



# WALKING ACCESS

## ARA HĪKOI AOTEAROA

# Briefing to the Incoming Minister

## Key points

- The Commission is eagerly awaiting a formal policy process from MPI and a Cabinet decision in 2021 that will determine the future strategic direction and scope of its work, following a successful statutory review in 2019.
- In August 2021, five of the eight Board members are set to have their terms expire. MPI will support you to decide on next steps.
- COVID-19 recovery funding presents opportunities for the creation of new tracks and trails, and for the use of tracks and trails to boost domestic tourism.
- A successful partnership with Te Araroa Trust commenced 1 July 2020. This will improve the trail experience for all users, focusing on New Zealanders.

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# Introduction

This briefing provides you with an overview of the New Zealand Walking Access Commission Ara Hīkoi Aotearoa (the Commission) and our business.

## Background

The Commission is a Crown entity created in 2008 and operational since 2010. We create enduring access to the outdoors for all New Zealanders. The Walking Access Act 2008 legislates our work.

The Ministry for Primary Industries (MPI) monitors our performance as a Crown entity.

## The Board

We have a governing board of eight members. A combination of permanent, fixed-term and contracted staff carry out our operational activities.

## Board members

Our board members come from a range of management and cultural backgrounds, with a wide geographical distribution across New Zealand. The current members are:

- **Chair Don Cameron** – Mayor of Ruapehu District, Co-Chair of the Road Controlling Authority, and a representative on the national council of Local Government New Zealand. You can reach him on 021 202 7629.
- **Raewyn Tipene** – Chief Executive and founder of He Puna Marama Trust, which runs early childhood, primary and secondary education facilities in Northland.
- **Pierre Henare** – Board Chairman and a founding Director of Tairāwhiti Pharmaceuticals Ltd Group. He has also held Board positions with Māori Incorporations, Māori Land Trusts and with the Māori Advisory Boards to Tairāwhiti District Health and Midlands Health.
- **Lisa Chase** – Consultant working with Massey University and Te Manu Atatū-Whanganui Māori Business Network. Formerly, a sheep and beef farmer in the Manawatū.
- **Helen Mexted** – Significant strategic leadership and governance experience in public and private sectors including roles at Land Information New Zealand, Local Government New Zealand, Greater Wellington Regional Council, Public Trust, and Federated Farmers.
- **Hilary Allison** – Extensive public service management experience, and has held board roles at Otago Hospice, Dunedin PHO, Otago Community Trust, and a Dunedin social service delivery agency.
- **Celia Wade-Brown** – Former Mayor and City Councillor in Wellington, Founder of Living Streets Aotearoa, and a trustee of Te Araroa Trust and Walk21.
- **Peter Coburn** – Former private secretary for Rural Affairs from 2006 to 2008, helping to oversee the passage of the Walking Access Act. Involved in conservation and recreation groups on the West Coast.



We also have a kaumātua, **Peho Tamiana** (Ngāi Tūhoe), who offers guidance and advice.

## Board member terms

Five Board members' terms expire on 5 August 2021. MPI will be working with your office to provide advice on reappointments and/or replacements over the coming months.

## Our staff

**Ric Cullinane** is the chief executive. He reports to the board on the operational matters of the Commission.

You can reach him at [ric.cullinane@walkingaccess.govt.nz](mailto:ric.cullinane@walkingaccess.govt.nz) or 04 815 8509.

The senior management team also includes:

- Deputy Chief Executive **Phil Culling**
- Strategic Communications and Partnerships Manager **Asher Wilson-Goldman**
- National Operations Manager **Kirsti Douglas**
- GIS/IT Manager **Sarah Cruickshank**
- Executive Director - Te Araroa **Mark Weatherall**



We have twelve staff based in the national office in Wellington and one in Tauranga (12.45FTE total). We have twelve part-time contractors (3.7FTE total) working as regional field advisors across New Zealand.

The day-to-day relationship with your office is managed by Strategic Communications and Partnerships Manager Asher Wilson-Goldman, who can be reached at [asher.wilson-goldman@walkingaccess.govt.nz](mailto:asher.wilson-goldman@walkingaccess.govt.nz) or 021 818 694.

## Work of the Commission

We work to deliver the following outputs as defined in our Statement of Intent 2018 - 2022.

### Securing access in high-priority areas

We have two active regional projects working to improve access in areas with rapid population growth:

- **Promoting access: Pūhoi to Pākiri** covers the north of the Auckland region. It is a partnership with Auckland Council, the Rodney Local Board, Ngāti Manuhiri, and the Matakana Coast Trails Trust.
- **Connecting Franklin – North Waikato** covers the southern Auckland and northern Waikato regions, between Pukekohe and Rangiriri. It is a partnership with Waikato District Council, Waikato Regional Council and Waikato Tainui, and has the support of the Franklin Local Board.

We are seeking opportunities for other regional projects to undertake over the next 12 months.

In other parts of the country, our regional field advisors work with community groups and local authorities to create and secure new public access. A key tool is the Overseas Investment Act process. This allows the Commission to recommend new public access for the Overseas Investment Office to consider.

## **Using Government policy to promote public outdoor access**

Our published Guidelines for the Management of Unformed Legal Roads influence how territorial authorities manage unformed legal roads.

We participate in the Cross-Agency Working Group on Physical Activity, which will make recommendations to Cabinet in late 2020. And we submit on relevant central and local government legislation and policy as opportunities arise.

## **Effective information**

The Commission provides digital maps to the public. Many members of the public, such as hunters, anglers and trampers, use these maps to seek public access. Community trail-building groups and others wanting to create new access also use them.

The mapping tool draws from information from a range of sources, including the Commission, Land Information New Zealand, the Department of Conservation, local authorities, Fish and Game New Zealand and others.

The Commission also runs Find My Adventure, a search engine for tracks and trails. We partner with trail managers, especially the Department of Conservation and territorial authorities, to create this database. It lets people search for a place to walk, run, cycle, mountain bike, horse ride, take their dog or explore in a wheelchair.

The Knowledge Base on the Commission's website is a hub for research, guidelines and advice relating to public access to the outdoors. It provides information in a mix of digital, print and video formats. The Commission's Outdoor Access Code is also hosted here.

## **Maintaining existing access and managing disputes**

Our network of regional field advisors, based around the country, use their connections and experience to help resolve disputes. They mediate between landholders, recreationalists, local authorities and others. They do not have coercive powers, so disputes can take time to resolve to everyone's satisfaction. However, this time and effort helps to ensure longer-lasting results.

## **Improving access for iwi**

We work with iwi and hapū to help resolve access disputes on Māori land. We also collaborate to open new trails and to restore access for iwi to wāhi tapu on privately owned land. Working with iwi and hapū also provides the opportunity to tell the history of the land and the people who have lived on it through the medium of public access. In Budget 2020, we received \$250,000 for each of the next two years to help boost this work and our relationships with our iwi partners.

## **Enhanced Access Grants**

Community groups can tender for an Enhanced Access Grant from us for initiatives that enhance public access around New Zealand. The grants prioritise areas which are hard to find other sources of funds for, such as legal and survey costs. Grant recipients also work closely with their local Regional Field Advisor to help them achieve their goals.

# Challenges and opportunities

## Review of the Walking Access Act 2008

The Walking Access Act 2008, and the Walking Access Commission, were the subject of an independent statutory review in 2019. MPI conducted the review with the support of an expert panel.

The review resulted in the publication of a Report on the Review of the Walking Access Act 2008, which was tabled in Parliament in September 2019. The report made 30 recommendations and proposed six technical changes to the Walking Access Act.

The report overwhelmingly endorsed the Commission's work and called for more funding to enable it to expand both the breadth and depth of our current work programme.

MPI expects to undertake a formal policy process in early 2021, and to make recommendations to Cabinet based on the recommendations from the report. This process will determine the future direction of the Commission's work.

Currently, the Commission is managing expectations from key stakeholders, who engaged with the review in 2019. Many are under the impression that the Commission would be able to implement the recommendations in 2020. They have expressed concern at the pace of the next stage of this process.

## New identity and name

The Review of the Walking Access Act 2008 identified that the Commission's name was a barrier to it working effectively on public access issues other than walking, such as cycling. The Board decided in 2019 to initiate a project to create a new identity, brand and name for the Commission, and this work is now underway. The work is expected to be completed, with a launch for the new name and identity, in mid-2020.

## Importance of public access

Walking, running, cycling and mountain biking are all among the top ten physical activities that New Zealanders participate in, with walking overwhelmingly the most popular activity of all. Day tramping is 12th, also ahead of the most common sport activity, golf, in 13th place.

Public tracks and trails, in particular through walking, offers unparalleled equity of access to all New Zealanders, with no cost barriers, equipment, or pre-planned time commitments required. Walking, running, cycling and mountain biking offer mental and physical health benefits to users.

Other benefits include increased community cohesion, and environmental benefits, through the formation of community groups focussed on replanting, weeding, and predator removal. Public access also offers educational opportunities, through sharing stories of place, including our history.

## COVID-19

The ongoing impact of COVID-19 provides challenges and opportunities for public access. Fewer international tourists will reduce demand on the most popular tracks and trails. A drive for domestic tourism provides the opportunity to reintroduce New Zealanders to different parts of our country.

A slowing economy may make it more difficult for volunteer-based trail groups to raise funds

for constructing and maintaining trails. However, Government investment through COVID-19 recovery, 1 Billion Trees and Jobs for Nature may help to counterbalance this.

The COVID-19 lockdown helped to give people a newfound appreciation for physical activity such as walking and cycling in their own neighbourhoods. This provides an opportunity to embed these new habits, but also shows the need to ensure that all New Zealanders, no matter where they live, have equal access to local recreational opportunities.

## **Creating new gazetted walkways**

The Commission can establish gazetted walkways under the Walking Access Act 2008. But we do not have funding to construct or maintain the physical walkway infrastructure. Accordingly, the Commission appoints Controlling Authorities – generally the Department of Conservation (DOC) or a territorial authority – to undertake these functions.

Due to budgetary constraints faced by DOC and territorial authorities, the Commission has found it increasingly difficult to gain agreement from potential controlling authorities where agreement to secure a walkway easement over private property has been given. This means although we can legally secure public access to the outdoors, we do not have a public body to manage the day to day maintenance and enforcement and compliance requirements for the walkway.

Without additional funding, one possible solution is to landbank the secured easement until a controlling authority is found. This would ensure we secure legal access for future use.

Another possible solution is for the Commission to take on the Controlling Authority role, but to delegate the responsibilities to a volunteer-based community trails trust. We could do this through a memorandum of understanding and also by appointing enforcement officers.

The Commission intends to explore these models.

## **Volunteer-based trail builders**

The Commission works with dozens of volunteer-based trail-building groups across the country. We provide advice, support and funding through Enhanced Access Grants. These groups create new access for walkers, cyclists and mountain bikers, often across both publicly and privately-owned land.

These groups range from semi-professional ones with significant central government funding, such as those responsible for Great Rides, to small, local, volunteer groups without any external funding.

Many of these groups want additional support and coordination from the Commission. This includes professional development and opportunities to share best practice, advice on policy for handling volunteers or funding, GIS and website expertise, and support with negotiations to secure legal access.

The new access for walking and cycling created by these groups is a driver of regional economic development, helping to bring domestic and international tourists to the area who go on to use accommodation, food, and other services, creating local and sustainable jobs.

## **Te Araroa trail**

In July 2020, the Commission formed a partnership with Te Araroa Trust. The Trust is an independent charitable trust that manages Te Araroa, a walking trail from Cape Reinga to Bluff.

Te Araroa is an internationally recognised long-distance trail, made up of more than 70 sections

which are collectively walked by hundreds of thousands of people every year, the vast majority of whom are New Zealanders.

The partnership was enabled by \$400,000 funding received through Budget 2020, which is guaranteed for two years.

The purpose of the partnership is to improve the trail's route, its management and its promotion. A key aim is to better connect New Zealanders with the trail, through the message that it is the 'journey of a lifetime'.

## **Impact of water quality improvements on access**

Fencing all waterways for stock restriction may impact on people's ability to access New Zealand's water bodies. Unlike the New Zealand Coastal Policy Statement 2010, the new National Policy Statement for Freshwater Management 2020 does not mention public access. If it does not consider access to waterways, we may lose practical access.

## **Key legislation**

Seven pieces of legislation govern our work. We also need to consider other acts and regulations as required. The main legislation we work with are:

- Walking Access Act 2008
- Overseas Investment Act 2005
- Resource Management Act 1991
- Conservation Act 1987
- Land Transfer Act 1952
- Local Government Act 2002
- Te Ture Whenua Māori Act 1993
- Treaty of Waitangi settlement legislation

## **Key accountability documents**

### **Annual Report**

Our annual report for the 2019-2020 financial year is awaiting audit and will be with your office in November.

### **Statement of Intent**

We are due to update our current Statement of Intent 2018-2022 in 2021.

We may request your approval to delay this for 12 months to better incorporate any Cabinet decisions stemming from the review of the Walking Access Act 2008, expected in 2021.

### **Statement of Performance Expectations**

Our current Statement of Performance Expectations 2020-2021 was tabled in Parliament in August 2020.

# Key relationships

## Local authorities

Local authorities are key to the delivery of our work, as they regularly become Controlling Authorities for Walkways. The Commission has an excellent working relationship with many local authorities, and we will continue to strengthen these in the future.

## Iwi and hapū

We are constantly developing our relationships with iwi and hapū, supported by our kaumātua. Currently our key iwi relationships include working alongside Waikato Tainui and Ngāti Tamaoho on the Connecting Franklin - North Waikato project; and work in partnership with Ngāti Manuhiri on the Pūhoi to Pākiri project. We also work closely with several other iwi on local access and trail building projects in other parts of the country.

Additional funding of \$250,000 per annum for two years received in Budget 2020 will help to build stronger relationships with other iwi and hapū, and to do more work in partnership with Māori.

## Department of Conservation

We often work together with the Department of Conservation (DOC) on matters such as public access to conservation land and overseas investment of significant areas. In August 2018 we began work to negotiate a Memorandum of Understanding with DOC and expect to complete this before the end of 2020.

Along with local government agencies, DOC regularly acts as a Controlling Authority for Walkways.

## Land Information New Zealand

Land Information New Zealand (LINZ) is a key relationship for the Commission. LINZ is responsible for the cadastre, from which we draw information for our mapping system.

The Overseas Investment Office (OIO) is also a part of LINZ, and we work with the OIO on applications associated with the overseas purchase of significant New Zealand land. Other areas within LINZ that we work with include the Commissioner of Crown Lands and the Office of the Surveyor-General.

## Ministry for Primary Industries

Under the Crown Entities Act 2004, the Ministry for Primary Industries acts as our monitoring agency. The Strategy Directorate within the Office of the Director-General provides you with briefings and papers relating to our monitoring.

## Community trail-building groups

Many new local trail building groups are appearing across New Zealand. They focus on trails for recreation and to connect communities to each other and to local facilities. We engage with these community groups by providing guidance and advice. Strengthening these relationships and

working in collaboration with community groups is an important area for us.

As part of our leadership role in the outdoors sector, we are considering bringing together trail leaders at both a regional and national level to learn from each other and share best practice. We also assist these groups to develop strong relationships with territorial authorities, and, where relevant, the Department of Conservation.

## **Federated Mountain Clubs**

Federated Mountain Clubs (FMC) represents 80 outdoor and tramping clubs with over 20,000 members and is a key stakeholder for the Commission. FMC is a vocal member of the outdoors community, and we regularly consult the FMC on access matters.

## **Farming groups**

We collaborate with Federated Farmers, Rural Women New Zealand and Queen Elizabeth II National Trust to ensure our work meets the needs of the rural sector. In 2019, we partnered with Federated Farmers and Queen Elizabeth II National Trust to run a virtual field trip for primary school students, educating them on how to behave responsibly in the outdoors, including on working farms.

## **Fish and Game**

Our Regional Field Advisors work closely with local Fish and Game representatives to provide advice and dispute resolution on access to waterways. Fish and Game license holders are heavy users of our mapping system. We hold regular meetings with Fish and Game to discuss shared issues and work.

## **Sport NZ and regional sports trusts**

Sport NZ's increasing focus on active recreation provides several opportunities for collaboration with the Commission, and we maintain regular contact to enable this. Through Sport NZ, we are also building relationships with some of the regional sports trusts across the country.

In recent years, this has included participation in the Sport NZ and Ministry of Health-led Cross-Agency Working Group on Physical Activity, which will make recommendations to Cabinet in late 2020; partnering with Sport Taranaki on the Taranaki Tracks and Trails 2040 Strategy; and work with Sport Waikato to assist the expansion of their work with local authorities into the active recreation space.

## **Emerging relationships**

### **Te Puni Kōkiri and Te Arawhiti**

With the Commission making efforts to improve our relationships with iwi and hapū, advice and guidance from Te Puni Kōkiri and Te Arawhiti will be necessary to ensure success. Additionally, working alongside Te Puni Kōkiri to boost regional economic development for iwi and hapū through the establishment of public access and related amenities is a possible future area of work.

The Commission has worked with Te Arawhiti in the development of our new Māori Partnership Strategy and we greatly appreciate their advice and assistance.

## **Waka Kotahi NZ Transport Agency**

As the Commission does more work on access for active transport in addition to recreational access, increasingly we will need to develop a closer relationship with Waka Kotahi, both at a regional and a national level. Waka Kotahi may also be a future funding partner for regional projects the Commission leads.

## **Heritage NZ**

The ability for public access to be used to tell stories of New Zealand's history, and to provide people with the ability to reach some of our important historic sites, means building a closer relationship with Heritage NZ is a priority for the Commission.

## **Financial**

We have previously received an annual appropriation of \$1,789,000 from the Crown, as part of Vote Primary Industries. Budget 2020 granted us an additional \$1,772,000 in 2020-2021 and \$1,807,000 in 2021-2022 to enable the Commission to continue at the same level of activity. Until this point we had used existing cash reserves to fund part of our activities. The full current appropriation is now used to fund the Commission's day to day activities.

Audit New Zealand annually assess the Commission's management environment, financial systems, internal controls, and systems and controls for measuring financial and service performance. The latest assessment from the auditors is that the Commission has a good management control environment, very good financial information systems and controls, and very good performance information and associated systems and controls.

Following an expected Cabinet decision in 2021 on which recommendations from the Report on the Review of the Walking Access Act 2008 to implement, the Commission expects to make a bid for additional ongoing funding in Budget 2022.

Without this additional funding, the Commission will not be able to implement any of the recommendations from the Review of the Walking Access Act 2008. Similarly, if the current expanded appropriation is not continued as new baseline funding, the Commission will have to reduce staffing and services by approximately 50%.