



**WALKINGACCESS**  
ARA HĪKOI AOTEAROA

10 October 2014

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 election as the Member of Parliament for Otaki and your reappointment as Minister for Primary Industries. The election result is a strong endorsement for the Government.

As Minister for Primary Industries you are the Minister responsible for the New Zealand Walking Access Commission (the Commission). The purpose of this letter is to brief you on the functions and work of the Commission.

The Ministry for Primary Industries, as the monitoring department, may also brief you on the Commission. The board and the Commission staff have enjoyed a positive relationship with the Office of the Minister for Primary Industries and the Ministry.

The Commission was established in 2008 following public controversy over the public right of access over rural land, especially access alongside rivers.

Since its establishment the Commission has:

- quelled the public conflict between landowners and the public over land access rights;
- established and maintained a public website that provides authoritative information on the location of land legally open to public access;
- operated a public access advisory and resolution service that has been successful in resolving many access disputes; and
- facilitated the establishment of new public access through the opportunities provided by such measures as the Overseas Investment Act and tenure review of Crown pastoral leases.

These results have been achieved with a very modest Budget (\$1.789 million annually).

The four attachments to the letter provide more detail about the Commission's functions (Appendix 1); the Commission's achievements over the past five years (Appendix 2); how the Commission meets its statutory functions (Appendix 3), and a summary of its regional activities (Appendix 4).

In the board's view, the Commission's success reflects a collaborative approach with its stakeholders and its leadership role is increasingly recognised and respected.  
I would welcome the opportunity to discuss this letter with you at a convenient time.

Yours sincerely,

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

John Forbes  
Chairman

**Appendices:**

- Appendix 1: The functions and work of the NZ Walking Access Commission
- Appendix 2: Reflections on the past five years
- Appendix 3: Statutory functions and achievements
- Appendix 4: Access in New Zealand - regional overview

## **Appendix 1: The functions and work of the New Zealand Walking Access Commission**

**October 2014**

### **Introduction**

The Commission was established in September 2008 by the Walking Access Act, 2008 following seven years of consultation and debate.

The Commission's Statement of Intent and Statement of Performance Expectations for 2014-2018 (enclosed) explains the Commission's structure, governance and work in detail. Both documents were substantially revised in 2014 and the strategy described in the Statement of Intent is expected to remain relevant until 2018 which is when the Minister must review the Walking Access Act. The Commission has two outcomes – strengthening New Zealand's access heritage and culture and creating access opportunities – and its work programme focuses on them.

The board, staff and regional field advisors have a considerable depth of knowledge about access and urban/rural relationships. The Commission's independence, experience and informed advice and knowledge are actively sought by third parties to help resolve access and related problems.

### **Legislation**

The Walking Access Act, 2008 is working well. The Act provides that the Minister must review the need for the Act (section 80), its effectiveness, and whether any amendments are necessary or desirable in 2018/19.

### **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. It operates in a frugal manner and achieves a lot with this modest level of funding. Workload and resources are in a tight balance and the Commission is operating at peak efficiency.

This level of funding means that the Commission is not in a position to engage in:

- the management of new walkways; it relies on other public bodies agreeing to take on the formation and administrative costs of being the controlling authority for new walkways (and continuing their role in respect of existing walkways);<sup>1</sup>
- the acquisition of easements or other legal rights of access over private land to extend the scope of walking access, other than access rights required of landowners as a condition of tenure review of Crown pastoral leases or a condition of permission for overseas persons to acquire sensitive land;
- the funding of track construction other than through its contestable fund<sup>2</sup>, which is primarily aimed at improving the right to access private land and is budgeted to provide just \$76,000 in 2014/2015; and

---

<sup>1</sup> The controlling authority for most walkways, 42 of 46 gazetted walkways (as at 30 June 2013), is the Department of Conservation (DOC). Controlling authorities are appointed by the Commission and are responsible for the formation, maintenance and operation of walkways. DOC is reluctant to take on any more walkway responsibilities for, we understand, financial reasons.

<sup>2</sup> Enhanced Access Fund

- any major upgrading to its Walking Access Mapping System, especially upgrading to a purpose-designed mobile version aimed at smart phone and tablet use.

The upgrades and improvements of WAMS are being done on a minimal budget and are achieved by careful project management and the use of in-house resources.

## **Leadership**

The Commission focuses heavily on its statutory leadership function, initially as a “facilitative” leader and more recently, through “influencing”, particularly, local government. The Commission considers that its limited resources are best used working with and influencing the views and behaviour of organisations and individuals.

This process is time-consuming and it can take a long time, even years, to resolve disputes or to facilitate new access. The resolution of disputes depends heavily on the willingness of parties to participate and have access to reliable information.

## **Relationships**

The Commission has spent considerable time, and has been successful in, promoting collaboration among its very diverse stakeholder organisations and individuals. This has been achieved through its independent stance on access matters, regular national and regional forums, the provision of reliable information and transparent processes.

The Commission’s approach has defused the earlier rhetoric and there is now a more widespread recognition of the value of collaboration and the results which follow. The board believes that the Commission has built credibility because of the independence, knowledge and skills of its staff and that this will continue to grow.

A further contributing factor is the willingness of the board to hold regular meetings and forums with territorial local authorities, government agencies and stakeholders in regional and local settings. These meetings are instrumental in maintaining open and good communication with these sectors. Despite these initiatives, there are still pockets of entrenched views about the risks associated with public access.

Local government, primarily territorial authorities, can be a key initiator of, and contributor to the provision of new access and the Commission has worked actively over the past three years to build strong links with the sector. The Commission intends to put increase resources over the next 2 years to capturing access information held by territorial authorities and which may not otherwise be readily available in official records, particularly the cadastre managed by Land Information New Zealand.

The Commission positions itself to be seen as working with communities, and at the community level, rather than operating “from the centre”. We believe that this approach, which reflects a strong willingness to be open, transparent and facilitative, is leading to an increased recognition of New Zealand’s access heritage and culture.

The Commission is a catalyst to help closer rural/urban relationships and understanding. 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 will continue to develop its role in regenerating the link as its stakeholders represent rural and urban New Zealand - the Commission is an effective conduit through which they talk to each other.

## Strengthening access culture and heritage

The Commission seeks to increase understanding of access responsibilities and to strengthen New Zealand's access culture and heritage. Better understanding of access responsibilities reduces conflict over access to the outdoors and encourages voluntary management of outdoor access behavioural issues. A strengthened access culture will help to "link New Zealand" by improving understanding of the respective motivations and desires of access users and landholders, and greater respect for each other's interests.

The Commission's education programme has two main components. The first is the promotion of the *New Zealand Outdoor Access Code*, which outlines responsible behaviour when accessing private land in rural environments. The Code, published in 2010, was developed collaboratively by organisations representing landholders, local government and users. It is intended to review the Code in 2015/2016.

The second is its curriculum-aligned website *Both Sides of the Fence*<sup>3</sup> website for primary and intermediate school children. The website, launched in November 2012, aims to engage the next generation of New Zealanders and to help them come to their own conclusions about responsible behaviour in the rural environments and the significance of the outdoors to the Kiwi way of life.

There are five scenarios on the website, covering fire in the outdoors, biosecurity, access on unformed legal roads, walking dogs in the outdoors and cultural considerations when accessing Maori land.

The website and resources were enhanced in the first part of 2014 following a site review and survey of teachers who have used the site. Visitor data suggests a heightened interest in outdoor related information in warmer months, when education about the outdoors is most relevant to school children and their teachers and activities such as school camps are being undertaken.

## Unformed legal roads

Unformed legal roads, colloquially known as "paper roads", are an important public resource that often provide public walking access, but which are often difficult to locate and sometimes blocked from public use by fences and other obstructions.

The Commission works actively with local government to encourage territorial local authorities, in particular district councils, to comply with, and enforce, their statutory obligations in respect of public use of unformed legal roads. Complaints received by the Commission indicate possible reasons for this reluctance include:

- councils having a long history of a *laissez faire* approach to unformed legal roads problems which is embedded in current culture. Some believe that they have discretion on how they deal with unformed legal roads and apply 'conventions' that have a purely local heritage;
- ensuring the rights of public access on unformed legal roads would place the council in direct conflict with ratepayers some of whom are well resourced, prominent in the rural community, or represented on the council;

---

<sup>3</sup> [www.bothsidesofthefence.org.nz](http://www.bothsidesofthefence.org.nz)

- Councils citing resource limitations, both in terms of staff time and finances. In some cases potential costs may be significant where the council's only option with an intractable adjoining landholder involves costly legal action. However, in many cases, even the costs of a site visit or writing a letter are assessed by some councils as too high;
- Councils applying a subjective test of 'practicality'. Some argue that they have a responsibility to mitigate potential harm to users, inconvenience of the adjoining landholders, and/or security issues by declining to support the public's rights of access.

The general approaches described above are not universal and some local authorities are working thoroughly and assiduously on unformed legal roads cases. An excellent example of a territorial local authority working actively with the Commission is the Tasman District Council with which the Commission has a Memorandum of Understanding to help the council manage unformed legal road cases.

The Commission believes that its investment of time and resources in building effective working relationships with councils is paying dividends and a turning point is being reached. It will continue to support councils in securing public access opportunities.

### **Overseas Investment Act**

At 30 June 2014, the Commission had 74 active cases arising from walking access-related conditions arising from applications to purchase 'sensitive land' under the Overseas Investment Act, 2005. The Commission could struggle to process these if the number of cases increases.

### **Enquiry management and dispute resolution**

The Commission has an effective enquiry management and disputes resolution service. The service includes a network of part-time regional field advisors and the capacity for the public to generate enquiries through the Walking Access Mapping System. Enquiries include requests for information, advice, and assistance in resolving disputes. In many instances the disputes are long standing, other agencies have not been able to resolve them and the Commission has been asked to play a role.

Among the more significant current cases are:

- *Forest Creek (Rangitata River)*: access to and along Forest Creek especially access from the Rangitata Road across Crown pastoral lease to Forest Creek;
- *Central North Island Forests*: clarifying public access rights through the former Crown forests to the Rangitaiki River;
- *Tophouse/Rainbow (Nelson/Marlborough)*: the legal status of the formed Tophouse/Rainbow Road between the Wairau River (Marlborough) and Hanmer Springs;
- *Eastern Kaimanawa Ranges/Northern Ruahine Ranges*: access to conservation land across private land;
- *Lake Sumner and Loch Katrine (North Canterbury)*: access across private land and the location of unformed legal road, and
- *Puketapu Monument*: this monument is near Palmerston and was built to recognise Sir John (Jock) McKenzie who promoted land reform legislation that embedded the Queen's Chain concept. The case is significant because there are living direct

descendants of both McKenzie and the donor of the land (Phipps) and who support the Commission's work to improve public access to the monument

Cases like these involve the Commission investing significant time and effort into complex legal questions and, in some cases, negotiating with very aggrieved and sometimes aggressive parties. They are often long standing and resolution requires considerable patience and time.

### **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. This has been achieved through an internet-based system, the Walking Access Mapping System (WAMS)<sup>4</sup>. WAMS is a unique public access information service combining land parcel information with topographic data and aerial photography images. Users may 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.

The board's objective is for WAMS to be the authoritative source of access-related information. WAMS was released in July 2011 with an upgrade in August 2012. A significant software enhancement is taking place between August and October 2014.

WAMS also contains a facility to hold other outdoor recreation access information. The board has agreed to fund a project in 2015 to promote the facility with and to organisations with an interest in outdoor public access. One of the first steps has been to work with local government to develop an agreed set of data standards to enable track and access information to be available in an agreed format.

Regular investment in WAMS and the underlying software reduces risk and enables the Commission to link quickly into new technology. In mid-2015 the Commission will review the investment needed to improve the mobile functions of WAMS.

### **Enhanced Access Fund**

This fund facilitates the involvement of individuals, groups and organisations in access projects throughout New Zealand. There is no explicit government funding for the Enhanced Access Fund (EAF); it was built up from expenditure savings during the Commission's establishment years. Most projects receive only partial funding rather than the full amount requested. Applicants are required to contribute resources or secure assistance from other organisations to complete a project. This means that the Commission gains substantial leverage, and the contributions from other sources generate wider community support and interest, in EAF funded projects.

The 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, research and publications and signage that inform the public about access in a particular area.

The board's policy in respect of the corpus of the EAF is to manage it sustainably. It is able to, and has used, the EAF to help fund specific Commission projects, for example, upgrading the WAMS software in 2015. In 2014/2015 the board decided to make EAF funding available

---

<sup>4</sup> [www.wams.org.nz](http://www.wams.org.nz)

over four tranches. The first tranche, which closed for applications on 31 May 2014, received 11 applications requesting \$177,000 and 2 projects were successful at a value of \$16,000. Decisions on the second tranche will be made in November 2014. Applications for the third and fourth tranches will be advertised in early October 2014, and January 2015 respectively.

### **Acquisition of land adjoining waterways**

The Commission notes that it is the Government's intention to spend \$100 million over 10 years to purchase and retire farmland next to waterways to provide a buffer and improve water quality.

The Commission draws your attention to three matters which the Government might wish to take into account when considering the process to implement the policy.

First, the Crown needs to be very clear and certain about the ownership of land adjoining waterways which it intends to purchase. The Commission's experience is that the status of land and its ownership are not always clear, certain and accurate. Land adjoining waterways is subject to erosion and accretion and the law relating to waterways is subject to physical processes. It is quite possible that the Crown might purchase land for which it is already the owner due to Common law principles but which is assumed, from a practical sense to be privately owned.

Second, when the Crown purchases land to protect waterways, the Crown should seek the largest possible "package of rights" for the public. That is, conditions of purchase and the land status should include rights of public access and not be limited or constrained to particular purposes, for example, "conservation". Access along waterways is extremely important for angling and walking. Over time, Crown acquisition of waterway margins has the potential to create public access opportunities of local and regional significance. The Crown should not limit the public rights of use which are quite compatible with protection of water quality.

Third, the Government might wish to consider whether, instead of purchasing land, it might enter into covenants with adjoining landowners to manage the land consistent with policy objectives. Covenanting may require minimal compensation and some landholders may be willing to covenant at no cost. Covenants are likely to incur lower maintenance costs compared with ownership by the Crown or other public agency.

### **Topics requiring the Minister's attention**

There are no topics requiring immediate Ministerial attention. The Minister may wish to consider the government's priority for the activities that are currently beyond the Commission's resources (see the section above on funding). From time to time there are cases of potential public interest and sensitivity and the Commission keeps the Minister's office and the Ministry for Primary Industries informed.



## Appendix 2: Reflections on the past five years

The New Zealand Walking Access Commission celebrated its five year anniversary in September 2013.

Since its establishment the Commission has emphasised its leadership function. The Commission does not have and does not seek coercive powers. Rather, it relies heavily on its ability to provide independent, transparent, accurate and useful information. It initially positioned itself to be a facilitative leader, moving later to providing leadership through influence. These two approaches are not mutually exclusive and the Commission may sometimes apply both.

The first two years were a formative period and the Commission's priority was to build capability, engage with stakeholders, design and build the Walking Access Mapping System and issue the *New Zealand Outdoor Access Code*. The Commission concluded that its achievements should not be measured purely in terms of specific measures such as kilometres of track built, number of obstructions removed, or new access created. In most instances, these outcomes rest entirely with third parties: local and central government and community groups.

The Commission also found that performance measures based purely on numbers belies the fact that solutions to access problems rely heavily on goodwill, time and considerable patience. Cases where these factors are absent can prove intractable - the Commission has cases on its "books" which relate to problems that arose prior to its establishment. This explains, in large part, the large register of cases remaining open several years after the initial enquiry.

The subsequent three years saw a strong shift to leadership and operations, especially in managing access disputes and enquiries, and providing information, including through the release of WAMS. The Commission aims to lift the understanding of decision makers about the importance of access and to increase public appreciation of New Zealand's access heritage and culture.

The Commission's priority is to provide accurate information for the public and decision makers, thereby increasing their confidence to make decisions which reflect the law and public expectations.

This is a "bottom-up" process. It is not the Commission's role, nor does the Commission have the power to, supplant the responsibilities of others, in particular, district councils and land managers such as the Department of Conservation (DOC). Public trust in the approach to, and decisions of, local government in respect of access will be enhanced when councils recognise that public access has a deep foundation based on the law **and** heritage.

Engaging the public and decision makers together in finding solutions is more likely to lead to enduring outcomes than decisions imposed. The Commission's achievements and performance are reflected in its progress in raising awareness, the increase in the use of our information and the number of people and organisations seeking advice from the Commission.

The Commission knows the users of WAMS regard it highly, although there is a steady proportion of users who would like more functionality. Its ability to respond is constrained by quickly evolving technology, the myriad of devices people use to access WAMS and users' high expectations driven by the type of information provided by other commercial

applications. The Commission decided that it could not and should not compete and to focus on providing accurate access-related information.

The Commission is making steady progress, which is attributable largely to the objective and persistent way we fulfil our statutory functions. A consequence of this approach is that the Commission's more general public profile is not high.

However, the Commission believes that the value, importance and place of New Zealand's access heritage and culture is being recognised and appreciated more widely, especially by district councils and DOC.

The Commission continues to emphasise a collaborative approach to problem solving. Earlier concerns about access rights would polarise conversations and potential solutions. For example, landowners can be amenable to providing informal access in lieu of legally available access which might not be feasible or practical to insist upon. The legal access remains in place.

The Commission's preference for information, collaboration and influencing over more forceful approaches builds trust and makes effective use of its resources. The context of its legislation and the public debates that preceded it, means that access advocacy is best delivered through solid and independent information and advice, not aggressive advocacy. For this reason the Commission intends to be recognised as an assertive public advocate for access.

In the five year period, the Commission challenged one proposed road stopping – along part of the Mataura River upstream of Gore. It did so because the application would have created a gap in an otherwise unbroken public access extending many kilometres along the river.

Many of the Commission's more difficult cases in the period involve the use and obstruction of unformed legal roads. The Commission spends considerable time and effort working with many stakeholders to promote information about the management of unformed legal roads. Its publication *Guidelines for the Management of Unformed Legal Roads* has received wide recognition for its objectivity and thoroughness.

Local government is squarely at the centre of protecting and enhancing public access, which is why the Commission has placed high importance on its relationship with councils. The Commission is aware that local government approaches to managing these assets vary immensely

### Appendix 3: How the Commission is meeting its statutory functions

The table below shows how the Commission has fulfilled, and continues to fulfil, the functions listed in section 10 of the Walking Access Act, 2008. Although it is not a complete list of achievements and activity it demonstrates that there has been a substantial amount of work behind the scenes.

Subsection	Function	Result/Outcome (Date)	Comments
1(a)	Providing national leadership on walking access	<b>Leadership</b> This is an ongoing function. The Commission is evolving from being a facilitative leader to that of influencing others. An important process for doing so is regular national and regional forums with central and local government, Maori, landholder, recreation and other outdoor groups, and interested individuals.	The Commission has a very diverse mix of stakeholders. It brings urban and rural groups and individuals together to enhance walking access in the outdoors in a way that respects private property and the environment.  A recent (2014) example of its leadership role was a workshop for horse riders to explore access and road safety concerns.
(i)	preparing and administering a national strategy	<b>National strategy</b> Approved in August 2010 and released in September 2010.	The strategy sets out a roadmap for walking access for 2010-2035. A review is scheduled in 2015.
(ii)	co-ordinating walking access among relevant stakeholders and central and local government organisations, including Sport and Recreation New Zealand <sup>5</sup>	<b>National and local forums</b> Generally, one national forum and 4 to 5 local forums held each year.  Regional field advisors Field advisors in Northland and Auckland; Waikato and Bay of Plenty; Eastland; Manawatu, Taranaki and Wellington; Hawkes Bay Tararua and Wairarapa; Tasman, Nelson, West Coast and Marlborough; Canterbury; and Otago and Southland.	The national and local forums are an opportunity to listen to and share views about access, and identify opportunities for collaboration.  The Commission's network of eight regional field advisors helps to coordinate resolution of local walking access issues.

<sup>5</sup> Sport and Recreation New Zealand has been rebranded and is now Sport New Zealand

Subsection	Function	Result/Outcome (Date)	Comments
(b)	providing local and regional leadership on, and coordination of, walking access in collaboration with local authorities	<p><b>Local government forums</b> Forums are held 4 to 5 times each year.</p> <p>Resources for local authorities <i>Guidelines for the Management of Unformed Legal Roads.</i> Published in February 2011.</p>	<p>The forums with local government councillors and senior staff are held to coincide with Board meetings around New Zealand. They are proving very successful and are well attended.</p> <p>In its only action of this nature, the Commission successfully opposed an application to stop an unformed legal road near Gore.</p>
(c)	compiling, holding, and publishing maps and information about land over which members of the public have walking access	<p><b>Walking Access Mapping System</b> Version 1 released in November 2010. Version 2 released in August 2012.</p> <p>Software upgrade currently underway and due for completion in October 2014.</p>	<p>Version 1 showed land in New Zealand over which the public had walking access.</p> <p>Version 2 included an upgraded interface, mobile functionality, and a process for third parties to upload their own outdoor access-related information for public view.</p> <p>The mapping system is nationwide, accurate and free.</p>
(d)	providing advice on walking access to the Minister or any other person	<p><b>Walking access advice</b> Advice is provided to the Minister or any other person as needed.</p> <p>Research projects of significance include: Central North Island Forests; Acheron Road; Tophouse Road; unformed legal roads in and adjoining Te Urewera; and local government recognition of access in planning documents (RMA-related).</p>	<p>The Commission makes submissions on applications made under the <i>Overseas Investment Act</i>, tenure review proposals under the <i>Crown Pastoral Land Act</i> and provides advice on access-related matters, where relevant, in Treaty of Waitangi settlements.</p> <p>Advice of a general nature is frequently offered to persons and organisations.</p>

Subsection	Function	Result/Outcome (Date)	Comments
(e)	facilitating resolution of disputes about walking access, including initiating negotiations about disputed issues, mediating disputes, and referring disputes to a court, tribunal, or other dispute resolution body	<p><b>Dispute resolution</b> More than 150 access disputes resolved since 2008.</p> <p>Responding to access enquires More than 1,300 access enquiries responded to since 2008.</p>	The number of access disputes is declining most likely due to the availability of good quality information, which enables people to make their own assessments.
(f)	negotiating with landholders to obtain walking access (including walkways, which are one form of walking access) over public or private land	<p><b>Negotiations</b> 65 new access cases have been resolved since 2008. Seven new walkways have been created under the Act.</p>	These cases include requests for information, advice, negotiation of voluntary access and access under the joint signage programme with Federated Farmers and Rural Women New Zealand.
(g)	negotiating rights in addition to any walking access that is obtained, such as the right of access with firearms, dogs, bicycles, or motor vehicles	<p><b>Negotiating other forms of access</b> The Commission endeavours to negotiate new access opportunities in discussions with landholders.</p> <p>In 2014, the Commission hosted a workshop for horse riders to explore access and road safety concerns.</p>	This includes new access when applications are made under the <i>Overseas Investment Act</i> and the <i>Crown Pastoral Land Act</i> .
(h)	administering a fund to finance the activities of the Commission, or any other person, in obtaining, developing, improving, maintaining, administering, and signposting walking access over any land	<p><b>Enhanced Access Fund</b> Established in July 2009. The Enhanced Access Fund has received 158 applications for assistance totalling \$4.45m. The Commission has approved funding of \$795,500 (incl GST) for 62 projects during the period 2010 to 2014.</p>	

Subsection	Function	Result/Outcome (Date)	Comments
(i)	receiving and managing private funding, contributions or sponsorship for the promotion of walking access	The Commission inherited an agreement with a Japanese company that pays an annual fee for rights to use the Walkways logo.	
(j)	researching, educating the public about, and participating in topics and programmes related to walking access	<p><b>Walking Access Survey</b> Undertaken in March 2011 and January/February 2013. The Commission has undertaken public opinion research in 2011 and 2013 to determine public opinion on walking</p> <p>Outdoor access public education programme Advertising and media activity to promote <i>New Zealand Outdoor Access Code</i> messaging.</p> <p>Both Sides of the Fence Education website launched for school children in November 2012.</p>	<p>Colmar Brunton undertook surveys in 2011 and 2013 to determine public opinion on walking access topics and to gauge progress against the Commission's SOI measures.</p> <p>The Commission uses media and limited advertising to raise awareness of responsible behaviour in the outdoors.</p> <p>In 2012 the curriculum-aligned website Both Sides of the Fence was launched for primary- and intermediate-aged school children and their teachers.</p> <p>The Commission aims to release two FAQs per year on access – related topics. An update to the <i>Guidelines for the Management of Unformed Legal Roads</i> publication is planned.</p>
(k)	developing, promoting and maintaining the code of responsible conduct	<p><b>New Zealand Outdoor Access Code</b> Published in June 2010.</p>	The Code helps people understand how to behave responsibly in the outdoors. It was developed in consultation with recreation and landholder groups.

Subsection	Function	Result/Outcome (Date)	Comments
(l)	administering walkways under this Act, with planning and supervision focused at a local level	<p><b>Administering walkways</b> There are 47 walkways under the Act in the Commission's Walkways Register.</p> <p>Controlling authorities for New Zealand walkways are, DOC (42 walkways), Greater Wellington Regional Council (1), Nelson City Council (1), Dunedin City Council (1), Waimate District Council (1) and Wanganui District Council (1).</p>	<p>The Commission supports central and local government to establish and manage walkways under the Act.</p> <p>A Walkways Register is maintained by the Commission.</p>
(m)	monitoring the compliance with, and enforcement of, this Act in relation to walkways	<p><b>Monitoring and enforcement</b> Regional field advisors monitor compliance in consultation with controlling authorities.</p>	

## **Appendix 4: Access in New Zealand - regional overview**

### **Northland and Auckland**

Access to the coast is central to the needs of people in the region, and the sea is the centre of its recreational culture. Inland opportunities tend to be well provided for, as access to parks and recreational areas is clear and well established.

There is significant public pressure in Auckland and Northland to ensure legal access to the coast and, as housing intensifies, this pressure is likely to remain. People in this region will go to great lengths to protect coastal access, as can be seen in the Scotts Landing case which received national coverage.

With encouragement and advice from the Commission, local councils have largely shown a positive and positive attitude to resolving public access problems. However, coastal access is not meeting public needs everywhere and new opportunities for improved coastal access must continue to be investigated. This applies not only in cases of land development by councils, but also in cases where access arrangements to the coast will change, such as changes to land ownership.

There has been successful community engagement in areas of cultural significance, with queries resolved at the Waitangi Treaty Grounds and several projects enabled through the Enhanced Access Fund.

Successful funding applications include a \$50,000 grant to complete the Okiato – Russell Walkway which connects many Bay of Islands' historic sites, \$15,000 for completion of the Lions Walkway on the Pahi Peninsula (Kaipara), which passes a historic pa site, and a grant of \$15,690 to create a beach and bush heritage trail in Woodhill Forest. Not only have these grants made significant improvements to the region's coastal walkways, they have also helped the raise the Commission's profile in these communities and promote the establishment of new access.

### **Eastland**

Eastland's rugged terrain, sparse population and relative distance from major centres contribute to a small number of access cases. The main themes are access to beaches, protection of the area's opportunities for hunting and fishing, an increase in overseas ownership of "sensitive land" and balancing public access needs against protection of privately managed investments.

Beach access has been a concern at times, particularly in areas where private property and housing is well established. Although differences in opinion over beach access via private land are to be expected, Eastland has many easily accessible beaches and there are very few with only private access.

Access over Maori land is not as well understood and misunderstandings are more frequent, although most queries have been resolved through communication with iwi and consideration of cultural sensitivities.

Improving landholder awareness of the benefits increased access can reduce instances where access is blocked - sometimes as a safety net against theft - and accident liability is of particular importance due to Eastland's large forestry areas. Often, the underlying issue is



public perception that access to managed land is blocked, rather than actual prevention of access by forestry managers or landholders.

Access is particularly well provided for in the Lake Waikaremoana area where there are many tramping and trout fishing opportunities. There have been few instances where the status of unformed legal roads is questioned. These queries are usually raised when landholders would prefer public use of an alternative point of access due to privacy, security and convenience, rather than attempting to block access completely.

A benefit of the regulation of increasing overseas ownership in the area has been the establishment of enduring public access where previously landholder 'goodwill' was the only means of access, for example, in the Waikura Valley where improved access to conservation land will be established as a condition of purchase.

### **Bay of Plenty and Waikato**

The Bay of Plenty and Waikato regions have an established access culture and substantial network of major walking tracks and cycling trails. Many of the enquiries from members of the public relate to access to major landmarks, such as mountains, national parks, thermal areas and coastal areas such as Coromandel and the coastal Bay of Plenty.

These regions attract a large number of tourists due to their spectacular scenery and rich Maori history. Local people and tourism organisations recognise this demand for access and have provided a significant amount of readily available information to assist people planning trips into the outdoors. Cultural protocols and traditions are also better understood and communicated, resulting in fewer disputes over access to Maori land.

The Commission is continuing to build relationships with territorial local authorities in the Bay of Plenty and Waikato regions. Headway has been made to pave the way for a more formal relationship with the Department of Conservation, for example through the Commission's submissions on the Waikato Conservation Management Strategy regarding the management of unformed legal roads.

The Department of Conservation is a major land manager and has made various arrangements to enable access over private land. Many of these are informal by nature and do not show in the cadastre, so do not appear on the Walking Access Mapping System. The Commission is currently working on a solution to this with the Department of Conservation.

Overseas Investment Office queries in the area have increased, with 14 in the past two years. Cases such as the Onetai station purchase, where the Commission directly advised the landholder of access opportunities before purchase is an example of how clear communication can smooth the way to enduring access in this area.

### **Hawkes Bay, Tararua and Wairarapa**

This area features established tramping and walking locations, excellent hunting and fishing opportunities, areas of intensive farmland and areas of managed forestry land. The major challenges have been reconciling a perception of poor public behaviour, improving understanding and collaboration with authorities such as forestry managers and local councils, and businesses trying to establish exclusive access to desirable places.

Although most landholders are willing to provide access on request, poor public behaviour is seen as a major barrier to enduring access, especially in areas of intensive farming such as the South Wairarapa. Despite this, there has been growing recognition by local authorities

that preventing public access can escalate into public and media pressure rather than reducing costs.

We provided advice on several Overseas Investment Act applications involving managed forests. Public access is a challenge in these situations as forestry managers tend to prioritise prevention of liability over the provisions agreed to as part of the purchase arrangement. As many of these areas are remotely situated and controls may not be strictly enforced, access opportunities in these areas and the timeline for their establishment must be clearly communicated if their potential is to be realised.

Conflict between the public and those who believe they are protecting an area and its resources is a significant challenge in this region. The stance taken by some fishing guides in the area has been an example of this, as many of these businesses view clear and established public access as a threat, either through decline of local fish and game or as an imposition on what they see as 'their area'.

The main challenge will be helping decision makers such as territorial authorities and landholders to recognise the potential of well managed public access to reduce illegal behaviour such as vandalism, and encourage the promotion of this approach.

### **Manawatu, Taranaki and Wellington**

Public access queries in this region typically relate to demand for access to a public land and natural resources and creation of new public access.

Most access cases concern a private landholder denying access to public land and natural resources. For example, there are large stretches of the Whakapapa River where access is controlled by landholders. In some cases, a landholder may benefit financially from activities such as fishing or rafting.

Resolving these resource-based access cases requires collaboration with the Department of Conservation, Fish & Game NZ, and local authorities. It is important that all parties understand each other's role in order to work successfully together.

Local authorities in this region respond to public access cases differently. Some councils take a hard line approach while others prefer to maintain friendly relationships with the landholders. Larger councils often have staff solely responsible for access, which can make resolving conflicts easier. Smaller councils do not have the same resources and it is these councils that the Commission can assist the most.

Very few access cases are resolved without the involvement of the relevant local council, which demonstrates the importance of a positive relationship. It is sometimes difficult for councils to focus on access issues due to other competing priorities. It is important that the Commission continues to work closely, and communicate effectively, with local government in the region.

The creation of new public access is usually driven by a local community or recreation group. These groups seem to be strong, resourced and capable, and therefore the process is usually straightforward. More communities in this region are taking an active approach to creating new access.

Similar to other regions, a big driver for creating new access is the Overseas Investment Office requirements for access provision as a condition of purchase by overseas applicants.

## **Tasman, Nelson, West Coast and Marlborough**

The upper South Island's geographical diversity and abundance of public land provide a great variety of public access opportunities. Because of this, the Commission's role in this region is as much about enhancing and establishing new opportunities as protecting existing ones.

Positive results are achieved when local authorities and the Department of Conservation actively manage walking and recreation opportunities. A formal Memorandum of Understanding between the Commission and the Tasman District Council enables the Commission to provide advice readily leading to excellent access results.

These results include the Commission's work with forest managers to clarify access rights and install signage, the establishment of Waitaria Bay Walkway overlooking Kenepuru Sound, increased recognition of the Commission's role, a high approval rate of the Commission's access advice regarding Overseas Investment Office applications, and new jointly branded signage on the Lake Otuhie, Barnicoat and Cable Bay Walkways.

Most cases centre on a lack of understanding of the legal nature of unformed legal roads, limited awareness of the Walking Access Mapping System, restricted access to public land east of the Wairau valley and inadequate public access to the seaward Kaikoura ranges from the coastal highway. The region also includes large areas of DOC managed land, and traditional walking access arrangements to conservation areas are sometimes compromised by erosion or topography.

In most situations, the goodwill of adjoining landholders has greatly reduced the need to negotiate access. However, more formal access arrangements may be needed in regions such as the West Coast if the land is farmed more intensively.

## **Canterbury**

The Canterbury region has a tradition of recreation access and how access is viewed in this area depends heavily on whether a specific place has traditionally been seen as rural or recreational. The number of queries in this region has a direct relationship to this.

While there are few concerns in established recreational areas such as Banks Peninsula, disputes and concerns are more common in rural areas and in areas where public access is not actively supported by the relevant local authority.

Several councils in Canterbury are yet to seriously address the responsibilities that come with the management of unformed legal roads.

Although the Commission's profile in this area is still developing, there has been a recognisable increase in understanding following the release of *Guidelines for Management of Unformed Legal Roads* and the mobile version of the Walking Access Mapping System. This has increased understanding and recognition of the Commission's role and has resulted in a greater public willingness to use these tools to illustrate their access rights directly.

The ongoing challenges for the Commission in Canterbury are increasing landholder and council understanding of what unformed legal roads mean for public access, identifying new access opportunities, and increasing the Commission's profile to a level where it is consulted on a more active basis, before access becomes an issue.

## Otago and Southland

In Otago and Southland, access centres mainly on established visitor areas such as the Dunedin coast, Queenstown and the region's national parks.

Various Enhanced Access Fund projects in the area have helped to lift the Commission's profile as well as creating new access opportunities. These contributions include \$12,875 to enhance the Purakaunui Inlet Track, a \$5,000 grant to complete the Maitai Walkway link, and a \$10,000 grant to extend the Glenorchy Lagoon Walkway through picturesque wetland.

Established recreational or visitor areas such as Queenstown and the region's coast have remained largely dispute free. While this is positive and indicates a healthy access culture, opportunities for the Commission to raise its profile in these areas are limited. To counter this, the Commission has developed good working relationships with local authorities and the Department of Conservation while making sure the Commission's role is clear to the public. The Commission's collaborative approach has seen a gradual move in perception from potential threat to valuable ally in addressing public access issues.

Rural landholders have sometimes been wary of the Commission, and reluctant to enter into dialogue with, or consider advice from, the Commission. As there are clear and established areas for trampers and walkers, most disputes relate to fishing and hunting, and there is often concern over the risk of illegal activity such as vandalism or poaching of stock.

It is important that the Commission is trusted by landholders so that they can benefit from the Commission's advice. The major challenges in Otago and Southland remain cementing the Commission's reputation and independence.