

Hobsonville Town Centre Location Plan

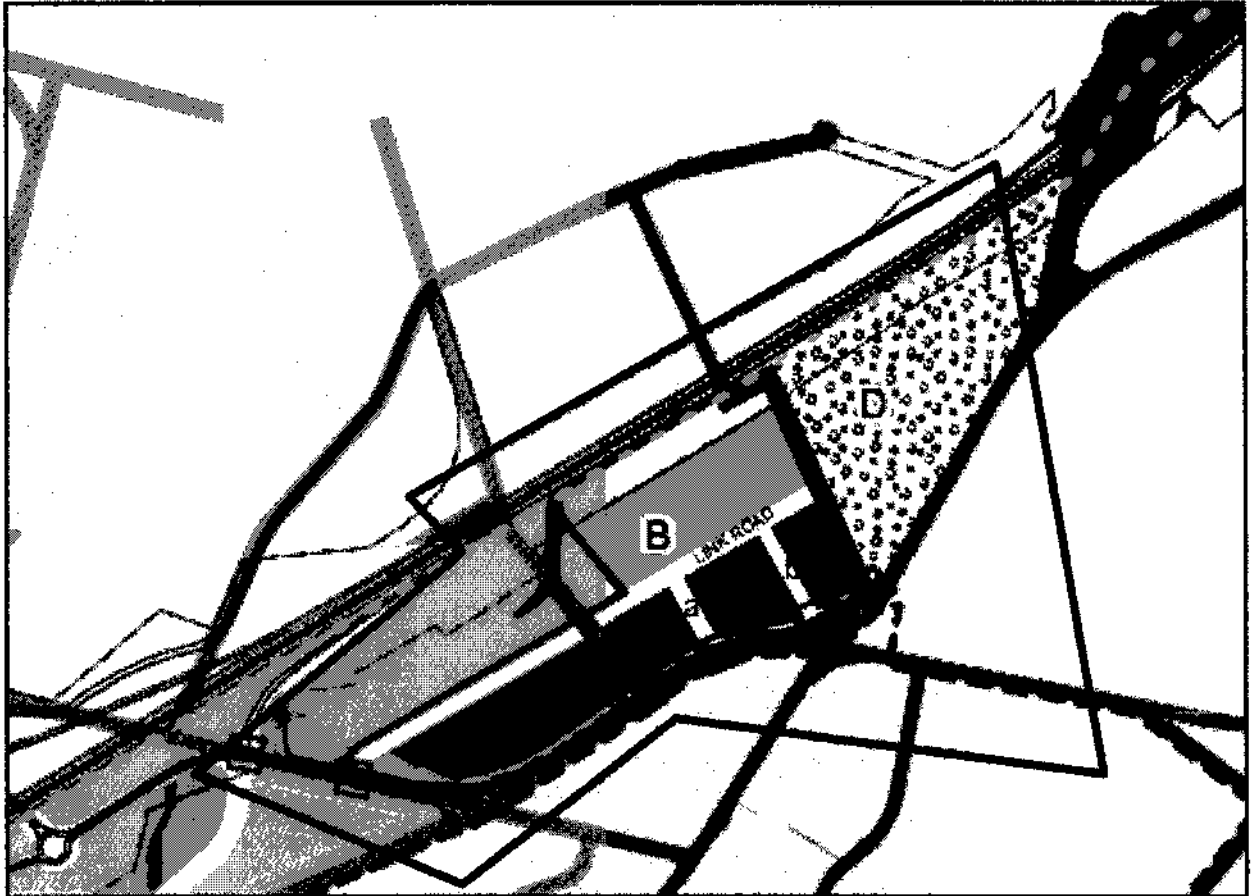


Figure 1.0 Hobsonville Town Centre Location Plan & Master Planning Study Area

30 August 2007

Ted Calvert  
ONTRACK  
PO Box 105 916  
AUCKLAND

Dear Ted

### **STURGES, RANUI AND SWANSON STATIONS – PROPOSED PEDESTRIAN OVER-BRIDGES**

The purpose of this letter is to provide you with the results of community feedback on the proposed pedestrian over-bridges at Sturges, Ranui and Swanson Stations.

#### **Sturges Station**

The proposed over-bridge has been discussed with the Residents and Ratepayers Association, who have indicated that their preferred options are as follows:

- A level crossing , with a safety barrier
- An underpass, although it was explained to them that this would not be feasible

Council supports the 'at grade' crossing and requests ONTRACK to consider this favourably.

#### **Ranui Station**

A 'Drop-in' day was held at the Ranui Action project house on 14 July 2007 and a display was provided at the Ranui Library and School. As well, a workshop was held with the Massey Community Board.

The feedback from the consultation is as follows:

- If a bridge is built, the preference is that it be kept as plain as possible (i.e. without the timber lattice suggested by Beca Centre). The bridge could be enhance by artworks reflecting the themes at the Ranui Library and screened by planting.
- However, there was strong preference for the 'at grade' crossing with safety barriers.

Council supports the 'at grade' crossing option as it has the least visual impact.

## **Swanson Station**

The consultation process was as follows:

- 'Community Drop-in' day on 30 June 2007 – This attracted approximately 60 residents and a summary of their comments is enclosed with this letter.
- The issue was discussed at a meeting of the Swanson Residents and Ratepayers Association
- A workshop with the Waitakere Community Board

As well, Sharon Davies from the Waitakere Community Board personally tried the Glen Eden rail station over-bridge ramps accompanied by Councillor Hulse. Enclosed please find a report prepared by Sharon Davies which concludes that due to their length, the ramps do not provide practical mobility access.

The conclusion from the feedback is that there is strong community support for an 'at grade' crossing and strong community objection to the visual impact of an over-bridge with ramps.

Council supports the 'at grade' crossing. However, if due to safety concerns, ONTRACK does not support this proposal, it is recommended that a meeting be held with the Swanson Residents and Ratepayers Association to discuss the issues, options and mitigation measures. For example, it may be possible to screen the bridge and provide art features to minimize the visual impact.

### **Conclusion**

Council thanks ONTRACK for the opportunity to comment on the proposed pedestrian over-bridges.

Council favours the 'at grade' crossings and requests that it be kept informed and involved in any decisions made.

Yours sincerely

Tony Miguel  
**Group Manager: Asset Management**

21 May 2008

WAITAKERE CITY COUNCIL

22 MAY 2008

Attn: Tony Miguel  
Waitakere City Council  
Private Bag 93 109  
Henderson  
Waitakere 0650  
**AUCKLAND**

Our Ref: 50000

**14555**

Dear Tony

**SUBJECT: PEDESTRIAN ACCESS AT STURGES RD, RANUI AND SWANSON STATIONS**

As we are fast approaching the commissioning of the double tracking between Henderson and Swanson I am writing to update you on the pedestrian access we propose to install at each of the three redeveloped stations.

The introduction of double-tracking and planned increased frequencies increase safety risks on Auckland's rail network. Accordingly, ensuring people can move safely around and across the rail corridor and preventing trespass, are key aspects of the DART project.

We are focusing on providing infrastructure that gives safe and efficient access across the tracks, particularly at and near at stations, where studies have shown trespass is most prevalent.

The original concept design developed by ARTNL and ARTA (and handed over to ONTRACK in 2006 following the change in responsibilities that came with the DART funding) specified pedestrian over-bridges with stairs and ramps at each of these stations.

Correctly designed and located grade separated access is regarded as the only risk free way for pedestrians to cross railway tracks. However ONTRACK is aware of the importance of heeding local preferences as these often indicate the level of compliance that can be expected. Accordingly we have conducted a risk review of each of these stations and have determined the following:

**At Sturges Rd Station** the existing at grade level crossing at the western end of the station will be upgraded to include flashing lights and bells and automatic gates.

**At Ranui Station** the existing level crossing at the western end of the station will be relocated further west and will have flashing lights and bells and automatic gates. The road and pedestrian crossing at Metcalfe Rd will also be upgraded to take account of double tracking. Our risk review highlighted, however, that if trespass became an issue at the western end of the station a bridge may need to be constructed.

Rail operations at **Swanson Station** create a level of risk that means an at-grade level crossing can not be established. Accordingly an overbridge, with disabled access is to be built. ONTRACK is currently working with community and council representatives to develop a bridge that best meets accessibility and aesthetic aspirations.

During the course of this work it has become apparent that there is a preference from the community for the bridge to incorporate lifts rather than ramps to provide the necessary disabled access.

Given this preference, ONTRACK is prepared to install lifts as an alternative to ramps, but would require either your organisation or the Auckland Regional Transport Authority to accept responsibility for the ownership and ongoing maintenance of these.

Until the bridge is being built, a temporary level crossing will remain in place at Swanson Station, with a 10kph speed restriction for all services through the station. It is important to note that once double tracking is commissioned, this situation creates some considerable risks, as the crossing may from time to time be blocked by stationary trains.

As a graphic example of this there was an incident on our network in Wellington recently of a toddler allegedly crawling under a stationary train blocking a stand-alone pedestrian level crossing

Therefore we need to continue with the installation of the footbridge at Swanson as soon as possible, and would appreciate your prompt response to this issue.

Please do not hesitate to contact me should you wish for further information on this or any aspect of the rail upgrade.



Yours sincerely  
**ONTRACK (NZRC)**



**TED CALVERT**  
Project Director – DART

Chief Executive	
Corporate Services	
City Services Moselle	
Consultancy Services	
ECO - WATER	✓
Strategic Group	
Consent Services	
Field Services	



 <b>URS</b> Engineering and Environmental Management		URS New Zealand Limited Level 6, Lyle Creek, Auckland Phone: 0-908 3200 Fax: 0-908 3374		 <b>Waikato City Council</b> Te Rau o Teitaki		<b>SWANSON PARK 'N' RIDE - SWANSON RAIL STATION</b> LAYOUT WITH FINISHED CONTOURS (OPTION 1)		Title: <b>PRELIMINARY</b> Drawing No: <b>WA213-C240</b> Revision: <b>A</b>	
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# Waitakere City Council

Office of The Mayor, Bob Harvey

14 May 2008

*cc: Filming Henderson*

**COPY FOR YOUR  
INFORMATION**

David George  
Chief Executive  
New Zealand Railways Corporation (ONTRACK)  
PO Box 593  
Wellington

Dear David

## **RE HENDERSON HISTORIC RAILWAY STATION**

The Henderson Heritage Trust owns the historic railway station building and have the support of Council to restore the building and make it a useable part of the Henderson town centre. The historic station has been painted but is not yet restored. To be honest, until it is restored it will continue to look like a wart sitting in the middle of \$15 million worth of investment in public transport infrastructure.

When I wrote to you last year concerning the lease, I was assured that this matter would be addressed. Unfortunately, staff changes at ONTRACK have meant that finalising some of the lease conditions have fallen off the radar.

The Trust requested a meeting with your staff and myself to clarify the following matters:

- The building footprint of the lease
- Term of the lease
- A condition concerning possible relocation of the building in the event that ONTRACK may require the land.

A meeting was due to take place on 16 April. Shortly before that meeting the Chairman of the Trust received the following advice from Neil Davies, the National Lease Manager:

*"I have canvassed the concept of a meeting with relevant ONTRACK personnel. The general feeling is that until ONTRACK finalises the engineering standards for electrification there is little to be gained by meeting as suggested.*

*I understand that the standards should be complete within 3 months.*

*While I appreciate that this does little to help your cause, I must decline the invitation to meet at this stage."*

The response by your staff to meet and resolve these issues is quite frankly abysmal. The Henderson Heritage Trust are not in this for personal or commercial gain, they are a charitable Trust who want to see the City's heritage preserved. They have been shunted from pillar to post and two years later, still do not have a finalised lease agreement.

I would like to see this matter given some urgency by ONTRACK. If the Trust can finalise their lease it will pave the way for them to obtain the required funding to restore the historic building to its former glory.

I look forward to your response.

Yours truly,

A handwritten signature in black ink, appearing to read 'R.A. Harvey', written over a horizontal line.

**R.A HARVEY QSO, JP  
MAYOR  
WAITAKERE**

cc. Mike Williams, ONTRACK Board of Directors, PO Box 593, Wellington

# **Walking Access Bill**

Government Bill

## **Explanatory note**

### **General policy statement**

This Bill establishes the New Zealand Walking Access Commission (the **Commission**). The Commission will be a Crown entity with the status of a Crown agent under the Crown Entities Act 2004.

The Bill arises from public concern about the availability of public walking access to the outdoors, especially around the coast, around lakes, and along rivers. There has been a popular conception that there is a strip of public land along these areas known as the Queen's Chain. While there are many public reservations of this kind, they are by no means universal, and frequently their precise location is not well known or easy to locate.

In addition to concerns about public access along water margins, there has also been concern about public access to water margins (that is, reasonably convenient access across country to beaches, lakes, and rivers), and access to other public land such as national parks.

The Commission's functions include a leadership and co-ordination role in the provision of public access to the outdoors, the provision of information about the location of existing public access, the provision of a code of responsible conduct for the guidance of the public and landholders in respect of recreational access to the outdoors, and facilitating and funding the negotiation of new public access across private land.

The Bill re-enacts in large measure the provisions of the New Zealand Walkways Act 1990, but transfers to the Commission the present roles in respect of walkways of the Minister of Conservation, the Director-General of Conservation, the New Zealand Conservation Authority, and Conservation Boards.

The Bill does not interfere with private property rights. Public access to private land remains subject to negotiation and agreement with landholders.

The Government has agreed that the monitoring department for the Commission will be the Ministry of Agriculture and Forestry.

#### **Clause by clause analysis**

*Clause 1* relates to the Title.

*Clause 2* relates to the commencement of the Bill.

#### **Part 1**

##### **Preliminary provisions**

*Clause 3* sets out the purpose of the Bill.

*Clause 4* defines certain terms used in the Bill.

*Clause 5* provides that the Bill binds the Crown.

#### **Part 2**

##### **New Zealand Walking Access Commission**

###### **Subpart 1—Establishment, objective, and functions of Commission**

###### *Establishment of Commission*

*Clause 6* establishes the New Zealand Walking Access Commission (the **Commission**).

*Clause 7* provides that the Commission is a Crown entity for the purposes of the Crown Entities Act 2004. The provisions of the Crown Entities Act 2004 apply to the Commission, except as expressly provided in the Bill.

*Clause 8* provides for the board as the governing body of the Commission. The board consists of 5 to 8 members appointed by the Minister. At least 1 member must have a knowledge of tikanga Māori.

*Objective, functions, and priorities of  
Commission*

*Clause 9* specifies the objective of the Commission, namely to lead and support the establishment, maintenance, and improvement of walking access.

*Clause 10* sets out the functions of the Commission in meeting its objective under *clause 9*. All of the functions relate to walking access, both in respect of walkways under the Bill and other walking access.

*Clause 11* provides that, in negotiating walking access over private land, the Commission may give priority to obtaining walking access over certain types of land.

*Government Superannuation Fund*

*Clause 12* provides that a person who, immediately before being employed by the Commission, was a contributor to the Government Superannuation Fund is deemed to be employed in the Government service. A person ceases to be deemed to be employed in the Government service when the person ceases to be employed by the Commission.

*Clause 13* provides that *clause 12* does not entitle a person to become a contributor to the Government Superannuation Fund if the person has (since being employed by the Commission) ceased to be a contributor.

*Clause 14* provides that, for the purposes of applying the Government Superannuation Fund Act 1956 to a person referred to in *clause 12*, the Commission is the controlling authority in relation to that person.

Subpart 2—Code of responsible conduct

*Clause 15* specifies that the purpose of *clauses 16 to 22* is to provide for the development and issue of a code of responsible conduct in relation to walking access for the general guidance of certain people.

*Clause 16* provides that the code may include all or any of the following:

- summaries of benefits conferred and obligations imposed, by the Bill or any other enactment, on members of the public and relevant landholders in relation to walking access:

- recommendations on the standards of behaviour to be observed by users of walking access and relevant landholders:
- any other information that the Commission considers would be useful for users of walking access and relevant landholders.

The code may make recommendations that are specific to a local area or a region.

*Clause 17* requires the Commission to prepare a draft code as soon as practicable after the commencement of the Bill.

*Clause 18* requires the Commission to give public notice of the draft code, invite public comment on it, and consider the comments received.

*Clause 19* specifies the matters to be considered by the Commission before issuing a code under *clause 20*.

*Clause 20* provides that the Commission may issue the code at a time, and in a manner and form, that the Commission thinks appropriate.

*Clause 21* permits the Commission to amend the code or revoke it and substitute another code. *Clauses 17 to 20* apply, with all necessary modifications, unless the amendments are minor and do not materially affect the code.

*Clause 22* requires the Commission to ensure that copies of the code are available to the public for inspection and purchase.

### **Part 3**

#### **Walkways**

##### **Subpart 1—Establishment and administration of walkways**

###### *Establishment of walkways over public land*

*Clause 23* provides that if the Commission considers that any public land should be made available for use as a walkway, it may propose to declare the land to be a walkway.

*Clause 24* requires the Commission to obtain the written consent of the administering authority of public land before declaring the land to be a walkway. Consent may be made subject to any conditions that the administering authority may impose.

*Clause 25* applies if the Commission proposes to declare public land to be a walkway and the land is or includes an unformed legal road.

Before declaring the land to be a walkway, the Commission must consult the public on the proposed declaration by giving public notice of the proposed declaration, inviting the public to comment on it, and considering the comments received.

The Commission must also obtain the written consent of the local authority in whose district the land is located, after first providing the local authority with the comments received and allowing the local authority a reasonable period of time to consider the comments. In deciding whether to consent to the proposed declaration, the local authority must consider each comment provided to it. It may impose conditions in relation to the walkway.

If the local authority consents to the declaration of a walkway, the landholders with legal frontage on, or direct access to, the unformed legal road retain their existing right to use the unformed legal road.

*Clause 26* requires a plan that defines a walkway on public land. The plan must comply with rules made by the Surveyor-General under the Cadastral Survey Act 2002, unless the Surveyor-General grants an exemption under that Act. The plan must be lodged with the chief executive and recorded in the cadastre.

*Clause 27* provides for the Commission, after complying with the statutory requirements, to declare public land to be a walkway by notice in the *Gazette*, giving the walkway a distinctive name and specifying any condition imposed by the Commission or by the administering authority or local authority in granting consent to the walkway.

*Clause 28* provides for registration of the *Gazette* notice declaring a walkway over public land that is subject to the Land Transfer Act 1952, with particulars of that notice to be entered in the register.

#### *Establishment of walkways over private land*

*Clause 29* provides that if the Commission considers that any private land should be made available for use as a walkway, it may negotiate with the landholder to acquire an easement or lease over the land for use as a walkway.

*Clause 30* provides that if the Commission proposes to negotiate for an easement or lease over Māori freehold land for use as a walkway, it must do so with the owners of that land, whether those owners are trustees, a Māori incorporation, a sole owner, joint tenants, or owners in common. The provisions of Te Ture Whenua Maori Act

1993 apply to the grant of an easement or lease over Māori freehold land for use as a walkway.

*Clause 31* requires an easement or lease acquired under *clause 29* to be supported by a plan that defines the land over which the easement or lease is granted in accordance with rules made under the Cadastral Survey Act 2002, unless an exemption is granted under that Act. The plan must be lodged with the chief executive and recorded in the cadastre.

*Clause 32* provides for registration of an easement or lease acquired under *clause 29*.

*Clause 33* provides that if the Commission acquires and registers an easement or lease over private land in accordance with *clauses 29 to 32*, it must publish a notice in the *Gazette* declaring the land to be a walkway, assigning a distinctive name to the walkway, and specifying any conditions imposed in relation to the walkway.

*Clause 34* provides for registration of the *Gazette* notice declaring a walkway over private land, with particulars to be entered in the register.

#### *Powers of Commission in relation to walkways*

*Clause 35* sets out the Commission's powers in relation to walkways, including powers relating to accessibility, the approval of facilities, amenities, and charges, powers in relation to committees, organisations, and controlling authorities, and powers of enforcement. The Commission must obtain the written consent of relevant landholders before approving facilities or charges, unless those matters are provided for in the terms of the relevant easement or licence.

#### Subpart 2—Rights of public and liability of landholders

*Clause 36* provides that members of the public may, at any time and without charge,—

- pass or repass over any walkway on foot; and
- perform any activity that is reasonably incidental to that passing or repassing.

However, that right of foot access does not prevent a person who requires mobility assistance due to a physical or neurological impairment from using a personal mobility device on a walkway.

The rights conferred by *clause 36* are subject to the provisions of the Bill and any other enactment relating to the administration or control of public land, and any conditions referred to in *clause 24 or 33*.

*Clause 37* limits the liability of landholders of land on which a walkway is located.

### Subpart 3—Controlling authorities

*Clause 38* provides for the Commission to appoint a department, local authority, or other public body to be the controlling authority of a walkway. The Commission may also review and revoke the appointment of a controlling authority.

Before appointing a department as a controlling authority, or revoking its appointment, the Commission must obtain the consent of the Minister responsible for the department.

*Clause 39* provides that if a walkway has been declared over public land under *clause 27*, the administering authority of the land is the controlling authority for the walkway. However, if the administering authority advises the Commission, in writing, that it does not consent to becoming the controlling authority, the Commission may instead appoint a controlling authority in accordance with *clause 38*.

If there is no controlling authority under *clause 38 or 39*, the Commission is the controlling authority.

*Clause 40* sets out the functions and powers of controlling authorities. A controlling authority's functions relate to marking the line of a walkway, structures and notices on walkways, the control and use of walkways, and the promotion and maintenance of walkways. A controlling authority has the power to do anything that is reasonably necessary or desirable to enable it to carry out its functions, including the expenditure of money in respect of a walkway. In discharging its functions and powers, a controlling authority is responsible to the Commission.

#### Subpart 4—Closure and revocation of walkways

*Clause 41* provides that a controlling authority, if it is satisfied that there are reasonable grounds for doing so, may close a walkway for safety reasons, during an emergency, for maintenance or development work, or if requested to do so by the landholder of land adjacent to the walkway. A controlling authority must close a walkway if it considers that the closure is necessary to comply with a condition imposed in relation to the walkway.

A walkway must be closed for no longer than the controlling authority considers is necessary, and the closure must be notified to the Commission and the public.

*Clause 42* specifies how a closure must be notified to the public.

*Clause 43* provides that the Commission may revoke the declaration of a walkway in whole or in part by notice in the *Gazette*.

*Clause 44* provides for registration of the *Gazette* notice revoking the declaration of a walkway.

*Clause 45* provides that if a revocation relates to a walkway over private land, the Commission must ensure that the relevant easement or lease is surrendered, and that the surrender is registered.

### Part 4

#### Compliance and enforcement

##### Subpart 1—Enforcement officers and their powers

###### *Appointment and removal*

*Clause 46* sets out the process by which the Commission may appoint and remove enforcement officers.

*Clause 47* provides for sworn members of the police and fish and game rangers to be enforcement officers by right of office.

*Clause 48* provides for the appointment and removal of honorary enforcement officers by the Commission.

*Clause 49* sets out the requirement for written warrants to be issued by the Commission to enforcement officers and honorary enforcement officers and the terms that must be included in a warrant.

*Clause 50* requires the surrender of a warrant on the termination of an appointment.

*Powers of enforcement officers and honorary  
enforcement officers*

*Clause 51* relates to the manner of exercising powers by enforcement officers and honorary enforcement officers.

*Clause 52* allows enforcement officers and honorary enforcement officers to enter a walkway with a vehicle or dog if necessary for the purpose of exercising their powers.

*Clause 53* relates to the exercise of a power to prevent an offence or stop a person in the act of committing an offence.

*Clause 54* confers on enforcement officers and honorary enforcement officers a power to require personal details to be given in certain circumstances.

*Clause 55* provides protection against civil and criminal liability for persons exercising a power under this Part, unless bad faith is involved or there are no reasonable grounds for the person's conduct.

**Subpart 2—Offences and penalties**

*Clause 56* relates to the commencement of proceedings under the Summary Proceedings Act 1957 for offences against this Bill. Information must be laid within 1 year of the time when the matter first became known or within 3 years after the offence was committed, whichever is the earlier.

*Clause 57* sets out the strict liability offences against the Bill, clarifying the burden on the defendant to establish a defence that an activity is authorised.

*Clause 58* provides for certain defences against strict liability offences, without limiting any other defences that may be available.

*Clause 59* sets out conduct that constitutes an offence against the Bill if the requisite knowledge, intent, or recklessness is proven by the prosecution.

*Clause 60* provides that in the event of an inconsistency between an offence under the Bill relating to the administration or control of public land and an offence under any other enactment, the provisions of that other enactment prevail in relation to the relevant land.

### *Penalties*

*Clause 61* provides a maximum penalty of \$5,000 and \$10,000 respectively, for conviction for strict liability offences and offences committed knowingly, intentionally, or recklessly.

*Clause 62* sets out a further penalty for a continuing offence in relation to placing an obstruction on a walkway; and *clauses 63 and 64* provide penalties for corporate offenders and set out the liability of directors and managers.

*Clause 65* provides for a sentence of community work and *clause 66* deals with the liability of offenders for loss, damage, or costs.

*Clause 67* covers evidential matters.

### Subpart 3—Miscellaneous provisions

#### *Regulations and bylaws*

*Clause 68* sets out regulation-making powers and *clauses 69 to 71* specify the requirements for a controlling authority to make bylaws, publicly notify them, and make them available to the public.

#### *Transitional provisions*

*Clause 72* provides that entities that were appointed to be controlling authorities under the New Zealand Walkways Act 1990 (the **1990 Act**) continue to have that function as if they had been appointed under the Bill.

*Clause 73* provides that easements, leases, and agreements entered into before the commencement of the Bill for the purposes of the 1990 Act vest in the Commission under this Bill. However, *clause 74* saves certain agreements made under the 1990 Act for administration by the Minister of Conservation.

Under *clause 75*, the money held before the commencement of this Bill in the Department of Conservation's Grants and Gifts Trust Account vests in the Commission, but must continue to be used for the purposes for which the money was granted.

*Clause 76* provides that the Commission does not become liable for the acts or omissions of any person under the 1990 Act, though proceedings commenced before the commencement of this Bill may be carried on, completed, or enforced by or against the Director-General of Conservation as if the 1990 Act had not been repealed.

### *Review of Act*

*Clause 77* requires the Minister, 10 years after the commencement of the Bill, to consult with the Commission on the terms of reference for a review of the Bill, and to review the Bill by considering whether the Bill is needed, whether amendments are needed or desirable, and whether its operation and effectiveness have been satisfactory. Within 11 years of the commencement of the Bill, the Minister must report the findings and any recommendations of the review, and present a copy of the report to the House of Representatives.

### *Repeal and amendments*

*Clause 78* repeals the New Zealand Walkways Act 1990 and *clause 79* provides for amendments to certain Acts, as set out in the *Schedule*.

## **Regulatory impact statement**

### **Summary**

The problem is the lack of authoritative information about public walking access rights to the countryside, the lack of adequate public access to and along the coast and rivers, to and around lakes and to other public land, the impact of changes in land ownership on voluntary access arrangements, and the lack of any satisfactory means of resolving disputes over access.

### **Adequacy**

The policy proposal has no significant impact on economic growth, and it has therefore been reviewed within the Ministry of Agriculture and Forestry (MAF).

### **Status quo and problem**

At present there is no public agency responsible for the provision of authoritative information about walking access rights to land. Land Information New Zealand (LINZ) is responsible for the maintenance of legal records about land ownership, but these are designed for the use of lawyers, surveyors, and other professional users rather than the public. Furthermore, this information needs to be related to topographic or photographic information to be of practical use for access.

LINZ is also responsible for the production of topographical maps, but these are designed primarily for the use of government agencies, and focus on the physical characteristics of the landscape rather than the legal status of the land. Publicly accessible land that does not have an obvious physical manifestation such as an unformed legal road and various forms of water margin access is not depicted. Some private roads and tracks are shown without any indication that the land is not open to the public.

There is a popular belief that there is a strip of public land called the Queen's Chain around the coast and lakes and along rivers. In reality, there is a range of publicly reserved land of varying legal status along around two-thirds of the coast and perhaps along about half of the potential lake front and river margin. Precisely where this reserved land is cannot be readily identified by the public or landowners.

In addition, water margins move over time as the result of accretion and erosion, and this has affected water margin reserves so that their location can be uncertain in relation to current water margins, and their effectiveness may have been eliminated by being submerged by water.

In respect of water margin reserves, both the public and landowners are faced with regulatory uncertainty and inadequate property right identification.

Public access over land to water margins or to public land, such as national park or other publicly reserved land, is not always available or depends on the goodwill of affected landowners. In some instances there may be access over unformed legal roads, but these roads are generally incorporated in the adjacent farmland, are difficult to identify, and their use may be unlawfully obstructed by adjoining landowners (eg, by fences, buildings, or crops).

Changes in land ownership and accompanying changes in landowner attitude have meant that there has been a trend away from the tradition of landowners permitting or tolerating public access across their land. There is a concern that this trend will continue and result in long-term deterioration in recreational access opportunities.