

Proposal in light of the conflict of interest and use over the Railway Corridor between Te Raupo Road and Bridge 12 at Opuia.

To: Far North District Council, Pou Herenga Tai Cycleway Trust.

As agreed by Resolution of the Bay Of Islands Vintage Railway Trust during their meeting on 8th April, 2019.

Situation:

The following reiterates or adds to the discussion of 2nd April regarding the letter from Johnson Davis.

1. The lease of the railway corridor is with Bay Of Islands Vintage Railway Trust (BOIVRT).
2. The Deed of the lease established 20 January 1993 states the purpose as being:
 - To provide tourist attractions for the district of the Bay Of Islands within New Zealand
 - To preserve the rail line between Kawakawa and Opuia including the operation of the tourist rail line
 - To obtain necessary leases and licences to operate the tourist rail line.
3. In view of the above, the Vintage Railway Trust is extremely concerned that it must not be put into a situation that places the lease and the accompanying benefits to the region at any risk. Use of any portion of the railway corridor by vehicles unauthorised by the Trust puts the lease in jeopardy.
4. The Vintage Railway is totally committed to the sub lease of a portion of the rail corridor to enable permanent use for the Pou Herenga Tai Cycleway to be put into effect. This is a core component of the Railway's Business Case and of the current application to the Provincial Growth Fund (PGF).

During the BOIVRT meeting on 8th April, 2019, it was resolved that:

1. BOIVRT requires that no decisions – written or oral – relating to the use of the railway corridor can be entered into without the formal approval and/or the involvement of BOIVRT as the owner of the Lease.
2. That FNDC / Cycleway Trust should provide a written guarantee to BOIVRT that all accidents of any sort to cyclists or pedestrians resulting from the use of the railway corridor be the sole responsibility of FNDC / Cycleway Trust.
3. That all signage, etc, relating to the use of the Railway Corridor must first be approved by BOIVRT.
4. That the upgrade of Te Raupo Road should be an urgent undertaking by Far North District Council, and at Council's expense. Such an upgrade to be completed by 31st July, 2019.

Please confirm that you agree to the above comments and conditions within 5 working days.