

MINUTES

NEW ZEALAND WALKING ACCESS COMMISSION MEETING

2:15pm, 23 September 2013

Thorndon, Wellington

Board Members: J Forbes (Chair), P Brown, M Bayfield, B Stephenson, P Mudford and M Barnett.

In attendance: M Neeson (Chief Executive), H Barker (Corporate Services Manager-retiring), R Cullinane (Operations Manager), P Tamiana (Kaumatua) and D Knott (new Corporate Services Manager).

Opening Comments

The Chair opened the meeting and welcomed attendees. He welcomed Mr Knott to the meeting and his new role and invited Mr Knott to brief the board on his career.

1. Apologies

There were no apologies.

Conflict of Interest Register

Mr Stephenson noted his membership of the New Zealand Conservation Authority in the context of the board's proposed discussion on unformed legal roads bisecting land managed by the Department of Conservation (agenda item 4).

Confirm Agenda

The Board confirmed the Agenda for the meeting.

2. Confirm Minutes

Action: The Board

- a) **confirmed** the minutes of the meeting of 12 August 2013 as being a true and correct record.

Moved B Stephenson **Seconded** M Barnett **Carried**

3. Annual Report 2012 – 2013

At its August 2013 meeting the Board approved, in principle, the draft annual report. Following the August meeting, a penultimate draft was circulated to board members for any final comments. No additional changes were received. The Board noted subsequent editorial changes to the narrative section of the report.

The Board approved and signed the final version of the report.

Mr Barnett advised that he is a shareholder of Hauraki Rail Trails Ltd. The Chair asked Mr Barnett to record this advice in the board member Interests Register.

The Chair welcomed Clare Helm, Audit Director, Audit New Zealand, to the meeting and invited her to brief the Board on the annual audit of the Commission. She advised that the Audit NZ was giving an unqualified audit opinion. Improvements to the statement of service performance were desirable but nevertheless, they had improved and this aspect received an upgrade from “needs improvement” to “good”. C Helm advised the Board of the importance of recent changes to reporting processes in the Crown Entities Act and changes to public sector accounting standards. Both of these will have a big impact on the Commission’s reporting processes.

C Helm asked the Board to sign a Letter of Representation from the Commission to Audit New Zealand in respect of the audit. The Chair and M Bayfield signed the letter on behalf of the board.

The Chair invited C Helm to give the board a confidential briefing on the annual audit; staff left the meeting for this session.

Action: The Board

- a). **approved** and signed the Commission’s Annual Report for the period ending 30 June 2013; and
- b) **signed** a Letter of Representation from the Commission to Audit New Zealand.

Moved M Bayfield **Seconded** M Barnett **Carried**

4. **Chief Executive’s Report (September 2013)**

The Board discussed the chief executive’s report for the period 14 August to 11 September 2013. The Board heard that the workload in the Commission since the beginning of August had increased significantly. There was not any one major reason for this increase and may be the result of an alignment of high-priority tasks including recruiting a corporate services manager, the visit by the auditors, the annual report, some high profile cases and arranging the national stakeholder forum.

The Board discussed a policy by the Department of Conservation (DOC) noted in draft conservation management strategies for three South Island regions, to stop or resume unformed legal roads (ULR) bisecting public conservation land and add them to conservation land. The Commission made submissions on the strategies in which it supported investigating the management of ULR and advising that the stopping of roads should occur only under the provisions of section 342 of the Local Government Act, thereby enabling public involvement in the process.

Mr Stephenson advised that the General Policy for National Parks provided for stopping of ULR in national parks but there was no reason why this policy should apply to all conservation land. Mr Barnett noted that, legally, there were no ULR in national parks – park land was bisected by ULR.

The Board discussed the draft DOC policy and disagreed with the department’s broad approach. It considered that DOC should endeavour to manage any problems associated with ULR rather than seek to have them stopped. Cases should be considered on a case-by-case basis with very good reasons before stopping should be pursued.

The Board asked for advice on the legal processes that DOC might use and the legal status of roads bisecting and in conservation land.

Action: The Board

- a) **requested** advice on the legal processes that the Department of Conservation might use to stop or resume unformed legal roads and the legal status of roads bisecting and in conservation land.

Moved B Stephenson **Seconded** P Brown **Carried**

5. Tophouse Road – Draft research paper

The Board considered a draft research paper by Mr B Hayes on progress with research into the legality of the road from the St Arnaud/Tophouse area in Nelson to Hanmer Springs. The chief executive recommended to the Board that the Commission not pursue the legality of the continuous formed road through court or other formal action and released the final report to interested parties.

Mr Hayes is close to completing his report and there are some points requiring further investigation incomplete information or uncertainty, for example:

- uncertainty about the location of the precise beginning and ending of the formed and “hydro” roads – they intersect in numerous places;
- what Crown consents (other than the implied consent of the Crown in the actions of the NZED) were given for the hydro road;
- whether any legal processes were taken to legalise the hydro Road, if required (still need to peruse the relevant files); and
- if the hydro Road were made or found to be legal with a formed carriageway, who would maintain it (or who would bear the cost of maintaining it).

The argument about the legal status of the road is complex. It is clear that there was a continuous historic route and that this was regarded as having the status of a legal road even though much of it was not fully surveyed and there is uncertainty about its exact location. The historic view of the former Lands and Survey Department was that the original route was a legal road, but the diversions from the original route were not.

The Board agreed not to pursue the legality of the continuous formed road through court or other formal action at this time due the legal complexities and cost. It agreed to release the results of the Commission’s enquiries, including Mr Hayes’ report, to the interested parties for any comment that they may have once Mr Hayes has completed his research. Subject to any feedback the report would be published on the Commission’s website.

Action: The Board

- a) **noted** the issues relating to public access along Tophouse Road;
- b) **agreed** that the Commission is not in a position to pursue the legality of the continuous formed road through court or other formal action at this time; and
- c) **agreed** that the Commission release it to interested parties as identified in paragraph 25 after the report is completed.

Moved P Brown **Seconded** B Stephenson **Carried**

6. Schedule of Significant Correspondence

Action: The Board received the schedule of significant correspondence

Prior to concluding the meeting the Chair thanked Helen Barker for her work for the Commission and support given to the Board as corporate services manager. He noted that her methodical and detailed approach had created a culture which he hoped would last beyond her retirement from the Commission. Board members individually expressed their appreciation for Helen's work and advice. The Chair invited Mr Tamiana to present a carved pendant to Helen as a retirement gift from the Commission recognising her valuable service.



J Forbes
Chairperson

11 November 2013

Notes

In the morning of 23 September 2013 the Board held a national stakeholder forum with 22 participants. The chief executive gave a presentation of the Commission's work in 2012-2013 which was followed by a facilitated workshop in which participants examined and expressed ideas and views on the Commission's outcomes framework, achievements, challenges and suggested priorities for the next 3-5 years.

The workshop was followed by a movie, "*Cars to Carrington*", by NZ producer Tainui Robbins, provided by the National Film Archive, featuring a light-hearted commentary on attempts in 1938-1940 to drive cars up the Waimakariri River in Arthurs Pass National Park.

The final event was the presentation awards recognising significant contributions towards improving public access to New Zealand's outdoors. The New Zealand Walking Access Commission Awards coincide with the fifth anniversary of the Commission's establishment under the *Walking Access Act 2008*.

Those honoured were Nelson farmers Ian and Barbara Stuart, Wellington and Dunedin legal advisor and author Brian Hayes and Dunedin public access campaigner Alan McMillan.

The Chairman, John Forbes, said the award recipients had made their land available for the public to enjoy or given their time, knowledge and skills to make it easier for Kiwis and overseas visitors alike to enjoy the New Zealand outdoors.