | Moutere Sth | NL19/201  | 39.2545  |
| Moutere Nth | NL114/113 | 35.8653  | Moutere Sth | NL19/204  | 40.4686  |
| Moutere Nth | NL116/112 | 28.328   | Moutere Sth | NL19/207  | 26.6081  |
| Moutere Nth | NL117/177 | 69.2012  | Moutere Sth | NL19/211  | 123.6719 |
| Moutere Nth | NL119/150 | 30.7561  | Moutere Sth | NL19/214  | 80.0468  |
| Moutere Nth | NL119/159 | 78.6178  | Moutere Sth | NL19/248  | 45.1224  |
| Moutere Nth | NL121/173 | 19.4441  | Moutere Sth | NL19/249  | 38.0405  |
| Moutere Nth | NL121/25  | 90.1715  | Moutere Sth | NL19/70   | 40.4686  |
| Moutere Nth | NL122/125 | 57.1806  | Moutere Sth | NL19/71   | 48.0564  |
| Moutere Nth | NL124/141 | 13.127   | Moutere Sth | NL1A/932  | 78.5242  |
| Moutere Nth | NL127/122 | 9.2294   | Moutere Sth | NL20/3    | 43.0459  |
| Moutere Nth | NL12C/327 | 3.9349   | Moutere Sth | NL20/73   | 11.0479  |
| Moutere Nth | NL13/298  | 38.6475  | Moutere Sth | NL21/113  | 52.0426  |
| Moutere Nth | NL132/7   | 141.2353 | Moutere Sth | NL21/182  | 73.6933  |
| Moutere Nth | NL16/126  | 51.1927  | Moutere Sth | NL21/285  | 29.9695  |
| Moutere Nth | NL167/61  | 174.4347 | Moutere Sth | NL22/101  | 41.4803  |
| Moutere Nth | NL19/144  | 97.5292  | Moutere Sth | NL22/102  | 33.9936  |
| Moutere Nth | NL19/215  | 30.7915  | Moutere Sth | NL22/135  | 32.2939  |
| Moutere Nth | NL19/247  | 87.918   | Moutere Sth | NL22/137  | 58.1483  |
| Moutere Nth | NL1A/239  | 52.2044  | Moutere Sth | NL22/63   | 48.757   |
| Moutere Nth | NL1A/595  | 29.9467  | Moutere Sth | NL22/87   | 77.6996  |
| Moutere Nth | NL1A/88   | 24.2306  | Moutere Sth | NL22/98   | 23.8765  |
| Moutere Nth | NL1B/1266 | 16.5939  | Moutere Sth | NL22/99   | 45.7295  |
| Moutere Nth | NL1B/296  | 78.9137  | Moutere Sth | NL23/258  | 14.2854  |
| Moutere Nth | NL1D/867  | 71.9329  | Moutere Sth | NL23/261  | 42.492   |
| Moutere Nth | NL20/74   | 24.2432  | Moutere Sth | NL23/268  | 58.9627  |
| Moutere Nth | NL22/62   | 42.492   | Moutere Sth | NL23/269  | 19.8296  |
| Moutere Nth | NL24/144  | 43.706   | Moutere Sth | NL24/251  | 199.6517 |
| Moutere Nth | NL25/226  | 0.7841   | Moutere Sth | NL24/42   | 22.5233  |
| Moutere Nth | NL27/177  | 27.4326  | Moutere Sth | NL24/43   | 105.9265 |
| Moutere Nth | NL27/182  | 26.8711  | Moutere Sth | NL25/239  | 64.7497  |
| Moutere Nth | NL27/298  | 19.8296  | Moutere Sth | NL26/110  | 38.9712  |
| Moutere Nth | NL2A/360  | 66.9881  | Moutere Sth | NL26/54   | 101.9783 |
| Moutere Nth | NL2A/88   | 33.336   | Moutere Sth | NL27/295  | 18.8811  |
| Moutere Nth | NL2C/608  | 27.506   | Moutere Sth | NL27/7    | 97.7645  |
| Moutere Nth | NL30/257  | 53.3173  | Moutere Sth | NL27/82   | 0.0329   |
| Moutere Nth | NL31/147  | 69.6869  | Moutere Sth | NL27/94   | 22.6624  |
| Moutere Nth | NL33/107  | 15.3983  | Moutere Sth | NL28/87   | 22.6017  |
| Moutere Nth | NL3A/1067 | 34.4995  | Moutere Sth | NL28/93   | 61.3503  |
| Moutere Nth | NL3C/781  | 20.1154  | Moutere Sth | NL29/13   | 80.1278  |
| Moutere Nth | NL40/185  | 109.4118 | Moutere Sth | NL29/14   | 37.9797  |
| Moutere Nth | NL40/186  | 110.9749 | Moutere Sth | NL29/15   | 40.4686  |
| Moutere Nth | NL47/221  | 29.3397  | Moutere Sth | NL29/73   | 53.5197  |
| Moutere Nth | NL47/58   | 21.853   | Moutere Sth | NL2A/1132 | 36.4127  |
| Moutere Nth | NL48/186  | 20.558   | Moutere Sth | NL2A/1164 | 3.5157   |
| Moutere Nth | NL4A/535  | 59.8238  | Moutere Sth | NL2A/1165 | 111.3771 |
| Moutere Nth | NL4B/1024 | 98.2222  | Moutere Sth | NL2A/938  | 80.7348  |
| Moutere Nth | NL50/104  | 102.3248 | Moutere Sth | NL2A/939  | 61.7146  |
| Moutere Nth | NL50/223  | 36.017   | Moutere Sth | NL2D/226  | 61.9169  |

|            |            |           |                        |            |                   |
|------------|------------|-----------|------------------------|------------|-------------------|
| Mouere Nth | NL5D/547   | 4.5782    | Mouere Sth             | NL2D/324   | 51.3951           |
| Mouere Nth | NL5D/717   | 48.2494   | Mouere Sth             | NL31/145   | 24.0383           |
| Mouere Nth | NL5D/718   | 25.0961   | Mouere Sth             | NL31/53    | 30.2781           |
| Mouere Nth | NL5D/719   | 34.9068   | Mouere Sth             | NL31/63    | 20.8008           |
| Mouere Nth | NL5D/72    | 144.262   | Mouere Sth             | NL32/117   | 37.1299           |
| Mouere Nth | NL5D/720   | 137.6423  | Mouere Sth             | NL34/258   | 34.1959           |
| Mouere Nth | NL5D/722   | 20.205    | Mouere Sth             | NL35/48    | 99.9574           |
| Mouere Nth | NL67/180   | 17.6924   | Mouere Sth             | NL38/174   | 82.7987           |
| Mouere Nth | NL6A/335   | 116.2256  | Mouere Sth             | NL39/289   | 2.6886            |
| Mouere Nth | NL6B/784   | 47.8867   | Mouere Sth             | NL39/290   | 136.3209          |
| Mouere Nth | NL6C/1121  | 19.1372   | Mouere Sth             | NL3A/1093  | 6.0728            |
| Mouere Nth | NL71/51    | 213.411   | Mouere Sth             | NL3A/1094  | 8.9714            |
| Mouere Nth | NL7A/1093  | 32.7672   | Mouere Sth             | NL3D/1084  | 42.3655           |
| Mouere Nth | NL7A/1094  | 0.3983    | Mouere Sth             | NL40/39    | 23.1885           |
| Mouere Nth | NL7A/1095  | 34.1113   | Mouere Sth             | NL40/80    | 1.7604            |
| Mouere Nth | NL8A/773   | 16.2911   | Mouere Sth             | NL40/81    | 48.623            |
| Mouere Nth | NL8B/1114  | 10.801    | Mouere Sth             | NL47/292   | 137.9978          |
| Mouere Nth | NL8B/599   | 79.3793   | Mouere Sth             | NL4A/1314  | 198.1502          |
| Mouere Nth | NL8C/1262  | 14.8083   | Mouere Sth             | NL4C/714   | 141.8561          |
| Mouere Nth | NL8C/1352  | 116.1448  | Mouere Sth             | NL58/267   | 82.4926           |
| Mouere Sth | NL105/205  | 425.3651  | Mouere Sth             | NL5B/1376  | 30.6728           |
| Mouere Sth | NL108/160  | 141.3567  | Mouere Sth             | NL5B/1379  | 64.2567           |
| Mouere Sth | NL110/235  | 202.9764  | Mouere Sth             | NL5B/1380  | 44.2059           |
| Mouere Sth | NL116/116  | 28.7327   | Mouere Sth             | NL5C/269   | 114.811           |
| Mouere Sth | NL11C/1227 | 17.4236   | Mouere Sth             | NL5D/6     | 91.5548           |
| Mouere Sth | NL121/124  | 77.1634   | Mouere Sth             | NL61/131   | 49.4475           |
| Mouere Sth | NL122/94   | 6.4876    | Mouere Sth             | NL6A/1366  | 318.0294          |
| Mouere Sth | NL123/214  | 100.5922  | Mouere Sth             | NL6C/89    | 16.0335           |
| Mouere Sth | NL126/83   | 32.3622   | Mouere Sth             | NL71/204   | 38.8498           |
| Mouere Sth | NL128/109  | 42.8056   | Mouere Sth             | NL75/163   | 171.3439          |
| Mouere Sth | NL129/42   | 75.9696   | Mouere Sth             | NL7A/587   | 15.5958           |
| Mouere Sth | NL133/21   | 106.4111  | Mouere Sth             | NL7A/588   | 70.4325           |
| Mouere Sth | NL13C/257  | 7.4369    | Mouere Sth             | NL8C/1351  | 22.1513           |
| Mouere Sth | NL13C/258  | 10.8165   | Mouere Sth             | NL98/230   | 67.5926           |
| Mouere Sth | NL13C/259  | not given | Mouere Sth             | NL98/39    | 34.6639           |
| Mouere Sth | NL18/286   | 40.4281   | Mouere Sth             | NLPR13/187 | 101.7288          |
| Mouere Sth | NL18/289   | 40.7266   | <b>Total (approx.)</b> |            | <b>10734.7633</b> |

## Appendix B – OIO Notice of Decision

### Notice of Decision – Case 201610009 – Statutory Conditions of Consent

#### *Walking Access*

9. The Consent Holder must consult with WAC to determine what the Consent Holder can reasonably do (having regard to the proposed use of the Land, the impact of the access initiative on such use, and the costs and obligations on the Consent Holder in implementing the relevant access initiative) to:
- establish and register a public access easement for walking and mountain biking access to Mt Richmond National Park over the route marked in yellow on the map below ("**Mt Richmond Route**"); and
  - provide, protect or improve public walking access over the Land generally or part of that land (such as, where reasonable, the registration of new instruments, the erection of signs on the Land, establishing and maintaining walking and mountain biking tracks, or other similar mechanisms recommended by WAC) ("**Walking Access**").



The Consent Holder must

- Write to the Operations Manager at WAC (PO Box 12348, Thorndon, Wellington 6144) within 15 working days from the Settlement Date advising that the Consent Holder wishes to consult about Walking Access and the Mt Richmond Route and enclose:
    - a copy of the Decision Summary for this consent; and
    - a copy of this condition together with information identifying and describing the Land including aerial photographs, maps and Certificate(s) of Title;
  - Implement the Mt Richmond Route and/or any Walking Access recommended by WAC ("**WAC Recommendation**") within two years from WAC making the WAC Recommendation, or such other timeframe as mutually agreed between the Consent Holder and WAC. The cost of any Walking Access shall be borne by the Consent Holder.
10. The Consent Holder must provide to the OIO a copy of the letter sent to WAC under condition 9 within 20 working days from the Settlement Date.

## Appendix C – Example of access strip instrument template

### Easement for access strip

Section 237B, Resource Management Act 1991

#### Background

[Full name, address, and occupation of land owner] (the **Grantor**) is registered as proprietor of the land described in Schedule A (the **land**).

[Name of local authority] (the **Grantee**) is a local authority (within the meaning of the Local Government Act 2002) in whose district the land is located.

#### Grant of easement for access strip

1. The Grantor grants to the Grantee an easement for an access strip.
2. This strip is created to give effect to the walking access recommendations as set out in New Zealand Walking Access Commission's report to the Grantor dated XXXXXXX, which addresses the walking access condition of purchase of the land in terms of the Overseas Investment Act 2005.
3. The easement confers the right for any person, at any time, to pass and repass over and along the land, for the purpose of giving an access strip described in Schedule B (the **strip**) to [give full description of the existing reserve or strip, river, lake, or part of the coast on or adjoining the land to which the easement is allowing access] on the following terms.

#### Covenants

4. The Grantor and Grantee covenant as follows:
5. The following acts are prohibited on the land:
  - a) wilfully endangering, disturbing, or annoying a lawful user of the strip (including the owner or occupier of the strip):
  - b) wilfully damaging or interfering with a structure adjoining or on the land (including a building, fence, gate, stile, marker, bridge, or notice):
  - c) wilfully interfering with or disturbing livestock lawfully permitted on the strip.
6. The prohibitions in clause 5(b) and (c) do not apply to the owner or occupier of the strip or to employees or agents authorised by the owner or occupier.
7. The following acts are also prohibited on the land over which the strip has been created:
  - a) lighting a fire:
  - b) carrying a firearm:
  - c) discharging or shooting a firearm:
  - d) camping:
  - e) taking an animal on to, or having charge of an animal on, the land:
  - f) taking a vehicle on to, or driving or having charge or control of a vehicle on, the land (whether the vehicle is motorised or not):

- g) wilfully damaging or removing a plant (unless acting in accordance with the [Biosecurity Act 1993](#)):
- h) laying poison or setting a snare or trap (unless acting in accordance with the [Biosecurity Act 1993](#)).
8. The following other restrictions apply to the strip:
- (a) The Grantor shall not take any actions or undertake works which may impede public access along the strip.
- 9 The following fencing requirements apply to the strip:
- (a) Any fencing which will restrict public access use of the strip is prohibited.
- (b) The owner or occupier shall be under no obligation to fence the boundaries of the strip.
10. Access to the strip is on the following terms:
- (a) any person shall have the right, at any time, to pass and repass over and along the land over which the strip has been created, subject to any other provisions of this instrument.
- 11 The words "owner or occupier" where used in this instrument shall include the registered proprietors for the time being of the land.

Signed by Grantor in the presence of—  
*[signature, occupation, and  
address of witness]*

Executed by Grantee by common  
seal or by 2 officers, as provided  
by the territorial authority's rules

Date

## **Schedule A**

*[Give a full description of the land owned by the Grantor over which the strip applies, including the portion of the land affected by the easement, by reference to the plan defining it, the lot and deposited plan, certificate of title reference(s), and any encumbrances.]*

## **Schedule B**

*[State the width in metres of the easement and refer to plan (if any) depicting the easement annexed to this instrument or deposited in the Land Registry Office.]*

## Appendix D – Example of esplanade strip instrument template

### Instrument creating esplanade strip

[Section 235](#), Resource Management Act 1991

#### 10.1.1.1.1 Background

[Full name, address, and occupation of land owner] (the **Grantor**) is registered as proprietor of the land described in Schedule A (the **land**).

[Name of territorial authority] (the **Grantee**) is a local authority (within the meaning of the [Local Government Act 2002](#)) in whose district the land is located.

#### 10.1.1.1.2 Creation of esplanade strip

- 2 The Grantor creates in favour of the Grantee an esplanade strip described in Schedule B (the **strip**) for the purposes of public access and recreational use over the land described in Schedule A (the **land**) on the following terms.
- 3 This strip is created to give effect to the walking access recommendations as set out in New Zealand Walking Access Commission's report to the Grantor dated **XXXXXXX**, which addresses the walking access condition of purchase of the land in terms of the Overseas Investment Act 2005.

#### 10.1.1.1.3 Covenants

- 4 The Grantor and Grantee covenant as follows:
- 5 The following acts are prohibited on the land:
- (a) wilfully endangering, disturbing, or annoying a lawful user of the strip (including the owner or occupier of the strip):
  - (b) wilfully damaging or interfering with a structure adjoining or on the land (including a building, fence, gate, stile, marker, bridge, or notice):
  - (c) wilfully interfering with or disturbing livestock lawfully permitted on the strip.
- 6 The prohibitions in clause (b) and (c) above do not apply to the owner or occupier of the strip or to employees or agents authorised by the owner or occupier.
- 7 The following acts are also prohibited on the land over which the strip has been created:
- (a) lighting a fire:
  - (b) carrying a firearm:
  - (c) discharging or shooting a firearm:
  - (d) camping:
  - (e) taking an animal on to, or having charge of an animal on, the land:
  - (f) taking a vehicle on to, or driving or having charge or control of a vehicle on, the land (whether the vehicle is motorised or not):
  - (g) wilfully damaging or removing a plant (unless acting in accordance with the [Biosecurity Act 1993](#)):
  - (h) laying poison or setting a snare or trap (unless acting in accordance with the [Biosecurity Act 1993](#)).
- 8 The following other restrictions apply to the strip:
- (a) The Grantor shall not take any actions or undertake works which may impede public access along the strip.
- 9 The following fencing requirements apply to the strip:
- (a) Any fencing which will restrict public access and recreational use of the strip is prohibited.
  - (b) The owner or occupier shall be under no obligation to fence the boundaries of the strip.
- 10 Access to the strip is on the following terms:

(a) any person shall have the right, at any time, to pass and repass over and along the land over which the strip has been created, subject to any other provisions of this instrument.

11 The words "owner or occupier" where used in this instrument shall include the registered proprietors for the time being of the land

.....  
Signed by Grantor in the presence of—

*[signature, occupation, and address of witness]*

Date

.....  
Executed by Grantee by common seal or by 2 officers, as provided by the territorial authority's rules

Date

*[As the esplanade strip is created under [section 235](#) of the Resource Management Act 1991, the consent of every person having a registered interest in the land must be endorsed on this instrument.]*

\*Signed by *[full name of person or body corporate]* having a registered interest in the land as acknowledgement of my consent to this instrument, in the presence of—  
*[signature, occupation, and address of witness]*

Date

\*Delete if there are no persons with a registered interest in the land other than the Grantor or repeat as necessary if there is more than 1 other registered interest in the land.

## **Schedule A**

*[Give a full description of the land owned by the Grantor, including the lot and deposited plan, certificate of title reference(s), and any encumbrances.]*

## **Schedule B**

*[State the width in metres of the strip and refer to plan depicting the strip annexed to this instrument or deposited in the Land Registry Office.]*



## Appendix E - Cycle Trails through Moutere Forest

### Moutere Forest

A great place to explore is the network of forestry roads in the Moutere Forest. Note that this forest is managed by Hancock Forest Management, a permit is required and the roads can only be ridden at weekends. Be aware to expect vehicles on the roads at all time. It is a good idea to take a copy of the map below as things aren't as clear on the ground as you might think.

**Note: Teapot Valley. The first 500 metres is through private property and access is currently denied, so please don't use this road to access the forest. There are signs at the gate.**

Entry points can be Upper Moutere, Eves Valley, Pigeon Valley or Hoult Valley.

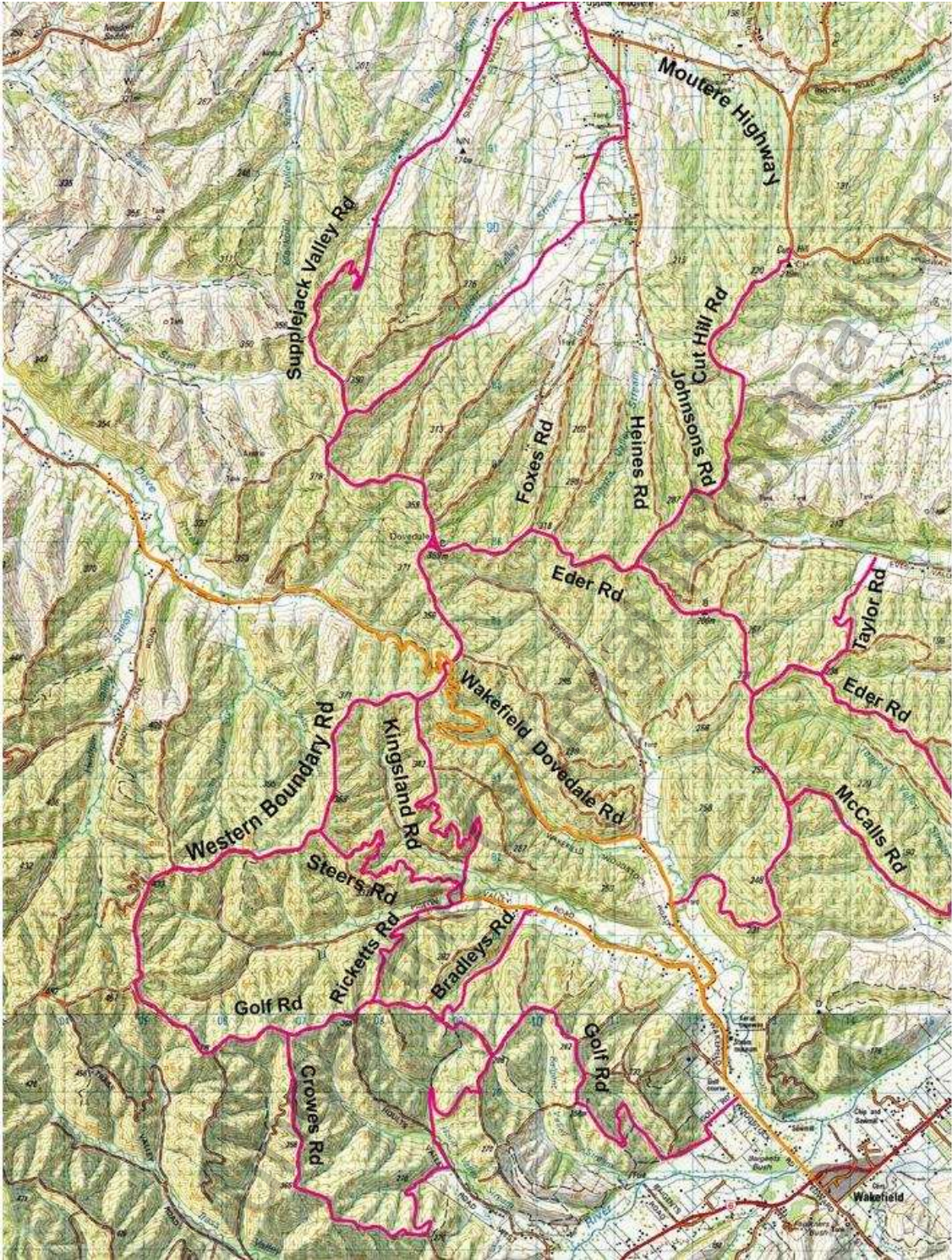
From Upper Moutere you can ride up Supplejack Valley then complete a loop by dropping down Foxes, Heines or Johnsons Rd or else carry on out on Cut Hill Rd to the top of the Moutere Hill and ride back along the highway.

From Eves Valley, head up Taylor Rd, turn right on Eder Rd then next left and left again down McCalls Rd to Teapot Valley. Complete the loop along the road.

Various loops can be made from Pigeon Valley either by riding up the Dovedale Hill Rd and turning left on to Western Boundary Rd then hooking on to Golf Rd to drop down Ricketts, Bradleys or Golf back to Wakefield. Kingsland or Steers Rd can also be used to drop down to Pigeon Valley South Branch. Western Boundary Rd can be followed all the way out to the top of Spooners Range if you need to put some miles under your wheels. See also [Hoult Valley](#) ride.

From Teapot Valley head up past the Christian Camp and take either McCalls or Bennetts Rd to gain the ridge tops. There is a short loop if you head left at the top of McCalls back to Pigeon Valley or you can hook on to Eder Rd and follow it all the way around to the top of the Dovedale Hill.

Source: <http://www.mtbtrailstrust.org.nz/Moutere-Forest>



Source: <http://www.mtbtrailstrust.org.nz/Moutere-Forest>

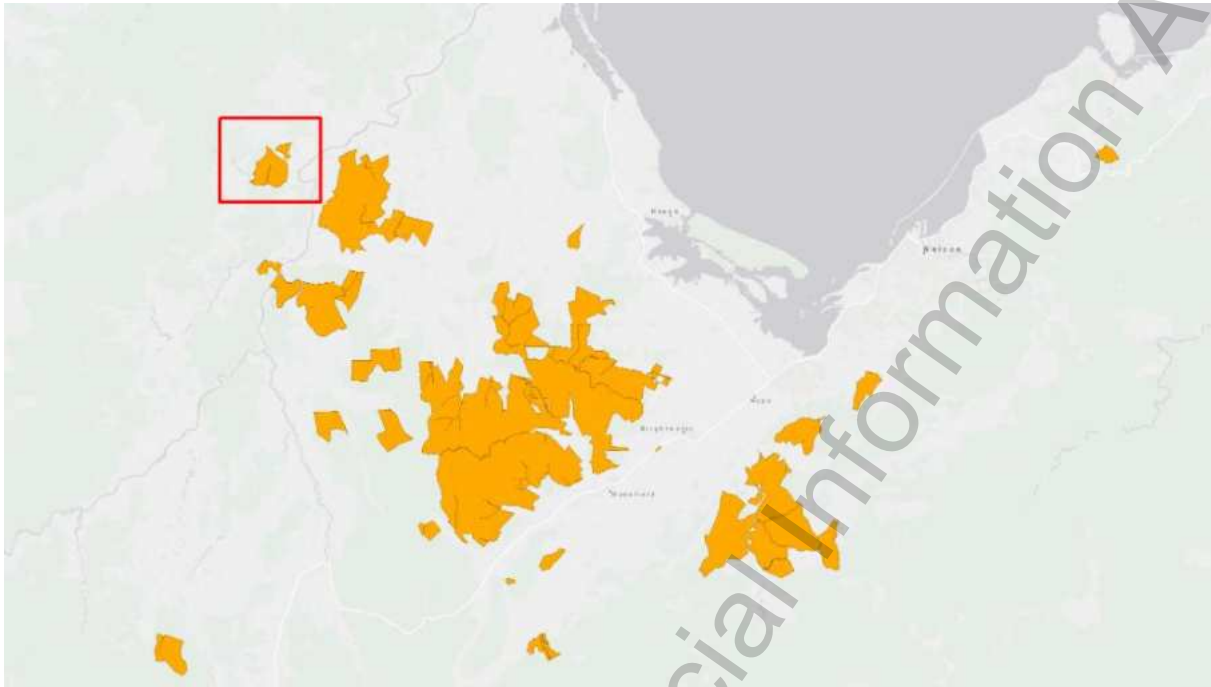
Note: Wakefield Dovedale Rd is also called Pigeon Valley—Dovedale Valley Rd and Wakefield-Woodstock Rd

## Appendix F - Great Taste Trail route through Moutere Forest



Source: [www.nzcycletrail.com/trails/tasman-great-taste-trail/](http://www.nzcycletrail.com/trails/tasman-great-taste-trail/)

# Pearse



OIO Case No 201610009  
Sumitomo Forestry Company Limited

## Access Recommendations

Report 4 of 13



NZ Walking Access Commission – June 2018

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Released under the Official Information Act

# Recommendations for public access

**Case:** CMS 3570  
**OIO Case:** 201610009  
**Applicant:** Sumitomo Forestry Company Limited  
**Representative:** Unknown  
**Property Manager:** Tasman Pine Forests Ltd (section 9 (2) (a), General Manager)  
**Local Authority:** Tasman District Council  
**Case Received:** 21 July 2016  
**Field Inspection:** 15 September 2017  
**Report Date:** 26 June 2018

## Legal details:

| Certificates of Title | Legal Description   | Area (ha) |
|-----------------------|---|-----------|
| NL13B/174             | Lot 1, Lot 4 and lot 6 Deposited Plan 19857   | 6.4474    |
| NL13B/177             | Lot 1-2 and Lot 4-6 Deposited Plan 20068  | 142.7916  |
| NL25/235              | Section 5-6 Block XII Mount Arthur Survey District and Section 8-9 Block XVI Mount Arthur Survey District | 176.0383  |
| NL31/232              | Section 10 Block XII Mount Arthur Survey District and Section 28 Block XVI Mount Arthur Survey District   | 89.0308   |
|                       | Total Area  | 414.3081  |

## 1 Introduction

This report is prepared by the New Zealand Walking Access Commission (the Commission) to progress the walking access conditions approved by the Minister of Finance and the Minister for Land Information for the purchase of sensitive land as defined under section 12 and 17 of the Overseas Investment Act 2005.

In summary, the Commission recommends that the Applicant:

- Create an Access Strip 50m wide along the southern boundary of the Pearse block.
- Establish a transparent user friendly managed access system to meet community demand for access through Pearse Forest into Kahurangi National Park via the formed road. To provide clarity, the process and conditions for gaining access into the Applicant forests should be captured in an MOU between the Applicant, local council and the Commission.
- Advertise access policies and procedures for each Applicant-owned forest on the company's website.
- In addition, access to any areas which are proposed for protection due to their conservation values will be assessed for access requirements once those areas are determined by DOC.

The purpose of this summary is to provide an overview of the more detailed 'Access recommendations' located at the rear of the report, located before Appendix A. **In the event of any inconsistency between the two, the 'Access recommendations' section prevails**".

## 2 Purpose

This report provides the public access recommendations for negotiation and final agreement with the applicant.

13 properties are covered by this OIO case. The Commission has assessed each property in a separate report. This report (4 of 13) covers the Pearse block.

## 3 Walking access conditions

The walking access conditions in the Ministers' consent (Appendix A) require the applicant to implement any reasonable Walking Access recommended by the Commission, noting walking and mountain bike access and associated signage. The cost of any Walking Access shall be borne by the Applicant.

## 4 Consultation

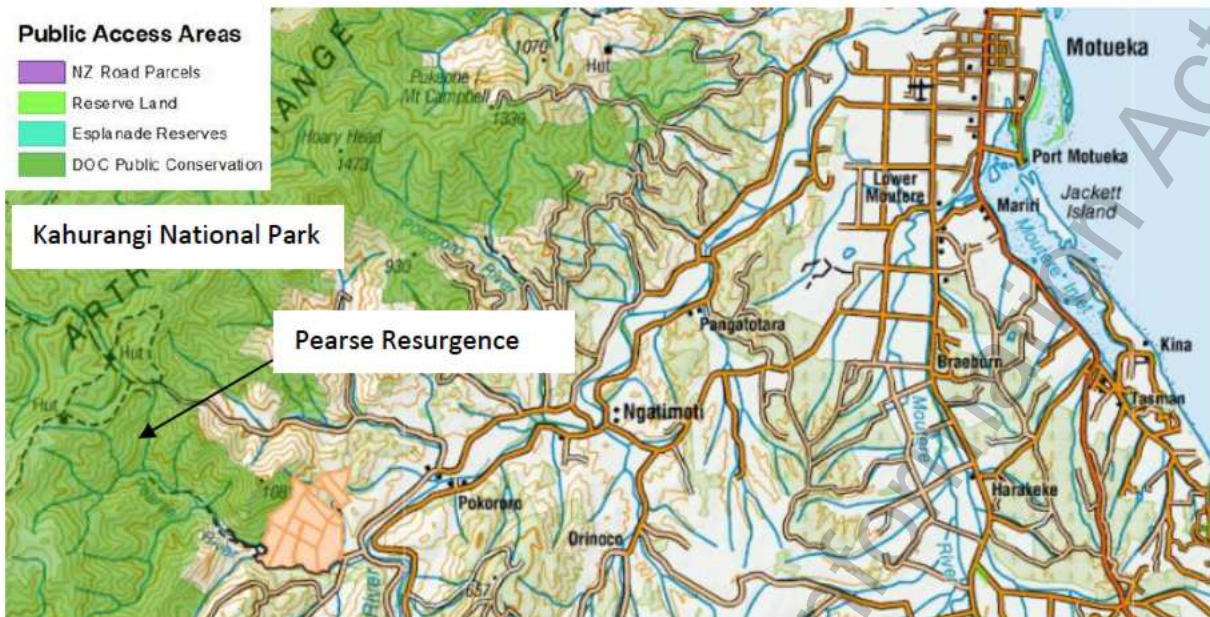
The Commission has consulted with the Applicant, the Department of Conservation (DOC), Nelson-Marlborough Fish and Game Council (F&G), Tasman District Council (TDC), Heritage NZ Pouhere Taonga (HNZ), Nelson Tramping Club and Federated Mountain Clubs (NTC, FMC), Nelson Mountain Bike Club (NMTBC), Mountain Bike Trails Trust (MTBTT), NZ Deerstalkers Association (NZDA), Nelson Horse Riding Club (NHRC), Nelson Bays Trail Riding Club (NBTRC), Marlborough Deer Stalkers (MDS), Forest and Bird Tasman Nelson and representatives of the kayaking community.

## 5 Context

The Pearse forestry block lies some 21km south west along the Motueka River valley from Motueka (Map 1). It consists of two blocks of land separated by a non-related freehold property. The steep and hilly terrain rises to 395m within the block. It adjoins the steep Sugar Loaf hill to the west, which rises to 1081m, part of the Wharepapa / Arthur Range, which is part of the extensive Kahurangi National Park.

The block is within a hilly area with other forestry areas or grazing, horticulture or lifestyle blocks to the north, east and south. It is defined at its southern extent by the scenic Pearse River. The river is significant for caving and trout fishing, is valued for kayaking and tramping/tramping access and is also valued by conservationists for access to the river and the karst landscapes beyond including the Pearse Resurgence (internationally significant water filled cave).

There is an area within the Pearse Forest which has been identified as a significant natural area (SNA A38) in the TDC district plan.



Map 1: Location map showing Pearse blocks (shaded orange)

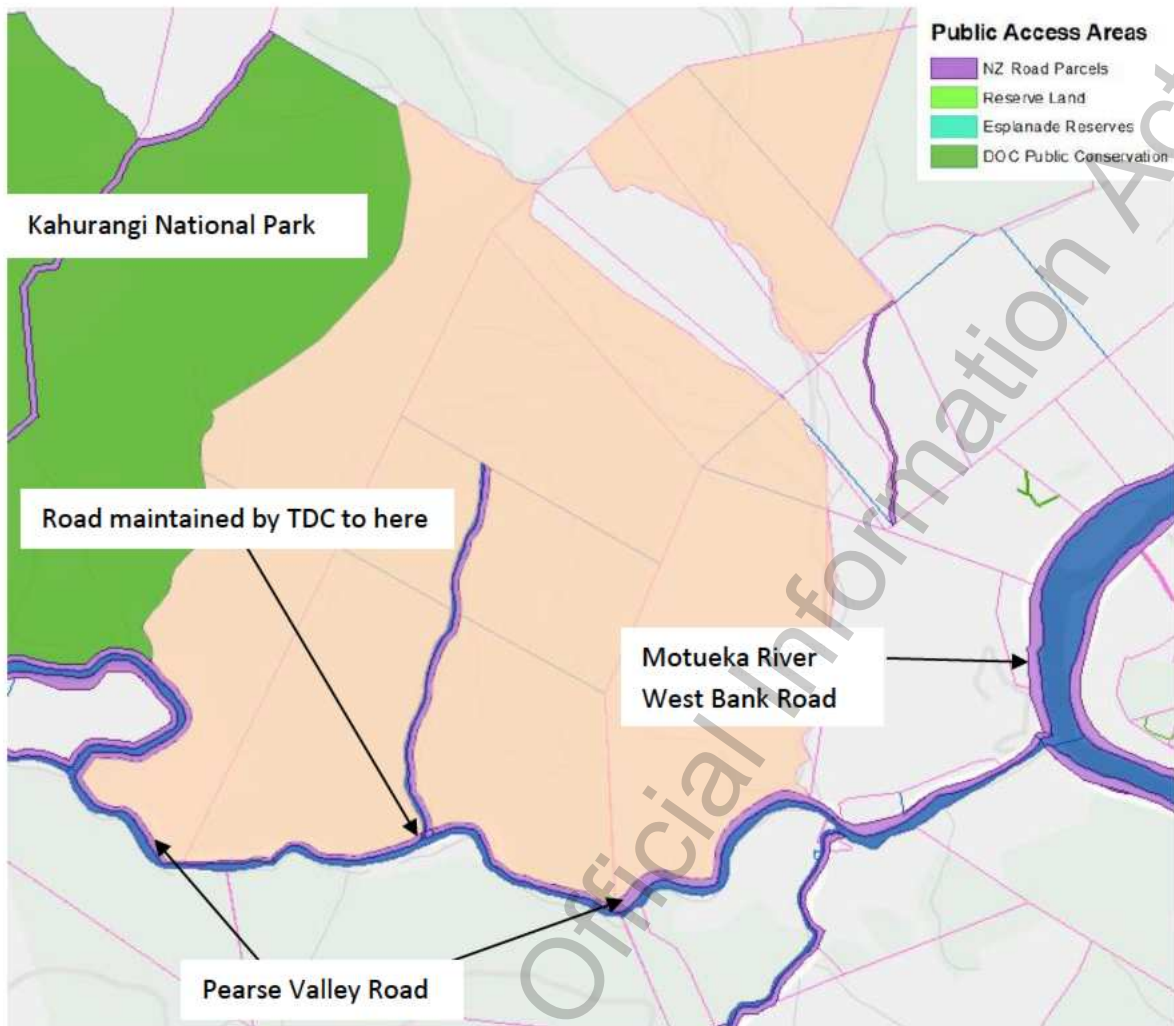
Source: [www.wams.org.nz](http://www.wams.org.nz)

## 6 Analysis of existing legal access

### **Legal Road**

The Pearse Valley Road leaves the Motueka River West Bank Road to the east of the property and adjoins the southern edge of the larger (southern) block. The legal road parcel is between the property and the hydro area (land not subject to specific title) of the Pearse River and varies in width from some 6m to 40m through very steep terrain. The Pearse Valley Road is maintained by TDC for 2.5km west from the Motueka River West Bank Road, up to the road intersection as shown on Map 2 below. Another legal road extends from the Pearse Valley Road north into the centre of the forestry block following an unnamed creek that is also defined as a hydro parcel.

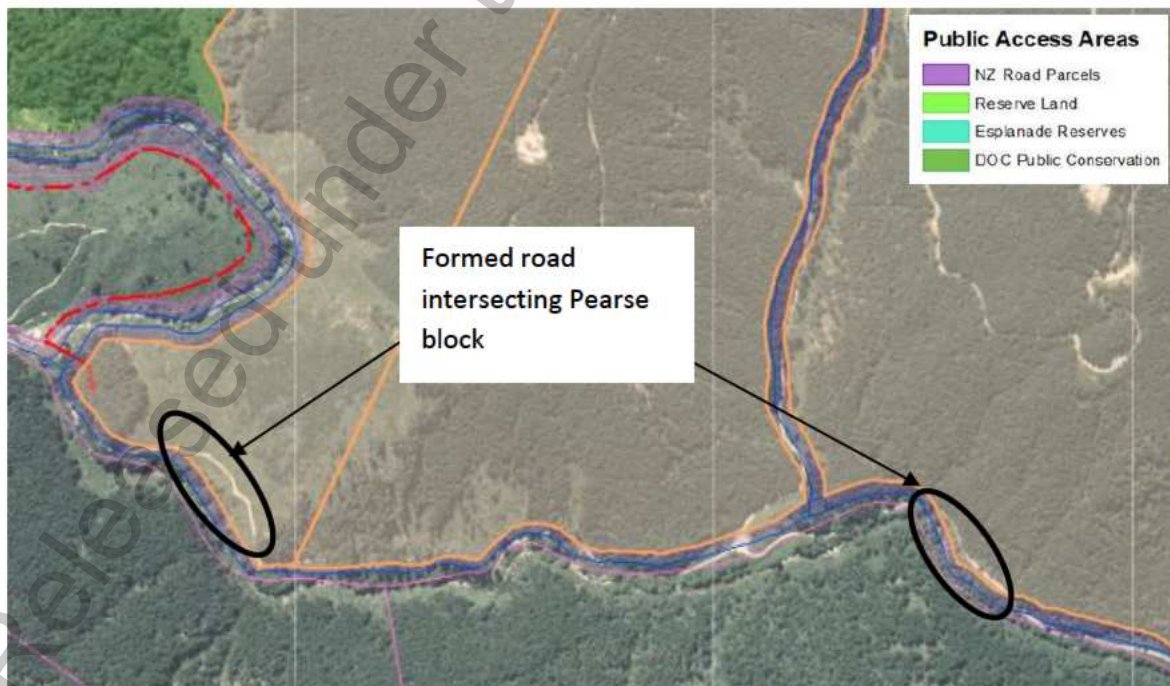




Map 2: Legal roads, Pearse blocks shaded orange.

Source: [www.wams.org.nz](http://www.wams.org.nz)

Two sections of the formed Pearse Valley Road intersect the property as indicated on Map 3 below.



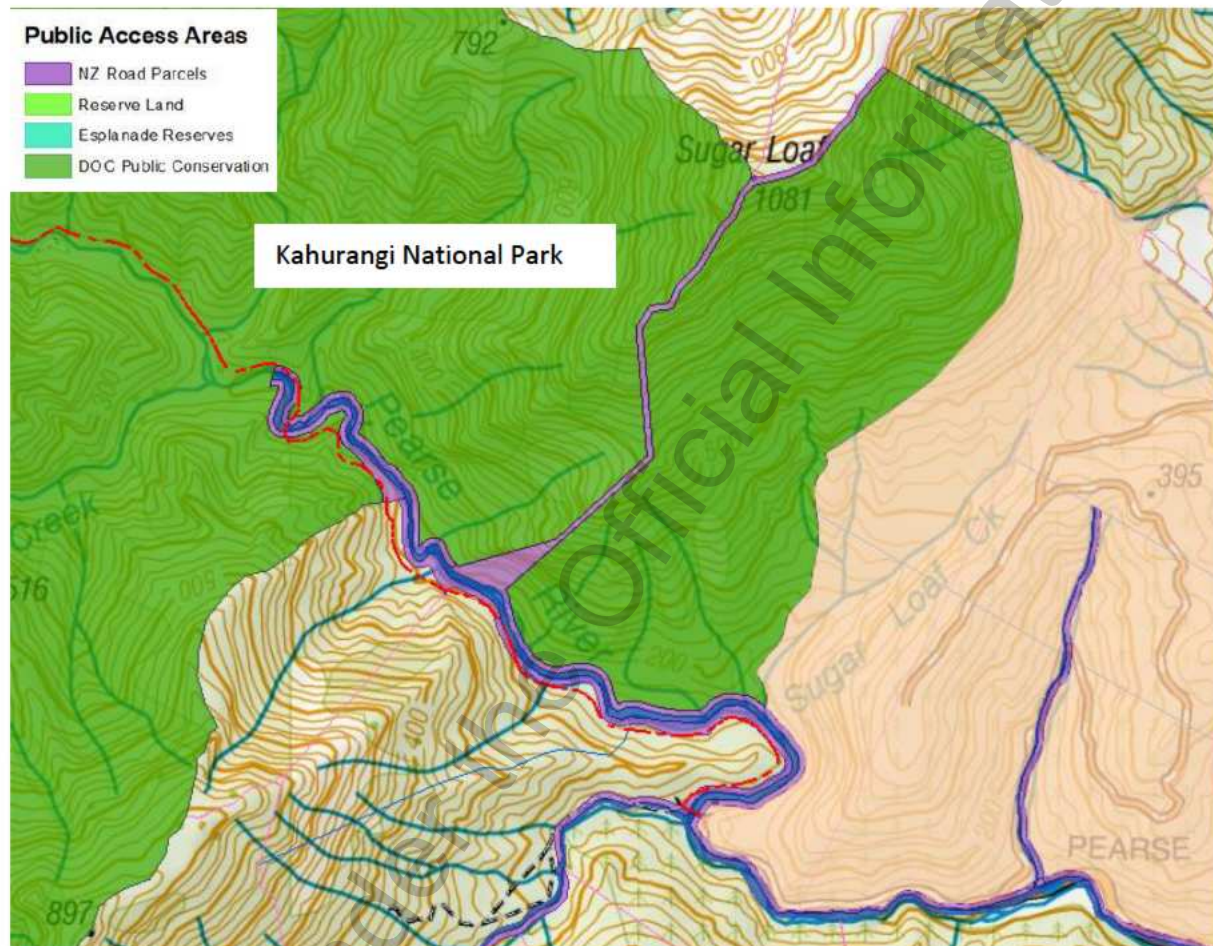
Map 3: Where the formed road intersects the Pearse Forest (shaded orange)

Source: [www.wams.org.nz](http://www.wams.org.nz)

There is no legal road access to the smaller (northern) block. An isolated section of unformed legal road (ULR) extends some 700m south from the smaller block but does not connect to any other legal access.

### Conservation Areas

The property adjoins Kahurangi National Park to the west and DOC's Pearse Valley Track (tramping route) starts at the south western corner of the forest block, first crossing the Pearse River via a ford. The Pearse Valley Track is indicated by red dashes on Maps 3, 4 and 6.



Map 4: Kahurangi National Park and Pearse Valley Track (red dashes), Pearse Forest shaded orange

Source: [www.wams.org.nz](http://www.wams.org.nz)

The Kahurangi National Park Management Plan notes the following about this area:

Tablelands – Flora: Alpine marble glaciated karst with superb solution features nationally important. Nettlebed and northern Arthur Range Ellis Basin cave systems the deepest in the Southern hemisphere and second longest in NZ. - with the Pearse resurgence, internationally significant. Regionally significant peneplain landform. Complex geology including marble, limestone, base-rich sedimentary and volcanic rocks, conglomerates.

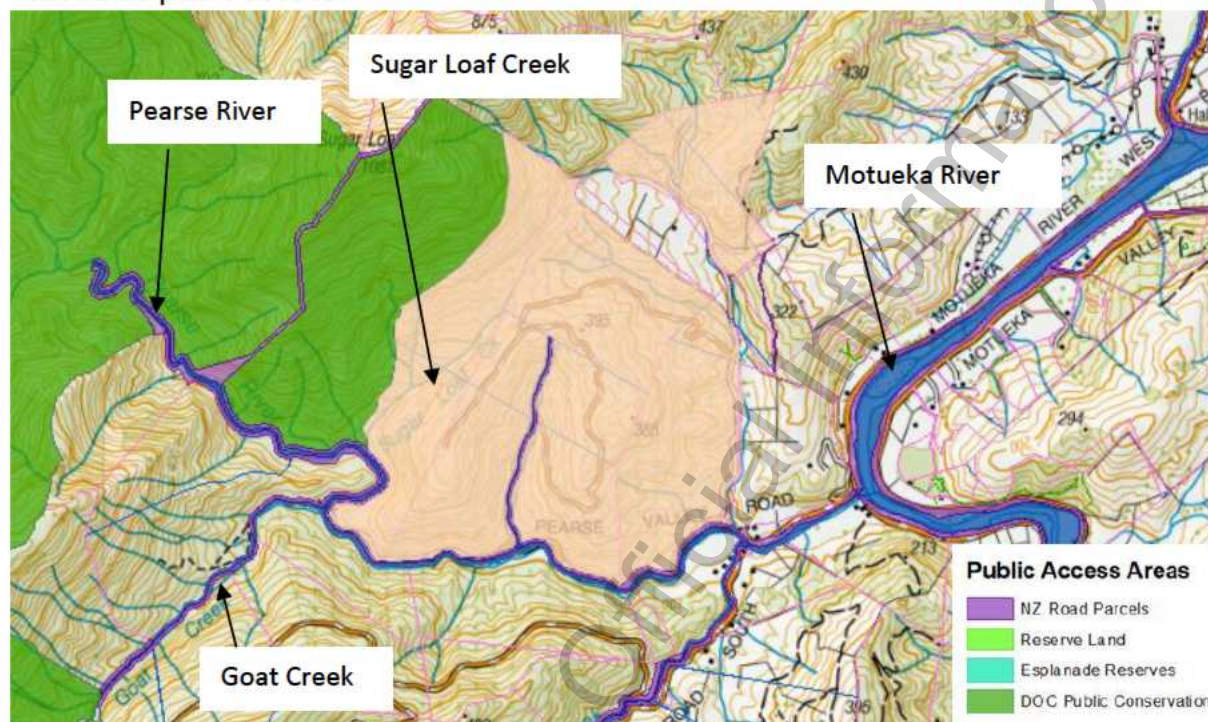
Extensive alpine karst rockland and bluff vegetation; extensive peneplain red tussocklands; alpine ultramafic vegetation; diverse limestone forest and bluff vegetation.

### Riparian Areas

The Pearse River flows generally parallel to the southern boundary of the main block, the hydro area being separated from the property by legal road and flows east to the Motueka River. The current bed of the river falls partially within the hydro area, partially within the

adjacent land to the south (Crown Forest Licence), occasionally within the legal road on the north side of the hydro area and, at a couple of locations, appears to extend through the legal road just over the boundary into the property.

Goat Creek feeds into Pearse River from the south west. ULR and hydro parcels associated with both waterways provide legal public access upstream to connect with another part of the National Park. Sugar Loaf Creek and other unnamed creeks drain the Pearse block with no associated public access.



Map 5: Rivers and creeks within and close to the Pearse blocks (shaded orange)

Source: [www.wams.org.nz](http://www.wams.org.nz)

## 7 Access assessment

### **Legal Road, Recreation and Conservation Access**

The Pearse Valley Road at the southern edge of the main block provides access for a variety of recreation and conservation activities, largely achieved via the Pearse Valley Track. The formed road along most of the southern edge of the property as well as that leading into the centre of the main block meander in and out of the road parcels, the hydro parcels and the TPFL property. 4WD access is advised from the intersection shown on Map 2 above and trampers are generally happy to leave vehicles at that point. 4WD access is currently possible beyond that point, having been maintained by TPF during harvest operations. However, the road is in very steep terrain, slips are common, and TPF have advised that it will not generally be maintained in the future when not required for forest operations. A landholder beyond the TDC maintained road (**section 9 (2) (a)**) also carries out some maintenance of the 4WD road here.

A 2-3 hour walk from the Pearse River ford along the DOC route takes visitors to the Pearse Resurgence and a grassy area suitable for camping. Trainee conservation rangers studying at the Nelson Marlborough Institute of Technology learn track maintenance and predator trapping skills (benefiting blue duck or whio (Nationally Vulnerable) along this route.

The Pearse Resurgence is reported to be internationally significant for its crystal-clear waters and access to an extensive labyrinth of caves, reported to be the third longest system in New Zealand with 24km of caves. The caves are flooded at this point and are of interest to cave divers, but the network is of interest to cavers of all abilities who can access the system via nearby Nettlebed Cave, upstream of the resurgence and accessed from Eyles Creek, a tributary of the Pearse River. The marble karst landscape that contains and creates the cave system is popular and the trip is recommended (Wilderness Magazine, May 2016) as a classic overnight tramping trip.

The Pearse Valley Road also provides access for advanced kayakers to kayak the Pearse River, which, according to a study by Lincoln University commissioned by TDC, ranks highly for various in-stream and economic uses including kayaking. This is a grade 4-5 run for kayakers of higher than average ability, available only when there's enough water in the river. It is frequently used by locals in the Motueka Valley and from the wider Nelson area, often through the Nelson Canoe Club. The kayak put-in point is at the start of the Pearse Valley Track, the ford across the river, at the south west of the property.

A further recreation use of the road is for fishing. F&G advise that the Pearse trout fishery is locally significant and connected to the nationally significant Motueka trout fishery. F&G note that access to the river can be challenging with little or no flat land buffer between timber harvest sites and the river and suggest that native riparian planting would be helpful to make practical access a little easier.

There is ULR extending north from Pearse Valley Road into the property. MDS advise that there are large numbers of goats within the forest block and that hunting for members of the public (or approved via permitting administered by the MDS) is desirable for both recreation and pest control so close to the National Park. However, hunting in the block is not permitted at present other than for forestry contractors. Access along the ULR leading north from the Pearse Valley Road, as for any other legal road adjoining or intersecting TPF forest blocks, should not be impeded.

DOC advise that current access to the National Park here is by formed track mostly on ULR adjoining the Pearse River as well as partially by negotiated access where the track is within **section 9 (2) (a)**'s freehold block. Securing practical legal public access to the National Park is very important.

There are high levels of many recreation interests along and beyond the Pearse River and Pearse River Road to Kahurangi National Park. It is therefore important that the route of the present and any future formed 4WD road or other potential access track, within the TPF property in the vicinity of the river and unformed legal road to Kahurangi National Park, be formalised to ensure free, certain and enduring access.

As the property is generally separated from the river by legal road, an Esplanade Strip cannot be used to ensure enduring public access, other than where any part of the river already falls within the property.

An Access Strip along the property boundary, including the sections of the formed Pearse Valley Road that deviate from the legal road into the property, would provide for enduring

public access by foot, cycling, carrying firearms and vehicle access over the existing road in those areas (see Map 3 above).

However, at one point, the formed road is approximately 40m inside the property boundary. In addition, the steep terrain and constant nature of the erosion by the river means that practical access is vulnerable to slips and can be expected to be re-routed many times in the future, potentially pushing into the property in other locations.

Due to the steep and changing nature of the terrain and to include the current road within Pearse Forest, it is recommended that a 50m wide Access Strip be created along the southern boundary of the property. The Access Strip would allow for changes in the practical access route due to erosion or slips along the true left of the river for the entirety of the property boundary up to the National Park (shown on Map 6 below). The easement could provide for a road width (say 10m) to be available for public access at any given time.

In order to enable practical access along that part of the Pearse Valley Road maintained by TPF during harvest operations (from the end of the road maintained by TDC to the ford over the river and kayak put in-point), particularly for vehicles carrying kayaks, it would be helpful if TPF were able to undertake some maintenance between harvests, ideally contributing to shared maintenance with the adjacent (road-end) landholder and DOC.

## 8 Priorities for public access

Section 11 of the Walking Access Act 2008 sets out the Commission's statutory priorities for negotiating walking access over private land. These priorities for the Pearse property are addressed in the table below:

| <b>Access Criteria – Section 11 of the Walking Access Act 2008</b>   |  |
|--|--|
| <b>Consideration of priorities for walking access over private land</b>  | <b>Recommended public access to address these priorities</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>                                      | N/A  |
| <i>11 (b) over land adjoining rivers or lakes where there is not already walking access over the land:</i>   | N/A  |
| <i>11 (c) to parts of the coast, rivers, or lakes to which there is not already walking access:</i>  | N/A  |
| <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> | N/A  |
| <i>11 (e) to conservation areas (within the meaning of section 2(1) of the Conservation Act 1987):</i>   | Applicable<br>An Access Strip 50m wide is recommended along the southern property boundary to ensure certain and |

|   |  |
|---|--|
|   | enduring access to and along the Pearse River to the Pearse Valley Track and Kahurangi National Park |
| 11 (f) to areas of scenic or recreational value:  | Applicable see 11(e)   |
| 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). | N/A  |

## 9 Access recommendations

The final alignments for this public walking access recommendation are subject to agreement between the Applicant and the Commission. The Commission recommends that the Applicant:

- Create an Access Strip 50m wide (to be registered against the titles pursuant to section 237B of the Resource Management Act 1991), along the southern boundary of the Pearse block (from A to B, shown on Map 6). The easement to provide for a road width (say 10m) to be available for public access at any given time. The easement to allow walking, cycling, carrying of firearms and vehicle access. Depiction of parcels for recommended access strip on a survey plan (cadastral survey dataset) to be lodged at LINZ. See Appendix B for example of Access Strip instrument template.
- Establish a transparent user friendly managed access system to meet community demand for access through Pearse Forest into Kahurangi National Park via the formed road. To provide clarity, the process and conditions for gaining access into the Applicant forests should be captured in an MOU between the Applicant, local council and the Commission.
- Advertise access policies and procedures for each the Applicant-owned forest on the company's website.
- In addition, access to any areas which are proposed for protection due to their conservation values will be assessed for access requirements once those areas are determined by DOC



Map 6: Access Strip recommended along the southern boundary of the Pearse block (shaded orange), between points A and B

Source: [www.wams.org.nz](http://www.wams.org.nz)

## Appendix A – OIO Notice of Decision

### Notice of Decision – Case 201610009 – Statutory Conditions of Consent

#### *Walking Access*

9. The Consent Holder must consult with WAC to determine what the Consent Holder can reasonably do (having regard to the proposed use of the Land, the impact of the access initiative on such use, and the costs and obligations on the Consent Holder in implementing the relevant access initiative) to:
- establish and register a public access easement for walking and mountain biking access to Mt Richmond National Park over the route marked in yellow on the map below ("**Mt Richmond Route**"); and
  - provide, protect or improve public walking access over the Land generally or part of that land (such as, where reasonable, the registration of new instruments, the erection of signs on the Land, establishing and maintaining walking and mountain biking tracks, or other similar mechanisms recommended by WAC) ("**Walking Access**").



The Consent Holder must

- Write to the Operations Manager at WAC (PO Box 12348, Thorndon, Wellington 6144) within 15 working days from the Settlement Date advising that the Consent Holder wishes to consult about Walking Access and the Mt Richmond Route and enclose:
    - a copy of the Decision Summary for this consent; and
    - a copy of this condition together with information identifying and describing the Land including aerial photographs, maps and Certificate(s) of Title;
  - Implement the Mt Richmond Route and/or any Walking Access recommended by WAC ("**WAC Recommendation**") within two years from WAC making the WAC Recommendation, or such other timeframe as mutually agreed between the Consent Holder and WAC. The cost of any Walking Access shall be borne by the Consent Holder.
10. The Consent Holder must provide to the OIO a copy of the letter sent to WAC under condition 9 within 20 working days from the Settlement Date.

## Appendix B – Access strip instrument template

### Easement for access strip

*[Section 237B](#), Resource Management Act 1991*

#### Background

[Full name, address, and occupation of land owner] (the **Grantor**) is registered as proprietor of the land described in Schedule A (the **land**).

[Name of local authority] (the **Grantee**) is a local authority (within the meaning of the [Local Government Act 2002](#)) in whose district the land is located.

#### Grant of easement for access strip

1. The Grantor grants to the Grantee an easement for an access strip.
2. This strip is created to give effect to the walking access recommendations as set out in New Zealand Walking Access Commission's report to the Grantor dated XXXXXXX, which addresses the walking access condition of purchase of the land in terms of the Overseas Investment Act 2005.
3. The easement confers the right for any person, at any time, to pass and repass over and along the land, for the purpose of giving an access strip described in Schedule B (the **strip**) to [give full description of the existing reserve or strip, river, lake, or part of the coast on or adjoining the land to which the easement is allowing access] on the following terms.

#### Covenants

4. The Grantor and Grantee covenant as follows:
5. The following acts are prohibited on the land:
  - a) wilfully endangering, disturbing, or annoying a lawful user of the strip (including the owner or occupier of the strip):
  - b) wilfully damaging or interfering with a structure adjoining or on the land (including a building, fence, gate, stile, marker, bridge, or notice):
  - c) wilfully interfering with or disturbing livestock lawfully permitted on the strip.
6. The prohibitions in clause 5(b) and (c) do not apply to the owner or occupier of the strip or to employees or agents authorised by the owner or occupier.
7. The following acts are also prohibited on the land over which the strip has been created:
  - a) lighting a fire:
  - b) discharging or shooting a firearm:
  - c) camping:
  - d) taking an animal on to, or having charge of an animal on, the land:
  - e) wilfully damaging or removing a plant (unless acting in accordance with the [Biosecurity Act 1993](#)):



- f) laying poison or setting a snare or trap (unless acting in accordance with the [Biosecurity Act 1993](#)).
8. The following other restrictions apply to the strip:  
1.1. The Grantor shall not take any actions or undertake works which may impede public access along the strip.
9. The following fencing requirements apply to the strip:  
(a) Any fencing which will restrict public access use of the strip is prohibited.  
1.2. The owner or occupier shall be under no obligation to fence the boundaries of the strip.
10. Access to the strip is on the following terms:  
(a) any person shall have the right, at any time, to pass and repass over and along *[an identified 10m width of]* the land over which the strip has been created, subject to any other provisions of this instrument.
11. The words "owner or occupier" where used in this instrument shall include the registered proprietors for the time being of the land.

Signed by Grantor in the presence of—  
*[signature, occupation, and  
address of witness]*

Executed by Grantee by common  
seal or by 2 officers, as provided  
by the territorial authority's rules

Date

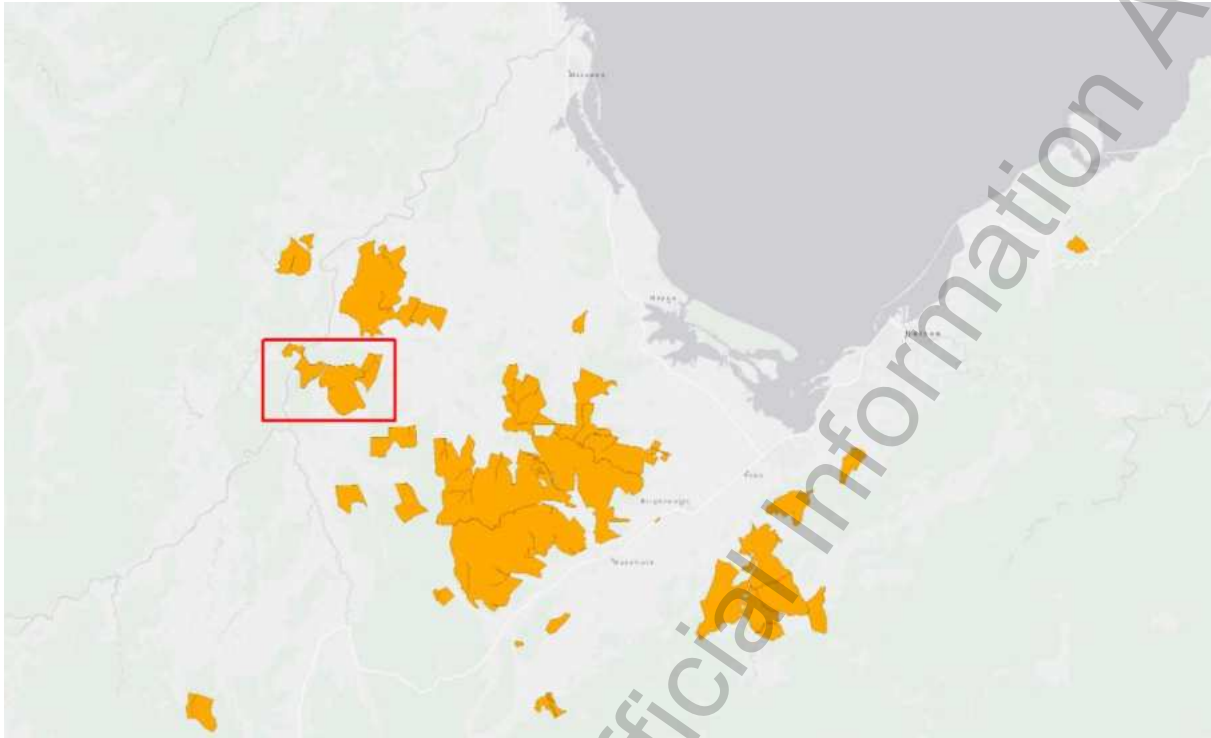
## **Schedule A**

*[Give a full description of the land owned by the Grantor over which the strip applies, including the portion of the land affected by the easement, by reference to the plan defining it, the lot and deposited plan, certificate of title reference(s), and any encumbrances.]*

## **Schedule B**

*[State the width in metres of the easement and refer to plan (if any) depicting the easement annexed to this instrument or deposited in the Land Registry Office.]*

# Eatwell



OIO Case No 201610009  
Sumitomo Forestry Company Limited

## Access Recommendations

Report 4 of 13



NZ Walking Access Commission – June 2018

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# Recommendations for public access

|                          |  |
|--------------------------|--|
| <b>Case:</b>             | CMS 3574   |
| <b>OIO Case:</b>         | 201610009  |
| <b>Applicant:</b>        | Sumitomo Forestry Company Limited                            |
| <b>Representative:</b>   | Unknown  |
| <b>Property Manager:</b> | Tasman Pine Forests Ltd (section 9 (2) (a), General Manager) |
| <b>Local Authority:</b>  | Tasman District  |
| <b>Case Received:</b>    | 21 July 2016   |
| <b>Field Inspection:</b> | 15 September 2017  |
| <b>Report Date:</b>      | 26 June 2018   |
| <b>Legal details:</b>    |  |

| Certificates of Title        | Legal Description | Area (ha)      |
|------------------------------|-------------------|----------------|
| NL7B/446                     |                   | 120.4500       |
| NL6C/542                     |                   | 52.0140        |
| NL1D/569<br>(Part cancelled) |                   | 38.74 approx.  |
| NL21/249                     |                   | 129.4994       |
| NL1D/572                     |                   | 89.8200        |
| NL6C/541                     |                   | 83.6200        |
| NL27/297                     |                   | 70.3394        |
| NL35/67                      |                   | 67.1981        |
| NL132/62                     |                   | 256.2191       |
| NL1A/1389                    |                   | 202.3428       |
| NL8A/1088                    |                   | 75.0777        |
| NL6C/546                     |                   | 0.0226         |
|                              | <b>Total</b>      | <b>1185.34</b> |

## 1. Introduction

The New Zealand Walking Access Commission (the Commission) was established in 2008 by the *Walking Access Act*. The Commission is the Crown entity that leads and supports the negotiation, establishment, maintenance, and improvement of walking access and types of access that may be associated with walking access such as access with firearms, dogs, bicycles, or motor vehicles.

This report is prepared by the Commission to progress the walking access conditions approved by the Minister of Finance and the Minister for Land Information for the purchase of sensitive land as defined under section 12 and 17 of the Overseas Investment Act 2005.

In considering its priorities for negotiating public access over private land, the Commission is guided by the provisions in section 11 of the *Walking Access Act*.

In summary, the Commission recommends:

- Esplanade strips are created along the Baton River and the Motueka River
- Access strip is created linking the Motueka River and Baton Rivers to create public access to the Baton River
- Establish a transparent user friendly managed access system to meet community demand for access through Eatwell Forest to the Baton River. To provide clarity, the process and conditions for gaining access into the Applicant forests should be captured in an MOU between the Applicant, local council and the Commission.
- Advertise access policies and procedures for each Applicant-owned forest on the company's website.

"The purpose of this summary is to provide an overview of the more detailed 'Access recommendations' located at the rear of the report, located before Appendix A. **In the event of any inconsistency between the two, the 'Access recommendations' section prevails**".

## 2. Purpose

This report provides the public access recommendations for negotiation and final agreement with the applicant.

Tasman Pine Forests Ltd (TPF) hold the OIO consent for a large number of forest blocks. Because of the large area of land involved in this application, the forestry blocks have been divided into 13 cases based on a geographical area. The Commission has assessed the forest block(s) within each geographical area in separate reports. This report (4 of 13) covers Eatwell Forest, Stanley Brook.

## 3. Walking access conditions

The walking access conditions in the Ministers' consent (Appendix A) require the Applicant to consult with the Commission to determine what the Applicant can reasonably do to provide, protect or improve public walking access over the land (such as, where reasonable, the registration of new instruments, the erection of signs, establishing and maintaining walking and mountain biking tracks, or other similar mechanisms recommended by the Commission). The cost of any walking access shall be borne by the Applicant.

## 4. Consultation

The Commission has consulted with the Applicant, the Department of Conservation (DOC), Nelson-Marlborough Fish and Game Council (F&G), Tasman District Council (TDC), Heritage NZ Pouhere Taonga (HNZ), Nelson Tramping Club and Federated Mountain Clubs (NTC, FMC), Nelson Mountain Bike Club (NMTBC), Mountain Bike Trails Trust (MTBTT), NZ Deerstalkers Association (NZDA), Nelson Horse Riding Club (NHRC) and Nelson Bays Trail Riding Club (NBTRC).

## 5. Field inspection

A field inspection was undertaken on 15 September 2017 with [section 9 \(2\) \(a\)](#), TPF.

## 6. Context

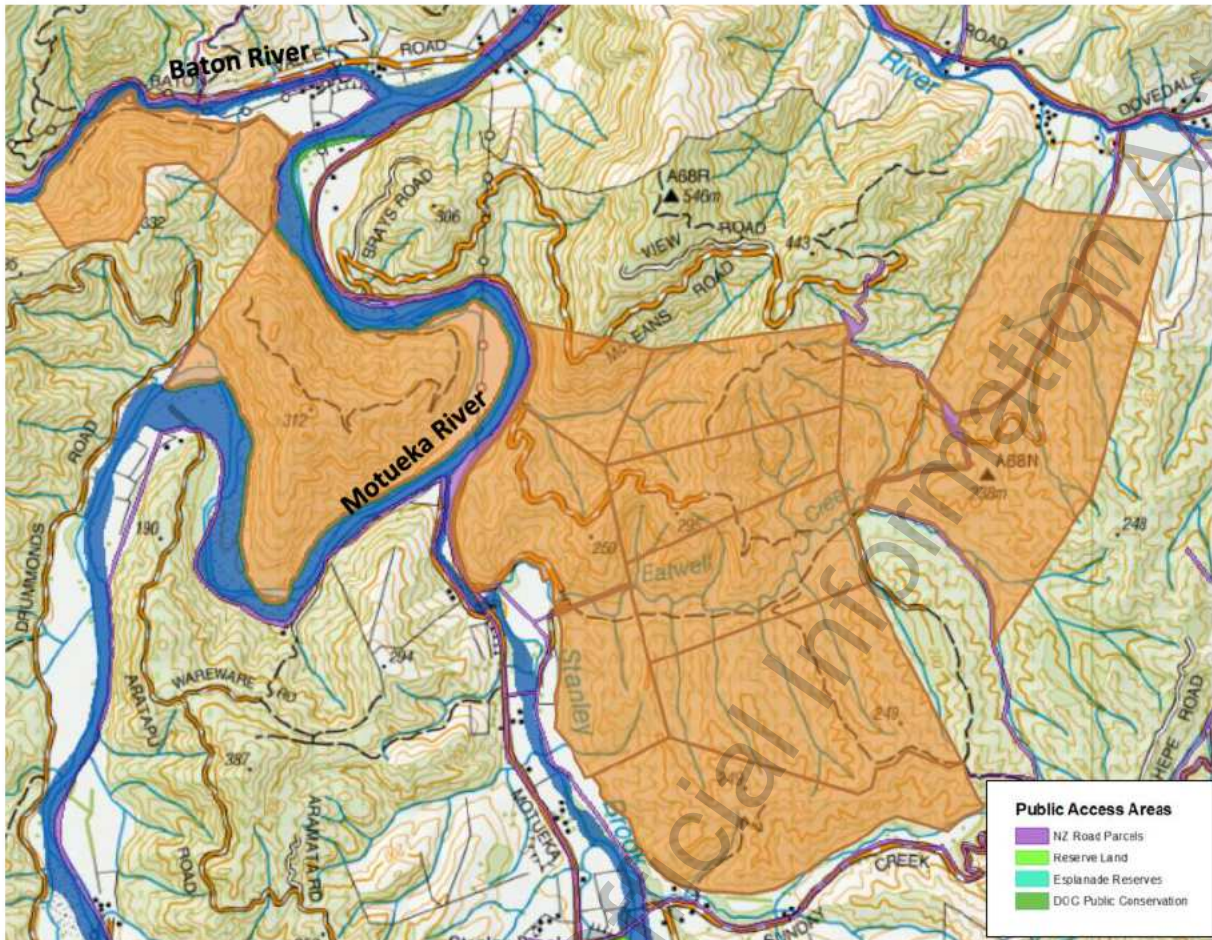
Eatwell Forest is a plantation forest comprising two separate blocks of approximately 1185 ha. The forests are 50 km inland from Richmond and 63km from Nelson (Map 1), in an area of predominately extensive plantation forests.



Map 1: Location of Eatwell Forest (shaded orange)

Source: [www.wams.org.nz](http://www.wams.org.nz)

The property is near the confluence of the Motueka and Baton Rivers. The Motueka River, which separates the two Eatwell Forests blocks, supports one of New Zealand's highest brown trout populations. This is a popular fishing destination, less than an hour's drive from Nelson with multiple Fish and Game fishing access points. The river holds National Water Conservation Order Status, recognising outstanding recreational, wild and scenic characteristics along with fisheries and wildlife values. There are several lodges in the area, catering to fishers. Swimming and kayaking is also enjoyed.



Map 2: Eatwell Forest (shaded orange)

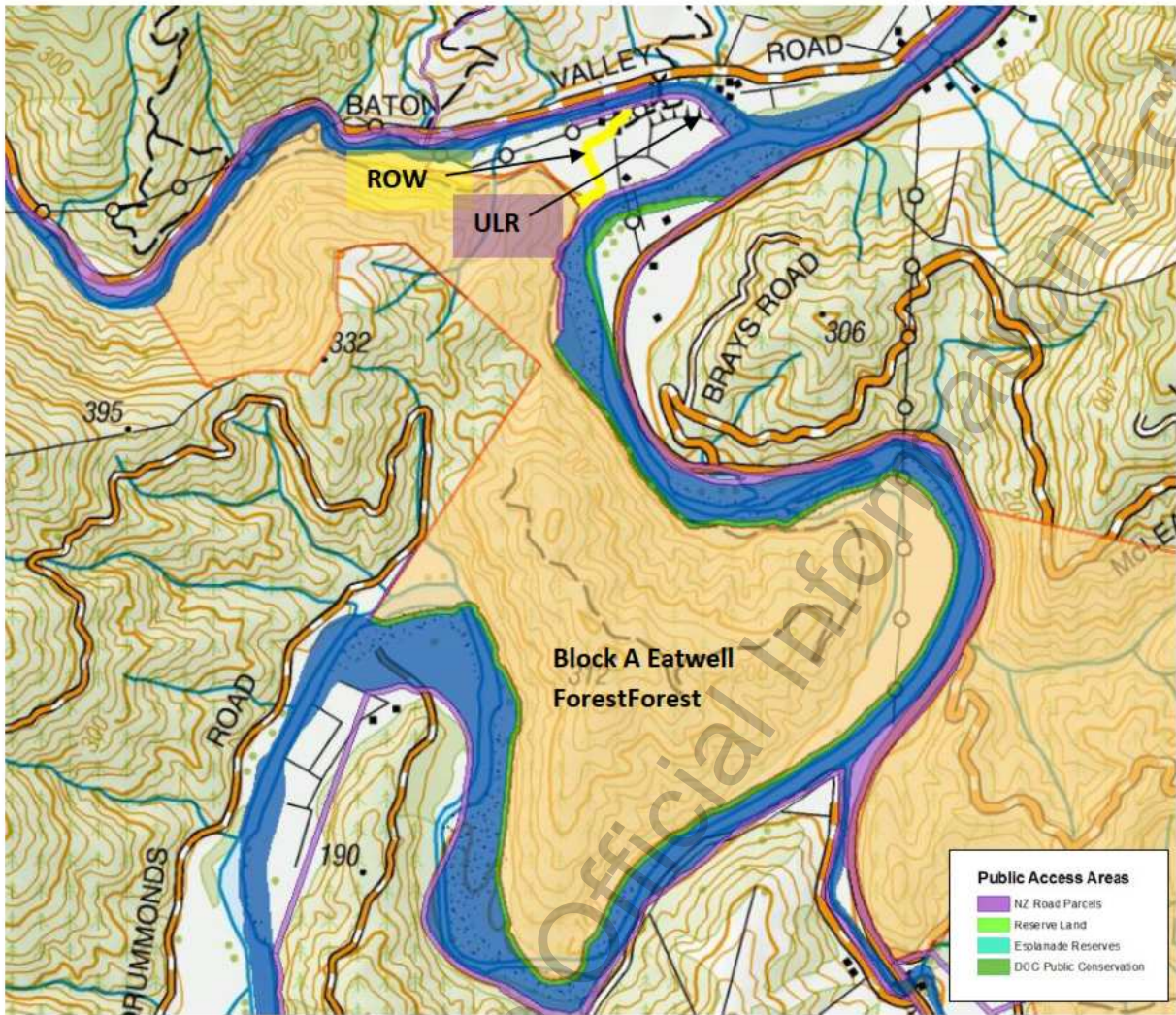
Source: [www.wams.org.nz](http://www.wams.org.nz)

## 7. Analysis of existing legal access

### Legal Road

Legal access is via an unnamed unformed legal road (ULR) that runs alongside the confluence of the Baton and Motueka Rivers, which links to the Baton Valley Highway.

Practical vehicle access to the property is via a ROW on the neighbouring property that does not include a public access provision (shown as yellow line in Map 3).



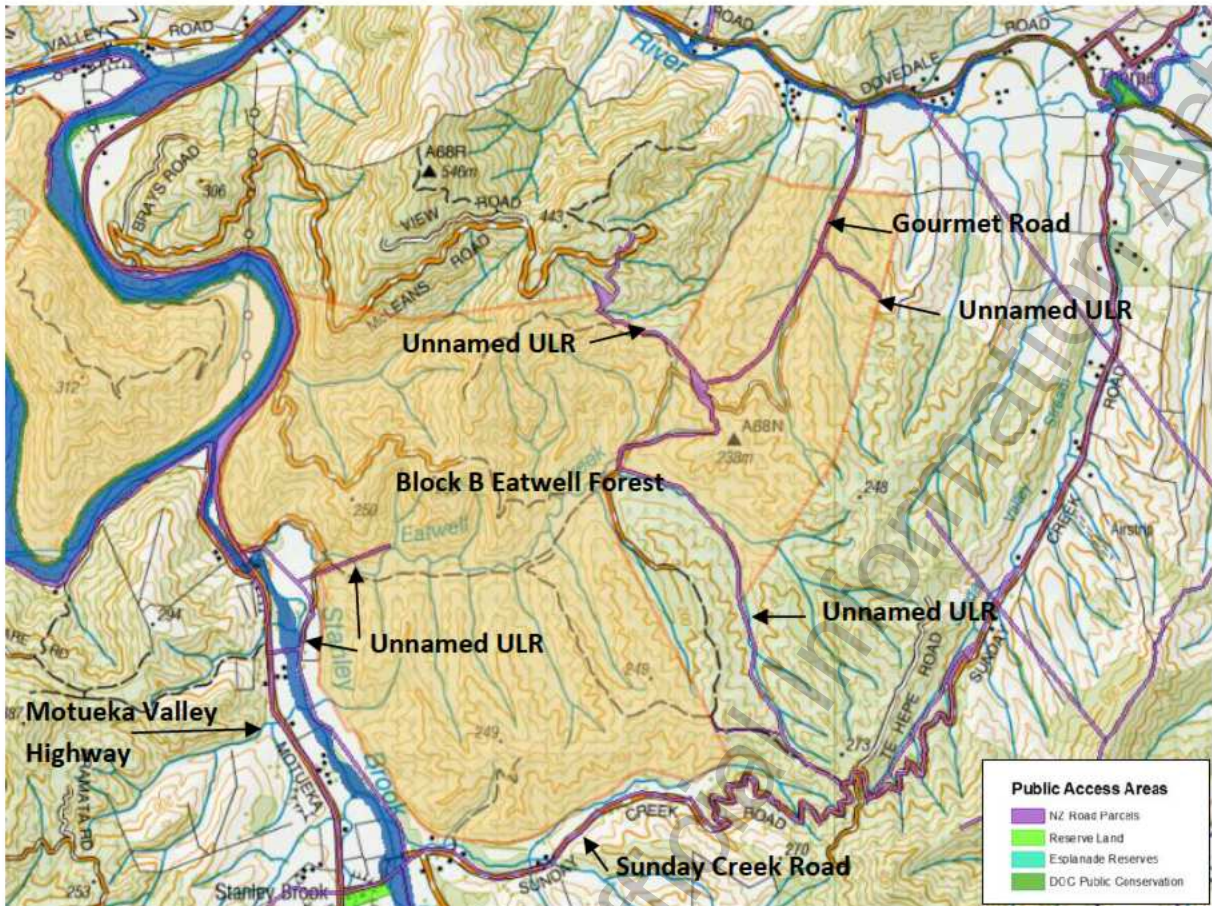
Map 3: Road access to Block A of Eatwell Forest (shaded orange)

Source: [www.wams.org.nz](http://www.wams.org.nz)

Motueka Valley Highway and Gourmet Road provide legal road access to Block B of Eatwell Forest. In addition, there a number of unnamed ULRs extending into Block B from Motueka Valley Highway, Sunday Creek Road and Gourmet Road (Map 4).

Released under the Official Information Act





Map 4: Road access to Block B of Eatwell Forest (shaded orange)

Source: [www.wams.org.nz](http://www.wams.org.nz)

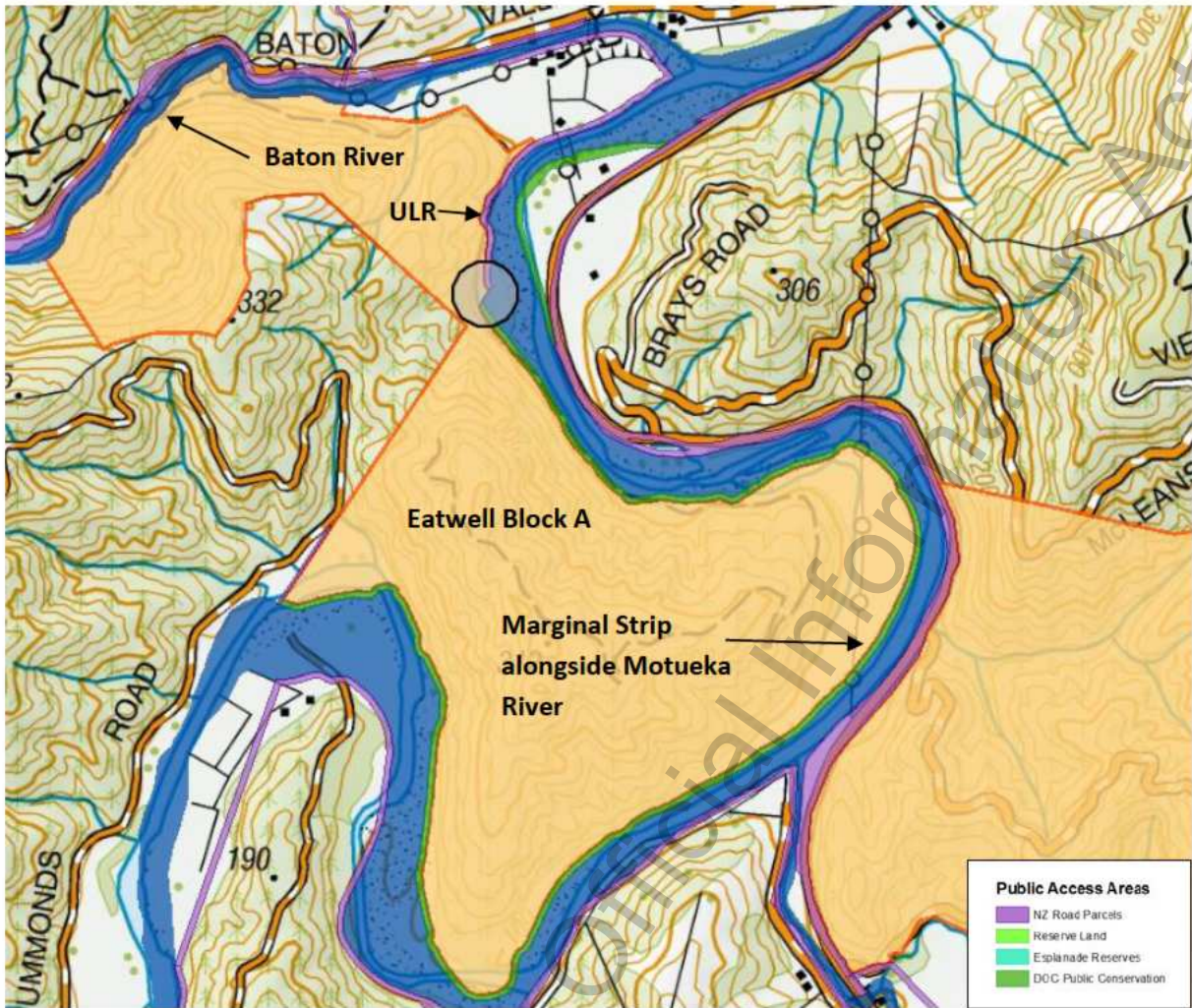
**Conservation Areas**

There are no conservation areas adjoining Eatwell Forest, other than marginal strips adjoining the Motueka River (see ‘Riparian Access’ below).

**Riparian Access**

A fixed marginal strip and/or ULR exists between most of the Motueka River and Block A. There is however a small gap between the northern end of the marginal strip and the nearby ULR adjoining the river, which limits public access to this section of marginal strip (the grey circle on Map 5 identifies the gap between the ULR and marginal strip).

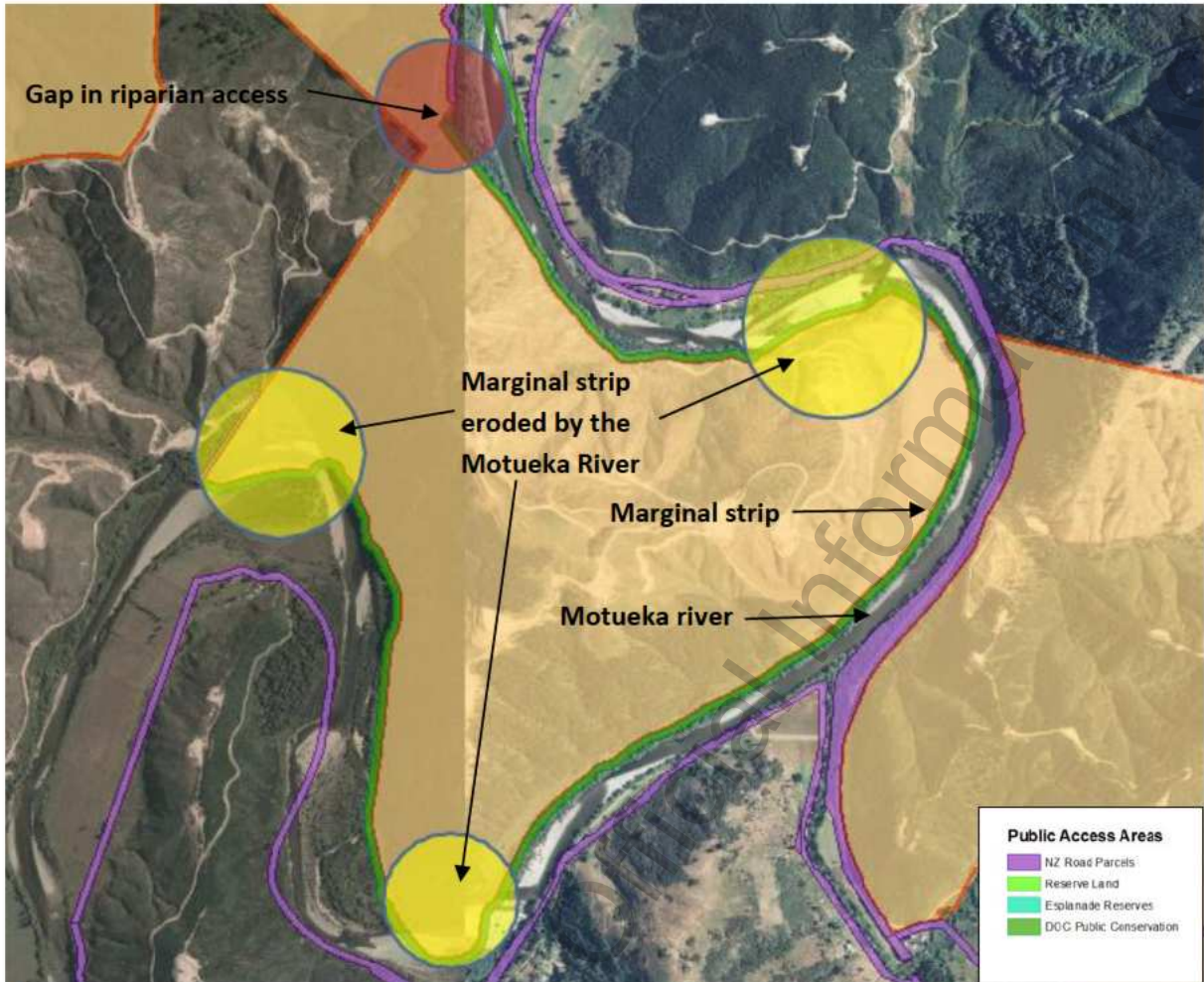
Released under the Official Information Act



Map 5: Riparian access to Block A

Source: [www.wams.org.nz](http://www.wams.org.nz)

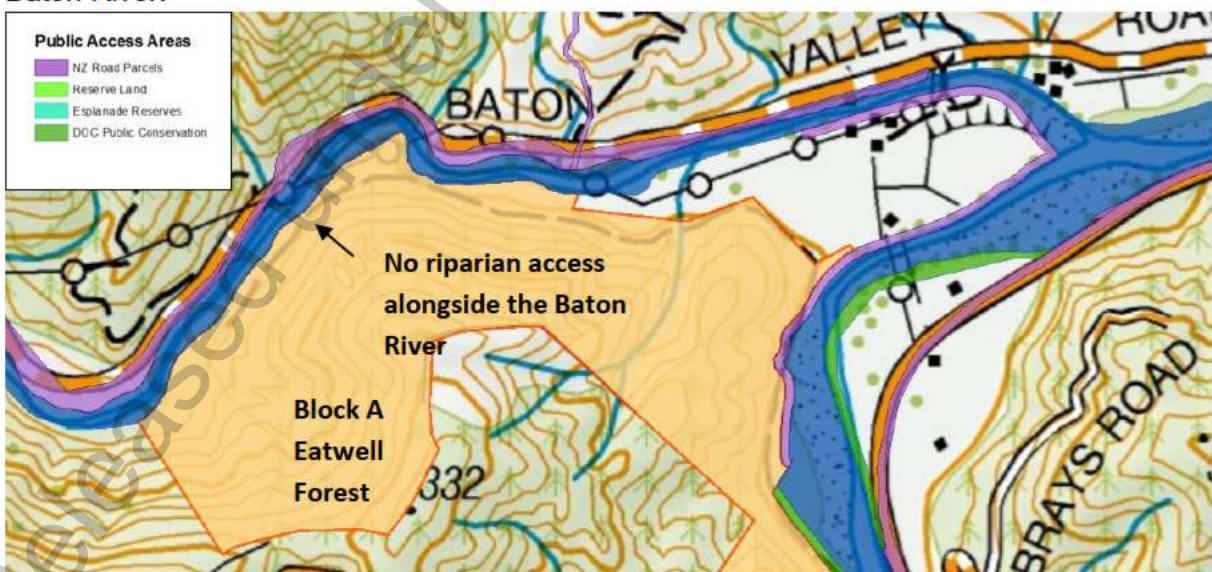
Riparian access along the Motueka River is incomplete. There is a gap between marginal strip and ULR adjoining the river (gap shown by red circle in Map 6), and in places, the Motueka River has eroded into, or through the marginal strip and into the property (highlighted by yellow circles in Map 6).



Map 6: Riparian access alongside the Motueka River

Source: [www.wams.org.nz](http://www.wams.org.nz)

There is no provision for public access along the Baton River where it is adjacent to the property (Block A) (Map 7). Also, there is also no public access provision to this section of the Baton River.



Map 7: No riparian access to the Baton River adjoining Eatwell Forest

Source: [www.wams.org.nz](http://www.wams.org.nz)

There is no riparian access within or connecting with Block B of Eatwell Forest block. Eatwell Creek and its tributaries and the tributaries of Dove River, do not appear to be greater than 3m wide requiring riparian access.

### **Easements**

TPF have the benefit of three rights of way (ROW) that enable access to the property (see Appendix B). None of the easements have public access entitlements.

Easement 1 provides access from an unnamed ULR that abuts Baton River. This provides access from Baton Valley Road over the Baton River to Block A.

Easement 2 provides access to Block B from private road Mcleans Road.

Easement 3 provides access to Block B from Sunday Creek Road.

## **8. Access assessment**

Nelson/Marlborough Fish & Game indicated a strong interest in public access to rivers adjacent to the property. The Motueka and Baton Rivers are of significant interest to anglers. They have also indicated an interest in the forest for upland bird hunting.

DOC advised that the Motueka Pistol Club has a rifle range in Block B of Eatwell Forest. The shooting range is restricted to use by Club members. Hence public access is not appropriate in this instance. A private arrangement has been negotiated between the Club and the Applicant.

### **Access to Rivers**

There is no riparian access alongside the Baton River, and there are a number of gaps in riparian access alongside Motueka River within Block A of Eatwell Forest as depicted in Maps 6 and 7.

Creating an esplanade strip along the Baton River would create public access for anglers along this river. Creating an access strip near the property northern boundary (of Block A), from the ULR alongside the Motueka River to the proposed esplanade strip alongside the Baton River is recommended to provide public access to the Baton River. The exact location of the access strip to be decided in consultation between the Applicant, Fish & Game and the Commission

Public access alongside the Motueka River is incomplete as shown in Map 6. An esplanade strip alongside the river banks wherever it adjoins the property is recommended to complete the riparian access along the river.

## **9. Priorities for public access**

Section 11 of the Walking Access Act 2008 sets out the Commission's statutory priorities for negotiating walking access over private land. These priorities for the Eatwell Forest property are addressed in the table below:

| <b>Access Criteria – Section 11 of the Walking Access Act 2008</b>                      |   |
|---|---|
| <b>Consideration of priorities for walking access over private land</b>                 | <b>Recommended public access to address these priorities</b>  |
| <i>11 (a) over land on the coast where there is not already walking access over the</i> | N/A<br>There is no coast or foreshore adjoining this property |

|  |  |
|--|--|
| <i>foreshore or the land adjoining the foreshore on its landward side:</i>   |  |
| <i>11 (b) over land adjoining rivers or lakes where there is not already walking access over the land:</i>   | Applicable.<br>Create an esplanade strip over along the Baton River where it is adjacent to Eatwell Forest<br>Create an esplanade strip along the Motueka River where it is adjacent to Eatwell Forest |
| <i>11 (c) to parts of the coast, rivers, or lakes to which there is not already walking access:</i>  | Applicable<br>Create an access strip to link riparian access alongside the Motueka River to riparian access alongside the Baton River  |
| <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> | Applicable<br>Create an esplanade strip along the Motueka River where it has eroded through the fixed marginal strip and now adjoins Eatwell Forest.   |
| <i>11 (e) to conservation areas (within the meaning of section 2(1) of the Conservation Act 1987):</i>   | Applicable<br>Create an esplanade strip to link the marginal strip to the ULR alongside the Motueka River (See 11(b))  |
| <i>11 (f) to areas of scenic or recreational value:</i>  | Applicable<br>The Motueka and Baton Rivers are highly valued by anglers (See 11(b, c, d))  |
| <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>                           | Applicable<br>The Motueka and Baton Rivers are highly valued by anglers (See 11(b, c, d))  |

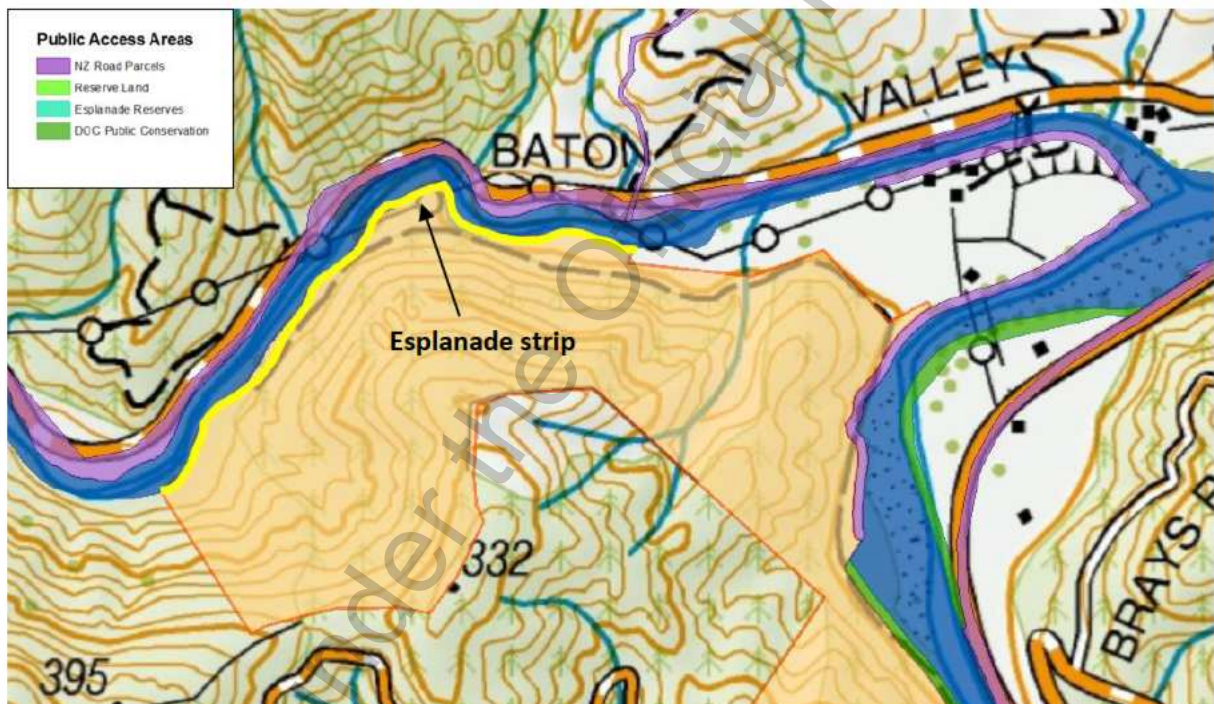
## 10. Access recommendations

The final alignments for these public walking access recommendations are subject to agreement between the Applicant and the Commission.

- Create an esplanade strip (to be registered against the titles pursuant to section 235 of the Resource Management Act 1991), along the Baton River where it flows adjacent to the property (shown on Map 8 below). Depict the esplanade strip on a plan to be lodged with LINZ and recorded in the cadastre (See Appendix C for example of esplanade strip instrument template).
- Create esplanade strips (to be registered against the titles pursuant to section 235 of the Resource Management Act 1991), along the Motueka River wherever it adjoins the property (as indicated in Map 9 below, but not limited to these areas).
- Create an access strip (to be registered against the titles pursuant to section 237B of the Resource Management Act 1991) from the ULR alongside the Motueka River to the proposed esplanade strip alongside the Baton River near the northern boundary of Block A of Eatwell Forest. The location of the access strip (indicated in Map 10 below) to be agreed between the Applicant, Nelson/Marlborough Fish & Game and the

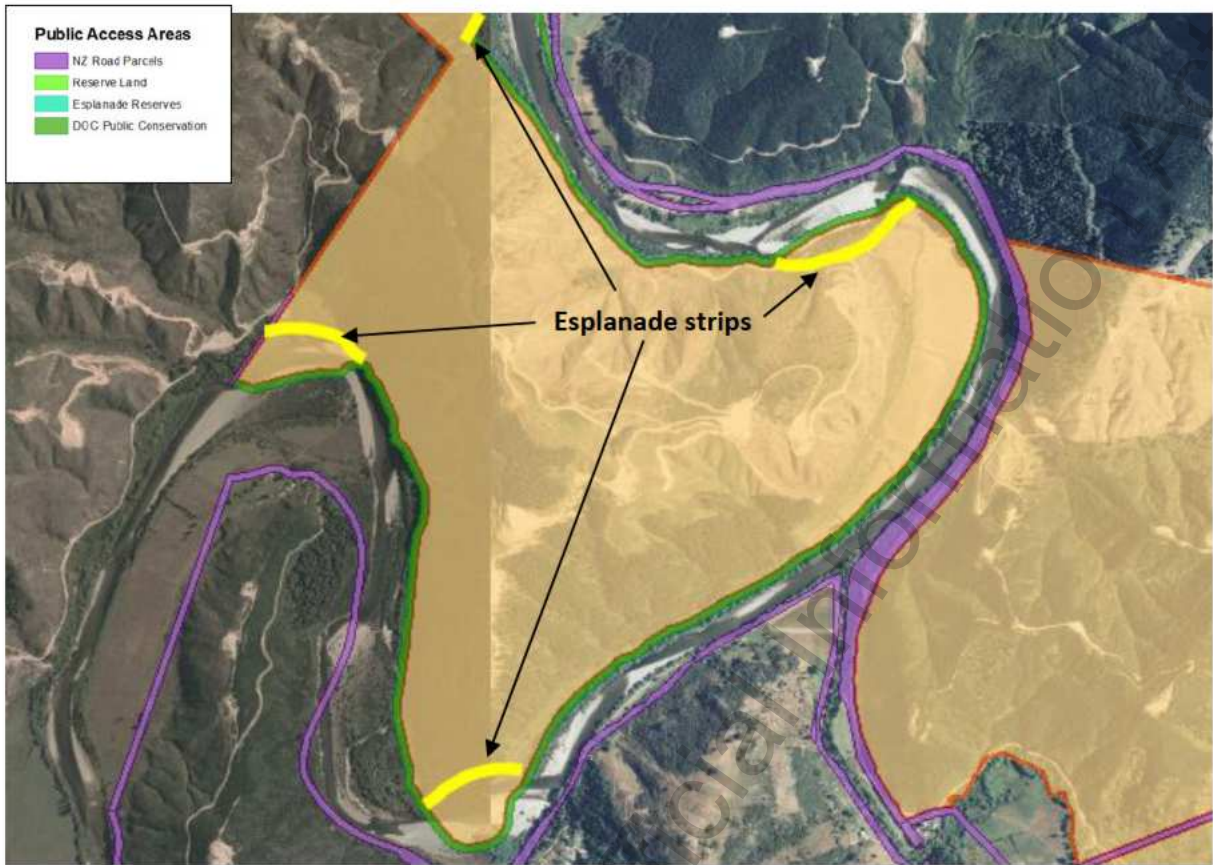
Commission. Depict the access strip on a plan to be lodged with LINZ and recorded in the cadastre (See Appendix D for example of access strip instrument template).

- Create signage and pole the route for the above access strip and signage for the above esplanade strips in conjunction with the Commission and Nelson/Marlborough Fish and Game Council.
- Establish a transparent user friendly managed access system to meet community demand for access through Eatwell Forest to the Baton River. To provide clarity, the process and conditions for gaining access into the Applicant forests should be captured in an MOU between the Applicant, local council and the Commission.
- Advertise access policies and procedures for each Applicant-owned forest on the company's website.
- The costs of establishing the above noted access to be borne by the consent holder.



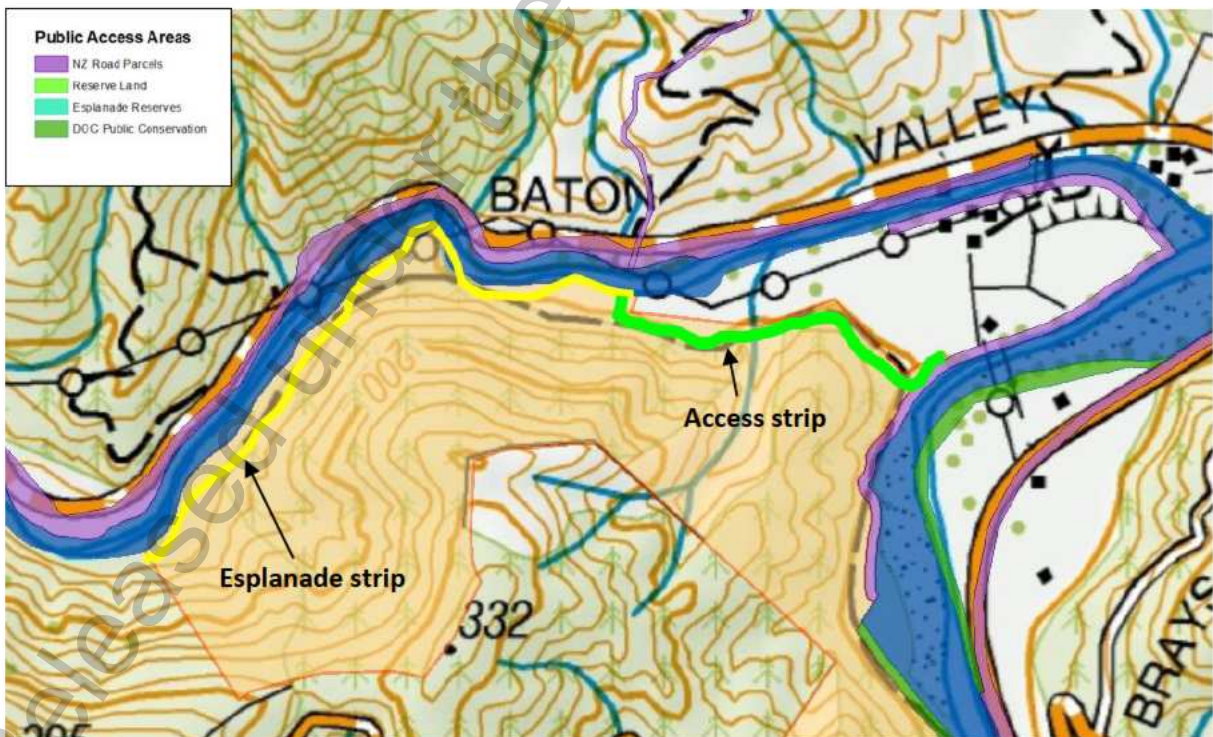
Map 8: Recommended esplanade strip alongside the Baton River (yellow line)

Source: [www.wams.org.nz](http://www.wams.org.nz)



Map 9 Recommended esplanade strips alongside Motueka river (yellow line)

Source: [www.wams.org.nz](http://www.wams.org.nz)



Map 10 Recommended access strip (green line)

Source: [www.wams.org.nz](http://www.wams.org.nz)

## Appendix A – OIO Notice of Decision

### Notice of Decision – Case 201610009 – Statutory Conditions of Consent

#### *Walking Access*

9. The Consent Holder must consult with WAC to determine what the Consent Holder can reasonably do (having regard to the proposed use of the Land, the impact of the access initiative on such use, and the costs and obligations on the Consent Holder in implementing the relevant access initiative) to:
- establish and register a public access easement for walking and mountain biking access to Mt Richmond National Park over the route marked in yellow on the map below ("**Mt Richmond Route**"); and
  - provide, protect or improve public walking access over the Land generally or part of that land (such as, where reasonable, the registration of new instruments, the erection of signs on the Land, establishing and maintaining walking and mountain biking tracks, or other similar mechanisms recommended by WAC) ("**Walking Access**").



The Consent Holder must

- Write to the Operations Manager at WAC (PO Box 12348, Thorndon, Wellington 6144) within 15 working days from the Settlement Date advising that the Consent Holder wishes to consult about Walking Access and the Mt Richmond Route and enclose:
    - a copy of the Decision Summary for this consent; and
    - a copy of this condition together with information identifying and describing the Land including aerial photographs, maps and Certificate(s) of Title;
  - Implement the Mt Richmond Route and/or any Walking Access recommended by WAC ("**WAC Recommendation**") within two years from WAC making the WAC Recommendation, or such other timeframe as mutually agreed between the Consent Holder and WAC. The cost of any Walking Access shall be borne by the Consent Holder.
10. The Consent Holder must provide to the OIO a copy of the letter sent to WAC under condition 9 within 20 working days from the Settlement Date.



## Appendix B – Easements, Eatwell Forest



### COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952



Search Copy

R. W. Muir  
Registrar-General  
of Land

**Identifier** NL7B/446  
**Land Registration District** Nelson  
**Date Issued** 01 April 1985

#### Prior References

NL133/96 NL4B/532

---

**Estate** Fee Simple  
**Area** 120.4500 hectares more or less  
**Legal Description** Lot 1 Deposited Plan 11948

#### Proprietors

Tasman Bay Forests Company

#### Interests

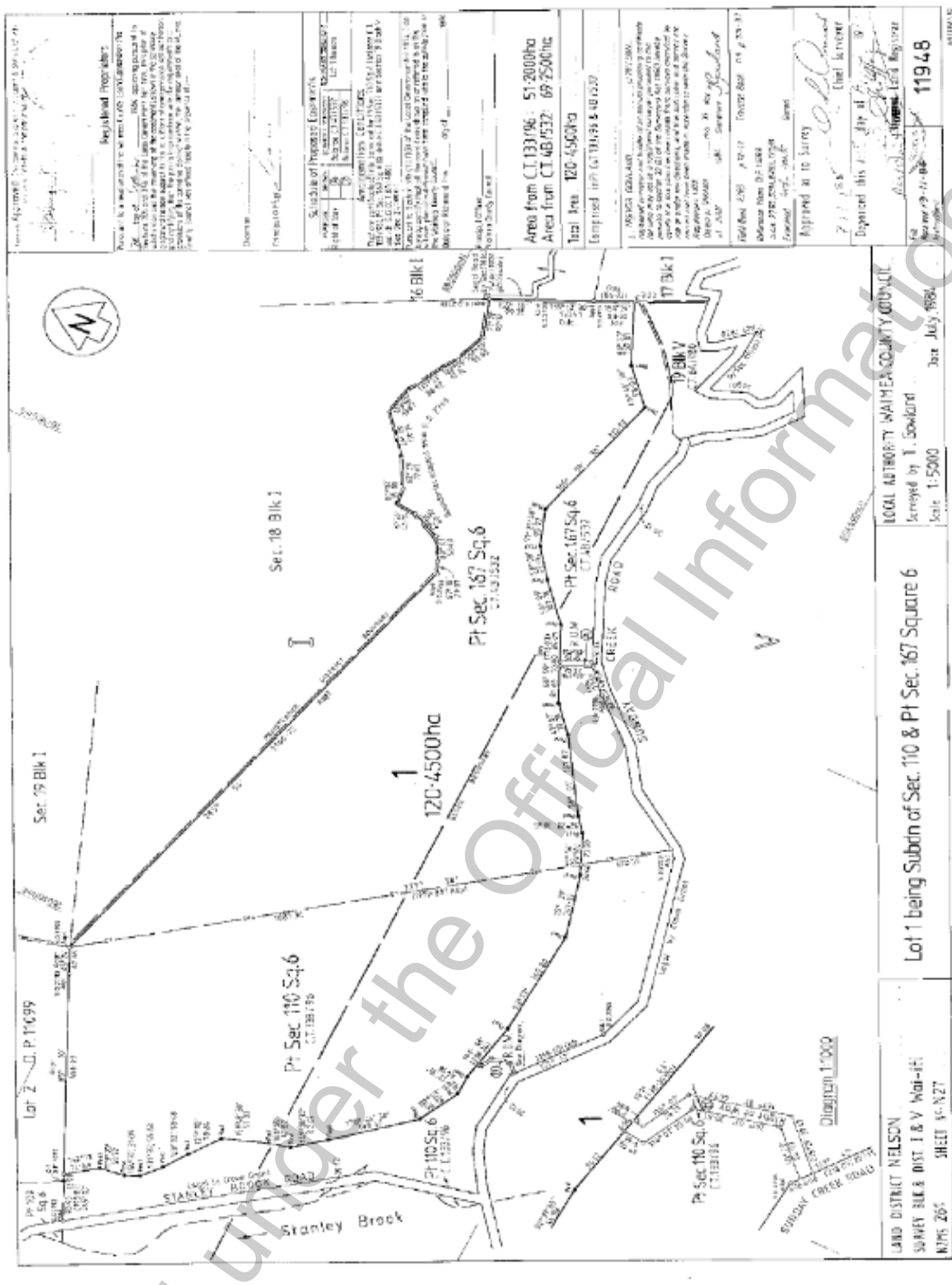
Appurtenant hereto are rights of way over the part Section 167 Square 6 (CT NL7B/447) marked A DP 11948 - 5.7.1985 at 1.40 am

Appurtenant hereto are rights of way over the part Section 110 Square 6 (CT NL7B/447) marked B DP 11948 - 5.7.1985 at 1.40 am

8923060.1 Mortgage to Cooperatieve Centrale Raiffeisen-Boerenleenbank B.A. - 30.11.2011 at 3:09 pm

9282659.1 Notice pursuant to Section 195(2) Climate Change Response Act 2002 - 17.1.2013 at 3:51 pm

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**Registered Proprietor:**  
 [Name]  
 [Address]

**Area from CT 133/96: 51,2000ha**  
**Area from CT 48/532: 69,2540ha**  
**Total Area: 120,4540ha**  
 Emplaced in CT 133/96 & 48/532

**LOCAL AUTHORITY: WAIKATO COUNTY COUNCIL**  
 Issued by T. Dowling  
 Date: July 1984  
 Scale: 1:5000

**LAND DISTRICT: NELSON**  
**SURVEY BLOCK: DIST. F & V Main-11**  
**NZPS 205 SHEET 4-N27**

**Lot 1 being Subrin of Sec. 110 & Pt Sec. 167 Square 6**

**119.48**

**119.48**



**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



R. W. Muir  
Registrar-General  
of Land

**Search Copy**

**Identifier** NL1A/1389  
**Land Registration District** Nelson  
**Date Issued** 14 November 1962

**Prior References**  
NL49/5

**Estate** Fee Simple  
**Area** 202.3428 hectares more or less  
**Legal Description** Section 106-107 Square 6

**Proprietors**  
Tasman Bay Forests Company

**Interests**

Subject to Section 59 Land Act 1948

272912.1 Easement Certificate specifying the following easement - 7.10.1987 at 10:48 am

| Type         | Servient Tenement                            | Easement Area | Dominant Tenement   | Statutory Restriction |
|--------------|--|---------------|---|-----------------------|
| Right of way | Lot 1 Deposited Plan<br>13200 - CT NL8A/1087 | A DP 13200    | Section 106 Square 6<br>and Section 106 Block<br>IV Wangapeka Survey<br>District - herein |                       |

The easement specified in Easement Certificate 272912.1 when created is subject to Section 309(1) (a) Local Government Act 1974

8922568.1 Mortgage to Cooperatieve Centrale Raiffeisen-Boerenleenbank B.A. - 30.11.2011 at 3:15 pm

9282657.1 Notice pursuant to Section 195(2) Climate Change Response Act 2002 - 17.1.2013 at 3:50 pm





**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



R. W. Muir  
Registrar-General  
of Land

**Search Copy**

**Identifier** NL132/62  
**Land Registration District** Nelson  
**Date Issued** 07 March 1957

**Prior References**  
NLPR13/75

---

**Estate** Fee Simple  
**Area** 256.2191 hectares more or less  
**Legal Description** Section 3, Section 14, Section 24 and  
Section 171-172 Block I Wai-iti Survey  
District and Deposited Plan 552

**Proprietors**  
Tasman Bay Forests Company

**Interests**

Subject to Section 206 Land Act 1924

260206.1 Transfer creating the following easement - 24.6.1986 at 11.15 am

| Type         | Servient Tenement                         | Easement Area | Dominant Tenement                                | Statutory Restriction |
|--------------|---|---------------|--|-----------------------|
| Right of way | Part Section 88 Square<br>6 - CT NL98/208 | A DP 11990    | Part Section 1<br>Deposited Plan 552 -<br>herein |                       |

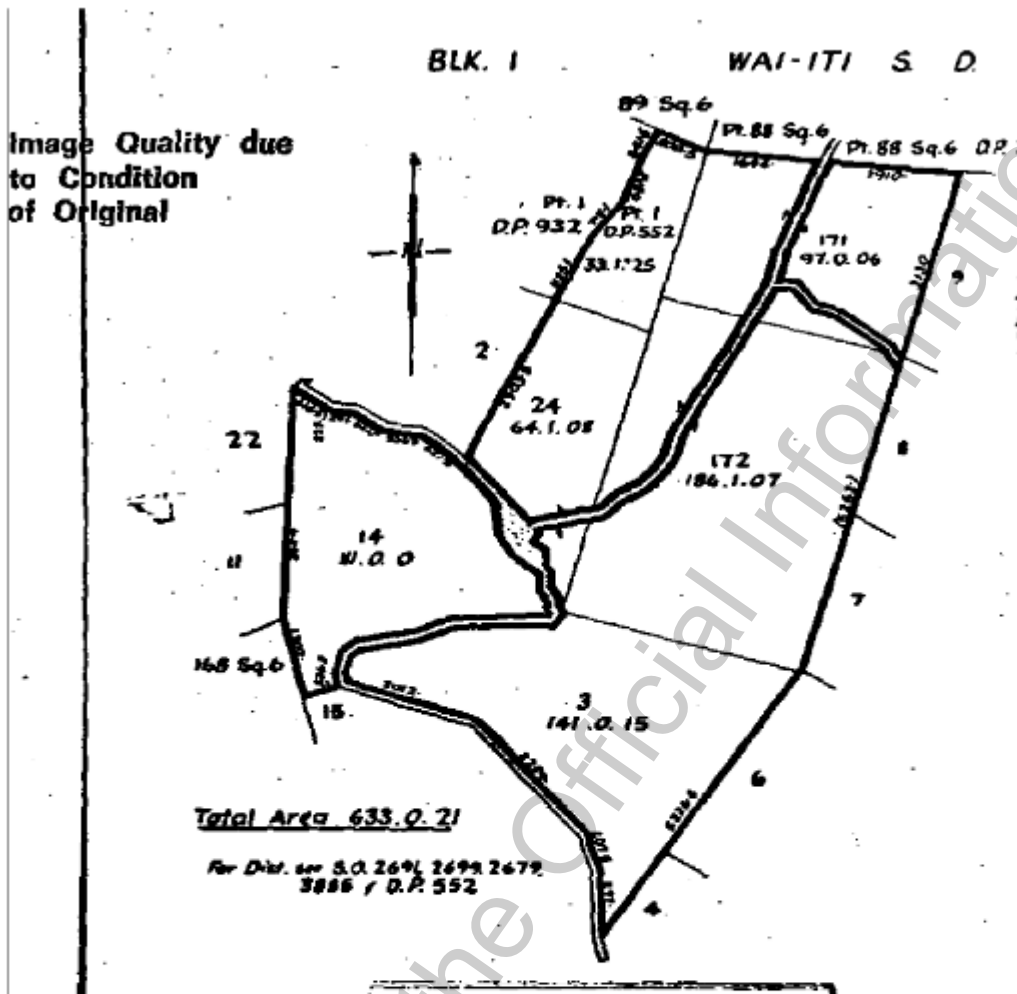
8922568.1 Mortgage to Cooperatieve Centrale Raiffeisen-Boerenleenbank B.A. - 30.11.2011 at 3:15 pm

9282657.1 Notice pursuant to Section 195(2) Climate Change Response Act 2002 - 17.1.2013 at 3:50 pm

Identifier

NL132/62

Image Quality due  
to Condition  
of Original



Transaction Id  
Client Reference dward002

Search Copy Dated 31/07/15 3:58 pm, Page 2 of 2  
Register Only

## Appendix C – Example of esplanade strip instrument template

### Instrument creating esplanade strip

[Section 235](#), Resource Management Act 1991

#### Background

[Full name, address, and occupation of land owner] (the **Grantor**) is registered as proprietor of the land described in Schedule A (the **land**).

[Name of territorial authority] (the **Grantee**) is a local authority (within the meaning of the [Local Government Act 2002](#)) in whose district the land is located.

#### Creation of esplanade strip

- 1 The Grantor creates in favour of the Grantee an esplanade strip described in Schedule B (the **strip**) for the purposes of public access and recreational use over the land described in Schedule A (the **land**) on the following terms.
- 2 This strip is created to give effect to the walking access recommendations as set out in New Zealand Walking Access Commission's report to the Grantor dated **XXXXXXX**, which addresses the walking access condition of purchase of the land in terms of the Overseas Investment Act 2005.

#### Covenants

- 3 The Grantor and Grantee covenant as follows:
- 4 The following acts are prohibited on the land:
  - (a) wilfully endangering, disturbing, or annoying a lawful user of the strip (including the owner or occupier of the strip):
  - (b) wilfully damaging or interfering with a structure adjoining or on the land (including a building, fence, gate, stile, marker, bridge, or notice):
  - (c) wilfully interfering with or disturbing livestock lawfully permitted on the strip.
- 5 The prohibitions in clause (b) and (c) above do not apply to the owner or occupier of the strip or to employees or agents authorised by the owner or occupier.
- 6 The following acts are also prohibited on the land over which the strip has been created:
  - (a) lighting a fire:
  - (b) carrying a firearm:
  - (c) discharging or shooting a firearm:
  - (d) camping:
  - (e) taking an animal on to, or having charge of an animal on, the land:
  - (f) taking a vehicle on to, or driving or having charge or control of a vehicle on, the land (whether the vehicle is motorised or not):
  - (g) wilfully damaging or removing a plant (unless acting in accordance with the [Biosecurity Act 1993](#)):
  - (h) laying poison or setting a snare or trap (unless acting in accordance with the [Biosecurity Act 1993](#)).
- 7 The following other restrictions apply to the strip:
  - (a) The Grantor shall not take any actions or undertake works which may impede public access along the strip.
- 8 The following fencing requirements apply to the strip:
  - (a) Any fencing which will restrict public access and recreational use of the strip is prohibited.
  - (b) The owner or occupier shall be under no obligation to fence the boundaries of the strip.
- 9 Access to the strip is on the following terms:

- (a) any person shall have the right, at any time, to pass and repass over and along the land over which the strip has been created, subject to any other provisions of this instrument.
- 10 The words "owner or occupier" where used in this instrument shall include the registered proprietors for the time being of the land

.....  
Signed by Grantor in the presence of—

[signature, occupation, and address of witness]

Date

.....  
Executed by Grantee by common seal or by 2 officers, as provided by the territorial authority's rules

Date

[As the esplanade strip is created under [section 235](#) of the Resource Management Act 1991, the consent of every person having a registered interest in the land must be endorsed on this instrument.]

\*Signed by [full name of person or body corporate] having a registered interest in the land as acknowledgement of my consent to this instrument, in the presence of—  
[signature, occupation, and address of witness]

Date

\*Delete if there are no persons with a registered interest in the land other than the Grantor or repeat as necessary if there is more than 1 other registered interest in the land.



## **Schedule A**

*[Give a full description of the land owned by the Grantor, including the lot and deposited plan, certificate of title reference(s), and any encumbrances.]*

## **Schedule B**

*[State the width in metres of the strip and refer to plan depicting the strip annexed to this instrument or deposited in the Land Registry Office.]*

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## Appendix D – Access strip instrument template

### Easement for access strip

*[Section 237B](#), Resource Management Act 1991*

#### Background

[Full name, address, and occupation of land owner] (the **Grantor**) is registered as proprietor of the land described in Schedule A (the **land**).

[Name of local authority] (the **Grantee**) is a local authority (within the meaning of the [Local Government Act 2002](#)) in whose district the land is located.

#### Grant of easement for access strip

1. The Grantor grants to the Grantee an easement for an access strip.
2. This strip is created to give effect to the walking access recommendations as set out in New Zealand Walking Access Commission's report to the Grantor dated XXXXXXX, which addresses the walking access condition of purchase of the land in terms of the Overseas Investment Act 2005.
3. The easement confers the right for any person, at any time, to pass and repass over and along the land, for the purpose of giving an access strip described in Schedule B (the **strip**) to [give full description of the existing reserve or strip, river, lake, or part of the coast on or adjoining the land to which the easement is allowing access] on the following terms.

#### Covenants

4. The Grantor and Grantee covenant as follows:
5. The following acts are prohibited on the land:
  - a) wilfully endangering, disturbing, or annoying a lawful user of the strip (including the owner or occupier of the strip):
  - b) wilfully damaging or interfering with a structure adjoining or on the land (including a building, fence, gate, stile, marker, bridge, or notice):
  - c) wilfully interfering with or disturbing livestock lawfully permitted on the strip.
6. The prohibitions in clause 5(b) and (c) do not apply to the owner or occupier of the strip or to employees or agents authorised by the owner or occupier.
7. The following acts are also prohibited on the land over which the strip has been created:
  - a) lighting a fire:
  - b) carrying a firearm:
  - c) discharging or shooting a firearm:
  - d) camping:
  - e) taking an animal on to, or having charge of an animal on, the land:
  - f) taking a vehicle on to, or driving or having charge or control of a vehicle on, the land (whether the vehicle is motorised or not):

- g) wilfully damaging or removing a plant (unless acting in accordance with the [Biosecurity Act 1993](#)):
- h) laying poison or setting a snare or trap (unless acting in accordance with the [Biosecurity Act 1993](#)).
8. The following other restrictions apply to the strip:
- (a) The Grantor shall not take any actions or undertake works which may impede public access along the strip.
9. The following fencing requirements apply to the strip:
- (a) Any fencing which will restrict public access use of the strip is prohibited.
- (b) The owner or occupier shall be under no obligation to fence the boundaries of the strip.
10. Access to the strip is on the following terms:
- (a) any person shall have the right, at any time, to pass and repass over and along the land over which the strip has been created, subject to any other provisions of this instrument.
11. The words "owner or occupier" where used in this instrument shall include the registered proprietors for the time being of the land.

Signed by Grantor in the presence of—  
[signature, occupation, and  
address of witness]

Executed by Grantee by common  
seal or by 2 officers, as provided  
by the territorial authority's rules

Date

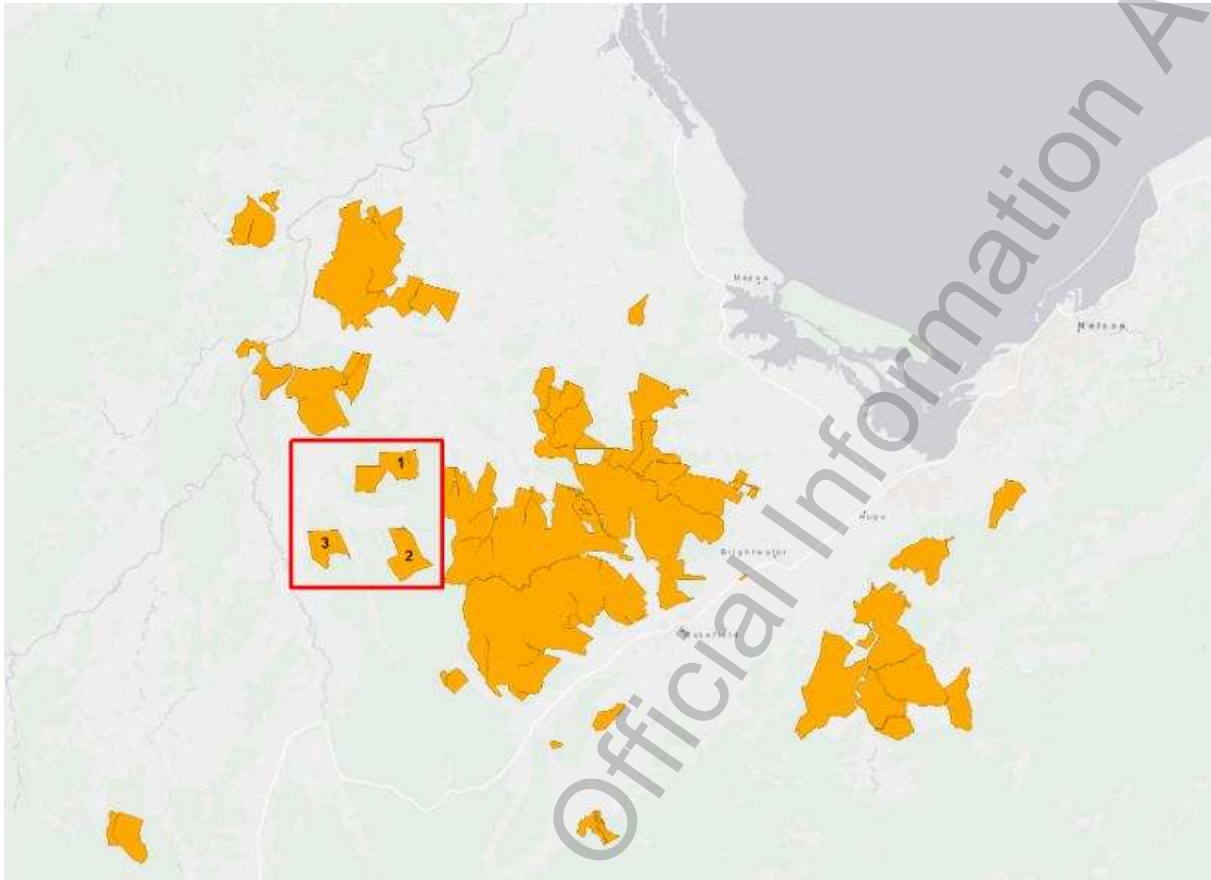
## **Schedule A**

*[Give a full description of the land owned by the Grantor over which the strip applies, including the portion of the land affected by the easement, by reference to the plan defining it, the lot and deposited plan, certificate of title reference(s), and any encumbrances.]*

## **Schedule B**

*[State the width in metres of the easement and refer to plan (if any) depicting the easement annexed to this instrument or deposited in the Land Registry Office.]*

# Stanley Brook 1,2,3



OIO Case No 201610009  
Sumitomo Forestry Company Limited

## Access Recommendations

Report 6 of 13



**WALKING ACCESS**  
ARA HĪKOI AOTEAROA

NZ Walking Access Commission – June 2018

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# Recommendations for public access

|                          |  |
|--------------------------|--|
| <b>Case:</b>             | CMS 3571   |
| <b>OIO Case:</b>         | 201610009  |
| <b>Applicant:</b>        | Sumitomo Forestry Company Limited                            |
| <b>Representative:</b>   | Unknown  |
| <b>Property Manager:</b> | Tasman Pine Forests Ltd (section 9 (2) (a), General Manager) |
| <b>Local Authority:</b>  | Nelson City Council  |
| <b>Case Received:</b>    | 21 July 2016   |
| <b>Field Inspection:</b> | Desktop  |
| <b>Report Date:</b>      | 26 June 2018   |
| <b>Legal details:</b>    |  |

| Certificates of Title | Legal Description      | Area (ha)       |
|-----------------------|------------------------|-----------------|
| NL120/87              |                        | 89.4355         |
| NL2A/1238             |                        | 71.6294         |
| NL2A/1239             |                        | 64.7497         |
| NL6B/994              |                        | 84.3770         |
| NL6B/995              |                        | 58.9222         |
|                       | <b>Stanley Brook 1</b> | <b>369.1118</b> |
| NL21/203              | <b>Stanley Brook 2</b> | <b>309.0862</b> |
| NL6A/683              | <b>Stanley Brook 3</b> | <b>233.2387</b> |
|                       | <b>Total Area</b>      | <b>911.4367</b> |

## 1. Introduction

The New Zealand Walking Access Commission (the Commission) was established in 2008 by the *Walking Access Act*. The Commission is the Crown entity that leads and supports the negotiation, establishment, maintenance, and improvement of walking access and types of access that may be associated with walking access such as access with firearms, dogs, bicycles or motor vehicles.

This report is prepared by the Commission to progress the walking access conditions approved by the Minister of Finance and the Minister for Land Information for the purchase of sensitive land as defined under section 12 and 17 of the Overseas Investment Act 2005.

In considering its priorities for negotiating public access over private land, the Commission is guided by the provisions in section 11 of the *Walking Access Act*.

In summary the Commission recommends:

- No new access is recommended over this property.
- That the Applicant consult with Nelson-Marlborough Fish and Game Council for managed access to the forests by licensed game bird hunters, subject to forest management constraints

“The purpose of this summary is to provide an overview of the more detailed ‘Access recommendations’ located at the rear of the report, located before Appendix A. **In the event of any inconsistency between the two, the ‘Access recommendations’ section prevails**”.

## 2. Purpose

This report provides the public access recommendations for negotiation and final agreement with the applicant.

Tasman Pine Forests Ltd (TPF) hold the OIO consent for a large number of forest blocks. Because of the large area of land involved in this application, the forestry blocks have been divided into 13 cases based on a geographical area. The Commission has assessed the forest block(s) within each geographical area in separate reports. This report (6 of 13) covers Stanley Brook (1,2,3), Tapawera.

## 3. Walking access conditions

The walking access conditions in the Ministers’ consent (Appendix A) require the Applicant to consult with the Commission to determine what the Applicant can reasonably do to provide, protect or improve public walking access over the land (such as, where reasonable, the registration of new instruments, the erection of signs, establishing and maintaining walking and mountain biking tracks, or other similar mechanisms recommended by the Commission). The cost of any walking access shall be borne by the Applicant.

## 4. Consultation

The Commission has consulted with the Applicant, the Department of Conservation (DOC), Nelson-Marlborough Fish and Game Council (F&G), Nelson City Council (NCC), Heritage NZ Pouhere Taonga (HNZ), Nelson Tramping Club and Federated Mountain Clubs (NTC, FMC), Nelson Mountain Bike Club (NMTBC), Mountain Bike Trails Trust (MTBTT), NZ Deerstalkers Association (NZDA), Nelson Horse Riding Club (NHRC) and Nelson Bays Trail Riding Club (NBTRC) and Tapawera Promotion Association.

## 5. Field Inspection

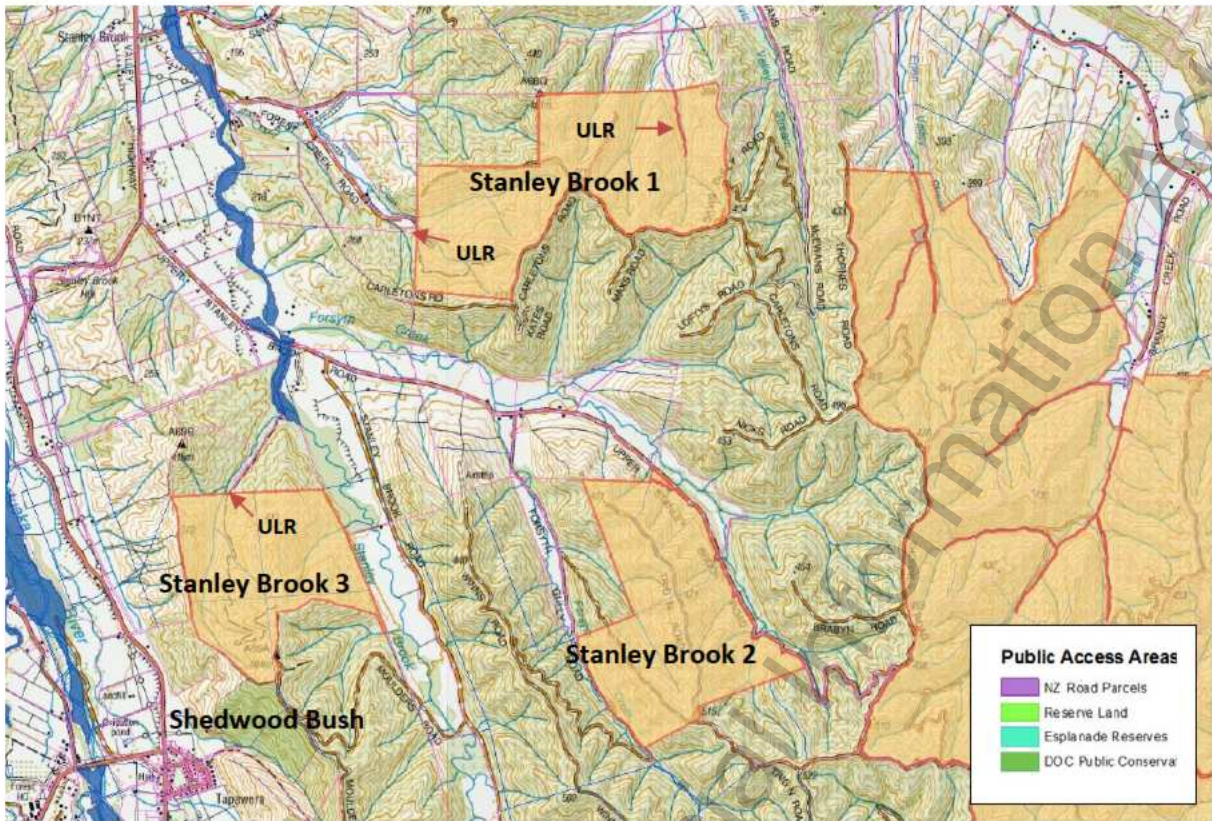
This is a desktop assessment and there has not been a field inspection.

## 6. Context

Stanley Brook pine forests comprises of three separate properties (seven titles, totalling approximately 911 hectares) and are located inland, some 35 km south west of Nelson.

Stanley Brook 1 is the furthest north of the three, situated between the Davis (to the east) and Motueka Valleys (to the west). Stanley Brook 2 is located up Forsyth Gully and Stanley Brook 3 is located less than 10kms north west of the rural town of Tapawera in the Motueka River Valley. Shedwood Bush Conservation Area is adjacent to the west (close to Tapawera township).

There are no significant waterways on any of the properties.



Map 1: Context - Stanley Brook forests (shaded orange)

Source: [www.wams.org.nz](http://www.wams.org.nz)

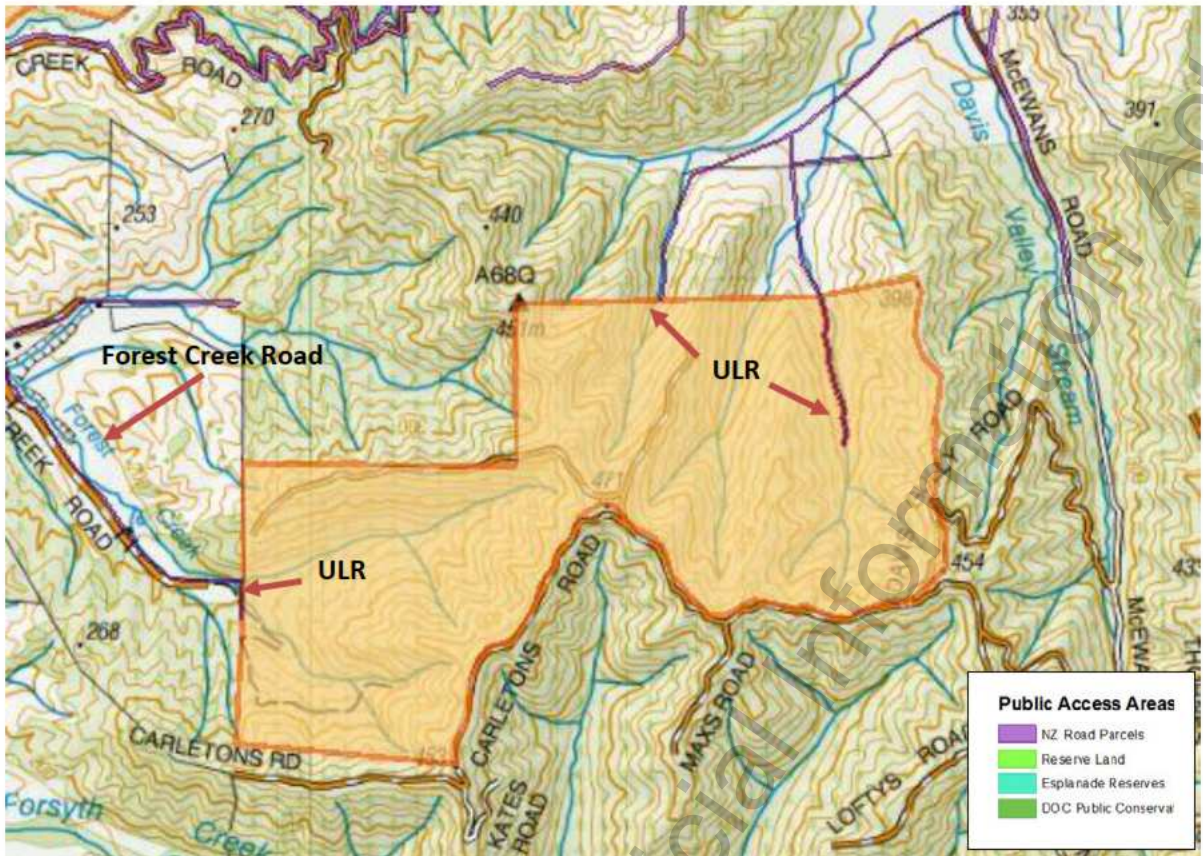
## 7. Analysis of existing legal access

### Legal Road

#### Stanley Brook 1

Legal access to the block is available via Forest Creek Road to the western boundary. This road is formed until a short distance from property. Two unnamed unformed legal roads (ULR's) also provide legal access to the northern end of the property, with one intersecting part of the block for approximately 0.5kms (Map 2). Neither of these ULR aligns with a formed track but they join and meet McEwans Road to the north east.



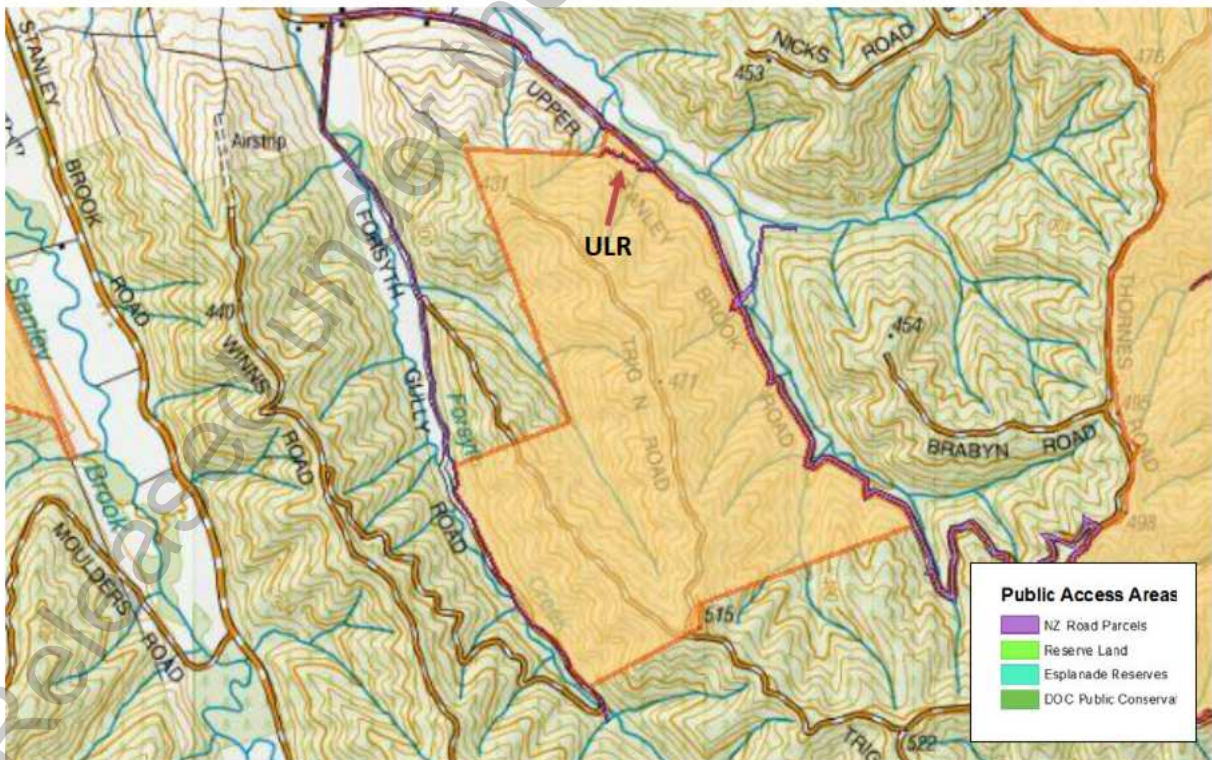


Map 2: Stanley Brook 1 Access

Source: [www.wams.org.nz](http://www.wams.org.nz)

### Stanley Brook 2

Upper Stanley Brook Road adjoins the western boundary and Forsyth Gully Road adjoins the south western boundary (Map 3). A section of ULR intersects the northern end of the block.

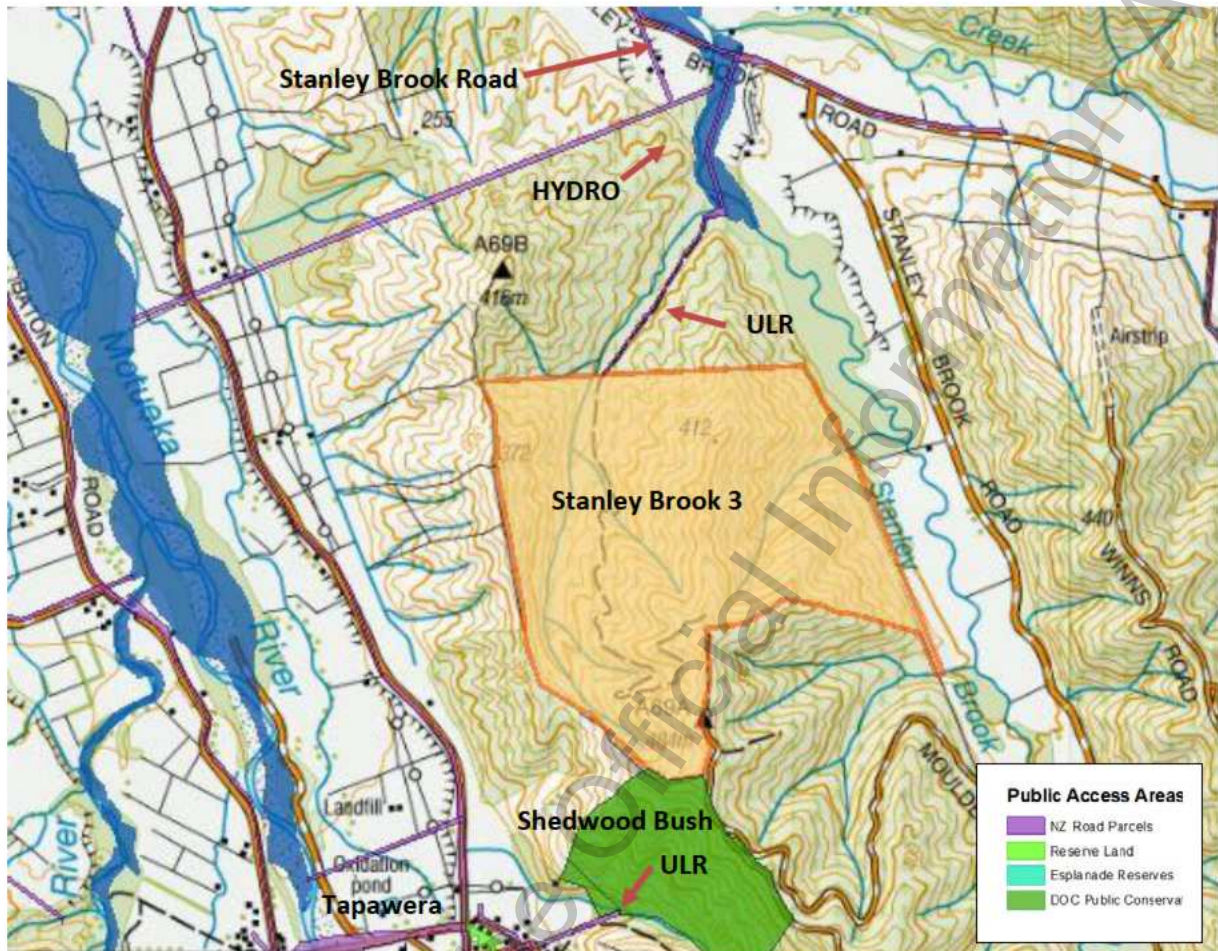


Map 3: Stanley Brook 2 Access

Source: [www.wams.org.nz](http://www.wams.org.nz)

### Stanley Brook 3

There is ULR access to the property at the northern end, off Upper Stanley Brook Road (Map 4).



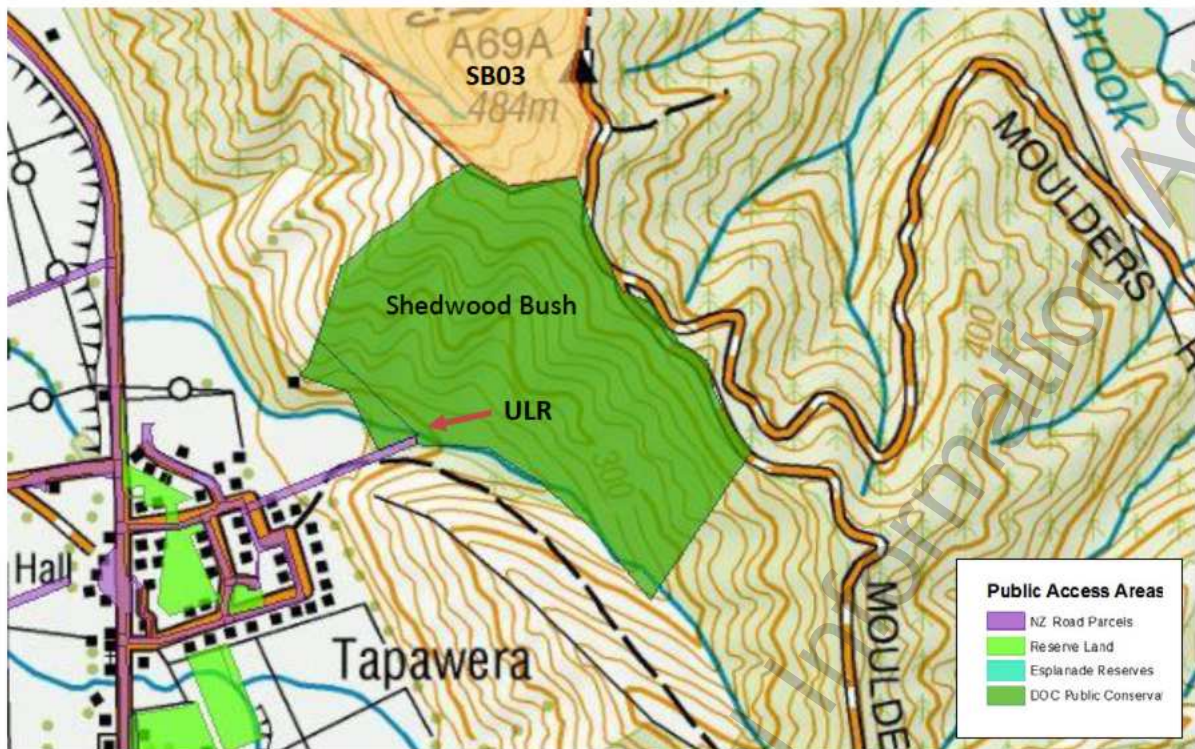
Map 4: Stanley Brook 3 Access

Source: [www.wams.org.nz](http://www.wams.org.nz)

### Conservation Areas

#### Stanley Brook 3

Shedwood Bush Conservation Area adjoins the southern boundary of Stanley Brook 3. There is legal access to the Conservation Area via ULR (signposted walkway) from the village centre (Map 5).



Map 5: Shedwood Bush Conservation Area Access

Source: [www.wams.org.nz](http://www.wams.org.nz)

### ***Riparian Access***

There is no riparian access within or connecting with any of the Stanley Brook properties.

## **8. Access assessment**

F&G have identified some current upland game bird hunting opportunities. It is desirable that the Applicant discuss these with F&G with a view to managed access for these purposes subject to forest operational constraints.

### ***Access to reserves and Conservation land***

None of the Stanley Brook blocks provide practical access to PCL, and DOC has indicated no interest in additional public access to Shedwood Bush.

### ***Access to rivers / waterways***

There are no significant waterways on the properties.

## 9. Priorities for public access

Section 11 of the Walking Access Act 2008 sets out the Commission's statutory priorities for negotiating walking access over private land. These priorities for the Stanley Brook 1,2,3 properties are addressed in the table below:

| Access Criteria – Section 11 of the Walking Access Act 2008  |   |
|--|---|
| Consideration of priorities for walking access over private land   | Recommended public access to address these priorities |
| <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>                                      | N/A   |
| <i>11 (b) over land adjoining rivers or lakes where there is not already walking access over the land:</i>   | N/A   |
| <i>11 (c) to parts of the coast, rivers, or lakes to which there is not already walking access:</i>  | N/A   |
| <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> | N/A   |
| <i>11 (e) to conservation areas (within the meaning of section 2(1) of the Conservation Act 1987):</i>   | N/A   |
| <i>11 (f) to areas of scenic or recreational value:</i>  | N/A   |
| <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>                           | Applicable<br>Gamebird hunting opportunities          |

## 10 Access Recommendations

There is no additional public access recommended for the Stanley Brook forests.

- It is recommended though that the Applicant discuss, with Nelson/Marlborough Fish and Game, the options for managed game bird hunting on the property subject to forest operational requirements.

## Appendix A – OIO Notice of Decision

### Notice of Decision – Case 201610009 – Statutory Conditions of Consent

#### *Walking Access*

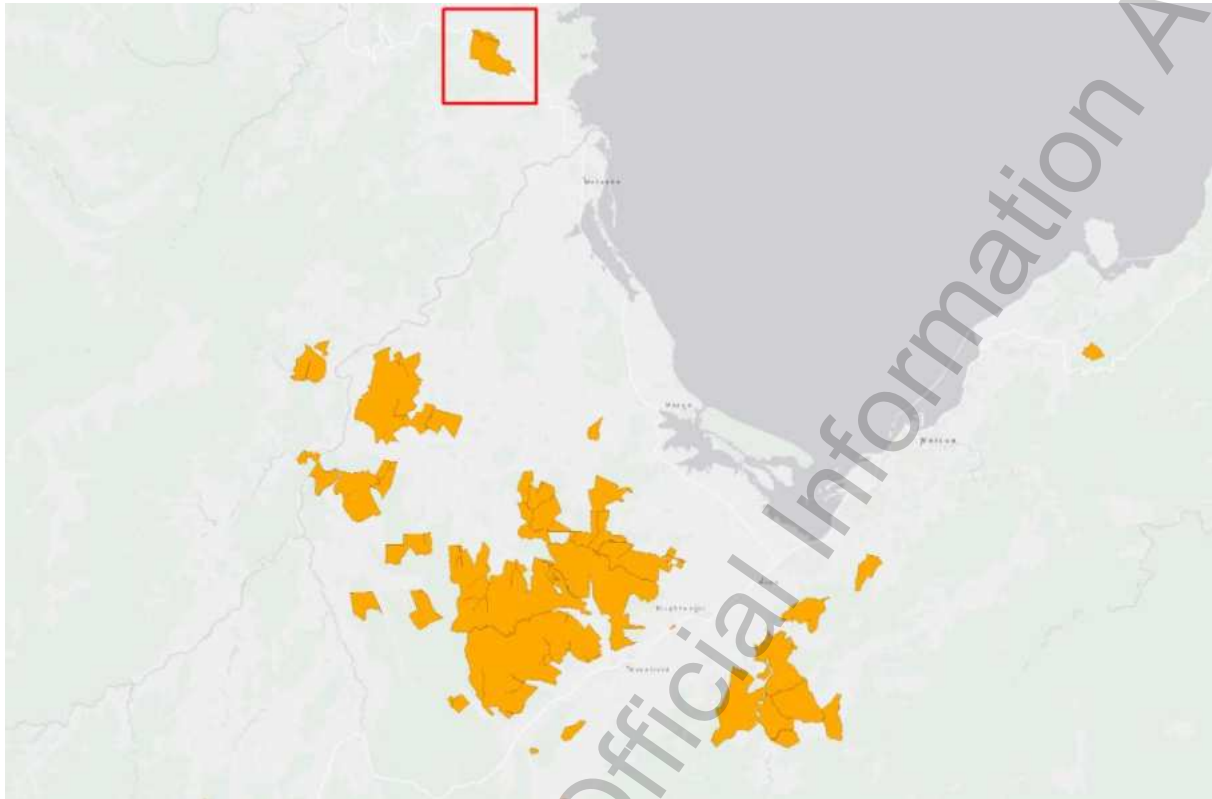
9. The Consent Holder must consult with WAC to determine what the Consent Holder can reasonably do (having regard to the proposed use of the Land, the impact of the access initiative on such use, and the costs and obligations on the Consent Holder in implementing the relevant access initiative) to:
- establish and register a public access easement for walking and mountain biking access to Mt Richmond National Park over the route marked in yellow on the map below ("**Mt Richmond Route**"); and
  - provide, protect or improve public walking access over the Land generally or part of that land (such as, where reasonable, the registration of new instruments, the erection of signs on the Land, establishing and maintaining walking and mountain biking tracks, or other similar mechanisms recommended by WAC) ("**Walking Access**").



The Consent Holder must

- Write to the Operations Manager at WAC (PO Box 12348, Thorndon, Wellington 6144) within 15 working days from the Settlement Date advising that the Consent Holder wishes to consult about Walking Access and the Mt Richmond Route and enclose:
    - a copy of the Decision Summary for this consent; and
    - a copy of this condition together with information identifying and describing the Land including aerial photographs, maps and Certificate(s) of Title;
  - Implement the Mt Richmond Route and/or any Walking Access recommended by WAC ("**WAC Recommendation**") within two years from WAC making the WAC Recommendation, or such other timeframe as mutually agreed between the Consent Holder and WAC. The cost of any Walking Access shall be borne by the Consent Holder.
10. The Consent Holder must provide to the OIO a copy of the letter sent to WAC under condition 9 within 20 working days from the Settlement Date.

# Riwaka Forest



OIO Case No 201610009  
Sumitomo Forestry Company Limited

## Access Recommendations

Report 7 of 13



NZ Walking Access Commission – June 2018

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Released under the Official Information Act

# Recommendations for public access

**Case:** CMS 3572  
**OIO Case:** 201610009  
**Applicant:** Sumitomo Forestry Company Limited  
**Representative:** Unknown  
**Property Manager:** Tasman Pine Forests Ltd (section 9 (2) (a), General Manager)  
**Local Authority:** Tasman District  
**Case Received:** 21 July 2016  
**Field Inspection:** Desktop  
**Report Date:** 26 June 2018  
**Legal details:**

| Certificates of Title | Legal Description | Area (ha) |
|-----------------------|-------------------|-----------|
| 805453                |                   | 480.5653  |
|                       | <b>Total Area</b> | 480.5653  |

## 1. Introduction

The New Zealand Walking Access Commission (the Commission) was established in 2008 by the *Walking Access Act*. The Commission is the Crown entity that leads and supports the negotiation, establishment, maintenance, and improvement of walking access and types of access that may be associated with walking access such as access with firearms, dogs, bicycles, or motor vehicles.

This report is prepared by the Commission to progress the walking access conditions approved by the Minister of Finance and the Minister for Land Information for the purchase of sensitive land as defined under section 12 and 17 of the Overseas Investment Act 2005.

In considering its priorities for negotiating public access over private land, the Commission is guided by the provisions in section 11 of the *Walking Access Act*.

In summary the Commission recommends:

- No new access is recommended over this property. However, access to any areas which are proposed for protection due to their conservation values will be assessed for access requirements once those areas are determined by DOC.

“The purpose of this summary is to provide an overview of the more detailed ‘Access recommendations’ located at the rear of the report, located before Appendix A. **In the event of any inconsistency between the two, the ‘Access recommendations’ section prevails.**”



## 2. Purpose

This report provides the public access recommendations for negotiation and final agreement with the applicant.

Tasman Pine Forests Ltd (TPF) hold the OIO consent for a large number of forest blocks. Because of the large area of land involved in this application, the forestry blocks have been divided into 13 cases based on a geographical area. The Commission has assessed the forest block(s) within each geographical area in separate reports. This report (7 of 13) covers Riwaka Forest, Riwaka Valley

## 3. Walking access conditions

The walking access conditions in the Ministers' consent (Appendix A) require the Applicant to consult with the Commission to determine what the Applicant can reasonably do to provide, protect or improve public walking access over the land (such as, where reasonable, the registration of new instruments, the erection of signs, establishing and maintaining walking and mountain biking tracks, or other similar mechanisms recommended by the Commission). The cost of any walking access shall be borne by the Applicant.

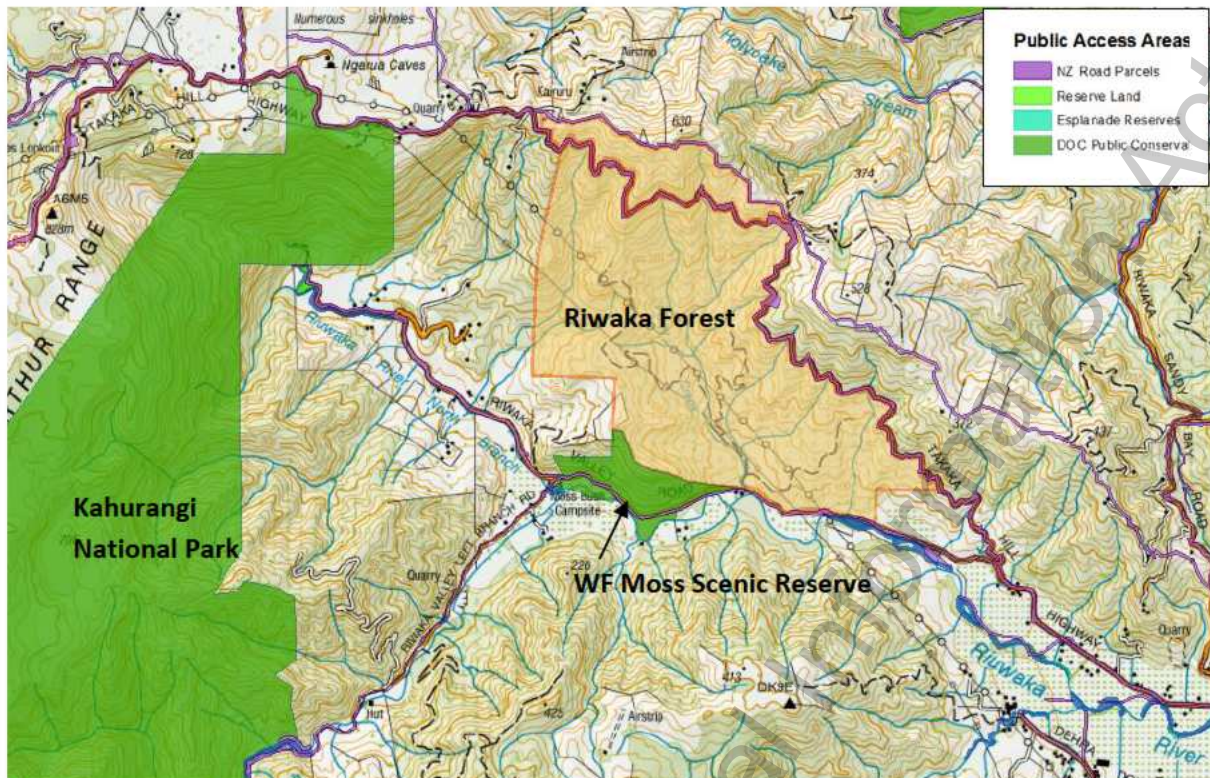
## 4. Consultation

The Commission has consulted with the Applicant, the Department of Conservation (DOC), Nelson-Marlborough Fish and Game Council (F&G), Tasman District Council (TDC), Heritage NZ Pouhere Taonga (HNZ), Nelson Tramping Club and Federated Mountain Clubs (NTC, FMC), Nelson Mountain Bike Club (NMTBC), Mountain Bike Trails Trust (MTBTT), NZ Deerstalkers Association (NZDA), Nelson Horse Riding Club (NHRC) and Nelson Bays Trail Riding Club (NBTRC).

## 5. Context

Riwaka Forest is a 481 hectare exotic plantation forest, located adjacent to the Takaka Hill Highway. The property is 8km north west of Motueka. Nearby is the Kahurangi National Park. The Riwaka River runs near the southern boundary of the property

There is an area within the Riwaka Forest which has been identified as a significant natural area (SNA A 7) in the TDC district plan.



Map 1: Riwaka Forest (shaded orange)

Source: [www.wams.org.nz](http://www.wams.org.nz)

## 6. Analysis of existing legal access

### **Legal Road**

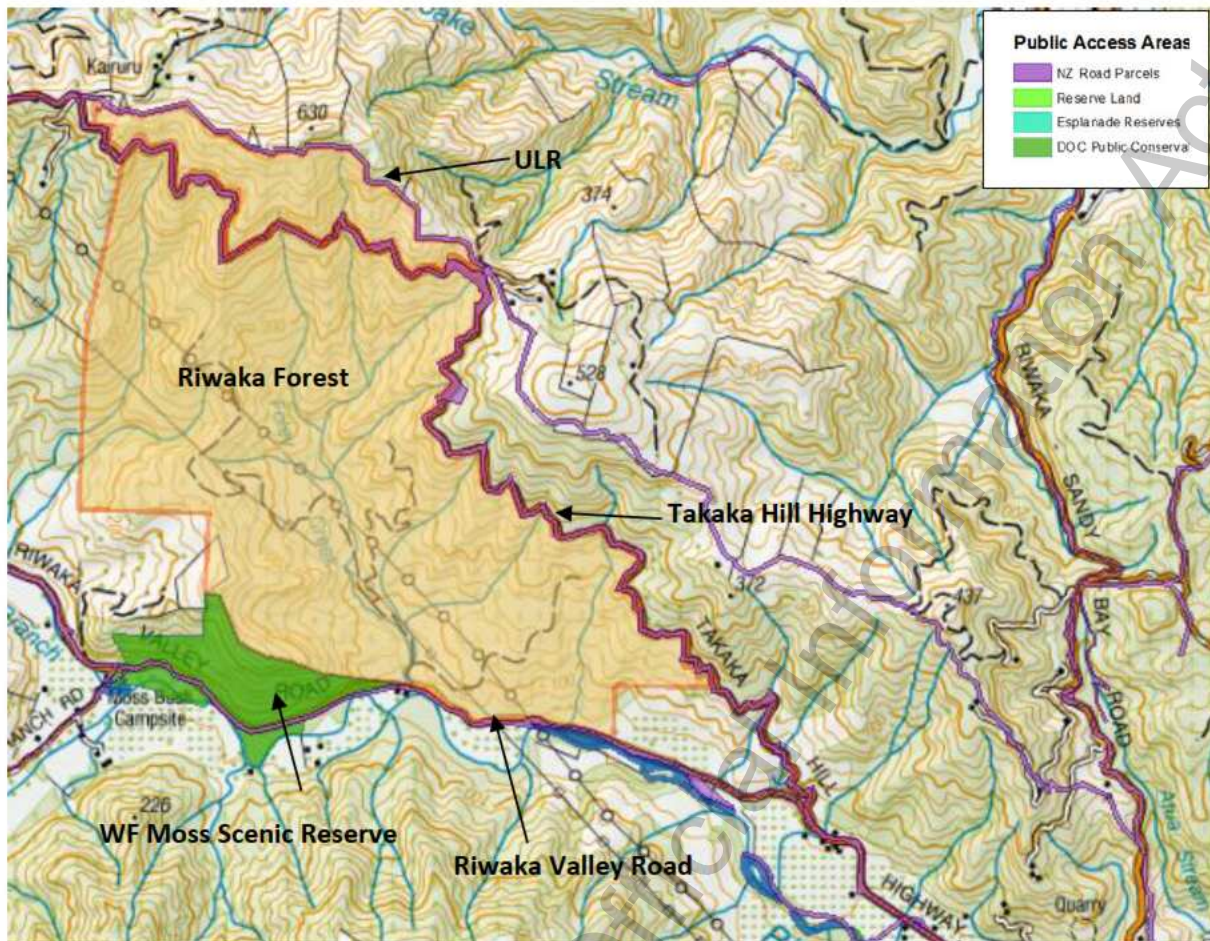
Access to the property exists from Riwaka Valley Road and Takaka Hill Highway. An unnamed ULR adjoins the northern boundary.

### **Conservation Areas**

The W F Moss Scenic Reserve adjoins the southern boundary of the Riwaka Forest. Legal road access for the Scenic Reserve is from Riwaka Valley Road.

### **Riparian Access**

There is no riparian access within or connecting with the Riwaka Forest.



Map 2: Legal access to Riwaka Forest (shaded orange)

Source: [www.wams.org.nz](http://www.wams.org.nz)

## 7. Access assessment

The Riwaka Forest has a mountain bike track through the block, however it has fallen into disrepair. MTB Trails Trust have indicated that the trails are no longer of interest. Overall there was no interest expressed in public access to the property by any other group that has been consulted.

### **Access to Reserves and Conservation Areas**

While the W F Moss Scenic Reserve adjoins the southern boundary of the Riwaka Forest, the most practical public access is provided from Riwaka Valley Road, rather than through the property

### **Access to Rivers**

There are no water courses on the property of any significance.

## 8. Priorities for public access

Section 11 of the Walking Access Act 2008 sets out the Commission's statutory priorities for negotiating walking access over private land. These priorities for the Riwaka Forest are addressed in the table below:

| <b>Access Criteria – Section 11 of the Walking Access Act 2008</b>   |  |
|--|--|
| <b>Consideration of priorities for walking access over private land</b>  | <b>Recommended public access to address these priorities</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>                                      | N/A  |
| <i>11 (b) over land adjoining rivers or lakes where there is not already walking access over the land:</i>   | N/A  |
| <i>11 (c) to parts of the coast, rivers, or lakes to which there is not already walking access:</i>  | N/A  |
| <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> | N/A  |
| <i>11 (e) to conservation areas (within the meaning of section 2(1) of the Conservation Act 1987):</i>   | N/A  |
| <i>11 (f) to areas of scenic or recreational value:</i>  | N/A<br>Practical public access to the WF Moss Scenic Reserve is provided from Riwaka Valley Road |
| <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>                           | N/A  |

## 9. Access recommendations

The final alignments for these public walking access recommendations are subject to agreement between the Applicant and the Commission.

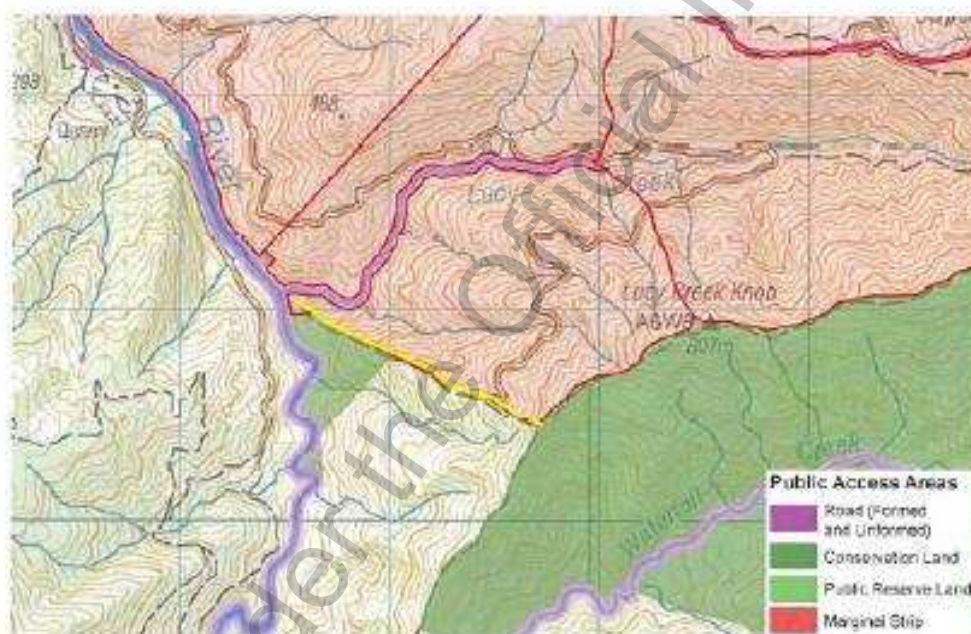
- There is no new public access recommended for Riwaka Forest. However, access to any areas which are proposed for protection due to their conservation values will be assessed for access requirements once those areas are determined by DOC.

## Appendix A – OIO Notice of Decision

### Notice of Decision – Case 201610009 – Statutory Conditions of Consent

#### *Walking Access*

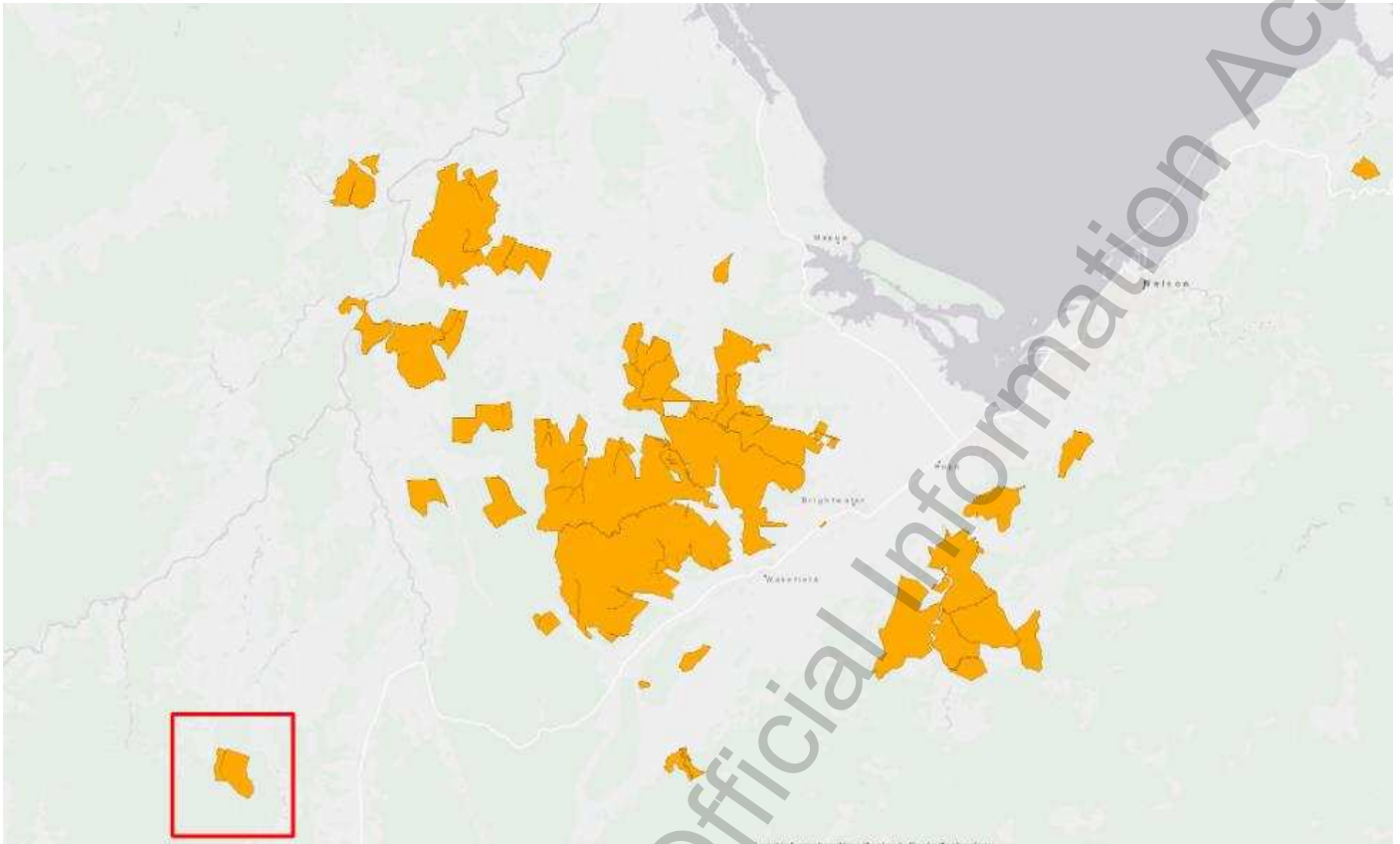
9. The Consent Holder must consult with WAC to determine what the Consent Holder can reasonably do (having regard to the proposed use of the Land, the impact of the access initiative on such use, and the costs and obligations on the Consent Holder in implementing the relevant access initiative) to:
- establish and register a public access easement for walking and mountain biking access to Mt Richmond National Park over the route marked in yellow on the map below ("**Mt Richmond Route**"); and
  - provide, protect or improve public walking access over the Land generally or part of that land (such as, where reasonable, the registration of new instruments, the erection of signs on the Land, establishing and maintaining walking and mountain biking tracks, or other similar mechanisms recommended by WAC) ("**Walking Access**").



The Consent Holder must:

- Write to the Operations Manager at WAC (PO Box 12348, Thorndon, Wellington 6144) within 15 working days from the Settlement Date advising that the Consent Holder wishes to consult about Walking Access and the Mt Richmond Route and enclose:
    - a copy of the Decision Summary for this consent; and
    - a copy of this condition together with information identifying and describing the Land including aerial photographs, maps and Certificate(s) of Title;
  - Implement the Mt Richmond Route and/or any Walking Access recommended by WAC ("**WAC Recommendation**") within two years from WAC making the WAC Recommendation, or such other timeframe as mutually agreed between the Consent Holder and WAC. The cost of any Walking Access shall be borne by the Consent Holder.
10. The Consent Holder must provide to the OIO a copy of the letter sent to WAC under condition 9 within 20 working days from the Settlement Date.

# Slippery Creek Forest



OIO Case No 201610009  
Sumitomo Forestry Company Limited

## Access Recommendations

Report 8 of 13



**WALKING ACCESS**  
ARA HĪKOI AOTEAROA

NZ Walking Access Commission – June 2018

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Released under the Official Information Act

# Recommendations for public access

**Case:** CMS 3573  
**OIO Case:** 201610009  
**Applicant:** Sumitomo Forestry Company Limited  
**Representative:** Unknown  
**Property Manager:** Tasman Pine Forests Ltd (section 9 (2) (a)), General Manager)  
**Local Authority:** Tasman District  
**Case Received:** 21 July 2016  
**Field Inspection:** Desktop  
**Report Date:** 26 June 2018  
**Legal details:**

| Certificates of Title | Legal Description                                     | Area (ha)       |
|-----------------------|---|-----------------|
| NL32/61               | Sec 53 Blk III Tadmor SD and Sec 44 Blk VII Tadmor SD | 319.2970        |
|                       | <b>Total Area</b>                                     | <b>319.2970</b> |

## 1 Introduction

The New Zealand Walking Access Commission (the Commission) was established in 2008 by the *Walking Access Act*. The Commission is the Crown entity that leads and supports the negotiation, establishment, maintenance, and improvement of walking access and types of access that may be associated with walking access such as access with firearms, dogs, bicycles, or motor vehicles.

This desktop report is prepared by the Commission to progress the walking access conditions approved by the Minister of Finance and the Minister for Land Information for the purchase of sensitive land as defined under section 12 and 17 of the Overseas Investment Act 2005.

In considering its priorities for negotiating public access over private land, the Commission is guided by the provisions in section 11 of the *Walking Access Act*.

In summary, the Commission recommends:

- New Walkway easements established over forestry roads within the block to provide public access to the adjoining Public Conservation Land in the South and East.

"The purpose of this summary is to provide an overview of the more detailed 'Access recommendations' located at the rear of the report, located before Appendix A. **In the event of any inconsistency between the two, the 'Access recommendations' section prevails**".



## 2 Purpose

This report provides the public access recommendations for negotiation and final agreement with the applicant.

Tasman Pine Forests Ltd (TPF) hold the OIO consent for a large number of forest blocks. Because of the large area of land involved in this application, the forestry blocks have been divided into 13 cases based on a geographical area. The Commission has assessed the forest block(s) within each geographical area in separate reports. This report (8 of 13) covers the Slippery Creek Forest.

## 3 Walking access conditions

The walking access conditions in the Ministers' consent (Appendix A) require the Applicant to consult with the Commission to determine what the Applicant can reasonably do to provide, protect or improve public walking access over the land (such as, where reasonable, the registration of new instruments, the erection of signs, establishing and maintaining walking and mountain biking tracks, or other similar mechanisms recommended by the Commission). The cost of any walking access shall be borne by the Applicant.

## 4 Consultation

The Commission has consulted with the Applicant, the Department of Conservation (DOC), Nelson-Marlborough Fish and Game Council (F&G), Tasman District Council (TDC), Nelson City Council (NCC), Heritage NZ Pouhere Taonga (HNZ), Nelson Tramping Club and Federated Mountain Clubs (NTC, FMC), Nelson Mountain Bike Club (NMTBC), Mountain Bike Trails Trust (MTBTT), NZ Deerstalkers Association (NZDA), Nelson Horse Riding Club (NHRC) and Nelson Bays Trail Riding Club (NBTR).

## 5 Context

Slippery Creek forest consists of an exotic production forest on hill country between the Hope and Pinchback Ranges. The block ranges from 300m to 448m in height and is situated approx. 55kms SW of Motueka and 52kms SW of Nelson city (Map 1). The property lies between the Tadmor and Sherry rivers; neither of which border the forest block. There are two protected areas forming the Slippery Creek Conservation Area (SCCA), administered by DOC, bordering the plantation block to the south (Map 2 & 3).

Surrounding land use is primarily exotic production forests, native forest and regenerating shrub land. There are no significant waterways on the property.



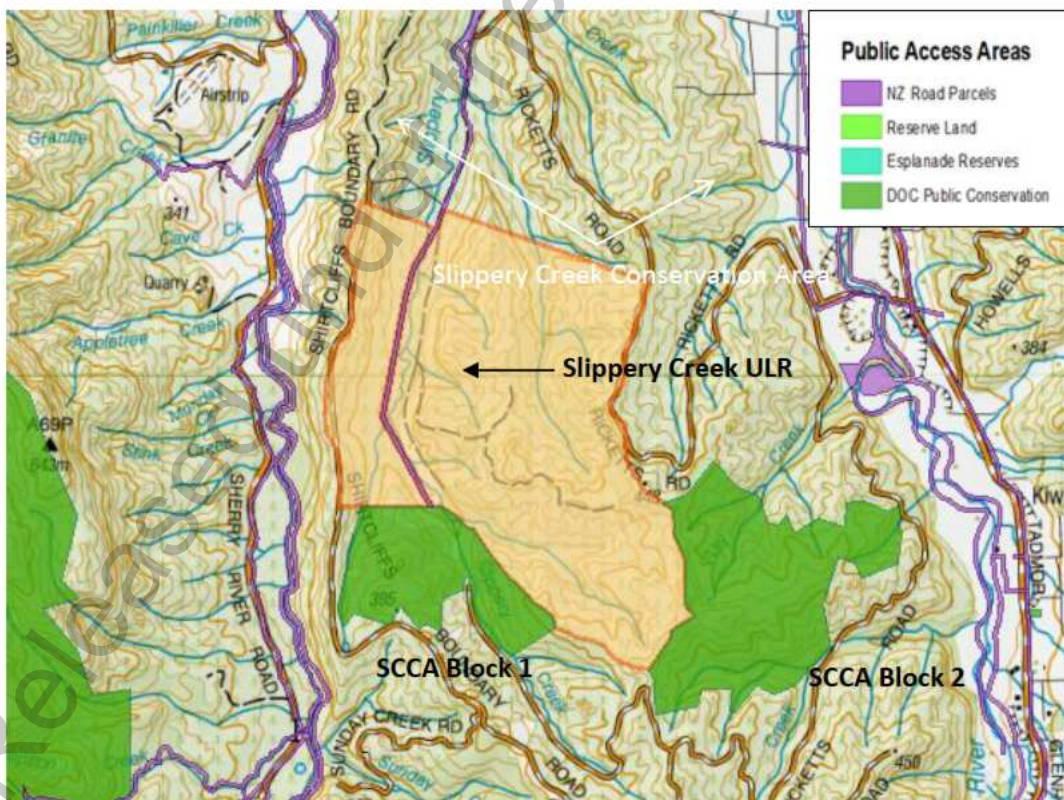
Map 1: Location of Slippy Creek Forest (shaded orange)

Source: [www.wams.org.nz](http://www.wams.org.nz)

## 6 Analysis of existing legal access

### Legal Road

Legal road access to the property is by Unformed legal road (ULR) Slippy Creek road. This road leads through the forest block in a southerly direction where it terminates at the western block of the SCCA boundary (Map 2).



Map 2: Legal access to Slippy Creek Forest (shaded orange)

Source: [www.wams.org.nz](http://www.wams.org.nz)

## Conservation Areas

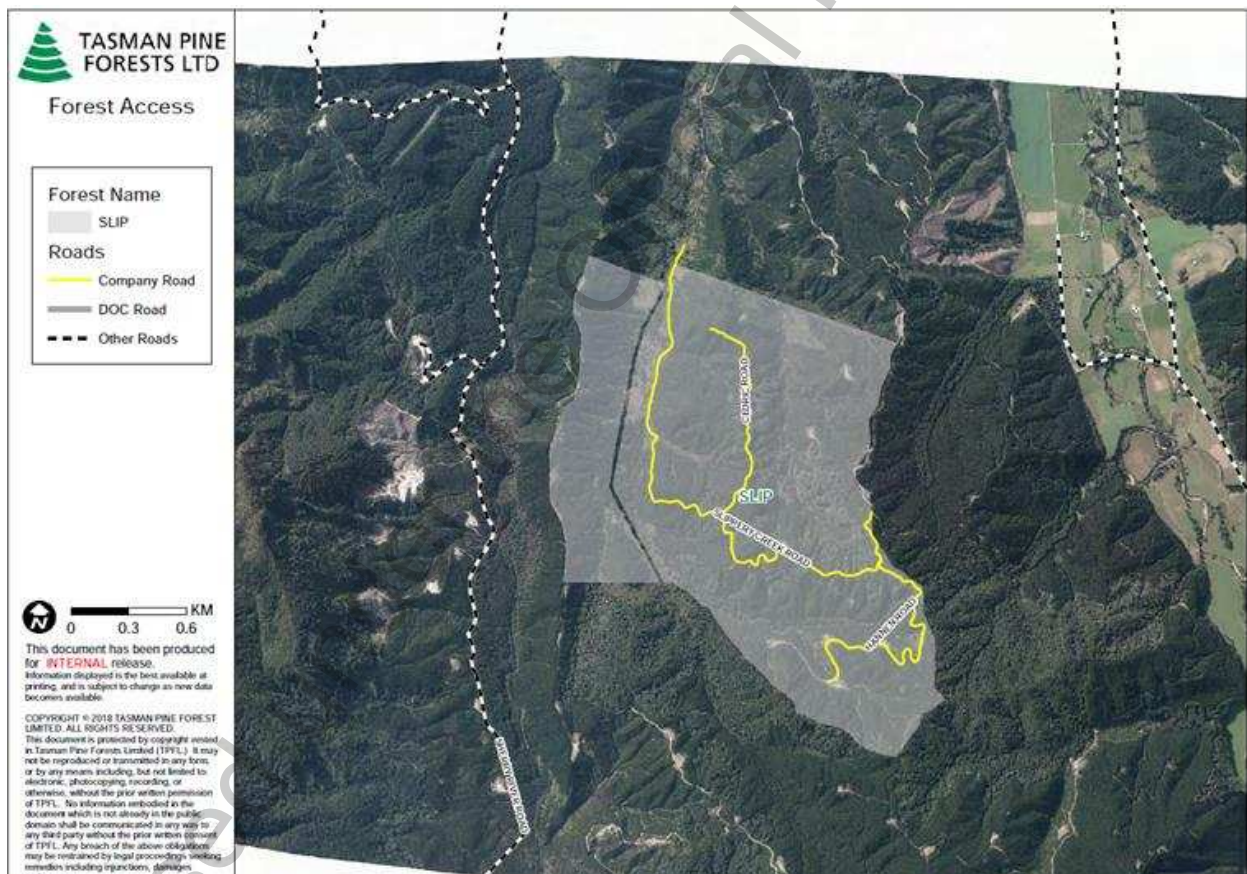
The two blocks of SCCA adjoin the southern part of Slippery Creek Forest (Map 2). ULR Slippery Creek road provides legal access to SCCA Block 1, but not practical legal access. There is no legal access to SSC block 2 (Map 2).

## Riparian Access

There is no riparian access within or connecting with or within Slippery Creek Forest. Several creeks at the headwaters of Slippery Creek are shown on the topographic map and drain the block in a northerly direction. Each of them is believed to be less than 3m wide.

## 7 Access assessment

Consultation with DOC identified that there is an interest in creating public access to any public conservation areas where this does not currently exist. Access to Block 1 is not practical access and SCCA Block 2 has no public access. Creating a Walkway easement over private forestry roads “Slippery Creek Road” and “Hannen Road”, shown in Map 3, is recommended to secure enduring public access to SCCA Blocks 1 & 2.



Map 3: Forestry roads within Slippery Creek Forest

Source: Map supplied by TPF

## 8 Priorities for public access

Section 11 of the Walking Access Act 2008 sets out the Commission's statutory priorities for negotiating walking access over private land. These priorities for the Slippery Creek property are addressed in the table below:

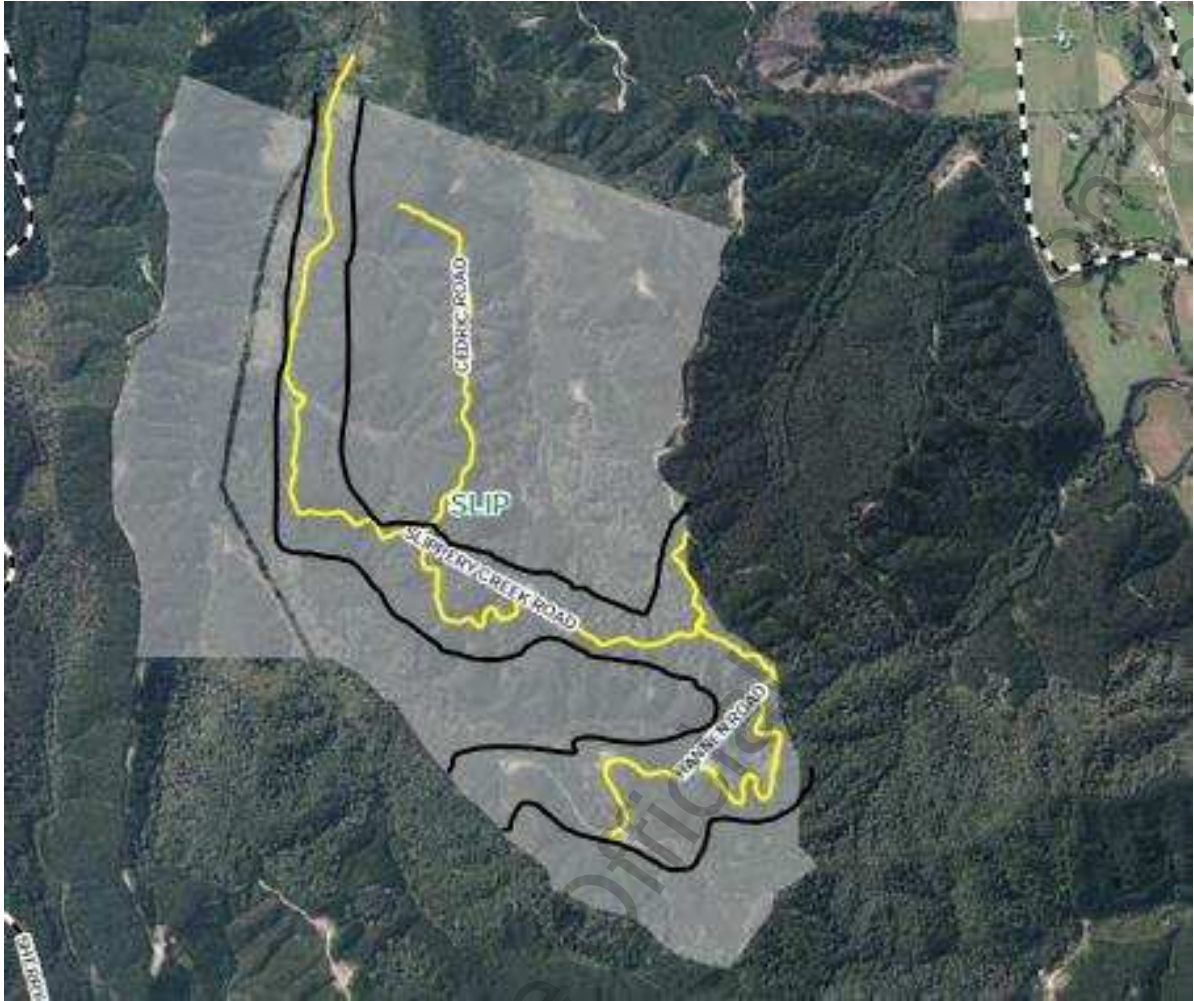
| Access Criteria – Section 11 of the Walking Access Act 2008   |   |
|---|---|
| Consideration of priorities for walking access over private land  | Recommended public access to address these priorities   |
| 11 (a) over land on the coast where there is not already walking access over the foreshore or the land adjoining the foreshore on its landward side:                                      | N/A   |
| 11 (b) over land adjoining rivers or lakes where there is not already walking access over the land:   | N/A   |
| 11 (c) to parts of the coast, rivers, or lakes to which there is not already walking access:  | N/A   |
| 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): | N/A   |
| 11 (e) to conservation areas (within the meaning of <u>section 2(1) of the Conservation Act 1987</u> ):   | Applicable<br>Access opportunities to conservation areas exist where public access easements are recommended. |
| 11 (f) to areas of scenic or recreational value:  | N/A   |
| 11 (g) to sports fish (within the meaning of <u>section 2(1) of the Conservation Act 1987</u> ) and game (within the meaning of <u>section 2(1) of the Wildlife Act 1953</u> ).           | N/A   |

## 9 Access recommendations

The final alignment for any public access recommendations are subject to a site visit and agreement on route alignment between the Applicant and the Commission.

The costs of establishing any public access are to be borne by the consent holder.

- Establish a Walkway (under the Walking Access Act 2008) over private forestry roads "Slippery Creek Road" and "Hannen Road" for walking and vehicle access as depicted in Map 4. The location of the Walkway easement (indicated in Map 4 below) to be agreed between the Applicant and the Commission. Depict the Walkway easement on a plan to be lodged with LINZ and recorded in the cadastre (See Appendix B for example of walkway easement).



Map 4: Recommended Walkway easement over private forestry roads Slippy Creek and Hannen Roads within black lines

*Overlay on map supplied by TPF*

## Appendix A – OIO Notice of Decision

### Notice of Decision – Case 201610009 – Statutory Conditions of Consent

#### *Walking Access*

9. The Consent Holder must consult with WAC to determine what the Consent Holder can reasonably do (having regard to the proposed use of the Land, the impact of the access initiative on such use, and the costs and obligations on the Consent Holder in implementing the relevant access initiative) to:
- establish and register a public access easement for walking and mountain biking access to Mt Richmond National Park over the route marked in yellow on the map below ("**Mt Richmond Route**"); and
  - provide, protect or improve public walking access over the Land generally or part of that land (such as, where reasonable, the registration of new instruments, the erection of signs on the Land, establishing and maintaining walking and mountain biking tracks, or other similar mechanisms recommended by WAC) ("**Walking Access**").



The Consent Holder must

- Write to the Operations Manager at WAC (PO Box 12348, Thorndon, Wellington 6144) within 15 working days from the Settlement Date advising that the Consent Holder wishes to consult about Walking Access and the Mt Richmond Route and enclose:
    - a copy of the Decision Summary for this consent; and
    - a copy of this condition together with information identifying and describing the Land including aerial photographs, maps and Certificate(s) of Title;
  - Implement the Mt Richmond Route and/or any Walking Access recommended by WAC ("**WAC Recommendation**") within two years from WAC making the WAC Recommendation, or such other timeframe as mutually agreed between the Consent Holder and WAC. The cost of any Walking Access shall be borne by the Consent Holder.
10. The Consent Holder must provide to the OIO a copy of the letter sent to WAC under condition 9 within 20 working days from the Settlement Date.

## Appendix B – Walkway Easement Example

### Landonline e-dealing Form B (Easement Instrument)

#### Easement instrument to grant easement or *profit à prendre*, or create land covenant

(Sections 90A and 90F Land Transfer Act 1952)

#### Grantor

#### Grantee

New Zealand Walking Access Commission

#### Grant of Easement or *Profit à prendre* or Creation of Covenant

**The Grantor** being the registered proprietor of the servient tenement(s) set out in Schedule A **grants to the Grantee** (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, **or creates** the covenant(s) **set out** in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s)

#### Schedule A

*Continue in additional Annexure Schedule, if required*

| Purpose (Nature and extent) of easement; <i>profit</i> or covenant | Shown (plan reference) | Servient Tenement (Computer Register) | Dominant Tenement (Computer Register) or in gross |
|--|------------------------|---------------------------------------|---|
| Walkway under the Walking Access Act 2008                          |                        |                                       | In gross  |

**Easements or *profits à prendre* rights and powers (including terms, covenants and conditions)**

*Delete phrases in [ ] and insert memorandum number as required; continue in additional Annexure Schedule, if required*

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2002 ~~and/or Schedule Five of the Property Law Act 2007~~

The implied rights and powers are hereby ~~[varied]~~ ~~[negative]~~ [added to] ~~or~~ ~~[substituted]~~ by:

~~[Memorandum number \_\_\_\_\_, registered under section 155A of the Land Transfer Act 1952]~~

the provisions set out in Annexure Schedule 1

**Covenant provisions**

*Delete phrases in [ ] and insert Memorandum number as require; continue in additional Annexure Schedule, if required*

The provisions applying to the specified covenants are those set out in:

~~[Memorandum number \_\_\_\_\_, registered under section 155A of the Land Transfer Act 1952]~~

~~[Annexure Schedule \_\_\_\_\_]~~



Insert instrument type

Easement

Continue in additional Annexure Schedule, if required

**It is hereby agreed and declared that**

Subject to the grant created by this instrument the Grantors and its, his or her 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**

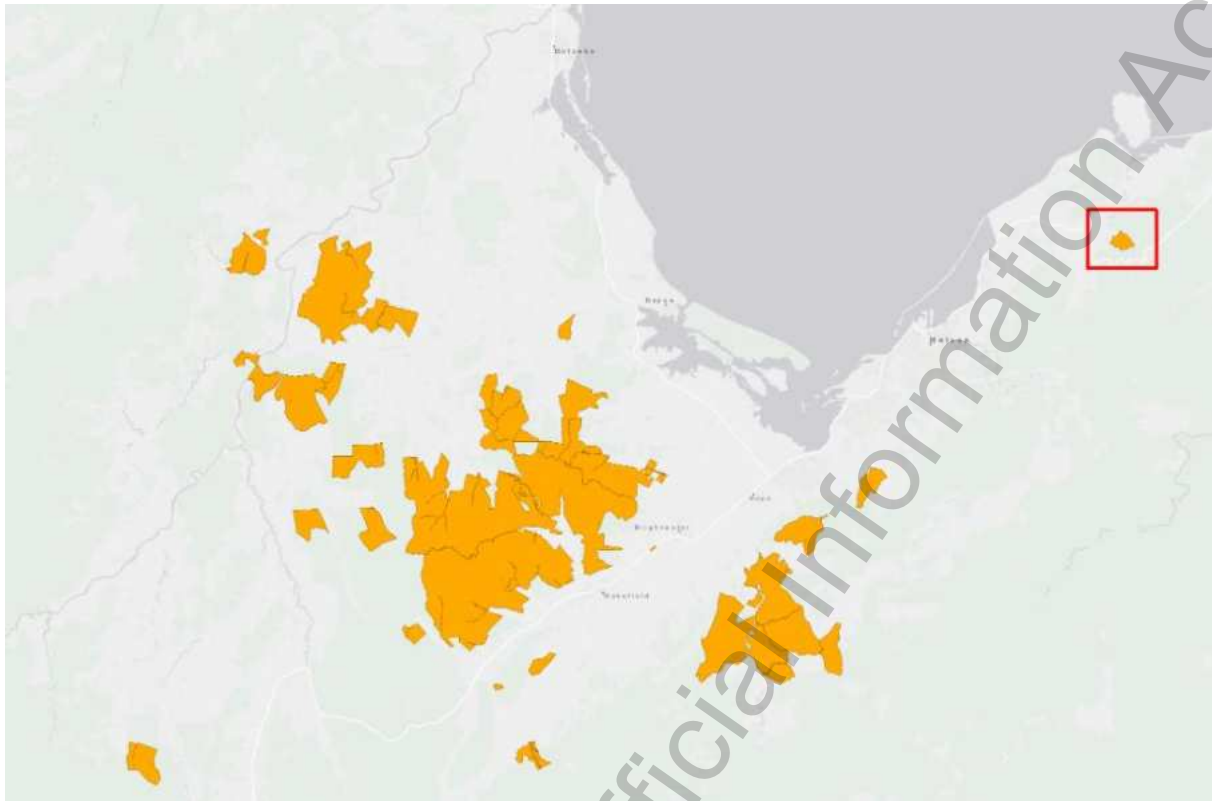
**Walkway**

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 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 s90D of the Land Transfer Act 1952.
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 4 to the Land Transfer Regulations 2002 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.

**Agreement**

This instrument is the entire agreement of the grantors and grantee.

# Whangamoa



OIO Case No 201610009  
Sumitomo Forestry Company Limited

## Access Recommendations

Report 9 of 13



**WALKING ACCESS**  
ARA HĪKOI AOTEAROA

NZ Walking Access Commission – June 2018

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# Recommendations for public access

**Case:** CMS 3575 (9 of 13)  
**OIO Case:** OIO 201610009  
**Applicant:** Sumitomo Forestry Company Limited  
**Representative:** Unknown  
**Property Manager:** Tasman Pine Forests Ltd (section 9 (2) (a)), General Manager)  
**Local Authority:** Nelson City Council  
**Case Received:** 21 July 2016  
**Field Inspection:** DESKTOP  
**Report Date:** 26 June 2018  
**Legal Details:**

| Certificates of Title | Legal Description | Area (ha)      |
|-----------------------|-------------------|----------------|
| NL9B/1327             | Lot 3 DP 14656    | 93.2930        |
|                       | <b>Total Area</b> | <b>93.2930</b> |

## 1 Introduction

The New Zealand Walking Access Commission (the Commission) was established in 2008 by the *Walking Access Act*. The Commission is the Crown entity that leads and supports the negotiation, establishment, maintenance, and improvement of walking access and types of access that may be associated with walking access such as access with firearms, dogs, bicycles, or motor vehicles.

This report is prepared by the Commission to progress the walking access conditions approved by the Minister of Finance and the Minister for Land Information for the purchase of sensitive land as defined under section 12 and 17 of the Overseas Investment Act 2005.

In considering its priorities for negotiating public access over private land, the Commission is guided by the provisions in section 11 of the *Walking Access Act*.

- No new access is recommended over this property. However, access to any areas which are proposed for protection due to their conservation values will be assessed for access requirements once those areas are determined by DOC.

The purpose of this summary is to provide an overview of the more detailed 'Access recommendations' located at the rear of the report, located before Appendix A. **In the event of any inconsistency between the two, the 'Access recommendations' section prevails**".

## 2 Purpose

This report provides the public access recommendations for negotiation and final agreement with the applicant.

Tasman Pine Forests Ltd (TPF) hold the OIO consent for a large number of forest blocks. Because of the large area of land involved in this application, the forestry blocks have been divided into 13 cases based on a geographical area. The Commission has assessed the forest block(s) within each geographical area in separate reports. This report (9 of 13) covers Whangamoia Forest block in the Nelson district.

## 3 Walking access conditions

The walking access conditions in the Ministers' consent to the purchase of the properties (Appendix A) include the requirements for the applicant to consult with the Commission to determine what they can reasonably do to;

- Provide, protect or improve public access over the Land generally.
- Implement any reasonable Walking Access recommended by the Commission, the cost to be borne by the Consent Holder.

## 4 Consultation

The Commission has consulted with the Applicant, the Department of Conservation (DOC), Nelson-Marlborough Fish and Game Council (F&G), Tasman District Council (TDC), Nelson City Council (NCC), Heritage NZ Pouhere Taonga (HNZ), Nelson Tramping Club and Federated Mountain Clubs (NTC, FMC), Nelson Mountain Bike Club (NMTBC), Mountain Bike Trails Trust (MTBTT), NZ Deerstalkers Association (NZDA), Nelson Horse Riding Club (NHRC), Nelson Bays Trail Riding Club (NBTRC) and QEII National Trust

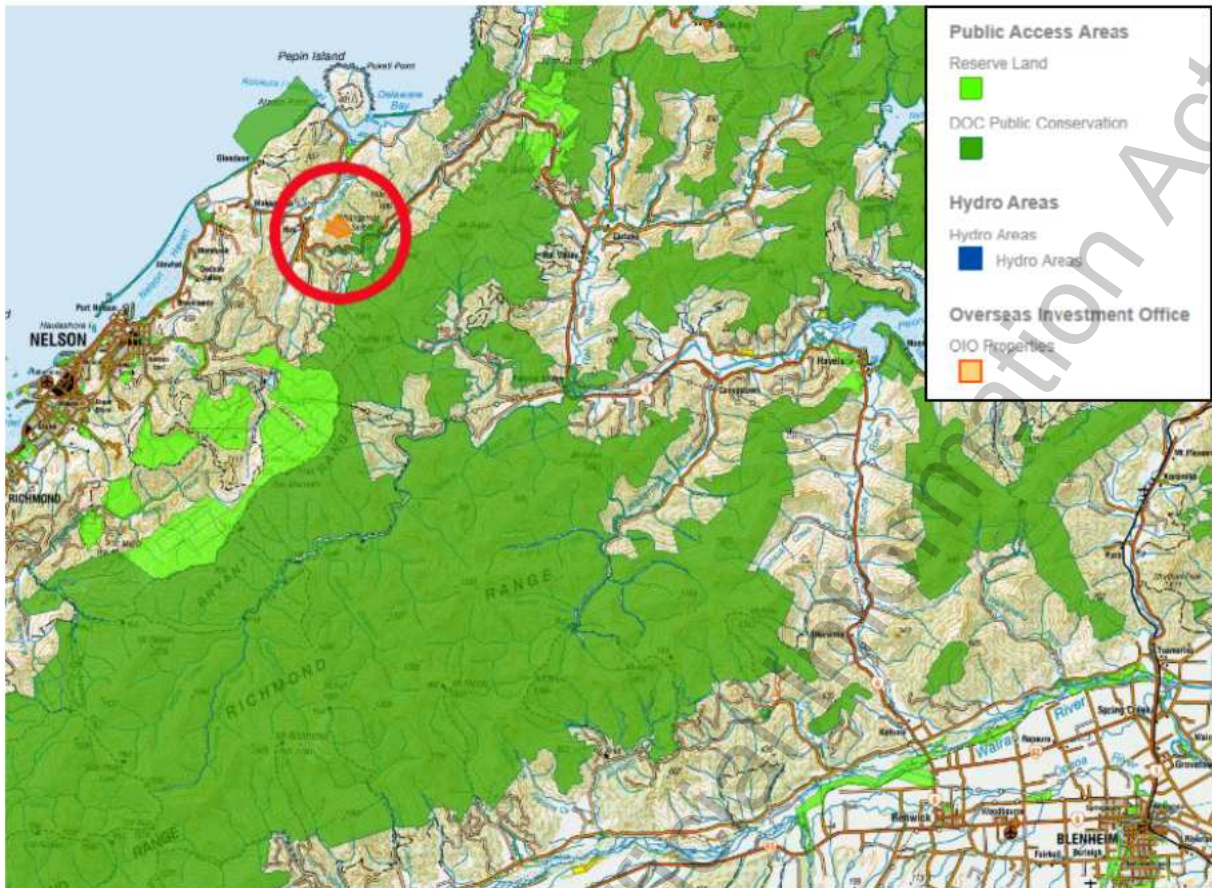
## 5 Field inspection

No field visit was made. This was a desktop assessment.

## 6 Context

Whangamoia Forest block is on the Nelson City side of Whangamoia Saddle, at 466 metres the highest point on SH6 which crosses the steep hills between the districts of Nelson and Marlborough. The city of Nelson is about 25km from the saddle and Blenheim about 95km (Map 1).

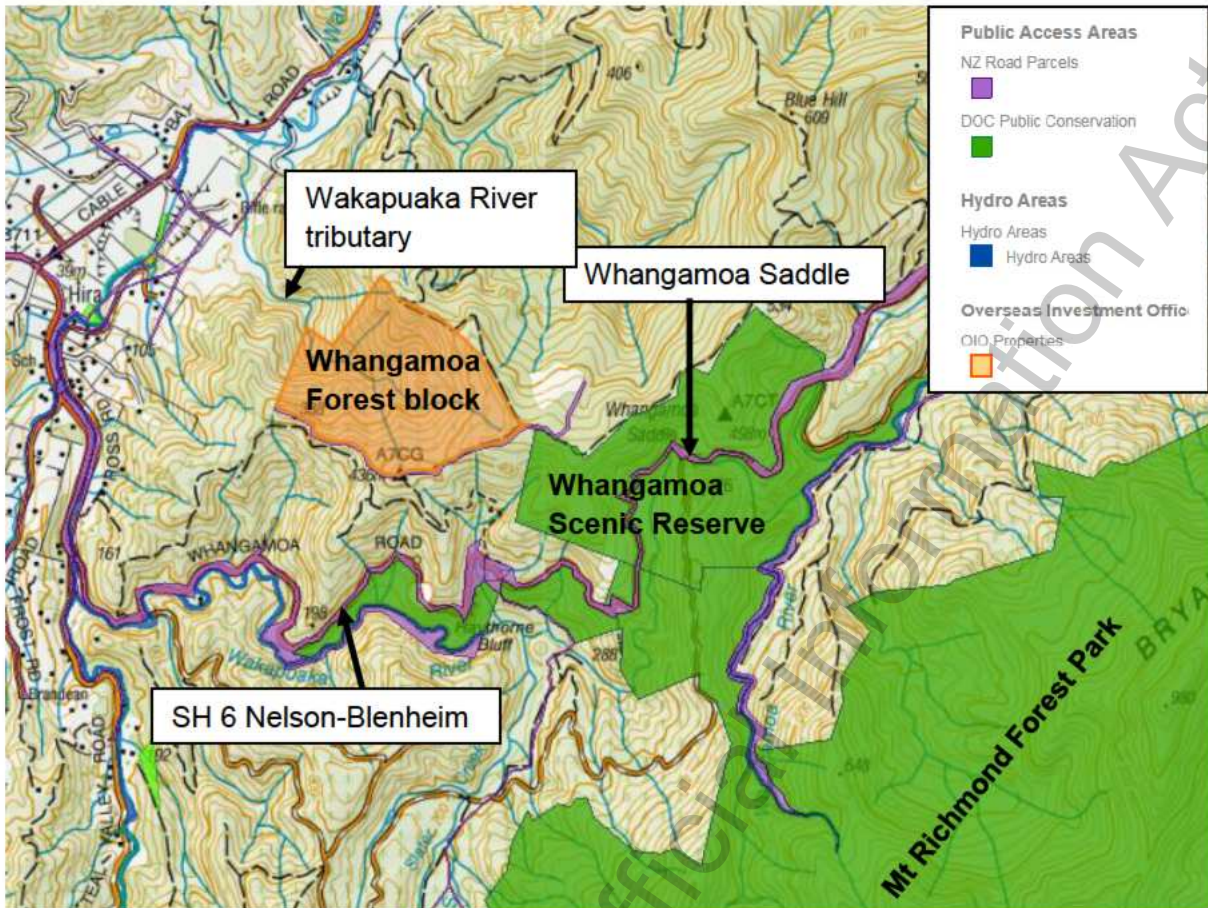
DOC has also identified SNA 156 in Whangamoia Forest which lies in Nelson City area.



Map 1: Location and context (Whangamoia Forest block circled in red)

Source: [www.wams.org.nz](http://www.wams.org.nz)

Whangamoia Forest block is a 93.293ha block in a single title. It is predominantly planted in pine trees but has some areas of native bush remaining. It falls to the north west from a high point just north of SH6 to the Wakapuaka River and Cable Bay Road. A tributary of the Wakapuaka River with two side-streams flows through the block (Map 2).



Map 2: Location and context, Whangamoia Forest block

Source: [www.wams.org.nz](http://www.wams.org.nz)

The Whangamoia Forest block is about 400m from SH6 at its southernmost – and highest – point. Separating it from SH 6 is part of the vast Hira Forest (settled with Ngāti Koata and managed by TPF which owns cutting rights (previously Crown Forest Licences)). There is high recreational use of the adjoining Hira Forest, especially for mountain-biking with also some walking and horse-biking.

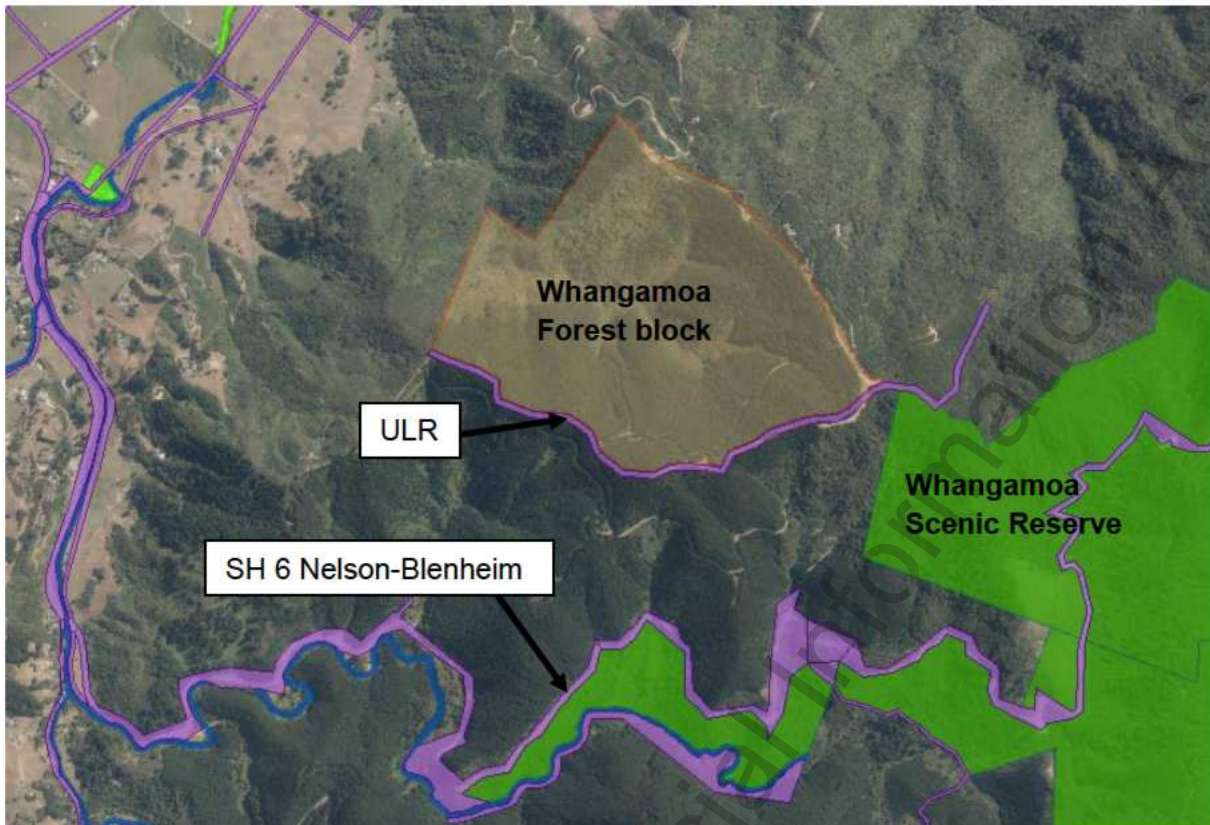
Forestry is the dominant land use through the Whangamoia hills and there are also large areas of native bush including the Whangamoia Scenic Reserve, on either side of Whangamoia Saddle. A small strip of Mt Richmond Forest Park hugs the south of the highway as it descends from the hills to towards the small township of Hira.

The Whangamoia section of SH6 is predominantly a carriageway with high truck use and few pull-off areas.

## 7 Analysis of existing legal access

### Legal Road

The southern boundary of the block adjoins an isolated unformed legal road (ULR). The ULR extends east to the Whangamoia Scenic Reserve, and also intersects a property adjoining the block's south east corner (Map 3).



Map 3: Unformed legal road adjoining Whangamoia Forest block

Source: [www.wams.org.nz](http://www.wams.org.nz)

### **Riparian Access**

There is no riparian access within or connecting with the Whangamoia Forest block.

### **Conservation Areas**

The Whangamoia Forest block is linked to Whangamoia Scenic Reserve by about 50m of ULR. Mt Richmond Forest Park adjoins the scenic reserve to the south (Maps 2 & 3).

[NOTE: A covenant over land adjoining the northern boundary of the block is not a conservation area, but is associated with an agreement around sustainable harvest of native bush.]

### **Easements**

TPF have the benefit of right of way easements over two titles to the north, from Cable Bay Road to the block (see Appendix B). These are private rights of way. In practice TPF gain access to the Whangamoia Forest block through the adjoining Hira Forest block to the south of the property.

## **8 Public access assessment**

Tributaries of the Wakapuaka River flow through the Whangamoia Forest block through what appears to be native bush, with no adjoining public access. These streams appear to be less than 3m wide.

The block is of limited size and has few recreational opportunities and none of the groups consulted expressed an interest in public access to or within the block. No requirement for public access has been identified.



DOC has contracted an ecological survey of an area of native forest within the property, identified as a Significant Natural Area by a Nelson City Council survey. If DOC recommended formal protection of the area, any appropriate access would be part of that recommendation.

## 9 Priorities for public access

Section 11 of the Walking Access Act 2008 sets out the Commission's statutory priorities for negotiating walking access over private land. These priorities for the Whangamoia Forest block are addressed in the table below:

| <b>Access Criteria – Section 11 of the Walking Access Act 2008</b>   |  |
|--|--|
| <b>Consideration of priorities for walking access over private land</b>  | <b>Recommended public access to address these priorities</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>                                      | N/A  |
| <i>11 (b) over land adjoining rivers or lakes where there is not already walking access over the land:</i>   | N/A<br>There are no rivers wider than 3m adjoining or intersecting the property. |
| <i>11 (c) to parts of the coast, rivers, or lakes to which there is not already walking access:</i>  | N/A<br>There are no rivers that require public access                            |
| <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> | N/A  |
| <i>11 (e) to conservation areas (within the meaning of section 2(1) of the Conservation Act 1987):</i>   | N/A  |
| <i>11 (f) to areas of scenic or recreational value:</i>  | N/A  |
| <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>                           | N/A  |

## 10 Access recommendations

No new public access is recommended for the Whangamoia Forest block.

If DOC was to recommend formal protection of any part of the block, any appropriate access would be part of that recommendation.

## Appendix A – OIO Notice of Decision

### Notice of Decision – Case 201610009 – Statutory Conditions of Consent

#### *Walking Access*

9. The Consent Holder must consult with WAC to determine what the Consent Holder can reasonably do (having regard to the proposed use of the Land, the impact of the access initiative on such use, and the costs and obligations on the Consent Holder in implementing the relevant access initiative) to:
- establish and register a public access easement for walking and mountain biking access to Mt Richmond National Park over the route marked in yellow on the map below ("**Mt Richmond Route**"); and
  - provide, protect or improve public walking access over the Land generally or part of that land (such as, where reasonable, the registration of new instruments, the erection of signs on the Land, establishing and maintaining walking and mountain biking tracks, or other similar mechanisms recommended by WAC) ("**Walking Access**").



The Consent Holder must:

- Write to the Operations Manager at WAC (PO Box 12348, Thorndon, Wellington 6144) within 15 working days from the Settlement Date advising that the Consent Holder wishes to consult about Walking Access and the Mt Richmond Route and enclose:
    - a copy of the Decision Summary for this consent; and
    - a copy of this condition together with information identifying and describing the Land including aerial photographs, maps and Certificate(s) of Title;
  - Implement the Mt Richmond Route and/or any Walking Access recommended by WAC ("**WAC Recommendation**") within two years from WAC making the WAC Recommendation, or such other timeframe as mutually agreed between the Consent Holder and WAC. The cost of any Walking Access shall be borne by the Consent Holder.
10. The Consent Holder must provide to the OIO a copy of the letter sent to WAC under condition 9 within 20 working days from the Settlement Date.

## Appendix B – CFR NL9B/1327 (Whangamoia Forest block)



### COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952

Search Copy



R. W. Muir  
Registrar-General  
of Land

**Identifier** NL9B/1327  
**Land Registration District** Nelson  
**Date Issued** 19 April 1991

#### Prior References

NL7C/880

---

**Estate** Fee Simple  
**Area** 93.2930 hectares more or less  
**Legal Description** Lot 3 Deposited Plan 14656

#### Proprietors

Tasman Bay Forests Company

#### Interests

212032.1 Easement Certificate specifying the following easement - 26.3.1981 at 1.48 pm

| Type         | Servient Tenement   | Easement Area | Dominant Tenement                   | Statutory Restriction |
|--------------|---|---------------|-------------------------------------|-----------------------|
| Right of way | Part Wakapuaka 2 Block and Lot 1 Deposited Plan 11190 - CT NL7C/881 | A DP 10652    | Lot 3 Deposited Plan 14656 - herein |                       |

The easement specified in Easement Certificate 212032.1 will be subject to Section 309 (1)(a) Local Government Act 1974 when created

306756.4 Easement Certificate specifying the following easement - 19.4.1991 at 11.20 am

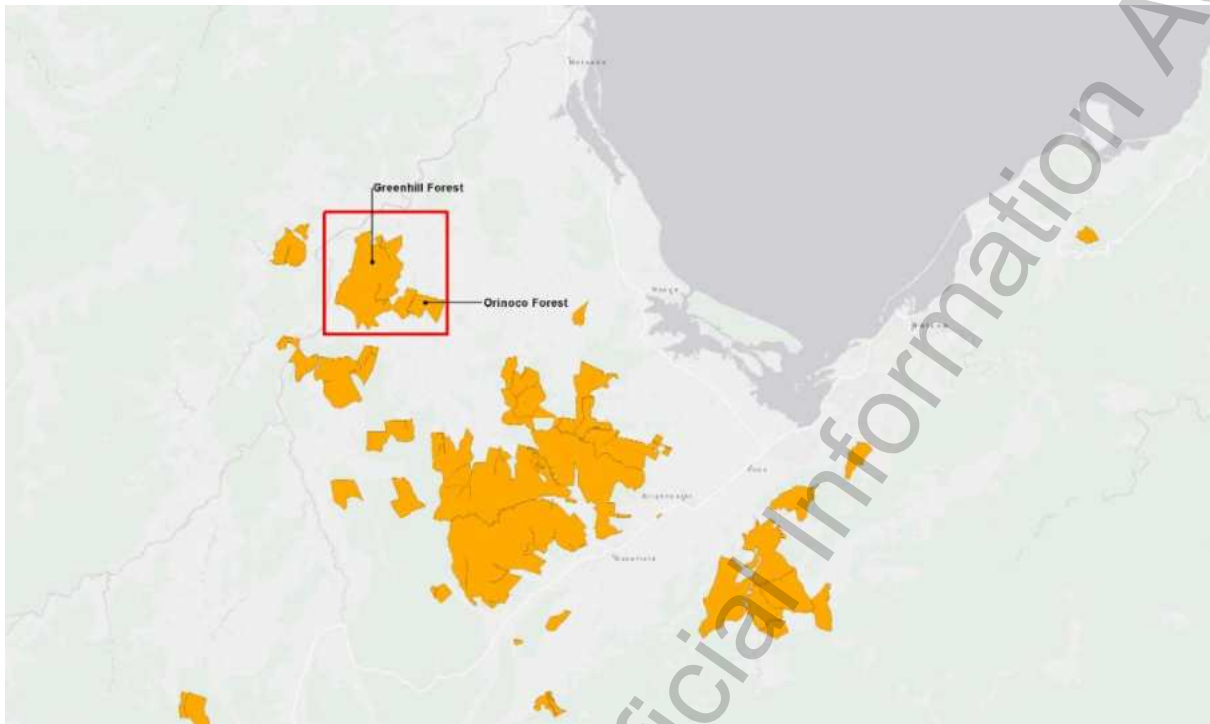
| Type         | Servient Tenement                         | Easement Area | Dominant Tenement                   | Statutory Restriction |
|--------------|---|---------------|-------------------------------------|-----------------------|
| Right of way | Lot 1 Deposited Plan 14656 - CT NL9B/1326 | A DP 14656    | Lot 3 Deposited Plan 14656 - herein |                       |

The easement specified in Easement Certificate 306756.4 when created will be subject to Section 309 (1)(a) Local Government Act 1974

8923060.1 Mortgage to Cooperatieve Centrale Raiffeisen-Boerenleenbank B.A. - 30.11.2011 at 3:09 pm

9282659.1 Notice pursuant to Section 195(2) Climate Change Response Act 2002 - 17.1.2013 at 3:51 pm

# Greenhill and Orinoco Forests



OIO Case No 201610009  
Sumitomo Forestry Company Limited

## Access Recommendations

Report 10 of 13



NZ Walking Access Commission – June 2018

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Released under the Official Information Act

# Recommendations for public access

**Case:** CMS 3809  
**OIO Case:** 201610009  
**Applicant:** Sumitomo Forestry Company Limited  
**Representative:** Unknown  
**Property Manager:** Tasman Pine Forests Ltd (section 9 (2) (a), General Manager)  
**Local Authority:** Tasman District  
**Case Received:** 21 July 2016  
**Field Inspection:** Desktop  
**Report Date:** 26 June 2018  
**Legal details:**

| Certificates of Title | Legal Description      | Area (ha)        |
|-----------------------|------------------------|------------------|
| NL10C/1011            |                        | 72.9185          |
| NL10C/1012            |                        | 93.9342          |
| NL12A/450             |                        | 38.9777          |
| NL12B/1060            |                        | 14.8238          |
| NL140/88              |                        | 2.3219           |
| NL17/154              |                        | 39.8185          |
| NL1B/424              |                        | 83.4904          |
| NL1B/425              |                        | 20.4204          |
| NL1B/539              |                        | 40.6709          |
| NL1B/540              |                        | 38.2655          |
| NL1B/541              |                        | 61.5122          |
| NL2D/133              |                        | 107.5427         |
| NL3A/777              |                        | 136.1185         |
| NL3B/888              |                        | 25.7633          |
| NL3C/249              |                        | 26.8458          |
| NL3C/251              |                        | 1.1635           |
| NL4B/350              |                        | 63.9200          |
| NL4C/187              |                        | 25.4868          |
| NL4D/631              |                        | 169.8895         |
| NL50/227              |                        | 1.2621           |
| NL53/93               |                        | 57.0126          |
| NL5C/827              |                        | 57.2807          |
| NL5D/510              |                        | 125.4879         |
| NL6A/1253             |                        | 59.0646          |
| NL6A/610              |                        | 108.8604         |
| NL6C/817              |                        | 61.0249          |
| NL8B/964              |                        | 193.1105         |
|                       | <b>Greenhill Total</b> | <b>1726.9878</b> |

|           |                      |                  |
|-----------|----------------------|------------------|
| NL127/230 |                      | 143.7722         |
| NL137/40  |                      | 91.4918          |
| NL22/224  |                      | 87.5942          |
| NL27/258  |                      | 25.3864          |
| NL30/298  |                      | 62.9691          |
|           | <b>Orinoco Total</b> | <b>411.2137</b>  |
|           | <b>Grand Total</b>   | <b>2138.2017</b> |

## 1 Introduction

The New Zealand Walking Access Commission (the Commission) was established in 2008 by the *Walking Access Act*. The Commission is the Crown entity that leads and supports the negotiation, establishment, maintenance, and improvement of walking access and types of access that may be associated with walking access such as access with firearms, dogs, bicycles, or motor vehicles.

This report is prepared by the Commission to progress the walking access conditions approved by the Minister of Finance and the Minister for Land Information for the purchase of sensitive land as defined under section 12 and 17 of the Overseas Investment Act 2005.

In considering its priorities for negotiating public access over private land, the Commission is guided by the provisions in section 11 of the *Walking Access Act*.

In summary the Commission recommends:

- No new access is recommended over this property.
- That the Applicant consult with Nelson-Marlborough Fish and Game Council for managed access to the forests by licensed game bird hunters, subject to forest management constraints.
- Any areas which are proposed for protection due to their conservation values will be assessed for access requirements once those areas are determined by DOC.

The purpose of this summary is to provide an overview of the more detailed 'Access recommendations' located at the rear of the report, located before Appendix A. **In the event of any inconsistency between the two, the 'Access recommendations' section prevails**".

## 2 Purpose

This report provides the public access recommendations for negotiation and final agreement with the applicant.

Tasman Pine Forests Ltd (TPF) hold the OIO consent for a large number of forest blocks. Because of the large area of land involved in this application, the forestry blocks have been divided into 13 cases based on a geographical area. The Commission has assessed the forest block(s) within each geographical area in separate reports. This report (10 of 13) covers Greenhill and Orinoco forests near Woodstock in the Tasman district.

### 3 Walking access conditions

The walking access conditions in the Ministers' consent (Appendix A) require the Applicant to consult with the Commission to determine what the Applicant can reasonably do to provide, protect or improve public walking access over the land (such as, where reasonable, the registration of new instruments, the erection of signs, establishing and maintaining walking and mountain biking tracks, or other similar mechanisms recommended by the Commission). The cost of any walking access shall be borne by the Applicant.

### 4 Consultation

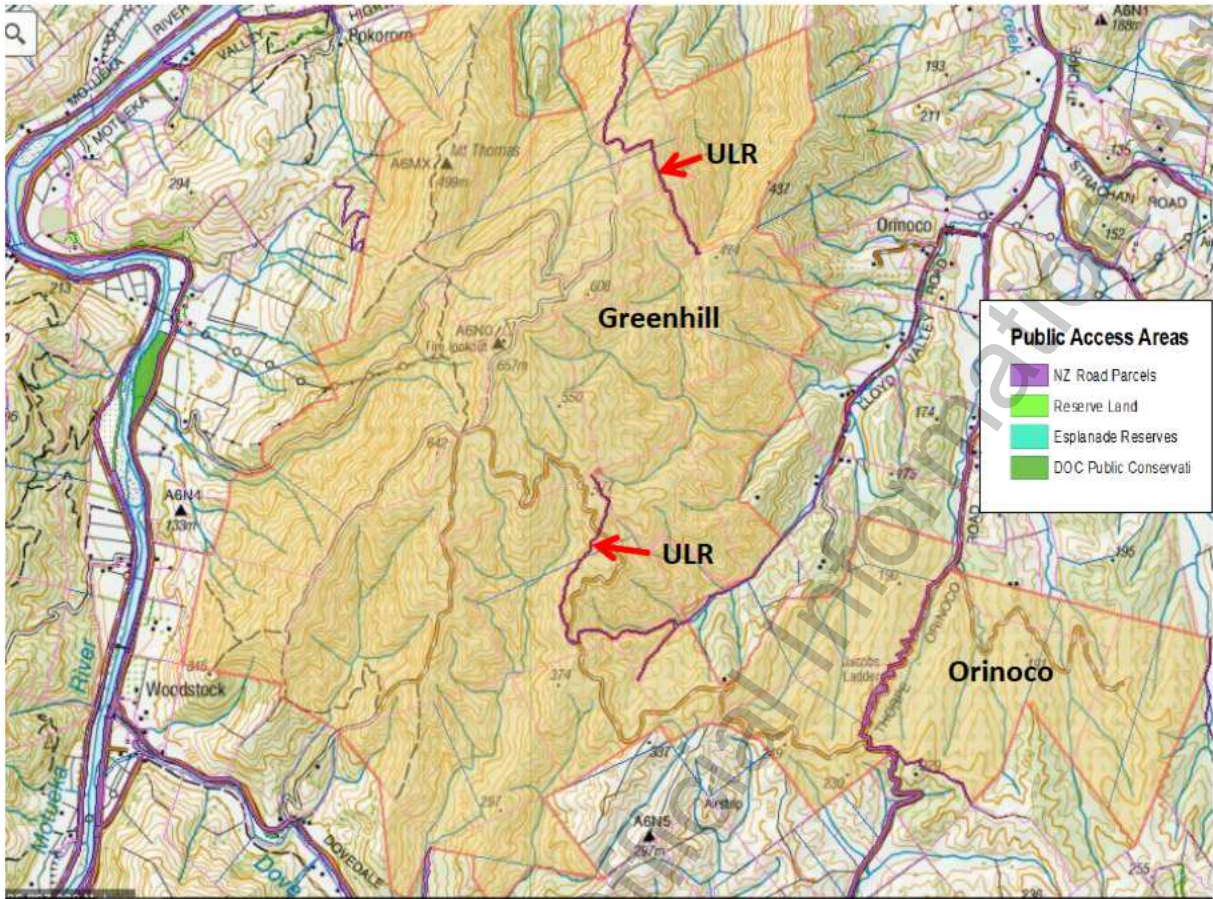
The Commission has consulted with the Applicant, the Department of Conservation (DOC), Nelson-Marlborough Fish and Game Council (F&G), Tasman District Council (TDC), Heritage NZ Pouhere Taonga (HNZ), Nelson Tramping Club and Federated Mountain Clubs (NTC, FMC), Nelson Mountain Bike Club (NMTBC), Mountain Bike Trails Trust (MTBTT), NZ Deerstalkers Association (NZDA), Nelson Horse Riding Club (NHRC) and Nelson Bays Trail Riding Club (NBTRC).

### 5 Context

The Greenhill (1727ha) and Orinoco (411ha) forests are two contiguous blocks of exotic plantation forest in the Woodstock district of the Motueka Valley, 20km SW of Motueka. The land is mostly steep hill country ranging from 200m to 650m above sea level. There is an area of 38ha including some unlogged, podocarp-rich native forest in the gully east of Mt Thomas which has been identified as a significant natural area (SNA MU 75) in the TDC district plan.

Surrounding land use is a mixture of pastoral farming, exotic production forests and regenerating native forest and shrubland. There are no significant waterways on the property.





Map 1: Greenhill and Orinoco Forests (shaded orange)

Source: [www.wams.org.nz](http://www.wams.org.nz)

Released under the

## 6 Analysis of existing legal access

### Legal Road

The Thorpe-Orinoco road separates the two forests. There are unformed legal roads (ULR) extending into Greenhill Forest from Lloyd Valley Road on the east side and off the Motueka Valley Highway on the northern side (Map 1).

### Conservation Areas

There are no areas of public conservation land adjacent to or accessible from the forests (Map 1).

### Riparian Access

There is no riparian access, including marginal strips, within the forests (Map 1).

### Public Access Easements

There are no public access easements to or within the forests.

## 7 Access assessment

Based on the desktop analysis and consultation with interested parties, there are no public access requirements or gaps for these properties. They do not provide access to the coast, waterways or to any public reserves or conservation land. However, F&G have identified some current upland game bird hunting opportunities and potential future waterfowl hunting on managed wetlands or fire ponds. It is desirable that the Applicant discuss these with F&G with a view to managed access for these purposes subject to forest operational constraints.

## 8 Priorities for public access

Section 11 of the Walking Access Act 2008 sets out the Commission's statutory priorities for negotiating walking access over private land. These priorities for the Greenhill/Orinoco property are addressed in the table below:

| Access Criteria – Section 11 of the Walking Access Act 2008   |   |
|---|---|
| Consideration of priorities for walking access over private land  | Recommended public access to address these priorities |
| <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> | N/A   |
| <i>11 (b) over land adjoining rivers or lakes where there is not already walking access over the land:</i>  | N/A   |
| <i>11 (c) to parts of the coast, rivers, or lakes to which there is not already walking access:</i>   | N/A   |
| <i>11 (d) being continuous over land adjoining the coast, rivers, or lakes (for example, by replacing walking access that has become</i>                    | N/A   |

|  |  |
|--|--|
| <i>obstructed by being submerged beneath a body of water):</i>   |  |
| <i>11 (e) to conservation areas (within the meaning of section 2(1) of the Conservation Act 1987):</i>   | N/A  |
| <i>11 (f) to areas of scenic or recreational value:</i>  | N/A  |
| <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> | Applicable<br>Limited gamebird hunting opportunities |

## 9 Access recommendations

There is no public access recommended for the Greenhill and Orinoco forests.

- It is recommended though that the Applicant discuss with Nelson/Marlborough Fish and Game the options for managed game bird hunting on the property subject to forest operational requirements.
- Any areas which are proposed for protection due to their conservation values will be assessed for access requirements once those areas are determined by DOC.

## Appendix A – OIO Notice of Decision

### Notice of Decision – Case 201610009 – Statutory Conditions of Consent

#### *Walking Access*

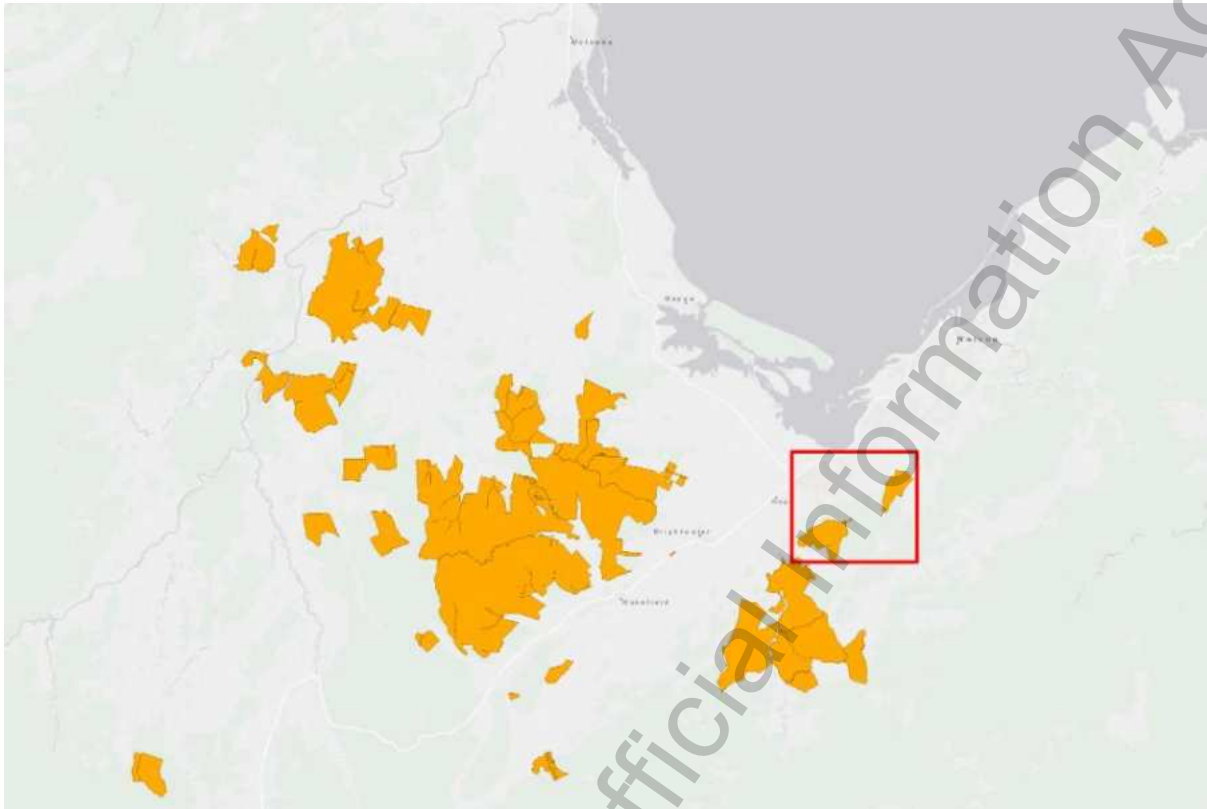
9. The Consent Holder must consult with WAC to determine what the Consent Holder can reasonably do (having regard to the proposed use of the Land, the impact of the access initiative on such use, and the costs and obligations on the Consent Holder in implementing the relevant access initiative) to:
- establish and register a public access easement for walking and mountain biking access to Mt Richmond National Park over the route marked in yellow on the map below ("**Mt Richmond Route**"); and
  - provide, protect or improve public walking access over the Land generally or part of that land (such as, where reasonable, the registration of new instruments, the erection of signs on the Land, establishing and maintaining walking and mountain biking tracks, or other similar mechanisms recommended by WAC) ("**Walking Access**").



The Consent Holder must

- Write to the Operations Manager at WAC (PO Box 12348, Thorndon, Wellington 6144) within 15 working days from the Settlement Date advising that the Consent Holder wishes to consult about Walking Access and the Mt Richmond Route and enclose:
    - a copy of the Decision Summary for this consent; and
    - a copy of this condition together with information identifying and describing the Land including aerial photographs, maps and Certificate(s) of Title;
  - Implement the Mt Richmond Route and/or any Walking Access recommended by WAC ("**WAC Recommendation**") within two years from WAC making the WAC Recommendation, or such other timeframe as mutually agreed between the Consent Holder and WAC. The cost of any Walking Access shall be borne by the Consent Holder.
10. The Consent Holder must provide to the OIO a copy of the letter sent to WAC under condition 9 within 20 working days from the Settlement Date.

# Richmond Forest



OIO Case No 201610009  
Sumitomo Forestry Company Limited

## Access Recommendations

Report 11 of 13

NZ Walking Access Commission – June 2018

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Released under the Official Information Act

# Recommendations for public access

**Case:** CMS 3810  
**OIO Case:** 201610009  
**Applicant:** Sumitomo Forestry Company Limited  
**Representative:** Unknown  
**Property Manager:** Tasman Pine Forests Ltd (section 9 (2) (a), General Manager)  
**Local Authority:** Tasman District and Nelson City  
**Case Received:** 21 July 2016  
**Field Inspection:** 15 September 2017  
**Report Date:** 26 June 2018  
**Legal details:**

| Certificates of Title | Legal Description   | Area (ha)       |
|-----------------------|---|-----------------|
| 316726                | Lot 1 DP 378890   | 102.0590        |
| 316792                | Lot 3 DP 378890   | 21.9754         |
| NL11B/470             | Lot 1 DP 17222 and Section 10-12 Survey Office Plan 4870  | 119.5995        |
| NL4A/1188             | Lot 17 DP 8696  | 53.8027         |
| NL4A/1268             | Lot 1 DP 8824 (includes water rights and ROW with fencing provisions 35685)                             | 75.8472         |
| NL7C/997              | Lot 1 DP 12564, Section 40 and Part Section 35 Square 1 and Section 7-8 Block XI Waimea Survey District | 195.6997        |
|                       | <b>Total Area</b>   | <b>568.9835</b> |

## 1 Introduction

The New Zealand Walking Access Commission (the Commission) was established in 2008 by the *Walking Access Act*. The Commission is the Crown entity that leads and supports the negotiation, establishment, maintenance, and improvement of walking access and types of access that may be associated with walking access such as access with firearms, dogs, bicycles, or motor vehicles.

This report is prepared by the Commission to progress the walking access conditions approved by the Minister of Finance and the Minister for Land Information for the purchase of sensitive land as defined under section 12 and 17 of the Overseas Investment Act 2005.

In considering its priorities for negotiating public access over private land, the Commission is guided by the provisions in section 11 of the *Walking Access Act*.

In summary the Commission recommends:

- Registering an access strip easement over 6km of Heslop Rd;
- Registering access strip easements adjacent to portions of the unformed legal road along the summit of the Barnicoat Range;
- Funding the construction of a walking and cycling trail on unformed legal road from the southern boundary of the forest to Aniseed Valley Rd;
- Establishing MOU with representatives of cycling and horse riding clubs for managed use of other forest roads for these purposes;
- Establish suitable signage for all public access provided.
- Establish a transparent user friendly managed access system to meet community demand for access to and within through Richmond Forest. To provide clarity, the process and conditions for gaining access into the Applicant forests should be captured in an MOU between the Applicant, local council and the Commission.
- Advertise access policies and procedures for each Applicant-owned forest on the company's website.

"The purpose of this summary is to provide an overview of the more detailed 'Access recommendations' located at the rear of the report, located before Appendix A. **In the event of any inconsistency between the two, the 'Access recommendations' section prevails**".

In addition:

- access to any areas which are proposed for protection due to their conservation values will be assessed for access requirements once those areas are determined by DOC.

## 2 Purpose

This report provides the public access recommendations for negotiation and final agreement with the applicant.

Tasman Pine Forests Ltd (TPF) hold the OIO consent for a large number of forest blocks. Because of the large area of land involved in this application, the forestry blocks have been divided into 13 cases based on a geographical area. The Commission has assessed the forest block(s) within each geographical area in separate reports. This report (11 of 13) covers Richmond Forest.

## 3 Walking access conditions

The walking access conditions in the Ministers' consent (Appendix A) require the Applicant to consult with the Commission to determine what the Applicant can reasonably do to provide, protect or improve public walking access over the land (such as, where reasonable, the registration of new instruments, the erection of signs, establishing and maintaining walking and mountain biking tracks, or other similar mechanisms recommended by the Commission). The cost of any walking access shall be borne by the Applicant.



## 4 Consultation

The Commission has consulted with the Applicant, the Department of Conservation (DOC), Nelson-Marlborough Fish and Game Council (F&G), Tasman District Council (TDC), Nelson City Council (NCC), Heritage NZ Pouhere Taonga (HNZ), Nelson Tramping Club and Federated Mountain Clubs (NTC, FMC), Nelson Mountain Bike Club (NMTBC), Mountain Bike Trails Trust (MTBTT), NZ Deerstalkers Association (NZDA), Nelson Horse Riding Club (NHRC) and Nelson Bays Trail Riding Club (NBTRC).

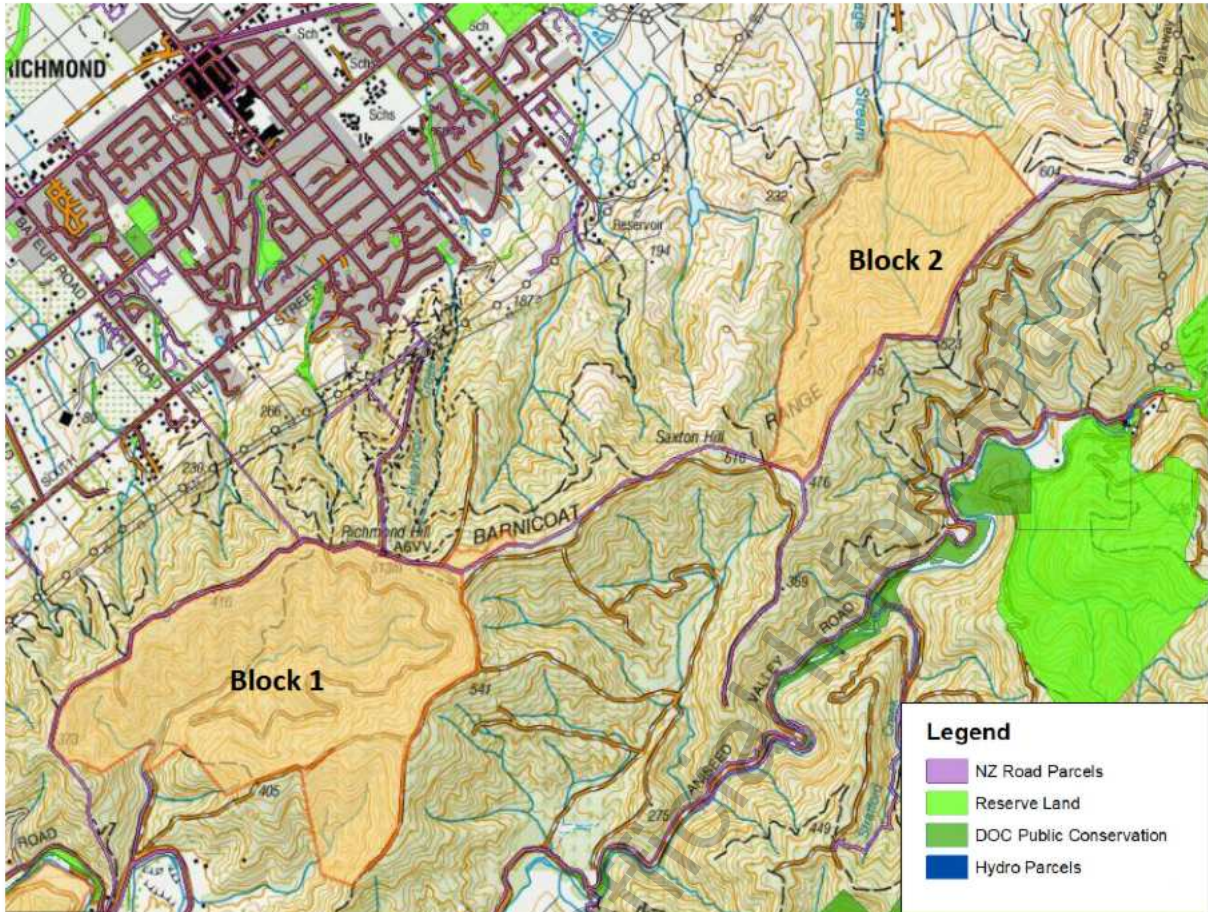
## 5 Field inspection

Field inspection was undertaken by the Commission's regional advisor P Wardle with [redacted] of TPF on 15 September 2017.

## 6 Context

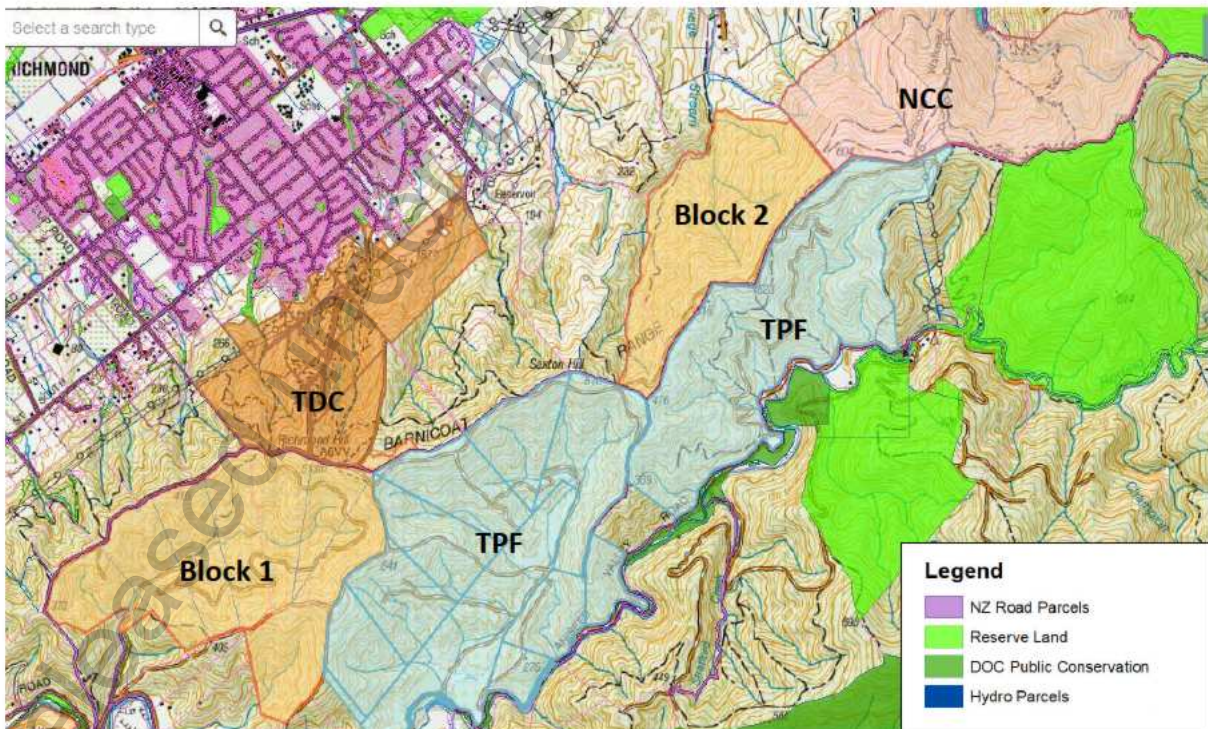
Richmond forest consists of two blocks of exotic production forest 1.8km apart on the steep Barnicoat Range, 2km SE of Richmond township on the Waimea Plain. There are extensive views from the top of the Barnicoat Range in the property over the Waimea Plains to the Arthur Range in the west, Tasman Bay to the north and the Bryant Range to the east. The southern block (Block 1) is 369ha and is in Tasman District while the northern unit (Block 2) is 200ha and lies in Nelson City.

The forests are on steep hill country and are surrounded by other production forests and some farmland. There are two significant natural areas of native forest (SNA) under the Tasman district plan within Block 1 of the forest: B 38 (4ha) and B 115 (2.7ha, Map 3). The Roding River flows through the Aniseed Valley to the SE of the property but there are no rivers or streams of any significance within or immediately adjoining the forest (Map 1). Much of the forested land adjoining the SE side of the blocks is also owned by the applicant, Tasman Pine Forests (TPF), although not part of this consent. Other large tracts to the west and north are owned by Tasman District Council (TDC) and Nelson City Council (NCC) respectively. The two council areas receive extensive walking, mountain biking and other recreation use and the NCC block includes the Barnicoat Walkway gazetted under the Walking Access Act (Map 2).



Map 1: Richmond Forest Blocks 1 and 2 (shaded orange)

Source: [www.wams.org.nz](http://www.wams.org.nz)



Map 2: Richmond Forest (Blocks 1 & 2) showing some adjoining tenures Source: [www.wams.org.nz](http://www.wams.org.nz)

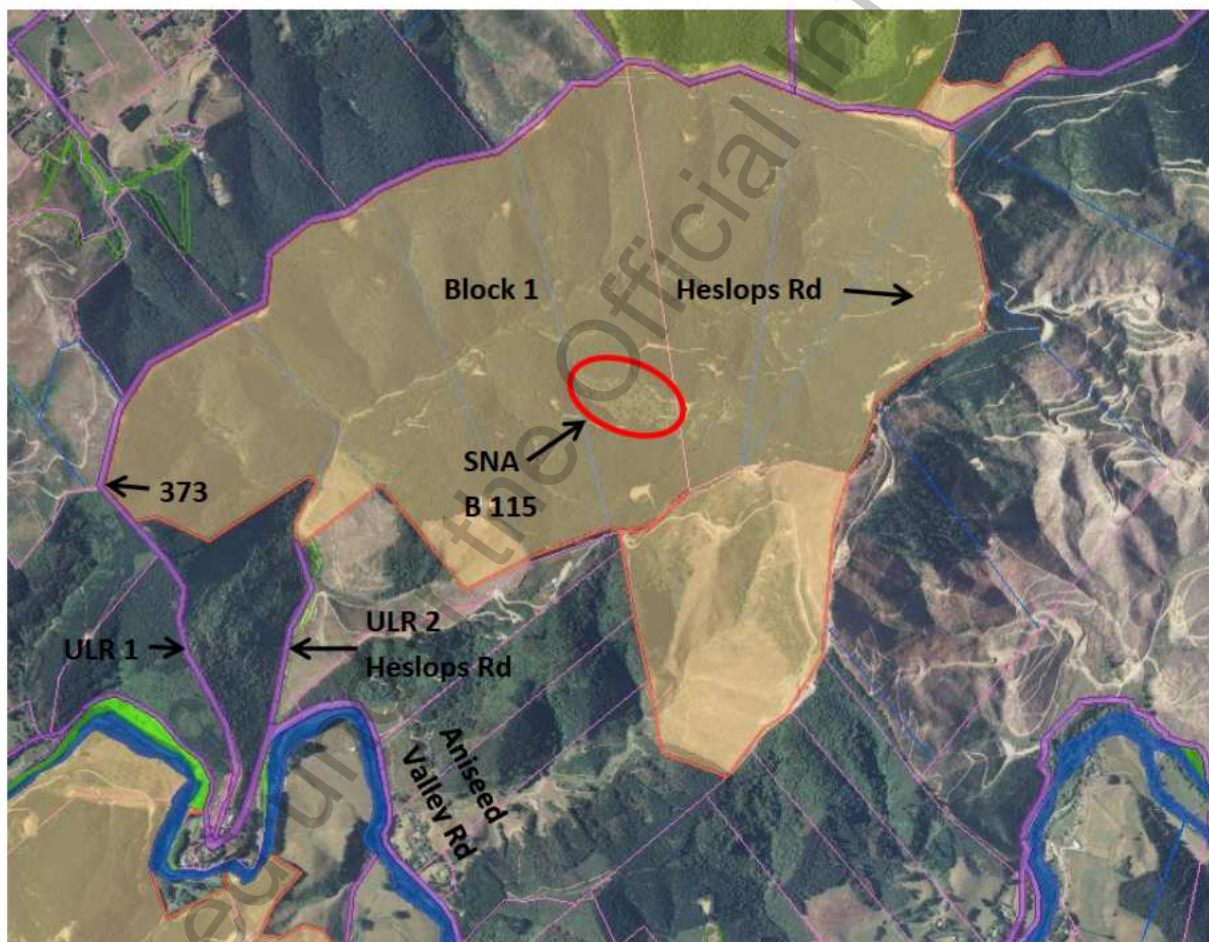
## 7 Analysis of existing legal access

### Legal Road

#### Block 1

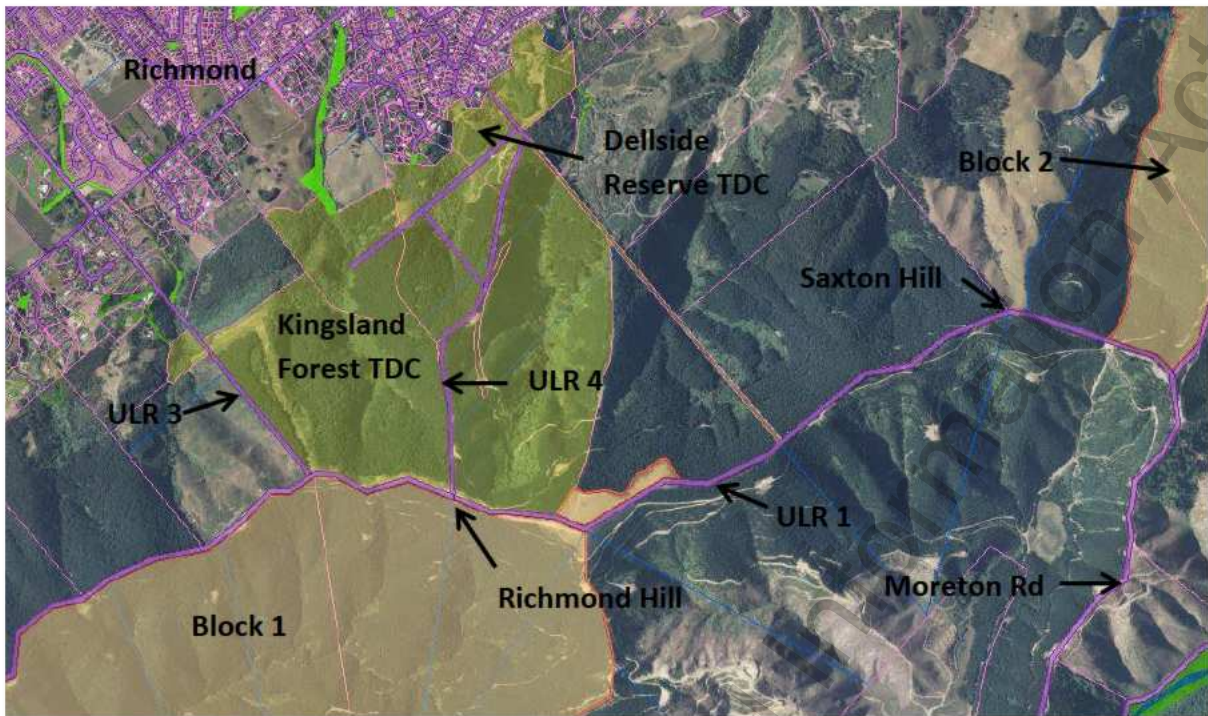
Aniseed Valley Road passes to the south and east of the block and is connected to it by two unformed legal roads (ULR 1 and 2 on Map 3). ULR 1 leads up a ridge to high point 373, continues around the western and northern boundaries of the block, here largely overlying formed forest roads and fire breaks and extends NE along the summit of the Barnicoat Range to Block 2. ULR 2, known as Heslops Rd, covers parts of a formed road over third party land, and ends at the southern boundary of Block 1.

ULR 3 runs from the northern boundary of the forest to connect with Hart Rd in Richmond township. A fourth formed legal road (4) runs from the northern boundary at Richmond Hill bisecting the TDC Kingsland Forest, becoming ULR entering the TDC Dellside Reserve at Lodestone Rd on the edge of Richmond township (Map 4).



Map 3: Richmond Forest Block 1 southern roads and SNA B 115

Source: [www.wams.org.nz](http://www.wams.org.nz)

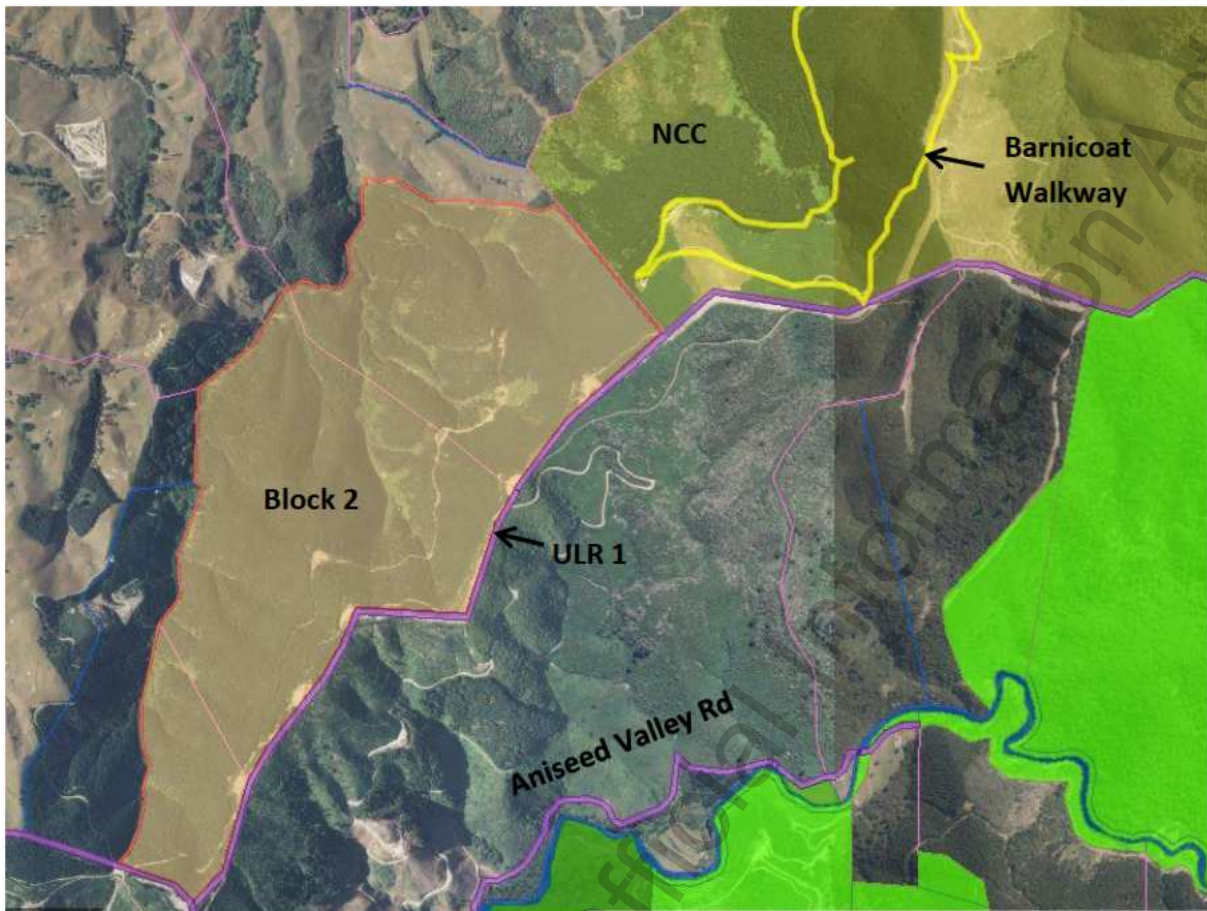


Map 4: Richmond Forest Block 1 northern roads

Source: [www.wams.org.nz](http://www.wams.org.nz)

### Block 2

ULR 1 continues east along the summit of the Barnicoat Range, partly following a formed forest road and fire breaks linking Block 1 to Block 2, over Saxton Hill (Map 4) and then forms the eastern boundary of Block 2 and beyond to the Barnicoat Walkway in NCC land to the NE (Map 5). Much of this ULR lies over formed forest roads and fire breaks, but portions are unformed and run through dense vegetation. A formed legal road runs south from ULR 1 at the southern tip of Block 2 but doesn't extend to Aniseed Valley Rd, becoming part of Moretons Rd within the neighbouring forest (Maps 4 and 7).



Map 5: Richmond Forest Block 2 roads

Source: [www.wams.org.nz](http://www.wams.org.nz)

### **Conservation Areas**

There is no public conservation land adjoining or directly accessible from this forest.

### **Riparian Access**

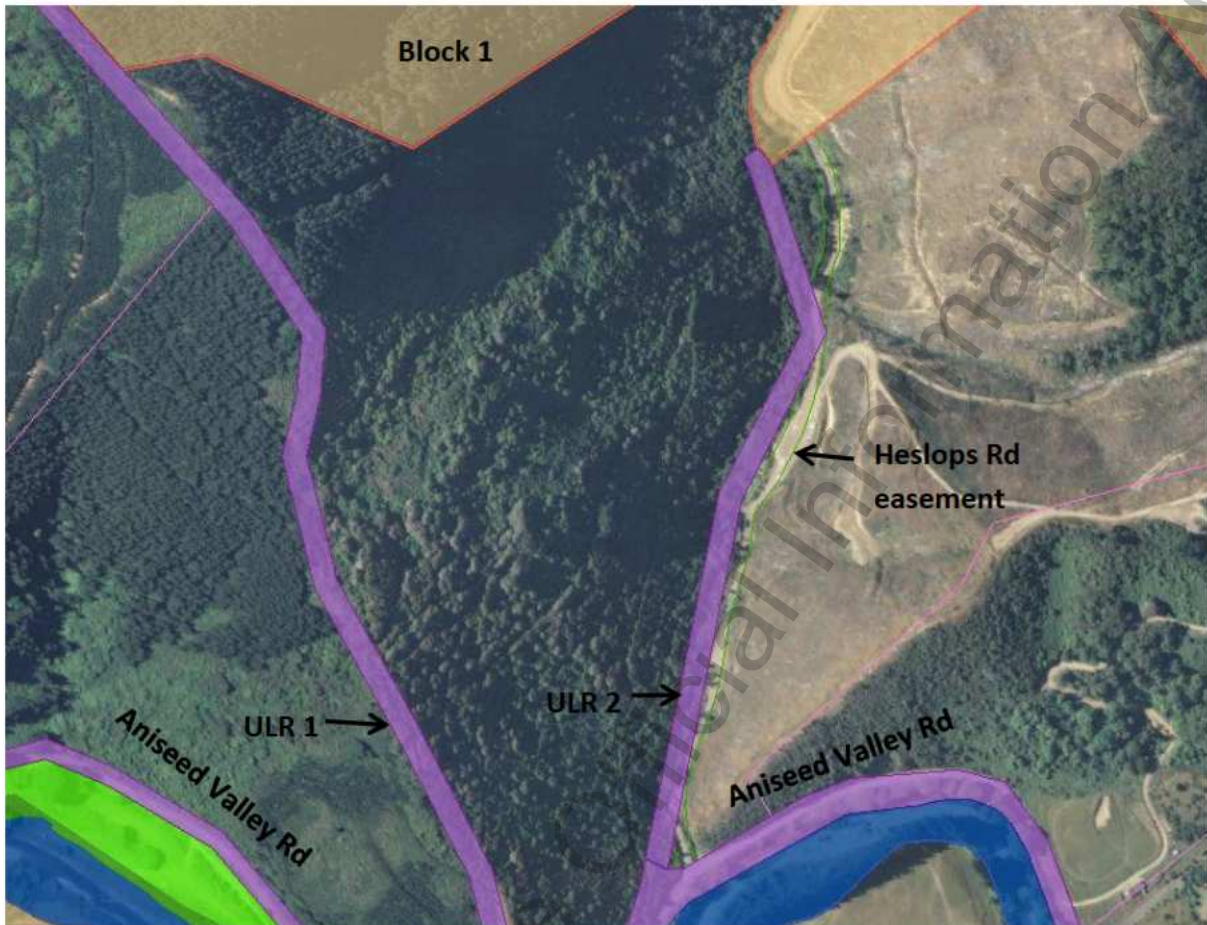
There are no streams of any significance or marginal strips in this property.

## **8 Access assessment**

Consultation with Fish and Game and NZ Deerstalkers Association did not reveal demand for access to sports fish and game bird resources or large animal hunting in Richmond Forest

Consultation with the Tasman District Council, Nelson City Council, Nelson Tramping Club, Federated Mountain Clubs, Nelson MTB Club and the MTB Trails Trust identified that public access through Richmond Forest is highly valued. Access is currently limited and controlled by a permit system. Access is available only outside work hours and may be restricted when there are perceived risks such as fire danger or harvesting.

The southern 600m of Heslops Rd, from its junction with Aniseed Valley Rd, lies partly on ULR which extends to the Applicant's boundary and mostly on third-party freehold land. The Applicant has an easement over this road for its own forest management purposes, but there is no provision for public access and there is a locked gate on the road (Map 3, Map 6).



Map 6: Heslops Rd Applicant's easement (green lines)

[www.wams.org.nz](http://www.wams.org.nz)

The NMTBC has had an access arrangement with TPF to use Heslops, Moreton and Barnicoat roads (the latter two outside but linked to the forest from Aniseed Valley Rd, Map 7), by paying a significant fee for a permit. However, there is no general public access available on these roads.

### Access Gaps

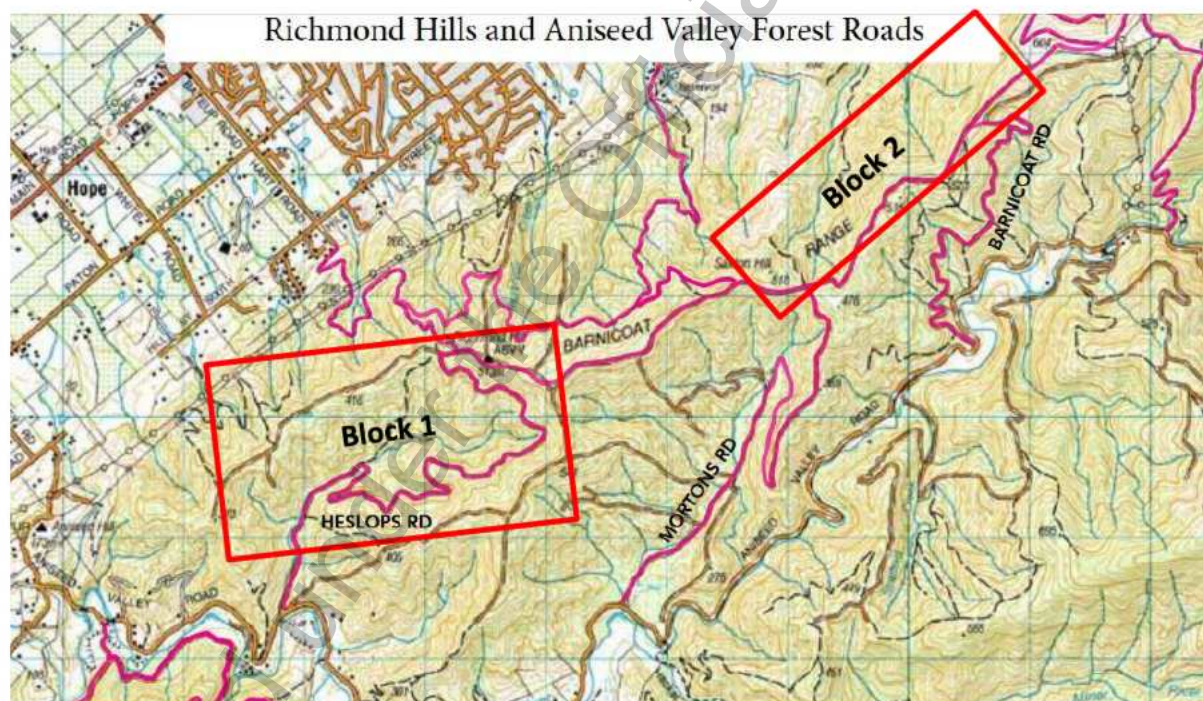
Richmond Forest is adjacent to and links with very popular walking and cycling trails in TDC's Kingsland Forest (Block 1), NCC's Barnicoat Walkway and roads in adjacent TPF forest (Block 2) (Maps 2, 7 and 8). Providing access along the main forest roads within the two blocks, which in turn are joined by a ULR, formalises this linkage. The most effective easement would be over 6km of Heslops Rd from the southern boundary of Block 1 at ULR 2 to its junction with ULR 1. Creating easements to provide access on short sections of existing forest road and fire break where ULR 1 departs from them creates practical and continuous access for a substantial scenic round-trip for walkers and cyclists from Nelson (Barnicoat Walkway) to Aniseed Valley via SNA B 115, or dropping off Richmond Hill directly to Richmond township through Kingsland Forest or Silvan Forest MTB park. RMA access strips, rather than gazetted walkways, are probably the most suitable easement given that most of the route would be on legal road.

Further possibilities are to form trails on ULR 1 and/or 2, from high point 373 and Block 1 boundary respectively, to Aniseed Valley Rd. One possible impediment to the former is that there appears to be a dwelling built on the southern end of ULR 1 at 615 Aniseed Valley Rd. It appears that MTBTT are already considering forming a trail on ULR 2. Similarly, either forming a trail on those sections of ULR 1 that depart from formed tracks between Block 1 and Block 2 (2km) or negotiating an easement over those parts would complete the practical link between the blocks. Securing the easements described would allow this to be done.

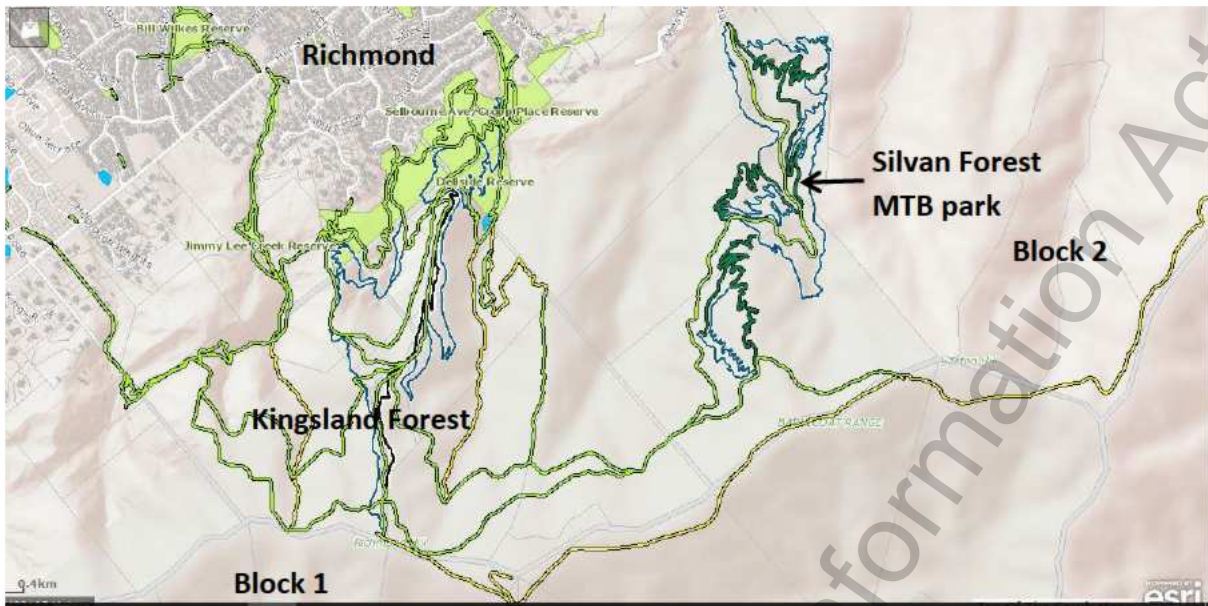
### **Access for mountain biking**

The property is currently used for mountain biking under the paid permit arrangement mentioned above, although this may change. There are several forest roads and tracks suitable for mountain biking in addition to Heslops Rd and the ULR already discussed (Map 7). It would be desirable for the Applicant to negotiate a suitable MOU with NMTBC to formalise permitted access on these routes, subject to forest management constraints.

Establishing a MOU would also secure cycling linkages to the extensive network of trails in TDC's Kingsland Forest and the privately-owned but publicly available Silvan Forest MTB park (Map 8).

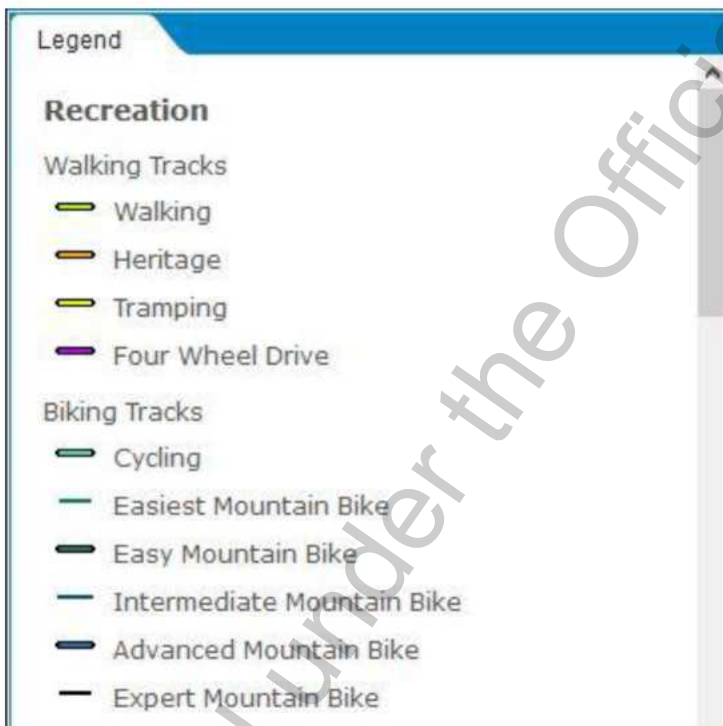


Map 7: MTBTT map of forest roads used by mountain bikers (purple), Richmond Forest block localities red.  
Source : [www.mtbtrailstrust.org.nz](http://www.mtbtrailstrust.org.nz)



Map 8: TDC Kingsland and Silvan forests walking and MTB trails (legend below)

Source: [www.tasman.govt.nz](http://www.tasman.govt.nz)



Legend for Map 8

Source: [www.tasman.govt.nz](http://www.tasman.govt.nz)

### Access for horse-riding

The two riding clubs consulted have identified a lack of opportunities in forests in the wider Tasman area. Although not within Richmond Forest, TPF is considering establishing a horse riding route on Moretons Rd which runs from Aniseed Valley Rd through their adjacent property and becomes the legal road linking up to ULR 1 at the southern tip of Block 2 (Map 4). If this is confirmed it creates opportunities for horse riding at the very least along the length of ULR 1 and possibly on other forest roads connecting to and within Block 1. It would be



desirable for the Applicant to negotiate a suitable MOU with NBTRC and/or NHRC to formalise permitted access on these routes, subject to forest management constraints.

## 9 Priorities for public access

Section 11 of the Walking Access Act 2008 sets out the Commission's statutory priorities for negotiating walking access over private land. These priorities for the Richmond Forest property are addressed in the table below:

| Access Criteria – Section 11 of the Walking Access Act 2008  |  |
|--|--|
| Consideration of priorities for walking access over private land   | Recommended public access to address these priorities  |
| <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>  | N/A  |
| <i>11 (b) over land adjoining rivers or lakes where there is not already walking access over the land:</i>   | N/A  |
| <i>11 (c) to parts of the coast, rivers, or lakes to which there is not already walking access:</i>  | N/A  |
| <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>       | N/A  |
| <i>11 (e) to conservation areas (within the meaning of <a href="#">section 2(1)</a> of the Conservation Act 1987):</i>   | N/A  |
| <i>11 (f) to areas of scenic or recreational value:</i>  | Applicable – walking and cycling, viewpoints, horse riding, links to Barnicoat Walkway, Kingsland Forest trails. |
| <i>11 (g) to sports fish (within the meaning of <a href="#">section 2(1)</a> of the Conservation Act 1987) and game (within the meaning of <a href="#">section 2(1)</a> of the Wildlife Act 1953).</i> | N/A  |

## 10 Access recommendations

The final alignments for these public walking access recommendations are subject to agreement between the Applicant and the Commission. The Commission recommends that the Applicant:

- Create an access strip for walking, cycling and horse riding (to be registered against the titles pursuant to section 237B of the Resource Management Act 1991) over 6km of Heslops Rd shown on Map 9. Depiction of parcels for recommended access strip on a survey plan (cadastral survey dataset) to be lodged at LINZ. See Appendix B for example of access strip instrument template.
- Create access strips for walking, cycling and horse riding (to be registered against the titles pursuant to section 237B of the Resource Management Act 1991) over those portions of forest roads and firebreaks adjacent to ULR 1 as shown on Maps 10 and 11. Depiction of parcels for recommended access strip on a survey plan (cadastral survey dataset) to be lodged at LINZ.
- Fund the construction of a walking and cycling track on approximately 600m of ULR 2 from the southern forest boundary to Aniseed Valley Rd (Map 6).
- Agree to managed access for MTB and horse riding routes on other forest roads and tracks, with conditions, and ideally through MOU with either/or Sport Tasman, Nelson MTB Club, Nelson Bays Trail Riding Club and Nelson Horse Riding Club.
- Establish a transparent user friendly managed access system to meet community demand for access to and within through Richmond Forest. To provide clarity, the process and conditions for gaining access into the Applicant forests should be captured in an MOU between the Applicant, local council and the Commission.
- Advertise access policies and procedures for each Applicant-owned forest on the company's website
- Supply and install signage for all public access provided.

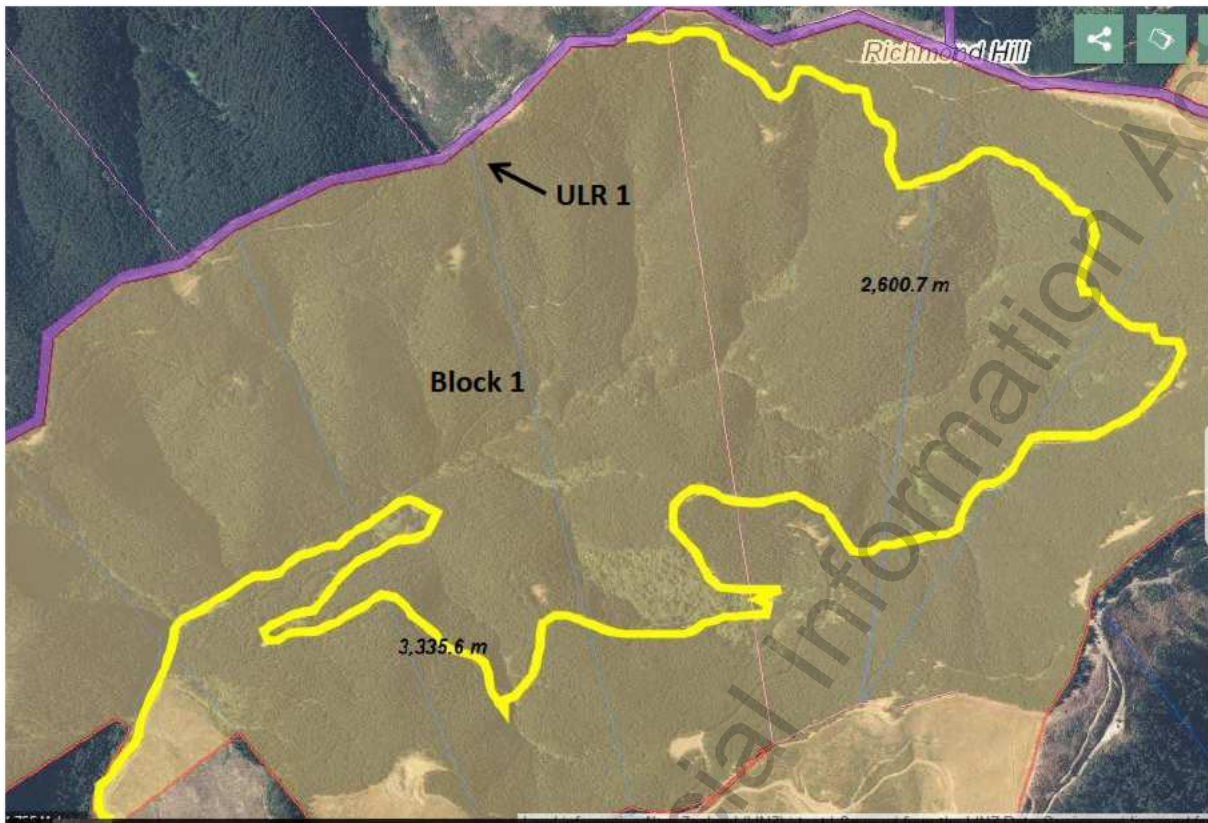
**Other:**

The Commission recommends that the Applicant:

- Advertise access policies and procedures for each TPF-owned forest on the company's website.

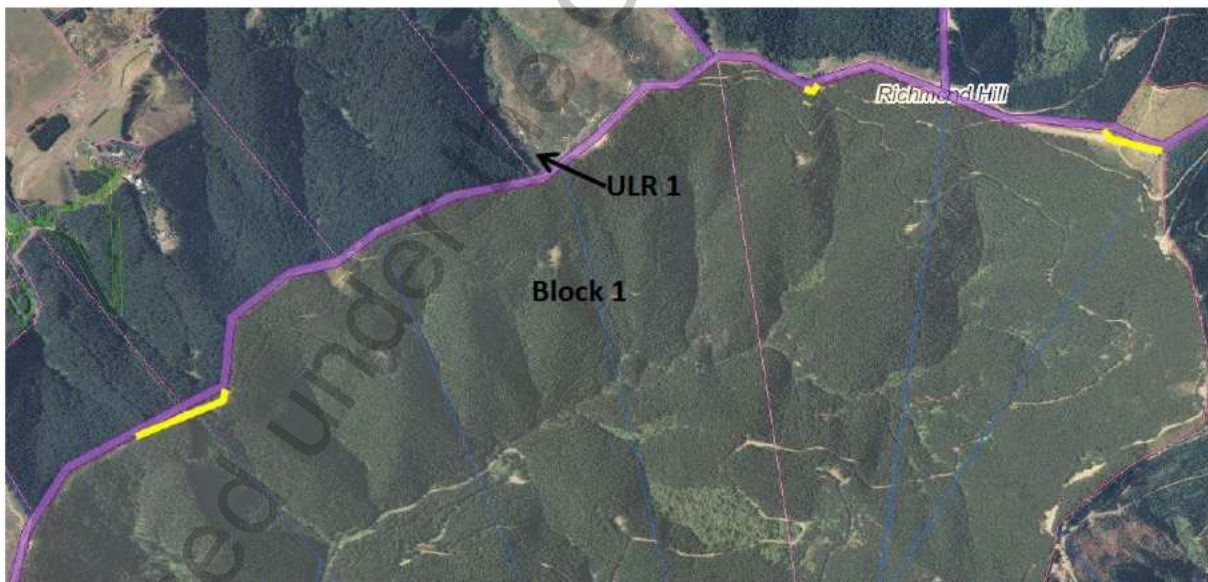
In addition:

- access to any areas which are proposed for protection due to their conservation values will be assessed for access requirements once those areas are determined by DOC



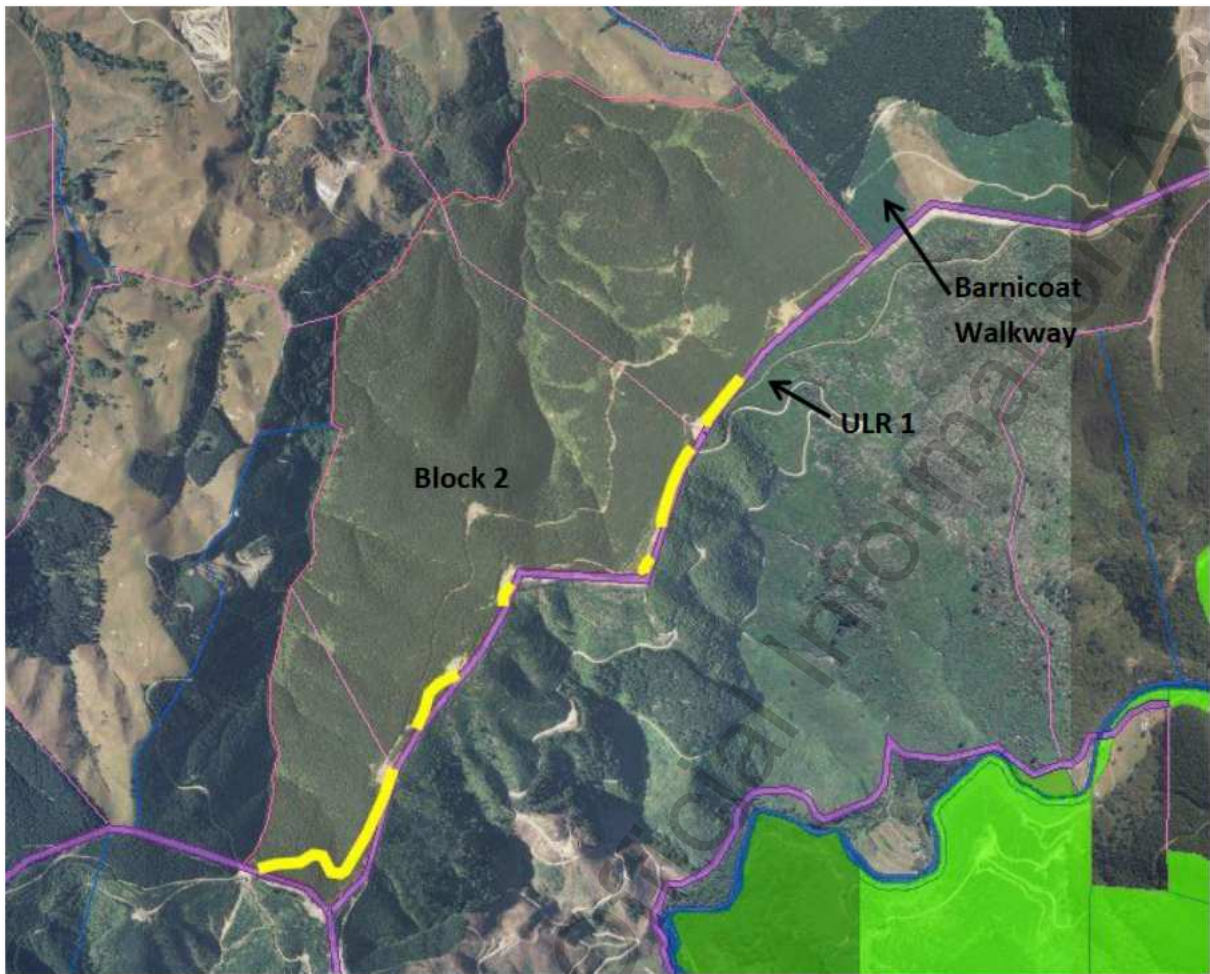
Map 9: Recommended access strip on Heslop Rd (yellow)

Source: [www.wams.org.nz](http://www.wams.org.nz)



Map 10: Recommended access strips Block 1 (yellow)

Source: [www.wams.org.nz](http://www.wams.org.nz)



Map 11: Recommended access strips Block 2 (yellow)

Source: [www.wams.org.nz](http://www.wams.org.nz)

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## Appendix A – OIO Notice of Decision

### Notice of Decision – Case 201610009 – Statutory Conditions of Consent

#### *Walking Access*

9. The Consent Holder must consult with WAC to determine what the Consent Holder can reasonably do (having regard to the proposed use of the Land, the impact of the access initiative on such use, and the costs and obligations on the Consent Holder in implementing the relevant access initiative) to:
- establish and register a public access easement for walking and mountain biking access to Mt Richmond National Park over the route marked in yellow on the map below ("**Mt Richmond Route**"); and
  - provide, protect or improve public walking access over the Land generally or part of that land (such as, where reasonable, the registration of new instruments, the erection of signs on the Land, establishing and maintaining walking and mountain biking tracks, or other similar mechanisms recommended by WAC) ("**Walking Access**").



The Consent Holder must:

- Write to the Operations Manager at WAC (PO Box 12348, Thorndon, Wellington 6144) within 15 working days from the Settlement Date advising that the Consent Holder wishes to consult about Walking Access and the Mt Richmond Route and enclose:
    - a copy of the Decision Summary for this consent; and
    - a copy of this condition together with information identifying and describing the Land including aerial photographs, maps and Certificate(s) of Title;
  - Implement the Mt Richmond Route and/or any Walking Access recommended by WAC ("**WAC Recommendation**") within two years from WAC making the WAC Recommendation, or such other timeframe as mutually agreed between the Consent Holder and WAC. The cost of any Walking Access shall be borne by the Consent Holder.
10. The Consent Holder must provide to the OIO a copy of the letter sent to WAC under condition 9 within 20 working days from the Settlement Date.

## Appendix B – Access strip instrument template

### Easement for access strip

*[Section 237B](#), Resource Management Act 1991*

#### Background

[Full name, address, and occupation of land owner] (the **Grantor**) is registered as proprietor of the land described in Schedule A (the **land**).

[Name of local authority] (the **Grantee**) is a local authority (within the meaning of the [Local Government Act 2002](#)) in whose district the land is located.

#### Grant of easement for access strip

1. The Grantor grants to the Grantee an easement for an access strip.
2. This strip is created to give effect to the walking access recommendations as set out in New Zealand Walking Access Commission's report to the Grantor dated XXXXXXXX, which addresses the walking access condition of purchase of the land in terms of the Overseas Investment Act 2005.
3. The easement confers the right for any person, at any time, to pass and repass over and along the land, for the purpose of giving an access strip described in Schedule B (the **strip**) to [give full description of the existing reserve or strip, river, lake, or part of the coast on or adjoining the land to which the easement is allowing access] on the following terms.

#### Covenants

4. The Grantor and Grantee covenant as follows:
5. The following acts are prohibited on the land:
  - a) wilfully endangering, disturbing, or annoying a lawful user of the strip (including the owner or occupier of the strip):
  - b) wilfully damaging or interfering with a structure adjoining or on the land (including a building, fence, gate, stile, marker, bridge, or notice):
  - c) wilfully interfering with or disturbing livestock lawfully permitted on the strip.
6. The prohibitions in clause 5(b) and (c) do not apply to the owner or occupier of the strip or to employees or agents authorised by the owner or occupier.
7. The following acts are also prohibited on the land over which the strip has been created:
  - a) lighting a fire:
  - b) carrying a firearm:
  - c) discharging or shooting a firearm:
  - d) camping:
  - e) taking an animal on to, or having charge of an animal on, the land:

- f) taking a vehicle on to, or driving or having charge or control of a vehicle on, the land (whether the vehicle is motorised or not):
  - g) wilfully damaging or removing a plant (unless acting in accordance with the [Biosecurity Act 1993](#)):
  - h) laying poison or setting a snare or trap (unless acting in accordance with the [Biosecurity Act 1993](#)).
8. The following other restrictions apply to the strip:
- (a) The Grantor shall not take any actions or undertake works which may impede public access along the strip.
9. The following fencing requirements apply to the strip:
- (a) Any fencing which will restrict public access use of the strip is prohibited.
  - (b) The owner or occupier shall be under no obligation to fence the boundaries of the strip.
10. Access to the strip is on the following terms:
- (a) any person shall have the right, at any time, to pass and repass over and along the land over which the strip has been created, subject to any other provisions of this instrument.
11. The words "owner or occupier" where used in this instrument shall include the registered proprietors for the time being of the land.

Signed by Grantor in the presence of—  
[signature, occupation, and  
address of witness]

Executed by Grantee by common  
seal or by 2 officers, as provided  
by the territorial authority's rules

Date

## **Schedule A**

*[Give a full description of the land owned by the Grantor over which the strip applies, including the portion of the land affected by the easement, by reference to the plan defining it, the lot and deposited plan, certificate of title reference(s), and any encumbrances.]*

## **Schedule B**

*[State the width in metres of the easement and refer to plan (if any) depicting the easement annexed to this instrument or deposited in the Land Registry Office.]*

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# Recommendations for public access

|                          |  |
|--------------------------|--|
| <b>Case:</b>             | CMS 3846   |
| <b>OIO Case:</b>         | 201610009  |
| <b>Applicant:</b>        | Sumitomo Forestry Company Limited                            |
| <b>Representative:</b>   | Unknown  |
| <b>Property Manager:</b> | Tasman Pine Forests Ltd (section 9 (2) (a), General Manager) |
| <b>Local Authority:</b>  | Tasman District Council                                      |
| <b>Case Received:</b>    | 21 July 2016   |
| <b>Field Inspection:</b> | DESKTOP  |
| <b>Report Date:</b>      | 27 June 2018   |
| <b>Legal details:</b>    |  |

| Certificates of Title | Legal Description | Area (ha)       |
|-----------------------|-------------------|-----------------|
| NL170/14              |                   | 14.5004         |
| NLSD/1179             |                   | 97.3600         |
|                       | <b>Total Area</b> | <b>111.8604</b> |

## 1. Introduction

The New Zealand Walking Access Commission (the Commission) was established in 2008 by the *Walking Access Act*. The Commission is the Crown entity that leads and supports the negotiation, establishment, maintenance, and improvement of walking access and types of access that may be associated with walking access such as access with firearms, dogs, bicycles, or motor vehicles.

This report is prepared by the Commission to progress the walking access conditions approved by the Minister of Finance and the Minister for Land Information for the purchase of sensitive land as defined under section 12 and 17 of the Overseas Investment Act 2005.

In considering its priorities for negotiating public access over private land, the Commission is guided by the provisions in section 11 of the *Walking Access Act*.

In summary the Commission recommends:

- No new access is recommended over this property.
- That the Applicant consult with Nelson-Marlborough Fish and Game Council for managed access to the forests by licensed game bird hunters, subject to forest management constraints.

The purpose of this summary is to provide an overview of the more detailed 'Access recommendations' located at the rear of the report, located before Appendix A. **In the event of any inconsistency between the two, the 'Access recommendations' section prevails**".

## 2. Purpose

This report provides the public access recommendations for negotiation and final agreement with the applicant.

Tasman Pine Forests Ltd (TPF) hold the OIO consent for a large number of forest blocks. Because of the large area of land involved in this application, the forestry blocks have been divided into 13 cases based on a geographical area. The Commission has assessed the forest block(s) within each geographical area in separate reports. This report (12 of 13) covers two blocks, 88 Valley 01 & 02, near Wakefield in the Tasman District.

## 3. Walking access conditions

The walking access conditions in the Ministers' consent (Appendix A) require the Applicant to consult with the Commission to determine what the Applicant can reasonably do to provide, protect or improve public walking access over the land (such as, where reasonable, the registration of new instruments, the erection of signs, establishing and maintaining walking and mountain biking tracks, or other similar mechanisms recommended by the Commission). The cost of any walking access shall be borne by the Applicant.

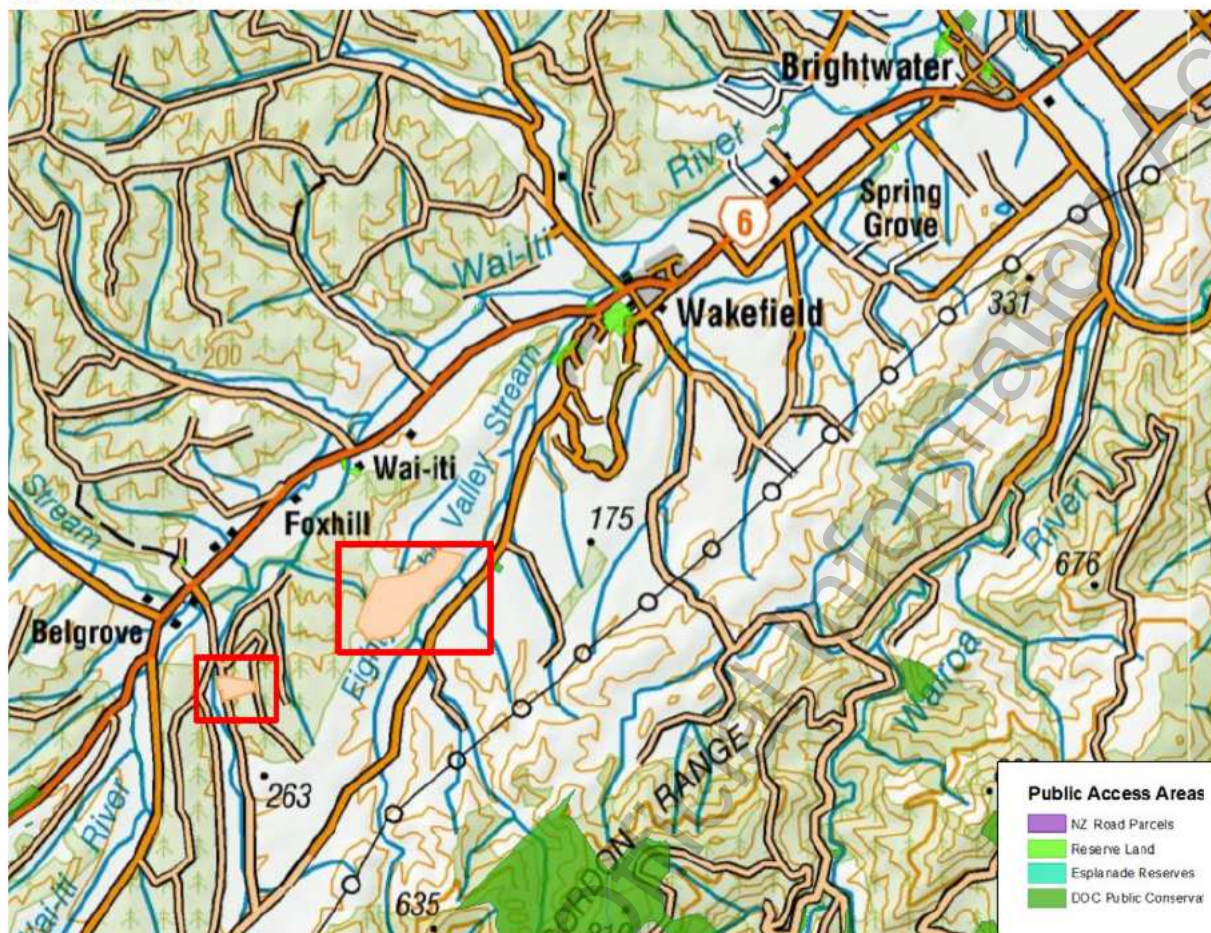
## 4. Consultation

The Commission has consulted with the Applicant, the Department of Conservation (DOC), Nelson-Marlborough Fish and Game Council (F&G), Tasman District Council (TDC), Heritage NZ Pouhere Taonga (HNZ), Nelson Tramping Club and Federated Mountain Clubs (NTC, FMC), Nelson Mountain Bike Club (NMTBC), Mountain Bike Trails Trust (MTBTT), NZ Deerstalkers Association (NZDA), Nelson Horse Riding Club (NHRC) and Nelson Bays Trail Riding Club (NBTRC).

## 5. Field inspection

No field visit was made. This was a desktop assessment.

## 6. Context



Map 1: Location of 88 Valley 1 & 2 Forests (shaded orange)

Source: [www.wams.org.nz](http://www.wams.org.nz)

Eighty-eight Valley is situated 4km south-west of Wakefield and 25 km south-west Nelson. The 88 Valley 01 and 02 forest blocks are on the north-west side of the valley and planted in exotic forest species. Both blocks border on the Tunnickliff forest.

Eighty-eight Valley Stream joins the Wai-iti River (a tributary of the Waimea River) on the outskirts of Wakefield, about 4 km north-east of 88 Valley 02 block. 88 Valley 01 block is a further 4 km south-west of Wakefield.

Across the Eighty-eight Valley, to the south-east of 88 Valley 01 and 02 blocks are the Gordon and Richmond Ranges, with extensive conservation and recreation values.

The 88 Valley 01 block slopes down to the west and its border with Quail Valley Road, with a high point of 286m. This forest is surrounded by plantation forestry on three sides

The 88 Valley 02 block is gently south-east sloping, running from the ridgeline down to the Eighty-eight Valley Stream. This forest has plantation forest on the western boundary and pastoral farming on the other boundaries

Tunnickliff forest is in the vicinity of both 88 Valley forests. This forest is popular for horse riding.

## 7. Analysis of existing legal access

### Legal Road

Quail Valley Road runs along the western boundary of the 88 Valley 01 block, providing legal access to the property

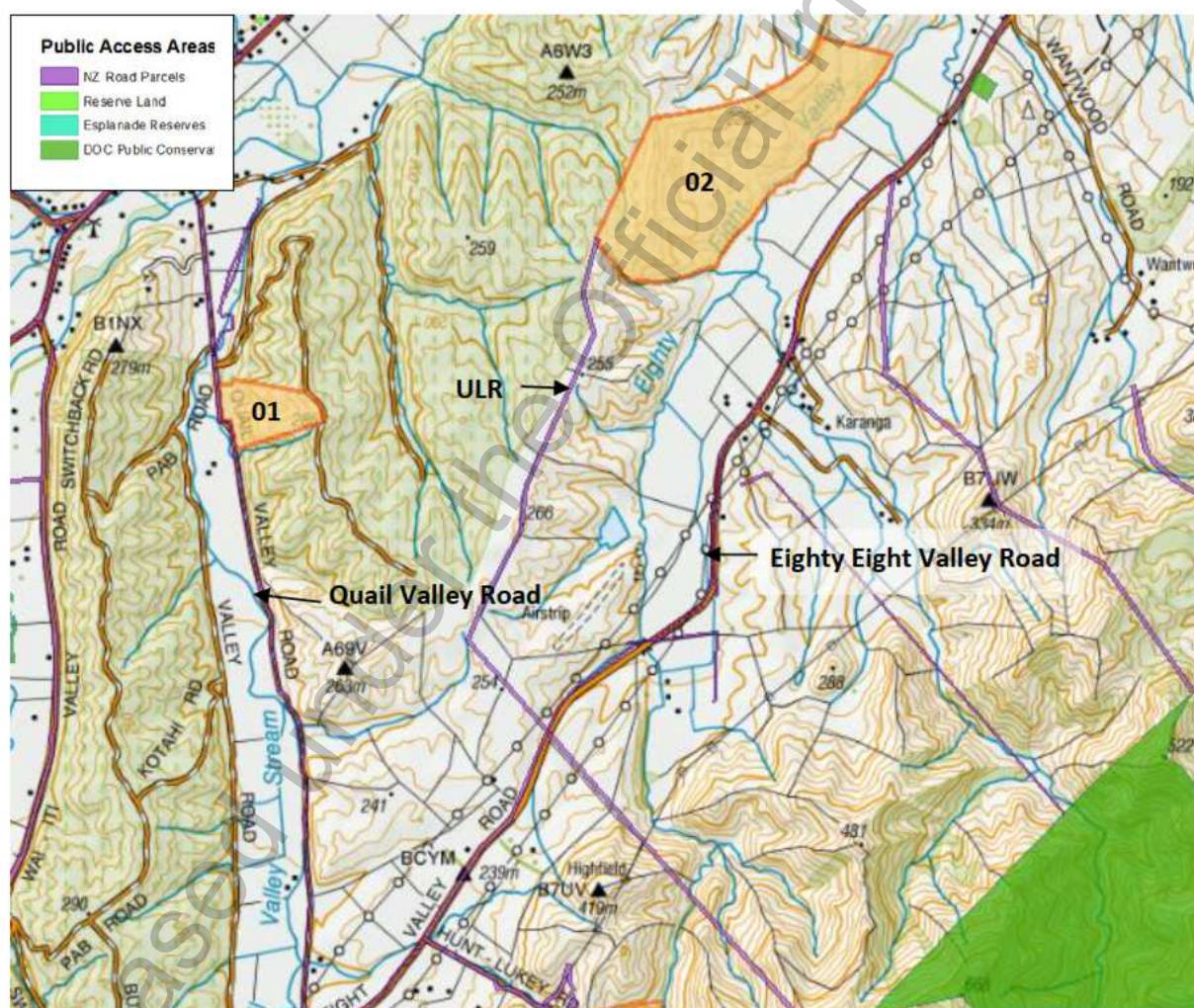
There is no practical legal road access to 88 Valley 02 block. An unnamed unformed legal road (ULR) connects Eighty-eight Valley Road to the south-western corner of 88 Valley 02 block. A private forestry road provides forest management access into the centre of the block, from Eighty-eight Valley Road.

### Conservation Areas

There are no public conservation areas adjacent to either of the 88 Valley forest blocks. Nearby conservation areas are Eighty-eight Valley Conservation area and Mt Richmond Forest Park, located approximately 4km south-west of 88 Valley 02 block.

### Riparian Access

There is no riparian access within or connecting with the 88 Valley 01 & 02 Forests.



Map 2: Legal road access to 88 Valley 1 & 2 Forests (shaded orange)

Source: [www.wams.org.nz](http://www.wams.org.nz)

### Easements

TPF have the benefit of a right of way easement over a title to the south of 88 Valley 02 block, from Eighty-eight Valley Road to the block (see Appendix B). This is a private right of way.

## 8. Access assessment

Based on the desktop analysis and consultation with interested parties, there are no public access requirements or gaps for these properties. They do not provide access to the coast, waterways or to any public reserves or conservation land. However, F&G have identified some current upland game bird hunting opportunities. It is desirable that the Applicant discuss these with F&G with a view to managed access for these purposes subject to forest operational constraints.

## 9. Priorities for public access

Section 11 of the Walking Access Act 2008 sets out the Commission's statutory priorities for negotiating walking access over private land. The priorities for the 88 Valley 01 and 02 properties are addressed in the table below:

| <b>Access Criteria – Section 11 of the Walking Access Act 2008</b>   |  |
|--|--|
| <b>Consideration of priorities for walking access over private land</b>  | <b>Recommended public access to address these priorities</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>                                      | N/A  |
| <i>11 (b) over land adjoining rivers or lakes where there is not already walking access over the land:</i>   | N/A  |
| <i>11 (c) to parts of the coast, rivers, or lakes to which there is not already walking access:</i>  | N/A  |
| <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> | N/A  |
| <i>11 (e) to conservation areas (within the meaning of section 2(1) of the Conservation Act 1987):</i>   | N/A  |
| <i>11 (f) to areas of scenic or recreational value:</i>  | N/A  |
| <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>                           | Applicable<br>F&G have expressed an interest in securing access for gamebird hunting in this forest. |

## 10. Access Recommendations

There is no additional public access recommended for the 88 Valley 01 and 02 Forests.

- It is recommended though that the Applicant discuss with Nelson/Marlborough Fish and Game the options for managed game bird hunting on the property subject to forest operational requirements.

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## Appendix A – OIO Notice of Decision

### Notice of Decision – Case 201610009 – Statutory Conditions of Consent

#### *Walking Access*

9. The Consent Holder must consult with WAC to determine what the Consent Holder can reasonably do (having regard to the proposed use of the Land, the impact of the access initiative on such use, and the costs and obligations on the Consent Holder in implementing the relevant access initiative) to:
- establish and register a public access easement for walking and mountain biking access to Mt Richmond National Park over the route marked in yellow on the map below ("**Mt Richmond Route**"); and
  - provide, protect or improve public walking access over the Land generally or part of that land (such as, where reasonable, the registration of new instruments, the erection of signs on the Land, establishing and maintaining walking and mountain biking tracks, or other similar mechanisms recommended by WAC) ("**Walking Access**").



The Consent Holder must

- Write to the Operations Manager at WAC (PO Box 12348, Thorndon, Wellington 6144) within 15 working days from the Settlement Date advising that the Consent Holder wishes to consult about Walking Access and the Mt Richmond Route and enclose:
    - a copy of the Decision Summary for this consent; and
    - a copy of this condition together with information identifying and describing the Land including aerial photographs, maps and Certificate(s) of Title;
  - Implement the Mt Richmond Route and/or any Walking Access recommended by WAC ("**WAC Recommendation**") within two years from WAC making the WAC Recommendation, or such other timeframe as mutually agreed between the Consent Holder and WAC. The cost of any Walking Access shall be borne by the Consent Holder.
10. The Consent Holder must provide to the OIO a copy of the letter sent to WAC under condition 9 within 20 working days from the Settlement Date.

# Appendix B – CFR NL5D/1179 (88 Valley 02 Forest Block)



## COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952



Search Copy

R. W. Muir  
Registrar-General  
of Land

**Identifier** NL5D/1179  
**Land Registration District** Nelson  
**Date Issued** 06 November 1981

**Prior References**

NL2B/752                      NL47/215                      NL72/1  
 NL72/12

**Estate** Fee Simple  
**Area** 97.3600 hectares more or less  
**Legal Description** Lot 1 Deposited Plan 10833

**Proprietors**  
 Tasman Bay Forests Company

**Interests**

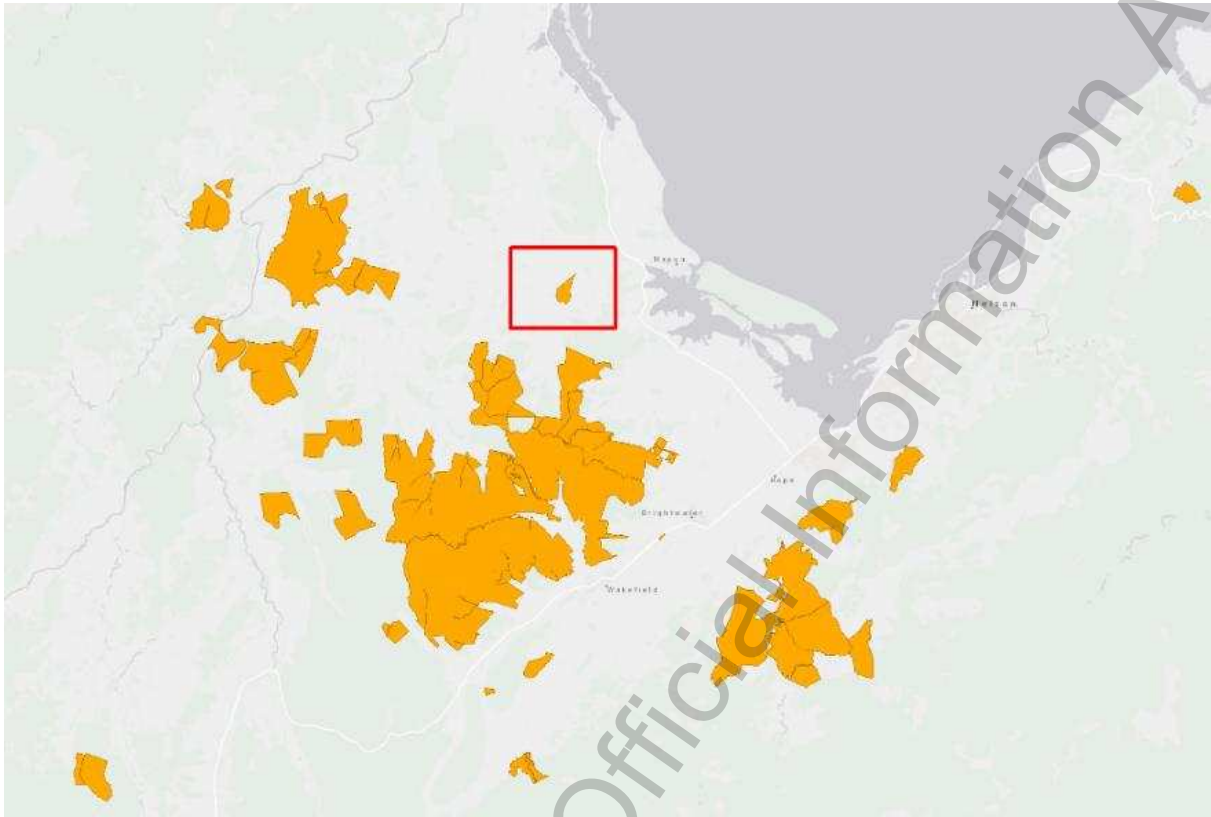
219148.1 Easement Certificate specifying the following easements - 8.12.1981 at 9:28 am  

| Type         | Servient Tenement                                   | Easement Area | Dominant Tenement                      | Statutory Restriction |
|--------------|---|---------------|--|-----------------------|
| Right of way | Part 3 Section 22<br>Waimea South - CT<br>NL5D/1180 | A DP 10833    | Lot 1 Deposited Plan<br>10833 - herein |                       |

The easement specified in Easement Certificate 219148.1 when created will be subject to Section 309 (1) (a) Local Government Act 1974

8922568.2 Mortgage to Cooperatieve Centrale Raiffeisen-Boerenleenbank B.A. - 30.11.2011 at 3:15 pm  
 9282659.1 Notice pursuant to Section 195(2) Climate Change Response Act 2002 - 17.1.2013 at 3:51 pm

# Mahana



OIO Case No 201610009  
Tasman Pine Forests Ltd

## Access Recommendations

Report 13 of 13



**WALKING ACCESS**  
ARA HĪKOI AOTEAROA

NZ Walking Access Commission – June 2018

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# Recommendations for public access

**Case:** CMS 3570  
**OIO Case:** 201610009  
**Applicant:** Sumitomo Forestry Company Limited  
**Representative:** Unknown  
**Property Manager:** Tasman Pine Forests Ltd (section 9 (2) (a), General Manager)  
**Local Authority:** Tasman District Council  
**Case Received:** 21 July 2016  
**Field Inspection:** Desktop  
**Report Date:** 27 June 2018

## Legal details:

| Certificates of Title | Legal Description | From TPFL      |
|-----------------------|-------------------|----------------|
| 21499                 | Lot 2 DP 305351   | 72.3672        |
| 21498                 | Lot 1 DP 305351   | 3.5706         |
|                       | <b>Total Area</b> | <b>75.9378</b> |

## 1 Introduction

The New Zealand Walking Access Commission (the Commission) was established in 2008 by the *Walking Access Act*. The Commission is the Crown entity that leads and supports the negotiation, establishment, maintenance, and improvement of walking access and types of access that may be associated with walking access such as access with firearms, dogs, bicycles, or motor vehicles.

This desktop report is prepared by the Commission to progress the walking access conditions approved by the Minister of Finance and the Minister for Land Information for the purchase of sensitive land as defined under section 12 and 17 of the Overseas Investment Act 2005.

In considering its priorities for negotiating public access over private land, the Commission is guided by the provisions in section 11 of the *Walking Access Act 2008*.

In summary the Commission recommends:

- No new access is recommended over this property.
- That the Applicant consult with Nelson-Marlborough Fish and Game Council for managed access to the forests by licensed game bird hunters, subject to forest management constraints.

The purpose of this summary is to provide an overview of the more detailed 'Access recommendations' located at the rear of the report, located before Appendix A. **In the event of any inconsistency between the two, the 'Access recommendations' section prevails.**

## 2 Purpose

This report provides the public access recommendations for negotiation and final agreement with the applicant.

Tasman Pine Forests Ltd (TPF) hold the OIO consent for a large number of forest blocks. Because of the large area of land involved in this application, the forestry blocks have been divided into 13 cases based on a geographical area. The Commission has assessed the forest block(s) within each geographical area in separate reports. This report (13 of 13) covers Mahana Forest, Upper Moutere.

## 3 Walking access conditions

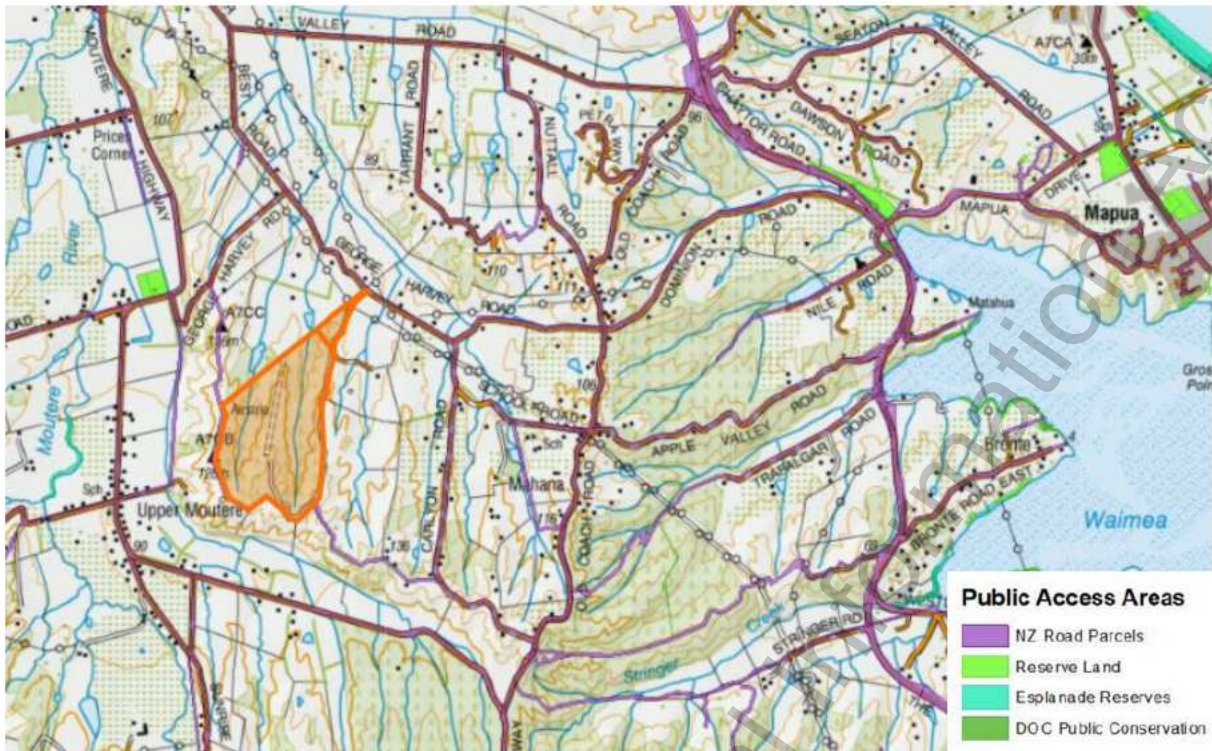
The walking access conditions in the Ministers' consent (Appendix A) require the applicant to implement any reasonable Walking Access recommended by the Commission, noting walking and mountain bike access and associated signage. The cost of any Walking Access shall be borne by the Applicant.

## 4 Consultation

The Commission has consulted with the Applicant, the Department of Conservation (DOC), Nelson-Marlborough Fish and Game Council (F&G), Tasman District Council (TDC), Nelson City Council (NCC), Heritage NZ Pouhere Taonga (HNZ), Nelson Tramping Club and Federated Mountain Clubs (NTC, FMC), Nelson Mountain Bike Club (NMTBC), Mountain Bike Trails Trust (MTBTT), NZ Deerstalkers Association (NZDA), Nelson Horse Riding Club (NHRC) and Nelson Bays Trail Riding Club (NBTRC).

## 5 Context

The Mahana block is one of the smaller and more isolated blocks of plantation forestry comprising OIO consent 201610009. It lies between Upper Moutere and Mapua, 16km south of Motueka. The tear shaped block, some 1.8km long and up to 0.8km wide, lies on hilly Moutere gravels, rising to 128m. The surrounding area is flat or slightly hilly, the recent gravels being incised by many streams, and appears to be used for grazing or horticulture. The block has a private airstrip through its centre.



Map 1: Location Mahana Forest (shaded orange)

Source: [www.wams.org.nz](http://www.wams.org.nz)



Map 2: Aerial imagery showing isolated forestry area, Mahana Forest (shaded orange)

Source: [www.wams.org.nz](http://www.wams.org.nz)

## 6 Analysis of existing legal access

### Legal Road

Legal road adjoins the southern and south western boundaries of the block. A formed track roughly follows the legal road. The northern tip of the block adjoins George Harvey Road, which includes Tasman District Council's Somerset Cottage walking/cycling route (10km), indicated with red dashed on map 3 below.



Map 3: Legal Road access, Mahana (shaded orange)

Source: [www.wams.org.nz](http://www.wams.org.nz)

### Conservation Areas

No conservation areas adjoin the block.

### Riparian Access

Two unnamed creeks are shown on the topographic map and drain the block in a northerly direction. Each of them appears to be less than 3m wide. There is no identified riparian right of access.

## 7 Access assessment

### Legal Road

The formed track following the southern boundary of the TPF block deviates from the legal road and into the forestry block in places (Map 4, deviations indicated with dashed purple line). However, the lack of interest from recreation groups in this area does not warrant any recommendation to create an easement.

The Commission notes that public access on the legal road line must not be obstructed.



Map 4: Formed track deviates from legal road. Mahana Forest (shaded orange) formed track outside legal road marked with dashed purple line.

Source: [www.wams.org.nz](http://www.wams.org.nz)



### Access for recreation

F&G have identified upland game bird hunting opportunities. It is desirable that the Applicant discuss these with F&G with a view to managed access for these purposes subject to forest operational constraints.

## 8 Priorities for public access

Section 11 of the Walking Access Act 2008 sets out the Commission's statutory priorities for negotiating walking access over private land. These priorities are not relevant for the Mahana property.

| Access Criteria – Section 11 of the Walking Access Act 2008  |   |
|--|---|
| Consideration of priorities for walking access over private land   | Recommended public access to address these priorities |
| <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>                                      | N/A   |
| <i>11 (b) over land adjoining rivers or lakes where there is not already walking access over the land:</i>   | N/A   |
| <i>11 (c) to parts of the coast, rivers, or lakes to which there is not already walking access:</i>  | N/A   |
| <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> | N/A   |
| <i>11 (e) to conservation areas (within the meaning of section 2(1) of the Conservation Act 1987):</i>   | N/A   |
| <i>11 (f) to areas of scenic or recreational value:</i>  | N/A   |
| <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>                           | Applicable<br>Gamebird hunting opportunities          |

## 9 Access recommendations

There is no additional public access recommended for the Pearse Forest.

- It is recommended though that the Applicant discuss with Nelson/Marlborough Fish and Game the options for managed game bird hunting on the property subject to forest operational requirements.

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## Appendix A – OIO Notice of Decision

### Notice of Decision – Case 201610009 – Statutory Conditions of Consent

#### *Walking Access*

9. The Consent Holder must consult with WAC to determine what the Consent Holder can reasonably do (having regard to the proposed use of the Land, the impact of the access initiative on such use, and the costs and obligations on the Consent Holder in implementing the relevant access initiative) to:
- establish and register a public access easement for walking and mountain biking access to Mt Richmond National Park over the route marked in yellow on the map below ("**Mt Richmond Route**"); and
  - provide, protect or improve public walking access over the Land generally or part of that land (such as, where reasonable, the registration of new instruments, the erection of signs on the Land, establishing and maintaining walking and mountain biking tracks, or other similar mechanisms recommended by WAC) ("**Walking Access**").



#### The Consent Holder must

- Write to the Operations Manager at WAC (PO Box 12348, Thorndon, Wellington 6144) within 15 working days from the Settlement Date advising that the Consent Holder wishes to consult about Walking Access and the Mt Richmond Route and enclose:
    - a copy of the Decision Summary for this consent; and
    - a copy of this condition together with information identifying and describing the Land including aerial photographs, maps and Certificate(s) of Title;
  - Implement the Mt Richmond Route and/or any Walking Access recommended by WAC ("**WAC Recommendation**") within two years from WAC making the WAC Recommendation, or such other timeframe as mutually agreed between the Consent Holder and WAC. The cost of any Walking Access shall be borne by the Consent Holder.
10. The Consent Holder must provide to the OIO a copy of the letter sent to WAC under condition 9 within 20 working days from the Settlement Date.

| Report Number | Forest            | Access Recommendations | No. | Recommendations   | Vehicular Access Review   | Note | TPFL Comments Updated May 2023   |
|---------------|-------------------|------------------------|-----|---|---|------|--|
| 1             | Lee Valley Forest | Yes                    | 1   | Establish a public access easement (under the Walking Access Act 2008) for walking and mountain biking access to Mt Richmond Forest Park over the "Mt Richmond Route" (yellow on Map 5 below). Register the easement on title NL3A/321 and develop a route following consultation with the MTB Trails Trust and Nelson MTB Club.  | Valid   |      | Actioned with TPFL lawyers   |
|               |                   |                        | 2   | Create an esplanade strip alongside the upper Serpentine River and a connecting access strip following the property boundary northwards to secure public walking access to Mt Richmond Forest Park, in the vicinity of Starveall Hut and Te Araroa Trail (Map 6). Depict the esplanade strip and access strip on a plan to be lodged with LINZ and recorded in the cadastre. Depiction of parcels for recommended esplanade and access strips on a survey plan (cadastral survey dataset) to be lodged at LINZ. | Valid, is for walking access  |      | Not Practical for reasons listed in 4  |
|               |                   |                        | 3   | Establish a transparent user friendly managed access system to meet community demand for access through Lee Valley Forest into Mt Richmond Forest Park via the Starveall walking track via Starveall Road or Bush Road. To provide clarity, the process and conditions for gaining access into the Applicant forests should be captured in an MOU between the Applicant, Tasman District Council and the Commission (Map 7).  | WITHDRAW: This is driving access including through Ngati Koata land so not required |      |  |
|               |                   |                        | 4   | Create 20m wide esplanade strip(s) pursuant to section 235 of the Resource Management Act 1991 on the east side of the Lee River between the Lee Valley Rd/Mead Rd bridge and the Lee-Roding confluence, where the Lee River adjoins or is within the subject land (A-B Map 8 for the purposes of creating enduring public and recreational access in the vicinity of the Lee River.  | Valid, is for walking (biking) access   |      | Not Practical as proposed strip has inaccessible bluffs and forested land and would incorporate parts of existing forest road which is a main thoroughfare for forest operations and has easement rights with neighbors who do not want unrestricted public access. Access for walking and biking can be managed through the existing TPFL permit process. |

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|   |  |  |   |  |
|---|--|--|---|--|
| 5   | Create 80m wide access strip in the vicinity of the Lee-Roding confluence on title NL8A/1091 between the private road connecting Lee and Aniseed Valleys and recommended esplanade strip, to secure a recreational amenity at the Lee-Roding confluence (B-C Map 8) subject to mutually agreed constraints relating to forestry operations. Once established, this easement would be managed by the TDC. | Valid, is for walking access, can be closed during forestry operations. Is not clear in map 8  |   | Not reasonable. WAC intention is to create a public picnic area within forest, putting forest security and H&S management at risk, this is outside OIO decision scope. The area is already serviced by three large public picnic areas. Access would not be practical on proposed esplanade strips in 4 due to topography. |
| 6   | Create 20m wide esplanade strips where the Roding River adjoins or is within the subject land (yellow lines Map 8). This is for the purposes of creating enduring public and recreational access in the vicinity of the Roding River.  | Valid, is for walking access   |   | Not Practical for reasons listed in 4  |
| 7   | Create esplanade strips (or access strips as appropriate) to replace eroded or impractical sections of ULR alongside the east side of the Lee River.   | Valid, is for walking access   |   | Not Practical for reasons listed in 4  |
| 8   | Transfer title ML7C/1185 to the TDC, subject to the Council's agreement. This will incorporate an isolated Tasman Pine Forests Ltd parcel managed as part of the White Gate Reserve to Tasman District Council ownership, for the purposes of maintaining enduring public and recreational access in the vicinity of the Roding River (Map 9).   | Valid, does not change access status as the area is already managed as part of the reserve   |   | Title is linked to a number of other land parcels potential to transfer if other parcels could be separated. Awaiting discussion and decision from council.  |
| <b>General walking, mountain biking and horseback access (applies to all OIO forests)</b> |  |  |   |  |
| 9   | Enable public access on all legal roads adjoining or intersecting the property and remove all locked gates on these roads (formed and unformed), working with user groups to establish appropriate alternatives.   | Valid.   |   | There are legacy gates on public roads which have been strategically positioned to enable effective road closure in times of high fire danger or operational risk to public safety. Discussions underway with council as to best way to manage these.  |
| 10  | Review the current managed recreational access arrangements in consultation with user groups with the aim of streamlining and simplifying the arrangements.  | Valid - walking and biking access and to driving access, if to facilitate walking access   |   | Access is available to public through TPFL permit system subject to operational, H&S & security constraints  |
| 11  | Advertise access policies and procedures for each the Applicant-owned forest on the company's website.   | Valid, maps on TPF website should show entire forests and identify existing public access (such as legal roads, Public Access Easements, esplanade strips) | maps on TPF website exclude some areas of forest, do not show where legal access exists | Website is continually being updated   |
| 12  | Depict all esplanade and access strips recommended in this report on a plan to be lodged with LINZ and recorded in the cadastre.   | Valid  |   | In progress where reasonable   |
| 13  | Supply and install signage for all public access provided.   | Valid  |   | Under action will be installed where appropriate   |

|   |                              |     |    |  |  |   |   |
|---|------------------------------|-----|----|--|--|---|---|
|   |                              |     | 14 | In addition, access to any areas which are proposed for protection due to their conservation values will be assessed for access requirements once those areas are determined by DOC.   | NZWAC to consult with DOC  |   |   |
| 2 | Buchanan Forest              | Yes | 1  | <b>Unrestricted</b> public access be made available on the forestry road that bisects the Buchanan forestry block.   | NZWAC believes there are public access rights over the existing ROW on the forestry road, ("D" and "E" on survey plan, Appendix B). In the event that public access rights were to be shown to not exist then a public access easement (Gazetted Walkway) is to be established over the route for walking, cycling and horse riding. (DELETE VEHICLES) |   | Not reasonable. TPFL has no legal access from 88 valley to forest Road is a major operational route, controlled access is necessary for forest operational security & H&S requirements. Access road into forest crosses private land, landowner does not want public on his land. Road also goes through Ngati Koata forest land who do not want unauthorised public entry. |
|   |                              |     | 2  | This public access be identified with signage and the route marked.  | Valid  |   | Not reasonable as outlined above  |
|   |                              |     | 3  | Establish a transparent user friendly managed access system to meet community demand for access through Buchanan Forest into Mt Richmond Forest Park via the forestry road. To provide clarity, the process and conditions for gaining access into the Applicant forests should be captured in an MOU between the Applicant, local council and the Commission.   | Valid  |   | Not reasonable as outlined above  |
|   |                              |     | 4  | Advertise access policies and procedures for each Applicant-owned forest on the company's website.   | Valid  | maps on TPF website exclude some areas of | Advertised as appropriate   |
| 3 | Moutere North/ South Forests | Yes | 1  | <b>Enable Tasman District Council to create legal road parcels, pursuant to the Public Works Act 1981, over sections of the Dovedale/Pigeon Valley Road where the formed road is currently not legal road (notably within Title NL1B/296, see Map 9 above).</b>  | Withdraw   |   |   |
|   |                              |     | 2  | Create access strips pursuant to section 237B Resource Management Act 1991 over those portions of forest roads (known as Western Boundary/Elder and Eder/Bennits Roads) that deviate from the legal road line (Map 10 and 11 above) and which form the "Alternative Tapawera Brightwater Route". The access strips to provide for walking and cycling, to be depicted on a plan to be lodged with LINZ and recorded in the cadastre. See Appendix C for example of access strip instrument template.   | Valid, for walking and cycling   |   | Not reasonable due to forest operational security & H&S requirements. Proposed walking/biking access is on main internal logging truck route with over 70 truck movements daily. H&S risk to unauthorised people is extreme.  |
|   |                              |     | 3  | Subject to a site visit and confirmation of the need from the Commission, create esplanade strips pursuant to section 235 of the Resource Management Act 1991, alongside Eves Valley Stream from Eves Valley Scenic Reserve to the western end of the Eves Valley Stream marginal strip (i.e. including parts of the stream where the stream has moved outside the fixed marginal strip) (Map 6 above). Depict the esplanade strips strip on a plan to be lodged with LINZ and recorded in the cadastre. See Appendix D for example of esplanade strip instrument template | NZWAC to arrange a site visit, unless this is accepted by TPF Ltd  |   | Not reasonable due to forest operational security & H&S requirements. Foot & bike access available through TPFL permit system.  |

|   |               |     |   |   |  |  |   |
|---|---------------|-----|---|---|--|--|---|
|   |               |     | 4 | Enable public access on all legal roads adjoining or intersecting the property, and remove all locked gates on these roads (formed and unformed), working with user groups to establish appropriate alternatives  | Valid  |  | Dialogue held with Tasman district council road engineer, awaiting direction from council   |
|   |               |     | 5 | Negotiate a memorandum of understanding with Nelson Marlborough Fish & Game Council to allow licensed game bird hunters access for managed game bird hunting.   | Valid - Jacob Lucas, Fish & Game, confirms significant hunting opportunities have been achieved in TPF forests for the coming season, in the Moutere area. There is enough area to hunt closer to Nelson. Fish & Game has a good relationship with TPF and new areas could be brought in over time. MOU? |  | Actioned  |
|   |               |     | 6 | Establish a transparent user friendly managed access system to meet community demand for access through and connecting Moutere North and Moutere South Forests. To provide clarity, the process and conditions for gaining access into the Applicant forests should be captured in an MOU between the Applicant, local council and the Commission.  | Valid, for walking and cycling   |  | Not reasonable due to forest operational security & H&S requirements. Proposed walking/biking access is on main main internal logging truck route with over 70 truck movements daily. H&S risk is extreme.  |
|   |               |     | 7 | Access to any areas which are proposed for protection due to their conservation values will be assessed for access requirements once those areas are determined by DOC.   | NZWAC to consult with DOC  |  | Access is available by permit from TPFL.  |
| 4 | Pearse Forest | Yes | 1 | Create an Access Strip 50m wide (to be registered against the titles pursuant to section 237B of the Resource Management Act 1991), along the southern boundary of the Pearse block (from A to B, shown on Map 6). The easement to provide for a road width (say 10m) to be available for public access at any given time. The easement to allow walking, cycling, carrying of firearms and vehicle access. Depiction of parcels for recommended access strip on a survey plan (cadastral survey dataset) to be lodged at LINZ. See Appendix B for example of Access Strip instrument template. | Valid. The driving access is to facilitate walking, potentially biking, to reach Kahurangi National Park   |  | Not reasonable due to forest operational/ neighbour security, Env (kea nesting) & H&S requirements and driving access being outside scope of OIO conditions. Neighbor available through TPFL permit system. |
|   |               |     | 2 | Establish a transparent user friendly managed access system to meet community demand for access through Pearse Forest into Kahurangi National Park via the formed road. To provide clarity, the process and conditions for gaining access into the Applicant forests should be captured in an MOU between the Applicant, local council and the Commission.  | Valid. The driving access is to facilitate walking, potentially biking, to reach Kahurangi National Park   |  | Not reasonable due to forest operational security & H&S requirements. Foot & bike access available through TPFL permit system. OIO conditions do not cover vehicle access.                                  |
|   |               |     | 3 | Advertise access policies and procedures for each the Applicant-owned forest on the company's website.  | Valid  | Maps on TPF website exclude some areas of forest, don't show where legal access exists | Website contains current access information is reviewed annually and updated more frequently to reflect forest access risks as required   |
|   |               |     | 4 | In addition, access to any areas which are proposed for protection due to their conservation values will be assessed for access requirements once those areas are determined by DOC.  | NZWAC to consult with DOC  |  |   |

|   |                |     |   |   |   |  |  |
|---|----------------|-----|---|---|---|--|--|
| 5 | Eatwell Forest | Yes | 1 | Create an esplanade strip (to be registered against the titles pursuant to section 235 of the Resource Management Act 1991), along the Baton River where it flows adjacent to the property (shown on Map 8 below). Depict the esplanade strip on a plan to be lodged with LINZ and recorded in the cadastre (See Appendix C for example of esplanade strip instrument template).  | Valid. See Rec report (p12, map 8): Creating an AS from ULR alongside the Baton River to the proposed ES alongside the Baton River is recommended .... exact location to be decided in consultation between TPF, F&G, NZWAC.  |  | Not reasonable, the proposed strip has private land at either end with no through access and Landowners unwilling to provide access. There is good road access to river already in place on other side of river. |
|   |                |     | 2 | Create esplanade strips (to be registered against the titles pursuant to section 235 of the Resource Management Act 1991), along the Motueka River wherever it adjoins the property (as indicated in Map 9 below, but not limited to these areas).  | Valid. See recommendations report p12 , map 9 "along the Motueka River wherever it adjoins the property ... but not limited to these areas.   | The Nelson Cycle Trails Trust requested this access from TPF which rejected "due to the cost of survey, legal fees and operational requirements". Cycle Trails interest in securing this access remains (7/4/21)   | TPF support cycle trail, discussions with cycle trails trust ongoing to identify a safer route.  |
|   |                |     | 3 | Create an access strip (to be registered against the titles pursuant to section 237B of the Resource Management Act 1991) from the ULR alongside the Motueka River to the proposed esplanade strip alongside the Baton River near the northern boundary of Block A of Eatwell Forest. The location of the access strip (indicated in Map 10 below) to be agreed between the Applicant, Nelson/Marlborough Fish & Game and the Commission. Depict the access strip on a plan to be lodged with LINZ and recorded in the cadastre (See Appendix D for example of access strip instrument template). | Valid. See Rec report (p12, map 10): Creating an AS from ULR alongside the Baton River to the proposed ES alongside the Baton River is recommended .... exact location to be decided in consultation between TPF, F&G, NZWAC. | The Nelson Cycle Trails Trust requested this access from TPF which rejected "due to the cost of survey, legal fees and operational requirements". Cycle Trails Trust interest in securing this access remains. Negotiation now needs to be with the Trust as well as Fish & Game | TPF support cycle trail, discussions with cycle trails trust ongoing to identify a safer route.  |
|   |                |     | 4 | Create signage and pole the route for the above access strip and signage for the above esplanade strips in conjunction with the Commission and Nelson/Marlborough Fish and Game Council.  | Valid   | Include Nelson Tasman Cycle Trails Trust   | More appropriate route to be confirmed   |
|   |                |     | 5 | Establish a transparent user friendly managed access system to meet community demand for access through Eatwell Forest to the Baton River. To provide clarity, the process and conditions for gaining access into the Applicant forests should be captured in an MOU between the Applicant, local council and the Commission.   | Valid   | Include Nelson Tasman Cycle Trails Trust   | More appropriate route to be confirmed   |
|   |                |     | 6 | Advertise access policies and procedures for each Applicant-owned forest on the company's website.  | Valid   | Current online TPF recreational access map excludes 1/3 of block (NW) where there is little existing public access   | Will action once route confirmed.  |



|    |                             |     |   |  |  |  |   |
|----|-----------------------------|-----|---|--|--|--|---|
| 6  | Stanley Brook 1,2,3 Forests | No  | 1 | It is recommended though that the Applicant discuss, with Nelson/Marlborough Fish and Game, the options for managed game bird hunting on the property subject to forest operational requirements.  | Valid, compliant. Fish & Game, confirms significant hunting opportunities have been achieved in TPF forests for the coming season, in the Moutere area. There may be future interest in Stanley Brook but not for a couple of years as there is enough area to hunt closer to Nelson. Fish & Game has a good relationship with TPF and new areas could be brought in over time.<br>NZWAC check with F&G, MOU desirable?  |  | Fish and Game are very satisfied with arrangements that have been put in place                                    |
| 7  | Riwaka Forest               | No  | 1 | Access to any areas which are proposed for protection due to their conservation values will be assessed for access requirements once those areas are determined by DOC.  | NZWAC to consult with DOC  |  | In progress covenant areas have been identified with DOC and in process of being registered against titles.       |
| 8  | Slippery Creek Forest       | Yes | 1 | Establish a Walkway (under the Walking Access Act 2008) over private forestry roads "Slippery Creek Road" and "Hannen Road" for walking and <b>vehicle</b> access as depicted in Map 4. The location of the Walkway easement (indicated in Map 4 below) to be agreed between the Applicant and the Commission. Depict the Walkway easement on a plan to be lodged with LINZ and recorded in the cadastre (See Appendix B for example of walkway easement). | Valid, but delete vehicle access, restrict to walking and biking (to access Slippery Ck Conservation Area administered by DOC. "Consultation with DOC identified that there is an interest in creating public access to any public conservation areas where this does not currently exist. Access to Block 1 is not practical access and SCCA Block 2 has no public access. Creating a Walkway easement over private forestry roads "Slippery Creek Road" and "Hannen Road", shown in Map 3, is recommended to secure enduring public access to SCCA Blocks 1 & 2" (Recommendation Report p6) NZWAC check with F&G, MOU desirable? |  | Not reasonable due to forest operational security & H&S requirements. Access available through TPFL permit system |
| 9  | Whangamoia Forest           | No  | 1 | No new public access is recommended for the Whangamoia Forest block. However, if DOC was to recommend formal protection of any part of the block, any appropriate access would be part of that recommendation.   | NZWAC to consult with DOC  |  |   |
| 10 | Greenhill & Orinoco Forests | No  | 1 | It is recommended though that the Applicant discuss with Nelson/Marlborough Fish and Game the options for managed game bird hunting on the property subject to forest operational requirements.  | Valid, compliant. F&G confirms significant hunting opportunities achieved in TPF forests for coming season with enough area to hunt closer to Nelson - has a good relationship with TPF and new areas could  |  | Actioned F&G have no interest in bird hunting this area. Hunting Moutere sth/Nth is available but                 |
|    |                             |     | 2 | Any areas which are proposed for protection due to their conservation values will be assessed for access requirements once those areas are determined by DOC.  | NZWAC to consult with DOC  |  |   |
| 11 | Richmond Forest             | Yes | 1 | Create an access strip for walking, cycling and horse riding (to be registered against the titles pursuant to section 237B of the Resource Management Act 1991) over 6km of Heslops Rd shown on Map 9. Depiction of parcels for recommended access strip on a survey plan (cadastral survey dataset) to be lodged at LINZ. See Appendix B for example of access strip instrument template.   | Valid  |  | Access created, with lawyers for title registration   |
|    |                             |     | 2 | Create access strips for walking, cycling and horse riding (to be registered against the titles pursuant to section 237B of the Resource Management Act 1991) over those portions of forest roads and firebreaks adjacent to ULR 1 as shown on Maps 10 and 11. Depiction of parcels for recommended access strip on a survey plan (cadastral survey dataset) to be lodged at LINZ.   | Valid  |  | Not required, public access already is in place on adjacent ULR   |

|    |                           |    |   |   |                           |  |  |
|----|---------------------------|----|---|---|---------------------------|--|--|
|    |                           |    | 3 | Fund the construction of a walking and cycling track on approximately 600m of ULR 2 from the southern forest boundary to Aniseed Valley Rd (Map 6).   | Valid                     |  | Not reasonable, proposed track criss crosses a stream and private road. TPFL would be in breach of legislated environmental standards when removing vegetation and undertaking earthworks to form track. |
|    |                           |    | 4 | Agree to managed access for MTB and horse riding routes on other forest roads and tracks, with conditions, and ideally through MOU with either/or Sport Tasman, Nelson MTB Club, Nelson Bays Trail Riding Club and Nelson Horse Riding Club.  | Valid                     |  | Access by permit to forests is available to all these organisations MOU is not required.   |
|    |                           |    | 5 | Establish a transparent user friendly managed access system to meet community demand for access to and within through Richmond Forest. To provide clarity, the process and conditions for gaining access into the Applicant forests should be captured in an MOU between the Applicant, local council and the Commission. | Valid                     |  | Walking, Mtn biking & horse riding access in place through TPFL permit system  |
|    |                           |    | 6 | Advertise access policies and procedures for each Applicant-owned forest on the company's website.  | Valid.                    | Only the western side of Richmond Forest 1 (Richmond Hills) shows on the recreation map, none of Richmond 2. Legal roads not shown. Are locked gates | To be progressed once legal documentaion for Heslops road completed and access status for ULR joining Aniseed Valley road is confirmed with council.   |
|    |                           |    | 7 | Supply and install signage for all public access provided.  | Valid                     |  | To be progressed   |
|    |                           |    | 8 | Access to any areas which are proposed for protection due to their conservation values will be assessed for access requirements once those areas are determined by DOC.   | NZWAC to consult with DOC |  |  |
| 12 | 88 Valley 01 & 02 Forests | No | 1 | It is recommended though that the Applicant discuss with Nelson/Marlborough Fish and Game the options for managed game bird hunting on the property subject to forest operational requirements.   | MOU desirable?            |  | Fish and game have not indicated an interest in this area, potential conflict with other recreational users.   |
|    |                           |    |   |   |                           |  |  |
|    |                           |    |   |   |                           |  |  |

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