

Briefing to the Incoming Minister

New Zealand Walking Access Commission Ara Hīkoi Aotearoa



Introduction

The purpose of this briefing is to provide 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 are tasked with creating enduring access to the outdoors for all New Zealanders. The work of the Commission is legislated by the *Walking Access Act 2008*.

As a Crown entity, our performance is monitored by the Ministry for Primary Industries (MPI).

The Commission's structure

We are governed by a board of five members, with the operational activities carried out by a combination of permanent, fixed-term and contract staff.

The board

Our board members come from a range of management and cultural backgrounds. The current members are:

- Chair John Forbes – Mayor of Opotiki District and a former Co-Chair of the Rural/Provincial Sector of Local Government New Zealand.
- Barbara Stuart – Landowner with one of the earliest walkways, Nelson Tasman coordinator for Rural Support Trust, Nelson Marlborough Conservation Board member.
- Penny Mudford – National Chair of Rural Women New Zealand, and Fellow of the Arbitrators' and Mediators' Institute of New Zealand.
- Peter Brown – Māori Health Manager at Tairāwhiti District Health Board, and affiliated to a number of Tairāwhiti iwi.
- Robin McNeill – Engineer, former President of Federated Mountain Clubs and member of Southland Conservation Board.

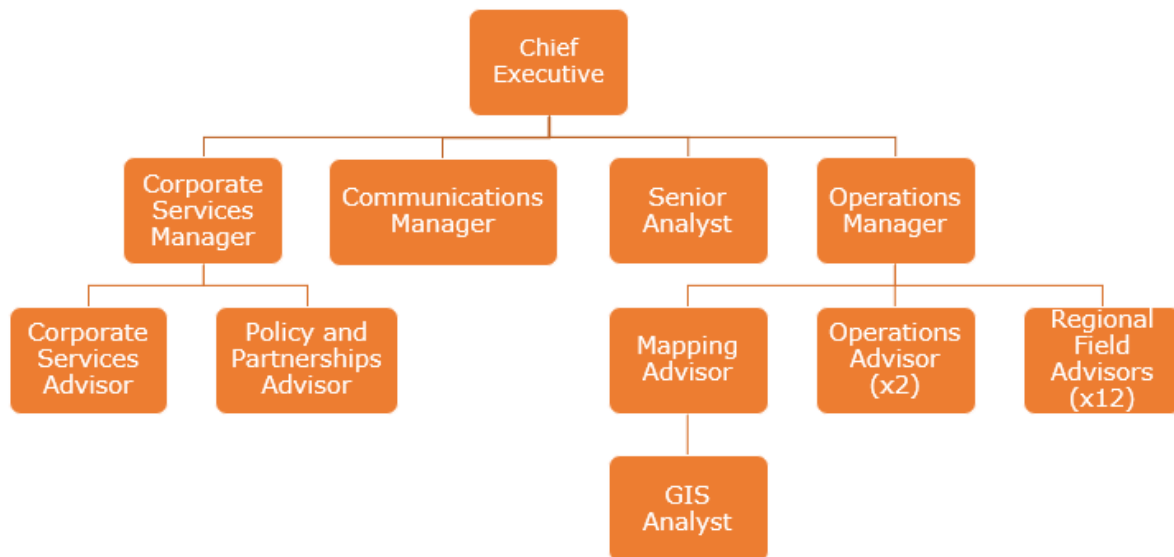
Two of our board members' terms expire in April 2018, and three others expire in April 2019. We also have a kaumātua, Peho Tamiana (Ngai Tūhoe), who provides guidance and advice to the board and staff.



Our staff

Eric Pyle is the current chief executive and he reports through to the board on the operational matters of the Commission.

We have eleven staff based in the national office in Wellington, and twelve part-time contractors working as Regional Field Advisors across New Zealand.



Work of the Commission

Our national work programme is focused in a number of strategically important areas which impact at both a regional and national level. As outlined in our current Statement of Intent, we are working to deliver the following outputs.

Access is secured in high-priority areas – we are currently focused on improving access in the growing areas around Auckland; relieving tourism pressures in the central North Island; and relieving tourism pressures and connecting communities in the South Island High Country. A key tool for the securing of new access is the Overseas Investment Act process, through which we work closely with stakeholders to identify priority access to secure that offers significant benefit to New Zealanders.

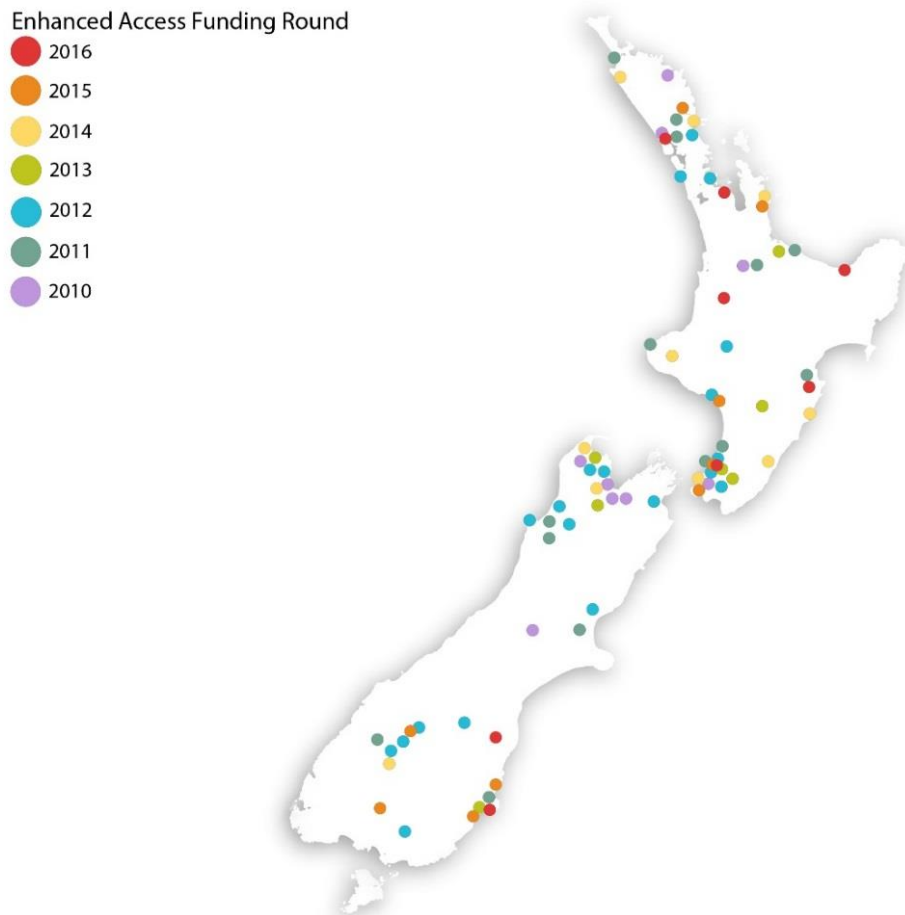
Promoting access into Government policy – our published *Guidelines for the Management of Unformed Legal Roads* is widely used by local authorities in their management of unformed legal roads. We are also involved in a range of cross-agency groups bringing an access perspective to issues such as freedom camping.

Effective information – the Walking Access Mapping System (WAMS) is widely used by those seeking public access, or wanting to create new access. This an online mapping tool that draws data from a wide range of sources to show public access rights across New Zealand. A new digital presence is also being built to further enhance our provision of information about accessing the outdoors to the public, including through the display of the *Outdoor Access Code* and educational materials for children on responsible behaviour in the outdoors.

Maintaining existing access and managing disputes – our network of Regional Field Advisors utilise their connections and experiences to help resolve disputes – mediating between landholders, users, local government and others. Without coercive powers, 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 to help resolve access disputes on Māori land, to open up new trails and to restore access for iwi to wāhi tapu on privately owned land. Currently, we are working with two iwi on the creation of a possible new trail over Mt Tarawera, and we are building a relationship with Ngāti Tūwharetoa to support them with their efforts to ensure the Tongariro area is respected by users.

Enhanced Access Fund (EAF) – The fund welcomes applications from community groups for initiatives that provide enhanced access around New Zealand. This financial year \$100,000 was budgeted for the new projects across two rounds, in September and March. The fund prioritises areas which are hard to find other sources of funds for, such as legal costs.



Disclaimer: Project locations are indicative only. The map excludes approved projects which have since been discontinued. Four projects were national and are not shown.

Future challenges and opportunities for the provision of walking access

Challenges

We are regularly faced with challenges on how access to New Zealand's outdoors can be enhanced while remaining free, certain and enduring. Issues facing the Commission and the wider outdoors sector are discussed below.

The increase in tourist numbers continues to cause concerns for access. This pressure is causing considerable problems for private landholders due to lack of infrastructure for carparking, rubbish and hygiene. In the future there is a risk that landholders will begin restricting access, removing the ability for tourists (including domestic tourists) to access key parts of New Zealand's environment. The absence of compensation for landholders who are willing to offer secure access over their land makes this more difficult as well, as increased tourism numbers can have significant impacts on farming operations.

The fencing of all waterways for stock restriction may have an impact on the ability for people to access New Zealand's water bodies. The need for access is not incorporated in the National Policy Statement for Freshwater Management, nor any of its supporting or subsequent documents. Without consideration of access to waterways, access may be lost.

With budget restrictions and pressure on infrastructure development, it is becoming increasingly difficult for the Department of Conservation and local authorities to accept the role of Controlling Authority over Walkways the Commission creates. As becoming a Controlling Authority means taking financial responsibility for the development and maintenance of any track developed over the Walkway, in the future delegating these responsibilities may not be an option for the Commission.

Possible changes to the stopping of unformed legal roads are a risk to some accessways. Under the previous administration, the Department of Internal Affairs was looking at the process for stopping unformed legal roads as part of the Rules Reductions Taskforce.

These are some of the more pressing issues that we are looking to assess over the next parliamentary term.

Opportunities

Just as we face issues to provision of access, the Commission also has the opportunity to make improvements over the next three to five years. Some of these include the following.

The *Walking Access Act 2008* is due to be reviewed in 2018 and we view this as an opportunity to assess the current Act and identify changes that would enhance its ability to create enduring access for all New Zealanders.

Urban development (such as the proposed formation of Urban Development Authorities by the Ministry of Business, Innovation and Employment) and the new round of planning for local authorities presents us with an opportunity to get access written into the urban planning and policy.

We are also looking at looking at the possibility of installing a charging regime for its work for overseas investment applicants. This regime is still in the exploration stage and will be discussed with you before anything is formalised around cost recovery.

Key legislation

Our work is governed by a few key pieces of legislation, with consideration given to other acts and regulations as required. The main pieces of 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 Maori Act 1993*
- Treaty of Waitangi settlement legislation

Through the legislation we negotiate with private land owners, and work with public landholders to establish access to significant areas of New Zealand.

Key accountability documents

Annual Report

Our annual report for the 2016-2017 financial year is complete, and copies have been provided to your office.

Statement of Intent

Our current Statement of Intent 2014-2018 (SOI) is due to be updated in 2018 and is being positioned to reflect a shift in the Commission's strategic direction.

We expect a draft SOI will be with your office for consultation by May 2018.

Statement of Performance Expectations

In addition to updating the Statement of Intent 2014-2018, we are also updating the Statement of Performance Expectations (SPE). We are working to implement a process of continuous improvement within the Commission and as part of this work we are reviewing our performance measures.

A draft SPE will be ready for your review by 30 April 2018.

Key Relationships

Ministry for Primary Industries

Under the Crown Entities Act 2004, the Ministry for Primary Industries acts as our monitoring agency. Briefings and papers relating to our monitoring are currently provided by the Strategy Directorate within the Office of the Director-General.

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 parts of

local government, and we will continue to strengthen these in the future. We have also built a strong relationship with Local Government New Zealand.

Iwi and hapū

We are constantly developing our relationships with iwi and the appointment of a kaumātua is essential to our commitment to the continued building of these relationships. Important areas of focus are relationships with Ngai Tūhoe on issues relating to Te Urewera, with Ngāti Tūwharetoa on issues relating to the central North Island, and with iwi in the Tarawera area regarding a possible trail over Mt Tarawera.

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. We are focusing on developing our relationship with DOC and will review the 2012 Memorandum of Understanding during 2018.

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 department for the Commission, as LINZ is responsible for the cadastre, from which we draw the information for WAMS.

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 includes the Commission of Crown Lands and the Office of the Surveyor-General.

We are developing and strengthening our relationships with the various areas of LINZ, and this will include a review of the 2010 Memorandum of Understanding.

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.

Federated Farmers and Rural Women New Zealand

We also work closely with both Federated Farmers and Rural Women New Zealand to ensure the needs of the rural sector are represented in our work. In 2016, we produced a joint factsheet with both groups, as well as several others, outlining responsibilities of farmers to recreational users under the *Health and Safety at Work Act 2015*.

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 WAMS, and regular bilateral meetings are held to discuss shared issues and work.

Community trail-building groups

Local trail building groups are rapidly coming into existence across New Zealand, with a focus on trails for recreation and to connect communities to each other and to local facilities. We engage with these community groups by providing assistance and advice to help deliver new access opportunities. 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 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.

Funding

We are funded by an annual appropriation of \$1,789,000 from the Crown, as part of Vote Primary Industries.

Occasionally, we may receive income from additional sources. For example, this financial year we received \$800,000 in compensation from the New Zealand Transport Agency for the loss of the Moirs Hill Walkway in Auckland, which will be used in partnership with Auckland Council and the Department of Conservation to create a framework for Walkways in the growing Rodney area in the north of Auckland. Some applicants to the Overseas Investment Office may also donate sums of money voluntarily as part of their consent to purchase.