

## LGOIMA

*When releasing responses to previous LGOIMA requests, names of individual requestors may be withheld to protect their privacy.*

*Information requested by the media, from public sector organisations and MPs will always be published while information specific to an individual or their property will not generally be published.*

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**Request  
from:**

**For:** Concerns regarding the Maungatapu Track

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**Response  
by:**

Rosie Bartlett  
Manager Parks and Facilities

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Ref: 2011410

Civic House, 110 Trafalgar Street  
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4 May 2020

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[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Dear [REDACTED]

### **OFFICIAL INFORMATION REQUEST CONCERNING THE MAUNGATAPU TRACK**

I refer to your email dated 18 March 2020 regarding the Council locking and gating the Maungatapu track, which reiterated your request for a meeting with Council representatives and NZ Police, and asked if the Council had yet contacted the NZ Police on this matter.

Council has not contacted the Police about this matter as Council considers that the gating and locking of the Maungatapu track is lawful. Consequently Council also does not intend to hold a meeting with you and the Police at this time. It is of course open to you to take this matter to the Police directly if you wish.

For your information, the land that the Maungatapu track passes through is not legal road or road reserve. While the land is owned by the Council it has been classified under the Reserves Act 1977 as Local Purpose Reserve for Water Catchment & Waterworks purposes.

Having considered the matter, Council is of the view that the common law doctrines that you refer to are unlikely to apply given the reserve status of the land.

Council has restricted access to the Maungatapu track under clause 6 of the Council's Water Supply Bylaw. This has been done to protect the reserve and to address safety concerns for track users.

Under the Water Supply bylaw, anyone who is on foot, or using a bike, is able to access the track without restriction, but the Council requires those who wish to use vehicles on the track to first obtain a permit.

A permit may be issued with conditions on the driver to ensure their safety and that of others, as well as to appropriately protect the reserve. A \$100 bond is secured to ensure that the access key is returned after which the bond is fully refunded. There is no application fee for the permit.

One of the permit conditions is that people must use a four wheel drive vehicle. This is because the track covers some very rough and challenging terrain and it would be unsafe for people to use non-four wheel drive vehicles on the track. Council, along with four

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telecommunications and electricity lines companies, maintains the track to a four wheel drive vehicle access standard, but does not consider it appropriate to upgrade the track to a state in which it could be open to all types of vehicles.

If you wish to discuss this decision with us, please feel free to contact Rosie Bartlett via email [rosie.bartlett@ncc.govt.nz](mailto:rosie.bartlett@ncc.govt.nz).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Rosie Bartlett', is written over a horizontal line.

**Rosie Bartlett**

Manager Parks and Facilities