



WALKINGACCESS
ARA HĪKOI AOTEAROA

31 January 2013

Hon Nathan Guy
Minister for Primary Industries
Parliament Buildings
WELLINGTON

Dear Minister

NEW ZEALAND WALKING ACCESS COMMISSION

On behalf of the board and staff of the New Zealand Walking Access Commission I would like to congratulate you on your appointment as Minister for Primary Industries and, hence, the Minister responsible for the New Zealand Walking Access Commission.

I understand that the Ministry for Primary Industries, as the monitoring department, will also brief you on the Commission.

The board and the Commission staff have enjoyed a warm relationship with the Office of the Minister for Primary Industries and appreciate and value the support provided by that Office and the Ministry for Primary Industries.

This letter describes some of the more significant aspects of the Commission's functions and work. There are two matters of immediate significance for the Commission which I would welcome the opportunity to discuss with you:

- the Commission's strategic intentions for 2013/1014; and
- the (re)appointment of two board members.

Background

The Commission was established in late 2008 by the Walking Access Act 2008 following seven years of consultation and passionate debate about public recreational access to rural land, especially along rivers and around lakes and the coast. Proposed legislation to improve public walking access along water margins (the "Queen's Chain") had generated concerns that this would impinge unfairly on private property rights. The property rights concerns were resolved and the legislation received near unanimous support in Parliament (the Māori Party refrained from voting).

The Commission's Statement of Intent for 2012-2015 (enclosed) explains the Commission's work in detail. I also enclose a "core story" document that describes the background to the "access debate" and subsequent developments.

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Achievements

Relationships

The Commission has established good communications, credibility and trusting and collaborative relationships with its very diverse stakeholder organisations and individuals. This has been achieved through our provision of regular national and regional forums and its publications, website and online mapping system. The Commission's forums have been a catalyst for collaboration between these diverse organisations.

There is good recognition of the value of collaboration and the results which follow. The Commission enjoys a reputation for credibility through its independence and the knowledge and skills of its staff.

The Commission considers that it can help build closer rural/urban relationships and understanding. Separate and unrelated surveys have shown that there is a disconnection between how rural and urban New Zealand perceive each other and the contribution each makes to the country's economy, culture and heritage. In some respects the "access debate" was a symptom of this relationship breakdown. The Commission has an important role in regenerating the connection as its stakeholders represent rural and urban New Zealand – the Commission is an effective conduit through which they talk to each other.

Enquiry management and dispute resolution (cases)

The Commission has an effective enquiry management and disputes management capability. It has a network of part-time regional field advisors and the capacity for the public to submit enquiries, direct to the Commission, through the web-based Walking Access Mapping System.

The Commission tends to become involved where disputes are long standing and other agencies have not been able to resolve them. Agencies are beginning to utilise the Commission to help resolve new disputes.

Examples of significant cases are:

- *Rangitikei River*: access to and along the upper reaches of the river where it flows through private and Defence Force land;
- *Central North Island Forests*: primarily vehicle access through plantation forests to the Rangitikei River;
- *Acheron Road (Molesworth Station)*: whether legal public access exists along Acheron Road;
- *Eastern Kaimanawa Ranges/Northern Ruahine Ranges*: access across private land; and
- *Mataura River (Gore District)*: stopping of unformed legal road along part of the Mataura River.

These cases are complex and involve the Commission having to investigate significant legal questions and, in some cases, negotiating with very aggrieved parties. The disputes are often long standing and resolution requires time and patience. The Gore case involved the

Commission making its first formal objection to a council proposal to stop a road along a river.

Walking Access Mapping System

A statutory function of the Commission is to compile, hold and publish information about land over which the public has access (section 10(1)). This has been achieved through an internet based system called the *Walking Access Mapping System (WAMS)*. It is a unique public access information service combining land parcel information with topographic data and aerial photography images. The objective is to enable users to locate, at no cost, all of New Zealand's land that may be expected to be open to public access, with contextual aerial, topographic and public access information, from one website. There are gaps in the data that the Commission will seek to fill over time; for example, local authorities have data on public access that is not readily available to the public.

The board's objective is for WAMS to be the preferred entry point for all outdoor recreation access information. It will achieve this by establishing partnership relationships with organisations with an interest in outdoor public access.

WAMS aligns well with the Government's goal of improving the accessibility and value to the public of government-held information. WAMS is receiving recognition within the geospatial information industry and the site is generating additional benefits for the private and public sectors. Other sectors and interests, for example, local government, real estate agents, surveyors, property managers and prospective property purchasers, are using the site because of its accurate, high quality information and its national coverage.

WAMS was released in July 2011 and a further significant investment in the system was made in 2012. The latest version with major enhancements was launched in October 2012. These enable the system to display effectively on mobile devices such as smart phones and third parties to display practical track and other information on the system.

User response to the changes is very positive with an average of 300 visits per day.

Our focus is now on encouraging participating organisations, local authorities and government agencies to display access-related information in a cost effective way. We have positive responses from the Department of Conservation, Wellington City Council, Wellington Fish and Game Council, Venture Southland and Surf Live Saving NZ.

Enhanced Access Fund (EAF)

The Walking Access Act empowers the Commission to *administer a fund to finance the activities of the Commission, or any other person, in obtaining, developing, improving, maintaining^[1], administering and signposting walking access over any land (s.10(1)(h)).*

The Board established the EAF in July 2009 to facilitate the involvement of individuals, groups and organisations in access projects throughout New Zealand. The EAF is one of the primary means of demonstrating the Commission's collaboration with, and support for, community access initiatives. There is no explicit government funding for the Enhanced

^[1] In the context of the Walking Access Act 2008, the term "maintenance" relates to walking access, the right to gain access...The primary focus is on maintaining and improving legal access in the outdoors, rather than providing and maintaining physical infrastructure such as tracks and bridges.

Access Fund. Rather, it was built up from expenditure savings during the Commission's establishment years.

Grant allocations have been made in each of 2010, 2011 and 2012 with \$200,000 (excluding GST) per annum. To date, 53 projects have been allocated funding. Most projects received partial funding rather than the full amount requested. Applicants are required to contribute resources from themselves or other organisations to a project. This means that the Commission gains substantial leverage and the other contributions generate wider community support and interest.

Approved projects provide new or improved access to waterways or the coast, or increase awareness of existing access and how to use it responsibly. They include support for substantial walkways, improving river access, creating new local access and publications and signage that inform the public about access in their area.

The board reviews the priorities, principles and criteria prior to each funding round to ensure a clear, consistent strategic direction for the EAF. For 2013, the board's priority areas include obtaining certain and enduring access, for example, the cost of negotiation to secure access agreements, contributing to the legal or survey costs of obtaining access; information including signs, *and developing and improving* walking opportunities through installing gates and fences.

Both Sides of the Fence

In November 2012 the Commission launched an online learning environment called *Both Sides of the Fence* to help school children and their teachers better understand responsible behaviour in the outdoors and the value of outdoor access. It communicates the messages in the *New Zealand Outdoor Access Code* in an engaging and curriculum-aligned way through the use of animated videos and an open-ended social enquiry learning approach designed to encourage consideration of multiple viewpoints when forming opinions on access issues.

The Commission will need to consider cost-effective methods to ensure ongoing promotion of the resource, and will seek to engage third parties to help fund further development of the site.

Third party revenue and agency co-ordination

In March 2010 your predecessor asked the Commission to investigate options for generating third party revenue and working jointly with other agencies. The Commission sought professional external advice on a framework for obtaining other sources of funding and board members considered the matter from their professional, business and personal experience and knowledge. The advice was that, at best, revenue would not exceed the cost of generating it sooner than 3 to 5 years and the board concluded that this exercise would divert the Commission's limited resources from its core business.

The board is reactivating the project and will fund a project in 2013/14 to investigate revenue sources. This is likely to be a multi-year project and funding will be reviewed annually.

The board believes that the most likely areas for external revenue are private sector contributions to the funding of access projects and joint funding of projects with other agencies. Fundraising is unlikely to make a substantial contribution to meeting the Commission's base operating costs.

Working with other agencies

The Commission does not have coercive powers. It relies on the expertise of its staff, building good relationships with other agencies, its credibility with stakeholders and the ability to use walking access-related provisions in other legislation to achieve its objectives.

The Commission has a Memorandum of Understanding (MoU) with Land Information New Zealand (LINZ). This enables the Commission to seek advice from LINZ following queries from the public on land tenure matters. The Commission intends to explore, with LINZ, the potential to widen the scope of the MoU to cover other topics which are of common interest.

The Commission also has a Memorandum of Understanding with the Department of Conservation. The Commission has a good relationship with the department.

The Commission is building a credible relationship with local government. Meetings are held with district and regional councils when the Commission's board meets outside of Wellington.

Legislation which is important to the work of the Commission includes the Overseas Investment Act, the Resource Management Act, the Conservation Act, the Marine and Coastal (Takutai Moana) Act and the Local Government Act. The Commission also takes a close interest in Treaty of Waitangi settlements as they can be of relevance to public access to land.

Legislation

The Walking Access Act 2008 is working well. The Act provides that the Minister must review the need for the Act, its effectiveness, and whether any amendments are necessary or desirable in 2018/19. This timing is appropriate given the medium to long term nature of its work.

Funding

The Commission's annual appropriation of Crown funding is \$1.789 million. The board considers that this is the minimum amount that will enable the Commission to carry out its statutory functions and maintain credibility with stakeholder organisations. The Commission operates in a frugal manner and has achieved a lot with this modest level of funding. The upgrading and improvement of WAMS was completed on a minimal budget due to careful project management and the use of in-house resources.

The board appreciates that in the current economic environment it would not be appropriate to seek an increase in taxpayer funding. As noted above, the board is giving priority to seeking third party revenue sources to boost the Enhanced Access Fund, not as a substitute for the Commission's base funding.

Conclusion

The Commission has adhered to the consensus achieved by the consultation process in 2007 and reflected in the Walking Access Act 2008. This has brought credibility, stability and alleviated the controversy that existed previously. The Commission is being increasingly recognised and valued for its consistent professionalism, expertise and independence.

Yours sincerely,

A handwritten signature in black ink, appearing to read "John Forbes". The signature is written in a cursive, flowing style with a large initial 'J'.

John Forbes
Chairman

Core story: New Zealand Walking Access Commission

Updated: *January 2013*

Access to the outdoors is part of the New Zealand way of life. Look no further than Barry Crump, Edmund Hillary or Sarah Ulmer for examples of iconic outdoor Kiwi outdoorspeople whose images are burned into our national psyche. But access and the outdoor way of life can't be taken for granted. In many countries overseas, public access to beaches and rivers is the exception, rather than the rule.

In New Zealand we are lucky to have 8.5 million hectares of publicly accessible land (31 per cent of New Zealand's land area) administered by the Department of Conservation, hundreds of public reserves administered by local authorities, and an estimated 56,000 kilometres of unformed legal road; much of which provides access to rivers, mountains and other outdoor points of interest.

We are also fortunate to have been left with the public-access legacy of Queen Victoria, who directed Governor William Hobson in 1840 to reserve land for public use alongside many lakes and rivers and much of the New Zealand coast. This network of reserved land alongside water margins, and added to by subsequent legislation, notably the Land Act 1892, is popularly known as the 'Queen's Chain'. The Queen's Chain is a major asset for New Zealanders, but it is not continuous – there are many areas where land alongside a water margin has not been reserved for public use or the Queen's Chain has been eroded.

In the past this inconsistency in the way land has been designated for public use has created problems for recreational users, who want to know where they can legally go, and landholders, who want their property rights respected. When a conflict over access does arise, many people have in the past been unsure of where to go and who to talk to in order to resolve it.

This potential for conflict has been exacerbated by a gap in the public's knowledge of how to behave responsibly in rural environments; a gate left open by a person who has been granted access or is using an unformed legal road that bisects a landholder's property can cost a farmer thousands of dollars and cause hours of anguish.

The Colmar Brunton *Walking Access Survey* published in April 2011 found that 22 per cent of respondents 'strongly agree' that most New Zealanders have a good understanding of how to behave in the outdoors, while 48 per cent 'slightly agree' that most New Zealanders have a good understanding of how to behave in the outdoors.

These issues around public access are not new. The value of public access to the outdoors has been part of the broader public consciousness since the 1970s, and in 1996, the then Minister for Rural Affairs, Jim Sutton, brought the issue into the open with a paper expressing concern that future problems might arise if action was not taken to enhance access rights.

By 2000, public concern had grown about reported restricted access to the South Island High Country arising from the sale of land to overseas investors. Two years later public access to the outdoors had become such a hot topic that a political party created primarily to

promote access, Outdoor Recreation New Zealand, won 1.28% of all votes (25,985) in the July 2002 general election.

The high degree of public interest prompted the then Government to form the Land Access Ministerial Reference Group in January 2003. The group was charged with considering whether there was sufficient certainty, information, mechanisms and awareness of expected conduct to ensure responsible public access to waterways and private rural land while providing for private land use, both now and in the future. Its findings led the government to propose legislation in December 2004 that would have created footways alongside the coast, around lakes and along rivers. That legislation was subsequently dropped after high profile campaigns, such as the “Orange Ribbon” campaign led by farmers, but the issue of how the government could best protect and enhance public access remained.

A further round of public consultation followed, convened and lead by the Walking Access Consultation Panel. The panel reported in February 2007 having reached a “consensus that common-sense solutions based on voluntary negotiation are needed”. The report was adopted, the Walking Access Act 2008 was enacted and the New Zealand Walking Access Commission established.

Since its creation in 2008, the Commission has worked collaboratively with recreational users, landholders, Māori and other groups to enhance free, certain, enduring and practical access to the New Zealand outdoors. The Commission’s two primary objectives, described in its National Strategy 2010-2035 vision statement and laid out in its Statement of Intent 2012-2015, are to enhance access opportunities in the outdoors and strengthen access culture in New Zealand.

Enhancing access opportunities in the outdoors

The Commission’s contestable Enhanced Access Fund, Walking Access Mapping System and network of regional field advisors are its key tools for creating opportunities for new access.

The Enhanced Access Fund is available to assist community groups to secure and improve enduring access to the outdoors, through the provision of funding for such work as negotiations, surveying, signage and practical access features like stiles, gates and fences. The Enhanced Access Fund has helped support 53 projects across New Zealand in the years since its first funding round in 2010.

The Walking Access Mapping System, online at www.wams.org.nz, is free to use and identifies land across New Zealand that can be expected to be open to public access, such as marginal strips, esplanade reserves, conservation land, crown land and unformed legal roads. It includes topographic maps and aerial imagery of much of the country and also allows users to view the cadastral boundaries of private property. The mapping system was enhanced in August 2012 with an improved user interface, optimisations for mobile devices and functionality that allows other organisations to upload their own access-related information for public view. In the year to 31 December 2012, the system has been visited more than 100,000 times.

The New Zealand Walking Access Commission also plays a role in mediation and resolution of access disputes. It has eight regional field advisors, located around the country, who work collaboratively with the public, local government and landholders to help resolve access disputes and manage access issues. This collaborative approach is particularly important to the Commission because it does not have any enforcement powers.

Strengthening access culture and heritage in New Zealand

The Commission's second primary objective is strengthening access culture and heritage. If access is to be preserved and enhanced, particularly the voluntarily granted access that is so dear to New Zealand culture, then recreational users need to know how to behave in the outdoors and landholders need to understand recreational users and trust them to act responsibly when crossing their land.

The Commission released an Outdoor Access Code to inform the public of responsible behaviour in the outdoors in 2010, and began a broader public education programme in early 2012. This education programme includes the curriculum-aligned Both Sides of the Fence website (www.bothsidesofthefence.org.nz), launched to primary school teachers and students in October and November of 2012. The site includes an educational web book and a series of engaging animated videos to introduce school children to different viewpoints around access.

In addition to this school-based resource, the Commission has created access-related guidance fact sheets and frequently-asked question (FAQ) documents, and is working hard to provide guidance to all individuals and groups with an interest in access. Commission staff and field advisors meet regularly with interested parties to clarify the rights and responsibilities associated with access, and the Commission holds a national forum and regular regional forums for key stakeholder organisations and local government.