

Wednesday's meeting

[Chris Tonkin](#)

Sent: Thursday, November 10, 2011 9:43 AM

To: tony.quirk@marlborough.govt.nz

Cc: [Ric Cullinane](#)

'Morning Tony,

Thank you for your time yesterday. My take on the outcome of discussions are;

In relation to Teme River you (MDC) undertook to write to the Le Brun's noting that the N.Z. Walking Access Commission, Department of Conservation and MDC all have an interest in facilitating improved access to public conservation land via existing legal road and marginal strip adjoining Teme river. The letter will include an explanation of the legal status and rights of the public in respect of ULR and a request to be advised of any legitimate concerns adjoining landowners might have with a poled walking route and appropriate signage. An invitation would also be extended for NZWAC / MDC to propose potential solutions in response to genuine concerns around pedestrian use of the legal road.

out of scope




In respect of the above issues I would be grateful if you could also keep me abreast of developments as they occur.

Kind Regards

Chris Tonkin
Field Advisor
N.Z. Walking Access Commission

section 9(2)(a)



RE: Teme - Ferny Gair - Le Brun

[Chris Tonkin](#)

Sent: Wednesday, November 16, 2011 10:24 AM

To: [Tony Quirk-8077 \[Tony.Quirk@marlborough.govt.nz\]](mailto:Tony.Quirk-8077@marlborough.govt.nz)

Attachments: [Teme River screenshot.pdf \(8 MB\)](#)[\[Open as Web Page\]](#)

Good Morning Tony,

Attached is a screenshot from the Walking Access mapping System (wams.org.nz) portraying roughly the same view as provided in your attachment. Access is sought from Avon Valley Road to public conservation land through, or adjoining land owned by the Teme River Ltd. You will note that legal access currently exists both via unformed legal road on the true right of the Teme (purple) and marginal strip adjoining the river itself. (red) As discussed last week the Commission accepts that vehicular access via the ULR may not be practical and in this situation a poled walking route with appropriate WAC / MDC signage is considered sufficient to facilitate the public's right of free, certain and enduring access.

Since we met I have had contact from Beau Webster of Blenheim police. Beau is also keen to find solutions to enabling improved access to Ferny Gair and, if it would help, has indicated his willingness to assist with landowner negotiations to that end.

Thank you for following this matter up Tony, please advise if I can assist further.

Chris Tonkin
Field Advisor
N.Z. Walking Access Commission
[section 9\(2\)\(a\)](#)

From: Bridget McCulloch-8127 [Bridget.McCulloch@marlborough.govt.nz] On Behalf Of Tony Quirk-8077 [Tony.Quirk@marlborough.govt.nz]

Sent: Tuesday, November 15, 2011 12:21 PM

To: Chris Tonkin

Subject: Teme - Ferny Gair - Le Brun

Just to ensure I track back to the correct property would you please confirm whether that be by provision of an aerial print notated with the stretch in question.

Attached is an aerial print I obtained. I just want to ascertain the Le Brun property to which you refer.

Tony Quirk
District Secretary
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RE: Teme Access - Le Brun Interest

[Chris Tonkin](#)

Sent: Friday, December 09, 2011 10:27 AM

To: [Tony Quirk-8077 \[Tony.Quirk@marlborough.govt.nz\]](mailto:Tony.Quirk-8077@marlborough.govt.nz)

Cc: beau.webster@police.govt.nz

Bcc: [Ric Cullinane](#)

Tony,

Thanks for your response. While the trespass issue triggered the initial enquiry it is historical and not especially relevant to the objective which is to either facilitate public access adjoining Temeriver Ltd. property via legal road and marginal strip, or to negotiate an alternative access solution across private land.

May I suggest the Council letter to Temeriver Ltd could be along the lines that the N.Z. Walking Access Commission, Department of Conservation, NZ Police and MDC all have an interest in facilitating improved access to public conservation land via existing legal road and marginal strip adjoining Teme river. Attached could be an explanation of the legal status and rights of the public in respect of ULR and a request to be advised of any issues the adjoining landowners might have with a poled walking route and appropriate signage. An invitation could also be extended for NZWAC / MDC / NZ Police to propose alternative solutions in response to genuine concerns around pedestrian use of the legal road.

I met with Beau Webster of Blenheim police last week and while we both agree that a joint NZWAC / Police approach may well provide the ultimate solution at Teme River and elsewhere, since ownership of the legal road is vested in the Council we considered it appropriate that any such approach should initially come via MDC.

Please advise if you see the situation differently.

Regards

Chris Tonkin
Field Advisor
N.Z. Walking Access Commission
section 9(2)(a)

From: Bridget McCulloch-8127 [Bridget.McCulloch@marlborough.govt.nz] On Behalf Of Tony Quirk-8077 [Tony.Quirk@marlborough.govt.nz]

Sent: Wednesday, December 07, 2011 1:46 PM

To: Chris Tonkin

Subject: Teme Access - Le Brun Interest

I refer to this one and indicate I am having difficulty in getting the factual matrix worked out.

Ownership of the land is in the name of The Temeriver Limited a company owned primarily by Georges Michel who is a director along with Daniel Le Brun and one other who lives on Reunion Island.

You referred to a trespass issue but what is difficult to ascertain is where the individual was and for which a Trespass Notice was issued. What I do not want to happen, as it often does, is for Council to be used to generate issues where, in this example, the person may have moved off legal road line onto private land and it is for that encroachment the Trespass Notice was issued.

Do you have any further information, such as the actual Trespass Notice itself plus a clear plan showing where the individual was alleged to have been walking throughout his period of time passing alongside the property.

I have discussed the matter with DOC and they have no information about the trespass or the issue.

If Council is to make any approach we do need to have the base facts.

If such facts are not available, or the issue is not clear cut, then really it maybe better for a joint Police/NZWAC approach to try and deal with the landowners.

I remain open to assisting in some way but as I say, I need to have a factual basis for any involvement by Council.

Tony Quirk
District Secretary

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RE: Teme Access - Le Brun Interest

[Chris Tonkin](#)

Sent: Friday, December 09, 2011 11:29 AM

To: [Tony Quirk-8077 \[Tony.Quirk@marlborough.govt.nz\]](mailto:Tony.Quirk-8077@marlborough.govt.nz)

Cc: [Ric Cullinane](#)

Bcc: beau.webster@police.govt.nz

Thanks Tony, I guess the main thing we are seeking is an assurance that Council will uphold its statutory role as the nominal 'owner' of legal roads - in particular the rights of the public to use them - and to this end will support the reasonable endeavours of NZWAC and other parties in seeking practical and enduring solutions where access issues arise.

I can provide an assurance that NZWAC would manage the Teme River situation with the appropriate level of caution and judgement but would prefer to be able to rely on a partnership approach as opposed to establishing a perception that NZWAC is in any way usurping the Council.

I understand your concerns around Council establishing itself as "lead player" and, further to your suggestion that "the Council be invited to participate," would appreciate your advice on the best way forward.

As for costs, assuming negotiated agreement on a poled route the only costs likely to arise at Teme River would be for route markers and signage, to which I expect the Commission would be happy to contribute.

I would be pleased to call and discuss this further at your convenience, please advise.

Regards

Chris Tonkin

Field Advisor

N.Z. Walking Access Commission

section 9(2)(a)

From: Chris Tonkin
Sent: Tuesday, 14 February 2012 10:46 am
To: 'Tony Quirk-8077'
Cc: Ric Cullinane
Subject: RE: Teme Access - Le Brun Interest

Tony,

Thank you for your response of 7th February and I agree, the best response is the carefully considered one. With reference to your comment *"It seems to me the Commission would be the best agency to promote some agreed arrangement against the understanding that access over legal road has to be acknowledged as a public right by the landowner whilst the status of the route is legal road."*

As previously advised I (on behalf of the NZWAC) am happy to try and find a practical and enduring access solution at Teme River so your suggestion of a "cooperative arrangement" is appreciated as at some stage I may need Council to assert its authority in respect of the public's right to use legal road.

I understand you will shortly receive a letter from Operations Manager Ric Cullinane on this aspect and I shall keep you informed of developments at my end.

Regards

Chris Tonkin
Regional Field Advisor,
N.Z. walking access Commission
section 9(2)(a)

From: Bridget McCulloch-8127 [mailto:Bridget.McCulloch@marlborough.govt.nz] **On Behalf Of** Tony Quirk-8077
Sent: Tuesday, 7 February 2012 9:30 a.m.
To: Chris Tonkin
Subject: Teme Access - Le Brun Interest

Hi Chris

I refer to earlier communications on this issue and the more I look at the background material the more I come to the conclusion that Council should not take the lead.

Taken back to its core it is said there are problems; somebody had trespassed; somebody had issued a Trespass Notice. We do not know, however, who is right or who is wrong.

What can be concluded is that there are tensions with people asserting rights and others, no doubt, seeking to deny the asserted rights.

For its part, Council normally protects rights of access over legal road though it acknowledges there can be situations where some flexibility is necessary for example because of particular farming use on land adjacent to any legal road, especially where we are talking about a road which is not one used for vehicular use.

You mention in your email of 9 December 2011, a partnership approach. I would suggest it is more a co-operative arrangement.

It seems to me the Commission would be the best agency to promote some agreed arrangement against the understanding that access over legal road has to be acknowledged as a public right by the landowner whilst the status of the route is legal road.

If there are particular problems no doubt your discussions will take those into account and, where feasible, mitigate the problems.

In terms of costs, we are somewhat cautious about giving any 'cheque'. We have found that expectations grow - this relates not only to the standard an access track but also pressure to replace signage and markers as they become tatty or are removed.

I thought it best to spell out our concerns.

If something more specific about the issues of people being denied right of access over legal road line then we are happy to communicate the facts of life but the information we have to date doesn't really provide us in our view with sufficient evidence to lay down the law.

Sorry it has taken so long to get back to you but I wanted to hold off over the Christmas/January period to see if, when refreshed, my views had changed in any way.

They haven't and we remain reluctant to step blindly into issues that may backfire on us.

Regards

Tony Quirk

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From: Tony Quirk-8077 <Tony.Quirk@marlborough.govt.nz>
Sent: Thursday, 26 July 2012 11:50 am
To: Chris Tonkin
Subject: RE: Wairau River - Game Bird Shooting

Thanks Chris

I'll send Daniel a GIS print and ask him to note on it where he thinks there is an issue and we can go from there
Tony

From: Chris Tonkin [mailto:Chris.Tonkin@walkingaccess.govt.nz]
Sent: Thursday, 26 July 2012 11:48 a.m.
To: Tony Quirk-8077
Subject: RE: Wairau River - Game Bird Shooting

Tony,

I agree, the situation re ULR and marginal strip access alignment at Teme River seems fairly straight forward but Daniel was of the view that a certain point a rock fall prevents practical access. Beau Webster suggested the MDC GIS information might assist on this point. I don't know whether it would be any more enlightening that the Walking Access Mapping system but as far as I am aware this is the only point requiring clarification. If you could ask Daniel to provide a GPS reference for the location in question I could get NZWAC Wellington to take a closer look at it if you wish.

Chris Tonkin
Regional Field Advisor,
N.Z. walking access Commission
section 9(2)(a)

From: Tony Quirk-8077 [mailto:Tony.Quirk@marlborough.govt.nz]
Sent: Thursday, 26 July 2012 10:36 a.m.
To: Chris Tonkin
Subject: RE: Wairau River - Game Bird Shooting

Thanks Chris

I had a call first thing this morning from Daniel. He said he was told to make contact with me as I had all the information.

I wasn't able to clarify what it was we were supposed to have which I could provide

If it is only related to the actual access alignment I really wonder what it is we can give out that might take things any further.

I suggest the print outs we have may not assist - what would be needed might be a surveyed plan overlaid on an aerial print.

I can't justify however the costs for such a survey. Is there some other info however you think is needed by the owners??

Tony

From: Chris Tonkin [mailto:Chris.Tonkin@walkingaccess.govt.nz]
Sent: Thursday, 26 July 2012 10:30 a.m.
To: Tony Quirk-8077
Subject: RE: Wairau River - Game Bird Shooting

Thanks Tony,

I'll review the information when I have a chance and get back to Mark if necessary.

The meeting with Georges, Beau and Daniel yesterday re Teme River access was useful to the extent that all parties gained an understanding of each other's issues. The status and extent of ULR and marginal strip adjoining The Teme River Ltd. property seemed to come as a surprise to Georges. I left him with a copy of "Guidelines for the Management of ULR," also some relevant NZWAC FAQ hand-outs to mull over and expect he will be in touch with MDC at some stage to clarify boundary issues and the location of legal access. I will be overseas for most of August but will follow up upon return.

Kind Regards

Chris Tonkin
Regional Field Advisor,
N.Z. walking access Commission

section 9(2)(a)

From: Bridget McCulloch-8127 [<mailto:Bridget.McCulloch@marlborough.govt.nz>] **On Behalf Of** Tony Quirk-8077

Sent: Thursday, 26 July 2012 9:05 a.m.

To: Chris Tonkin

Cc: Mark Wheeler-5030

Subject: Wairau River - Game Bird Shooting

I refer to this issue and attach summary prepared for Mark Wheeler which outlines the background to this issue.

Mark is happy if you wish to make contact with him to meet and discuss. It is likely he would involve section 9(2)(a) or section 9(2)(a).

The position outlined in the notes, however, might give you enough information to understand Council's position.

Tony Quirk

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Version: 2012.0.2178 / Virus Database: 2437/5155 - Release Date: 07/25/12

From: Chris Tonkin
Sent: Monday, 27 August 2012 11:57 am
To: 'Tony Quirk-8077'
Subject: RE: Teme

'Morning Tony.

Having reached the point where all parties are engaged it would be a pity to lose the momentum.

Given that the Teme access issue is not going to go away could I ask that you provide Daniel with a gentle reminder that his input is necessary for an informed analysis of the situation, and hopefully the identification of available options?

Thank you.

Regards

Chris Tonkin
Regional Field Advisor,
N.Z. walking access Commission
section 9(2)(a)

From: Bridget McCulloch-8127 [mailto:Bridget.McCulloch@marlborough.govt.nz] **On Behalf Of** Tony Quirk-8077
Sent: Monday, 27 August 2012 11:30 a.m.
To: Chris Tonkin
Subject: Teme

For your information I spoke to Daniel Le Brun and have provided him with an aerial print. I asked him if he would endorse on it the part where he considers a rock fall prevents practical access. A stamped addressed envelope was provided to enable return of the marked print.

That went out on 31 July 2012 but to date I haven't received any response.

Just really an indication for you of the current situation.

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out of scope

From: Bridget McCulloch-8127 [mailto:Bridget.McCulloch@marlborough.govt.nz] **On Behalf Of** Tony Quirk-8077
Sent: Thursday, 6 September 2012 10:40 a.m.
To: Chris Tonkin
Subject: Teme

Daniel has provided me with the attached information which shows the point where the road no longer exists. There is, he says, a gap between the end of the road and the point where DOC land commences.

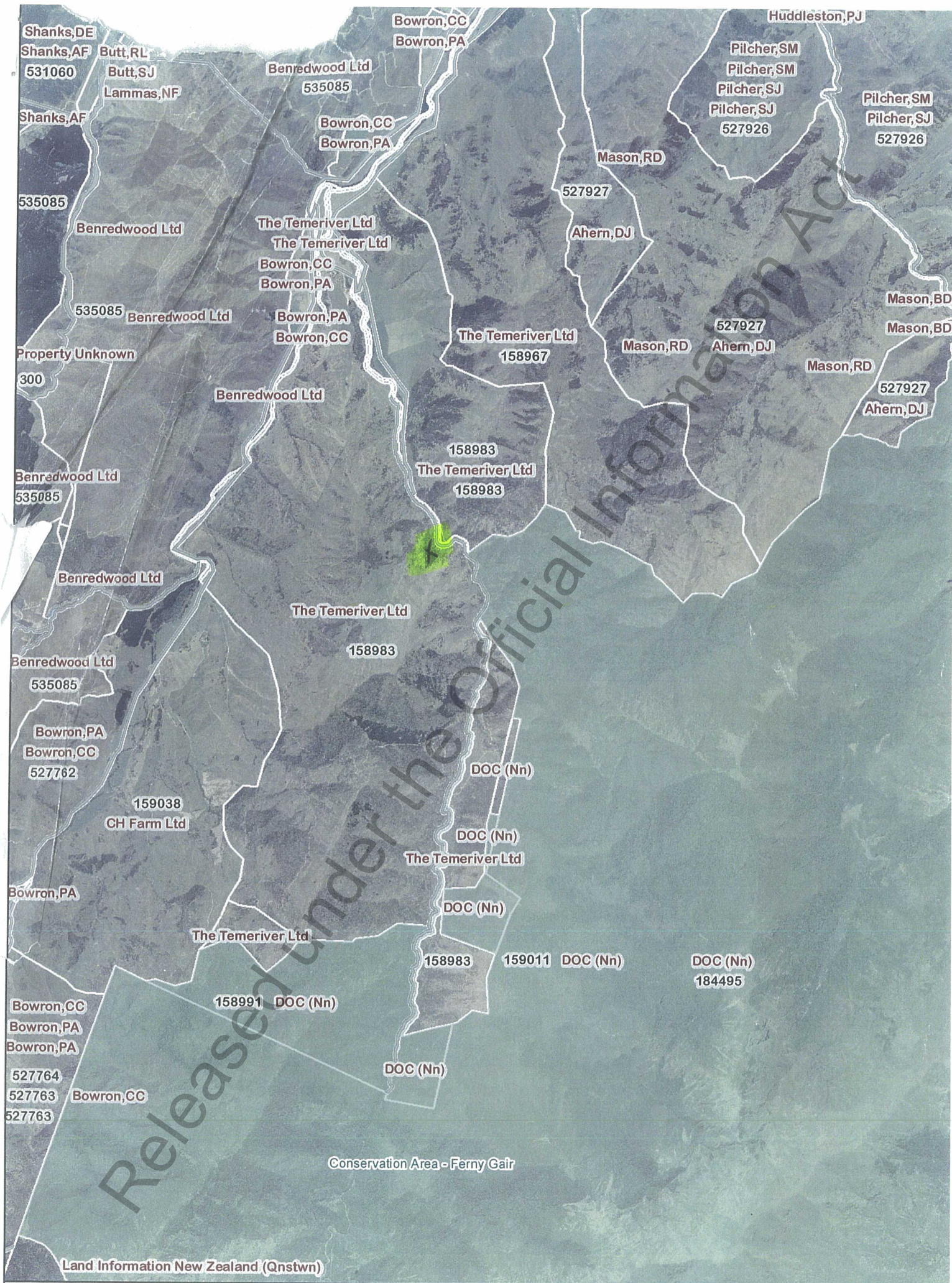
The indication, verbally, from Daniel is that people wanting to have continuity of access would need a 'magic carpet' to bridge the gap.

He also said the owners are not interested in providing access across their land to cover off that gap.

That's all I can provide at this stage.

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Google earth

feet
meters

700
200



the gorge is 40+ metres across



Google earth

feet
meters

2000

700

Bend in centre of the photo



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41°43'28.04S
173°37'00.47E

41°43'43.67S
173°37'11.41E

Click to add a point

Teme River

alleged rockfall blocking access along marginal strip and ULR here

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