

MINUTES

NEW ZEALAND WALKING ACCESS COMMISSION MEETING

8:30am, 10 February 2014

Rydges Hotel, Rotorua

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

In attendance: M Neeson (Chief Executive), D Knott (Corporate Services Manager), R Cullinane (Operations Manager), J Gibbs (Regional Field Advisor) and P Tamiana (Commission Kaumatua)

Opening Comments

The Chair welcomed attendees. At the Chair's request, Commission Kaumatua, P Tamiana opened the meeting with a prayer.

1. Apologies

M Bayfield

Conflict of Interest Register

M Barnett confirmed that, as he had advised the November 2013 meeting, the Department of Conservation had formally entered into negotiations with Cycle Trails NZ Limited – a company in which he is the majority shareholder – regarding management of the Otago Rail Trail. M Barnett further advised that these negotiations may take up to twelve months and that the Interest Register be noted accordingly.

Confirm Agenda

The Board confirmed the Agenda for the meeting.

2. Draft 2014-2018 Statement of Intent and Statement of Performance Expectations

M Neeson presented a paper explaining the requirements for the 2014-2018 Statement of Intent (SOI) and the Statement of Performance Expectations (SPE) and the material assumptions – including significant investment in the walking access management system and communications and marketing – in the draft SOI and SPE. These investments were consistent with discussion at the November 2013 Board meeting, and were unable to be funded from the Commission's annual operating budget.

The draft 2014-2018 SOI and SPE were included in the Board papers for review and comment.

J Forbes reported to the meeting that he, P Mudford and M Neeson had attended a Select Committee meeting on 30 January 2014 as part of the Committee's financial review of the Commission's 2012-2013 annual report. Their impressions of the meeting were that the Commission was considered in good stead but that the public's awareness of both the Commission's activities and WAMS could be improved.

P Mudford said that the Committee seemed well-informed and that there was a view that the Commission should have a bigger public profile. The Committee asked about the Commission's relationships with iwi. J Forbes noted that the Commission will do more to highlight its work with iwi in future years.

M Neeson reported that, following this meeting, a number of questions were received from the Select Committee and a response was being prepared by management.

J Forbes also advised the meeting that, following the Select Committee meeting, he and M Neeson had met with the Minister for Primary Industries, also on 30 January. He reported that this meeting was positive and that discussion included the Commission's public awareness and potential role in biosecurity. The Minister was advised of the Commission's intention to invest significantly in WAMS and communications and marketing, that these initiatives would be funded from existing reserves, but that the Commission's SOI and SPE would record deficits for the next several years. M Neeson advised the Minister that biosecurity was referred to in the Commission's Outdoor Access Code and the Both Sides of the Fence website as an educational tool.

M Neeson advised the meeting that, following the meetings with the Minister and the Select Committee, additional investment in the WAMS, and communications and marketing, should be considered by the Board to reinforce the Commission's initiatives in those two areas. A statement showing the financial impact of this additional expenditure on the Commission's comprehensive income and Enhanced Access Fund (EAF) was tabled at the Meeting.

Following discussion on the draft SOI and SPE, Board members noted a number of editorial changes to each document and undertook to also advise these separately to M Neeson for inclusion in the revised drafts that will be presented for discussion at the March Board meeting.

The Board reviewed the performance measures in the SPE and, in light of the increased investment in WAMS and the communications and marketing programmes, requested that management reassess them.

Action: the Board

- a) **agreed**, in principle to the draft Statement of Intent for 2014-2018 and the Statement of Performance Expectations for 2014-2015 (as amended in discussion);
- b) **agreed** that expenditure for enhancing the Walking Access Mapping System and additional communications and marketing be funded from the Enhanced Access Fund;
- c) **agreed** to fund EAF grants throughout the SOI period, dependent on interest rates; and
- d) **noted** the proposed arrangements to further develop the Statement of Intent and the Statement of Performance Expectations, including reviewing performance measures and changes to the projected financial statements as a result of decisions made above. The revised draft SOI and SPE will be presented to the March Board Meeting for approval to release those documents to the Minister.

Moved

P Mudford

Seconded

M Barnett

Carried

3. Walking Access Mapping System Strategy

M Neeson presented a paper to support the request for additional funding from the Enhanced Access Fund to update the WAMS system architecture to ArcGIS version 10.2, improve the Public Access Area, the www.wams.org.nz interface, and enhance the recreational layer. However, in light of the Select Committee meeting and the Minister's meeting on 30 January 2014, additional investment was sought by management to improve the recreational layer. The above investment is required to ensure that the Commission meet its statutory obligation to compile, hold and publish maps and information over land which members of the public have walking access.

M Barnett requested that the Board receive a presentation from management to support the proposed investment in the recreational layer outlining its architecture and how the proposed layers will work.

M Neeson advised the Board that the Commission is considering extending its current supply arrangement with PropertyIQ (formerly known as Terralink) for aerial imagery. There may be an opportunity for cost savings, should Land Information New Zealand (LINZ) be successful with a project to independently host and supply aerial imagery, although there is no certainty that LINZ's project will come to fruition or timing.

M Barnett said that he considered all projects were of equal priority - transitioning to 10.2, improving the PAA layer, enhancing the interface and functionality, and enhancing the recreation layer – and expected that all the proposed projects be completed and that no projects should be “dropped off” due to, for example, costs being higher than expected.

In response to a question from M Barnett, R Cullinane advised the Board that project costings were considered robust and that there was sufficient contingency incorporated into each proposal to ensure they would be completed within budget.

B Stephenson noted that the recent release of a Cadastral Strategy by Land Information New Zealand (LINZ), and a proposed upgrade of Landonline, may have implications for the Commission and needs to be monitored. M Neeson advised that the Commission had participated in the consultation phase of the Cadastral Strategy.

Action: The Board:

- a) **agreed** to invest in further development of the Walking Access Mapping System as proposed;
- b) **agreed** that the costs as outlined in a) above be funded from the Enhanced Access Fund;
- c) **agreed** that the priorities are, in order: the transition to 10.2, improving the PAA layer, enhancing the interface and functionality, and enhancing the recreation layer; and
- d) **noted** the main risks are the project cost, workload and potential updates to ArcGIS.

Moved

P Mudford

Seconded

P Brown

Carried

4. Communications and marketing

M Neeson presented a paper to support the request for additional funding from the Enhanced Access Fund for two linked streams of work to enhance the Commission's market presence and communications programme. One stream is aimed at achieving a substantial increase in the percentage of New Zealanders who understand and value the work of the Commission, identify and encourage key influencers (at national, regional and community levels) to champion the value of the Commission, and to develop partnerships and investment opportunities which are integral to the purpose and increased profile of the Commission.

The second stream is activity focused including a thorough redesign of the Commission's corporate website to improve its usability and appeal and to drive increased use and greater satisfaction; a professional video to tell the NZWAC story; a review and re-launch of the Outdoor Access Code; and to enhance the Both Sides of the Fence website.

P Mudford noted that the Commission's next phase of communications should include social media and that it makes a conscious effort to reach out to young people.

However, in light of the Select Committee meeting and the Minister's meeting on 30 January 2014, an additional investment was sought by management to support these initiatives.

Action: The Board

- a) **approved** funding to undertake two linked streams of work to enhance the Commission's market presence and allied communications projects to achieve the outcomes outlined in the proposed 2014-2018 SOI and National Strategy 2010-2035;
- b) **agreed** that the communications and marketing costs as outlined in a) above be funded from the Enhanced Access Fund.

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

5. Enhanced Access Fund

M Neeson presented a paper seeking the Board's support for a 2014 round for the Enhanced Access Fund (EAF) within the existing policy.

The current policy set in May 2013 is for EAF grants from 2013 onward to be at a level no greater than the income of the fund. This would make the fund sustainable. In May 2013, the Board also agreed that the chief executive had authority to allocate money for projects which may need funding with a per project limit of \$5,000 and the total of all allocations in the year to be limited to the fund net income for the last financial year less the amount allocated to the funding round.

At its November 2013 meeting, the Board discussed having regional field advisors identify possible projects enabling the Commission to take a more active approach, and having applications considered on a more regular basis rather than annually. This initiative was supported.

M Neeson suggested that, given the reduction in interest income the fund will earn as a result of the significant investments in WAMS and communications and marketing, management had considered the possibility of having a grant round every second year so that the total funds available would be meaningful.

M Barnett suggested that the fund continue with its annual grant round as the Commission would not want to miss doing something meaningful in any particular year due to a potential financial constraint. P Mudford agreed that the annual funding round was consistent with the Commission's other activities.

Action: The Board

- a) **agreed** to approve EAF grants for the 2014 round, in accordance with the existing policy of allocating grants to the value of the Fund's interest income;
- b) **noted** that the estimated interest income was lower than previous years following the significant investments in WAMS and communications and marketing, based on prevailing interest rates; and
- c) **agreed** to consider further funding rounds for EAF grants based on the financial projections outlined in the draft Statement of Performance Expectations (Agenda Item 2 of this Meeting).

Moved P Brown **Seconded** P Mudford **Carried**

6. Confirm Minutes

The Minutes of the Meeting dated 11 November 2013 were circulated and read.

Action: The Board

- a) **confirmed** the minutes of the meeting of 11 November 2013 as being a true and correct record of the Meeting.

Moved M Barnett **Seconded** P Brown **Carried**

7. Risk management register

The Board considered and reviewed the risk management register.

M Neeson reported that since the last review in November 2013, three risks were unchanged and three have decreased ratings; there were no new emerging risks. With the Board's approval, it is proposed to discontinue reporting on Risk 5 – Leveraging funding as this activity has been removed from the proposed SOI and only limited work has been undertaken in the current year.

M Neeson also reported that the last four years has seen low pressure on Commission costs but external commentary indicates a strong likelihood of increasing costs in coming years. This will need to be factored into business planning.

M Neeson suggested that the Board might like to consider "risk management" as a governance-related topic at its March Board meeting.

Action: The Board

- a) **discussed** the risk register for February 2014; and
- b) **agreed** to delete Risk 5 (Leveraging funding).

Moved M Barnett **Seconded** P Mudford **Carried**

8. **Governance – Dishonesty and Fraud Policy**

The Board considered and reviewed a revised Dishonesty and Fraud Policy. The previous policy was approved in April 2009.

The revised policy updates the Commission’s practices relating to the investigating and reporting on dishonesty, theft and fraud in the workplace.

The proposed policy replaces terminology referring solely to “Theft” with “Dishonesty” as theft is a criminal offence and as such requires a higher standard of proof. With dishonesty the standard of proof will be on the balance of probabilities as opposed to the standard of proof for theft which is beyond reasonable doubt. The Protected Disclosures Act 2000 has also been incorporated into the proposed policy to provide protection and encourage the reporting of serious wrongdoing in the workplace.

M Neeson advised that the policy applies to board members, staff, regional field advisors and contractors and suppliers.

Action: The Board

- a) **approved** the revised Dishonesty and Fraud Policy.

Moved J Forbes **Seconded** P Brown **Carried**

9. **Tophouse Road research report - progress**

M Neeson reported that the research report being compiled by Mr Brian Hayes on the Tophouse Road had been finalised.

Mr Hayes’ report indicates that there appears to be little doubt that there was a continuous historic legal road over the route described in the report as the Tophouse Road. However, there is difficulty in establishing that the current road formation, which has in places deviated significantly from the historic route, is currently a legal road. The report considers that the current road formation is legal road, or that the Crown has the power to determine that it is a legal road or that, in the case of the hydro road deviation, the Crown and the lessee are not in a position to deny public access.

M Neeson advised the Board that to confirm, on the balance of probabilities, the current road is a legal road would not be an effective use of Commission funds at this stage. P Mudford asked whether the Commission should actively move to negotiate or facilitate a result in discussions with the Department of Conservation, Landcorp, district councils and/or the lessee. M Neeson advised the Board that in earlier informal discussions with the Marlborough District Council it was clear that the council had no interest in being responsible for the road and ongoing maintenance.

The board agreed that while it would not pursue further research on the legal status of the road, there is no doubt that the Tophouse Road remains an ongoing area of interest for the New Zealand Walking Access Commission.

Action: The Board

- a) **noted** that the report the Tophouse Road has been completed;
- b) **noted** that Mr Hayes' report will be released to interested parties as agreed at the September 2013 meeting; and
- c) **noted** that the Tophouse Road remains an ongoing area of interest for the New Zealand Walking Access Commission

Moved P Mudford **Seconded** P Brown **Carried**

10. Department of Conservation road stopping policy

M Neeson reported that, following the November 2013 Board meeting resolution, he had written to the chief executive of the Department of Conservation (DOC) outlining the Commission's position in respect of the DOC's management strategies and road stopping proposals for unformed legal roads that intersect or border conservation land and adding them to conservation land.

He had received a positive response from the Department and the chairman of the Waikato Conservation Board. There appears to be a change in the DOC's approach and he would continue the discussion with DOC staff – there are a few matters which need to be clarified.

M Barnett requested that this matter be included in the annual report.

Action: The Board

- a) **noted** the correspondence with the Department of Conservation and the Waikato Conservation Board;
- b) **noted** that the Commission will take up the offer to discuss this and other relationship issues with department staff and will seek to have more precise wording in respect of road stopping included in Department of Conservation and Conservation Board documents; and
- c) **agreed** that the Commission continues to monitor unformed legal road stopping proposals and consider the need to oppose any road stopping proposals on as case by case basis.

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

11. Quarterly report: Second Quarter 2013-2014

M Neeson reported that the Quarterly report for the period ended 31 December 2013 had been sent to the Minister. The report included the Commission's reporting against the Statement of Intent and contained a diagrammatic "dashboard" in the financial report.

M Neeson reported that there were no major surprises or unexpected items in the report. Income was in line with budget, and expenses were below budget which resulted in a financial surplus for the quarter. The chief executive advised that management was forecasting only a small surplus for the year overall and that this meant that remaining quarters may record deficits.

Action: The Board

- a) **noted** the Commission's Quarterly Report for the period ending 31 December 2013.

Moved J Forbes **Seconded** M Barnett **Carried**

12. Chief executive's report

The Board discussed the chief executive's report. M Neeson reported that January 2014 had been a very busy month, punctuated with statutory holidays, for Commission staff involving preparation of draft Statements of Intent and Performance Expectations, meetings with the Select Committee and Minister, hosting a workshop for recreational horse riders in Hamilton, preparing a submission to the Transport and Industrial Relations Committee on the Green Trails Petition, reviewing Mr Hayes' Tophouse Road report and progressing the Results Library project.

M Neeson advised that the Archives New Zealand audit for compliance with the Public Records Act undertaken in December resulted in a very positive oral debriefing. A formal report is awaited.

Action: The Board

- a) **discussed** the Chief Executive's report for February 2014.

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

13. Operations quarterly report: 1 October to 31 December 2013

The Board discussed the Operations report for the quarter ended 31 December 2013.

The Commission received 104 enquiries during the quarter and 82 were completed. The trend for the number of enquiries continues downward and the gap between the rate of new cases and the rate of completion continues to narrow. As at 31 December, there were 50 active access disputes of which the RFA network is managing 46. The trend for the number of active access disputes is also trending downward.

R Cullinane reported that he facilitated a meeting in Queenstown on 31 January 2014 of organisations including the Queenstown Lakes District Council (QLDC), the Department of Conservation (DOC), Queen Elizabeth II National Trust (QEII NT), the lessee of Coronet Peak station and other stakeholders regarding tracks on Coronet and Glencoe stations. There are 17 specified tracks contained within a parcel of land which was subject to Overseas Investment Office (OIO) sale and purchase agreement

several years ago. The conditions of the sale in respect of the 17 tracks have yet to be met.

The substantive issue is finding a controlling authority for the tracks – it is intended that the tracks be gazetted as walkways. The QLDC and DOC are reluctant to do so because of ongoing costs of track maintenance. The QEII NT and the lessee are considering an alternative proposal including public use of these tracks.

The Board discussed the various options, the importance of working collaboratively with the QEII NT and obtaining enduring access. The Commission's preferred option is to pursue obtaining easements, as provided for in the conditions of sale, and then gazette them as walkways. It could consider obtaining easements for the tracks and not gazette them – to ensure that there would be options for legally certain access for the future.

The Commission would consider an agreement with the QEII NT if public access over the tracks could be legally secure.

The Board noted that all options will require consideration and discussion with the parties. M Neeson said that staff would provide a written briefing at the March Board meeting.

J Forbes asked that the review of the Commission's Guidelines on Unformed Legal Roads (ULR) include a template for local government to use when it develops policy for managing ULR.

M Barnett asked what the cost would be for the Commission to monitor newspapers for public notices concerning proposals to stop ULRs. M Neeson undertook to investigate this issue.

Action: The Board

- a) **noted** the Operations and regional field advisor report for the period 1 October to 31 December 2013; and
- b) **noted** that staff will provide a written report on the case at the March 2014 Board meeting.

Moved J Forbes **Seconded** B Stephenson **Carried**

14. **Schedule of Significant Correspondence**

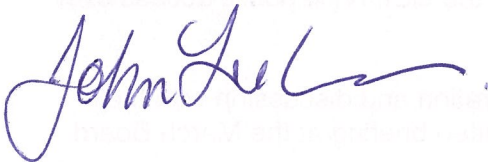
Action: The Board received the schedule of significant correspondence.

15. Other Business

The Chair sought the views of the Board regarding the value of local government and stakeholder forums being held on Board meeting days. It was the unanimous view that these forums continue to be held as they were a vehicle for meeting local government influencers and were an important audience for Commission interaction. The forums were an extremely valuable way for the Commission to learn and hear about access and related matters at the “coal face” which it would not obtain if most meetings were held in Wellington.

At the Chair's request, Commission Kaumatua, P Tamiana, concluded the meeting with a prayer.

Meeting closed 3:25pm.



J Forbes
Chairperson

Notes

- 1 In the morning of Monday 10 February, the Board hosted a forum for representatives of local government and the Department of Conservation