

# MINUTES

## NEW ZEALAND WALKING ACCESS COMMISSION MEETING

11:00am, 06 August 2012

Level 6, Revera House

Thorndon, WELLINGTON

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

and M Barnett

**In attendance:** M Neeson (Chief Executive), R Cullinane (Operations Manager), J Heffield (Communications Advisor (items 4, 5 and 6), H Donaldson (Specialist Advisor (Items 7, 8, 9 and 10).

### Opening Comments

The Chair opened the meeting and welcomed attendees.

#### 1. Apologies

##### Conflict of Interest Register

No conflicts of interest were declared.

##### Confirm Agenda

The Board confirmed the Agenda for the meeting.

#### 2. Walking Access Mapping System - enhancements: progress

The board held a separate workshop on the WAMS 2 project and at its meeting it noted the good progress being made to enhancing components of the Walking Access Mapping System.

#### 3. Confirm minutes

**Action:** The board confirmed the minutes of the meeting of 14 May 2012 as being a true and correct record

**Moved** M Bayfield      **Seconded** B Stephenson      **Carried**

#### 4. Draft Annual Report 2011-2012

The board discussed the draft Annual Report and, together with comments and changes, approved the nature and direction of the report. The board discussed both in this item and that on the communications strategy (Item 5), the nature of the Commission's target audience. The question of who is the Commission's 'public' is important because it determines how the Commission responds to issues about the

level of awareness of the Commission; for example, is it the whole of the NZ population or particular segments.

The board noted that that the staff would continue to work on the draft Annual Report and additional text and information was required to provide more information about the Commission's activities and following discussion with the auditors. Board members were invited to provide any further comments within the following two weeks.

**Action:** The Board

- a) **approved**, in principle, the Commission's draft Annual Report for the period ending 30 June 2012;
- b) **noted** that additional material may be added following advice from the auditors and that further text and editing is underway; and
- c) **noted** that the board will be asked to approve the final report in September, 2012.

**Moved**      M Bayfield                      **Seconded**              P Brown                      **Carried**

## 5. **Communications Strategy 2012-2015**

The board considered an updated Communications Strategy for 2012-15 which would guide the Commission's communications approach and development of project-specific communications plans for projects including the Walking Access Mapping System (WAMS), the Outdoor Access Public Education Programme, and annual media and stakeholder engagement activities.

The board noted that in the past year the focus had been on creating and promoting a coherent "brand". There is now a solid platform for widening the Commission's communications reach and raising its profile noting that the awareness level remains low. An active communications approach is consistent with the Minister's request that the Commission should raise its profile and communicate results more widely.

In addition to the discussion on the Commission's target audience (see above), the board also discussed how the strategy contributes to the key result areas (how and where are we going "to land") and the role of the regional field advisors in promoting the Commission.

**Action:** The Board

- a) **approved** the Communications Strategy 2012-15.

**Moved**      M Bayfield                      **Seconded**              M Barnett                      **Carried**

## 6. Taglines for the Commission and key projects

The board considered and discussed a report recommending the adoption of a new marketing tagline for the Commission, as well as project specific taglines for the Walking Access Mapping System and Outdoor Access Code. The taglines are positioning statements which will be used on Commission products to make short, sharp and memorable statements about the Commission and the product, for example, the outdoor access code.

**Action:** The Board

- a) **approved** *"Promoting access in the outdoors"* as the Commission's overarching tagline.
- b) **approved** *'Check. Respect. Enjoy'* as the tagline for the Walking Access Mapping System.
- c) **approved** *'Follow the Kiwi way'* as the tagline for the Outdoor Access Code.

**Moved** J Forbes      **Seconded** M Bayfield      **Carried**

## 7. Walking Access Mapping System – Landholder contact information

The board discussed a paper responding to a stakeholder request that landholder contact details be shown in the public view of the Walking Access Mapping System (WAMS). The board noted the privacy concerns that such a decision would create and decided that it preferred an opt-in/opt-out process.

The board discussed whether private land parcel information should be shown in the public view and agreed that it should. This is the practice followed by local authorities. It considered that this information is relevant to the Commission's mapping function.

The board noted that the provision of contact information relevant to public access to private land could be provided by suitable partner or partners using the PIP function in WAMS.

The board noted that the staff intended to hold a meeting with some core stakeholders to help refine the processes further.

**Action:** The Board

- a) **noted** that it is debatable whether the general disclosure of land parcel information in the public view of WAMS is consistent with the statutory functions of the Commission;
- b) **noted** that the disclosure of owner names is likely to raise privacy concerns;

- c) **agreed** that private land parcel details other than ownership names should be viewable in the public view in WAMS;
- d) **agreed** to an voluntary opt-in/opt-out arrangement for landholder contact details; and
- e) **noted** that a discussion with core stakeholders is planned to canvass the processes for a partner scheme for the provision of property and landholder contact details in respect of private land that may be open to public walking access.

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

## 8. **Obstructions on unformed legal roads**

The board considered a report reviewing the issue of obstruction to passage along unformed legal roads and possible approaches that might be considered by the Commission. This paper arose from a submission by a stakeholder.

The board discussed the legislative options including the role of the Police under the Summary Offences Act, 1981, the relationship between the Local Government Act, 1974 and the Land Transport Act, 1998 in respect of provisions for managing roads and the role of the Department of Conservation as a “road controlling authority”.

The board felt that the discussions and relationship building with local authorities should be managed carefully and agreed that the chairman should write to local authorities on legal road matters as appropriate. The chairman suggested that the Commission offer to give one further up-date presentation at a rural/provincial forum meeting of Local Government NZ and meet with councils on a cluster basis. The board proposed that the Department of conservation be invited to the cluster meetings due its status as a “road controlling authority”.

The board noted the role of the Police under the Summary Offences Act, 1981. Mr Cullinane briefed the board on a discussion held some time ago with the Police on how it responds to obstruction related matters. Mr Donaldson noted that it would be desirable to clarify whether the obstructions provisions of the Summary Offences Act refer to the removal of people and/or physical objects.

### **Action:** The Board

- a) **noted** that there are adequate legislative measures available to territorial authorities to remove obstructions from unformed legal roads;
- b) **noted** that resolution of disputes over walking access over unformed legal roads requires working with territorial authorities on both a case by case and a generic basis;
- c) **agreed** that the chief executive draft a letter for the chairman to send to territorial authorities, as appropriate, advising of the Commission’s role in respect of public

- access and drawing the council's attention to any specific matters regarding public right to the use of unformed legal roads;
- d) **agreed** that the Commission accelerate its workshops on managing unformed legal roads with territorial authorities using cluster-meetings and, if possible and appropriate making presentations at sector and zone meetings of Local Government NZ; and
  - e) **noted** that ultimate objective is reaching a consensus with territorial authorities on their enforcement powers and obligations under the Local Government Act 1974 and reflecting it in the *Guidelines for the management of unformed legal roads* should be a priority.

**Moved** M Bayfield      **Seconded** M Barnett      **Carried**

## 9. Overseas Investment Act – Caveats to protect walkway conditions

The board considered a report responding to the board's request that the Commission develop suitable wording for incorporation in Overseas Investment Act consents that would allow for the Commission to create a caveatable interest in land to be the subject of a walkway easement.

The board was advised that such caveats were not practicable, and it was recommended that the Commission should urge the Overseas Investment Office(OIO) to reduce the period allowed for an overseas purchaser to implement walkway easements that are conditions of consents.

The board reaffirmed its concern that the Commission did not appear to be consulted by the OIO given the few applications that were being referred to the Commission and which did not align with board member's own experience. The chief executive advised that he had met with the acting chief executive of Land Information New Zealand (LINZ) and some senior managers and that "working" meetings were planned to ascertain how the Commission could better utilise the legislative processes.

Mr Donaldson commented that Ministers had previously exchanged letters agreeing that the OIO would consult the Commission. The board noted that this would be a good basis for the above meetings. The board expressed its disappointment at the current state of affairs.

The board considered that the OIO/LINZ processes were not satisfactory and noted that other agencies had similar concerns.

**Action:** The Board

- a) **noted** that the lodging of caveats aimed at imposing the obligation of an overseas purchaser of land to grant a walkway easement on a subsequent purchaser is impractical and that the necessary Overseas Investment Act condition is probably *ultra vires* that statute;
- b) **noted** that an alternative arrangement based on lodging a financial undertaking with the Commission would be complex, involve financial risk, would not

guarantee an outcome, and is beyond the Commission's current administrative resources to manage;

- c) **noted** that any arrangement is dependent on the willingness or otherwise of the Overseas Investment Office to agree to an enabling condition in particular cases;
- d) **noted** that there have been no actual cases to date where a walkway condition has lapsed because of a subsequent sale of the land to a non-overseas person; and
- e) **noted** that the Commission is seeking improved and documented processes with the Overseas Investment Office to ensure that walkway conditions attached to consents for overseas persons to acquire sensitive land are satisfactory to the Commission, including minimising the time required to give effect to the conditions.

**Moved**      M Bayfield                      **Seconded**                      B Stephenson      **Carried**

#### 10. **Walkways: controlling authority liability**

The board considered a report which outlined the actions being taken to minimise the risks to the Commission that might arise from damage to private land subject to a walkway easement by walkway controlling authorities. These actions include:

- modifying the standard walkway easement so that it is clear that both the Commission and the controlling authority are grantees of the easement;
- ensuring that the public liability insurance policies of the Commission and the controlling authority cover such risks; and
- providing guidelines to walkway controlling authorities that will minimise grantor risk.

The chief executive advised that a detailed walkways policy is being drafted and will be presented to the board for consideration in the near future.

#### **Action:** The Board

- a) **noted** that there is a risk that the Commission could be liable for damage to the land subject to a walkway easement caused by the actions of a controlling authority; and
- b) **noted** that this risk has been mitigated by:
  - modifying the standard easement form by including the controlling authority as a grantee of the easement alongside the Commission;
  - ensuring that the Commission is appropriately insured for the risk of damage to land subject to a walkway easement;

- requiring controlling authorities as a condition of their appointment to have appropriate public liability insurance; and
- providing suitable advice to controlling authorities of walkways about minimising potential risk from the grantor of a walkway easement.

**Moved** P Mudford      **Seconded** M Barnett      **Carried**

## 11. Acheron Road – Legal status

The board considered a report detailing the Commission’s response to enquiries about the legal status of Acheron Road, a historic road that traverses Molesworth Station in Marlborough. The report summarised research reports on the legal history and legal status of the road.

The chief executive advised that Land Information New Zealand (LINZ) would be asked formally to consider the legal status of Acheron Road. The reports would be released to agencies and stakeholders over the next few weeks.

The board asked about the “road controlling authority” status of the Department of Conservation and the chief executive undertook to investigate.

**Action:** The Board

- noted** the access issues on Molesworth station referred to the report and attachments;
- noted** that the Commission believes that there is a strong case for the recognition of the entire Acheron Road through Molesworth as a legal road;
- noted** that the Chief Executive intends to refer the Darroch and Hayes’s reports on Acheron Road to Land Information New Zealand (LINZ) seeking a correction to the cadastral record;
- noted** that depending on the response from LINZ it may be necessary to seek further legal advice on the matters raised in Mr Hayes’ report; and
- agreed** that the Chairman write to the Minister for Primary Industries advising him to the results of the Commission’s research and the request to LINZ.

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

## 12. Quarterly report: Fourth Quarter 2011-2012

The Board discussed and amended the fourth quarterly report for the period ending 30 June 2012.

**Action:** The Board

- noted** the Commission’s Quarterly Report for the period ending 30 June 2012, as amended.

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

**13. Chief Executive's Report (July 2012)**

The board considered and discussed the chief executive's report for July 2012. Items of note included the end of year financial report; WAMS 2 – progress and risk; priorities for 2012-2013 – 2014-2015; restructuring in the public sector; the strategic review of the Queen Elizabeth II National Trust; WAMS media coverage report 2011-2012; and case management.

The board asked that WAMS, media and operations reports include more details, including, for example, regional use, trends, audiences, and how WAMS is being accessed (whether directly or through 3<sup>rd</sup> party sites).

**Action:** The Board

a) **noted** the Chief Executive's report for July 2012.

**Moved** P Brown                      **Seconded** M Barnett                      **Carried**

**14. Operations Quarterly report: 1 April to 30 June 2012**

The board discussed the operations and regional field advisor (RFA) report for the fourth quarter, April to June 2012. The Operations Manager advised that the significant activities in the quarter included:

- the uptake of the 'new' SharePoint data and file management system had been positive and had resulted in significant efficiencies;
- a RFA workshop was held 18 and 19 April at the Commission offices covering RFA and operational issues, and an 'Influence Without Authority' workshop provided by Conflict Management NZ; and
- responded to 10 OIO cases and one tenure review case.

As noted in the previous item the board asked for more details in the metrics, including comparing case management by quarter, annually and regionally.

**Action:** The Board

a) **noted** the operations and regional field advisor report for Q4.

**Moved** M Bayfield                      **Seconded** B Stephenson                      **Carried**

**15. Schedule of Significant Correspondence**

**Action:** The Board received the schedule of significant correspondence.



The meeting closed at 2:00pm



J Forbes

Chairperson

25 September 2012

## Notes

Prior to the meeting the board held three informal workshops with representatives from the Ministry for Primary Industries attending the first two workshops.

### **1 Outdoor access and public education programme**

The contractors, Learning Media (LM), gave a presentation on the project and briefed the board on progress. The board was impressed with progress and the nature and content of the programme. The discussion during and following the presentation looked at the details of scenarios on which board members offered suggestions.

LM offered suggestions on how the Commission could promote the project and responded to questions about the relationship with the curriculum (it is quality assured and aligns well). LM noted that the programme was different because it prompted students to discuss the scenarios and provide feedback rather than being largely fact-based.

LM advised that the technology supporting the programme was suitable for the foreseeable future. The board discussed briefly the potential to expand the programme for the public generally and opportunities to involve other sectors, such as health promotion, dairy and biosecurity.

### **2 Walking Access Mapping System (WAMS)**

The board received a presentation from the staff on progress with the enhancements to the WAMS.

### **3 Draft Annual report**

The board discussed and made amendments to and offered suggestions on the draft annual report.

