

26 March 2026



Dear 

Official information request for information on public access to the Moakurarua Stream associated with Overseas Investment Office (OIO) consent 200929951.

I refer to your official information request to LINZ dated 17 March 2026 for confirmation of:

- Whether it's accurate for you to place three access points on your online access map to indicate where legal public access exists associated with the relevant property.
- What access anglers are entitled to under the OIO consent conditions.
- What course of action should/can be taken if anglers are being denied access?
- Whether the poled route required under Condition 7 of the OIO consent was installed and, if so, how access is intended to operate in practice there?

LINZ has transferred questions 1 and 2 of your request to the Outdoor Access Commission, as the relevant agency to provide this information to you.

The information you have requested is as follows:

Question 1 – *is it accurate to place three access points on Fish & Game's online Fishing Access map to indicate where legal public access exists associated with the relevant property?*

The locations you have indicated for placing these markers and the proposed instructions to anglers are:

Level 15, Majestic Centre
100 Willis Street
Wellington, 6011

- *The first two (at -38.164804, 175.082532 and -38.191690, 175.086215), which mark the upper and lower limits of the stream on the property and inform users of condition 6 (esplanade on the true right), for example "There is a public access easement on the TRUE RIGHT for 4.4 km upstream (between points 3 and 4) that is not surveyed".*
- *A third (around -38.187721, 175.090602), with a dotted line marking the south boundary from Tapuae Rd to the stream, which informs users of condition 7, that access to the esplanade strip may be gained via the poled route.*

The locations you have indicated are accurate and appropriate locations for marking where public access exists on your digital Fishing Access map. If any signage is intended to be installed on site, this would need the prior permission of the landowner as there are no rights or requirements for signage contained in the esplanade strip instrument. The landowner has an existing sign installed at the access location on Tapuae Road.

More accurate wording to provide for the public access information would be:

- There is an 20m wide esplanade strip for public access along the TRUE RIGHT riverbank for 4.4km upstream (between points 3 and 4). This does not show on digital maps as it is not surveyed.
- There is a 20m wide access route from Tapuae Road to the esplanade strip along Moakurarua Stream. The route follows markers on the fenceline from the sign on Tapuae Road. The public must make a request to the landowner or forest manager to use this route, who must then grant any access requested.

Question 2 - What access are anglers entitled to?

OIO consent condition 6 required an esplanade strip be created adjacent to the Moakurarua Stream for the purposes of public walking access, subject to particular conditions that were included in the consent.

The esplanade strip instrument was registered as an interest on record of titles 425097 and SA70B/782 in September 2012 (Registered interest 9157646.1).

The purpose stated for the esplanade strip area in the registered instrument is for enabling public access along the true right bank of the Moakurarua Stream. Any person has the right at any time to pass and repass over and along the esplanade strip area, subject to the following conditions:

- The public cannot wilfully endanger, disturb, or annoy a lawful user of the strip.
- The public cannot damage or interfere with any structure adjoining or on the land (including a building, fence, gate, stile, marker, bridge, or notice).
- The public cannot wilfully interfere with or disturb livestock lawfully permitted on the strip.
- The public cannot light a fire.
- The public cannot carry a firearm.
- The public cannot discharge or shoot a firearm.
- The public cannot camp.
- The public cannot take an animal onto, or have charge of an animal, on the land.
- The public cannot take a vehicle onto, or drive or have control of a vehicle, on the land.

- The public cannot wilfully damage or remove plants.
- The public cannot lay poison or set a snare or trap.
- The Grantor (landowner) may close access to the strip in the event of fire risk, or for health and safety reasons, or for the continuance of their commercial forestry business.
- Any person using the strip must take all reasonable and usual precautions to prevent the spread of Didymo or any noxious weed.

The esplanade strip instrument does not include public recreational use of the esplanade strip as a purpose of the strip. Consent condition 6 of the Overseas Investment Office decision 200920051 (Honikiwi Holdings) required an esplanade strip be created for the purpose of public walking access along the stream, not for the purpose of public recreational use.

Anglers are entitled to the same access rights that any member of the public has for walking along the stream. Anglers do not have rights to remain on the esplanade strip and use it for recreational purposes.

The esplanade has not been surveyed. The Resource Management Act 1991 does not require that an esplanade strip be surveyed. The esplanade strip is described in the esplanade strip instrument as being 20 metres in width and running the length of the true right bank (the bank nearest Tapuae Road) of the Moakurarua Stream across the land, from the point that the Moakurarua Stream crosses the northern boundary of the land, to the point where the Moakurarua Stream crosses the southern boundary of the land.

Land titles and registered instruments are publicly available through the LINZ Land Record Search <https://lrs.linz.govt.nz/search/> if you wish to obtain the property documents.

OIO consent condition 7 required the landowner to grant requests from the public to access the esplanade strip along the Moakurarua Stream using a route along the southern property boundary. This is referenced as a 'poled route' in the consent condition. The boundary fenceposts have been used as the 'poles' with orange markers attached to these. The landowner also needed to place a sign at an appropriate place that would draw people's attention to how to access this route.

This arrangement for the public access is not a written agreement, but a requirement under the landowner's OIO consent. The public, along with anglers, have the right to request access over the property using this specific route. Conditions relating to this access contained in the OIO consent condition are:

- Access is on foot.
- Access is without firearms.
- Access is without animals.
- Access is for non-commercial purposes.
- No fire or safety issues arise.

This OIO consent condition only applies to the current landowner. Under the current OIO regime, the Special Forestry Test requirement that existing access conditions are continued would apply if another overseas investor purchased the property. The consent condition would not apply to any other future purchaser who wasn't an overseas investor in commercial forestry.

In order to provide you with further context in terms of the information you have requested, please note that our Regional Field Advisor visited the Tapuae Road end of the access route in February 2025 and took the following photos of the sign on Tapuae Road and the markers down the fenceline.



Photo 1 – sign with information about accessing the public access route in place on the Tapuae Road fence.



Photo 2 – orange marker on fence post on southern property boundary.

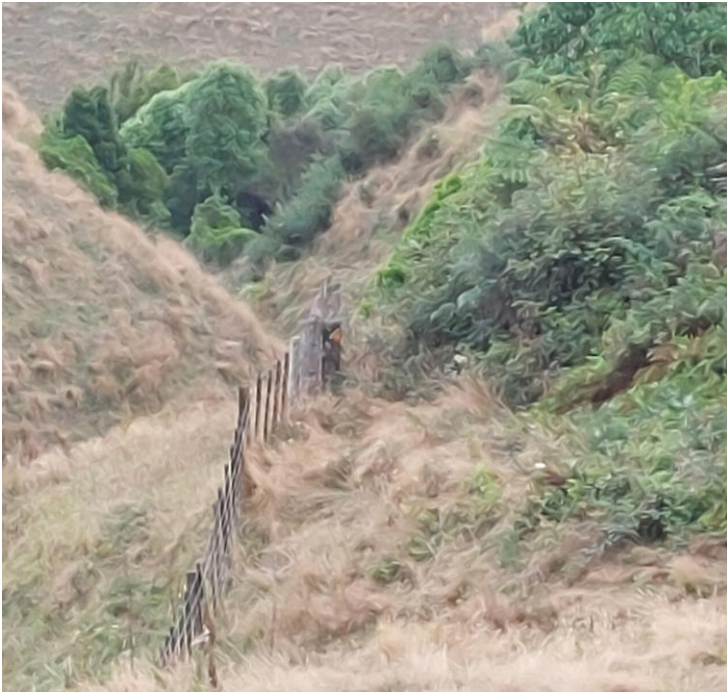


Photo 3 – orange markers are visible on fence posts further down the fenceline.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that it is our policy to proactively release our responses to official information requests where possible. Our response to your request will be published shortly at <https://www.herengaanuku.govt.nz/our-work/about/disclosure/official-information-act-responses> with your personal information removed.

Yours sincerely

Kirsti Douglas

National Operations Manager