

MINUTES

NEW ZEALAND WALKING ACCESS COMMISSION MEETING

1:00pm, 14 May 2012

The Park Travellers' Lodge

National Park

Board Members: J Forbes (Chair), P Brown, M Bayfield, B Stephenson, P Mudford and M Barnett (departed at 4.05pm).

In attendance: M Neeson (Chief Executive), R Cullinane (Operations Manager), Rod McGregor (Regional Field Advisor) and J Gibbs (Regional Field Advisor)

Opening Comments

The Chair opened the meeting and welcomed attendees, particularly P Mudford who was attending her first board meeting. He advised that he, M Bayfield and P Mudford had been appointed by the Minister as board members for 3-year terms commencing on 1 April 2012 with himself as chairman.

1. Apologies

Conflict of Interest Register

No conflicts of interest were declared.

Confirm Agenda

The Board confirmed the Agenda for the meeting.

2. Chief executive update

The chief executive briefed the board on work activity since the last meeting and the programme for the day.

3. Risk analysis

The Board reviewed the risk register and the proposed changes since the last review in November 2011. Higher risk items were discussed, evaluated and noted; these include the WAMS 2 project, organisation capacity and potential changes to the Crown entities legislative regime.

Action: The Board

a) agreed to the risk register.

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

4. Confirmation of Commission bank accounts

The Board received advice, as part of its financial governance workshop held in March 2012 that it should confirm the Commission's bank accounts. The Board noted that the Commission operated five bank accounts:

- a. Trading account (Government trading) for day to day transactions.
- b. Call account (Business online saver) for short term working capital to maximise interest earnings.
- c. Investment account (Term investment) for longer term working capital.
- d. Enhanced Access Fund (Term investment) for EAF.
- e. Walkway fund (Term investment) for the Walkway fund.

The Board agreed that the Commission had sufficient bank accounts and each is fit for purpose. It was noted that, at an appropriate time, a review of the Walkway fund account would be appropriate as the funds it holds are not of strategic importance.

Action: The Board

- a) approved the Commission bank accounts.

Moved M Bayfield **Seconded** P Brown **Carried**

5. Resource Management Act: Matters of National Significance

The Board considered a report prepared for the Commission by Sweetman Planning Services on the meaning and application of section 6(d) of the Resource Management Act (RMA). The Board noted that section 6 of the RMA specifies the "Matters of National Importance" one of which is "*the maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers*" (section 6 (d)).

The Board noted that the report shows that nothing has changed as to why section 6(d) is a matter of national importance and concluded that the Commission has a good case for arguing for the retention of section 6(d) as a matter of national importance in the RMA.

The Board agreed the Commission needs to monitor the review and ensure that public rights are not lost. The Board also noted that the Commission should explore ways to convey its views on section 6(d) to local government and planning professionals and develop collaborative processes. For example, the Commission could prepare a guidance document for councils on the RMA and public access.

The Board asked for advice about possible opportunities for further research into the operation of section 6(d) including, whether access opportunities are lost through planning regimes and practices and comparing council policies and practices with actual decisions.

Action: The Board

- a) **noted** the report by Sweetman Planning Services on the meaning and application of section 6(d) of the Resource Management Act, 1991;



- b) **agreed** that the report be used as the basis of a submission on the expected report of a Technical Advisory Group on a review of “matters of national importance” in the Resource Management Act, 1991 and that the report and submission be published and circulated to interested stakeholder organisations;
- c) **agreed** that should the report of the Technical Advisory Group not be released or the review not proceed, then the Sweetman Planning Services report be published by the Commission;
- d) **agreed** that the Chairman advise the Minister for Primary Industry of the Sweetman Planning Services report and the significance of its analysis for the Commission; and
- e) **asked** the chief executive to provide further advice on the resources required to prepare a guidance document for councils on the operation of section 6 (d) and opportunities for further research.

Moved B Stephenson **Seconded** M Bayfield **Carried**

6. **Enhanced Access Fund (EAF): Applications for 2012**

The Board considered a report prepared by the EAF assessment panel that recommended which applicants should receive grants from the 2012 funding round of the EAF. The Board noted that the application round was successful as the popularity of the fund was steadily increasing and, while there was not a lot of variety in the types of application, the projects proposed were mainly of a high quality.

The Board expressed its appreciation to the evaluation panel for its work.

The chief executive advised that it would be desirable for the Commission to evaluate formally the success of the EAF and assess how well the fund its meeting the objectives of the Walking Access Act and whether any major changes need to be made to assessment principles and criteria.

Action: The Board

- a) **approved** funding for the applications totalling \$229,923.21 (GST inclusive);
- b) **agreed** that the Chief Executive advises each applicant of the Board’s decision and invites successful applicants to confirm agreement to any conditions set by the board;
- c) **directed** the Chief Executive to consider appropriate timing of the release of decisions and participation by interested Board members and regional field advisors in local announcements; and
- d) **agreed** that the Chairman write to the Minister for Primary Industries advising him of the decisions.

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

7. Confirm minutes

Action: The Board confirmed the minutes of the meeting of 6 March 2012 as being a true and correct record

Moved B Stephenson **Seconded** M Bayfield **Carried**

8. Financial governance

The Board considered a paper which reported on and summarised topics discussed at a workshop on 26 March 2012 workshop on financial governance. The Board agreed that it was a valuable exercise and helped to refresh the board and staff on their respective roles, functions and obligations. The Board noted that during this workshop that it had agreed that the following four topics required papers and formal Board consideration at subsequent meetings:

- 1) the use of funds in the general reserve;
- 2) the level of depreciation applied to Commission assets, especially the WAMS, and how depreciation is to be managed;
- 3) internal audit and control; and
- 4) record and confirm bank accounts.

The Board agreed that these and any other topics requested by the Board will be prepared over the balance of the year, apart from the last item which was discussed as a separate paper at this meeting.

The Board discussed the benefits of holding an annual workshop on topics relevant to its governance responsibilities and agreed that an annual review of its own performance is a further way to monitor its work and effectiveness.

Action: The Board

- a) **discussed** topics arising from the board's financial governance workshop;
- b) **agreed** that the chief executive prepares papers on the following topics for board consideration:
 - the use of moneys in the general funds;
 - the level of depreciation applied to Commission assets, especially the WAMS, and how depreciation is to be managed; and
 - internal audit and control;
- c) **agreed** to undertake a financial governance refresher workshop every 3 years;
- d) **agreed** to hold an annual training and development workshop on topics relevant to its governance responsibilities; and
- e) **agreed** to hold a strategic discussion on the future direction of the walking access mapping system.

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

9. Walking Access Mapping System (WAMS) Survey

The Board discussed a paper reporting on the results of an online survey of WAMS users conducted in February and March 2012 and noted the comparisons with the first survey in 2011. The Board was pleased to learn that the 2012 survey results showed that WAMS continues to perform at a high level. The Board noted that the company which did the survey advised that overall satisfaction results were very high (some of the highest the researcher had seen in doing customer satisfaction research) and it would be very difficult to improve on them.

The Board noted the following matters in respect of the survey:

- the concerns of users on the usability of WAMS;
- future components of WAMS; and
- alignment of WAMS with user feedback and needs.

R McGregor advised that, in his experience, local government valued the WAMS highly but that its potential was well undervalued.

The chief executive advised that the Commission intended to repeat the 2010 “Colmar Brunton” survey in February 2013 and the WAMS online user survey again in 2013 (subject to funding). The chief executive noted that the previous surveys were about WAMS 1 and that the WAMS 2 changes will be significant and the Commission needed to see if they work and had made a difference.

Action: The Board

- a) **noted** the results of an independent survey of the WAMS users conducted in February/March 2012 which show that the WAMS continues to perform at a high level;
- b) **agreed** that the Chairman write to the Minister for Primary Industries advising him of the results; and
- c) **agreed** that the Commission issue an appropriate media statement and to publish the “Summary of findings” report and the substantive report on the Commission’s website.

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

10. Better public services

The chief executive updated the Board on developments in respect of government systems and structures and the proposed changes to the Crown Entities Act which will change some of the Commission’s reporting processes and relationships.

The chairman noted that the Commission operates in the “non-tradeable” sector within government and this is the sector which is receiving the most focus in respect of costs. The Commission needs to show how it contributes to growing the tradeable sector, for example, tourism.

The chairman advised that the Commission has to be efficient and streamlined and that the chief executive be prepared to look at shared services and introduce innovative practices and systems including board support (for example, through efficient yet effective and useful reporting processes).

Action: The Board

- a) **noted** the proposed changes to the Crown Entities Act and State Sector Acts arising from the report on “Better Public Services”;
- b) **agreed** that the chief executive continue to participate in the policy process and to advise the board of developments as appropriate; and
- c) **noted** that the proposed changes will have governance, relationship and systems implications for the board and the Commission.

Moved M Bayfield **Seconded** P Mudford **Carried**

11. **Outdoor access public education programme**

The Board considered a paper responding to the board’s request for further information on the on-going annual costs of the Commission’s *Both Sides of the Fence* school-based education programme.

The paper provided information on proposed success measures and on-going costs (minimum and recommended) for the programme in 2011/12 and 2012/13. It noted that the total cost for the *Both Sides of the Fence* programme is \$50,000 for the 2011-12 financial year and \$45,000 for the 2012-13 year. Advertising costs are additional and are estimated at \$11,900. On-going costs are approximately \$3,000 pa to manage the website.

The Board approved the further expenditure of \$45,000 for the 2012-13 year for the project.

The Board noted that the project was one which lent itself quite readily to opportunities for third party revenue and partnerships. It also noted that the NZ Correspondence School / Te Kura Pounamu might be interested in the project and for the staff to discuss the project with the School.

The Board expressed its appreciation for a well-written report.

Action: The Board

- a) **noted** the success criteria, minimum ongoing costs and recommendations for future development of the *Both Sides of the Fence* school-based education programme; and



b) **agreed** to further expenditure of \$45,000 for the 2012-13 year for the project.

Moved B Stephenson **Seconded** M Bayfield **Carried**

12. Legislative compliance

The Board reviewed a checklist for statutory compliance which set out key statutory requirements and compliance measures for significant legislation, as identified by the Commission, plus additional statutes that are pertinent to the Commission's operations. The list identified a responsible person nominated by the Chief Executive to monitor and report on compliance and for the date of the check to be recorded along with the result.

The Board considered a report by the chief executive on the 2012 legislative compliance and noted that no matters were identified warranting board attention.

Action: The Board

a) **noted** that the 2012 legislative compliance review has been completed and no matters were identified warranting board attention.

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

13. Quarterly report: Third quarter 2011-2012

The Board discussed the third quarter report for January-March 2012 and noted good progress. The chief executive advised that the capacity of the organisation had been over-stretched in the quarter with the Commission trying to develop and implement big projects including WAMS 2, a document management system and drafting the statement of intent.

The Board discussed the Commission's relationship with the Overseas Investment Office and how that Office applies the walking access provision of the Overseas Investment Act.

The Board expressed its frustration with an apparent "reading down" of the access provision in the Act by the Office and asked the chief executive to progress the issue and to ensure that the Office seeks and obtains genuine input from the Commission. The Board considered whether a meeting of ministers might be desirable.

Action: The Board

a) **noted** the Commission's Quarterly Report for the period ending 31 March 2012.

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

14. Chief Executive's report

The Board considered and discussed the chief executive's report. Items of note included WAMS 2 – progress and risks; Te Urewera Summit; Treaty of Waitangi settlement legislation; progress with finalising the Statement of Intent; and case management.

Action: The Board

a) **noted** the Chief Executive's report for April 2012.

Moved M Bayfield **Seconded** P Brown **Carried**

15. Operations quarterly report: January to March 2012

This Board discussed the operations and regional field advisor (RFA) report for the third quarter January to March 2012. The Operations Manager advised that the significant activities in the quarter included:

- migration to SharePoint 2010 (document management system) in January 2012;
- attendance at the Southern Field Days in mid-February;
- RFAs in Otago/Southland and Top of the South have established monthly columns on access issues in the local rural press;
- the Commission is currently progressing 18 Overseas Investment Office cases; and
- submissions were made on two Tenure Review Preliminary Proposals.

R Cullinane advised that the number of cases resolved and arriving remained steady but there was increasing "bow-wave" of unresolved cases and while this matter was within the capacity of the staff to address it would require attention if the unresolved cases kept growing. The bulk of cases are resolvable but those cases involving local government are often the hardest to complete and may require different strategies. He would be prioritising cases in conjunction with RFAs.

The Board discussed this matter and directed that it did not want cases dropped simply because they were difficult or too-hard. It agreed to "on-hold" and "cold case" categories.

The Board also considered that the Commission's awareness raising activity needs to be accompanied by positive action and it and would consider pursuing test cases.

The Board was conscious, however, that case management could be very resource demanding and the Commission will need to be strategic. The chairman noted that, excluding cases and actions arising from Overseas Investment Act decisions and tenure review, the number of cases is more manageable.

Action: The Board

a) **noted** the operations and regional field advisor report for the third quarter.



Moved M Bayfield **Seconded** Brian Stephenson **Carried**

16. Walking Access Mapping System performance

The Board discussed the performance of the Walking Access Mapping System (WAMS) over the period 1 January to 31 March 2012. It noted that data for the period indicated that the technical performance of the WAMS is meeting expectations.

No adverse comments have been received about the system and a separate paper (Item 9) was provided to the Board that covered the results of the 2012 WAMS user survey.

Action: The Board

- a) **noted** the summary of the Walking Access Mapping System technical performance for the period 1 January to 31 March 2012.

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

17. Statement of Intent 2012 – 2017

The chief executive advised that two short informal comments had been received from the Minister in response to the draft Statement of Intent (SOI) for 2012/2015. The SOI was amended to reflect the advice. A copy had been circulated to the board by email and the final document sent to the printers. It would be available publicly on the day after the Budget. A copy would be sent core stakeholders.

Action: The Board

- a) noted the chief executive's advice.

18. Schedule of Significant Correspondence

Action: The Board received the schedule of significant correspondence and noted a recent letter from Le'au Asenati Lole-Taylor, MP regarding the enhancements made to the Commission's Walking Access Mapping System.

The meeting closed at 4.45pm.



J Forbes
Chairperson
06 August 2012

Notes

- 1 The board held a field trip on the afternoon of Sunday 13 May and inspected part of the proposed walking track and cycleway near National Park Village and which was the subject of an Enhanced Access Fund application.
- 2 On Monday 14 May the board held a workshop to discuss recommendations from the evaluation panel for the Enhanced Access Fund and the future direction of the Fund, and a report on the application of section 6(d) of the Resource Management Act.
- 3 In the morning of Monday 14 May the board hosted a forum for local government (representatives from the Ruapehu District Council and Horizons Regional Council) and the Department of Conservation and, in the late afternoon, it hosted a forum for invited stakeholders (10 people).
- 4 In the morning of Tuesday 15 May the board held a workshop to discuss the field trip, the board's visit to Maungapohatu, third party revenue, priorities and aspirations.

A handwritten signature in black ink, consisting of a stylized, cursive letter 'S' followed by a period.