

July 2016



# 11. Walkways

## Frequently Asked Questions



### What is a walkway?

New Zealand offers an abundance of walking tracks providing opportunities for access to the great outdoors. These tracks fall into many categories, and can traverse both public and private land.

This FAQ focuses specifically on walkways that have been formally established and gazetted under the *Walking Access Act 2008* or *New Zealand Walkways Act 1990*.

### What is the difference between a walkway established under the Walking Access Act and other walking tracks or trails?

"Gazetted walkways" are those walking tracks that have been established under the *Walking Access Act 2008* and the *New Zealand Walkways Act 1990* and declared as walkways in the Government's official newspaper, the *New Zealand Gazette*. Walkways under these Acts may be over public land or private land. In the case of private land, access is secured by creating easements which require the agreement of the landholder.

There are many other walking tracks around New Zealand providing opportunities for people to access the outdoors. While some of these tracks may be termed "walkways", only those that have been formally established and gazetted under the *Walking Access Act 2008* or the *New Zealand Walkways Act 1990* have the special legal status that the legislation provides. This includes statutory protection of the rights of walkers to use the walkways and specification of those actions that are an offence under the *Walking Access Act 2008*.

Walkways are generally not affected by changes in the ownership of private land.

### Where are they?

Walkways are located in many parts of New Zealand. A list of all of these walkways, their locations, and their controlling authorities can be found in the 'Walkways' section of the New Zealand Walking Access Commission's website, [www.walkingaccess.govt.nz](http://www.walkingaccess.govt.nz). Additional detailed information may be on the web sites of the relevant controlling authority. The controlling authority is the public body that is responsible for the day to day management of the walkway. Most walkways are managed by the Department of Conservation.

### New Zealand Walkways

Gazetted walkways can be found across New Zealand. Well known examples include the Huka Falls to Aratiatia Rapids Walkway near Taupo, Makara Walkway near Wellington, Cable Bay Walkway near Nelson and Tunnel Beach Walkway near Dunedin.

Many older walkways carry the 'New Zealand Walkways' logo shown below, while those created more recently carry the logo of the New Zealand Walking Access Commission (see bottom logo).



WALKING ACCESS  
ARA HIKOI AOTEAROA

### How can I identify them?

Walkways are signposted with the track name and any special conditions that apply. The signage may include the New Zealand Walking Access Commission's logo or the old walkways logo (see logos on page 1). Those managed by the Department of Conservation are described on its website ([www.doc.govt.nz](http://www.doc.govt.nz)) and will have Department of Conservation signage.

### Can I take bikes, dogs or horses on a walkway?

No, not unless there has been special agreement with the landowner or public land administrator that bikes, dogs or horses may be taken on the walkway. This will be indicated on the signs. Unless signposted to the contrary, it should be assumed that bikes, dogs and horses, as well as motor vehicles, are prohibited. There is an exception for mobility vehicles and disability assist dogs, including Seeing Eye Dogs. The controlling authority's websites will provide track and usage information.

### How are walkways created?

Walkways are the result of a collaborative process between a landholder who wishes to create a walkway on their land and the New Zealand Walking Access Commission. The Commission manages the legal process to create the walkway. Walkways over public land are created with the consent of the administering authority of the land, while walkways over private land are created by registering a walkway easement against the land, with agreement from the landholder.

As part of the process, the Commission appoints a controlling authority for the walkway and assigns a name to the walkway. This information is also included in a walkway declaration notice published in the *New Zealand Gazette*.

Sometimes a new walkway is agreed to as a condition of purchase of land by an overseas person (in the context of

the *Overseas Investment Act 2005*), or in connection with tenure review of a Crown pastoral lease (in the context of the *Crown Pastoral Land Act 1998*).

### What form do walkway easements take?

The New Zealand Walking Access Commission has a standard easement form that meets its requirements for walkway easements. The form is designed to be consistent with the statutory conditions that apply to easements, and to avoid duplication and ambiguity. The standard form of easement can be found on the Commission's website.

### Who looks after walkways?

The New Zealand Walking Access Commission has overall responsibility for walkways, but each walkway has a controlling authority which may be the Department of Conservation, a local authority or some other public body. The controlling authorities are responsible for day to day management and maintenance of their walkways (see section 37 of the *Walking Access Act 2008*).

### Who should I contact concerning misuse or maintenance of a walkway?

You should contact the controlling authority for the particular walkway. The controlling authorities of walkways established under the *Walking Access Act 2008* can be found on each walkway's individual page within the 'Walkways' section of the New Zealand Walking Access Commission's website.

### What should I do if I encounter stock on a walkway?

Many walkways cross private land and have been established with the kindness of landholders. In instances where you encounter stock on a walkway, it is best to walk in single file and to avoid disturbing them. If you feel threatened or in danger

due to stock on a walkway you may wish to contact the controlling authority. Where a walkway crosses private land, any stock in difficulty should be reported to the landholder.

Further information about responsible behaviour on walkways can be found in the *Outdoor Access Code*, available on the New Zealand Walking Access Commission's website.

### **What are the landholder's responsibilities?**

Where a walkway is on private land the landholder retains the right to access the land and to use it for its usual purposes but must not obstruct the walkway. The landholder can seek to have the walkway closed on reasonable grounds but it will be closed no longer than necessary. In some cases the easement for the walkway provides for it to be closed at certain times, most commonly for lambing.

### **What are the risks to a landholder?**

The risks to landholders who have an established walkway on their land are minimal. Injuries to a user of a walkway can be expected to be covered by the Accident Compensation Corporation.

There is a special statutory exemption for landholders from any possible liability to users of a walkway. The exception is where there has been a deliberate action or omission by the landholder that causes a person using the walkway to suffer loss or damage. In some situations where the walkway is in an area that is a current place of work, the person in control of that place of work must take care not to put the public at risk.

Possible concerns about liability arising from workplace safety legislation are addressed in our FAQ, *Health and safety responsibilities of farmers to recreational visitors*.

Landholders are protected from irresponsible behaviour by users of walkways by the offence provisions that apply to walkways in the *Walking Access Act 2008* (sections 54 - 58). These include prohibitions against bringing dogs or horses on to a walkway, lighting fires and disturbing livestock.

### **What are the responsibilities of walkway users?**

People using walkways must not bring vehicles or firearms onto a walkway or do anything that could damage the walkway, obstruct the walkway or disturb or annoy other users or the adjoining landholder. Some walkways allow access with bikes, dogs and horses, but this is not usually the case. Unless signposted to the contrary, it should be assumed that bikes, dogs and horses are prohibited.

The *Outdoor Access Code*, available on the New Zealand Walking Access Commission's website, covers a wide range of matters concerning good behaviour in the outdoors, including respect for private property.

### **Are there penalties for improper use of a walkway?**

There are fines of up to \$10,000 for the improper use of a walkway.

### **Can I help care for a walkway?**

Any enquiries about how members of the public might assist in maintaining a walkway should be made to the relevant controlling authority.

### **Can I help establish a new walkway?**

The New Zealand Walking Access Commission welcomes approaches from landholders wishing to create public access over their land. Please contact us by email at [contact@walkingaccess.govt.nz](mailto:contact@walkingaccess.govt.nz) or by phone on (04) 815 8502.

### Do I have the right to walk over private land that is not a walkway?

There is no general right of public access across private land. This is one of the reasons that walkways are of such benefit to the public. If there is any doubt about access and there are no signs indicating access, permission from the landholder should be sought. There may be valid reasons for farmers to deny access across their land and refusals should be accepted with good grace. If you have doubts then you should check with the local authority or contact the Commission.

### Are there any special considerations I should know when walking?

When walking in rural areas, especially on farms, users should:

- leave gates open or closed as they are found;
- if there is no gate or stile, go through the fence wires or climb over at fence posts, preferably at a strainer post;
- not block or obstruct gateways, tracks or entrances;
- look for alternative routes before entering a paddock containing animals. Otherwise, walk in single file without disturbing or driving stock;
- not feed animals;
- walk around rather than through crops; and
- report damage or anything suspicious to the landholder or manager.

### What do I need to do to care for the environment when out walking?

The Commission recognises that our environment is an asset and needs to be treated with care. *The Outdoor Access Code* supports the seven principles of the *Leave No Trace* environmental care code.

### What is the Outdoor Access Code?

The *Outdoor Access Code* is a New Zealand Walking Access Commission publication which sets out the rights and responsibilities of recreational users and landholders

Our society is increasingly urban, and despite our strong rural cultural identity and economic reliance on agricultural products, people may not be aware of rural customs and local practice, or understand the adverse impacts their actions can have. The Code spells out the need for people to behave properly and to take responsibility for their actions in the outdoors. It also asks landholders to continue the long-held New Zealand tradition of landholders giving access to people wanting to cross their land.

The Code is available on the Commission's website.