

MINUTES
NEW ZEALAND WALKING ACCESS COMMISSION
BOARD MEETING

17 February 2016

Boardroom, New Zealand Walking Access Commission, Wellington

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

In attendance: M Neeson (Chief executive), R Cullinane (Operations manager), D Knott (Corporate services manager) and E Pyle (Chief executive-designate).

Opening Comments

The meeting commenced at 9:00 am.

The Chair welcomed board members and staff to the meeting, noting the attendance of CE designate Eric Pyle. The Chair invited P Brown to open the meeting with a karakia.

1. Apologies

There were no apologies

Conflicts of Interest

No conflicts of interest were declared.

Confirm Agenda

The board confirmed the Agenda for the meeting.

2. Confirm Minutes

The Minutes of the Meeting held in Wellington on 18 November 2015 were circulated and read.

Action: The Board

- a) **confirmed** the minutes of the 18 November 2015 meeting as being a true and correct record of the meeting.

Moved B Stephenson **Seconded** B Stuart **Carried**

Matters arising from the Minutes

There were no matters arising from the Minutes.

3. Chief executive's report

The board discussed the Chief executive's report for February 2016.

M Neeson reported that the Top Outdoor Spot competition had attracted 6 sponsors, an improvement on 2015, and that the competition is currently under way. The regional field advisor recruitment programme had concluded with appointments for the lower North Island, Nelson / Marlborough, and the West Coast – South Island. Regrettably, one recent appointment to the Taranaki, Whanganui and Manawatu region had resigned and a replacement will be sought.

A new website, Follow the Kiwi Way, went live in mid-December and is being fine-tuned before being officially launched. Silvereye has been engaged to develop a launch programme for mid-April to coincide with the school holiday break.

R Cullinane advised the board that he was approximately half way through the Coronet Peak easement application process. A total of 18 easements were being sought.

The board discussed the recent crowd-funding campaign for coastal land at Awaroa Inlet and noted the interest New Zealanders' have in retaining access.

Action: The Board

a) **discussed** the Chief Executive's report for February 2016.

Moved P Brown **Seconded** P Mudford **Carried**

4. Risk management report

M Neeson reported that the risks presented to the November 2015 board meeting had been carried forward. There had been no changes to the risk matrix but wording had been updated.

M Neeson reported that Minter Ellison Rudd Watts had been engaged to review the Commission's health and safety policies, including those implements to cover regional field advisor activity. A report is expected before the end of March 2016. Board members requested that this topic be placed on the agenda for the April 2016 board meeting.

P Mudford requested that management address, as a high priority, the high number of Open cases to avoid any surprises before the end of the financial year.

The board noted that enhancing relationships with Maori, to raise the awareness of the Commission and potentially access currently non-accessible land, is an area where the Commission can improve. Board members requested that this topic be placed on the agenda for the April 2016 board meeting.

Action: The Board

- a) **discussed** the risk management report for February 2016;
- b) **confirmed** the risks and the descriptions and mitigating actions,
- c) **requested** of the number of Open cases be actively managed, and

- d) **requested** advice on the implications of the *Health and Safety at Work Act, 2015* at its April 2016 meeting.

Moved P Mudford **Seconded** B Stephenson **Carried**

5. **Statement of Intent and Draft 2016-2020 Statement of Performance Expectations**

The board discussed a report on the draft Statement of Performance Expectations for 2016-2020. M Neeson advised the board that the performance measures had been updated from the November 2015 meeting.

D Knott reported that the financial statements included forecasts for the current financial period ending 30 June 2016, which included those exceptional expenditure items to be funded from the Enhanced Access Fund, and investment in the Walking Access Mapping System as approved by the November 2015 board meeting. Board members noted that the forecast financial statements included a significant amortisation adjustment for the write off of Walking Access Mapping System carrying costs arising from redundancy upon completion of the Walking Access Mapping System transformation project due for completion prior to 30 June 2016.

M Neeson advised the board that the draft Statement of Performance Expectations would be provided to the Ministry for Primary Industries officials for comment prior to the release to the Minister in early April 2016.

M Neeson also advised the board that the 2014-2018 Statement of Intent, issued in 2014, would require updating from 1 July 2017 as it can only last for up to 3 years.

Action: The Board

- a) **agreed** that no changes are required to the 2014-2018 Statement of Intent;
- b) **agreed**, in principle, to the draft Statement of Performance Expectations for 2016-2020 (as amended in discussion), and
- c) **noted** the proposed arrangements to further develop the Statement of Performance Expectations prior to release to the Minister.

Moved J Forbes **Seconded** P Brown **Carried**

6. **Walking Access Mapping System (WAMS)**

The board discussed a report on the walking access mapping system transformation project. M Neeson reported that the project was on track for completion prior to 30 June 2016, and within budget. The project will result in a significant enhancement of WAMS for users, most notably the availability of a fully functioning WAMS on a range of mobile platforms and ongoing improvements will be undertaken more efficiently.

R Cullinane advised the board that the budget has been finalised, resulting in a reallocation of costs from business/consultation to core functionality/optimisation. The business stream will be progressed upon completion of the transformation to ensure that user perspectives are incorporated into any new functionality and product offering.

The potential write off of walking access mapping system carrying costs in the vicinity of \$345,000 arising from the completion of the WAMS transformation project was noted.

Action: The Board

- a) **noted** progress with the Walking Access Mapping System transformation project;
- b) **noted** that the original 5 project workstreams have been revised to 4;
- c) **noted** that the updated costs total \$272,374 in 2015-2016 (against \$272,797 advised at the November 2015 meeting), and \$20,000 in 2016-2017;
- d) **noted** the annual operating savings from 1 July 2016 is expected to be \$82,900;
- e) **noted** that, as advised at the November 2015 board meeting, capitalised transformation costs will be amortised over three years, and
- f) **confirmed** the project budget of \$272,374 in 2015-2016 and \$20,000 in 2016-2017.

Moved B Stephenson **Seconded** B Stuart **Carried**

7. **New access – legal mechanisms**

The board discussed a report on the legal mechanisms for obtaining new access, including Walkways, marginal strips, esplanade strips, access strips, easements, roads, recreation reserves and open space covenants. To date, the Commission's role in establishing new public access over private land has largely been confined to an advisory role within the process for tenure review of Crown pastoral leases and the acquisition of sensitive land by overseas interests.

The chairman noted the importance of the paper and asked the chief executive to meet with Local Government New Zealand in the first instance, and look at ways of presenting and circulating Commission research in the local government sector.

The chairman asked the chief executive to investigate the status of Maori roadways in the proposed Te Ture Whenua Bill. The chief executive noted that the Commission needed to review the Bill to see what implications there might be for walking access.

Action: The Board

- a) **noted** the various legal mechanisms that may be used to establish new public access over private land;
- b) **noted** that the options may be limited in the circumstances in which the access is being sought or advocated;
- c) **discussed** the policy approach that the Commission should adopt when recommending or securing the various possible forms of access, and
- d) **agreed** that the Commission promotes research into alternative and innovative legal options and approaches for securing free, certain, enduring, and practical walking access within the Aspinall scholarship process

Moved B Stuart **Seconded** P Brown **Carried**

8. Policy on financial contributions in lieu of access

The board discussed a report on the Commission considering financial contributions in lieu of access. M Neeson reported that the Commission is being more frequently approached by prospective overseas purchasers of sensitive land for its view on access opportunities that might be included in an application for under the Overseas Investment Act, 2005. In a recent situation, the Commission assessed that the applicant would have found it very difficult to secure legally certain and practical access due to the need to secure agreement from multiple adjoining owners to amend an access easement.

The board confirmed that its underlying policy is for free, certain, enduring and practical access but there may be circumstances where a financial contribution would be acceptable. Such cases would be rare and exceptional. B Stephenson stated that an exception would only be where free, certain, enduring and practical access is not possible.

The board asked the chief executive to develop a more detailed policy reflecting the discussion, including principles and criteria where an in lieu payment may be acceptable.

Action: The Board

- a) **agreed** that the Commission is open to innovative ways to achieve walking access outcomes;
- b) **confirmed** that the primary objective is to obtain free, certain, enduring and practical access;
- c) **agreed** that the risks associated with other approaches, such as financial contributions, outweigh the potential benefits especially reputational risk;
- d) **agreed**, as a matter of policy, not to accept financial contributions in lieu of access while recognising that exceptions may be appropriate;
- e) **agreed** that the Commission may consider an exception only where free, certain, enduring and practical walking access is not possible;
- f) **agreed** that the chief executive is to seek the board's prior approval to any exceptions to this policy, and
- g) **requested** that the chief executive develop a formal policy for the Commission in respect of in lieu payments, including principles and criteria that will assist to quantify any payment, and how any such payment may be applied by the Commission.

Moved P Mudford **Seconded** B Stephenson **Carried**

9. Research Plan

The board discussed a report on research to support the Commission.

M Neeson indicated his disappointment that there were no applicants to the Aspinall Scholarship for the 2015 year, and that the successful applicant for the 2014 scholarship had deferred commencing work until 2016. P Mudford emphasised the need and importance of progressing the Aspinall Scholarship and asked that it be given high priority to ensure that it is successful.

M Neeson had prepared a research plan, with topics segregated into two broad areas of Commission-initiated research and academic-initiated research, and proposed that the Commission re-advertise the Aspinall Scholarship in April 2016 providing the research topics in a background document to guide potential applicants.

Action: The Board

- a) **agreed** to the research plan described in M Neeson's paper;
- b) **noted** the topics identified as warranting further research, and
- c) **agreed** to re-advertise the Aspinall Scholarship in April 2016.

Moved B Stephenson **Seconded** P Brown **Carried**

10. Creating new access – the role of local government

The board discussed a report on the role of local government on creating new access.

M Neeson reported that Sweetman Planning Services had been engaged to undertake a pilot study examining how local government creates public walking access and how they respond to the relevant legislation under which they function.

The chairman considered the report to be a valuable addition to the research undertaken by the Commission and noted that local government is committing considerable resources for walkways and illustrated, as an example, the commitments being made by the South Waikato District Council (SWDC).

The chairman asked the chief executive to look at ways of presenting and circulating the research in the local government sector and to meet with the chief executive of Local Government New Zealand. He noted the importance of showing how local government could improve its performance on providing walking access.

The chairman noted that the research should not focus on the "taking" of access through legal processes and to explore alternative approaches as demonstrated by the SWDC.

Action: The Board

- a) **noted** the report by Sweetman Planning Services on the results of a pilot study on the role of local government in creating new access;
- b) **agreed** that the Commission:
 - i. edit and publish the 2015 and 2013 reports with an initial peer review;

- ii. write a guidance document for RMA-related plans on best practice methods, using case studies;
 - iii. create a toolkit of methods for councils to use in acquiring public / walking access;
 - iv. hold workshops on acquiring public access;
 - v. contact councils to make them aware of their role and functions and our willingness to be engaged in plan, policy and strategy development, and
 - vi. actively contribute to, and make submissions on, draft and proposed council documents, and
- c) **agreed** that the chairman advise the Minister for Primary Industries of the report and the significance of its analysis for the Commission.

Moved J Forbes **Seconded** B Stuart **Carried**

11. Quarterly report: Second Quarter 2015-2016

The board discussed the Quarterly report for the period 1 October to 31 December 2015. This report had been provided to the Minister for Primary Industries prior to the end of January 2016, as required.

The board noted that the financial deficit was less than budget, there were no cases or activities of major significance during the quarter, a full contingent of 12 regional field advisors were in place from 1 January 2016, and that the Commission was in sound financial order.

Action: The Board

- a) **noted** the Commission's Quarterly Report for the quarter ending 31 December 2015.

Moved B Stephenson **Seconded** P Mudford **Carried**

12. Operations Quarterly Report: 1 October to 31 December 2015

The board discussed a report on the Operations quarterly report for the period 1 October to 31 December 2015.

R Cullinane reported that significant activities in the quarter included user requirements and cost for the WAMS transformation project were completed, the Commission had deployed a specifically tailored version of WAMS as part of a cartography exhibition launched by the National Library of New Zealand, the Public Access Area dataset is now sourced from the LINZ Data Service (LDS), four new RFAs were recruited, and that applications to the Commissioner of Crown Lands (CCL) for easements on Coronet Peak and Glencoe Crown Pastoral Leases were progressing.

Action: The Board

- a) **noted** the operations quarterly report for the period 1 October to 31 December 2015.

Moved P Mudford **Seconded** J Forbes **Carried**

13. Schedule of Significant correspondence

Action: The Board noted the schedule of significant correspondence.

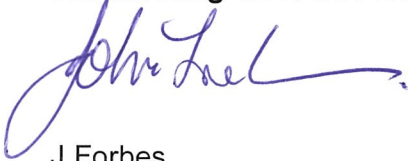
14. Retiring chief executive performance appraisal (in camera)

Board members completed a performance appraisal for retiring chief executive, M Neeson.

Closing comments

The Chair thanked board members, staff and CE designate E Pyle, for their attendance and contributions, and invited P Brown to conclude the meeting with a karakia.

The meeting closed at 10:15am.



J Forbes
Chairperson

Notes

The board held a workshop on Tuesday 16 February to review agenda items.

The Commission hosted a function following the board meeting in which Access Champion Awards were made to H Donaldson and G Chapple. Presentations were also made to former board member M Bayfield and retiring chief executive M Neeson.