

# Hunter Valley Station, Lake Hawea



OIO Pre-Approval Access Recommendations  
Orange Lakes Limited

## Access Recommendations



NZ Walking Access Commission – August 2016

## Table of Contents

Table of Contents.....	2
1 Introduction .....	3
2 Purpose .....	4
3 Walking access conditions .....	4
4 Consultation.....	4
5 Field inspection.....	4
6 Context.....	4
7 Analysis of existing legal access .....	7
8 Access assessment.....	9
8.1 Applicant's offer of public access arrangements.....	9
8.2 Legalisation of Meads Road from State Highway 6 to Kidds Bush .....	10
8.3 Legal recognition that Meads Road to Terrace Creek aligns to legal road parcel.....	11
8.4 Easement for walking access up the High burn.....	12
8.5 Access to Spot Height 1183/Survey Point AA8U .....	13
8.6 Sentinel Peak route.....	14
8.7 Access to Kidds Creek and conservation area .....	15
8.8 Public access easement to Sawyers Burn Hut and Sentinel Peak .....	16
8.9 Hunter Valley Station Road.....	18
9 Priorities for walking access.....	21
10 Walking access recommendations .....	22
Appendix 1 .....	23
Appendix 2 .....	34

# Recommendations for public access

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**NZWAC Case:** CMS 3200  
**OIO Case:** TBC  
**Applicant:** Orange Lakes Limited  
**Representative:** Graeme Todd, GTodd Law  
**Leaseholder:** Taf Cochrane  
**Local Authority:** Queenstown Lakes District Council  
**Case Received:** 3 March 2016  
**Field Inspection:** 7 June 2016  
**Report Date:** July 2016  
**Legal details:**

Certificates of Title	Legal Description	Area (ha)
OTA2/1310	Lease under s83 Land Act 1948	approx. 6,500 ha
	Total Area	<b>approx. 6,500 ha</b>

## 1 Introduction

This report is prepared by the New Zealand Walking Access Commission (the Commission) for the applicant and the Overseas Investment Office (OIO), to confirm the Commission's recommendations for walking access over the Hunter Valley Station.

The OIO is processing an application from Orange Lakes Limited and has requested the Applicant to consult on the access conditions the Commission may seek to be included in an OIO Consent for the purchase of the property. The property is Sensitive Land under section 12 and 17 of the Overseas Investment Act 2005.

The recommendations in this report are in addition to, or in support of, any access proposals proposed by the Applicant.

In summary, the Commission recommends the following:

- Legalisation of Meads Road from State Highway 6, the Makarora – Lake Hawea Road to Kidds Bush
- Legal recognition of Meads Road alignment from Kidds Bush to Terrace Creek
- A public access easement providing for walking access is established to spot height 1183
- Establishment of enduring public walking access to spot height 1264 and Sentinel Peak via western airstrip

- Establishment of enduring public access alongside Kidds Creek north of Meads Road to Hawea Conservation Park and south of Meads Road to Lake Hawea
- Legalisation of the DOC managed Sawyers Burn track to Sawyers Burn hut and Sentinel Peak
- Establishment of enduring public walking, cycling, horse and managed vehicle access over an existing well-formed farm track known as the Hunter Valley Station Road to the Hunter Valley
- Depiction on a cadastral survey plan, to be lodged with LINZ, of the marginal strips adjoining the rivers, streams and lakeshore where marginal strips are currently not depicted in cadastre
- Establishment of an access strip to provide enduring public access for boats and vehicles to the area known as Meads Landing (or an alternative that provides for practical access )

## 2 Purpose

This report provides the Commission's public access recommendations for inclusion in the OIO consent for the purchase of the Hunter Valley Station comprising the pastoral lease embodied in the Computer Interest Register OTA2/1310, and any freehold land.

## 3 Walking access conditions

The OIO has requested the Applicant consult with the Commission and a number of other parties with the aim of achieving consensus on public access conditions before the final application is lodged.

## 4 Consultation

The Commission has consulted with the Department of Conservation (DOC), Otago Fish & Game Council (OF&GC), Upper Clutha Tracks Trust (UCTT), Upper Clutha Tramping Club (UCTC), Federated Mountain Clubs (FMC) and the Queenstown Lakes District Council (QLDC). Copies of submissions on public access from OF&GC, UCTT, UCTC, FMC and the Applicant are attached at Appendix 1 to these recommendations.

## 5 Field inspection

A limited field inspection was undertaken on 7 June 2016 as part of a meeting organised by the applicant. Attendees included DOC, UCTT, UCTC, FMC, OF&GC, and the Commission. The field inspection involved travel by vehicle as far as Terrace Creek. A further meeting involving this group of stakeholders was held in Wanaka on 27 June 2016.

## 6 Context

Hunter Valley Station is a Crown Pastoral Lease of approximately 6,500 hectares situated on the north and west side of Lake Hawea in Otago (refer Map 1). The property is bordered by Lake Hawea to the south and east (32 kilometres of lake frontage) and the Hawea

Conservation Park to the north and west. The current leaseholder engages in a mix of sheep and beef farming and some adventure tourism. The Commission understands that the current leaseholder (vendor) plans to sub-lease the property back from the Applicant and wishes to maintain the status quo public access arrangements.

The property provides significant access opportunities to unlock the recreational opportunities on the surrounding public conservation land, including the only vehicle, bike, horse and walking access along the lake and into the Hunter River catchment.

The Hunter Valley is home to one of New Zealand's most isolated and renowned trout and salmon fisheries and is a highly regarded recreational opportunity for a range of activities. To date, the current leaseholder has restricted public access to the valley by and this has caused friction among the public, District Council, DOC and the leasee.

This prospective overseas purchase will enable the creation and formalisation of a range of managed public access opportunities on Hunter Valley Station - a significant and unique opportunity to provide certainty of access into the extensive surrounding public conservation land.

When the level of Lake Hawea was raised by 20 metres in 1958 to provide hydro-electricity generation capacity, access from the Makarora- Lake Hawea Rd (State Highway 6) was not formalised. Consequently, the current leaseholder has been able to exercise the right to deny public access over a section of Meads Road. This has resulted in restricting public access into the Hawea Conservation Park including the popular DOC managed Kidds Bush camping area. The Queenstown Lakes District Council (QLDC) has worked with the leaseholder and achieved limited seasonal access to the Kidds Bush camping area.

Vehicle access via the Hunter Valley Station Road to the Hunter River catchment is currently at the discretion of the leaseholder. Stakeholders have advised the Commission that the leaseholder's permission to access Hunter Valleys Station Road is rare and difficult to achieve.





## 7 Analysis of existing legal access

### **Legal Road**

There is currently no legal access from State Highway 6, Makarora-Lake Hawea Road. The legal road starts approximately four kilometres east of the highway along the formed Meads Road at Kidds Bush. The legal section of Meads Road continues some seven kilometres north east to Terrace Creek (refer Map 2).



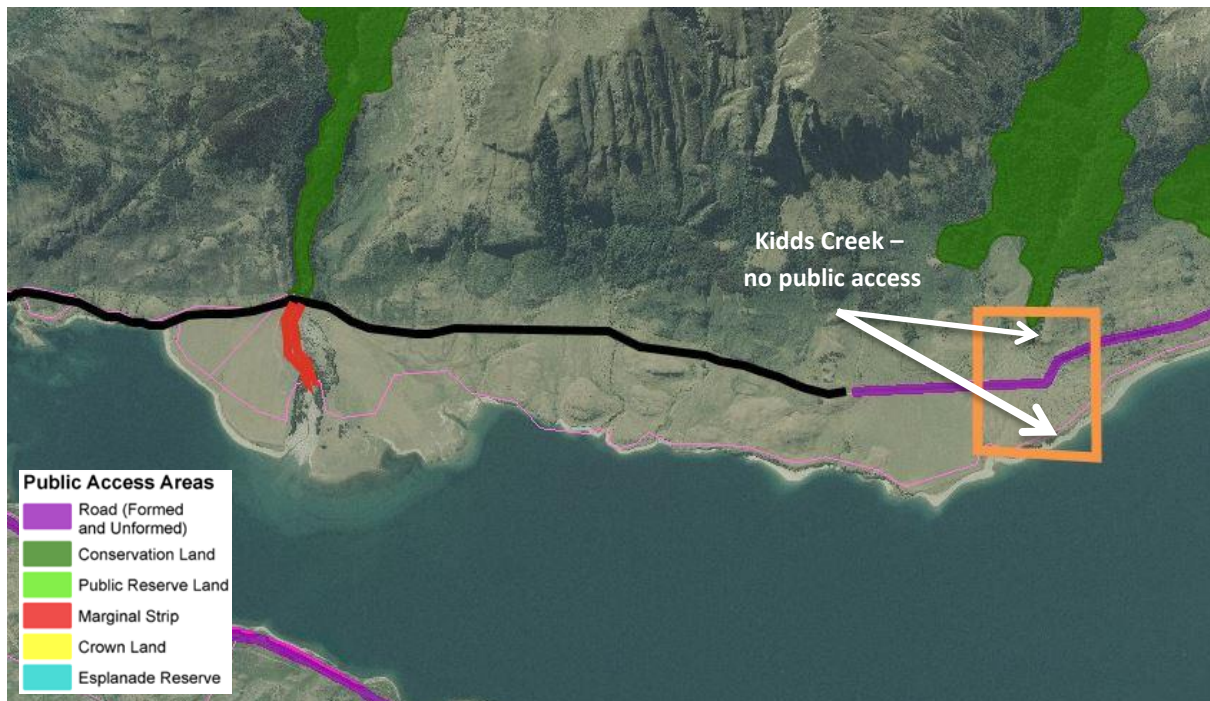
Map 2: Meads Road to Kidds Bush, Hunter Valley Station

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

### **Conservation Areas**

Created in 2008, the Hawea Conservation Park expanded from the surrender of around 16,000 hectares previously farmed under the Hunter Valley Station Crown Pastoral Lease. The Hawea Conservation Park is Hunter Valley Station's most significant neighbour. The Hawea Conservation Park also adjoins Lake Hawea and in places abuts east and west of a narrow run of Crown Pastoral Lease in the Hunter River Valley (refer Map 1).

There is no legal access into the Hawea Conservation Park via Kidds Creek or from Kidds Creek to the lake (refer Map 3)



Map 3. Existing marginal strip at The Neck (shown in red) and lack of marginal strip at Kidds Creek (orange box)

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



## 8 Access assessment

### 8.1 Applicant's offer of public access arrangements

The applicant has proposed four access benefits to enhance public access. These are discussed below:

- Legalisation of portion of road known as Meads Road from State Highway 6 to Kidds Bush at no cost to Queenstown Lakes District Council.

The QLDC began proceedings under the Public Works Act 1981 to acquire the Mead Road land parcels in 2015 with implementation expected to be complete in the near future. The Applicant's offer to facilitate this matter is acknowledged and supported (refer 8.2 below).

- Formalising public walking access on Sawyers Burn Track to Sawyers Burn Hut

This track traverses conservation land and the Crown Pastoral Lease and is maintained by DOC. A legal easement for public access, where this track crosses the Crown Pastoral Lease, is acknowledged and supported (refer 8.8 below)

- Continuation of informal arrangements for walking access over Hunter Valley Station Road

This offer does not meet the strong public desire for access to the Hunter Valley and Hawea Conservation Park, DOC's requirement for increased public access to these recreational areas, or the Commission's statutory priorities of free, certain, practical and enduring access under s 11 of the Walking Access Act 2008. The Commission recommends enduring public access secured by a Walking Access Easement and management protocols administered by DOC (refer 8.9).

- An annual grant to Upper Clutha Tracks Trust (UCTT) being the profit from an annual race known as the Contact Epic

Under current arrangements this contribution is retained by the current lessee. The Commission welcomes any contribution to the provision of access but notes that there is no guarantee this race will continue in future and therefore holds no view on this proposal. The Commission notes that the easement recommended over Hunter Valley Station Road (over which the Contact Epic race is run) would provide that the Grantee shall be entitled to make the easement available to such organisations, groups or professional bodies as the Grantee deems appropriate for competitive, charitable, professional or fund raising events, occasions or concessions.

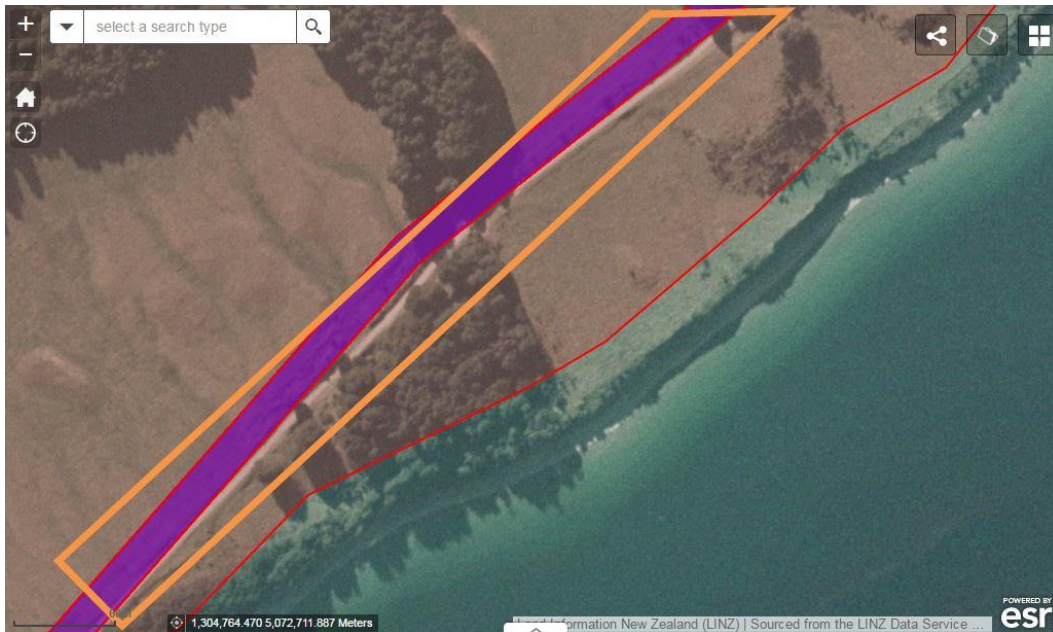
## **8.2 Legalisation of Meads Road from State Highway 6 to Kidds Bush**

The legal alignment of Meads Road was inundated when the lake level was raised in 1958 as part of hydro-electric development on Lake Hawea (refer Map 2 road marked in yellow). The reformation of Meads Road above the new lake level was not legalised over the section from SH 6 to Kidds Bush.

The current leaseholder has exercised the legal right to restrict access via Meads Road to the popular DOC managed Kidds Bush campsite and beyond to Terrace Creek. The Applicant has offered to facilitate the transfer the portion of land that Meads Road occupies to the Queenstown Lakes District Council to enable the legalisation of the road at no further cost to the Council. As noted above, the QLDC commenced proceedings to acquire the land under the Public Works Act 1981 in 2015.

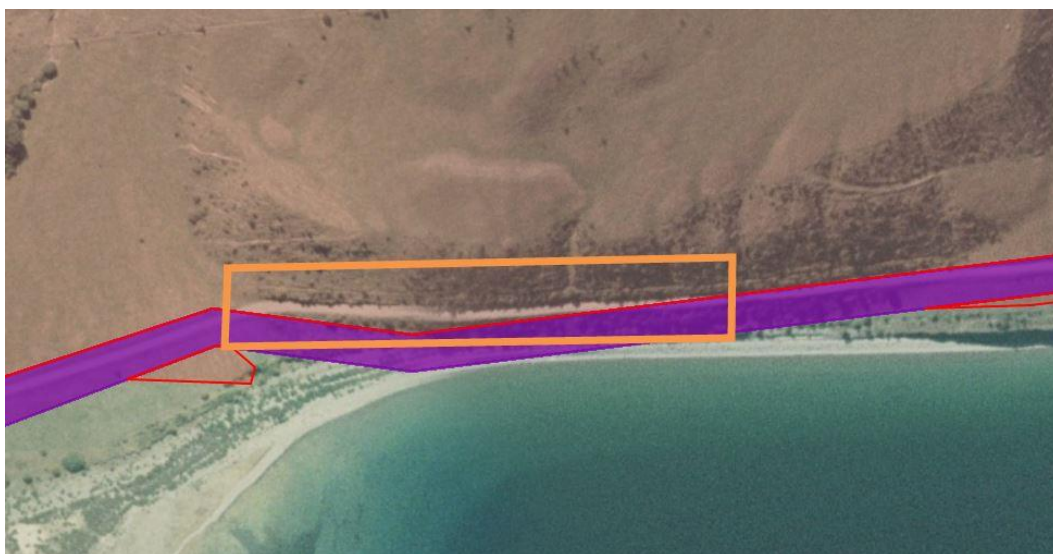
### 8.3 Legal recognition that Meads Road to Terrace Creek aligns to legal road parcel

Sections of the formed vehicle track do not appear to align with the legal road alignment as depicted in the aerial imagery on the Walking Access Mapping System (refer areas in orange boxes on Maps 4 & 5 below). Legal advice given to the current leaseholder suggests that Meads Road, from Kidds Bush to Terrace Creek, does align and emails sent by the Applicants lawyer, to the Commission, concurs with this view . To avoid any future uncertainty, and given the difficult access history of the property, the Commission recommends legal verification either by survey or guarantee, that this legal road alignment aligns with the formed road. If as survey is required now, or in the future, this to be at Applicant's expense.



Map 4. Formed road deviating from surveyed road parcel (in orange box) - Kidds Bush to Terrace Creek

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



Map 5. Formed road deviating from surveyed road parcel (in orange box) - Kidds Bush to Terrace Creek

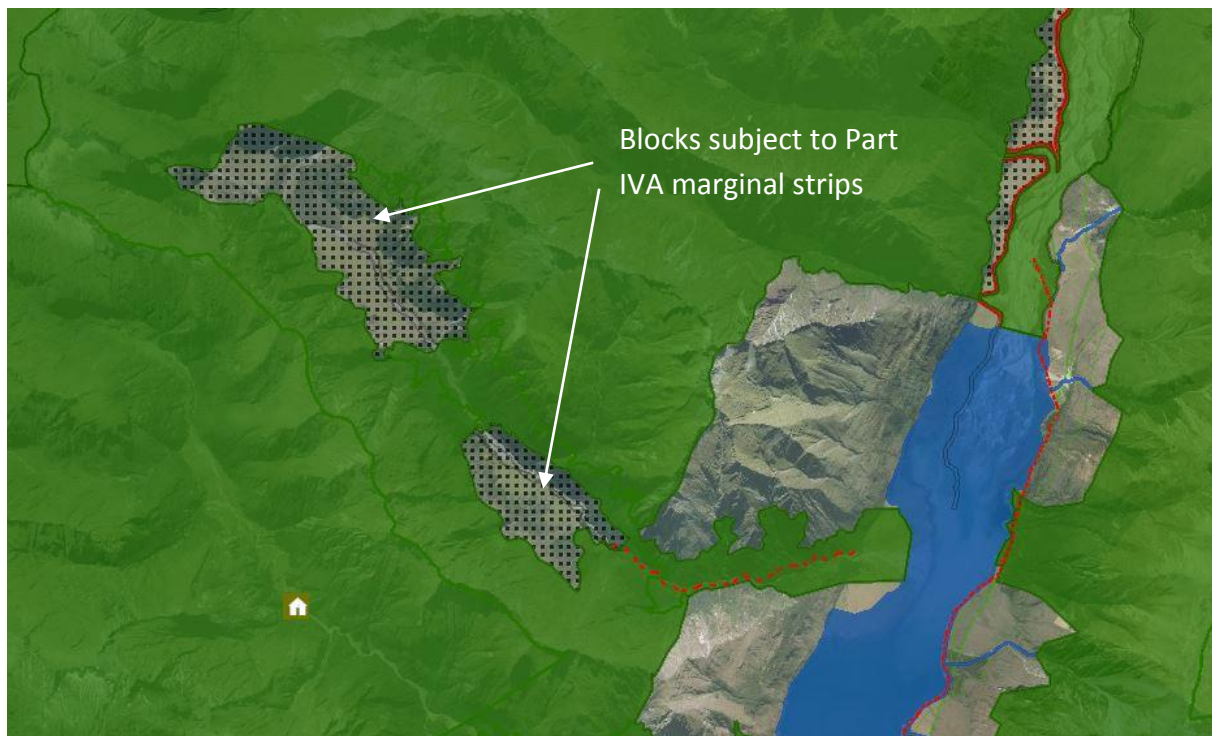
Source: [www.wams.org.nz](http://www.wams.org.nz)

#### 8.4 Easement for walking access up the High burn

FMC advise the High Burn valley is an excellent route across the Young Range for trips to Cameron Creek and the Makaroa River. This route traverses two isolated blocks of Hunter Valley Station Crown Pastoral Lease.,

These two blocks appear to be subject to marginal strips under Part 4A of the Conservation Act 1987 and, if that is the case, the marginal strips should provide appropriate public walking access on the banks of the High Burn (refer Map 6 below). In their submission to the OIO, the FMC request the establishment of a public access easement.

The marginal strips, if confirmed, should meet the public access requirements of the FMC. The Commission has not field-checked this route to confirm that there are no physical impediments where marginal strips might apply, so that would need to be confirmed by the Applicant and the FMC, and appropriate walking access secured if marginal strips do not provide for practical walking access.



Map 6. Isolated blocks of Hunter Valley Station Crown Pastoral Lease indicated as being subject to marginal strips under Part IV A of the Conservation Act 1994

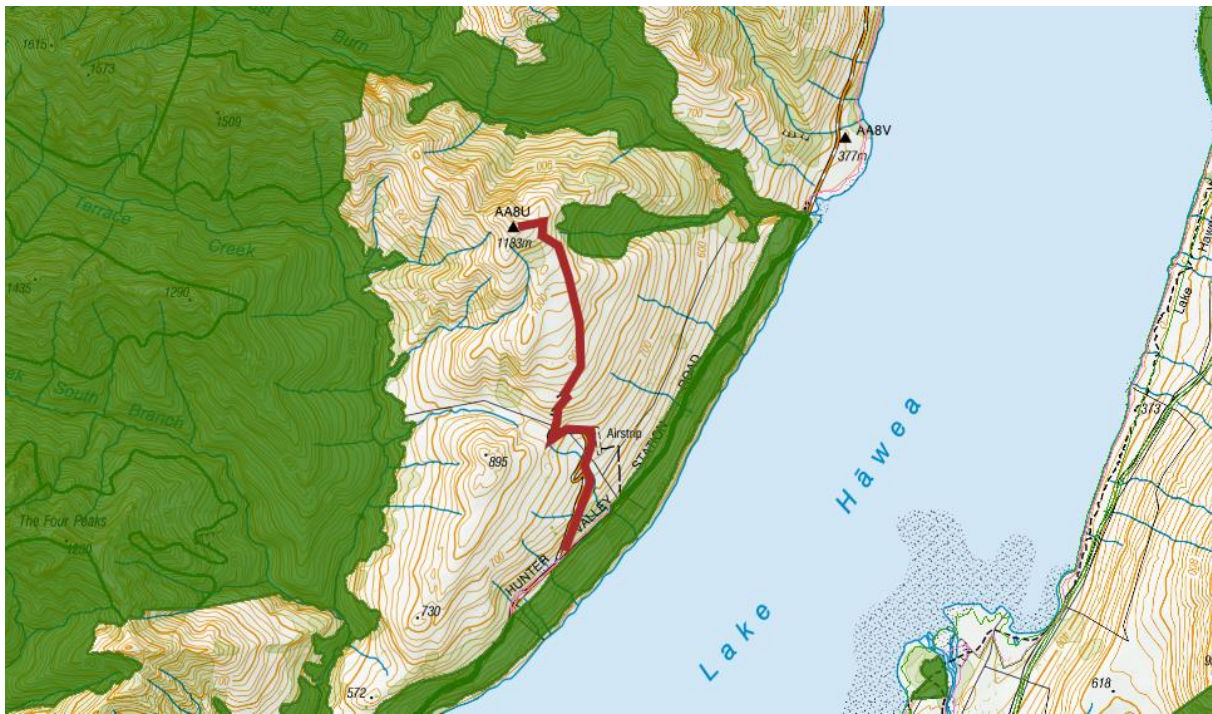
Source: [www.wams.org.nz](http://www.wams.org.nz)



### 8.5 Access to Spot Height 1183/Trig Station AA8U

FMC advise, "Point 1183 offers beautiful panoramic views of Lake Hawea and is a very good day trip from nearby townships. A walking easement following the road to the airstrip then up to the summit would provide great recreational opportunities".

It is recommended a public access easement providing for walking access is established to Spot Height 1183 over the route shown in Map 7.



Map 7. Proposed easement route to spot height 1183 (shown in red)

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



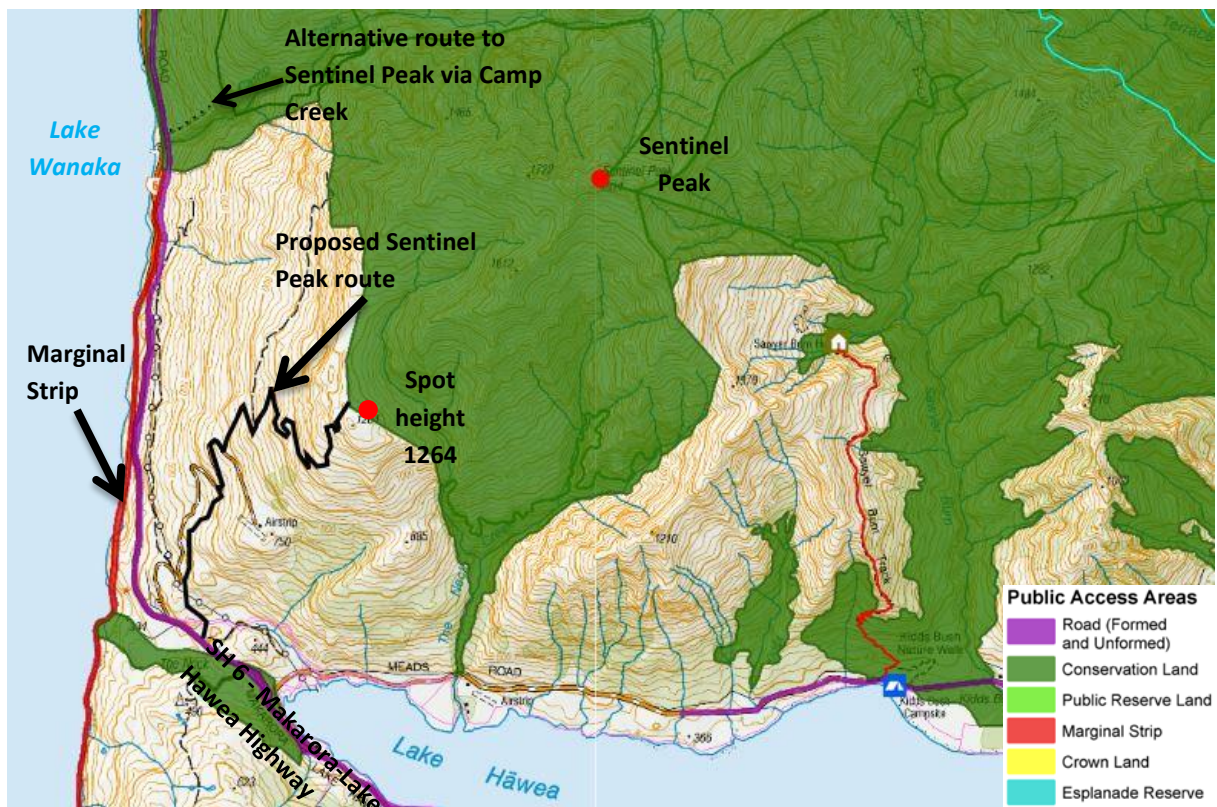
## 8.6 Sentinel Peak route

There is strong stakeholder demand for high quality walking access to Spot Height 1264 and on to Sentinel Peak. The preferred route follows the existing 4WD track from SH 6 via the airstrip to the boundary of the Hawea Conservation Park and on to Sentinel Peak (refer map 8). This access will provide an excellent easy day walk of high amenity value that can be easily achieved by less accomplished walkers. From having good parking and starting at good elevation, the route will provide fantastic views across Lake Hawea. The Commission recommends establishing a public access easement to provide secure, practical, certain and enduring walking access over this route.

The Commission acknowledges that the proposed route, an existing formed track, may cross an area designated for future farming intensification but does not consider walkers will compromise the farming operation in this area.

An alternative route to Sentinel Peak, which avoids the airstrip area but is a less favourable option, is up a steep ridge over public conservation land via Camp Creek. There is no existing track formation on this alternative route.

Should agreement not be reached over the Commission's preferred route via the airfield track, the Commission recommends the applicant form a track from Camp Creek to Sentinel Peak. Such a route would be formed and appropriately signposted to DOC's required route alignment and standard, at the applicant's expense.



Map 8. Proposed Sentinel Peak route (indicated by black line)

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

### 8.7 Access to Kidds Creek and conservation area

There is a small area of Hawea Conservation Park at Kidds Creek that has no public access from the road (refer Map 9 – yellow box). It is recommended that an esplanade strip is established to provide secure, certain, enduring and practical walking access from the lake, alongside Kidds Creek to the conservation area adjoining Kidds Creek.



Map 9. Red line proposed esplanade strip along Kidds Creek

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

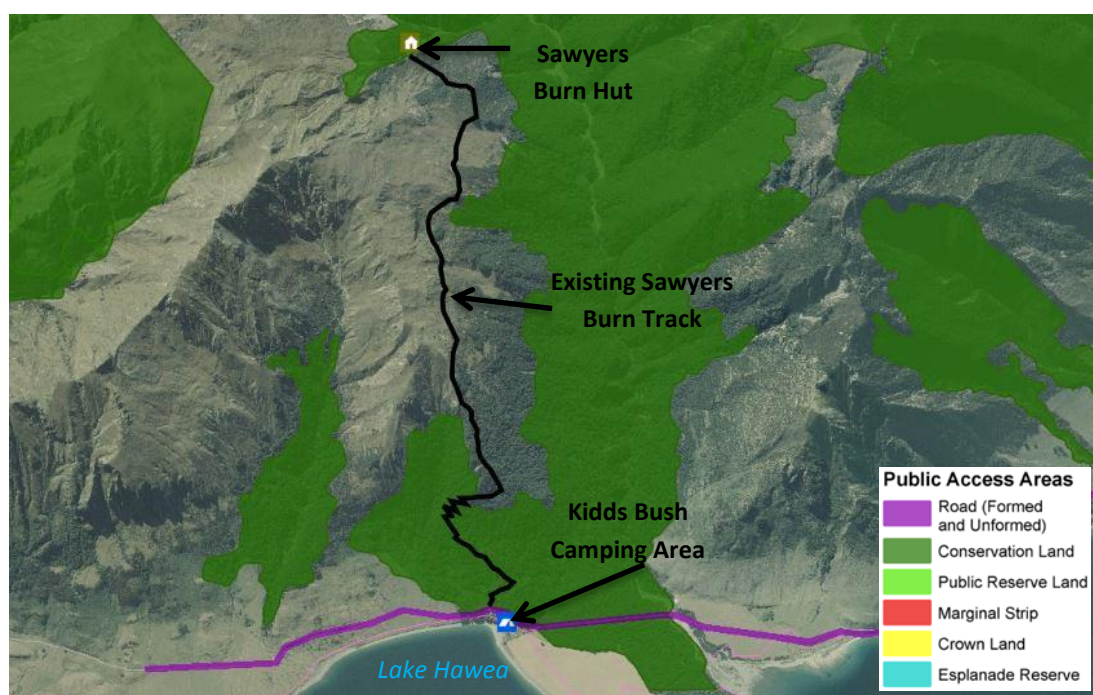


## 8.8 Public access easement to Sawyers Burn Hut and Sentinel Peak

An existing formed track provides practical access from the Kidds Bush Camping Area to Sawyers Burn Hut (a five hour return trip). This track is promoted in DOC publications and on the DOC website which advises, “The Sawyer Burn Track climbs through the forest to the bush line and has superb views of Lake Hāwea and the surrounding mountains”.

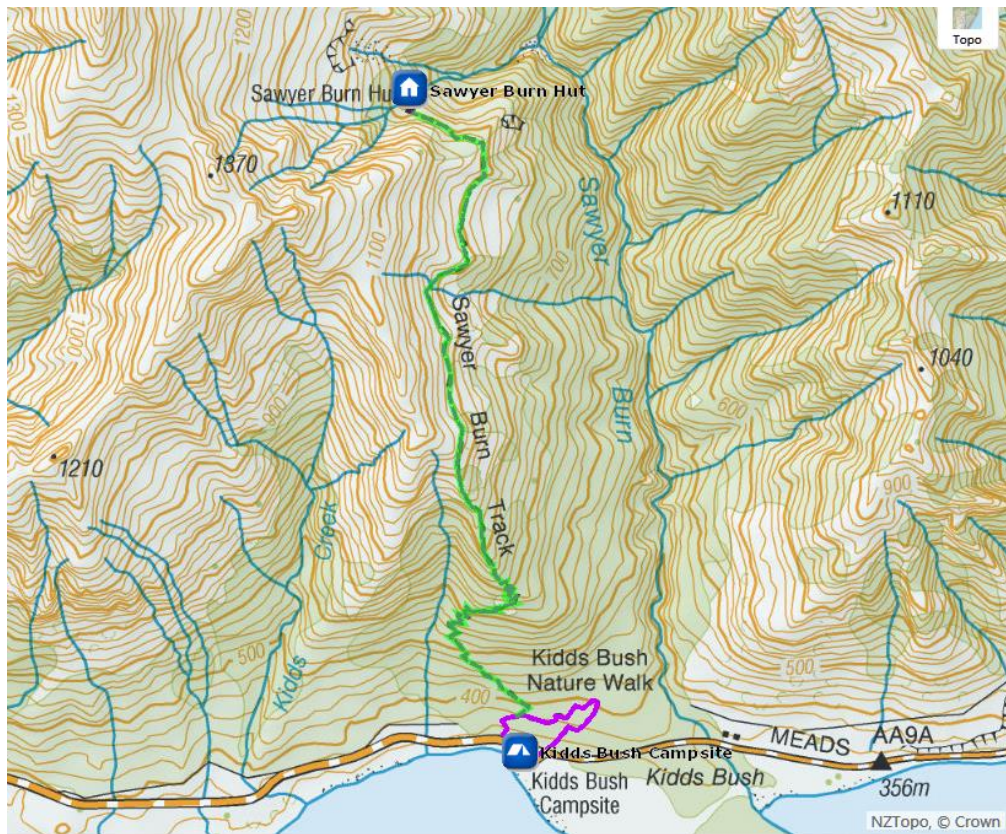
The section of track on Crown Pastoral Lease is not secure and current public access is at the leaseholder’s discretion. The existing route is maintained by DOC and the Applicant has offered to grant an easement over this track, at no cost to DOC or the Crown (refer Maps 10 and 11).

The Commission recommends securing public walking access over the existing route on Crown Pastoral Lease with a public access easement.



Map 10: Sawyers Burn Track (in black)

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



Map 11. Sawyer Burn Track

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

## 8.9 Hunter Valley Station Road

Public access along the well-formed farm track beyond Terrace Creek known as Hunter Valley Station Road (refer Map 12), is in strong demand by a range of recreational groups.

The road provides access to the 105,000 hectare Hawea Conservation Park and is the only vehicle access into the Hunter River catchment. The only other access to this area is via by boat or multi-day tramping. There is extensive existing public demand for this access, and if established, will help reduce pressure on other recreational area in the region. Currently the leaseholders allow for discretionary access but the advice from local recreation groups is that permission is rare and difficult to obtain.

This informal and *ad hoc* arrangement does not meet the strong public desire for access to the Hunter Valley and the Hawea Conservation Park, DOC's desire to enable increased public access to these recreational areas, or the Commission's statutory priorities of free, certain, practical and enduring access under s 11 of the Walking Access Act 2008.

Vehicle access is necessary to provide greater opportunity for recreationalists to access the Hunter Valley catchment and the many, currently underutilised, opportunities that exist in the Hawea Conservation Park. To address any concerns, this vehicular access could be provided in a managed way.

Due to the nature of the track, weather, environment, and the current farming operation on Hunter Valley Station, the Commission recognises that all forms of access need to be managed (controlled and restricted in time and place). Significant portions of the existing formed track are on Public Conservation Land and Crown Pastoral Lease.

A mechanism that provides for flexible access management is strongly recommended.

Matters that need to inform access management decisions include:

- The current farming operation (and including lambing, calving and stock movement),
- Weather and track conditions,
- Public safety,
- DOC's own management requirements on the extensive adjoining Hawea Conservation Park.

The Commission has worked closely with DOC to develop a robust, practical and transparent mechanism for the management of public access on Hunter Valley Station Road. DOC has provided advice based on its extensive experience in successfully managing a range of access types, including vehicles, in similar situations. Together with the Commission, DOC assesses that access managed by a statutory agency to be the most appropriate and enduring solution.

The mechanism consists of a basic instrument securing public access incorporating a detailed access management protocol.

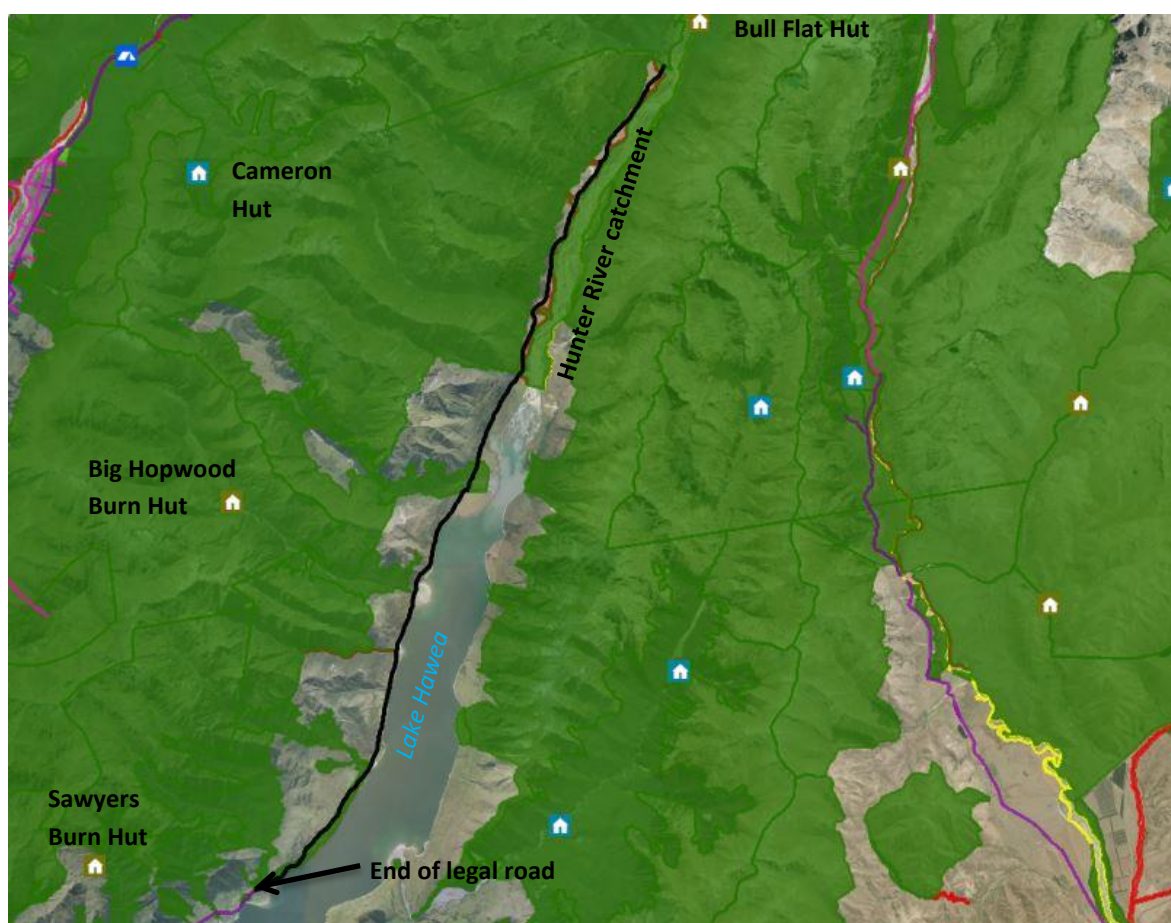
The Commission recommends the establishment of a 10 – 15 metre wide (or wider if deemed necessary for safety and maintenance purposes) walkway easement under the Walking Access Act 2008 providing for all forms of public access. DOC would assume the role of controlling authority for this easement and manage public access under the terms of a



management protocol formalised as a Schedule to the easement document. A draft walkway easement and management protocol is attached at Appendix 2.

Consultation between the stakeholder group, identified at Section 4 of this report, and the Applicant's legal representative has not resulted in agreement on public access over Hunter Valley Station road. The Commission understands that the current leaseholder (vendor) has entered into an agreement with the Applicant to sub-lease Hunter Valley Station back from the Applicant. The Commission also understands that, in leasing back the Station, the current leaseholder wishes to maintain the status quo access arrangements and is opposed to relinquishing control of public access.

The Commission notes that the current land use on Hunter Valley Station, and other factors, may change in the future and that any mechanism securing and managing access on this route should be flexible and adaptable to cater for changing land use, public demand, environmental factors and DOC management requirements over the next 50 to 100 years.



Map 12: Hunter Valley Station Road (in black) to Scrubby Flat Creek

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

## 8.10 Identification of river, stream and lake shore marginal strips

The Commission understands the Hunter Valley Station land parcel is subject to Part IVA of the Conservation Act. As such, marginal strip applies to all qualifying water bodies. However, while some marginal strips may be noted on individual survey plans, they are not depicted in the national survey cadastre in such a way that the New Zealand public can

identify them. As can be seen on the Commission's own mapping system, [www.wams.org.nz](http://www.wams.org.nz) there is not a complete view of marginal strips along all the qualifying, rivers, streams and lake shore.

This results in confusion over where the public have access along water bodies within the pastoral lease. The Commission recommends a survey, at the Applicant's expense, to identify and depict the marginal strips along rivers, streams and the lakeshore where they are not currently depicted in cadastre. This will provide clarity and certainty of the public access areas available in the area.

### 8.11 Boat access at Meads Landing

The Otago Fish & Game Councils submission requests boat launching at what is known as Meads landing (refer map 13). Permission to use Meads landing has historically been at the discretion of the leaseholder. The Commission recommends an access strip to Meads Landing be established to provide enduring practical public access for boat launching from the lakeshore. If there is concern over the current farm track (a route used by permission), then alternative enduring, practical access is recommended over a new track to be provided by the Applicant (refer map 13).



Map 13: Proposed track from road to Meads Landing boat launch site (in black)

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

## 9 Priorities for walking access

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

<b>Access Criteria – Section 11 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>	Not applicable. There is no sea coast adjoining this property.
<i>11 (b) over land adjoining rivers or lakes where there is not already walking access over the land:</i>	Applicable: Establish Walkway easement providing for vehicle walking, biking and horse access over the north west bank of Lake Hawea and the true right of Hunter River (which does not currently have public access) into the Hunter River catchment
<i>11 (c) to parts of the coast, rivers, or lakes to which there is not already walking access:</i>	Applicable: As per 11(b) and continuation of existing marginal strip/easement through the High Burn and esplanade strip on Kidds Creek
<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: Legalisation of Meads Road from State Highway 6 to Kidds Bush.
<i>11 (e) to conservation areas (within the meaning of section 2(1) of the Conservation Act 1987):</i>	Applicable: As per 11(b-d) public access easements over Sentinel Peak and Sawyers Burn Track
<i>11 (f) to areas of scenic or recreational value:</i>	Applicable: As per 11(b-e)
<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: Recommended access in 11 (b, c & d) addresses this priority.

## 10 Walking access recommendations

The Commission recommends the following conditions are provided for in the consent for the sale of the Hunter Valley Station Crown Pastoral Lease.

1. The Applicant to facilitate legalisation of Meads Road from State Highway 6 – Makarora to Lake Hawea Road, to Kidds Bush at no further cost to the Queenstown Lakes District Council.
2. The Applicant verify either by survey or guarantee, that the formed section of Meads road from Kidds Bush to Terrace Creek is on legal road alignment. If a survey is required, this would be at the Applicant's expense.
3. The Applicant to support and facilitate the establishment of a public access easement from SH6 to Spot Height 1264 and on to the boundary of the Hawea Conservation Park (Sentinel Peak) following the existing 4WD airstrip track (refer Map 8) and meet the costs of establishing this easement.
4. The Applicant to support and facilitate the establishment of a public access easement providing for walking access to Spot Height 1183 over the route shown in Map 7 and meet the costs of establishing this easement.
5. The Applicant to establish esplanade strips under the Resource Management Act 1991 to provide certain, enduring and practical walking access upstream alongside Kidds Creek from Lake Hawea to the Hawea Conservation Park at the Applicant's cost.
6. The Applicant to establish a public access easement over the existing DOC managed track to Sawyers Burn Hut where the track is on Crown Pastoral Lease and meet the costs of establishing this easement. .
7. The Applicant to support and facilitate the establishment of a walkway easement over Hunter Valley Station Road providing for managed public access, including walking, mountain biking, by horse and motorised vehicles and meet the costs of establishing this easement. Refer Appendix 2.
8. The Applicant to undertake a cadastral survey at the Applicant's cost of the qualifying rivers, streams and lakeshore marginal strips currently not depicted in cadastre to provide clarity on public access areas (refer 8.10)
9. The Applicant to provide an access strip along existing farm track to Meads Landing (or an alternative that provides for practical access ) to provide secure, certain, enduring and practical access for boats and vehicles (refer 8.11 an Map 13) and meet the costs of establishing this easement.

## Appendix 1

Public access submissions:

- A. Orange Lakes Limited
- B. Otago Fish & Game Council
- C. Federated Mountain Clubs
- D. Upper Clutha Tracks Trust



10 March 2016

The Chief Executive Office  
Walking Access Commission  
P O Box 12348  
Thorndon  
Wellington 6144

**NEW** TRUST ACCOUNT NUMBER:  
ANZ Bank New Zealand Limited Queenstown Branch  
06-0949-0265814-02

Attention: Mr Williamson

By Email: [george.williamson@wakingaccess.govt.nz](mailto:george.williamson@wakingaccess.govt.nz)

Dear George

**Overseas Investment Act Application – Orange Lakes (NZ) Limited – Hunter Valley Station**

I refer to my telephone conversation with you on 3 March 2016

I confirm that I act on behalf of the directors of Orange Lakes (NZ) Limited ("Orange Lakes"), who have entered into a conditional Agreement to purchase the Pastoral Lease and Special Grazing Licence, (both under the Land Act), which comprise Hunter Valley Station, Lake Hawea.

The Agreement for Sale and Purchase remains conditional only upon my client's obtaining approval under the Overseas Investment Act to complete the transaction.

The Agreement that has been entered into provides that our client will lease back to the current owners, the Cochrane family, the farm for a minimum period of 10 years, providing for the continued stewardship of the same by the Cochranes who have now farmed on the property since the 1970's.

I am now writing to you to initiate consultation with the Commission in regards to any matters of interest that the Commission may have in relation to the property.

It is my understanding that at the time of the last renewal of the Pastoral Lease in 2007, significant areas of the Station which were of interest to the Commission and other Crown agencies, were surrendered from the Pastoral Lease.

At this time, I also understand marginal strips were laid off along the shores of Lake Hawea and the banks of the Hunter River and other rivers and streams that run through the property.

In terms of what my client is offering in its application for Overseas Investment Act consent by way of public benefits, I can confirm the following:

**1. Legalisation of a portion of Meads Road.**

You will be aware that for some years there has been a dispute between the current Pastoral Lessees, Mr and Mrs Cochrane, the Queenstown Lakes District Council ("Council") and other Crown agencies, concerning the legalisation of a portion of the formation of Meads Road, between State Highway 6A and the Department's Kidds Bush camping ground.

3187 Letter to Walking Access New Zealand Commission

Experienced valued pragmatic advice

[www.GTODDlaw.com](http://www.GTODDlaw.com)

It is my understanding the background to the matter is that at the time Lake Hawea was raised in the 1960's, a portion of the legal corridor of Meads Road was permanently inundated.

During the period of the dispute the Cochranes have, at times, placed a barrier across a portion of Meads Road which runs through the Pastoral Lease preventing access over the same and in turn, preventing access to the Kidds Bush camping ground.

The Queenstown Lakes District Council had previously commenced proceedings in the High Court in attempt to have the dispute resolved. Such proceedings were subsequently withdrawn.

The current position is that in 2015 the Council issued a Notice under the Public Works Act of its intention to acquire the land and have the same dedicated as road. The Notice set out what the Council considered to be the value of the land being a sum of \$29,000.00. It is my understanding from discussions with the Cochranes that they dispute such valuation on the basis that, in their mind, the value of the land is considerably greater.

In my client's negotiations for the purchase of the property, it has made it clear that it wishes to see the dispute resolved. It recognises that it will need to facilitate this at its cost.

To that end, my client, the purchaser, has made an offer to the Queenstown Lakes District Council that if it is successful in obtaining Overseas Investment Office consent to acquire the Pastoral Lease, it will agree to transfer to the land to enable the legalisation of the road at no further cost to the Council.

You will appreciate that this will have considerable benefits to the local community. In addition to facilitating prompt resolution of a long-running dispute that has created impediments to public use, other benefits will flow from cost savings to the rate payers of the Queenstown Lakes District Council, who have to date borne some hundreds of thousands of dollars in legal fees in terms of the Council's attempts to resolve the dispute, and in respect of any compensation that might otherwise have to be paid to acquire the interests in the road.

## **2. Legalisation of a portion of Sawyers Track**

The Department of Conservation maintains a walking track from the Kidds Bush camping ground to a hut owned by the Cochranes, and located within the Pastoral Lease of the property. It is my understanding that the track is named Sawyers Track.

From our investigations, it would appear that there is no formal easement over the full length of the track.

My client is offering, again as part of its application for OIO approval, to consent to the granting of an easement in favour of the Department of Conservation to formalise this matter at no cost to the Department or the Crown.

## **3. Continuation of arrangements for walking access over Hunter Valley Station Road**

There is a road formation which runs from the termination of Meads Road, known as Hunter Valley Station Road. The road is not a public road.

It is the current owners' practice to not generally allow vehicle access to the public over Hunter Valley Station road. The reason for this is that due to the length and isolation of the road and the terrain it traverses, there are safety issues relating to the same as well as issues relating potential for interference with the management of the farm, and in particular in controlling of the stock.

Notwithstanding the marginal strips around the shores of Lake Hawea and on the banks of the Hunter River provide for public access for walkers and fishermen, my client is willing to adhere to the current arrangements whereby the Cochranes have allowed, at their pleasure and subject to normal discretions regarding conduct, walkers and fishermen the right to traverse Hunter Valley Road to access both the Hunter River, other rivers and streams which run through the property, and the adjoining conservation estate.

#### 4. Annual grant to Upper Clutha Tracks Trust

The assets to be acquired by my client include the shares in a company known as Valley Ventures Limited, which currently derives an income from entry fees to an annual cycle race which is held around Lake Hawea, known as the Contact Epic. The race traverses parts of Hunter Valley Station over which the public do not normally have public rights of access. It is estimated that the income received by Valley Ventures Limited from the entry fees is approximately \$30,000.00 per annum

Should my client's application for Overseas Investment Office consent be successful, it is its intention to allow the event to continue along existing lines and to donate the annual net entry fees (after direct costs incurred) received by Valley Ventures Limited on an on-going basis, for as long as the event is held and uses the land, to the Upper Clutha Tracks Trust. That Trust is an incorporated Charitable Trust registered with the Charities Commission, formed to develop a high quality network of public trails around Wanaka and the Upper Clutha basin.

The Trust's website discloses the level of funding it receives from donations towards the costs of undertaking various projects. It is clear from the same, that the annual grant proposed by my client will be of significance to the Trust's annual fundraising efforts.

I would now be grateful if you would consider the matters set out herein and advise whether the Commission supports the above initiatives. If there are other issues relating to the Station of interest to the Commission which it would wish to address at this time, please let me know.

It is my client's intention to file its application for consent under the Overseas Investment Act at the earliest possible time. Notwithstanding that, I have instructions to continue consultation with the Commission and other Crown agencies, concerning any other matters of interest.

I look forward to hearing from you.

Yours faithfully  
**GTODD LAW**

Graeme M Todd LLB, Notary Public  
Principal  
Email: [graeme@gtoddllaw.com](mailto:graeme@gtoddllaw.com)  
Action ID: 3187



5 August 2016

Ange van der Laan  
Walking Access Commission  
PO Box 12348  
WELLINGTON 6144

Dear Ange,

### **Access Requirements for Hunter Valley Station**

To confirm our position on access requirements for Hunter Valley Station.

We require:

1. Public road access from the state highway to Terrace Creek along the existing alignment or a reasonable alternative alignment, for example to avoid the homestead and farm buildings.
2. A Walking Access Commission easement from Terrace Creek onwards up the valley on the Hunter Valley Station Road as described at our joint meetings. The easement is to be managed by DOC and to cover non-motorised access (foot, horse, mountain bike) and vehicle access. Managed vehicle access would be by way of a DOC permit system. The easement is to be able to be closed for lambing and calving and extreme weather events.
3. Lakeshore access from Mead Road at Sawyers Creek and Neck Creek appears to be in place through marginal strips which I understand from our discussions also apply to the lakeshore. The lack of definition of the location of some marginal strips (along the lakeshore, and on tributaries such as Neck Creek and Sawyers Creek) and the Contact hydro dam operating easement, which I understand also provides public access, is something that Land Information New Zealand should clarify.
4. Boaties use the track behind the wool shed to the lake and launch boats from the beach. I understand this area is known as Meads Landing but it is not clear if this is accessible as of right. This facility is used sometimes when the lake is windy because it is sheltered. Some track realignment could be considered for Meads Landing to avoid farm buildings, or an equivalent launch point could be considered in a nearby location.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Niall Watson'.

Niall Watson  
Chief Executive

*Statutory managers of freshwater sports fish, game birds and their habitats*

## **Otago Region**

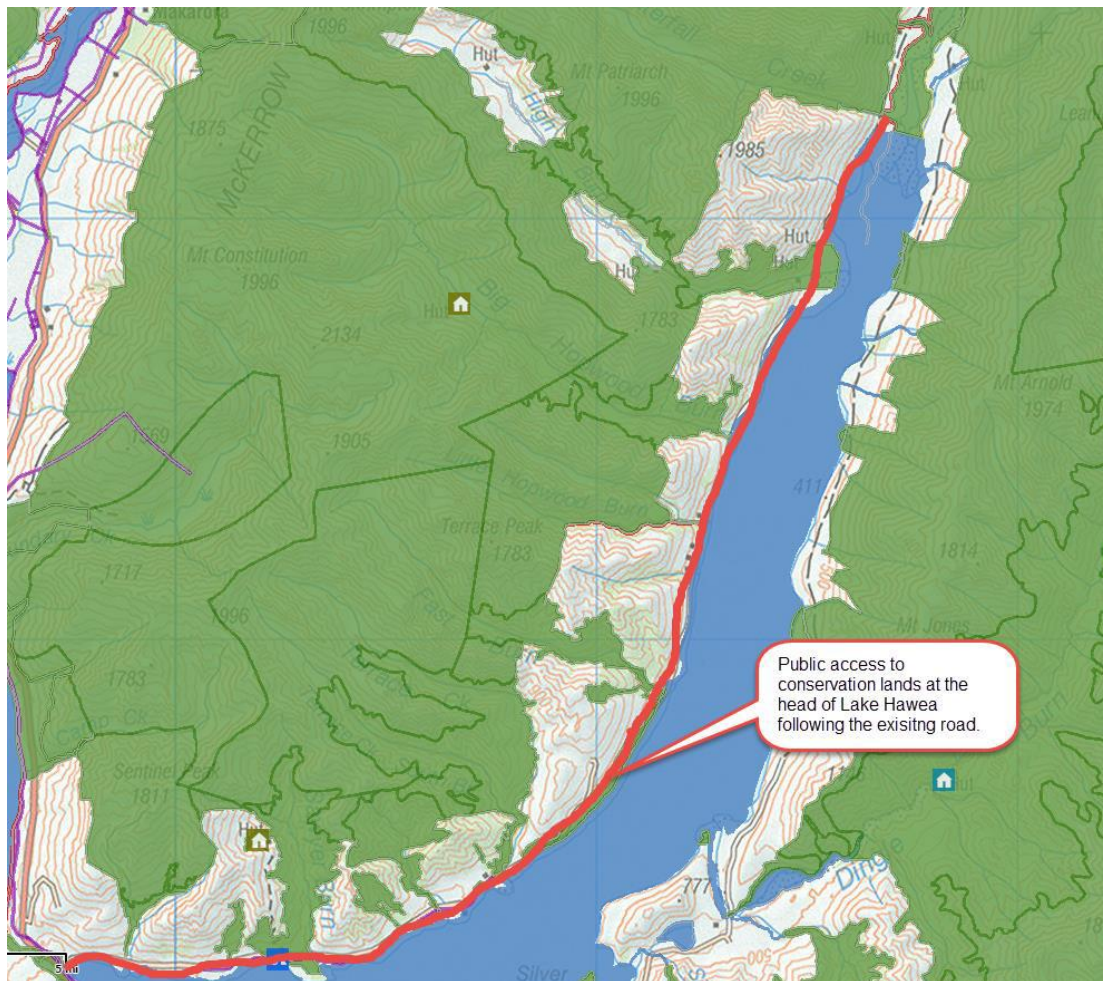
Cnr Hanover & Harrow Sts, PO Box 76, Dunedin 9054, New Zealand. Telephone (03) 477 9076 Facsimile (03) 477 0146  
[www.fishandgame.org.nz](http://www.fishandgame.org.nz)



## FMC expectations of the Overseas Investment Office review of the sale of Hunter Valley Station to overseas interests

Listed below, in order of importance, are the outcomes that FMC expects from the sale of Hunter Valley Station to overseas interests. Some of these might already be addressed in historic documents (such as an easement for access to the Sawyer Burn Hut) but they are included here as it is expected that such agreements will be re-addressed and improved as part of the sale process. I have included information from the Walking Access NZ mapping system ([wams.org.nz](http://wams.org.nz)) in the preparation of this document.

### 1. Access to Conservation Lands at the head of Lake Hawea



Access to the Hawea Conservation Park at the head of Lake Hawea is of primary concern for FMC, as the current situation with access is not well-defined. The distance from the State Highway to the Conservation Park boundary at Waterfall Creek is approximately 40km, which is a substantial distance. Fourteen kilometres is well-formed gravel road, of which the first 4km is leasehold land, followed by approximately 10km of legal public road. The remaining 26km is 4WD track across leasehold farmland. The initial section of private land has allowed the current leaseholder to exclude the public from accessing the conservation area including the Kidd's Bush camping area.

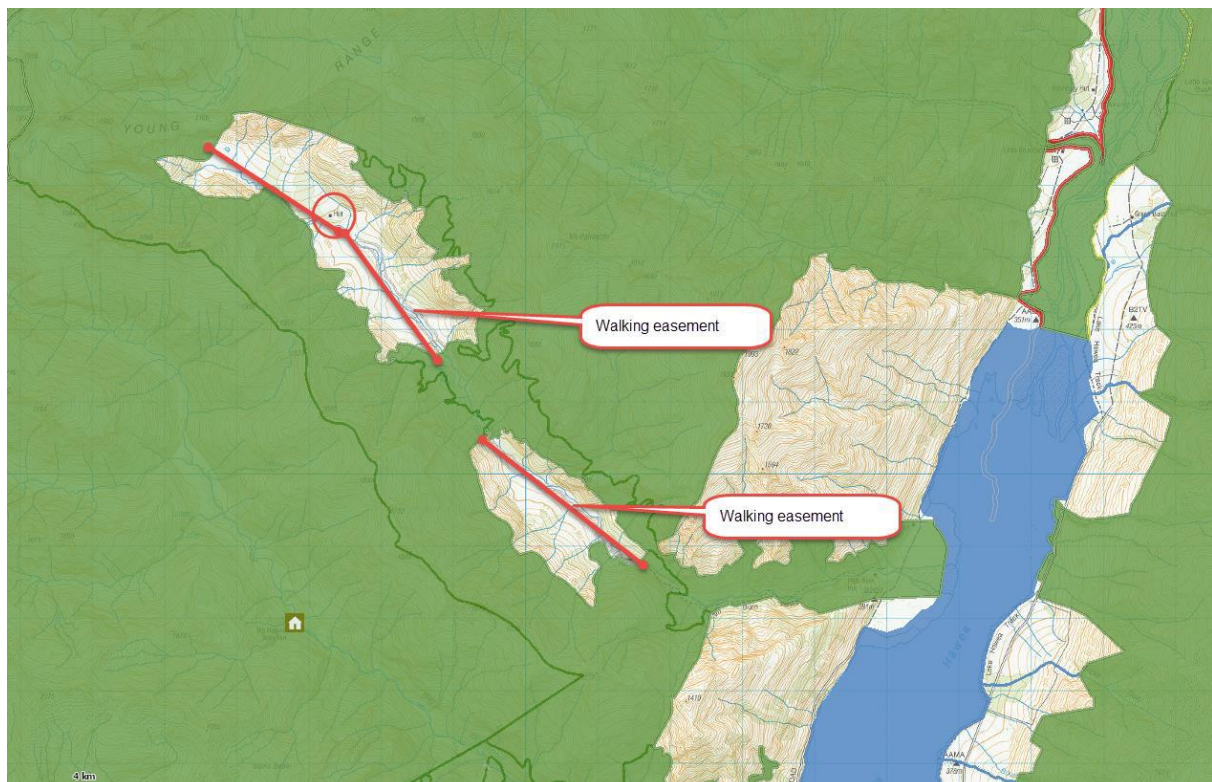


The establishment of an easement for non-motorised access at any time of day/year to the Conservation Park must be the bare minimum of any agreement. To address this distance and secure long term access, FMC's preference is as follows:

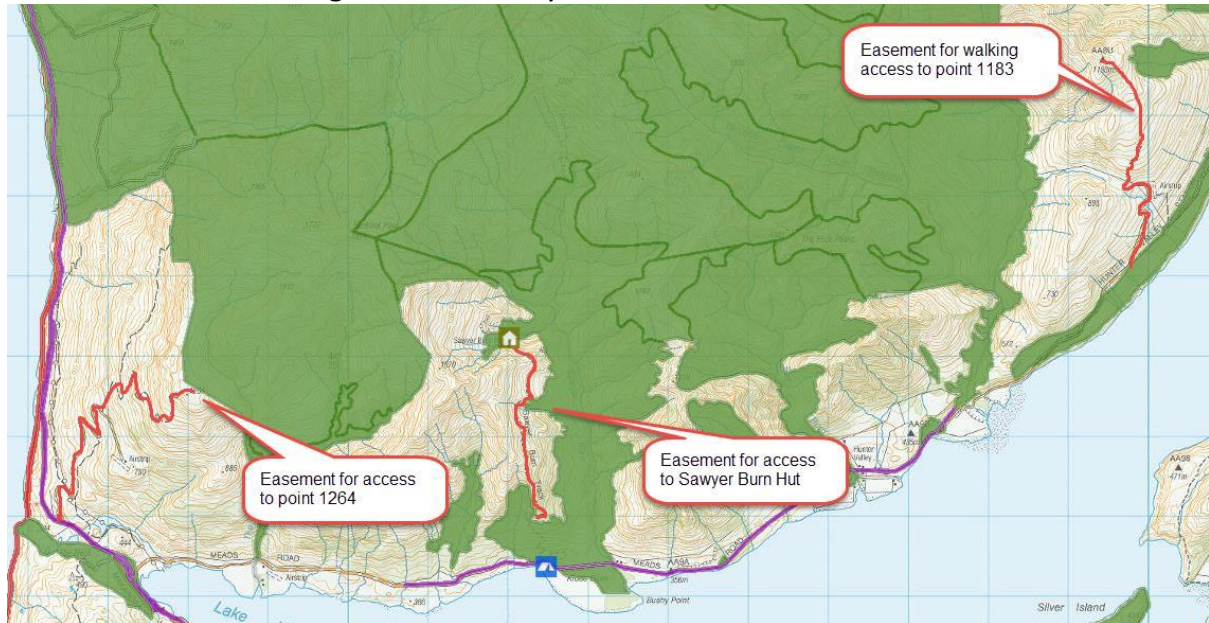
- A route following the existing road and 4WD track from State Highway 6 (Haast Pass Highway) to the boundary of the conservation area at Waterfall Creek be surveyed as a Legal Public Road in its entirety.
  - The management of this road be vested in Queenstown Lakes District Council or DOC.
  - The management of usage of this legal road follow the precedence set by the Dunedin City Council who have used by-laws to manage protection to special areas such as the main city water supply and other restrictions where use of unformed legal roads needs to be restricted to walking use only.
- Non-motorised transport can use the road at any time free of charge.
- Motorised transport can use the road with the possibility of a charge to cover maintenance costs (this is a preference only and may come with other restrictions such as day of week).

## 2. Easement for walking access up the High Burn

The High Burn is an excellent valley for trips to Makarora and Cameron Creek. The establishment of an easement for walking access across the two station areas in the High Burn would allow for extended tramping trips.



### 3. Easement for walking access to Sawyer Burn Hut



The current access to Sawyer Burn Hut is via the 'Sawyer Burn Track' that starts in the Conservation Park but then crosses leasehold land before reaching the hut sited near the boundary of the park. Establishment of an easement for the section across the current leasehold land would secure long-term access to the hut.

### 4. Easement for walking access to point 1264 above the airstrip near the Neck

See map above, "Easement for walking access to Sawyer burn Hut".

An easement for access up the existing track to this airstrip and beyond to point 1264 would provide great opportunities for a round trip to Sawyer Burn Hut.

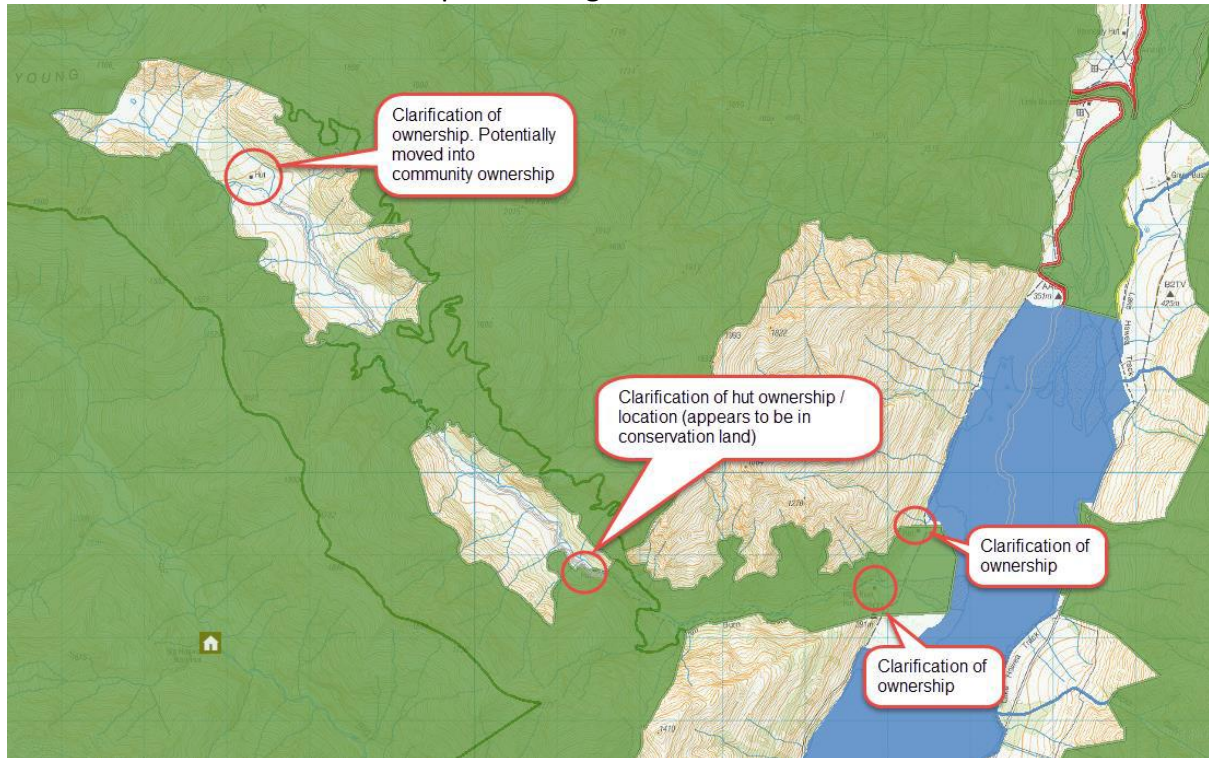
### 5. Easement for walking access to point 1183 (Survey point AA8U) between Terrace Creek and Fast Burn

See map above, "Easement for walking access to Sawyer burn Hut".

Point 1183 offers beautiful panoramic views of Lake Hawea and is a very good day trip from nearby townships. A walking easement following the road to the airstrip then up to the summit would provide great recreational opportunities.



## 6. Clarification of hut ownership in the High Burn



The clarification and potential transfer of the ownership of huts in the High Burn catchment would improve recreational opportunities in the area. The lower three huts appear to be on conservation land but according to Moir's Guide North 2013 edition they belong to Hunter Valley Station. The upper hut has high recreational value and could possibly be managed by DOC as part of a community management project.



Grant Fyfe  
Upper Clutha Tracks Trust  
C/o Checketts McKay  
PO Box 263 Wanaka  
W: [www.uctt.org.nz](http://www.uctt.org.nz)  
E: [grant@cmlaw.co.nz](mailto:grant@cmlaw.co.nz)  
P: 03 443 0800  
F: 03 443 8621

13<sup>th</sup> July 2016

The Regional Field Advisor  
Southland/Queenstown & Lakes District  
NZ Walking Access Commission  
Email: [Ange.vanderLaan@walkingaccess.govt.nz](mailto:Ange.vanderLaan@walkingaccess.govt.nz)

Dear Ange

**RE: HUNTER VALLEY STATION – FINAL ACCESS RECOMMENDATIONS**

The Upper Clutha Tracks Trust wish to make the following submission to the Overseas Investment Office in respect of the opportunities for provision of public access and infrastructure as part of the sale assessment process for Hunter Valley Station. This replaces our earlier submission of 25 May 2015.

The Trust has been involved in discussions with the Applicants Solicitor, the Vendor and other interested parties.

**Summary**

The Trust wish to see the following as an outcome of the process:

1. Foot/cycle/horse access from the end of the legal road at Terrace Creek to the head of the Hunter Valley and access to link with tracks on Dingle burn side, by means of an easement that may be subject to limited, agreed and defined closures for farming purposes. As our trust mandate is for non motorised access, we do not take a position on vehicular access through Hunter Valley Station.
2. Foot access from the Neck to Sentinal Peak via the existing farm track to an airstrip and then on to the boundary of Conservation land towards Sentinal Peak. Access by means of an easement that may be subject to limited, agreed and defined closures for farming purposes.
3. The legalisation of Meads Road, as offered.
4. An easement to Sawyers Burn Hut, where the formed track crosses onto the station should not be subject to closure for farming purposes. In addition we seek an easement over the pastoral lease land from Sawyerburn hut to Sentinal Peak.
5. The acceptance/removal of obstacles to as of right access from the current locked gate at the farmstead to the end of the legal road at Terrace Creek, as conceded at the meeting.



2

6. New infrastructure. The construction of a network of new huts to better facilitate access.

**The Reason for the submission:**

Limited value of offered access

The offer provided by the applicant to date for public access is of limited value for the following reasons.

**Legalisation of Meads Road:**

QLDC had already instigated a process under the Public Works Act and this will be reactivated if this transaction does not proceed.

**Legalisation of Sawyers Track:**

Access to Sawyers burn Hut can be relocated to the adjoining Conservation Land if necessary.

**The annual grant from Contact Epic:**

This is a commercial operation with no guarantee as to longevity of the race or income. Further anticipated improved public access may reduce its popular appeal in any event.

**Terrace Creek Road End**

In addition it is now accepted by the applicant that public access is already exists beyond the current locked gate to Terrace Creek and accordingly, access to the Hawea Conservation Park at that location.

**The opportunity to obtain significant new enduring access to the Hunter Valley and the Hawea Conservation Park.**

1. The Upper Clutha Tracks Trust believes access of real value to the public would be new walking and cycling access from the end of the legal road near Terrace Creek to the head of the Hunter Valley. There is strong public support for this access, and the Trust together with all the other parties interested in access issues considers this the first priority.

It is accepted that this will have implications for farm management, but the Trust believes that these can be managed by careful conditions being applied to the Easement, and its subsequent management.

2. The Upper Clutha Tracks Trust wish to obtain a new public access from the Neck to Sentinel Peak to the conservation boundary.
  - Best route to access the South West part of the Hawea Conservation Park.
  - Most of the track already exists.
  - There is good parking at the start of the track.
  - There will be a recreation based activity/area directly opposite the start of the track in the future (Ngai Tahu future development)
  - The track starts at a higher elevation than other options.

Issues around farm management can again be addressed by the terms of the easement. As this part of the station has been proposed for farming development as part of the sale, this would be

3

the ideal time to integrate public access with the least impact on farming operations e.g. access could be adjacent to a new fence line causing minimal disruption to stock.

The offer from the applicant for the formation of an alternative access to Sentinal Peak via the Camp Creek access is not a good outcome.

The public already have access via conservation land at this point, and there is an adequate existing track. Although this does not continue all the way to Sentinal Peak and access would be difficult for practical reasons because of the nature of the terrain.

#### **Infrastructure/net work of new huts**

It is further proposed that the applicant support public access by the providing three new huts. These are to be 20 bed units built to DOC standards.

We propose the huts would be funded by the applicant and gifted to a new dedicated Charitable Trust set up solely for this purpose and to work closely in consultation with DOC. We understand from DOC that even if the huts were built at no cost to DOC, depreciation would be a problem for them. We understand depreciation money comes out of operation funds and causes ongoing problems – hence our proposal above for a dedicated Charitable Trust to own the huts.

It is proposed that the annual grant from the Contact Epic race would be used to set up a fund to cover the ongoing maintenance of the huts.

The location of the huts 4-6 hours walk apart from the Terrace Creek road end to the existing DOC huts "Ferguson" and "Forbes" that currently exist at the head of the Hunter Valley. Existing station huts maybe able to be provided, but in any event these are to be for the public and provided at reasonable cost. The huts would provide safe overnight accommodation particularly in the event of farming or weather events that may temporarily prevent access i.e. flooded rivers.

One hut should be located at/near the existing High Burn hut. The second hut should be located on the flats near Cotters Creek. This is approximately half way between the head of the lake and Ferguson hut.

The third hut is proposed to replace the existing Sawyers burn hut. This is an old forest service hut and well past it's used by date. As this hut is easily accessible from Kidds Bush it is very popular but the hut and toilet facilities are totally inadequate. The Sawyers burn hut is located on pastoral lease and is we understand currently maintained by DOC.

The benefits would be:

- To better control the public's toilet and rubbish issues and perhaps avoid the public camping in fragile areas.
- To avoid carrying heavy camping equipment which because of distances may be onerous?
- Provide generally a more enjoyable outback experience for the general public including mountain bikers, trampers, climbers, hunters, canyoners and kayakers.

By way of precedent Shania Twain and Mutt Langes OIO purchase of Motutapu and Soho Stations required the construction of three huts to provide public access from Glendhu to Macetown and this now forms part of the Te Araroa track.

The Trust believe that providing these submissions are adopted this will provide a once in a lifetime opportunity to secure meaningful and enduring public access to the Hunter Valley and the Hawea Conservation Park. This would be of substantial public value in terms of access and recreation opportunities. This would demonstrate commitment to the New Zealand citizen.

4

This access and infrastructure would be substantial and identifiable benefit to New Zealand and would demonstrate the applicant's appreciation of New Zealanders love of the outdoors and in particular access to the Hawea Conservation Park which is currently much restricted.

Hunter Valley Station is a stunning and iconic farm property close to the tourist hub of Wanaka and the access and infrastructure proposed will be of immense value to New Zealanders for generations to come.

Yours faithfully  
UPPER CLUTHA TRACKS TRUST

I Grant Fyfe  
Chairperson



## Appendix 2

Draft proposed easement document and management protocol for public access on Hunter Valley Station 'Road' (the track north of Terrace Creek).



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

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

**Grantor**

Commissioner of Crown Lands (under the Land Act 1948)

**Grantee**

New Zealand Walking Access Commission (under the Walking Access Act 2008)

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

**The Grantor** being the owner 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	[TBA]	OTA2/1310	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 , 2 and 3.

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 Grantor may continue to exercise all of the rights of an owner 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. Subject to the easement terms set out in this instrument, including all Annexure Schedules, 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. "Managed basis" shall mean the management of all types of access through restrictions or conditions imposed in time and/or place in accordance with the Management Plan for this easement.
5. 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.

Special Easement Terms

6. The standard easement terms contained above must be read subject to any special easement terms set out below:
  - a. The Grantor and the Grantee also agree that the right of way easement in gross created by this instrument grants a right of way in gross for use by members of the public to pass and repass on foot and by non-motorised bicycle and accompanied by horses and motorised vehicles and with firearms on a managed basis.
  - b. The Grantor acknowledges that as part of the rights granted to the Grantee, the Grantee shall be entitled to make the easement available to such organisations, groups or professional bodies as the Grantee deems appropriate for competitive, charitable, professional or fund raising events, occasions or concessions.
  - c. In the event there is any conflict between the provisions of Annexure Schedule 1 and the provisions of Annexure Schedule 2, the provisions of Annexure Schedule 1 will prevail.
  - d. This instrument is the entire agreement of the Grantor and Grantee.

*Insert instrument type***Easement***Continue in additional Annexure Schedule, if required***REGISTRATION**

- 1.1 This instrument, or a transfer instrument incorporating the terms of the instrument, may be registered pursuant to section 60 of the Land Act 1948 and both parties will do all things necessary to enable registration.

**PAYMENT OF COMPENSATION TO LESSEE**

- 2.1 The Grantee has entered into an agreement with the Lessee (attached in Annexure Schedule 3) recording the Lessee's waiver of its right to any compensation from the Grantor in respect of the grant of easements in this instrument.

**OBLIGATIONS OF THE GRANTEE**

- 3.1 The Grantee shall at all times in the exercise of the rights set out in this instrument not obstruct or hamper the Grantor or the Lessee, or any agents, employees and contractors of the Grantor or the Lessee, in its or their normal or reasonable use of the Servient Tenement.
- 3.2 The Grantee shall not at any time except with the prior written approval of the Grantor carry out any activity which is not included within Annexure Schedule 1 of this instrument on the Servient Tenement, or do any other thing which would affect the ability of the Grantor or the Lessee to use the Servient Tenement.
- 3.3 The Grantee shall comply at all times with all statutes and regulations and obtain all approvals, consents and authorisations as are necessary for the Grantee to conduct the activities permitted by this instrument.

**OWNERSHIP OF STRUCTURES**

- 4.1 All structures and improvements placed by the Grantee on the Servient Tenement for the purposes of exercising the rights of the Grantee created by this instrument will remain the property of the Grantee and no part of them will become a fixture on the Servient Tenement.
- 4.2 The Grantee will, on the expiry of the term granted or sooner determination of the rights created by this instrument, remove all the Grantee's structures and improvements from the Servient Tenement. The Grantee will make good any damage to the Servient Tenement caused by the installation or removal of such structures and improvements to its pre-installation condition.
- 4.3 If the Grantee has not taken the steps set out in clause 4.2 within two years, the Grantor may remove all the Grantee's structures and improvements from the Servient Tenement and make good any damage to the Servient Tenement caused by the installation or removal of such structures and improvements to its pre-installation condition and recover all costs incurred from the Grantee.

**COSTS**

- 5.1 The Grantee shall bear all reasonable costs and expenses in relation to the preparation, registration and enforcement of any provisions in this instrument.



5.2 The Grantee shall be solely responsible for the registration (if any) of this instrument and any associated costs.

5.3 All costs for the installation and maintenance of structures and improvements, and carrying out of associated works, permitted by this instrument shall be at the Grantee's cost.

#### 6. CONSIDERATION

6.1 In consideration of the grant of Easement in this Instrument:

6.1.1 The Grantee shall pay the Grantor \$1.00 plus GST (if demanded).

6.1.2 The Grantee shall pay the consideration noted in clause 3.1.1 to the Grantor within 14 days of the Execution Date or the issue of an invoice by the Grantor or the Grantor's authorised agent, whichever is the latest.

#### TERMINATION

7.1 The Grantor may terminate the rights created by this instrument if the Grantee breaches any of the terms of this instrument and the breach remains unrectified following written notice to the Grantee specifying the breach and seeking rectification within 30 working days or such other time provided the parties agree.

7.2 If the breach remains unrectified (or is unable to be rectified) then termination must be by written notice from the Grantor.

7.3 Subject to 9.1 and 9.2, the Grantee may terminate the rights created by this instrument on 30 working days notice to the Grantor.

7.4 Upon termination (for whatever reason) of the grant of easement, all rights of the Grantee shall immediately cease (subject to clause 8.2 of this instrument) but the Grantee shall not be released from any liability to pay consideration or other moneys up to the date of termination.

7.5 Upon termination each party shall formally surrender the rights under this instrument and surrender the grant of easement.

#### ASSIGNMENT

8.1 The Grantee may not transfer, lease, assign or licence all or any part of its interest in the Servient Tenement, and/or the rights in this instrument or any parts of those rights without the prior written consent of the Grantor. Any such transfer, lease, assignment or licence shall be subject to the rights and obligations set out in this instrument (and any such other rights and obligation as the Grantor may require).

#### DISPUTES

9.1 The Parties agree to use their reasonable endeavours to resolve any dispute or difference that may arise under this instrument. The following procedures will apply to disputes:

9.1.1 a Party must notify the other if it considers a matter is in dispute,

9.1.2 the Parties will attempt to resolve the dispute through direct negotiation,

9.1.3 if the Parties have not resolved the dispute within 10 working days of notification, they will refer it to the Parties' senior managers for resolution, and

9.1.4 if the senior managers have not resolved the dispute within 10 working days of it being referred to them, the Parties shall refer the dispute to mediation or some other form of

	alternative dispute resolution.
9.2	If a dispute is referred to mediation, the mediation will be conducted:
9.2.1	by a single mediator agreed by the Parties or if they cannot agree, appointed by the Chair of LEADR NZ Inc (or such similar or replacement entity),
9.2.2	on the terms of the LEADR NZ Inc. (or such similar or replacement entity) standard mediation agreement, and
9.2.3	at a fee to be agreed by the Parties or if they cannot agree, at a fee determined by the Chair of LEADR NZ Inc (or such similar or replacement entity).
9.3	Each Party will pay its own costs of mediation or alternative dispute resolution under this clause 11.
9.4	If there is a dispute, each Party will continue to perform its obligations under this instrument as far as practicable given the nature of the dispute.
9.5	Each Party agrees not to start any court action in relation to a dispute until it has complied with the process described in clause 11.1, unless court action is necessary to preserve a Party's rights.
9.6	This clause shall be subject in all respects to the provisions of section 17 of the Land Act 1948.
<b>NOTICES</b>	
10.1	Any notice to be given by one party under this instrument to the other shall be in writing and shall be forwarded by either delivering or posting it to the addressee at the appropriate address set out below or to such address notified by the address in writing to the other party.
The Grantor's Address:	
c/- Land Information New Zealand Private Bag 4721 Christchurch 8140 New Zealand	
The Grantee's Address:	
PO Box 12348 Thorndon Wellington 6144 New Zealand	
10.2	Any notice posted shall be deemed to be served three (3) working days after the date of posting.
<b>SEVERABILITY</b>	
11.1	If any part of this instrument is held by any court or administration body of competent jurisdiction to be illegal, void, or unenforceable, such determination shall not impair the enforceability of the remaining parts of this instrument which shall remain in full force.
<b>GRANTOR'S RIGHT OF DELEGATION</b>	
12.1	The Grantor may delegate all or any rights, benefits and obligations conferred by this instrument; provided that the exercise of any such rights, benefits or obligations by that person shall not limit the liability of the Grantor in the performance or observance of the provisions of this instrument.

## EXECUTION

SIGNED as an instrument by the Commissioner of  
Crown Lands as Grantor  
in the presence of:

Witness Signature:

Witness Name:

Witness Occupation:

Witness Address:

SIGNED as an instrument by the Walking Access Commission  
as Grantee in the presence of:

Witness Signature:

Witness Name:

Witness Occupation:

Witness Address:

*Insert instrument type***Easement***Continue in additional Annexure Schedule, if required***ACKNOWLEDGEMENT OF LESSEE**

The Grantee and Lessee agree that the Lessee has waived of its right to any compensation from the Grantor in respect of the grant of easements in this instrument pursuant to section 60(1) of the Land Act 1948, and that agreement records the Lessee's waiver of its right to any compensation from the Grantor in respect of the grant of easements in this instrument.

**SIGNED** by the Walking Access Commission  
as Grantee in the presence of:

Witness Signature:

Witness Name:

Witness Occupation:

Witness Address:

**SIGNED** by Orange Lakes Limited  
as Lessee (by its two directors)

Director:\_\_\_\_\_

Director:\_\_\_\_\_



## **Annexure Schedule 4 – Hunter Valley Station Access Management Protocol**

### **Background**

- A. This Management Protocol is for the purpose of facilitating public access and DOC, Otago Fish & Game Council and Upper Clutha Tracks Trust management access through Hunter Valley Station.
- B. The Lessee and Grantee recognise that allowing public access over the Easement Area requires the Lessee and the Grantee to collaborate in:
  - a. Facilitating public use of the Easement Area in a manner which enhances the visitor experience and is consistent with the purposes for which the easement is held under the Walking Access Act 2008; and
  - b. To the extent consistent with such purposes, recognising the Lessee's ongoing rights of use and enjoyment of the Servient Land.
- C. This Management Protocol is intended to provide for the matters set out in clauses 4. and 6. of Annexure Schedule 2 and acts as a framework for the management of access the track through Hunter Valley Station.

### **Terms and Conditions:**

The Grantee has the right:

- 1 In common with the Lessee to pass and re-pass at any time over and along the Easement Area on foot, on or accompanied by horses, or by non-motorised vehicle powered by a person or persons.
- 2 To pass and re-pass at any time over and along the Easement on foot, or on or accompanied by horses, or by motor vehicle, with or without machinery and implements of any kind, or with or without guns and dogs, for Management Purposes.
- 3. In addition to rights conveyed in Clause 1, the Grantee (being a member of the public) may, subject to the discretion of the Department of Conservation Operations Manager, use a motor vehicle on the Easement Area between 1 December and 31 May each year. If weather conditions render the track unsafe, vulnerable to damage, or cause undue interference with the Lessee's farming operation, the Department of Conservation Operations Manager may at his/her discretion preclude vehicle use within the open period.
- 4. The Grantee (not being a member of the public) will erect a lockable gate at the end of the legal road or some other agreed position. Keys or combination lock code to open the gate will be made available to members of the public from the Department of Conservation during those times when the Easement Area is open for public vehicle use. The Lessee must be provided with a key to the gate, or may install his own lock.
- 5. The Grantee will make members of the public aware that use of the Easement Area, with the exception of the usual statutory requirements and duties incumbent upon both the Lessee and the Grantee arising out of the easement; will be at the public's own risk.

6. The Grantee must notify the Lessee of any applications for concessions seeking to use the Easement Area to access adjoining conservation land.
7. Lessee and the Grantee will share the cost of the maintenance of the Easement Area. The share will be agreed between the parties and will reflect the impact of use of the Easement Area made by each party.
8. The Lessee or Grantee is under no obligation to maintain the Easement Area to any standard other than that which is necessary for his own purposes.
9. For the following sub-conditions in this condition 9.1, the Grantee is defined as the New Zealand Walking Access Commission and the Director-General of Conservation's tenants, agents, contractors, and invitees; and any employee or contractor, only.
  - 9.1 The Grantee has the right on the easement area:
    - (a) To mark the Easement Area as appropriate.
    - (b) Erect and maintain toilet facilities on the easement area.
    - (c) To erect and maintain stiles over any fenceline crossing the Easement Area.
    - (d) To erect and maintain bridges over streams.
    - (e) To clear, form and maintain any track or path no wider than 5 metres.
    - (f) To erect and maintain signs informing the public
      - (i) of the location of land managed by the Crown and available for public access and recreation; and
      - (ii) of their rights and responsibilities in relation to the Easement Area.
    - (g) To use whatever reasonable means of access she thinks fit over the Easement Area to carry out the works in clause 9.1.
    - (h) Prior to the Grantee undertaking new works on the Easement Area by construction of signs or other facilities, the Grantee must consult with the Lessee about the appropriate standard and location of such facilities within the Easement Area.
10. The easement will be closed to the public when lambing or calving is occurring on or adjacent to the easement. The indicative lambing period is between the dates of **xxx October to xxx November** each year.
11. The Lessee may erect two signs in the form of white boards on that part of the Easement Area lying between [ ]. These signs may be used to temporarily instruct the public not to use this section of the Easement Area when stock are being moved along the track. The Lessee must stipulate on the white board the date and time that the Easement Area will be closed and at what time it will re-open. The period of closure is not to exceed 4 hours on any given day. The closure period must

commence no later than 6am. The Lessee must provide the Department of Conservation in Wanaka at least 24 hours' notice of his/her intention to utilise this clause.

12. Nothing in this Instrument confers on the Grantee any right to erect any tent, shelter or structure capable of being used for accommodation on the Easement Area; or to camp on the Easement Area.
13. In the event that there is a permanent shift in the course of any River/Creek/Stream which causes degradation to the parts of the Easement Area which are immediately adjacent to the river bank at the date of this easement instrument ("Affected Easement Areas") or to the land adjoining the Affected Easement Areas, or any other part of the easement area, such that the Easement Area cannot be safely used for a right of way ("Easement Purpose"), the parties are agreed that:
  - 13.1 this grant will be surrendered in the Affected Easement Areas where it ceases to meet the Easement Purpose.
  - 13.2 the Grantor will grant a right of way on the same terms as are contained herein over the adjoining land of the Grantor ("New Easement").
  - 13.3 the New Easement shall be as close as practicable to the line of the Affected Easement Area as is consistent with the degree of facility provided by the Affected Easement Area, to the intent that the impact on the balance of the Grantor's land shall be minimised. The process of substitution of a New Easement shall be repeated as often as is required to preserve the Easement Purpose.

**Adaptive Management:**

11. Vehicle access will be managed by the Grantee by way of a permit system which will allow for an initial 100 vehicles per month to use the easement area/route. This number will be reassessed annually with a view to allowing for higher numbers of vehicles depending on management issues.
12. The Grantee shall monitor public use of the Easement, with the intention of understanding when increased public usage may be adversely affecting the public safety and enjoyment or the farming business.
13. Should there be adverse effects resulting from increased public vehicle usage, the parties will discuss appropriate measures to address these effects, which may include:
  - a) limiting public vehicle access along the Easement Area.
  - b) consideration of refining the access controls to reduce adverse impacts.
14. The Parties may agree to further terms and conditions for the management of the Easement Area in accordance with any review of this Management Protocol from time to time.
15. Permit holders will supply any requested details of vehicles and people when applying for a permit.

The conditions below are the types of issues covered in advice to applicants. Currently other access permits are managed through an on line application system that has worked well for the first 2 seasons.

### **Advice to be provided to vehicle users:**

Due to the fragile nature of the track and potential for adverse conditions, public access needs to be carefully managed. The following advice will be provided:

1. Public access to the Hunter Valley Conservation Area is via easements across private land and the lands bordering the conservation area are a working high country station. Visitors are welcome; however, please consider this on your journey and respect their livestock and property.
2. If requested the driver may need to wait for farming operations to be undertaken, particularly the droving of stock along the track.
3. 4WD access is available from 1 December to 31 May each year. The track may be closed during this period if conditions make the track vulnerable to damage or if the streams are flooded. The Department of Conservation or Hunter Valley Station make no guarantee of the condition or accessibility of the track.
4. Vehicle access across Hunter Valley Station allows for motor vehicle use only, motor cycles and all terrain vehicles are not permitted without additional specific permission from Hunter Valley Station.
5. There is a locked gate near Terrace Creek. The code is provided if a permit is obtained from DOC. After going through the gate, please relock the padlock and randomise the numbers again.
6. Users are to check the DOC website or contact the Wanaka office prior to each trip as the code to the padlocks may change.
7. Firearms may be transported on the easements but all firearms holders in the vehicle must hold a current hunting permit for the adjoining Conservation Area.
8. Dogs are not permitted on the easements unless they are confined inside a vehicle.
9. The Hunter Valley track is only suited to capable 4WD vehicles with high ground clearance. Snorkels on air intakes are recommended for creek crossings.
10. Vehicles must stick to the track and are not permitted to cross the Hunter River, drive in the riverbed, or travel further than the Fergusson Creek carpark.
11. The use of the Easement Area is entirely at your own risk.
12. Only the huts located at ----- are public huts available for public use. Please leave them clean and tidy.

### **Safety**

1. Check current track and weather conditions.
2. The track involves numerous river crossings which may be dangerous when deep or swiftly flowing. Water levels rise quickly with rain and may trap users up the valley. Be prepared to wait for levels to fall before attempting a crossing.
3. Carry all necessary safety and spare equipment including a personal locator beacon.
4. Be prepared to stay out overnight if required.
5. Give way to drivers on the uphill grade.
6. Know your driving limitations and your vehicles limitations, especially for river crossings.
7. Mobile phone coverage is unreliable.
8. Leave your intentions with someone.