

# Access to the New Zealand

A few years ago public access to the beaches and New Zealand's outdoors was front page news. Then it all went quiet. What's been happening?

A brief recap: Central to the access debate was the Queen's Chain—a complex network of legal mechanisms that allows New Zealanders access to beaches, lakes and rivers. Although many New Zealanders believe otherwise, the Queen's Chain is not universal in its coverage. Several political parties have included in their manifestos promises to achieve that ideal 100 percent coverage—to guarantee access to the beach as a Kiwi birthright. Back in 2002, the previous Government decided to action their political ideals and sparked off considerable controversy.

It took seven years of debate and two rounds of public consultation, but in 2008 a consensus was reached. The Walking Access Act 2008 was passed unanimously in Parliament, which saw the establishment of the New Zealand Walking Access Commission. The Act's purpose is to provide the New Zealand public with free, certain, enduring, and practical walking access to the outdoors. It is a refreshing piece of legislation—its prescriptive nature provides a clear picture of what the Government intends will happen. Key amongst these statutory intentions is the development of an outdoors access code, a national strategy on access, and an online mapping system.

What has the Commission been doing to achieve these goals? First, the new Crown Entity had to be established. Chief executive Mark Neeson was appointed in July 2009, and the Wellington office now houses six fulltime staff. By the end of 2010, a network of part-time regional field staff will exist around the country. In summary, a small agency with a specific, but by no means small, job.

The Act gives the Commission a facilitative role. It does not have coercive nor determinative powers. It can't order

landholders to provide public access on privately-owned land, nor force recreational users to do anything either. Instead, the Commission can offer a 'level head' in what are often very heated issues, since they revolve around public and private property rights. With the strongly-held positions that can result, there is a real role for an independent organisation that can inform the debate with facts and mediate between the parties involved. Property rights are essential to the work of the Commission. An underlying principle is the protection and respect of both public and private property rights.

The Commission's focus is to work collegially with others, whether that's with other Crown agencies, with landholders, or with fishermen, hunters and so on. An early thrust of the Commission's work has been to engage with access stakeholders—to hear what issues are important to them. The Commission has been holding regional forums for stakeholders around the country alongside board meetings, and has held two national forums in Wellington during the past year. These are not just 'information-out' meetings. The Commission has been listening. Stakeholders have provided real direction to the priorities taken by the Commission, in its start up year and in the preparation of key documents.

The most influential of these, in many ways, is the **National Strategy for Walking Access**. Public consultation on a draft version occurred at the end of 2009. The Strategy provides a high level overview of where the Commission intends to go. Published in August 2010, it gives a 25 year-view, and its companion document, the Commission's Statement of Intent, gives a 5 year-view. You may think of the Statement of Intent as a map of the present and the national strategy as a well-defined access marker on a distant hilltop.

A clear area of agreement that arose during the access discussions was that information about the location of



# outdoors – An update

by Kay Booth

public and private land, and access to it, was not readily available—but should be. As a result, the Walking Access Act 2008 requires the Commission to ‘compile, hold, and publish maps and information about land over which members of the public have walking access.’

The most practical and cost-effective way to do this is through an **online mapping system**, which is available to anyone with computer access, free of charge. Using aerial photography, topographic maps and cadastral information (the official record of landownership in New Zealand) as its base, the access mapping system will provide a user-friendly way to obtain access information. None of the information on the mapping system is new – it is all publicly-available now. What is new is the accessibility and combination of this information.

The cadastral information held by Land Information New Zealand (LINZ) is the best available. It defines not just roads, but boundaries of properties as well. Some criticism has arisen about the accuracy of the cadastral database. LINZ is beginning a project to improve the information on the cadastral database and this will be sped up by the information collected through the enquiries feature of the Commission’s mapping system. Without making the information easily available, any mistakes or discrepancies cannot be corrected. The access mapping system will help that process, and the Commission is working with LINZ to develop a process to manage corrections originating from the public.

The Commission has published an **Outdoor Access Code** to highlight responsibilities for those using outdoor land, and this will be linked to the online mapping system.

Local authorities deal with roading issues as core business. The Commission is working with Local Government New Zealand and the Local Authorities

Property Association to publish a guidance document focussing on the management of **unformed legal roads**, so that best practice can be shared across the country.

The Commission works closely with other government agencies to ensure access opportunities are taken up, particularly through the Overseas Investment Act application process and the tenure review process. We have developed a signage project with Federated Farmers New Zealand, whereby willing landowners can show accessways across privately-owned land.

The Commission will also have a role – where invited – to mediate in disputes over access.

Commission board members and staff are committed to access and to ensuring that both private and public property rights are respected. We’re also committed to ensuring that access to recreational opportunities in New Zealand’s outdoors are maintained and enhanced for the benefit of all. That’s our job in a nutshell.

Want to know more? Take a look at the Commission’s **National Strategy for Walking Access** and **Statement of Intent** which both provide insight into the Commission’s interpretation of its role. They’re available from the Commission’s website, together with a wide range of other publications. See [www.walkingaccess.org.nz](http://www.walkingaccess.org.nz).

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