

21 January, 1997



Our reference 5200-D14-W07

Your reference:

Bruce Mason
Public Access New Zealand
R D 1
OMAKAU 9182

Dear Mr Mason,

ACCESS PROVISIONS - WAIORAU REVIEW

Thank you for your letter of 4 December 1996. I note your review of the access provisions relating to the Waiorau tenure review.

The matters of the access road and the Meg Hut were understandings I had with Mr Lee when I approved the Waiorau tenure review as they did not form part of the nine recommendations approved by me. I instructed my agents, Knight Frank and Department of Conservation to ensure that these understandings were implemented to the best of their ability in association with the specifics of the deal.

As the Meg Hut lay outside the land to be transferred to the conservation estate, ownership did not pass to Department of Conservation. However provision for joint control was negotiated and this agreement incorporated in the Conservation Covenant as Clause 10. A copy of the covenant is attached for your information.

I note that you request a specific response to a number of bullet points in your letter. I am pleased to comment as follows:

- 1 *The public being treated as "invitees"*. This is a traditional usage, however I have discussed this with my legal advisors who have agreed that this can be reworded to "any member of the Public".
- 2 *Setting of "fees"*. I agree that this should read "road toll" and have asked for the necessary change. I understood that the car park was bracketed with this to ensure that Mr Lee did not attempt to charge separately for car parking.
- 3 *Initial fee of \$20 per vehicle*. The original road toll of \$10 was set in 1994. With the passing of time the road use and costs have been reviewed, albeit informally and Department of Conservation and Mr Lee have agreed to a reviewed road toll of \$20 per vehicle.
- 4 *No provision for Department of Conservation involvement in initial toll setting or criteria to be used in subsequent mediation*. Regards the first point is not possible for this role to be

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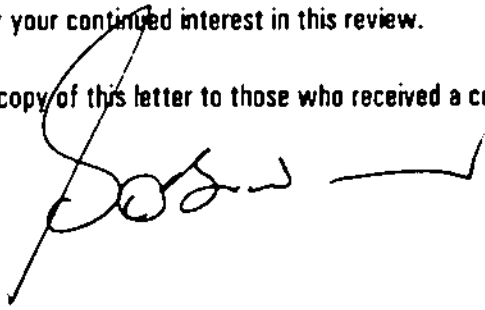
tied into documentation which is prepared after the event. As the proposed conservation estate is the dominant tenement for the easement, Department of Conservation staff have by necessity been involved in the initial fee setting. The matter of criteria has been discussed with Department of Conservation staff who consider the existing wording adequate. The onus of proof will be on the grantor should the matter require mediation.

- 5 *Closure of the road for commercial reasons.* I agree that the road opening provisions were not clear in the tenure review submission. Following your discussion with Ken Taylor I am advised that this Clause is being reviewed to ensure that any road closure is not selective.
- 6 *The requirement that "ticket office staff be advised".* I do not believe that this is a new requirement as it was assumed that the intentions card would be obtained from the ticket office when the road toll was paid. I also believe that such action is reasonable for management purposes to ensure that vehicles are parked in a "safe" location (which may vary from time to time) for subsequent snow clearing etc.

I have instructed my agents to make the amendments noted and to complete the implementation of this review as soon as possible. I consider this to be of vital importance to ensure that appropriate "rules" are in place for the 1997 winter season.

Thank you for your continued interest in this review.

I have sent a copy of this letter to those who received a copy of your letter to me.



Sam Brown
Chief Crown Property Officer &
Commissioner of Crown Lands