

Corisol New Zealand Limited

C/- Ngāi Tahu Property Limited
P O Box 130060
50 Corsair Drive
Wigram
Christchurch 8141

Attention: Edwin Jansen
edwin.jansen@ngaitahu.iwi.nz
Phone 03 377 8268

Released Under the Official Information Act 982

**Report to
Overseas Investment Office**

**in relation to
Protocols for Public Access**

**to Land owned by
Corisol New Zealand Limited**

18 January 2013

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1. PURPOSE

In 2011, Corisol New Zealand Limited obtained approval from the Overseas Investment Office to purchase 18,251 hectares of land in Canterbury (Land) subject to certain conditions.

Condition 11 and 12 required Corisol to consult with the Forestry Right Holder for the purpose of enhancing public access to the Land.

This report has been prepared by Corisol New Zealand Limited in satisfaction of conditions 11 and 12.

2. CONFIDENTIALITY

This report contains information of persons and personal correspondence that is confidential. Where the Overseas Investment Office is subject to an Official Information Act request for the disclosure of this report, the writer requests that Appendix 2 and 3 are not disclosed and remain confidential.

3. PUBLIC ACCESS - CONDITIONS 11 AND 12

The Overseas Investment Office conditions in relation to Public Access are set out below.

11. The Applicant will consult with the holder of forestry rights over the land subject to the Application (the "Forestry Rights Holder", the "Land") about their protocols for public access to the Land. The purpose of this consultation will be to enhance public access to the Land. As part of this consultation, the Applicant will:
- (a) discuss with the Forestry Rights Holder their current protocols in relation to public access and seek to enhance public access to the Land (subject in all respects to the Forestry Rights Holder's discretion under the relevant forestry rights agreement). This discussion will include, but not be limited to, Omihi Forest (as that area is defined in the Application) and public access through that area to the coast; and
 - (b) as part of that discussion, propose that the Forestry Rights Holder erect notices or signs containing contact details of the relevant forest manager and state that any request for access must be directed to that forest manager, to be displayed on the Land in a manner that ensures, as far as is reasonably practicable, that it attracts the attention of persons who may wish to access the property by foot; and
 - (c) not in any way seek to limit the public access that the Forestry Rights Holder is currently permitting in accordance with their rights under relevant forestry rights agreement (except where such access may be in conflict with the terms of that agreement or is illegal).
12. The Applicant must complete its consultation with the Forestry Rights Holder and provide a written report demonstrating that condition 11 has been complied with within eighteen months of the date of consent.

This report documents consultation between Corisol New Zealand Limited and the Forestry Right Holder (Matariki Forests) and sets out the nature of recreation being undertaken on the Land and opportunities to enhance public access.

4. SITUATION ANALYSIS

4.1 The Land

The Land is former Crown Forest Licence land known as Ashley, Okuku, Mt Thomas, Omihi, Oxford and part Hanmer forests located in Canterbury as illustrated below.



4.2 Land Administration

The Land was historically Crown land developed for commercial forestry purposes from the 1930s onwards and administered by the New Zealand Forest Service.

In 1987, the New Zealand Forest Service was superseded by the New Zealand Forestry Corporation to administer the Crown's forestry interests on commercial terms.

In 1989, the Land became subject to the Crown Forest Assets Act 1989. The cutting rights to the forests on the Land were consequently included in the 1990 "Sale of State Owned Forests".

In October 1990, Carter Holt Harvey Limited purchased the cutting rights and ownership of the tree crop, roads and improvements of the Canterbury forests and secured tenure over the Land by way of a Crown Forest Licence.

On 25 February 2000, Te Rūnanga o Ngāi Tahu purchased and took possession of the underlying Land subject to Crown Forest Licences in favour of Carter Holt Harvey. On the same date, the Crown Forestry Licences were surrendered in favour of longer-term Forestry Rights on similar terms.

In 2005, the Forestry Rights were assigned from Carter Holt Harvey Limited to Matariki Forests.

Matariki Forests is a New Zealand incorporated company owned jointly by Rayonier Inc and Waimarie Forests Pty Limited (subsidiary of Phaunos Timber Fund Limited). The operations of Matariki Forests are managed by Rayonier New Zealand Limited.

Matariki Forests is the current Forestry Right Holder .

Corisol New Zealand Limited is the current Landowner.

4.3 Public Access Regime

The Land is former Crown land administered for commercial forestry since the 1930's with a history of limited public access administered by the New Zealand Forest Service and its successor New Zealand Timberlands Limited up until 1990. During this time, public access has progressively been withdrawn and tightened in keeping with increasing commercial harvesting and road cartage activity and more enlightened health and safety practices and obligations.

The New Zealand Forest Service in Canterbury managed a secure forest policy with locked premises and the management of recreational activities limited to weekends to locations where forestry operations were not occurring and during times where fire risk was acceptable. Commercial activities would also cease and a total lock out policy enforced during extreme fire conditions.

The Crown Forest Licence regime introduced in 1990 did not substantially alter the administration and extent of public access and recreation operating in practice on the Land. Under a Crown Forest Licence, (as long as the Crown retained ownership of the land), the public retained "*the right to enter and use the land for recreational purposes*" with entry "*limited to access on foot*" unless otherwise permitted by the Licensee. The Licensee however retained "*discretion to control such entry and use only for reasons relating to the safety of the public or of those working on the land or for the protection of the Trees, buildings, plant, equipment and related items*".

In addition, Crown Forest Licence regime created a number of public access easements (Access Areas) where the Occupier retained the right to "*restrict the use of the Access Areas only: during the hours of darkness, or for reasons relating to the safety of those using the Access Area or of those working on the Land, or for reasons relating to the protection of the trees, buildings, plant, equipment and related items on the Land.*"

The sale of the Land to Te Rūnanga o Ngāi Tahu in 2000, activated the removal of the public's right to enter and use the land for recreational or any other purpose (refer Crown Forests Assets Act 1989). Thereafter the granting of public access to the Land was at the sole discretion of the landowner and occupier. The legal rights setting out how public access is administered between the landowner and occupier is set out in the Forestry Right entered into on the 25 February 2000 and registered on the titles.

Clause 2.5 of the Forestry Right grants the Forestry Right Holder (the Licensee) "*the right to manage and grant public access over and to the Land, and such access:*

- *will be at the Licensee's discretion and risk in all respects;*
- *will be for activities at the discretion of the Licensee unless such activities have been notified by the Licensor as beyond the scope of this Licence;*
- *will be provided in a manner and according to requirements and protocols which ensure that the access and any activity to be carried out by the public on the Land is not in breach, and always complies with, any of the Licensor's or Licensee's statutory or other legal obligations in respect of the Land or arising under this Licence; and*
- *will not be provided in respect of any access or activity of any nature which may adversely affect Te Runanga's rights and interests under the Encumbrance.*

In addition, the Forestry Right provides for the following relevant conditions:

- clause 2.1(a) gives the Forestry Right Holder the sole and exclusive right to use the land;
- clause 2.3 provides that the Landowner cannot unreasonably interfere with the Forestry Right Holder's use of the land;
- clause 3.6 provides that the Forestry Right Holder has the right to secure and restrict access to roads.

Public access to the land has been managed under the above regime (and authority) by Carter Holt Harvey from 2000 to 2005 and by Matariki Forests (current Forestry Right Holder) thereafter to the present day. During this time, the landowner (formerly Ngāi Tahu Forest Estates and currently Corisol New Zealand) has not given notice to the Forestry Right Holder (under clause 2.5) to restrict the scope of recreated permitted under the Forestry Right.

4.4 Legal Roads - Unformed

With the exception of the Omihi block, there are no unformed legal roads that pass through the land.

The Omihi block contains one unformed legal road that provides access to the Mt Ararat Rata Reserve N34004. The road surface is poor with maintenance occurring only as required to complete forestry operations.

4.5 Forest Roads

The Land contains many kilometres of private forestry roads owned by Matariki Forests. These roads are depicted on standard 1:50,000 New Zealand Topographical Maps and Google Earth with no distinction between public roads and private roads.

Historically this created confusion for the public.

All major road entrances are fenced and gated with appropriate signage: "Private Land", "Fire Notices", "Vehicle Requirements", "contact details for Matariki Forests", and road name. Where roads are subject to public access easements, "Open and Closed" signs are also maintained.

4.6 Marginal Strips

Marginal Strips are reserved from the sale or other disposition of Crown Land. As the land was former Crown land, the Land is subject to Part 4A of the Conservation Act 1987 (relating to Marginal Strips).

A marginal strip is a strip of land 20 metres wide extending along and abutting the landward margin of: (a) any foreshore; or (b) the normal level of the bed of any lake not subject to control by artificial means; or (c) the bed of any river or any stream... being a bed that has an average width of 3 metres or more.

The purpose of Marginal strips is defined by section 24C of the Conservation Act 1987 to include:

- a) for conservation purposes, in particular—
 - i) the maintenance of adjacent watercourses or bodies of water; and
 - ii) the maintenance of water quality; and
 - iii) the maintenance of aquatic life and the control of harmful species of aquatic life; and
 - iv) the protection of the marginal strips and their natural values; and
- b) to enable public access to any adjacent watercourses or bodies of water; and
- c) for public recreational use of the marginal strips and adjacent watercourses or bodies of water.

In relation to the Land in question, significant watercourses such as tributaries of the Kowai River in Ashley Forest and Boundary Stream in Hanmer have been surveyed out and are not part of the title area of the Land. The removal of "strips" beside watercourses has been extensive and extends to ephemeral creeks such as Bushy Creek and Stoney Creek not meeting the definition of a marginal strip but nevertheless surveyed out and removed from titles by the Crown prior to freehold transfer.

Notwithstanding this and subject to interpretation of the definition of a Marginal Strip, the Land may still contain Marginal Strips along which the public has a right of access for recreation purposes consistent the conservation purposes.

Accordingly, both the Landowner and the Forestry Right Holder must be aware of the situations where the legal boundary runs parallel to a river boundary. While it may be perceived that the Land extends to the river and across the other side, the reality is not the case. The public has a right of access along the River or the 20 meter wide Marginal Strip (as the case may be) for recreational purposes. This situation applies in the following locations:

- Ashley – Southern boundary with the Makerikeri River;
- Ashley – Eastern boundary with the South Branch of the Kowai River;
- Okuku – Northern boundary with the South Branch of the Waipara River;
- Okuku – Southern boundary with the West Branch of the Grey River;
- Mt Thomas – Boundary with Gary River/ Māori Stream;
- Mt Thomas – Boundary with Okuku River;
- Hanmer – Eastern boundary with Boundary Stream;
- Hanmer – Percival River within the Land;
- Omihi – Coastal boundary with Pegasus Bay;

4.7 Adjoining Landowners

Adjoining land uses include lifestyle properties, residential subdivisions, sheep, beef, deer and commercial forestry. Increasing the Land is being surrounded by more intensively occupied rural communities.

Landowners adjoining forestry land are concerned about the security of their assets, the protection of livestock and the health and safety of their families and the presence of strangers on their boundaries and straying onto their properties.

Landowners have expressed deep concerns to the Forestry Right Holder and the Landowner about vehicle and motorcycle passage on adjoining forestry land and the discharge of firearms (daylight and spotlight firearm discharge) in proximity to their occupation.

The Forestry Right Holder maintains contact with neighbours surrounding access trouble spots who provide information and surveillance on unauthorised vehicle movements.

4.8 Department of Conservation

Land administered by the Department of Conservation adjoins the boundaries the Land at Mt Thomas, Okuku, Ashley and Hanmer.

The Department of Conservation and the Forestry Right Holder (Matariki Forests) maintain close communication to manage recreation activity and ensure the continuity and safety of the recreational experience.

Examples of maps prepared by Department of Conservation illustrating the interconnection between DOC and the private Land are shown in Appendix 1.

A full brochure can be found at the following address:

<http://www.doc.govt.nz/documents/parks-and-recreation/tracks-and-walks/canterbury/Waimakariri/foothills-forests-brochure.pdf>

4.9 Walking Access Ara Hikoī Aotearoa

The New Zealand Walking Access Commission (established under the Walking Access Act 2008) has recently published an Outdoor Access Code setting out the rights and responsibilities of recreational users and landowners accessing public and private land.

The code seeks to encourage the responsible recreation of walking access across private rural land and sets out the legal rights, obligations and liabilities of Landowners.

Landowners granting casual public access have an obligation to inform persons of out-of-the-ordinary hazards on the land or associated with activities on the land.

The Walking Access Act enables, with the agreement of landowners, the establishment of walkways and walking access over private, the provision of funds for management and signage and compliance administration. Under section 66 of the Act, where access is granted under the Act, "a landowner is not liable for any loss or damage suffered by a person using walking access on the landowners' land.

This offers the landowner a degree of protection but does not protect the landowner for damages to its own property.

Ngāi Tahu Property acting on behalf of Corisol has discussed the content of this report with the New Zealand Walking Access Commission.

5. CONSULTATION

5.1 Parties involved in consultation

Corisol New Zealand Limited has undertaken consultation with Matariki Forests.

Directors of Corisol New Zealand Limited have been to New Zealand on more than two occasions since acquiring the properties in 2011 and have met with Rayonier on both occasions.

It is important to note that:

- The operations of Matariki Forests are managed by Rayonier New Zealand Limited.
- The land management activities of Corisol New Zealand Limited are managed by Ngāi Tahu Property Limited.
- The Land is used for commercial forestry operations with harvesting and log cartage operations occurring continuously across the properties;

The views expressed in this report are those of Corisol New Zealand Limited and are fully supported by Ngāi Tahu Property Limited.

5.2 Protocols in relation to public access

Matariki Forests is committed to responsible forestry and demonstrate this through their Forest Stewardship Certification (FSC) that guides social, economic and environmental practices.

5.2.1 Registered Users

Public access is restricted to daylight hours of weekends and public holidays when no forestry operations are occurring.

Preference is given to persons who are members of clubs that have agreed access protocols with Rayonier in keeping with the nature of their activities. All other persons (and event organisers) wishing to access the Land will require a special access permit from Rayonier.

Rayonier partition the forests into blocks for weekend access to minimise conflicts between users and in particular the separation of hunters from walkers and mountain bikers where possible.

Permitted Club users include the North Canterbury Cycling Club (NCCC) and regional hunting clubs.

Permitted Clubs and other registered users will on each Friday receive an email from Rayonier detailing the weekend activities occurring in the forest. An example is provided in Appendix 2.

5.2.2 Forest Security

Rayonier contract with NZ Private Fire Services to monitor security. Security is essential for the protection of assets and the safety of persons accessing and working in the forest.

On a typical weekend, NZ Private Fire Services would receive and investigate 50-70 phone calls from persons accessing and living beside the forests reporting unauthorised vehicle access, discharge of firearms, fence and gate damage, lost persons and dogs, camping, fires and dangerous behaviour.

A weekend report from NZ Private Fire Services is attached in Appendix 3.

5.2.3 Entrance Signage

Matariki Forests maintains comprehensive signage on all major private roads entrances to the forest. Road signs include, warning signs, Matariki Forests contact details to obtain access and where there are public access easements, (Ashley and Hanmer) notices outlining conditions of use.

5.2.4 Mountain Biking

Mountain biking access is permitted on weekends to members of the North Canterbury Cycling Club (NCCC). The NCCC manage organised weekend rides for their members as illustrated on their website. A typical ride is illustrated via the link below.

Ashley Forest Series - The Movie:

<http://www.sportsground.co.nz/Article.asp?SiteID=18569&ArticleID=14017>



5.2.5 Hunting

The forests contain populations of pigs, deer and rabbits which are enthusiastically hunted by hunting club members.

A large proportion of the authorised hunters also work in the forest industry and therefore have specific knowledge of the forests and boundaries with neighbours (and health and safety issues within forests and have radio contact).

There is also an active body of non-authorised poachers.

5.2.6 Special Events

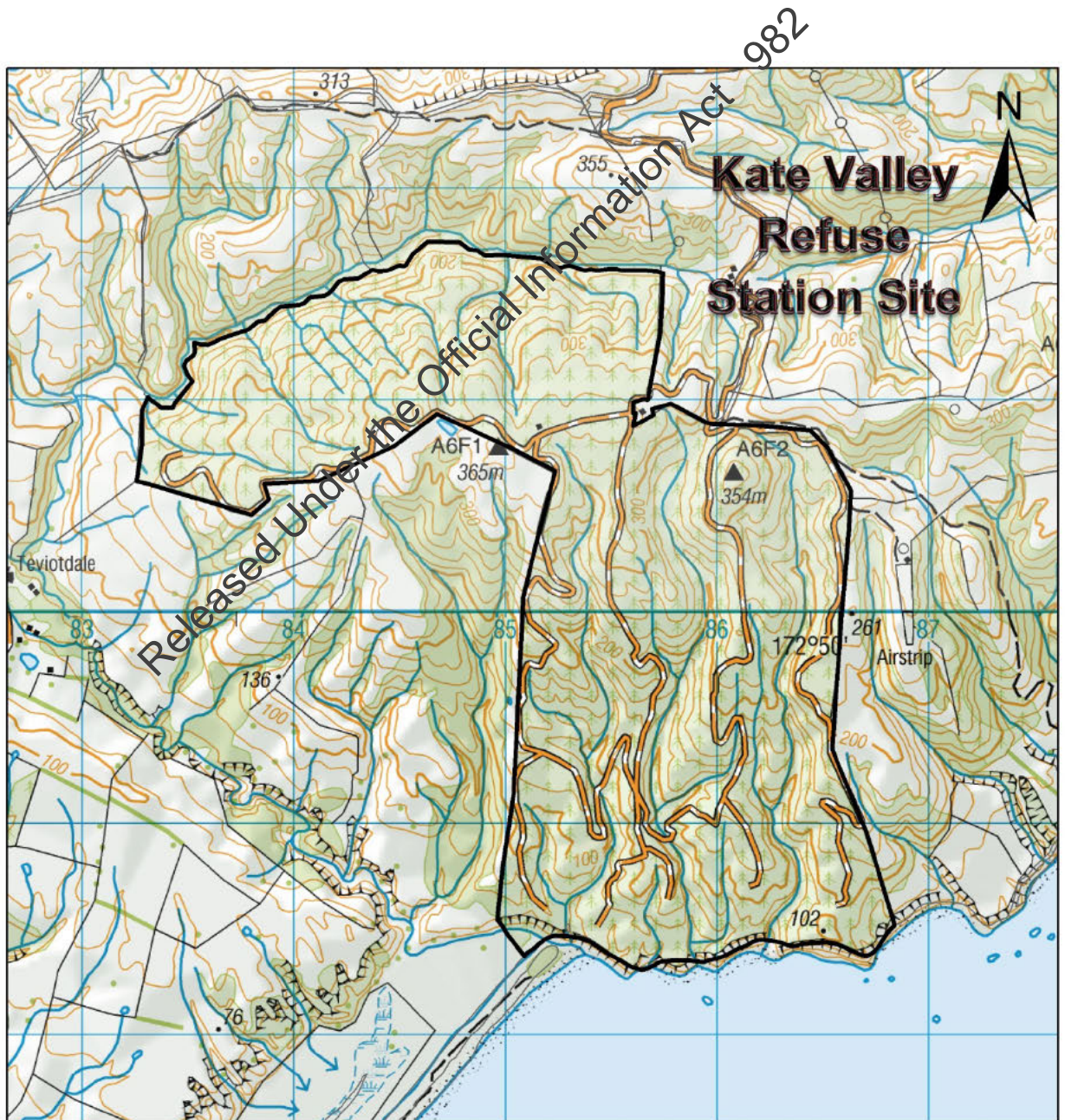
Special events that occur regularly include:

- Ashley Rally Sprint (yearly)
- Hammer Mounting Biking – national and regional events (2-3 per year).

5.3 Omihi Forest access

The Omihi forest is largely surrounded by farmland and is in three small blocks. This makes Omihi less suitable for hunting activities. The recreational demand on these blocks is low.

The Teviotdale block of 580 hectares borders the coastline of Pegasus Bay and is within 10 kilometres from the town of Amberley and 5.7km north of the Amberley Beach settlement. The southern coastline of the Omihi block connects with a sheltered sandy beach (300m long) and the northern coastline connects with steep limestone and sandstone cliffs.



The Amberley Beach is a shingle beach with a steep slope and unsuitable for family swimming. The sheltered sandy beach beside the Omihi block is a suitable swimming location for young families. Access to this beach is currently by 4WD vehicle, along a formed track running parallel from the beach. It is accessible from Amberley or via the Amberley Beach settlement.



Preferred access to the coastline is along the formed 4WD track running parallel to the beach to sheltered sandy bay. There were a number of campers and vehicles parked in various locations on the days of inspection.



Photo illustrates at least eight 4WD vehicles with trailers launching small boats for coastline diving and fishing and four kayakers. (plus Regional Council Parks Ranger)



Access to the coastline from a northern location is prohibitively dangerous and unsuitable.



Access from the private roads on the forest Land to the coastline is also prohibitively dangerous as vehicles must pass through the Kate Valley Refuse Station industrial site (secured and gated) to the unsealed and clay based forestry roads (unsuitable for even 4WD if wet) and then scale down crumbling cliff faces.

Legal access to the Omihi forest block is via an appurtenant easement across the Kate Valley property. Corisol is not legally entitled to grant public access across the easement for passage of persons beyond their property to the beach.

The Kate Valley Refuse Station is locked and secured at all times and operated by Transwaste with keys made available to the Forestry Right Holder.

Transwaste Canterbury Limited is a joint venture. Half of its shares are owned by five local authorities (Christchurch City Council, Hurunui, Waimakariri, Selwyn and Ashburton District Councils), with the other 50% of its shares owned by Canterbury Waste Services Limited.

Transwaste has developed a bushland replanting programme and regional recreational walkway just north of the Omihi block known as the Tiromoana Bush Walkway. This provides access to the coastline north of the Omihi block (refer map below).



Map: Kate Valley Refuse Station (north of Omihi block) and Tiromoana Bush Walkway.

6. MAINTENANCE AND ENHANCEMENT OF PUBLIC ACCESS

The current regime for the management of public access practiced by Matariki Forests is well established throughout private and public forest owners throughout New Zealand. Forestry companies are encouraged by community boards, district and regional councils to facilitate responsible controlled recreation while managing the health and safety risks of all users (and protecting adjoining landowner interests).

This report demonstrates that Corisol New Zealand Limited has a good understanding of recreational protocols and practices adopted in New Zealand and the recreational characteristics of the Land.

Corisol supports and does not seek to restrict public access as practiced by Matariki Forests.

7. APPENDIX 1 – INTERCONNECTION OF WALKING TRACKS

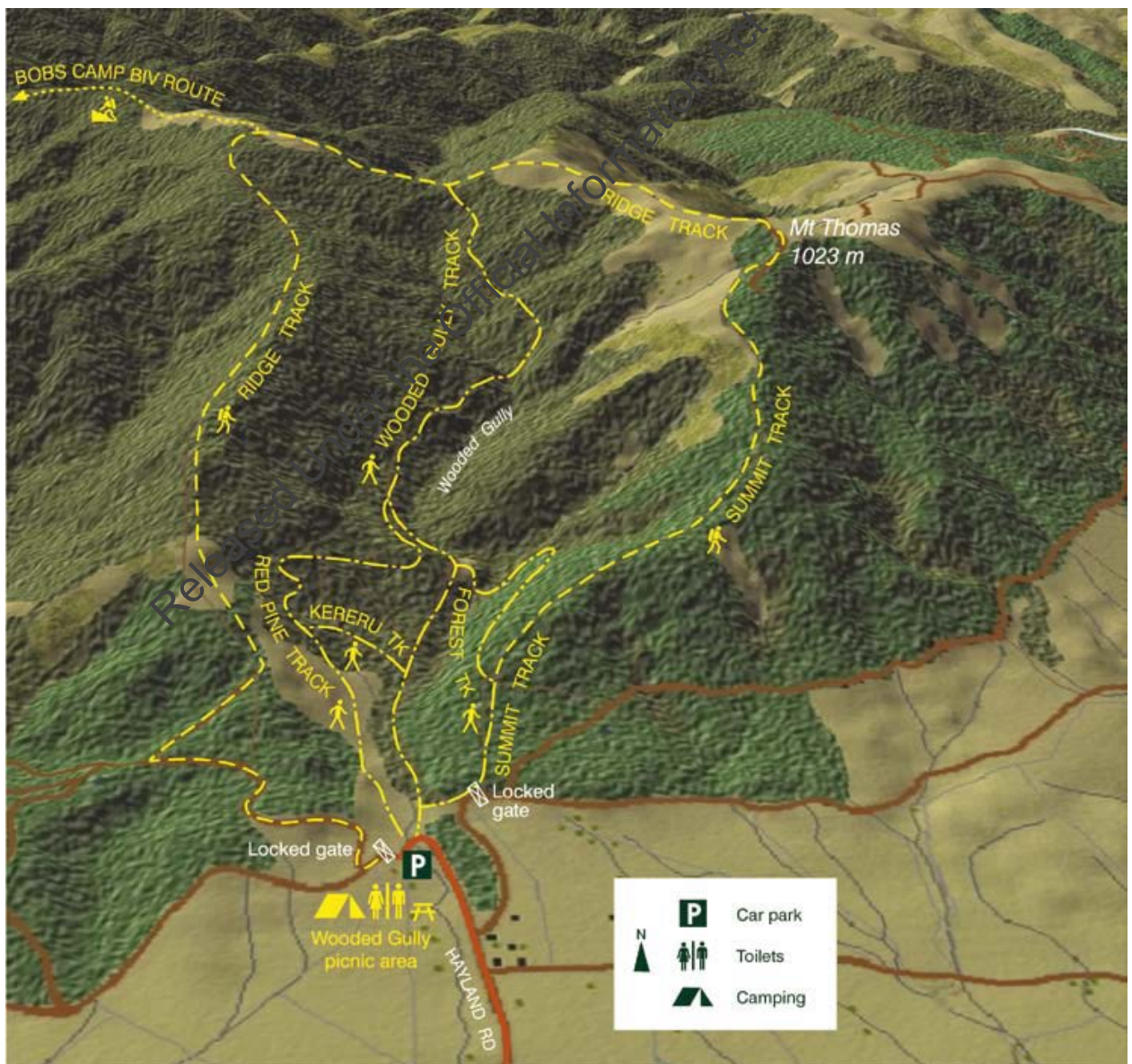
Land administered by the Department of Conservation adjoins the boundaries the Land at Mt Thomas, Okuku, Ashley and Hanmer. The following maps illustrate the track locations across DOC and private land owned by Corisol New Zealand Limited.

7.1 Mt Thomas

Mt Thomas Forest Conservation Area map prepared by the Department of Conservation showing exotic forest land in light green (Land) with conservation area in dark green.

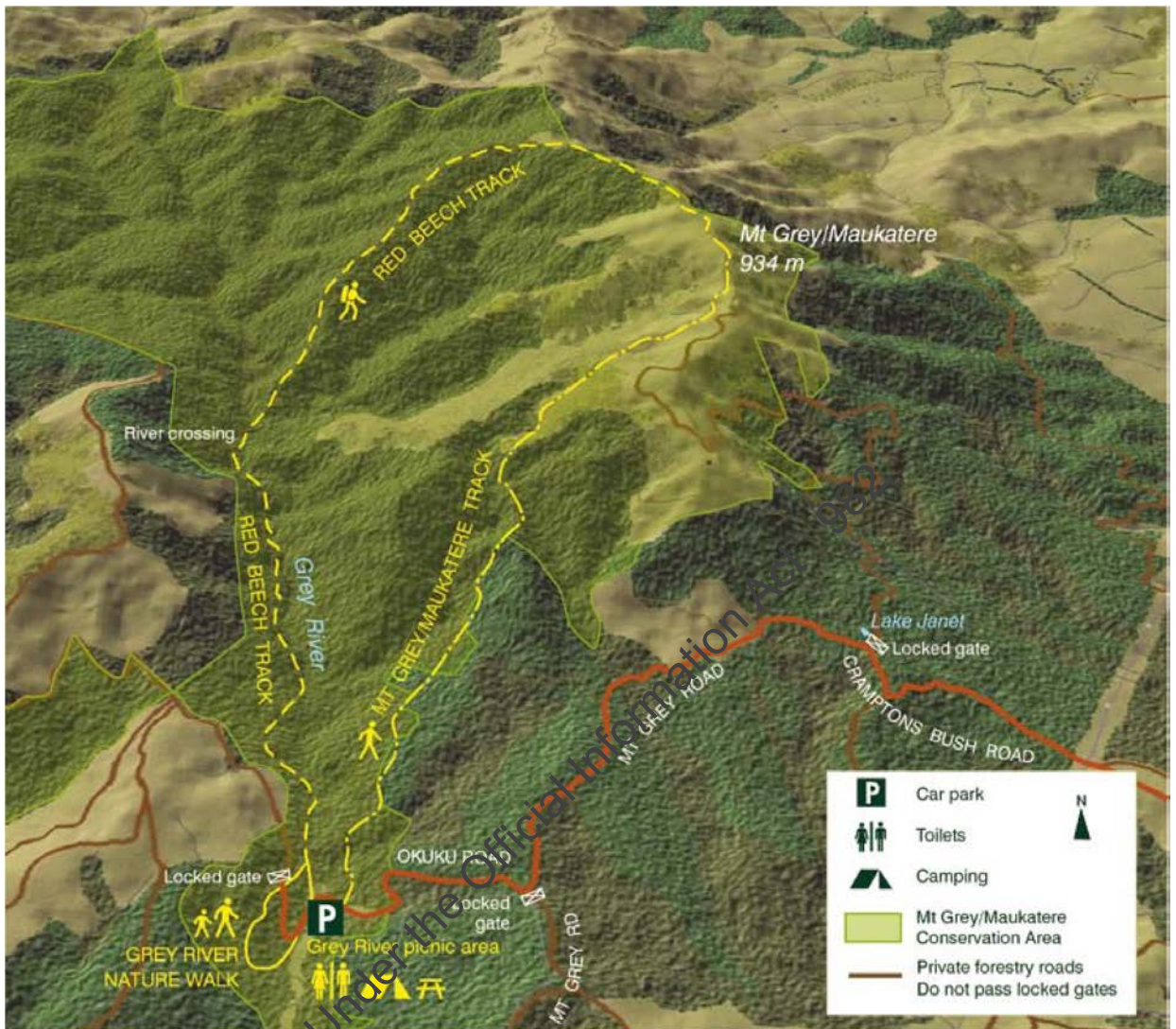
The “Summit Track” extends across Land owned by Corisol New Zealand Limited to the summit of Mt Thomas. The “Ridge Track” also commences on the Land to provide access to the ridgeline. The locked gates are marked identifying the private forestry road boundaries.

The walking track brochure prepared by the Department of Conservation notes the existence of private land and requests that visitors keep to the tracks and refrain from lighting fires.



7.2 Mt Grey/Maukatere Conservation Area (Ashley Forest)

The Mt Grey Conservation Area adjoins Ashley Forest and is accessed via Cramptons Bush Road.



Cramptons Bush Road leads into Ashley Forest. As this is a commercial forest, the road may be closed at times of extreme fire danger, during high winds or for logging operations. For your own health and safety, please respect this and be aware that heavy vehicles and logging trucks also use this road.

Approximately 2.7 km in from the forest gate is the Lake Janet picnic area. This is not public conservation land and is managed by Rayonier NZ Ltd.

The Grey River picnic area is a further 3.5 km on from Lake Janet. Beyond here gates on this road are locked, as are gates on all other roads leading off Cramptons Bush/Mt Grey roads. These roads are private forestry roads and permission must be gained from Rayonier to use them, including for mountain biking.

Just before the picnic area is a concrete ford over the Grey River. The ford may become impassable after heavy rain.

Phone Rayonier NZ Ltd (03 310 7612) or DOC (03 313 0820) during office hours for the latest road information. After hours emergency contact: NZ Private Fire Service 0274 480 9279.

Grey River picnic area

DOC manages a picturesque picnic area in Mt Grey/Maukatere Conservation Area close to the Grey River. Camping is permitted but fires are prohibited at all times. This is a basic (free) campsite with a toilet. Water is available from the Grey River. Insect repellent is recommended due to the high numbers of sandflies.

Matariki Forests

Mt Grey/Maukatere Conservation Area is surrounded by commercial forest plantations owned by Matariki Forests and managed by Rayonier NZ Ltd.



This is not a recreation area but a high-risk industrial site, and consequently there are comprehensive health and safety policies for all access and operations in Ashley Forest.

No unauthorised vehicle access is allowed as the winding and narrow roads are used by logging and roading trucks, making them dangerous for unfamiliar users. Hunting access is allowed only on weekends to permitted hunting clubs. Weekend access for mountain bikers can be gained as a member of the North Canterbury Cycling Club.

A weekend schedule of activities is provided to all registered users. The schedule includes any road closures due to logging operations and risks such as poisoning, trapping, spraying and weed control.

7.3 Hanmer Walking Tracks

Hanmer Springs in North Canterbury is an area where there is a significant amount of recreation on forested land owned by Ngāi Tahu Forest Estates Limited, the Hurunui District Council and the Department of Conservation. Recreation is focused in an area in excess of 600 hectares to ensure that the balance of commercial forestry operations can proceed without undue health and safety concerns. The Land owned by Corisol New Zealand Limited in Hanmer is just to the east of the map below. Special organised recreational events (such as the New Zealand MTB Championship) has occurred on this Land over the years.



9. APPENDIX 3 - WEEKEND REPORT FROM NZ PRIVATE FIRE SERVICES

(Christmas 2012):

Thursday:

- Callout to Balmoral 04 gate open – closed the gate.
- Callout to Ashley re trespasser (see email).
- Fire equipment audit Omihi.

Friday:

- Lock down Patrol of Ashley and Okuku.
- Forest closed signs put up in 8 sites on Balmoral Forest (fire risk).
- The access into the Balmoral Forest is completely open now along both the river side and the missing gates opposite the camp ground.
- The camp ground is filling up and I would estimate about 400 people in there so far.

Saturday:

- Patrol of MT Thomas and Okuku.
- Pickup fire sign for Amberley Rocks (had to paint as phone numbers all incorrect).
- Drop off locks.
- Call out by hunters to suspected poacher Boundary Road. Stopped and spoke to two persons walking three dogs. Not hunters but I asked them to move out.
- Opened gate and picked up walker at fire lookout who was too tired to go on.
- Moved on camper from car park at Lake Janet down to DOC area.

Sunday:

- Mr Heard had reported gate at top of Mt Cass Road had cut chain which I replaced.
- Fire Sign to Amberley beach area.
- Check of Ashley easement and Lena and I cleaned up at the bottles, broken glass and cans at Lake Janet.
- About 40 people camped at the DOC area (Mt Grey Picnic Area).

Monday:

- Check of Mt Thomas after report of quad bike along Lundy Road.
- Mt Thomas camp ground full with a lot of motorbikes and quads so I would expect more reports of bikes etc on the roads.
- Checked Tarries Glen Road and lower Okuku Gates.
- Call re persons on bikes in along the forests edge at the river in Eyrewell (no response).

Tuesday:

- Special permit for hangi fire Copples Road.
- Fire Call to Main Race Road, small grass fire extinguished by Cust Brigade with hose reel.
- Motorcycles (approx 8) in through Kowhai River Road attended by Colin in the late afternoon. This area will need some work to stop these riders going straight through into the forests unimpeded.
- Large party at Lake Janet early evening with some canoeing on Lake Janet but was well behaved. No sure what time they finished but got no calls to it later.
- Bon fire extinguished by party goes on banks of Hurunui just down from Camp Ground.
- A few cars full of young people up at Lovers Lane but they had gone elsewhere by 2330 hours.
- Mt Thomas was well behaved with a large party of drinkers and music but no trouble.
- About 25 at DOC camp ground Mt Grey.

86 telephone enquiries.

Regards
Paul