

Lake Taupo & Lake Rotoaira Forests

OWNER ACCESS POLICY

December 2020

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1 Introduction

1.1 Purpose

The purpose of this access policy is to define how access to Lake Taupo Forest and Lake Rotoaira Forest is managed. Implementation and management of the access policy is to be carried out by New Zealand Forest Managers (NZFM) on behalf of the Trusts.

1.2 Operational and Other Access Permits

Access to the forests for operational purposes is controlled by NZFM, who will issue permits once satisfied the request is legitimate and access is necessary. This includes access for forestry operations, utility network maintenance contractors and others with ongoing temporary forest access requirements.

Any ad-hoc requests for access that do not relate to forestry operations (e.g. army training exercises) or involves the collection of information from the forest or land (e.g. geological surveys) will be referred to the relevant trust for their consideration.

2 Beneficial Landowner Access

2.1 Eligibility

Any person verified as a beneficial owner, descendant of a beneficial owner, or spouse of a beneficial owner is eligible to apply for permits to access Lake Taupo and Rotoaira Forest Trust lands. These permits are issued by the Forest Trusts at LTFT's Turangi office, at NZFM's Turangi office, and the Tuwharetoa Maori Trust Board office in Taupo.

2.2 Verification Process

Any person who believes they are eligible for beneficial landowner access must first register – registrations for both forests are undertaken at the Lake Taupō Forest Trust office. Once registered their name will be added to the Forest Permit Management System (FPMS) and permits to access the forest(s) can then be obtained. Proof of identity may be required when obtaining a permit.

3 General Terms and Conditions

In order to obtain an access permit for either forest the applicant must have signed an undertaking to abide by the terms and conditions of access. These terms and conditions change from time to time and so applicants must re-sign this undertaking periodically.

3.1 Owner Access Permit Conditions

Permit conditions are printed on the reverse of each permit issued. The conditions updated as at November 2020 are shown below:

Access - Location and Hours

1. This permit entitles the holder to enter only the land described on the permit and on the dates shown on the permit.
2. Access is permitted during daylight hours only. Access is permitted only after 4pm on week-days, and in daylight hours on weekends and public holidays – details are specified on the permit.
3. This permit does not confer a right of access except by way of defined legal roads or rights of way. Permission to cross any other land must be obtained from the owner or occupier.
4. Access is not permitted to any forest operational areas including skid sites, log stacks, or harvesting machinery.

Permit Holder Responsibilities

5. With respect to the land contained in this permit, the permit does not confer any right to: hunt, shoot or kill any bird unless an appropriate game bird licence is held; cut, fell or remove any live trees or shrubs; remove any sand, shingle gravel or any other minerals of any description; or trap or poison any possum, deer or pig or any other animal.
6. The holder of this permit shall not disturb or remove any graves of Maori people; places of historical and archaeological significance; or ancient artefacts of any origin whatsoever.
7. The lighting of fires is prohibited. Any person responsible for lighting of any fire may be held liable for damage caused and for expenses incurred in fire-fighting in addition to any fines imposed. The extent and location of any fire is to be reported immediately to Fire and Emergency NZ by dialling 111. Please dispose of cigarette butts safely in vehicle ashtrays.
8. Permit holders are warned that poisoning and or trapping for possums and other animals may occur in the area covered by this permit and therefore are cautioned against touching any baits, lures or carcasses found.
9. Camping and/or remaining in the forest overnight are prohibited.
10. The unauthorised use of drones within in the forests is prohibited.
11. The permit holder acknowledges that the forest is a place of potential hazards and agrees to take all proper care in exercising this permit. The permittee agrees to enter the forest at their own risk.
12. This Permit is personal to the holder and is not transferable. It must be carried at all times while in the forest and must be produced on demand to any employee or person duly authorised by NZ Forest Managers Ltd. The tear-off tab must be displayed in the windscreen of your vehicle.
13. All individuals aged 16 years or over must hold their own permit. Children under 16 years of age must be individually listed on a permit-holder's permit and be accompanied by that person at all times.
14. Any gate unlocked by the permit holder must be immediately closed and locked after use.
15. Key-fobs are for the use of the permit holder only and may not be lent to anyone else.
16. The permit holder acknowledges that they have no right to claim against the Forest Trusts, NZ Forest Managers Ltd or any entity authorised by them, for any loss, damage or injury resulting from accessing the Forest Trust lands under of this permit.
17. Permits may at any time be cancelled by NZ Forest Managers Ltd, including cancellation by public notice announced by radio, published in a local newspaper, or posted on the Trust or NZFM websites.

Hunting

18. Hunting is permitted in daylight hours – as specified on the permit - only. Spotlighting and the use of night vision equipment or thermal cameras for hunting after dark is totally prohibited.

19. Hunters must carry on their person a current firearms licence if firearms or bows are to be used.
20. Be aware that other people, including workers, may be in the forest – Strictly observe the NZ Arms Code, and note **your target must be identified beyond all doubt.**

Firewood

21. A permit is required to get firewood. Firewood may only be taken from the dedicated Firewood Yard – off Kiko Road in Lake Taupō Forest and off Papakai Road in Lake Rotoaira Forest. When cutting firewood with a chainsaw the appropriate safety equipment must be used; safety helmet, hearing and eye protection, safety footwear, safety trousers and chainsaw mitt and chain break.

Vehicles

22. All vehicles must have a current Warrant of Fitness and Registration. Motorcycles and ATVs are prohibited. Obey the NZ Road Code rules. The driver must hold a current Drivers Licence. Keep to the maximum permitted speeds as signposted. Keep headlights on low beam when traveling on forest roads. Do not block or hinder access to any forest road or gate.
23. Vehicles are only to be driven on formed roads and tracks.

Penalties

24. Failure to abide by any or all conditions may result in the cancellation of this permit and suspension of the right to future permits to Lake Taupo and Lake Rotoaira Forests and, on agreement with allied landowners, will also suspend access rights to numerous other Tuwharetoa land blocks – see the Trusts’ web sites for more details.

3.2 Permit Duration

Permits to access either Lake Taupo or Lake Rotoaira Forest will be valid for six months from the date of issue.

3.3 Access hours

Access hours will be divided into summer hours and winter hours. Times for each will be:

	Summer hours	Winter hours
Week-days	4pm – 11pm	4pm – 8pm
Weekends and public holidays	5am – 11pm	7am – 8pm

The dates of the changes between the summer and winter hours will vary by year but will be advertised on the Trust web-sites. Key fobs will only operate between the times listed on the permit. That the closing time is often after dark does not confer the right to hunt in the hours of darkness but is to allow time to exit the forest after ceasing hunting.

4 Consequences for Breaches of Access Policy

4.1 Breaches by Persons Who Are Eligible to Access the Lands

Potential breaches have been divided into two categories, major and minor, based on the seriousness of the actions and/or their potential consequences. The more common breaches are listed below – other breaches have occurred and no doubt will again occur, in which cases the Trusts will determine what consequences should apply.

4.1.1 Minor Breaches

Actions that will be considered minor breaches include:

- a) Eligible people accessing the forest without a current permit.
- b) Cutting firewood in a designated firewood yard without a current permit.
- c) Failure to produce a current permit on request (when a current permit is held).
- d) Using a vehicle in the forest with no current WoF or registration.
- e) Leaving gates open or unlocked.
- f) Cutting of firewood (non-merchantable exotic waste wood) other than from the firewood yard.

The consequences of minor breaches are:

- All persons committing any of the above breaches may be removed from the forest.
- A written warning may be issued following each minor breach.
- If an individual commits three minor breaches within any 12-month period they will be stood down from being able to obtain permits for 12 months from the date of the third breach.
- Multiple breaches contained in a single incident will be viewed as separate breaches.
- If an individual enters either Lake Taupō or Lake Rotoaira Forest within the 12-month period in which they are suspended this will be considered as a major breach, the consequences of which are outlined below.

4.1.2 Major Breaches

The following actions are considered major breaches:

- a) Entering or remaining in the forest outside of the allowed times.
- b) Spotlighting or hunting in the hours of darkness
- c) Being accompanied by a person who is not eligible for access permits
- d) Entering a designated Operational Area or logging site
- e) Theft
- f) Vandalism

- g) Careless, dangerous or reckless driving
- h) Using an ATV or motorcycle in the forest
- i) Driving a vehicle with an incorrect, altered or no registration plates.
- j) Dumping of rubbish or green waste
- k) Refusing to stop or comply with NZFM or security staff
- l) Giving false details to NZFM or security staff.
- m) Lending of forest keys, fobs or permits to a person who is not eligible to get their own permit.
- n) Removal of native wood, removal of commercial exotic wood, or the felling of live trees of any species.
- o) Undertaking a commercial activity within the forest without consent
- p) Any other illegal or criminal activities which could result in prosecution
- q) Entering onto Forest Trust lands during a 12-month stand-down resulting from committing three minor breaches

The consequences of a major breach are:

- All persons committing any of the above breaches will be removed from the forest and served with a Trespass Notice by NZFM or NZFM's security provider, which imposes a two-year ban from accessing all lands listed in Clause 6 of this policy.
- Any owner accused of committing a major breach can, within 14 days of notification of that breach, appeal in writing (e-mailed to security@nzfm.co.nz, or posted to NZFM, PO Box 304, Turangi 3353). A committee with Trust and NZFM representatives will consider that appeal and respond within 30 days of receipt of the appeal. In the mean-time the penalty initially imposed will stand.
- Any access onto the Trust lands or onto any of the other lands listed in Clause 6 within two years of the date of the trespass notice may result in a prosecution being sought.
- In cases where a trespass notice has been issued and there have been no further breaches for a 12-month period, the notice will, upon application by the offender (e-mailed to security@nzfm.co.nz, or posted to NZFM, PO Box 304, Turangi 3353), be reviewed by representatives of the Trusts and NZFM, and if appropriate, withdrawn.
- The Trusts and NZFM reserve the right to pursue prosecution of individuals if they commit Major breaches or repeated breaches.
- The Trusts and NZFM reserve the right to extend a two-year ban if there are court proceedings relating to access still ongoing at the expiry of the two years.

4.2 Offences by Members of the Public

Any person found in either forest who is ineligible for permits will be issued with a Trespass Notice and a prosecution may be sought. No applications to withdraw the trespass notice or review after 12 months will be accepted.

5 Work Dispensation

5.1 Eligibility

Any person who has been issued with a Trespass Notice may apply for a work dispensation if the continuation of their employment at the time of a trespass notice being issued requires them to enter the forest. Those eligible must be employees of NZFM or contractors directly employed by NZFM. Service providers and third-party forest users such as mechanics and utility service maintenance workers are not eligible for work dispensations.

5.2 Application

Applications for a work dispensation must be made in writing and sent to NZFM's Forestry Operations Manager, by e-mail to security@nzfm.co.nz, or posted to NZFM, PO Box 304, Turangi 3353.

The application should outline the details of the breach that resulted in the trespass notice being issued and the applicant's employment details. A confirmation from the applicant's employer that access to the forest is necessary for their continued employment is also required.

The Forestry Operations Manager has the discretion to accept or reject applications based on the circumstances that resulted in the trespass notice being issued, any history of breaches the applicant may have, or any other relevant information.

Continuing to access the forest between the time of a breach and a decision being made without the express consent of NZFM will result in the application being declined.

5.3 Conditions

Any work dispensation application that is accepted will be subject to conditions restricting the applicant's rights of access.

These conditions will include, but are not limited to, the following:

- a) Access to be for work purposes only
- b) Access to be in work vehicles only (not to travel to and from the worksite in a private vehicle)
- c) No forest keys are to be held

6 Trespass from other Properties

On agreement with several other Tuwharetoa land trusts, all individuals banned or trespassed from Lake Taupo Forest or Lake Rotoaira Forest will also be banned or trespassed from the following lands:

- a) Hautu Rangipo (Including Taupo Estate, Kaimanawa Forest, and Mangamawhitiwhiti Farm)
- b) Moerangi Station
- c) Oraukura Station
- d) Manunui Station
- e) Waihi Pukawa Station
- f) Waituhi Forest
- g) Taurewa Forest
- h) Pureora South Forest

Any Trespass Notice issued as a result of actions on any of these other properties will also be cause for a Trespass Notice to be issued for Lake Taupo Forest and Lake Rotoaira Forest.

7 Annual Review

This policy will be reviewed on an annual basis to evaluate the coverage and effectiveness of the policy. The date of review and a summary, along with any amendments agreed on by all the relevant parties will be recorded in the Reviews and Amendments section.

The Trustees are resolved to continue exploring options by which they can improve access opportunities for owners, and any updates on this will be included in the annual reviews.

7.1 Reviews and Amendments

December 2020 Amendments:

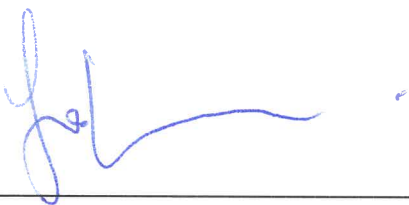
- 3.1 – 8 Add trapping to warning
- 3.1 – 10 Add prohibition on unauthorised use of drones
- 3.1 – 17 Add Trust and NZFM websites as platforms to notify cancellation of access
- 3.1 – 18 Add prohibition of use of thermal cameras for hunting after dark
- 3.1 – 19 Specify that firearms licences must be carried on person
- 3.2 Extend period of permits from 8 weeks to 6 months
- 3.3 New section providing details of access hours
- 4.1.1 Removal of failure to return fob key being a minor breach
- 4.1.2 Add Trusts right to extend a 2-year ban if court proceedings are still ongoing.

8 Agreement to the Owner Access Policy

The undersigned hereby agree to the terms of the owner access policy for Lake Taupo and Lake Rotoaira Forests dated 17 December 2020.

Signed: 
Binky Ellis – Chair - Lake Taupō Forest Trust

Signed: 
Bubs Smith – Chair - Lake Rotoaira Forest Trust

Signed: 
Sam Keenan – General Manager - Crown Forestry

Signed: 
Chas Hutton – General Manager - New Zealand Forest Managers Ltd