

MINUTES

NEW ZEALAND WALKING ACCESS COMMISSION MEETING

1:00pm, 22 November 2010

BLLENHEIM

Board Members: J Acland (Chairman), J Aspinall, K Booth, P Brown, M Bayfield, J Forbes, B Stephenson and B Stuart.

In attendance: M Neeson (Chief Executive), H Barker (Corporate Services Manager), R Cullinane (Operations Manager), C Bell (Communications Manager) and H Donaldson (Advisor).

Opening Comments

The Chair opened the meeting and welcomed attendees.

1. Apologies

There were no apologies.

Conflict of Interest Register

No conflicts of interest were declared.

Confirm Agenda

The Board confirmed the Agenda for the meeting with the addition of the Chief Executive's report as item 15A.

2. Declaration of Interest

Action: The Board

- a) **Agreed** that all board members and senior managers use the declaration of interests form (as attached to the paper on this topic) to update their interests in April each year, beginning in April 2011.

Moved John Forbes **Seconded** Kay Booth **Carried**

3. Legislative Compliance Monitoring System

Action: The Board

- a) **Noted** the proposed list of "significant legislation" in Appendix 1 in the paper;
- b) **Noted** that the Audit & Risk Committee's term of reference include "*Oversight of the Commission's compliance with its obligations under key legislation*"; and
- c) **Noted** that a further report will be prepared with final details for approval by the board and review by the Audit & Risk Committee.

Moved Brian Stephenson **Seconded** Maggie Bayfield **Carried**

4. “Pedestrian Roads”

The board considered a paper on the concept of “pedestrian roads” which was proposed by Mr B Mason earlier in the year. Discussion noted that it was a difficult concept which did not fit easily into New Zealand’s existing legal framework. The board considered options for creating new roads in exchange for unformed legal roads, or how to achieve like for like swaps (moving unformed legal roads). It was noted that other approaches were possible in some very specific circumstances but that doing so was complex, expensive and the outcome not certain.

The board noted that, given the complexity of the topic, it would be desirable to focus on the end objective rather than become bogged-down on the means. The question was asked how might the Commission achieve the objectives posed by the “pedestrian roads” concept.

Action: The Board

- a) **Noted** the range of legal instruments available to establish certain and enduring walking access over private land;
- b) **Agreed** that the Commission will need to keep a full range of options open for the establishment of certain and enduring walking access;
- c) **Noted** that the Board has already agreed that if certain and enduring walking access is to be established in the name of the Commission over private land the preferred form is an easement in gross for the purposes of making a walkway;
- d) **Noted** that the concept of pedestrian roads is unlikely to provide a practical option for the reasons described in the paper; and
- e) **Agreed** that the chief executive writes to Mr Mason accordingly.

Moved John Aspinall **Seconded** Brian Stephenson **Carried**

5. Walkways: Liabilities and Maintenance

At the October 2010 meeting the question was asked about what liability the Commission might have for non-gazetted walkways. The chief executive advised that the board has no liability for such “walkways” as non-gazetted walkways are not legal entities under the Walking Access Act. They are simply tracks for which the landowner is responsible. The board **noted** the advice.

6. Board Meeting Schedule 2011/12

Action: The Board

- a) **Approved** the meeting schedule for 2011/12.

Moved Barbara Stuart **Seconded** Kay Booth **Carried**

7. Chief executive's overseas trip report

The Board thanked the chief executive for his report and agreed that the report had valuable information and advice for the board to consider. The board noted that the outcomes of the trip were already informing the board's strategic thinking and direction. Discussion centred on two matters arising from the report: access as of right (Scotland) versus access rights per legislation (England); and the possibility of the Commission becoming the bridge between rural and urban communities in the future.

Action: The Board

- a) **Noted** the chief executive's report on overseas travel in September and October 2010; and
- b) **Agreed** to discuss matters raised in this paper and the report at an appropriate time.

Moved John Acland **Seconded** Barbara Stuart **Carried**

8. Review Risk Management Register

The board discussed the frequency with which it was reviewing the register. It noted that, as the Commission was settling into its operational phase and that the risk register was fairly stable, it would be appropriate to extend the review of the register to six-monthly intervals rather than at each meeting.

Action: The Board

- a) **Noted** that several changes had taken place in the Commission's risk management profile; and
- b) **Agreed** that the risk management register be reviewed six monthly.

Moved John Forbes **Seconded** John Aspinall **Carried**

9. Draft letter to the Minister on the Commission's Strategic Direction and Priorities for 2011/12

Action: The Board

- a) **Approved** the draft letter to the Minister on the Commission's strategic direction and priorities for 2011/12, as amended during the earlier and separate strategy workshop;
- b) **Agreed** that the Chairman signs the letter as amended; and
- c) **Agreed** that the Chairman and the Chief Executive can make technical and editorial changes.

Moved Maggie Bayfield **Seconded** Kay Booth **Carried**

10. **Enhanced Access Fund Round 2011**

The board was advised that the first round of the Fund is proving successful. The board approved the call for a second round of applications and asked the staff to review aspects of the criteria to ensure clarity of meaning.

Action: The Board

- a) **Agreed** to a 2011/12 contestable round of the Enhanced Access Fund with an indicative quantum of \$200,000 with advertising beginning in February 2011 and project approval at the May 2011 board meeting;
- b) **Noted** the review report attached to the paper was Appendix 2; and
- c) **Agreed** that the chief executive may approve individual projects under \$5,000 up to a limit of \$30,000 per annum in total.

Moved Peter Brown **Seconded** Maggie Bayfield **Carried**

11. **Confirm Minutes**

Action: The Board confirmed the minutes of the meeting of 27 October 2010 as being a true and correct record.

Moved John Forbes **Seconded** John Aspinall **Carried**

12. **NZ Coastal Policy Statement**

The Board noted the report on the new NZ Coastal Policy Statement and asked that the cover paper (and the Policy) be summarised for inclusion on the Commission website.

Action: The Board

- a) **Noted** the New Zealand Coastal Policy Statement 2010.

Moved John Acland **Seconded** Barbara Stuart **Carried**

13. **Marine and Coastal Areas Bill**

The Board discussed the application of the purpose of the Walking Access Act 2008 for “free, certain, enduring, and practical walking access” to the Marine and Coastal Area (Takutai Moana) Bill.

Action: The Board

- a) **Noted** the contents of the report; and

- b) **Agreed** that the Board should write to the Minister for Treaty of Waitangi Negotiations noting the Commission's interest in the Bill, and that clarity about access to the common marine and coastal area being free of charge would be consistent with the principle embedded in the Walking Access Act 2008.

Moved Brian Stephenson **Seconded** Kay Booth **Carried**

14. Road Stopping – Moutere Station

The Board discussed a paper discussing a recent Environment Court case concerning a road stopping matter in Central Otago and the implications for the Commission's leadership role, applications under the Enhanced Access Fund and what "promoting access" might mean in practice (what role should the Commission take in situations like this?).

The board thought that having regional field advisors would help to identify situations where the Commission could assist and be involved. The board agreed that there are matters in which it needed to be more involved and to discuss this in more detail at a later meeting.

Action: The Board

- a) **Noted** the Environment Court decision; and
- b) **Agreed** that the Chief Executive prepare a discussion paper on potential leadership roles and associated issues for a future Board meeting.

Moved Kay Booth **Seconded** Brian Stephenson **Carried**

15. Mapping System Update

Mr Donaldson gave the Board a brief update. It was anticipated that the project would be in an acceptable form by 30 November but that is subject to more testing of the WAMS. The board **noted** the report.

15A. Chief Executive's report

In an oral report the CE advised the board that the walkway at Bethell's Beach in West Auckland did not look like it might become a registered walkway. The board asked him to write to the Auckland City Council for advice about the status of the walkway and the expenditure of Commission funds given to the Council for the project.

Action: The Board:

- a) **Received** the CE's report; and
- b) **Requested** that the appendix in the chief executive's report describing the status of enquiries in the Enquiry Management System specifically decouple "obstructions" and new access.

Moved Maggie Bayfield **Seconded** Brian Stephenson **Carried**

16. Schedule of Significant Correspondence

Action: The Board received the schedule of significant correspondence. It asked the Chief Executive to acknowledge the letter from CORANZ and thank the organisation for its support for walking access and the Commission.

Moved Kay Booth **Seconded** Barbara Stuart **Carried**

17. Regional Forum Programme

The board discussed the programme for the Blenheim regional forum (which began at 5.30pm).

18. Audit & Risk Committee

Action: The Board received the draft minutes of the Audit & Risk Committee.

Moved Maggie Bayfield **Seconded** Kay Booth **Carried**

The meeting closed at 4:10pm.

Next meeting: 14 February 2011 in Taupo

J O Acland

Chairperson

15 February 2011