



Report            **06.268**  
Date              19 June 2006  
File               X/08/03/01

Committee       **Policy, Finance and Strategy Committee**  
Author           **Piotr Swierczynski Policy Advisor**

## **Submission on the Outdoor Walking Access Consultation document**

### **1. Purpose**

To inform the Committee of the contents of the ‘Outdoor Walking Access Consultation Document’; and

To seek the Committee’s approval for a submission on the Outdoor Walking Access Consultation Document.

### **2. Significance of the decision**

The matters for decision in this report **do not** trigger the significance policy of the Council or otherwise trigger section 76(3)(b) of the Local Government Act 2002.

### **3. Background**

In 2003, the Minister for Rural Affairs appointed the Land Access Ministerial Reference Group to enquire into and report on:

- access to the foreshore of the lakes and the sea, and along rivers;
- access to public land across private land;
- access onto private rural land to better facilitate public access to and enjoyment of New Zealand’s natural environment.

The Reference Group consulted informally with a wide range of interest groups, and reported their findings to the Minister in August 2003. The Ministry of Agriculture and Forestry then undertook a series of meetings with interest groups and the public. Written submissions on the issues raised in the Reference Group’s report were analysed. The analysis was published by the Ministry in June 2004.

In December 2004 the Government proposed legislation for “footways” along the coast, around lakes and along rivers. These “footways” were to provide public walking access along specified water margins. In June 2005 the Government announced that it would not proceed with this legislation. Rather, it would consult further with stakeholders in search of greater consensus on enhancing public access.

In August 2005, the Associate Minister for Rural Affairs appointed the Walking Access Consultation Panel to carry out thorough consultation with interest groups and the public. Their objective is to reach, as far as possible, agreement on walking access along the coast, significant rivers and lakes, and to public land that is surrounded by private land.

The Panel takes as its starting point the views expressed at consultation meetings with stakeholder representatives, Maori and the public, and in the many written submissions received in response to the Reference Group’s report in 2003. The Panel is discussing these issues further, and wants to reach a consensus on a way forward.

Greater Wellington made a submission on the Ministerial Report on Walking Access to the New Zealand Outdoors (Report 03.716). A copy of that earlier submission is included with the current submission.

#### **4. Issues raised for consultation**

The Walking Access Consultation Panel requested feedback on a proposed aim and principles for walking access to land, and asked questions on the following issues that had been raised in the previous consultation process:

- a. Location and status of existing access rights to water margin land
- b. Code of responsible conduct
- c. National leadership and policy co-ordination
- d. Refusal of access by landholders
- e. Intersection of private and public property rights
- f. Impact of erosion and accretion on water margin access
- g. Establishing new access
- h. Use of unformed legal roads
- i. Health and safety liability of landholders
- j. Fire risk and liability
- k. Biosecurity risks
- l. Rural crime and security
- m. Treaty of Waitangi concerns, access rights to Maori land, and waahi tapu and rāhui.

#### **5. Greater Wellington’s submission**

A draft Greater Wellington submission to the Walking Access Consultation Panel is attached. The closing date for submissions is 30 June 2006.

Greater Wellington's submission seeks clarification on the extent of the aim and the principles and provides comments on most of the questions posed. Key points raised in the submission are that Greater Wellington is a major landowner in the region, and its powers of restricting access for safety, operational, water supply, fire risk, biodiversity and biosecurity reasons should remain.

The submission supports the proposal of an Access Agency that works at a national level to facilitate access. It emphasises the desirability of negotiation and mediation in establishing sensible physical and legal access arrangements.

## 6. Communication

When approved by Council a copy of the submission will be sent to the Walking Access Outdoor Consultation Panel. The detailed technical nature of the submission is not suitable for media release.

## 7. Recommendations

*It is recommended that the Policy, Finance and Strategy Committee:*

1. *Receives the report; and*
2. *Approves the submission by Greater Wellington on the Walking Access Consultation Panel.*

Report prepared by:

Report approved by:

Report approved by:

**Piotr Swierczynski**  
Policy Advisor

**Nicola Shorten**  
Manager, Resource Policy

**Nigel Corry**  
Divisional Manager,  
Environment

**Attachment 1: Submission to Walking Access Consultation Panel: Outdoor Walking Access Consultation Document**