

# **Briefing to the Incoming Minister 2023**

## **Three key points**

1. Herenga ā Nuku Aotearoa, the Outdoor Access Commission deals with legal and technical access to the outdoors. We then support local communities to turn that legal access into walkways, cycleways, adventures, active transport, and recreation.
2. We work locally – much of our work connects with rural communities, such as farmers, foresters, hunters and outdoor recreationists.
3. We have no significant statutory powers to enforce outcomes. Instead, we use our close relationships with individuals and agencies such as Federated Farmers, Fish and Game, and the Deerstalkers Association to negotiate enduring access solutions that respect landowners' rights.

## **Background**

This briefing provides an overview of Herenga ā Nuku and our business.

Herenga ā Nuku is a Crown entity created in 2008. We create and support enduring access to the outdoors for New Zealanders. The Walking Access Act 2008 legislates our work. Herenga ā Nuku is one of NZ's smallest and least costly Crown agencies.

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

## **Our Board**

We are legislated to have a governing Board of between 5 and 8 members. These Board members are appointed by our responsible Minister.

We currently have 6 Board members. Two board members' terms expire within the next year, and you will be required to either reappoint or replace them. MPI will provide advice on this process.

## Board members

Our Board members come from various governance and cultural backgrounds. The current members are:

- **Chair, Don Cameron** – Former Mayor of Ruapehu District and a representative on the National Council of Local Government New Zealand. You can reach him at [don.cameron@herengaanuku.govt.nz](mailto:don.cameron@herengaanuku.govt.nz) or 021 202 7629. Term expires December 2025.
- **Pierre Henare** – (Ngāti Porou, Ngāti Hine) Board Chairman and a founding Director of Tairāwhiti Pharmaceuticals Ltd Group. He has also held Board positions with Māori Incorporations, Māori Land Trusts, and the Māori Advisory Boards to Tairāwhiti District Health and Midlands Health. Term expires August 2024
- **Hugh Logan** – Chaired the independent review of the Walking Access Act in 2019. He has also led the Ministry for the Environment, the Department of Conservation, and the NZ Antarctic Programme (now Antarctica NZ). He is a Te Ahu Pātiki Trust member, which co-manages 500 hectares of publicly accessible land on Banks Peninsula. Term expires September 2026.
- **Helen Mexted** – Significant strategic leadership and governance experience in public and private sectors, including roles at Te Whatu Ora, Land Information New Zealand, Local Government New Zealand, Greater Wellington Regional Council, Public Trust, and Federated Farmers. Term expires August 2024
- **Darren Rewi** – (Kai Tahu, Ngāti Kahungunu, Rongomaiwahine me Rongowhakaata) founded and runs Take Tuia, a cultural engagement consultancy agency in Queenstown. Founder and chair of Mana Tahuna, a kaupapa Māori charitable trust in Queenstown, and is the community lead for the Jobs for Nature project to make Lake Hayes swimmable again. Term expires September 2026.
- **Celia Wade-Brown** is a former mayor and city councillor in Wellington, founder of Living Streets Aotearoa, and trustee for Te Araroa Trust and Walk21. Term expires November 2025.

## Our staff

Ric Cullinane is the chief executive. He reports to the Board on operational matters.

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

We have 12 staff based in the national office in Wellington and 4 working from home in other locations around NZ. We have 12 part-time contractors (~4.5 FTEs total) working as regional field advisors across New Zealand.

## Herenga ā Nuku's work

The two most important parts of our work are:

### **Supporting public access to the outdoors where it adds the most value to communities**

This work involves our regional field advisors and operations team supporting councils, communities, and landowners in maintaining and enhancing public access to the outdoors. We advocate for new access opportunities and help communities to design and develop connected networks of outdoor access. We also facilitate resolutions to disputes about land access.

### **Providing information so that people know how to find access and how to access the outdoors responsibly.**

We provide a free, detailed geospatial information mapping system showing NZ public access areas. We provide information on different types of public access and how they relate to landholders, recreationists, active transport users and communities. Hunters, anglers, trampers, mountain bikers and other outdoor recreationists use this information.

We also produce the Outdoor Access Code, describing the rights and responsibilities of people who access the outdoors.

## Outcomes

In our Statement of Performance Expectations, we identify 5 outcomes that we work towards:

### **1. Public access to the outdoors is maintained and enhanced**

Our network of regional field advisors use their local 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.

The work we do to achieve this includes:

- Investigating access opportunities – these opportunities come from public enquiries
- Facilitating resolutions to access disputes
- Providing advice and submissions to other agencies on public access issues and policies
- Preparing access reports for the Overseas Investment Office and supporting the implementation of successful recommendations to create new access
- Partnering with Te Araroa Trust and supporting Te Araroa.

## **2. Communities are supported to improve outdoor access in their area**

Herenga ā Nuku works with dozens of volunteer-based trail-building groups across the country. These groups create new access for walkers, cyclists and mountain bikers, often across both publicly – and privately-owned land.

We coordinate a national network of these groups that meets once a quarter to share ideas and support each other. We provide these groups with advice, support and funding through Enhanced Access Grants. We also share advice on best practice policies, managing volunteers, funding, GIS and website expertise, and help with negotiations to secure legal access.

A good example of this work is the support we provide to the Kawatiri Coastal Trail on the West Coast. Since 2017, we have been working with the trust as they develop agreements with landowners, the Buller District Council and the Department of Conservation to allow people to bike and walk along the trail. The trust calculates that the trail will bring \$18.2 million in benefits, such as tourism, accommodation and bike hire to the Buller region over 12 years.

### **Regional projects**

We work closely with local government, iwi partners and community stakeholders to develop long-term regional trail strategies. These strategies extend access, recreation, and tourism opportunities at a regional scale.

Our work in regional projects includes:

**Taranaki:** We coordinated the development of a tracks and trails strategy that draws people to Taranaki to journey around the mountain. It outlines a potential network of pathways, biodiversity trails, tourist trails, cycle trails, coastal trails, river crossings and historic trails. The Taranaki Trails Trust and local authorities can use the strategy to plan and inform future funding and development for years to come.

**Pūhoi to Mangawhai:** This project covers the north of the Auckland region. It partners us with Auckland Council, the Rodney Local Board, Ngāti Manuhiri, and the Matakana Coast Trails. The project creates a world-class recreation and adventure trail connecting communities from Pūhoi in the south, spanning the Matakana Coast region to Mangawhai in the north. – a massive network of cycling and walking trails linking Auckland and Northland. Herenga ā Nuku has embedded a project manager in Auckland Council to coordinate the work. After builders complete the trail, it will create 257 jobs and an extra \$96 million of tourist spending annually in Auckland and Northland. It will be a free asset that nearly 700,000 people will use each year.

**Connecting Franklin – North Waikato:** This project 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 Community Board. The project aims to connect fast-

growing towns north and south of the Waikato River. It will future-proof connections to the outdoors as the population in the area grows.

**Tairāwhiti:** This project works with local community groups and the Gisborne District Council, Waka Kotahi, DOC, and Sport Gisborne-Tairāwhiti. The strategy aims to create a network of tracks and trails in the region that connect communities, provide healthy, active recreation and create economic opportunities. The Tairāwhiti project has been paused as of mid-2023. This is partly due to the local government's focus on cyclone recovery. However, we were recently approached by Hekia Parata to support Te Ara Tipuna – a 500km shared pathway from Gisborne to Ōpōtiki, following the coast and dipping inland to connect 22 communities and 64 marae. Te Ara Tipuna will take 26 days to complete on foot. Cyclists and horse riders will also be welcome, with alternate routes in some places. Many trail sections will be accessible as day walks or shorter hikes.

The benefit of these projects is that they develop comprehensive plans for networks of outdoor access. They create 'shovel-ready' projects for communities. Other regions are keen to initiate projects over the next 12 months

### **3. Tangata whenua oranga is enhanced through improved outdoor access**

We work with tangata whenua to help resolve access disputes about land where they hold mana whenua. We also collaborate to open new trails and restore mana whenua access to wāhi tapu on privately owned land. Working with mana whenua 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.

The work we do to achieve this includes:

- Involving mana whenua in outdoor access issues as they arise
- Supporting the promotion of Māori culture and heritage through public access

### **4. People have access to accurate information about public access to the outdoors**

Herenga ā Nuku provides digital maps to the public. Many people, 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 information from various sources, including Land Information New Zealand, the Department of Conservation, local authorities, Fish and Game New Zealand and others.

Herenga ā Nuku's website is a hub for research, guidelines and advice on public access to the outdoors. Herenga ā Nuku's Outdoor Access Code is also hosted here.

The work we do to achieve this includes:

- Identifying public access across all land types
- Managing and publishing free public access maps

- Providing advice on best practices for access to the outdoors
- Maintaining close partnerships with LINZ, DOC and councils to improve geospatial data on outdoor access
- Partnering with Mountain Safety Council to support the Plan My Walk app

## **Challenges and opportunities**

### **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. Day tramping is 12th, ahead of many common sports activities, such as golf.

Public tracks and trails offer 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.

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

### **Working with a Minister for Hunting and Fishing**

The National Party, as the largest coalition member of the incoming government, has introduced a new Minister for Hunting and Fishing. National's policy includes a commitment to ensure managed access to public land for hunters and anglers is protected.

It also proposes creating a Huts of Recreational Importance Partnership between the Department of Conservation and volunteer clubs to maintain and manage New Zealand's backcountry huts.

Herenga ā Nuku has a role in supporting the new Minister and these two policies.

The most significant issue hunters and anglers face when accessing public land is obtaining free, certain, enduring, and practical access to rather than within public conservation land. We already work closely with landholders and their advocates (such as Federated Farmers and the Forestry Council), as well as with outdoor recreationists and their advocates (such as Fish and Game and the Deerstalkers Association) to negotiate solutions to these issues.

The network of volunteer trail-building groups we support will be keenly interested in any proposal to help manage public access to New Zealand's conservation estate. As well as hut construction and maintenance, they will be interested in trail development and maintenance. We recommend that this network participates in the development of your policy.

## **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, 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 Herenga ā Nuku's work and called for more funding to enable it to expand both the breadth and depth of our current work programme.

Herenga ā Nuku has worked to advance recommendations from the report that did not require legislative change or funding. However, recommendations that do require legislative change or funding remain unaddressed. Herenga ā Nuku is currently managing expectations from key stakeholders who engaged with the review in 2019.

There are two legislative changes that the review recommends that we believe would be uncontroversial, widely supported, and simple to implement.

### **1. Walkways over unformed legal roads**

Currently, the interpretation section of the Walking Access Act 2008 does not include roads within its definition of public land or private land for the purposes of declaring a walkway. That means that Herenga ā Nuku cannot propose a walkway on an unformed legal road. If Herenga ā Nuku had the power to declare a walkway on unformed legal roads, it would allow public access to continue along a single, unified walkway. The 2018 Review of the Walking Access Act recommended the Walking Access Act 2008 be amended to enable the current walkway mechanism under Part 3 of the Act to extend over unformed legal roads without detracting from the existing legal access rights on unformed legal roads.

### **2. Controlling authorities**

Current provisions in the Act do not allow for a non-public body, such as community groups or iwi, to take on the role of controlling authority for a walkway. It is increasingly challenging to find a public body, such as DOC or a council, willing to take on the Controlling Authority role because of the time and costs associated with development, infrastructure and maintenance. Further, access is increasingly being managed and maintained by community trusts, iwi and local access groups, albeit not in a formal capacity. The review recommended amendments to section 35 of the Walking Access Act 2008 to expand the definition of Controlling Authorities to include non-public bodies, such as community and Māori groups.

## **A coordinated approach to outdoor infrastructure**

Track and trail infrastructure works best when a local community initiates its development. But that community need strong cross-agency government support to

help it with its goals for environment and conservation, tourism, health and wellbeing, infrastructure, transport, regional development and local government.

Unfortunately, funding and support for building and maintaining outdoor access, walkways and cycleways is divided across various providers. This leads to significant inconsistency in opportunities. If a single agency oversaw the funding, development and maintenance of outdoor access for active transport and recreation, it could develop a national strategy for managing, planning and implementing that infrastructure. A national plan could negotiate across boundaries between local authorities, central government agencies, departments, and private landowners.

## **Te Araroa**

In July 2020, Herenga ā Nuku partnered 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 comprised of more than 70 sections 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 in funding received through Budget 2020.

The purpose of the partnership is to improve the trail's route, its management and its promotion.

## **Key accountability documents**

### **Annual Report**

Our annual report for the 2022-2023 financial year is available on our website.

### **Statement of Intent**

Our current Statement of Intent 2021-2025 is available on our website. We intend to update this after Election 2023.

### **Statement of Performance Expectations**

Our Statement of Performance Expectations 2023-2024 is available on our website. Key elements of it are outlined in the briefing above.

### **Ministerial Annual Letter of Expectations**

We shape our work programme and performance expectations based on the annual letter of expectations we receive from the current Minister responsible for Herenga ā Nuku. The following letter of expectations is due early next year. MPI provides the Minister with advice before the letter is drafted.

## **Financial and Funding**

Herenga ā Nuku receives annual Crown funding of \$3.595m. Herenga ā Nuku's total expenditure budget in fiscal year 2024 is \$3.920m. The deficit between actual funding



received and what is projected to be spent in FY2024 is the funding gap. The funding gap in 2023 of \$325,000 is funded from existing cash reserves. In future years, if additional funding is not found, existing cash reserves are projected to be diminished until empty by 2027. Without additional funding, a cutback in deliverable services would likely be on the cards.

Herenga ā Nuku will continue to submit cost-pressure budget bids for inflation during the Government's annual estimates process.

Our auditor, Silks Audit, on behalf of the Office of the Auditor General, assesses Herenga ā Nuku's performance as part of its annual audit. The latest assessment from Silks for the financial year ended 30 June 2023 is that Herenga ā Nuku has very good financial systems and controls, a very good management environment, and very good performance information and associated systems and controls. The rating of "very good" is the highest rating that can be awarded by the Office of the Auditor General, or one of its designated audit service providers.

## **Actions**

1. We plan to run a public campaign this summer promoting the value of public access – this is likely to include drawing attention to cases where legal public access exists, but outdoor recreationists are being obstructed from using it. We will advise your private secretary of the details of this on a no-surprises basis.
2. We hope to be able to continue to meet face-to-face on a regular quarterly basis with you as our minister to brief you on issues relating to public access. We will be in contact with your private secretary to discuss this.
3. There will be occasions where we hope you can be present to support Herenga ā Nuu's work publicly and meet with our stakeholders. These include presentations of the annual Outdoor Access Champion Awards, opening of tracks and other milestone events. We will contact your private secretary with details as these opportunities eventuate.