

Super Organic Dairy



OIO Cases 201520012 and 201520067

Super Organic Dairy and Southern Cross Dairy Sheep Ltd

Access Recommendations



WALKINGACCESS
ARA HĪKOI AOTEAROA

NZ Walking Access Commission – August 2016

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Recommendations for public access

Case: CMS 3120 Super Organic Dairy
OIO Case: 201520012 and 201520067
Applicants: Super Organic Dairy Company Limited and Southern Cross Dairy Sheep Technology Limited represented by Peter Gatley, Manager.
Local Authority: Taupo District Council
Case Received: 30 February 2016
Field Inspection: 26 May 2016
Report Date: August 2016

Legal details:

Certificates of Title	Appellation	Area (ha)
SA44A/655	Section 5 Blk V Karangahape SD	266.7630
SA44A/656	Section 7 Blk V Karangahape SD	247.0410
SA44A/657	Section 6 and Section 8 Blk V Karangahape SD	256.9470
		770.7510

1. Introduction

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

No new access is recommended over this property.

2. Purpose

This report provides the public access recommendations for negotiation and final agreement with the applicant for Overseas Investment applications 201520012 and 201520067, the former being for the purchase of the land and the latter for its lease by a related party.

3. Walking access conditions

The walking access conditions in the Ministers' consent (Appendix A) require the applicant to consult with the Commission to determine what it can reasonably do to provide, protect or improve public walking access over the relevant land, having regard to the proposed use of the land as a genetic breeding facility.

4. Consultation

In undertaking this assessment and in making the recommendations the Commission has consulted with the Department of Conservation (DOC) and with the property owner's management.

Consultation has included consideration of opportunities to provide walking access across the property to adjacent public conservation land and Lake Taupo.

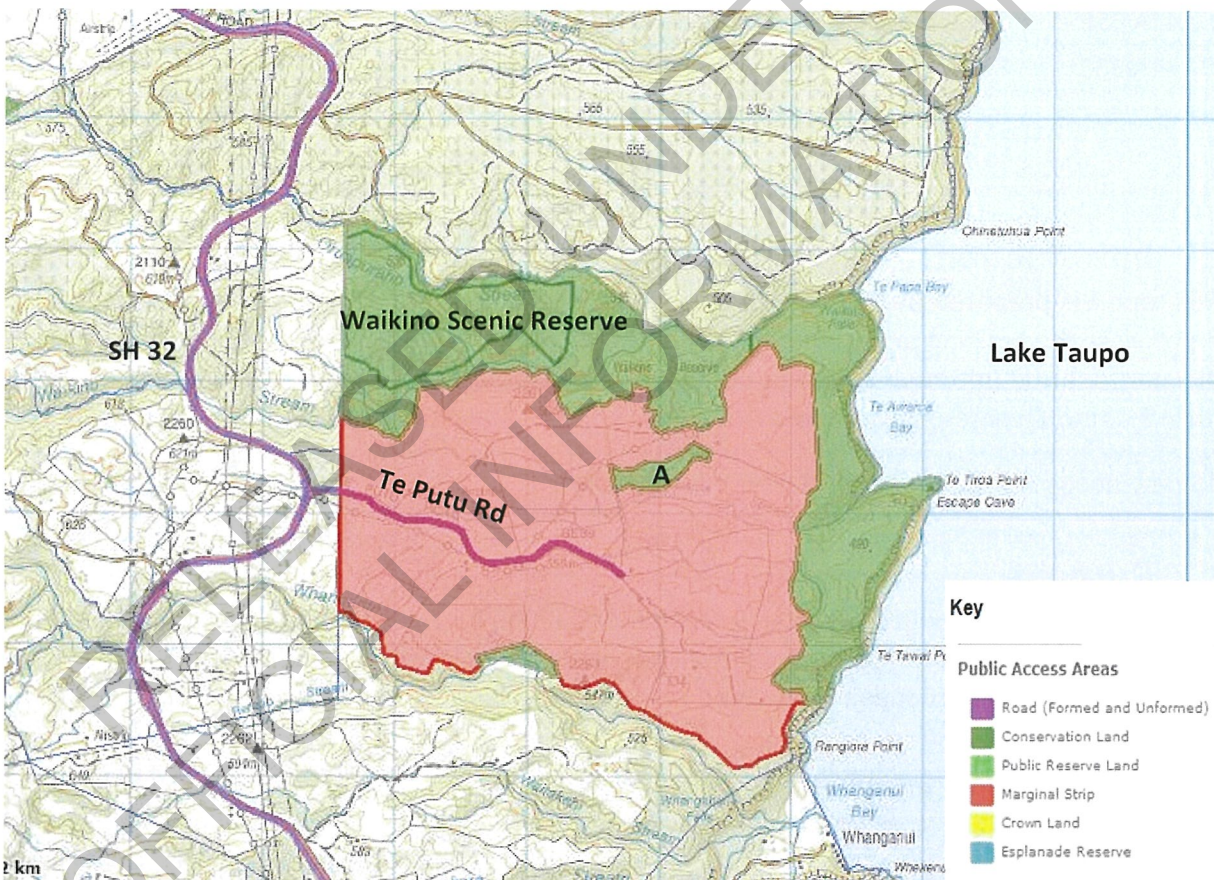
5. Field inspection

A field inspection was undertaken by the Commission's Regional Field Advisor on 26 May 2016 with Peter Gatley, the Applicant's manager.

6. Context

Super Organic Dairy is on the western shore of Lake Taupo, some 33 km south west of Taupo. The property is accessed from Te Putu Road off SH 32.

The property is an established sheep and beef farm that is in the process of conversion to a sheep milking enterprise and a genetic and breeding unit for milking sheep. It is owned by Super Organic Dairy Ltd and leased by Southern Cross Dairy Sheep Technology Ltd, majority owned by Super Organic Dairy Ltd, who are jointly classed by OIO as the individuals with control and consent holders.



Map 1 Overview Super Organic Dairy (pink).

Source: www.wams.org.nz

The property is surrounded to the west and south by plantation forests and farmland and bordered on the north and east by public conservation land (Waikino Scenic Reserve). This reserve separates the farm from Lake Taupo proper and there is a small isolated pocket (11ha) of reserve land within the property. (Map 1).

There are no streams or rivers on the property.

7. Analysis of existing legal access

Legal Road

Legal road access is from SH 32 via Te Putu Road which partially bisects the property for about two-thirds of its length. (Map 1)

8. Access assessment

Access to Lake Taupo

The property provides no direct access to the lake although it adjoins the intervening Waikino Scenic Reserve. Physical access to the lake through the reserve is extremely limited due to precipitous cliffs on the shoreline. There is practical access to the reserve from two points on the lakeshore.

Access to Waikino Scenic Reserve

This assessment, which included consultation with the Department of Conservation (DOC) and the local mountain bike group (Bike Taupo) noted:

- Due to the rugged terrain and existing access from the lakeshore there is no need for additional access to Waikino Scenic Reserve.
- Public access over the farm could create biosecurity risks for the genetic sheep breeding unit which will occupy it (see condition 3 of the consent).
- The owners advise that they are willing to provide access to public groups or individuals who wish to visit the small isolated block of regenerating reserve surrounded by the property (Map 1, point 'A').

There are no current or anticipated recreational values accessible only through the land. This position is supported by DOC and Bike Taupo.

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9. Priorities for walking access

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

Access Criteria – Section 11 Walking Access Act 2008	
Consideration of priorities for walking access over private land	Recommended public access to address these priorities
<i>11 (a) over land on the coast where there is not already walking access over the foreshore or the land adjoining the foreshore on its landward side:</i>	Not applicable. There is no coast or foreshore adjoining this property.
<i>11 (b) over land adjoining rivers or lakes where there is not already walking access over the land:</i>	Not applicable. There are no adjoining lakes or rivers.
<i>11 (c) to parts of the coast, rivers, or lakes to which there is not already walking access:</i>	Not applicable.
<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>	Not applicable.
<i>11 (e) to conservation areas (within the meaning of section 2(1) of the Conservation Act 1987):</i>	Not applicable. Adjacent reserve land has access from Lake Taupo and DOC advises it has no requirement for additional access.
<i>11 (f) to areas of scenic or recreational value:</i>	Not applicable. See 11(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>	Not applicable. There are no rivers and streams or lakes on the property.

10. Walking access recommendations

There are no recommendations for new public access for Super Organic Dairy.

Appendix 1 – Walking access conditions of consent

Notice of Decision – Case OIO 201520012 and 201520067 – Statutory Conditions of Consent

Walking Access

3. The Consent Holders must consult with WAC to determine what the Consent Holders can reasonably do (having regard to the proposed use of the relevant land, including the fact that the relevant land will be used as a genetic breeding facility) to provide, protect or improve public walking access over the relevant land or part of that land (such as the registration of new instruments) (“Walking Access”). The Consent Holders must:
- (a) Write to the Operations Manager at WAC (PO Box 12348, Thorndon, Wellington 6144) within 15 working days from the date of settlement advising that the Consent Holders wish to consult about Walking Access and enclose:
 - (i) a copy of the Decision Summary for this consent; and
 - (ii) a copy of this condition together with information identifying and describing the relevant land including aerial photographs, maps and Certificate(s) of Title;
 - (b) Implement any Walking Access recommended by WAC (“WAC Recommendation”) within two years from WAC making the WAC Recommendation, or such other timeframe as mutually agreed between the Consent Holders and WAC. The cost of any Walking Access shall be borne by the Consent Holders.
4. The Consent Holders must provide to the OIO a copy of the letter sent to WAC under condition 3 within 20 working days from the Settlement Date.

Dispute Resolution

5. Should a dispute or difference arise between the Consent Holders and WAC in relation to conditions 3 (“Dispute”), then the Consent Holders must:
- (a) Endeavour to resolve the Dispute by mediation;
 - (b) If the Dispute is not resolved through mediation within 60 working days from the Dispute arising, endeavour to have:
 - (i) the Dispute referred to and finally resolved in arbitration in Wellington, New Zealand;
 - (ii) the tribunal consist of a sole arbitrator appointed by agreement between the parties or, if the parties cannot agree, by the President of the New Zealand Law Society; and
 - (iii) the arbitral proceedings conducted in accordance with the Arbitration Act 1996 or any other statutory provision then relating to arbitration;
 - (c) Share the cost of any arbitration and/or mediation equally with WAC; and
 - (d) Provide a copy of any award made by the arbitrator to the OIO within 15 working days of the award being made.

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