

# MINUTES

## NEW ZEALAND WALKING ACCESS COMMISSION MEETING

Tuesday 28 April 2009, Henderson

**Board Members:** J Acland (Chair), J Aspinall, M Bayfield, K Booth, P Brown, J Forbes, B Stephenson, B Stuart.

***In attendance:***

Hunter Donaldson; Bruce Lynch.

**1.1 Opening comments**

The Chair opened the meeting at 8.30 am and welcomed attendees. A karakia was given by P Brown.

**1.2 Conflicts of Interest Register**

No conflicts were reported.

**1.3 Confirm Agenda**

The tabled Agenda for the meeting was confirmed by the Board.

**1.4 Confirm Minutes**

The Board confirmed the Minutes of the 23 March 2008 meeting as a true and correct record.

*Moved (J Forbes/K Booth)*

*The motion was put: carried*

**Chairman's Remarks**

Commission Appointments

All Members have received a letter from the Minister confirming their reappointments. The varying terms included in the letters were determined by the Minister

National Cycleway

The draft letter to the Prime Minister was discussed. The Commission is relatively well placed to take the coordinating role. If selected then users would be able to approach one body if issues arise.

If the Commission becomes involved in the formation of the national cycleway then it was agreed that it will be essential to keep our stakeholders fully informed and assured that walking access is the prime function of the Commission.

Graham Wall, the promoter of the New Zealand bike trail, joined the meeting at 11 am. He said that the trail was proposed as a tourism story that would generate economic development. To be differentiated from bike trails in other countries it needs to take in tourist spots, (similar to heritage trails), from Cape Reinga to Bluff.

The proposed bike trail is not cycling oriented and has nothing to do with the shortest distance between two points.

The draft letter was confirmed by the Board.  
*Moved (B Stephenson/M Bayfield)*

*The motion was put: carried.*

#### Walkways: Indemnification of Landowners

The Waitakere City Council meeting indicated that the belief that the owners of land traversed by a walkway were indemnified by the Crown was a significant element in agreeing to an easement over the land.

The Members asked that a report be prepared distinguishing between

- Risks under the Health and Safety in Employment Act 1992
- Possible liability under the Occupiers Liability Act 1962
- Indemnification by the Crown (or the Commission) against possible losses by landholders arising from an access easement or lease, with particular reference to the existing walking easements.

The Board also asked for an expert analysis of the existing easement agreements from the perspective of whether an easement could validly be subject to an indemnity undertaking

#### Responsibility for Walkways

Members asked for clarification of the situation if a controlling authority of a walkway ceased this role. Would the role revert to the Commission? Staff undertook to investigate this.

#### Letters of Thanks

These are to be sent to

1. Waitakere City Council to support the proposed walkway in principle and advise that there is no liability provision in any easement by the Commission and that the Commission is seeking further information on liabilities
2. The landowner, Mrs Vicky Bethell, in appreciation of the afternoon tea that she provided at her home.

*Moved (K Booth/M Bayfield)*

*The motion was put: carried.*

#### **Matters Arising/Status Report**

The Status Report was discussed.

### **2.1 National Strategy**

The Members determined at the March meeting that the major stakeholders would be invited to the June meeting to discuss the draft code of responsible conduct and the draft

national strategy for walking access. Such a meeting could introduce the new chief executive and discuss the national cycleway, if this becomes applicable.

A draft of the code of responsible conduct was circulated. This work is on track. It is to be circulated to Members by 15 May for their peer review and agreement. This would be followed by final changes and distribution of the completed draft to the major stakeholders for discussion at the June meeting.

The draft national strategy may not be ready at that time. The following issues were discussed:

- Reactive v proactive: Prima facie the Commission supports all walking access suggestions (other than those that traverse sacred sites, do not meet an identifiable demand or those that are vexatious or frivolous). It was agreed that the Commission can be proactive nationally with government agencies and major stakeholders and that it should build upon local resources and knowledge. The role of the Commission is to support in these instances.
- The Commission recognises that the significant demand for walking access is likely to be in periurban areas
- “Culture and Values” was previously identified as an area that needs to be developed. J Aspinall/ B Stephenson will draft
- Dispute resolution/Communications needs to be considered. B Stephenson will draft.

As corporate logo and colours need to be determined for the draft code of responsible conduct and the draft national strategy for walking access a paper on communication strategy for the Commission is to be prepared for the May meeting.

- Information is required on the “access mechanisms” toolbox
  - A table is to be prepared that shows the role of easements, walkways, tracks, Queen Elizabeth II covenants and other covenants; and how and where they are used to help determine whether the Commission should use them
  - An inventory of gazetted walkways is required. This needs to include a map of each gazetted walkway; details of the legal criteria applying to each walkway, the length, and indicative operating costs

The Board agreed to defer the meeting with major stakeholders from the June Board Meeting to the July Board Meeting to complete the draft national strategy for walking access.

### **3.1 Review - Foreshore and Seabed Act**

The review needs to be monitored from a walking access perspective.

To provide background on the issues involved K Booth will circulate the chapter from her thesis on public access to the foreshore.

### **3.2 Review – Overseas Investment Act**

The Commission needs to monitor the review as this Act provides one of the few statutory mechanisms to gain access over private land.

### **3.3 Review – PCE report on Tenure Review**

The Board noted that the report did not address access.

### **4.1 Mapping - Draft letter to Minister**

LINZ provided technical advice that has been incorporated into the draft RFP. The draft is now with DOC for its input.

Local authorities use mapping systems to help them with their district planning. Waitakere has two overlays over the cadastral maps. "Hanson" software provides GPS mapping and asset information and "Pathway" provides the associated document records (property information, files of letters and consents). The City Council uses password controls to give different levels of access to their document records.

It was suggested that the Members might benefit from seeing the Wellington Regional Authority mapping system and how it is operated and maintained.

Page 1 of the draft letter to the Minister is to be amended by revising the penultimate paragraph to show that Land Information New Zealand does not provide the information users require on walking access.

### **5.1 Financial Report**

The accounts and the financial position of the Commission as at 31 March 2009 were accepted.

### **5.2 Financial policies**

1. New financial policies for the Commission were discussed for the following areas:
  - a. Credit card policy
  - b. Entertainment policy
  - c. Gift policy
  - d. Theft and fraud prevention policy
  - e. Travel policy.
2. The drafts are to be adjusted to distinguish clearly between the Board (members of the Commission) and the staff of the Commission. A further policy is also required for Sponsorship.

### **5.3 Correspondence**

The correspondence was received.

### **5.4 Chief Executive position**

The Board noted the progress being made to appoint a Chief Executive and agreed on the list of potential interviewees.

To provide more time to interview applicants and to progress strategy the May to July 2009 Board meetings have been extended from one to two days. All of these meetings are to be held in Wellington:

<b>Previous timing</b>	<b>Amended timing</b>	<b>To discuss</b>
25 May	25-26 May 2009	Interview applicants
22 June	22-23 June	Finalise national strategy
27 July	30-31 July	Stakeholder meeting

## **5.5 Office Accommodation**

The Board noted

1. the progress being made to determine independent office accommodation for the Commission
2. that the Commission should not rush to finalise accommodation until any involvement with the National Cycleway has been determined as this may require further space for one or two staff.

## **5.6 Website update**

It was noted that the website works well on dial-up.  
Members were reminded to look critically at the current website and advise any adjustments required.

The meeting closed at 12.30 pm

Next meeting 25 -26 May - at the Ministry of Agriculture and Forestry, Wellington, Meeting Room 10.2, commencing at 9.50 am.

**Approved**

J O Acland  
Chairman  
25 May 2009