

# Memorandum of Understanding

## Mahu Whenua 4WD Tracks Access Advisory Group

### *Access Management for the Mahu Whenua 4WD Tracks*

#### **PARTIES**

- |   |           |
|---|-----------|
| 1. QEII National Trust                                    | (QEII)    |
| 2. Soho Property Limited                                  | (SPL)     |
| 3. The Director-General of Conservation                   | (DOC)     |
| 4. Queenstown Lakes District Council                      | (QLDC)    |
| 5. Arrowtown Village Association                          | (AVA)     |
| 6. Queenstown Trails Trust                                | (QTT)     |
| 7. Herenga ā Nuku   Outdoor Access Commission             | (HāN OAC) |
| 8. New Zealand Four Wheel Drive Association Incorporated. | (NZFWDA)  |
| 9. Shotover Four Wheel Drive Club Incorporated            | (SFWDC)   |
| 10. Arrowtown Charitable Trust                            | (ACT)     |

*The Parties are also collectively referred to herein as the 4WD Access Advisory Group.*

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## Introduction

The Mahu Whenua Covenants are four QEII National Trust (QEII) open space covenants registered over Crown pastoral leasehold land held by Soho Property Limited (SPL). QEII administers the covenants and is charged with promoting the Open Space Values which they protect.

SPL has existing developed public access tracks (Mahu Whenua Tracks), which are located on Glencoe and Coronet Peak Stations, for the most part within the Mahu Whenua covenants, and include well-formed combined walking and cycling tracks, benched 4WD tracks, narrow walking paths, and unformed or lightly formed marked routes.

A previous Memorandum of Understanding (MOU) is in place which established the Mahu Whenua Tracks Access Advisory Group (Access Advisory Group) to ensure those tracks are managed efficiently and effectively without undue negative impacts on the surrounding land. That group includes QEII, SPL, The Director-General of Conservation (DOC), Queenstown Lakes District Council (QLDC), Arrowtown Village Association (AVA), Queenstown Trails Trust (QTT) and the Walking Access Commission (now Herenga ā Nuku | Outdoor Access Commission) (HāN|OAC).

The organisations within the Access Advisory Group work together in close partnership to manage the Mahu Whenua Tracks with each organisation having a specific role determined by their interest in both the Mahu Whenua Tracks and the wider area.

## Macetown Road and connected 4WD Tracks

Macetown Road is a very popular 4WD track and, despite its name, is not a legal road. The Macetown Road 4WD track runs from Arrowtown to the Macetown Historic Reserve alongside and crossing the Arrow River, and traverses various property parcels including QLDC land, DOC marginal strips, hydro parcels (Crown riverbed managed by LINZ) and pastoral leases for Glencoe, Mt Soho and Coronet Peak stations held by Soho Property Ltd that are subject to the Mahu Whenua Covenants overseen by QEII National Trust. A map showing the 4WD Tracks is shown at Schedule One.

Macetown Road 4WD Track and connected 4WD tracks (4WD Tracks) provide access to Scholes Tunnel, the Macetown Historic Reserve and other open spaces for many groups undertaking various activities including tourism, 4WD experiences, recreation, sports events, swimming, walking, hiking, mountain biking, horse riding, gold panning, appreciation of open spaces and historic features.

The Access Advisory Group has become increasingly concerned about the 4WD Tracks regarding:

- a. environmental damage,
- b. vandalism,
- c. off-road vehicle traffic volumes causing accelerated deterioration of the 4WD Tracks,
- d. safety due to hazards and risks especially for inexperienced off-road drivers, and
- e. potential liability for land owners / pastoral lease holders.

The Macetown Ruins and Reserve, Scholes Tunnel, the Macetown Road itself and various archaeological and historical features along and accessible via the 4WD Tracks are listed as Heritage Features to be protected within QLDC's District Plan.

The Macetown Historic Reserve (including Homeward Bound) is listed as an Historic Feature for DOC's Western Lakes and Mountains / Nga Puna Wai Karikari a Rakaihautu Place as a 'Local Treasure' with 4WD access. The DOC listing notes the area is subject to visitor impacts from vehicles and vandalism.

The Parties wish to provide long term protection of the environment and enduring 4WD vehicle access for the 4WD Tracks under a managed access system.

The Parties agree to apply for easements under the Land Act 1948 for easements covering sections of the 4WD Tracks where they cross pastoral leases for Glencoe, Mt Soho and Coronet Peak stations and some hydro parcels (LINZ managed Crown riverbed).

QEII, SPL and DOC have no objection to the establishment of these easements. The Commissioner of Crown Lands will be the grantor and QLDC agrees to be the applicant and grantee for the easements.

Areas under DOC management, including the Macetown Historic Reserve and marginal strips along the Arrow River, would not be covered by the easements over pastoral lease land or hydro parcels. DOC's existing Conservation Management Strategy for Otago provides for 4WD vehicle access over the formed 4WD Tracks over DOC-managed land from Arrowsdown to the Macetown Historic Reserve.

The Parties have agreed that this new Memorandum of Understanding (MoU) establishing a Mahu Whenua 4WD Tracks Access Advisory Group (4WD Access Advisory Group) would be beneficial to ensure that all works related to the 4WD Tracks are coordinated and effectively address the group's concerns using a managed access system incorporating a locked gate, surveillance cameras with remote communications capability and an online permit system in conjunction with regular track assessments and a programme for track improvements (Managed Access System). The parties to this MoU are collectively referred to as the 4WD Access Advisory Group.

### 4WD Access Advisory Group

**QEII** is an independent statutory organisation and a registered charity. QEII was set up in 1977 to 'encourage and promote, for the benefit of New Zealand, the provision, protection, preservation and enhancement of open space', and as perpetual covenantee of the Mahu Whenua Covenants, it is responsible for achieving these aims within the Mahu Whenua Covenants.

**SPL** is the holder of the leasehold land subject to the Mahu Whenua Covenants and is subject to Overseas Investment Office consent conditions related to public access. SPL have expressed their commitment to, investment in and management of the Mahu Whenua Tracks for walkers and cyclists and the 4WD Tracks above and beyond what has been required of them under their consent conditions.

**DOC** manage the 4WD Tracks where they traverse Public Conservation Land, including marginal strips, the Macetown Historic reserve and other conservation estate, as is compatible with their role of promoting the enjoyment of natural areas and is complimentary with their management of other tracks and public lands in the area. DOC maintains policies allowing 4WD access over formed 4WD Tracks between Arrowsdown and the Macetown Historic Reserve under its Conservation Management Strategy for the Otago region.

**QLDC** is the applicant and grantee for easements securing public access over the 4WD Tracks, and consequently has an interest in the effective management, maintenance and improvements of the 4WD Tracks, and particularly in facilitation and enhancement of public access to open spaces and listed Heritage Features on and around the tracks, consistent with historical practices and QLDC's

obligations under the Heritage New Zealand Pouhere Taonga Act 2014 to protect heritage buildings and places.

**HāN|OAC** is the grantee of existing easements under the existing MOU for 22 easements securing public access over many Mahu Whenua Tracks for walkers and cyclists, some of which connect to the 4WD Tracks. Consequently, HāN|OAC has an interest in the effective management and maintenance of the walking, cycling and 4WD Tracks, particularly in facilitation and enhancement of public access.

**AVA** has historically been involved in track maintenance on the Mahu Whenua Tracks for walkers and cyclists and may continue to undertake day to day maintenance of tracks connecting to the 4WD Tracks in partnership with the 4WD Access Advisory Group.

**QTT** has a general interest in promoting and facilitating the establishment of a track network in the Wakatipu and have agreed to provide advice and support to the 4WD Access Advisory Group to assist with facilitation and enhancement of continued access for walkers and cyclists to the 4WD Tracks.

**NZFWDA** is an incorporated society and the national body for affiliated four-wheel drive clubs throughout New Zealand. The 4WD Access Advisory Group has appointed NZFWDA to act as the Macetown Rd 4WD Tracks Access Manager with specific responsibilities to manage the implementation of the Managed Access System for the 4WD Tracks incorporating a locked gate, camera surveillance and an online permit system. NZFWDA will receive local support from SFWDC.

**SFWDC** is a Queenstown-based amateur sports club promoting the sport of four-wheel driving and is an incorporated society. SFWDC is affiliated to NZFWDA and will provide local support and expertise to undertake regular track condition assessments, evaluation of future needs and coordinate ongoing track maintenance and improvements.

**ACT** is a registered charitable trust based in Arrowtown. ACT will manage the Macetown 4WD Operating Account on behalf of the Mahu Whenua 4WD Access Advisory Group.

## Operative Part

### 1 Purpose

The purpose of this MoU is to record the principles and objectives that the 4WD Access Advisory Group expect to underpin their ongoing relationships regarding the 4WD Tracks. This MoU is intended to describe in general terms the projects and activities related to the 4WD Tracks.

The 4WD Access Advisory Group acknowledge that the landowner of the land on which the 4WD Tracks are located is the Commissioner of Crown Lands. Nothing in this MoU is intended to derogate from the landowner's rights.

### 2 Macetown Road 4WD Tracks Work Programme

The work programme which this MoU is intended to cover includes:

1. Implementing the Managed Access System for the 4WD Tracks comprised of:
  - a. A combination gateway incorporating a 'squeeze barrier' structure providing

- unrestricted access for walkers and cyclists and an opening vehicle gate secured by a combination padlock consistent with the indicative design and placement shown in Schedule Two; and
- b. A camera surveillance system located at the gateway structure location covering the approach to the gateway and incorporating number plate recognition capability, image capture and remote communications capability to transfer data to a host facility (Camera Surveillance System); and
  - c. An online fee-based system to process permit applications for vehicle access to the 4WD Tracks (Online Permit System) incorporating capability to:
    - i. Issue fee-based permits for one-time access for individual 4WD vehicles and motorcycles;
    - ii. Provide applicants with information setting out hazards, risks, conditions for using the 4WD Tracks, and an Acknowledgement and Assumption of Risk Agreement, consistent with the example set out at Schedule Five.
    - iii. Notify Online Permit System permit holders and SPL approved tourism or major event operators of gate code changes.
    - iv. Provide padlock gate codes to groups approved by the 4WD Access Advisory Group to have unrestricted free access - including riders on horseback (through riding clubs), Arrow Irrigation, Emergency Services, Search and Rescue, Land Information New Zealand (LINZ) and the Parties to this Memorandum of Understanding.
  - d. Construction, installation and maintenance of signage regarding the 4WD tracks outlining risks, hazards, a map showing the presence of a locked gate and requirements for a permit for 4WD vehicles and motorcycles to travel beyond the locked gate:
    - i. General information at the beginning of the Macetown Road 4WD track alongside other signage near the Bush Creek ford;
    - ii. Detailed hazard and risk warnings at a second location approximately 800m from the start of the Macetown Road 4WD track;
    - iii. On flat ground at the start of the ascent to the locked gate on the bluffs above Britannia Terrace.
  - e. Construction, installation and maintenance of a simple gate or post and chain padlocked barrier and 'No entry' sign at the entrance to a dangerous narrow cutting (used and maintained by Arrow Irrigation) leading down to the Arrow River near the Scholes Tunnel clearing.
2. An annual programme to protect and preserve the 4WD Tracks including regular track condition assessments, track maintenance and improvements, management of contractors for upgrades or improvements, collection of one-time public permit fees and reporting to the 4WD Access Advisory Group.
  3. Management of access for events or commercial activities on the tracks, decision making regarding route changes and access arrangements (foot/cycling/horse riding/ 4WD vehicles, Off-road motorcycles etc) for the Mahu Whenua 4WD tracks, and any other decisions or works related to the use, maintenance, or funding of the 4WD Tracks.
  4. Design and placement locations of the combined gateway structure, the gate or post and chain barrier and signage (including content on signage) will be approved by the 4WD Access Advisory Group.
  5. QEII, SPL, DOC and QLDC agree that NZFWDA and SFWDC will manage the work programme set out above on behalf of the 4WD Access Advisory Group, including project implementation and

management of an annual programme of track maintenance and improvements. Any variations or additions to the work programme will require consultation with and agreement from QEII, SPL, DOC and QLDC as to the scope and nature of the works programme.

### 3 Term

The Parties wish this MoU to be effective for twenty years from the date of execution.

The intention is for this MoU to be renewed thereafter at ten-yearly intervals subject to agreement of the Parties.

## Roles of Parties under this MoU

### 4 QEII will:

- a. Administer the Mahu Whenua Covenants as perpetual covenantee.
- b. Facilitate design, construction and installation of new and replacement signage for the 4WD Tracks and take ownership of the signage. Where the signage suffers any damage that, in QEII's opinion, exceeds normal wear and tear, the Parties agree that the costs of repair or replacement will be met using funds from the Macetown 4WD Operating Account.
- c. Attend meetings of the 4WD Access Advisory Group.

### 5 DOC will:

- a. Undertake land-owner responsibility for 4WD Tracks that cross DOC-managed property, as is compatible with DOC's role of promoting the enjoyment of natural areas and is complimentary with their management of other tracks and public lands in the area.
- b. The current version of DOC's Conservation Management Strategy (CMS) for Otago includes provisions allowing for 4WD vehicle access over the 4WD Tracks between Arrowtown to the Macetown Historic Reserve and Anderson Stamper Battery consistent with current provisions for Outcomes and policies authorising 4WD vehicle access for the Western Lakes and Mountains / Nga Puna Wai Karikari a Rakaihautu Place<sup>1</sup>. DOC will continue to engage with the 4WD Access Advisory Group before providing advice to Ministers on future policies or strategies potentially affecting the current 4WD access provisions.
- c. Consider a Concession for public access easements over marginal strips along Macetown Road (similar to existing easements for the irrigation pipeline).
- d. Consider developing a long-term Community Agreement for Management of the marginal strips along Macetown Road.
- e. Advise tourism operators and other concessionaires that use the 4WD tracks to access their DOC concession areas that their concessions are subject to a separate permit fee to contribute towards maintenance and track improvements of the 4WD Tracks and provide information to applicants to apply to SPL for the permit they require.
- f. Contribute to costs of design and construction of new and replacement signage for the 4WD Tracks.

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<sup>1</sup> Department of Conservation (2016) *Conservation Management Strategy – Otago*, Volume I, Part Two – Places, Section 2.3 and Appendix 10.

## COMMERCIAL IN CONFIDENCE

- g. Maintain information on the Macetown Rd 4WD Tracks on their website including a link to the Online Permit System web pages.
- h. Share closure notices via the DOC website and regular communication channels.
- i. Attend meetings of the 4WD Access Advisory Group.

### 6 QLDC will:

- a. Act as applicant and grantee for easements under the Land Act 1948 covering sections of the 4WD Tracks where they cross pastoral leases for Glencoe, Mt Soho and Coronet Peak stations and hydro parcels on LINZ managed Crown riverbed (the Easements).
- b. The Easements allow for providing vehicle access but will not include any commitment or requirement to provide vehicle access.
- c. Liaise with Herenga ā Nuku, LINZ and the licensed surveyor (engaged to undertake survey work related to the Easements) regarding LINZ requirements for the survey approach and information required.
- d. Pay LINZ fees relating to the application, granting and registration of the Easements on titles. QLDC will not contribute to the registered surveyor's fees or LINZ fees for processing new property parcels.
- e. Liaise with DOC regarding a Concession for public access easements over marginal strips along Macetown Road (similar to existing easements for the irrigation pipeline).
- f. Manage access from QLDC land at Arrowtown to the commencement of the 4WD Tracks, as is compatible with QLDC's role of providing strategic recreation facilities for the community near to urban centres.
- g. As Grantee, delegate rights via a management agreement for implementation and annual operational activities for the Managed Access System to NZFWDA. The agreement will allow the NZFWDA to further delegate tasks to the SFWDC.
- h. Share closure notices via the QLDC website and regular communication channels.
- i. Maintain information on the Macetown Rd 4WD Tracks on their website including a link to the Online Permit System web pages.
- j. Attend meetings of the 4WD Access Advisory Group.

### 7 SPL will:

- a. Coordinate with the 4WD Access Advisory Group to ensure that they meet obligations relating to public access imposed by their Overseas Investment Office consent.
- b. Liaise with LINZ and confirm formal consent for the Managed Access System and operation of the Macetown 4WD Operating Account, including receipt of permit fees for commercial and public access users, to meet LINZ recreation permit requirements under the pastoral leases within the Mahu Whenua Covenants.
- c. Take on ownership of the gateway structure located on the Macetown Road 4WD Track on Glencoe Station pastoral lease land as depicted on the map at Schedule One. SPL will not be responsible for repairs or replacement costs for the gateway structure. Any such repair or replacement costs will be funded from the Macetown 4WD Operating Account.

## COMMERCIAL IN CONFIDENCE

- d. Set fees and receive and process permit applications / access agreements and send invoices to commercial and other specific applicants including:
  - i. tourism operators (including DOC concessionaires) seeking annual or one-off permits, and
  - ii. major event organisers (including those with QLDC event approvals) seeking specific event permits,
  - iii. other commercial operators.
- e. The fees payable to SPL will be determined by SPL but will be no less than the approved permit fees shown in Schedule Three and any variations approved by the 4WD Access Advisory Group. (Approved Fees)
- f. Agree that gross commercial permit fees will be paid directly to the Macetown 4WD Operating Account. SPL will retain the right to charge an admin fee for a proportion of the commercial permit fees provided that the residual commercial permit fees retained in the operating account are equal to or greater than the Approved Fees.
- g. Notify NZFWDA and ACT of details of permits (including documented access agreements) issued to tourism operators, major event organisers or other commercial users, including contact details for provision of gate padlock codes and road closure requirements for events.
- h. Attend meetings of the 4WD Access Advisory Group.

### **8 AVA will:**

- a. Be invited to join the annual 4WD Access Advisory Group meetings.
- b. Provide feedback on track conditions.
- c. Continue with voluntary track maintenance for Mahu Whenua tracks for walkers and cyclists in consultation with QLDC and QEII.
- d. Receive donations or grants for the Managed Access System and disburse funds through direct payment of invoices as required by a donor or funder and approved by the 4WD Access Advisory Group or by transfer to the Macetown 4WD Operating Account.

### **9 QTT will:**

- a. Provide advice on design for the cyclists and walkers 'squeeze barrier' component of the access gateway structure.
- b. Assist with design and specifications for new and replacement signage for the 4WD Tracks.
- c. Be invited to attend meetings of the 4WD Access Advisory Group.

### **10 HāN|OAC will:**

- a. Provide input regarding management of the Mahu Whenua Tracks for walkers and cyclists.
- b. Provide advice regarding managing access to the 4WD Tracks and facilitation of public access to the 4WD Tracks.
- c. Provide statutory advice on the management of the public access easements.

*COMMERCIAL IN CONFIDENCE*

- d. Liaise with and provide input to QLDC, LINZ and the registered surveyor engaged to undertake surveys over the 4WD Tracks in relation to applications and surveys relating to the Easements.
- e. Contribute to costs for signage.
- k. Contribute to costs for the survey work and LINZ fees relating to processing new property parcels for the Easements.
- f. Be invited to attend meetings of the 4WD Access Advisory Group.

**11 NZFWDA will:**

- a. Take on the role of Macetown Road 4WD Access Manager, including delegated authority from QLDC (the Grantee for easements over the Macetown Rd).
- b. Coordinate with SFWDC for implementation of the gateway structure, Camera Surveillance Systems and gate padlock code change processes.
- c. Develop, install and take on ownership of the Camera Surveillance System. NZFWDA will not be responsible for repairs, replacement or operating costs for the Camera Surveillance System. Such costs will be funded from the 4WD Operational Fund.
- d. Provide a capability to receive and maintain camera images and data.
- e. Develop, implement, take ownership of, and host the Online Permit System. NZFWDA will not be responsible for annual costs of hosting, technical support, upgrades, merchant fees and other operating costs for the Online Permit System. Such costs will be funded from the Macetown 4WD Operating Account.
- f. Manage regular updates to the permit system including updating any track restrictions or conditions for permits, times of track closures, changes to gate codes and provide automated updates to holders of existing permits for the relevant period(s) affected by updates.
- g. Set up a payment gateway in the Online Permit System to collect online permit fees with payments to be directly transferred from the payment gateway to the Macetown 4WD Operating Account.
- h. Submit invoices / recover costs for the Online Permit System hosting, support and upgrade costs and reimbursement for any other costs associated with the role of Macetown Rd 4WD Access Manager.
- i. Maintain information on the Macetown Rd 4WD Tracks on their website including a link to the Online Permit System web pages.
- j. Coordinate with SFWDC for their role as local Project Lead and ongoing support functions of regular track inspections, regular changes to padlock codes on the locked vehicle gate, coordination of track improvements, deployment and maintenance of the Camera Surveillance System and reporting to the 4WD Access Advisory Group.
- k. Participate in an annual inspection of the 4WD Tracks coordinated by SFWDC.
- l. Provide a service, including application forms and agreements, to accept and process permit applications for residents (within QLDC territorial area) seeking an annual pass permit.
- m. Attend meetings of the 4WD Access Advisory Group.

## 12 SFWDC will:

- a. Take on the role of Project Lead and coordinate implementation of the Mahu Whenua 4WD Access Management System.
- b. Act on behalf of NZFWDA where required, including under delegated authority from QLDC (the Grantee for easements over the Macetown Rd).
- c. Liaise with DOC with a view to developing a long-term Community Agreement for Management of the marginal strips along Macetown Road.
- d. Develop and maintain a programme of works for approval by the 4WD Access Advisory Group.
- e. Prepare an implementation budget and annual operating budget for approval by the 4WD Access Advisory Group.
- f. Coordinate with NZFWDA, QEII, SPL, QLDC and DOC as required and provide local support to the Macetown Road 4WD Access Manager including undertaking regular track inspections, regular changes to padlock codes on the locked vehicle gate, coordination of track improvements and reporting to the Mahu Whenua 4WD Access Advisory group.
- g. Coordinate with QLDC, DOC and local contractors as required for track maintenance or improvements and ensure invoices for works completed are directed to NZFWDA.
- h. Submit invoices to ACT (manager of the Macetown 4WD Operating Account) for reimbursement of any costs associated with undertaking regular track inspections, regular changes to padlock codes on the locked vehicle gate, coordination of track improvements and reporting to the 4WD Access Advisory Group.
- i. Coordinate with QLDC and DOC as required for slip repairs.
- j. Coordinate with QEII, SPL, DOC, QLDC and NZFWDA to arrange an annual inspection of the 4WD Tracks.
- k. Undertake track assessments, club volunteer activities for minor maintenance and gate code updates consistent with a Safety Plan for activities on the 4WD Tracks.
- l. Coordinate assistance from the Central Otago Four Wheel Drive Club Incorporated (CO4WDC) for additional resources as required to undertake regular track inspections, regular changes to padlock codes on the locked vehicle gate and track improvement activities.
- m. Require local contractors engaged by SFWDC on behalf of the 4WD Access Advisory Group to prepare a Safety Plan in relation to works carried out on the 4WD Tracks.
- n. Maintain information on the Macetown Rd 4WD Tracks on their website including a link to the Online Permit System web pages.
- o. Post notices of Macetown Rd track closures on the Online Permit System website and provide links to QLDC to enable sharing of closure notices.
- p. Attend meetings of the 4WD Access Advisory Group.

## 13 ACT will:

- a. Manage the Macetown 4WD Operating Account in accordance with clause 21 of this MoU.
- b. Attend meetings of the 4WD Access Advisory Group and provide a quarterly financial report of income (receipts) and expenditure for the Macetown 4WD Operating Account.

- c. Receive donations, grants, commercial permit fees, and other permit fees.
- d. Pay disbursements for invoices or other agreed expenditure as approved by the 4WD Access Advisory Group. Disbursements or payments required between meetings may be approved by the 4WD Access Advisory Group by a simple majority by email.
- e. Payment of disbursements is subject always to sufficient funds being in the Macetown 4WD Operating Account. ACT is not responsible for ensuring there are sufficient funds available to meet projected disbursements.
- f. Charge an agreed quarterly administration fee for services provided to manage the Macetown 4WD Operating Account. The administration fee is initially set at \$200 excluding GST per quarter. This fee will be reviewed annually.

#### **14 The 4WD Access Advisory Group will:**

- a. Provide governance for the group and meet at least once per year (Annual Meeting) plus additional quarterly meetings as required to implement, manage and review the Managed Access System and approve payments.
- b. Appoint the Macetown Rd 4WD Access Manager and Project Lead for workstreams to implement the Managed Access System and manage an annual programme of regular track assessments and track improvements.
- c. Approve budgets for project implementation and annual operating costs.
- d. Be responsible for ensuring there are sufficient funds in the Macetown 4WD Operating Account to meet projected disbursements.
- e. Approve ACT to pay for specific costs included in approved budgets.
- f. Approve initial permit fees payable to the 4WD Operational Account as set out in Schedule Three, then review and approve permit fees at least once per year.
- g. Receive and review financial reports, track assessments and work programme reports.
- h. Approve costs for repairs or replacement of the gateway structure and Camera Surveillance System to be funded from available funds in the 4WD Operational Account.

### **Specific Matters Covered Under This MoU**

#### **15 Overall responsibility for the 4WD Tracks:**

Overall responsibility, control and management of all matters to do with the 4WD Tracks will lie with SPL, acknowledging always that the owner of the land subject to existing or future Easements is the Commissioner of Crown Lands.

The SPL Regional Representative for the Mahu Whenua Covenants will be the first point of call in the event of any matter related to the 4WD Tracks that is not otherwise addressed by this MoU.

Responsibility for the overall operation of the Managed Access System, including the online permit system, lies with NZFWDA with support from SFWDC. The NZFWDA President shall be the contact person for any matters relating to the online permit system or overall performance of the 4WD access management procedures.

## 16 Public access easements

The applicant and grantee for the 4WD Tracks public access easements is QLDC.

The 4WD Access Advisory Group recognise that, although this MoU has been drafted to be consistent with rights and responsibilities created by any public access easements over the 4WD Tracks, and the rights of the Commissioner of Crown Lands as owner of the land subject to those easements, this MoU and any other arrangements made by the 4WD Access Advisory Group are subject to those easements and rights.

The 4WD Access Advisory Group will ensure that all activities related to the 4WD Tracks programme of work are carried out in compliance with the public access easements and the rights of the Commissioner of Crown Lands.

## 17 Track assessments and improvements

The 4WD Tracks have been formed and used by various user groups over many decades. The 4WD Tracks require ongoing condition assessments, maintenance and improvements to ensure the 4WD Tracks remain useable and in a reasonable condition expected of a formed 4WD track available for public use and consistent with the condition as at September 2024.

SFWDC is responsible for regular track condition assessments, regular changes to padlock codes on the locked vehicle gate, coordination of works for track maintenance and track improvements and reporting to the 4WD Access Advisory Group. SFWDC will use a standardised track assessment template for consistency of reporting.

Any proposed significant works for track improvements will be referred to the 4WD Access Advisory Group for their approval.

## 18 Commercial use and events

Any commercial use or other event proposed to be held on the 4WD Tracks will require prior approval from LINZ. A separate permit application to SPL is required and that permit will be subject to an agreement setting out the hazards, risks, conditions for access and including an Acknowledgement and Assumption of Risk Agreement. Where the application is approved by SPL, permit fees will apply in accordance with Schedule Three of this MoU.

## 19 4WD Track uses

The 4WD Tracks are intended to support enduring use of the 4WD Tracks by the existing user groups set out in Schedule Six of this MoU. Expansion of the uses permitted on the 4WD Tracks will be by agreement of the 4WD Access Advisory Group, and subject to any required consent from the Commissioner of Crown Lands.

QLDC will be responsible for seeking variations of the public access easements to recognise those changes as necessary.

Specific uses (such as dog access, cycling, walking, horse riding, etc.) permitted on the 4WD Tracks are to be determined by the uses permitted in the relevant easements.

## **20 Misuse and misconduct**

Day to day issues relating to misuse of the 4WD Tracks will be attended to by NZFWDA and SFWDC in consultation with the 4WD Access Advisory Group where appropriate.

Should serious misconduct occur such that a legal remedy may be considered, SPL, with support from QEII if the event could impact on values protected under the covenants, will take responsibility for the issue, in consultation with the 4WD Access Advisory Group, and the Commissioner of Crown Lands as required.

## **21 Macetown 4WD Operating Account**

Subject to the requirements of any relevant permit from the Commissioner of Crown Lands, any funds received from access permit fees as set out in Schedule Three of this MoU, will be paid into a dedicated account (Macetown 4WD Operating Account).

Any funds received in the form of contributions by any of the Parties or other grants or donations, will be paid into the Macetown 4WD Operating Account, except for funds paid directly to AVA pursuant to funders' instructions. AVA will use funds received to pay for project implementation invoices and provide copies of invoices paid to funders in accordance with any funder's grant conditions.

The Macetown 4WD Operating Account will be administered by ACT, keeping records of income (receipts) and disbursements made to pay for project implementation costs, ongoing maintenance and track improvements and associated costs for managing access to the 4WD Tracks and maintaining any associated structures.

The Parties anticipate funds in the Macetown 4WD Operating Account may accumulate to levels exceeding the annual operating budget for the 4WD Tracks. Excess funds may be retained for future maintenance works or may be allocated at a meeting of the 4WD Access Advisory Group, by agreement recorded in writing, for significant track improvements or as a contribution towards costs of slip repairs in the event of a major slip.

## **22 Meetings**

The 4WD Access Advisory Group will meet on at least an annual basis, or at an alternative interval determined by the 4WD Access Advisory Group. Meetings may be in person or using video conferencing technology or a combination of both.

Meetings will be coordinated by SFWDC, who may invite external parties to attend, in consultation with the 4WD Access Advisory Group.

## **23 Communication within the 4WD Access Advisory Group**

The Parties will consult each other whenever it may be appropriate concerning the matters covered by this MoU, and will use their best endeavours to ensure that they cooperate in good faith with one another in relation to that consultation.

As contacts for the Parties change regularly, each agency will ensure that a handover process is in place so that incoming responsible persons are prepared and able to carry out their responsibilities under this MoU. Contacts for each party are as follows:

QEII contact:

Rob Wardle



SPL contact:

Jo Booker



DOC contact:

David Butt



QLDC contact:

Clare Tomkins



HāN|OAC contact:

Richard Ryall



AVA contact:

Nick Fifield



QTT contact:

Mark Williams



NZFWDA contact:

Steve Adam



SFWDC contact:

Kevin Marlow



ACT contact:

Amanda Viana



## 24 Data Sharing and Intellectual Property

All intellectual property brought into the relationship under this MoU by any party remains in the ownership of that party.

Ownership and management of intellectual property developed by NZFWDA in relation to the online permit system remains in the ownership of NZFWDA.

Ownership and management of any other intellectual property developed in relation to any project under this MoU, or any required standards for data management and protocols for data sharing, will be dealt with by agreement of the 4WD Access Advisory Group, through a management agreement or other contractual arrangement if necessary.

Use of logos or other corporate identification will be subject to the prior written consent of each Party on a case-by-case basis.

## 25 Publicity and Press Releases

Where any member of the Access Advisory Group considers that a matter regarding the 4WD Tracks is, or is likely to be, controversial in any way, QEII will be advised prior to any press release so that appropriate action can be considered, which will ordinarily include consultation with the 4WD Access Advisory Group.

Parties may communicate directly with their constituencies or members on matters affecting that Party, subject to timely approval by QEII and such approval may not be unreasonably withheld.

## **26 Dispute Resolution**

If a dispute arises between the Parties regarding this MoU, the Parties will, without prejudice to any other rights or entitlements they may have, attempt to resolve the dispute by agreement using informal dispute resolution techniques such as negotiation, mediation, and independent expert appraisal. The rules governing any such technique adopted are to be agreed between the Parties.

The Parties acknowledge that in certain circumstances disputes may need to be dealt with under the dispute resolution clauses in the public access easements.

## **27 Variation and Amendment**

If required, any changes to this MoU will be agreed to by the 4WD Access Advisory Group, recorded in writing, and inserted or attached as a variation to this MoU. Any such variation will be signed in the same manner as this document and will become an addendum to it.

## **28 Electronic communications**

The Parties agree that this MoU, and any other document associated with this MoU, has effect whether in electronic or paper form. An electronic communication from a party allowing agreed changes to the MoU will have the same effect as a paper original.

## **29 Official Information Act**

The Parties acknowledge that if any member of the 4WD Access Advisory Group receives a request for information which includes data held by another member, that request will be more appropriately responded to by that member who holds the data in question. In such a case, the member who received the request will transfer the request to the appropriate party for a response. The Party holding the information or data requested shall be responsible for responding to the request. Parties subject to Official Information Act legislation shall comply with their obligations under that legislation.

## **30 Severability:**

If a clause or part of a clause of this MoU can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way.

If any clause or part of a clause of this MoU is illegal, unenforceable, or invalid, that clause or part is to be treated as removed from this MoU, but the rest of this MoU will not be affected.

## **31 Counterparts**


This MOU may be signed in any number of counterparts. All counterparts, when taken together, will constitute one and the same agreement.

## Execution

*Dated this 8<sup>th</sup> day of December 2025*

**SIGNED on behalf of the Director-General of Conservation:**

By: David Butt  
Operations Manager – Whakatipu-wai-Māori  
Acting under delegated authority:


Signed  \_\_\_\_\_

Date: 8/12/25

*A copy of the instrument of delegation may be inspected at the Director-General's offices.*

**SIGNED on behalf of the Queen Elizabeth II National Trust:**


By: Dan Coup  
Chief Executive

Signed  \_\_\_\_\_

Date: 5/12/2025

**SIGNED on behalf of the Queenstown Lakes District Council**

By: Clare Tomkins  
Parks Service Delivery Manager  
Acting under delegated authority:

Signed  \_\_\_\_\_

Date: 8-12-25

*A copy of the instrument of delegation may be inspected at the Queenstown Lakes District Council offices*

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**SIGNED on behalf of Soho Property Limited**

By: Russell Hamilton  
Owners Representative

Signed \_\_\_\_\_



Date 8 12 25

**SIGNED on behalf of the Arrowtown Village Association**

By: Nick Fifield  
Chairperson  
Acting under delegated authority:

Signed \_\_\_\_\_



Date 8.12.25

*A copy of the instrument of delegation may be inspected at the Arrowtown Village Association offices.*

**SIGNED on behalf of Queenstown Trails Trust**

By: Mark Williams  
Chief Executive Officer  
Acting under delegated authority:

Signed \_\_\_\_\_



Date 8.12.25

*A copy of the instrument of delegation may be inspected at the Queenstown Trails Trust offices.*

**SIGNED on behalf of Herenga ā Nuku | Outdoor Access Commission**

By: Dan Wildy  
Chief Executive Officer:  
Acting under delegated authority:

Signed \_\_\_\_\_



Date: 8 DEC 25

*A copy of the instrument of delegation may be inspected at the Herenga ā Nuku | Outdoor Access Commission offices.*

**SIGNED on behalf of The New Zealand Four Wheel Drive Association Incorporated**

By: Steve Adam

President:

Signed 

Date: 8/12/2025

**SIGNED on behalf of Shotover Four Wheel Drive Club Incorporated**

By: Jake Gregory

President:

Signed 

Date 8/12/2025

**SIGNED on behalf of Arrowtown Charitable Trust**

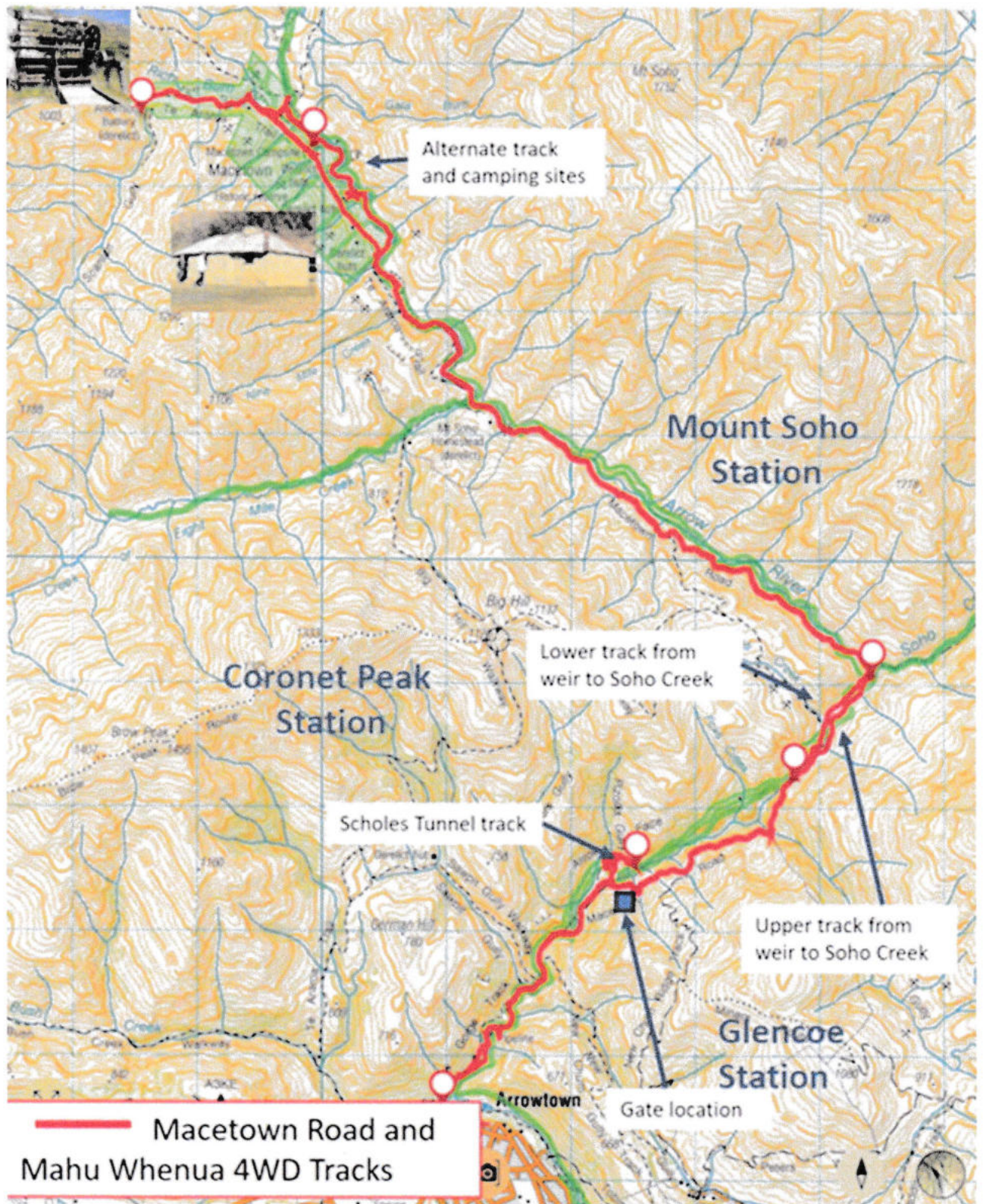
By: Amanda Viana

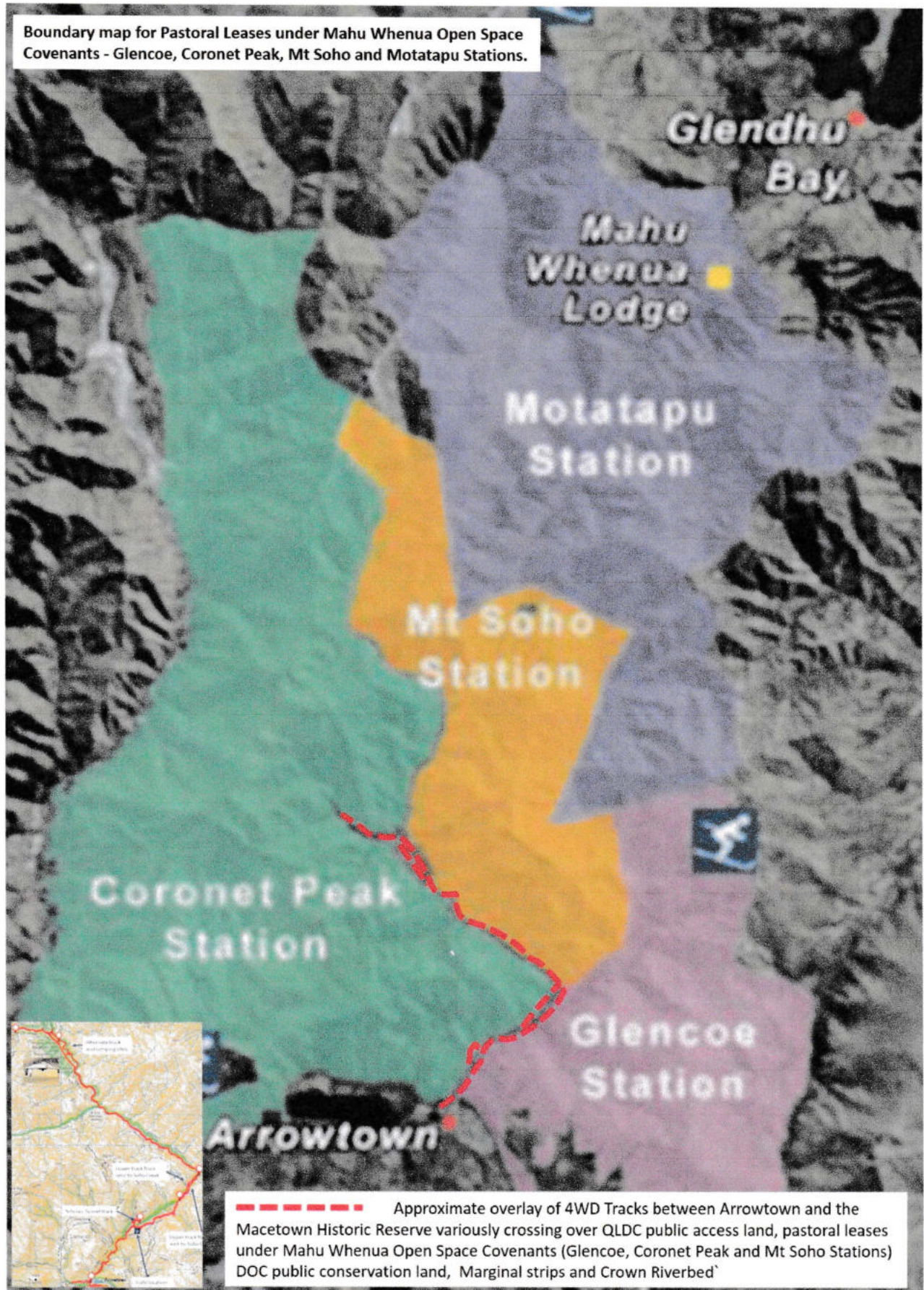
Chairperson:

Signed 

Date 8/12/2025

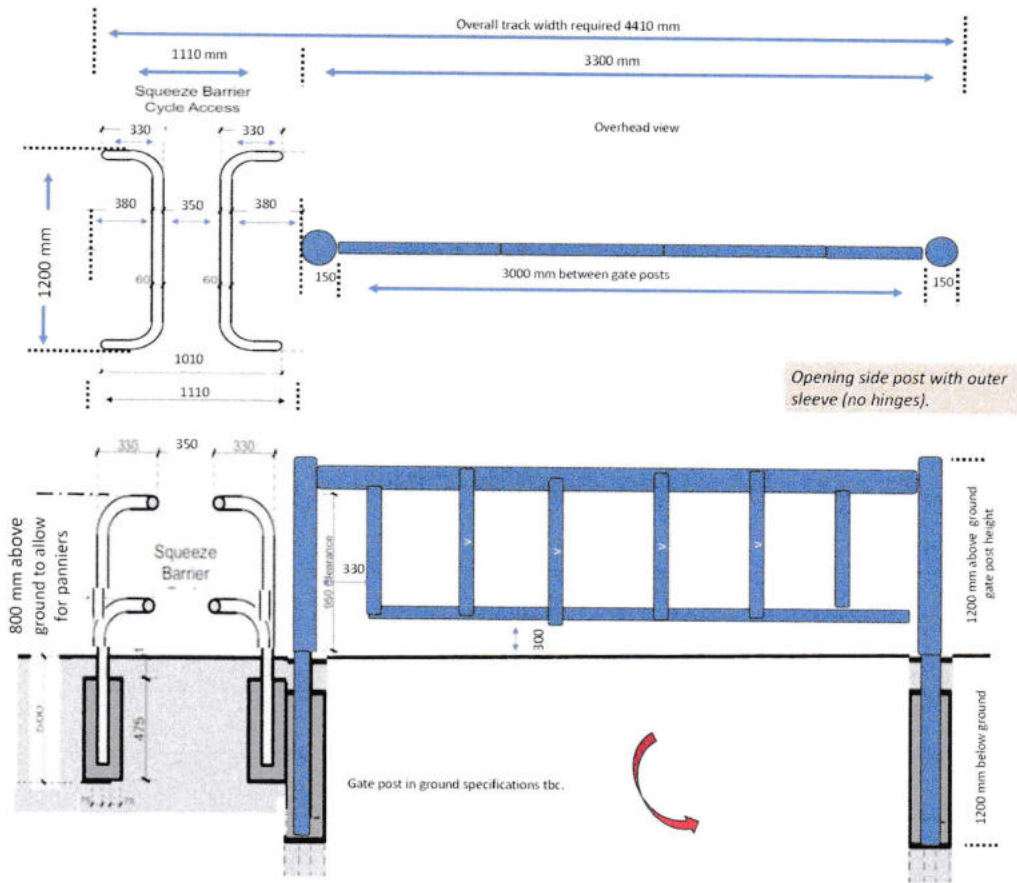
Schedule One Map showing the 4WD Tracks





## Schedule Two Indicative gateway design and placement

### Vehicle gate and cycleway squeeze barrier for Macetown Road – 5 February 2025



**Schedule Three Permit fees**

Permit type	Fees payable to the 4WD Operational Account
Single one-time permit for an individual 4WD vehicle or motor-cycle (via online permit system)	\$40.00 per vehicle per trip
Annual Pass local resident (resident within QLDC territorial area)	\$100.00 per annum non-transferable permit for one specified vehicle.
Annual Commercial Permit (commercial tourism operator)	\$2,000 - \$5,000 per annum (Fees may vary depending on the projected scale of access for the commercial operator)
Single day(s) permit commercial tourism operator	\$80.00 per vehicle
One-off major event – sports event or commercial operator	Minimum \$700 per day or higher fee to be set by SPL
Authorised Club trip for NZFWDA-affiliated Club (Restricted to affiliated Club members only so all vehicles are covered by NZFWDA public liability insurance. Limited to Maximum 12 vehicles including Trip Leader and Tail-end Charlie)  Bulk schedule to upload as permit option only available on NZFWDA members’ portal.	\$100 per club trip for 4-12 vehicles.  Trip report including track conditions required.

The annual period for Annual Pass Holders and Annual Permits for commercial operators shall be from 1<sup>st</sup> November to the following 31<sup>st</sup> October each year.

Permit fees shall be reviewed at least annually by the 4WD Access Advisory Group, and may be revised at any time at a meeting of the 4WD Access Advisory Group, provided that revised fees for local residents’ Annual Passes and commercial operators’ Annual Permits will only take effect from the beginning of the next annual period.

## Schedule Four Acknowledgement and Assumption of Risk

### Hazards:

1. There are numerous water crossings, mostly at 4WD vehicle bumper or wheel depth with the possibility of holes and deep water during a crossing.
2. Swollen rivers after rain and or snow melt create fast-flowing water crossings.
3. Route is prone to slips, washouts, rockfalls and track damage (especially after rain).
4. Muddy sections, medium or deep ruts, steep uphill and downhill sections, and steep drop offs at the side of the tracks.
5. Limited turning and passing points with sections that are only wide enough for one vehicle.
6. Remote open spaces with no mobile coverage
7. Likelihood of ice and snow in winter.
8. Slip, trip or fall hazard on terrain when on foot.
9. Weather can change quickly and river levels can rise quickly.

### Risks:

1. Loss of traction on slippery surfaces.
2. Vehicle gets stuck and requires recovery
3. Vehicles without a snorkel could get drowned - engine stops working due to ingress of water or your vehicle is washed away by fast-flowing water.
4. Damage to your vehicle including brush marks, scratches and dents.
5. Vehicle rollover or slips off the track and requires recovery
6. Personal injury or health related problems, and fatality.
7. Limited access for emergency services to the remote areas along the route

**Terms and Conditions:** The Macetown Rd 4WD Track is not a legal road and crosses sections of private land. Access to the track is a privilege and is subject to permission from the Land Managers. The Land Managers have appointed the New Zealand Four Wheel Drive Association Incorporated and the Shotover Four Wheel Drive Club Incorporated to manage access to the Macetown Rd 4WD Track.

The Land Managers reserve the right to impose restrictions on access to the Macetown Rd 4WD Track including:

1. Maintaining a locked gate with camera surveillance and a combination code available to permit holders to manage access.
2. Closing the track to the public for major events, maintenance, track improvements, safety reasons or at the request of emergency services.
3. Applying a maximum number to permits issued per day or for specific days.
4. Imposing one-way traffic rules for specified time periods each day.
5. Imposing a permit fee for each 4WD vehicle or Motorcycle.

### Drivers must comply with the following conditions:

1. Hold a valid New Zealand Driver Licence
2. Show courtesy to other track users, including other vehicles, cyclists, walkers, and riders on horseback.
3. Stay on formed tracks and avoid using or causing damage to areas away from formed tracks

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4. The locked access gate must be closed and locked after gaining entry and upon exit and drivers must not allow other vehicles not included in their permit to pass through (tail-gaters).
5. Proceed slowly and quietly in the vicinity of walkers and riders on horseback.
6. Do not disturb flora, fauna, relics or historic artefacts.
7. Drivers must proceed with caution and assess each water crossing carefully before attempting to cross the river.
8. Take all rubbish out with you.

### **All vehicles must comply with the following conditions:**

1. All vehicles must have current registration and a current Warrant of Fitness.
2. Vehicles other than motorcycles must have full 4WD capability.
3. Spark arrestors are mandatory in dry conditions.
4. Snorkels are mandatory for higher water levels.
5. Vehicles must have All Terrain or Mud Terrain or similar off-road tyres with tread depth that complies with Warrant of Fitness requirements.

### **Recommendations for vehicles using the Macetown Rd 4WD Track:**

1. Vehicles with access to a UHF radio should tune to Channel 15.
2. Snorkels are recommended at all times and mandatory when water levels are high.
3. Vehicles should carry a first aid kit, fire extinguisher, a spade or shovel and full-size spare wheel and tools to change wheels.

### **Acknowledgement and Assumption of Risk Agreement**

#### Definitions:

**Land Manager and Land Managers** means Soho Property Limited, QEII National Trust, Queenstown Lakes District Council and the Department of Conservation.

**Track Manager and Track Managers** means the New Zealand Four Wheel Drive Association Incorporated and the Shotover Four Wheel Drive Club Incorporated.

As a participant, and on behalf of all participants and / or passengers travelling with me:

1. I have the express authority on behalf of all other participants or passengers who will be travelling with me to enter into this Acknowledgement and Assumption of Risk Agreement on their behalf.
2. I consent to receiving electronic messages from the Track Manager about this application.
3. I certify that all information supplied in this application is true and correct.
4. I give consent to the Track Manager to maintain a permanent record of this application.
5. I consent to my application, any details contained within my application and / or the outcome of my application being made available to Land Managers.
6. I confirm that I have read, understand and am aware of the hazards and risks presented to me in this online permit application.
7. I confirm I have read, understand and agree to comply with the terms and conditions presented to me in this online permit application.
8. I assume responsibility for my own safety and the safety of my passengers, and accept the risks presented to me in this online permit application.
9. I am aware of and acknowledge that:
  - a. my property may be damaged while using the Macetown Rd 4WD Track.
  - b. the Land Managers and Track Managers provide no warranties in respect of safety and wellbeing of myself or any passengers travelling with me.

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10. I will not act in a manner that endangers myself or others and I acknowledge that I am responsible for the behaviour of any passengers in my vehicle and I will ensure any passengers do not endanger either me or others.
11. I acknowledge that if my application is successful I will receive a code for a combination padlock and that the code is for my use only. Further, I agree that I will not disclose the code to any other person and I will re-lock the gate with the combination tumblers changed away from the code. Further, I will not allow any other vehicle to pass through the gate when I have opened it.
12. I agree that to the extent permissible by law, the Land Managers and the Track Managers will not be liable to me or anyone else for, and I waive and indemnify the Land Managers and the Track Managers in relation to:
  - a. Any claims in contract or tort (including negligence) under statute or otherwise;
  - b. Any physical or mental injury, trauma, or death to me or others;
  - c. Any damage to or loss of property or any indirect (including special or consequential) damage or loss;
  - d. Any costs (including legal costs):  
sustained by me or any other participant or passenger during or in any way related by travelling on the Macetown Rd 4WD Track
13. This Agreement is governed by the laws of New Zealand. I agree that the Institutions and Courts of New Zealand shall have the exclusive jurisdiction to deal with any dispute, claim or any other matter arising out of or in connection with this Agreement or its subject matter.

I have read this Agreement, and by selecting that I "Agree" to it, I declare:

1. I am the named person who completed this Agreement;
2. I acknowledge and recognise the hazards and risks presented to me in this permit application;
3. I understand that the Agreement is binding upon myself, *(along with all other participants and passengers travelling with me) together with each party's heirs, executors, administrators and representatives* and constitutes a release and discharge to the Land Managers and the Track Managers from all claims, liabilities, or causes of action I may have arising from my travelling on the Macetown Rd 4WD Track.

## Schedule Five Mahu Whenua 4WD Tracks User Groups

The formed road is used extensively by a wide range of users requiring access to the Macetown Heritage Area for recreation, sports, tourism, environmental, infrastructure and community-led volunteer activities including:

Property owners, managers and stakeholder organisations:

1. Heritage New Zealand Pouhere Taonga (HNZPT).
2. Pastoral Lease holders (Soho Property Limited) and the Mahu Whenua Covenant Trustee (QEII National Trust).
3. QLDC, DOC, LINZ (staff and contractors).
4. Mining claims owners.
5. Other private property owners noted on land parcel information.

Recreation and sports clubs

6. General public for recreation purposes such as camping at the Macetown Historic Reserve campsite, swimming or transport for less able walkers to the reserve or open spaces to access walking tracks.
7. 4WD users including local clubs affiliated to the New Zealand Four Wheel Drive Association (NZFWDA), plus independent 4WD owners (members of the public).
8. Queenstown Trails Trust and cyclists using both mountain bikes and off-road e-bikes.
9. Riders on horseback (Wakatipu Riding Club, other clubs and individuals).
10. Off-road motor cyclists.
11. Walkers using the Mahu Whenua Trails and the Te Araroa Trail.

Tourism and major events

12. Commercial 4WD tourism operators (concessionaires managed by DOC and LINZ).
13. Major events (e.g. Motatapu Trail Marathon) transport for equipment, aid stations, event organisers, marshals, safety and support crews, managing health and safety obligations and evacuation of competitors (especially if the weather is not suitable for helicopter evacuations).

Community-led volunteer services

14. Various groups requiring transport for volunteers and equipment for maintenance or improvements to walking tracks, cycle trails, fences, gates or restored structures.
15. Wilding Conifer Control Group access and 4WD transport for volunteers and equipment.
16. Whakatipu Wildlife Trust access and 4WD transport for volunteers and equipment.

Infrastructure and rescue services

17. Arrow Irrigation (for maintenance of the Arrowtown irrigation scheme).
18. QLDC contractors and DOC Community Rangers.
19. Land Search and Rescue – transporting volunteers by 4WD to the back country.