

MINUTES

NEW ZEALAND WALKING ACCESS COMMISSION MEETING

8:00am, 13 November 2012

Hot Springs Motor Lodge

Hanmer Springs

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

In attendance: M Neeson (Chief executive), R Cullinane (Operations Manager), H Barker (Corporate Services Manager) and G Holgate (Regional Field Advisor).

Opening Comments

The Chair opened the meeting and welcomed attendees.

1. Apologies

Nil

Conflict of Interest Register

No conflicts of interest were declared. Mike Barnett advised the Board that he had a contract involving researching the feasibility of a cycle/walkway along true right bank of the Maitai River between Gore and Mandeville.

Confirm Agenda

The Board confirmed the Agenda for the meeting.

2. Review of NZWAC risk management register

The chief executive introduced a new format for the risk management register. The current risk register was adopted in August 2010. It had become quite lengthy with numerous mid and low level risks which were distracting attention from the more significant issues facing the Commission.

The risks have been revised to those of a more strategic nature and then scored and these have been displayed in one schematic diagram to show them in context with each other. By narrowing the scope of the task, the board could ensure that its energies and attention were directed towards the principle risks.

The board agreed to a quarterly review of the risk register.

The register was discussed and reviewed. The board also discussed the risks of not clearly describing the Commission's successes (cases) and the difference it is making.

Action: The Board

- a) **reviewed** the risk register for November 2012; and
- b) **agreed** to quarterly risk management reports.

Moved

Maggie Bayfield

Seconded

Peter Brown

Carried

3. **Confirm minutes**

Action: The board confirmed the minutes of the meeting of 25 September 2012 as being a true and correct record.

Moved

Brian Stephenson

Seconded

Maggie Bayfield

Carried

4. **Draft letter of strategic intent: 2013-2016**

A draft letter to the Minister describing the Commission's strategic intentions for 2013-2016 was introduced. The board noted that the letter needed to be more positive about the Commission's proposed work programme. Discussion centred around the need for the Commission to progress the search for third party revenue and the lack of funding for this task. The chief executive was asked to revise the letter noting the matters raised during the discussion and any further feedback from board members.

Action: The Board

- a) **approved**, with amendments, the draft letter of strategic intentions for 2013-2016 to the Minister.

Moved

Mike Barnett

Seconded

Penny Mudford

Carried

5. **Walkway Policy**

The board discussed the revised Walkway Policy. The board discussed the section 3.3 (Priorities) in detail including whether the policy should set priorities at all. It was noted that the Commission needs to be transparent about how it achieves access and why it is seeking access over private land.

It agreed that section 3.3 be revised to include a statement to the effect that the Commission will give priority to walkways over private land as there is usually access available over public land. The board noted also that the Commission was created to prevent public land becoming landlocked and to create free, certain and enduring access to public land.

The board noted that section 3.6 (Purchasing of easements) would be amended to reflect the board's decision on Item 7 on the meeting Agenda (Easements for Walkways).

It was suggested that the legal protection given to Walkways might not now meet society's needs and that those protections be widened to cover all walkways/access. The chief executive advised that this would be a major policy change requiring

legislation and should be considered at an appropriate time, for example, if there is a bundle of other necessary changes to the Walking Access Act.

The board noted that a separate Walkways Manual will be approved by the chief executive and published in 2013. The manual is for staff and regional field advisor use and will contain rules and guidelines for implementing the Policy.

Action: The Board

- a) **approved** the Commission's Walkway Policy as amended (Sections 3.3 and 3.6); and
- b) **noted** that the chief executive will publish an operational manual in 2013.

Moved
Penny Mudford

Seconded
John Forbes

Carried

6. Financial governance – depreciation: rate and use

The board discussed a paper on the rates of depreciation used by the Commission and options for managing its depreciation fund. The chairman asked that the staff seek advice, if necessary, from the Audit Office about the depreciation rates if there are changes in the external environment.

Action: The Board

- a) **noted** that use of depreciation funds for any purpose other than the replacement of the asset at end-of-life requires consideration of all the implications; and
- b) **agreed** to the rates of depreciation and amortisation for assets currently being used by the Commission.

Moved
Peter Brown

Seconded
Mike Barnett

Carried

7. Easements for walkways

The board considered a proposed policy for the securing of easements for walkways and other legally secure forms of access. The debate was robust and centred around whether the Commission would purchase easements. Points made included that the Commission needed to explore all avenues, including support and action from territorial local authorities, DOC and all interested parties to establish if circumstances were 'exceptional' before considering purchasing easements. Concern was expressed that if the Commission purchased easements it would risk creating a market that does not presently exist and that it might precluded obtaining access by means such as gifts and donations. Using walking access to the western Ruahine Forest Park as a "case example", the board examined the implications of the proposed policy.

The board agreed that it would not purchase (fund) easements for walking access unless there were "exceptional circumstances". It would need to be a last resort and all other potential avenues to obtain certain and enduring access would need to have been explored. Purchasing might occur if there has been a breakdown in other procedures and a mechanism is needed to address this failure.

The chief executive was asked to draft a paper on what might be “exceptional” circumstances”. Suggestions included the quality of the experience compared with the rest of the region, the volume of people experiencing it and its ‘social value’.

Action: The Board

- a) **noted** the draft Walkway Policy encourages the Commission to actively promote Walkway easements as the preferred form of public walking access in the context of the acquisition of sensitive land under the Overseas Investment Act, the tenure review of Crown pastoral leases and in Treaty of Waitangi settlements;
- b) **agreed** that the Commission should, in exceptional circumstances and on a case by case basis, be open to using its resources for the acquisition of new walking access over private land by means of gazetted Walkway easements;
- c) **agreed** that the Commission should help to facilitate non-Walkway easements, where appropriate, which will be controlled and managed by other agencies, not the Commission;
- d) **agreed** that the Commission should seek to have other agencies accept and be the grantee for non-Walkway easements where it would not be appropriate to include other types of access conditions, such as cycles, vehicles, horses, dogs and guns, in new gazetted walkways; and
- e) **agreed** that the policy for expenditure of the Enhanced Access Fund should, in exceptional circumstances and on a case by case basis, allow for the purchase of walkway easements or other legally secure forms of access, including helping fund access as noted in (c) above.

Moved

Brian Stephenson

Seconded

Peter Brown

Carried

8. Enhanced Access Fund

The board discussed a revised policy for the Enhanced Access Fund (EAF) and the details of a 2013 round. The revised policy aims to more truly reflect the intent of the Walking Access Act. The Board noted also that it needs to ensure that the fund is effective and sustainable and whether to pause the EAF rounds and use the funds to explore third party revenue opportunities. The board felt that any change in approach should be signalled in advance as there is momentum in the community ahead of any EAF round.

The board agreed that the 2013 round should proceed with funding set at \$120,000 with a further \$80,000 to fund a project to secure third party (3PR) revenue. A further \$20,000 could be added to the 3PR project by not advertising in newspapers. It was agreed also that there would be no commitment to an EAF round in 2014 and following years; resumption would depend on the results of the 3PR project which might need funding for 3 or more years before the EAF is sustainable.

Action: The Board

- a) **agreed** to a revised strategic direction and revised priorities and principles for the Enhanced Access Fund (EAF), including:
 - priorities, in descending order, for projects are:

- *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, contributing to the cost of obtaining RMA consents;
 - *information including signs*;
 - *developing and improving* walking opportunities through installing gates, stiles and fences and contributing to the cost of obtaining professional reports such as engineering reports; and
 - *supporting* community walking access projects, including infrastructure and administration.
- projects aimed at securing certain and enduring access over private land have a higher priority than those providing access over public land;
 - there is no requirement to spend the quantum in any year; the assessment panel and the board will focus on the quality of applications and may not approve the full amount of funding available;
 - the maximum grant per project is \$25,000;
 - reduce the EAF operational costs by reducing the amount of newspaper advertising in each round;
 - retain the assessment panel (2 staff, 2 board);
 - the funding period will be two years; and
 - cease funding projects if inspections reveal poor construction practices.
- b) **agreed** to allocate \$120,000 (plus GST) for the 2013 EAF round;
- c) **noted** that applications will be sought in early December 2012;
- d) **agreed** not to commit to an EAF round in 2014 and, possibly, in subsequent years and to review the situation annually;
- e) **agreed** to allocate up to \$100,000 (plus GST) from the EAF for a project in 2013/2014 to pursue third party revenue; and
- f) **noted** that the chief executive has authority to allocate an additional \$25,000 per year for projects which may need additional funding with a limit of \$5,000 per project.

Moved

Mike Barnett

Seconded

Penny Mudford

Carried

9. Walkway fund

The board considered a report proposing simplifying the Commission's investment funds by combining the Walkway fund with the Enhanced Access Fund (EAF).

Action: The Board

- a) **agreed** to combine the Walkway fund with the Enhanced Access Fund.

Moved

Maggie Bayfield

Seconded

John Forbes

Carried

10. Financial governance – internal control

The board considered a paper describing a proposed policy concerning to the board's responsibilities for managing the Commission's internal control processes. In respect of financial policies, the board noted the need for a rolling programme reviewing all financial operating policies and to do this over a three year period (most policies were set in 2008-2009 are due for review). The board asked that all policies approved by the board were to be signed at the following board meeting.

Action: The Board

- a) **agreed** to a rolling programme reviewing all financial operating policies over a three year period;
- b) **agreed** to review a proposed programme of policy reviews at the board's meeting in February 2013;
- c) **agreed** to review risks quarterly;
- d) **agreed** to review legislative compliance annually; and
- e) **noted** that time spent with management helps in understanding management's ethical values, competence and trustworthiness.

Moved

Brian Stephenson

Seconded

Maggie Bayfield

Carried

11. Long-term financial review

The board considered a paper on the direction of, assumptions behind and implications of, the Commission's financial planning and position through to 2018 and beyond.

Action: The Board

- a) **noted** the five year financial projection for the Commission from 2012-2013 to 2017-2018 and the underlying assumptions.

Moved

Penny Mudford

Seconded

Maggie Bayfield

Carried

12. Gore District Council: stopping of unformed legal road

The board reviewed a paper on an objection by the Commission to an application by the Gore District Council to stop parts of unformed legal road originally adjoining the Mataura River at Otamita, near Gore in Southland. The discussion covered the processes leading up the objection including consultation and relationships. The board felt that this sort of action should be taken only as a last resort.

Action: The Board

- a) **noted** the action taken by the Commission to object to a road stopping proposal by the Gore District Council at Otamita; and
- b) **noted** the draft proposal for a pilot project to explore options for ensuring certain and enduring public access along the Mataura River.

Moved

Maggie Bayfield

Seconded

Peter Brown

Carried

13. **Walking Access Mapping System: providing the Public Access Area layer as a web service**

The board discussed a paper advising that it is intended to provide the Public Access Area (PAA) layer on the Walking Access Mapping System (WAMS) as a free public web service. This is consistent with government policy on making government-held information more freely available and that there is no reason not to release it. It was noted that the Commission relies on web-feeds from other organisations for public information portal.

Action: The Board

- a) **noted** the intention to provide Public Access Layer information from the Walking Access Mapping System as a free public web service and that work will begin on this task in the third quarter of 2012/13.

Moved

Maggie Bayfield

Seconded

Penny Mudford

Carried

14. **Walking Access Mapping System: partnership policy and programme**

The board discussed an information paper on the direction and policy approach for the Walking Access Mapping System (WAMS) partnership programme. The current objective is to gradually build a core group of enthusiastic, engaged partners that leads to WAMS being increasingly well known and the recreation portal of choice for New Zealand.

The chief executive advised that the “value” of the Commission’s investment in the portal is uncertain. There is a risk that the Commission will not be successful in promoting an adequate range of partners to meet its and users’ expectations. On the other hand, if there is widespread demand for partner access we may find ourselves unable to manage the workload and expectations.

He noted that the main immediate challenge is finding the time to promote the portal at little additional cost. There is no separate budget for this exercise and costs have to be met within the operational baseline and compete with other priorities.

The board suggested that the Commission seek support from a community trust to help fund the process of adding third party information to the portal.

Action: The Board

- a) **noted** the direction and policy approach surrounding the Walking Access Mapping System (WAMS) partnership programme.

Moved

Mike Barnett

Seconded

Brian Stephenson

Carried

15. **Obstructions on unformed legal roads**

The board considered a further report (and legal advice) on the possible application of the Summary Offences Act in respect of removing obstructions on unformed legal

roads and possible approaches that might be considered by the Commission. The earlier report (August 2012) indicated that there was uncertainty about a possible remedy under the Summary Offences Act 1981 (SOA) of obstructing a public way.

Further legal advice noted s22 of the SOA had limited usefulness for dealing with obstructions on unformed legal roads and pointed out the potential use of s21 of that Act in dealing with intimidation of persons attempting to exercise their right of way along unformed legal roads.

The board was advised that the public needs to rely on territorial authorities for the enforcement of the public right of way along unformed legal roads. The board discussed the "County Road" case in light of the advice.

The chief executive advised that the Commission has been invited to give a presentation at the November meeting of the Rural/Provincial sector meeting of Local Government NZ.

Action: The Board

- a) **noted** a legal opinion dated 7 September 2012 on obstructions on unformed legal roads;
- b) **noted** the limited value of s22 of the Summary Offences Act 1981 in dealing with obstructions on unformed legal roads;
- c) **noted** that the actions in respect of obstructions to unformed legal roads agreed to by the board at its 6 August 2012 meeting are consistent with the legal advice;
- d) **noted** that the Commission has been invited to give a presentation at the November meeting of the Rural/Provincial sector meeting of Local Government NZ; and
- e) **noted** that the chief executive will write to Mr McMillan (Public Access NZ) advising him of the Commission's analysis and conclusions.

Moved

Brian Stephenson

Seconded

Mike Barnett

Carried

16. First quarter report

The Board discussed the first quarter report for 1 July – 30 September 2012. The chief executive noted that the Commission is continually improving its data collection processes leading to more accurate information on performance measures.

He noted that the flow of enquiries is easing and manageable and the financial surplus for the quarter is normal for this time of the financial year.

The Board discussed the report and noted the response from Land Information NZ on the legal status of Acheron Road. The chairman saw the reply as positive and that the Commission should hold a meeting of stakeholders and affirm to its position. The board noted the need to meet with the Marlborough District Council beforehand.

Action: The Board

- a) **noted** the Commission's Quarterly Report for the period ending 30 September 2012.

Moved	Seconded	Carried
Maggie Bayfield	Brian Stephenson	

17. Chief executive's report

The Board considered and discussed the chief executive's report for November 2012. Items of note included the launch of the Both Sides of the Fence project, the draft Molesworth Management Plan, the Mataura River (Gore District Council) road stopping case, Acheron Road and the security of Commission information systems.

Action: The Board

- a) **noted** the chief executive's report for November 2012.

Moved	Seconded	Carried
Peter Brown	Maggie Bayfield	

18. Operations report

The Board discussed the operations and regional field advisor (RFA) report for the first quarter, July to September 2012. The Quarter was again dominated by WAMS 2 project management with a successful 'soft launch' on 31 August. The current case load remains within capacity. The reduced number of new cases for Q1 slightly reduced the pressure on RFA case loads leading into the 2012/13 year.

At 30 September there were 79 active access disputes most of which involve obstruction to access with long resolution times. RFAs continue to report that progress on many ULR cases depends on district council or DOC engagement, and that this engagement continues to be difficult to achieve.

The board discussed possible additional functionality for WAMS, the spatial representation of cases (not currently possible) and relationships with city and district councils. A brief discussion took place on changes to the format of the operations report and the nature and type of information the board would like to receive (more analytical and quantitative information).

The board asked the chief executive to write to the Ministry of Defence regarding access to the upper Rangitikei River.

Action: The Board

- a) **noted** the operations and regional field advisor reports for the first quarter July to September 2012; and
b) **advised** required amendments to the new operations reporting format provided this quarter.

Moved	Seconded	Carried
Brian Stephenson	Mike Barnett	

19. Schedule of Significant Correspondence

Action: The Board received the schedule of significant correspondence.

Moved

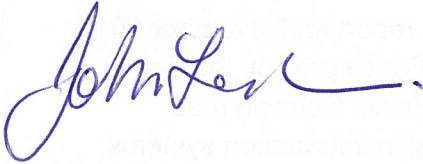
Penny Mudford

Seconded

Brian Stephenson

Carried

The meeting closed at 12:10pm.



J Forbes
Chairperson
11 February 2013

Notes

- 1 The board held a field trip on Sunday 11 November and drove along the Acheron Road through Molesworth Station stopping at various points to inspect and discuss farming and visitor management, matters concerning the legal status of the road and the draft management plan for Molesworth Station. The inspection was by way of Jack's Pass Road, Acheron Road finishing at Molesworth Station homestead and returning via Jollies Pass Road to Hanmer Springs. The Commission was accompanied by representatives from the Department of Conservation, the Molesworth Steering Committee and, for a short time, the station manager (Landcorp).
- 2 On Monday 12 November the board held a workshop to discuss the Molesworth inspection (representatives from the Department of Conservation and the Molesworth Steering Committee attended for this item only) and significant board papers including policies on the Enhanced Access Fund and acquisition of easements.
- 3 In the morning of Monday 12 November the board hosted a forum for representatives from the Hurunui District Council, the Hanmer Springs Community Board, the Department of Conservation, North Canterbury Fish and Game Council and Public Access NZ (7 people).
- 4 In the evening of Tuesday Monday 12 November the board participated in a public meeting held by the Molesworth Steering Committee to discuss the draft management plan for Molesworth Station.