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Ministry for Primary Industries
Walking Access Review Team
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Dear Sir/Madam

Review of the Walking Access Act 2008 – Feedback

Thank you for the invitation to provide feedback on the review of the Walking Access Act 2008. As an organisation representing Cadastral Surveyors and their clients there are some questions in the review that we feel it is appropriate to respond on. The relevant questions and our responses are set out below.

Are the Walking Access Act 2008 and the New Zealand Walking Access Commission needed?

The Walking Access Commission provides a valuable role in extending current public access, and in acting as an independent third party in resolving difficulties over existing access.

What's working well in your view?

The WAMS mapping system is a useful overview tool for public access. Having the Commission involved in OIO negotiations is a good way to secure access that might otherwise be difficult to obtain. It is useful to have an agency separate from DOC involved with this work, as DOC already has a very diverse focus which it struggles to resource.

Do you think the purpose of the Act should be changed? To what, and why? Do you think the New Zealand Walking Access Commission's name should be changed?

It would be useful if the Act's purpose and Commission's name were more reflective of its role in securing public access by whatever means, be it walking, cycling, horse-riding or four-wheel driving. The NZ Public Access Commission might be a more all-encompassing name.

What changes, if any, are needed to the priorities in the Act? Should negotiating access to the following be made priorities: – wāhi tapu, traditional sites and areas of cultural significance to Māori – land in or near urban areas – replacement access for public access which has been closed?

As a Crown agency and thus an arm of the Treaty partner it seems remiss that access to sites of significance to Māori is not a priority. Replacement for public access which has been closed is a sensible priority to ensure that access to sites of general interest is never lost. We do not have a view on whether access closer to urban areas should be a priority.

What's the Commission's role in improving visitor behaviour? For example, provide the New Zealand Outdoor Access Code in different languages, link this Code to other guidance?

The commission should be enabled to set strong rules such as restricting particular modes of access over particular Walkways.

Do you have examples where a lack of coordination between government agencies and/ or different pieces of legislation have got in the way of maintaining and improving public access?

We are aware of an instance where the Commission as part of an OIO review required walkways to be created over a Pastoral Lease owned by a University (ie not a Crown lease) without consulting the University as the ultimate landowner.

Should the Commission have a role in assessing unformed legal road closures?

It is appropriate for the commission to have a role in stopping of unformed road as the Commission has a specific focus on recreational access. In particular there are instances where roads are stopped when having the option to create a Walkway over the stopped road would be useful.

Is information about public access to the outdoors comprehensive and easy to use?

It would be useful to somehow combine or cross-reference the information held by DOC and NZWAC so that it is possible to, for example, filter access by the type of access that is available (walking/cycling pedestrian/4wd) and hold this information in one place.

Would a more flexible means of defining a public access way under the Act, in addition to the gazetted walkway instrument, be a useful addition to the Commission's tool box? What are the risks of this approach?

It would be useful in some circumstances to be able to register a walkway over an entire title (to ensure continuity of access) without having to go to the huge expense of defining it by survey. Perhaps this could be accompanied by a simple photo overlay diagram to show generally where the Walkway runs. This would be of particular benefit where there is a clear and well-delineated track, especially one that is fenced both sides. This does come with the risk that users will abuse this and walk in areas other than the track, but there are plenty of instances where this seems to be working currently.

Do you think the Ministry for Primary Industries should remain the administrator of the Act? If yes, why? If no, do you think this role should be carried out by another government agency (please say which, and why)?

No. There doesn't seem to be much relevance in the Commission's function to the Ministry of Primary Industries' core business. Given that much of the Commission's role involves negotiations around property it would make more sense for the Commission to be located within LINZ, which has centralized much of the property expertise and negotiation functions previously undertaken by other departments.

Should the Commission supplement its Government funding with private funding and/or cost recovery? What are the pros and cons of these?

Exercising statutory functions using private funding, for example having business sponsor or worse obtain concessions over walkways is a way for the Government to abrogate its role to properly fund Public Works and should be discouraged.

We trust that this feedback is of value, and we look forward with interest to the publication of the results of the review.

Yours Faithfully



Alex Liggett

On Behalf of the ICS Executive Committee