
Next Priority: The Black Tracks

Submission to the Review of the Walking Access Act 2008

June 2019
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Ali Rogers, Department of Conservation

A member of the Green Hut Track Group heading for the Silver Peaks to the north of Dunedin, to work on an overgrown track. September 2017. The group of volunteers has been maintaining Dunedin tracks, usually on a Wednesday, since about 2000.

<https://petemcdonald.co/Sub2008Act.pdf>

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Submission to the Review of the Walking Access Act 2008

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 Submitter's interest: Walker and cyclist.

A Cautionary Note

From 2003 to 2012 I took a close interest in the issues of walking access to the New Zealand countryside and I submitted responses to various government consultation panels. But in late 2012 my research and writing returned to a different subject. So my knowledge of New Zealand walking-access matters is now seven years behind the steady developments, both locally and nationally. Some parts of this submission might reflect a less than fully informed standpoint. However, regarding the Walking Access Mapping System (WAMS), my disengagement and out-of-dateness do place me in the advantageous position of now being a returning user of the system, able to comment on it from a fresh perspective.

The Purpose of the Act

Pages 12–14 of the MPI paper *Reviewing the Walking Access Act 2008* discuss the purpose of the Act. These pages also discuss the objectives and functions of the Commission.¹ If we are to judge from the points made in the paper, it seems likely that the purpose of the Act will be revised. Section 3 of the Act states the purpose, and the first paragraph reads:

The purpose of this Act is to provide the New Zealand public with free, certain, enduring, and practical walking access to the outdoors (including around the coast and lakes, along rivers, and to public resources) so that the public can enjoy the outdoors.

Some of the wording in this paragraph may now be seen to be unfairly restrictive, particularly the apparent limitation of the activity to walking and the lack of any mention, in this crucial first paragraph, of other activities such as cycling. However, the essential simplicity of the four criteria – ‘free, certain, enduring, and practical’ – has served the Commission well as a guiding light, easily understood by everyone and frequently quoted. While acknowledging the possible necessity for some changes to this paragraph, I would favour retention of the wording ‘free, certain, enduring, and practical’.

Unfinished Business

Cyclists in particular have waited a long time for a deeper consideration of their access needs. Throughout the access debate of 2003–2008, cyclists’ access needs were waiting for attention, not entirely ignored but stuck on the perimeter of the conversation. Behind the scenes in Wellington, the access needs of cyclists may have received some perusal. Evidence of this existed in the 2003 appointment of the well-known mountain-biker Simon Kennett to the Land Access Ministerial Reference Group. In July 2003 the summary of submissions to the reference group contained three brief mentions of mountain-bikers or cyclists.² But in August 2003 the reference group’s 129-page report contained only eight words about cycling: ‘Bicycle access

could be considered alongside pedestrian access'.³ Then, in October 2003, my submission to the minister for rural affairs included about ten paragraphs on cycling access.⁴ The issue really began to attract some attention not in regard to private land but in the context of national parks. In December 2003 Mountain Bike New Zealand (MTBNZ) made a submission to the Draft General Policy National Parks Act, arguing that the General Policy should recognise mountain-biking as a permissible recreation within national parks, on designated tracks.⁵

Apart from occasional exceptions such as those just mentioned, the access needs of cyclists (and of other non-motorised users other than walkers) remained little examined before the Walking Access Act 2008. The review of the Act is an opportunity to properly tackle this unfinished business. The MTBNZ submission happened sixteen years ago and it led to some experimental use of several tracks in Kahurangi National Park. I imagine there is now a body of knowledge, nationally and internationally, about what works in shared use and what doesn't work. But brace yourselves for some gnarly conflicts of interest. Some potential uses may be demonstrably incompatible with each other.

Functions of the Commission

Section 10 of the Act lists the functions of the Commission. Most of them seem to me to be still very relevant. I will just give one specific example of continued relevance. One of the functions is: 'researching, educating the public about, and participating in topics and programmes related to walking access'. Although the Commission has already achieved much success in carrying out this function, the job of educating the public, and sometimes even of correcting the local-authority planners and such like, is unlikely to diminish in the foreseeable future.

A recent example comes to mind. While looking at the Walking Tracks page of the Dunedin City Council website, I noticed a prominent piece of advice near the top of the page: 'Please remember that access through private property is a privilege, not a right. Public use of this area is at the goodwill of the landowners.'⁶ I discussed the complications behind this sort of over-simple contention back in 2003.⁷ Brief and apparently authoritative statements about walking access being a privilege, made without any informed proviso or analysis or specific local context, do not help to improve the public's understanding of legal access rights. I can understand the good intentions behind the statement, but few aspects of access are simple, and the question of rights and privileges is certainly not. The subject does not lend itself to generalisations. Short statements like the one I've quoted seem to be anchored deep within the New Zealand access psyche and – despite the educational efforts of the Commission – they continue to crop up at all levels of engagement.

Which brings me to one other point about the functions of the Commission. The present list of functions includes a requirement to 'provide advice to the Minister or any other person'. There may be scope for explicitly stating a need for the Commission to provide advice on legislative ways to reduce some of the underlying legal complexities of recreational access to the countryside.

The list of functions also includes 'researching ... topics ... related to walking access'. A suggestion connected with this function will appear later under 'Research'.

The Commission's Priorities in the Act

Section 11 of the Act lists the Commission's priorities for negotiating walking access over private land. In my interpretation of the wording, the repetition (four subsections) of the need to prioritise the negotiating of walking access to the coast, rivers and lakes seems to dominate the Section. It seems to somewhat crowd out the importance of negotiating access to 'areas of scenic or recreational value', places which may often be far away from any coasts, rivers or lakes. One of my local walks, Cleghorn Street Track, crosses the farmland containing McGregors Hill. This track doesn't go anywhere near any coast, river or lake. Many of the most exquisite outdoor spots in New Zealand are not close to any water bodies, either still or moving. Section 11 of the Act needs to be interpreted widely by the Commission itself and by local authorities and the public. Is this happening? As far as I know, the route past McGregors Hill, a locally important link close to the city, is partly still only a permitted track, with little or no legal permanence. The potential fragility of the informal agreement behind this track has been recognised for about twenty years. Under the present wording of Section 11, it seems to me that an over-strong emphasis on water margins could delay the consideration of the need to formalise the access to Cleghorn Street Track and to others like it.

Working Towards Equal Access

Immigrants in New Zealand may be one group of people who face greater than normal difficulties in accessing the countryside. Immigrants with a limited grasp of English would be hard pressed, without going to night school, to make any sense of the legal complexities underlying walking and cycling access to the New Zealand countryside. They should be able to discover and use the tracks without necessarily knowing the legal basis of those tracks. If they are living in Dunedin and are wanting to explore the local tracks, they could find themselves searching the WAMS, the Department of Conservation (DOC) website, and the Dunedin City Council website. This planning would be easier if carried out on one complete national database. (Regarding other aspects of equal access, see also 'Unfinished Business' earlier in this submission.)

Coping with Visitor Numbers

I can only comment on what I've seen in the Dunedin area. I've never felt any sense of overcrowding on a track in this area. The Big Easy, a very popular shared track on Signal Hill, might be a place to avoid on busy weekends. The Ross Creek tracks are well used by walkers and runners. But when is popular too popular? I don't know. Some of the locals who live near busy tracks on the Otago Peninsula might have a different tale to tell.

DOC has many years of experience in monitoring and controlling the use of some of the busiest tracks in the national parks. I presume that the Commission or Tourism New Zealand already monitors the use of some of the busiest tracks outside the national parks. I don't know if the Commission or Tourism New Zealand has already identified any hot spots where access should be controlled or no longer actively promoted. I hope that any decisions on these matters will be based on the results of accurate monitoring and detailed research and on a strong consensus on what constitutes 'overcrowding'.

Addressing Barriers to Landowners Providing Public Access

The Commission has already achieved much quiet success in regard to hearts and minds and the urban-rural divide. But if a landowner is determined to close a concessionary track, the Commission might not be able to do much to prevent the closure. If, however, a landowner wishes to reverse a negotiated legal right, such as an easement, that would be a different matter. It is difficult for me to comment any further on such situations without knowing the exact circumstances. Whenever tracks are closed and lost to the public, there may be lessons to be learnt in connection with the Commission's responsibility to negotiate access that endures.

Organisations Working Together

On its page 21, the MPI May 2019 paper briefly mentions the Walking Access Mapping System (WAMS) and the fact that many different agencies – the Commission, DOC, numerous local authorities and recreation groups – provide information on access.

The discussion paper only very briefly mentions the past and present mapping issues. Maybe the writers were thinking that the mapping issues have been thoroughly and repeatedly ventilated for over twenty years (as indeed they have been) and that it's now time to focus on other matters. Be that as it may, and despite ten years of tremendous work on the WAMS, and despite much cooperation between the different agencies, a number of mapping issues still demand our attention. I will look at them in some detail later in this submission, under 'A Fresh Look at the WAMS'.

When organisations don't work together, one example of a problem that can arise concerns the names of tracks. In a paper in 2013 I showed that when two or three agencies produced maps of the same area the duplication sometimes led to a track having two different names.⁸ This can pose a problem for guidebook writers and could lead to confusion during emergencies.

Acts and Regulations Not Working Together Well

Overlaying Easements onto Unformed Public Roads

The MPI paper discusses the desirability of superimposing gazetted walkways onto unformed public roads and the difficulties involved in doing so.⁹ The question of overlaying easements onto unformed public roads or onto any other public land has remained a thorny one since the New Zealand Walkways Act 1975. One of the basic and intractable issues involved has been the different needs of non-motorised users (such as walkers) and of motor-vehicle users. *Foot-tracks in New Zealand* records some sporadic upsurges of this issue, including attempts to discuss and resolve it.¹⁰ Our law-makers have now had forty-four years in which to find a solution. In 2008, MPs of all persuasions joined together to pass the Walking Access Act. The overlaying of easements onto unformed public roads is a prickly leftover from 2008 that politicians could usefully return to. The challenge would be twofold: firstly, to find a way to amend the relevant legislation to facilitate the superimposing of easements onto unformed public roads. Secondly, to sell the proposed law change to the different interest groups, without reigniting the adversarial debate that took place from 2003 to about 2006. If these two ambitions prove too difficult to achieve, then the only helpful direction for the Commission to head may be towards more talking with local authorities.

Tracks and Rivers Moving in Sync

The MPI discussion paper makes an important point, on page 22, about the need for gazetted walkways that follow waterways to move in sync with those waterways. The 2008 Act does not allow for this sort of common-sense automatic change.¹¹ But the example of gazetted easements running contiguously alongside rivers and streams is merely one illustration of a wider problem. There seems to me to be a danger that the whole Tracks and Trails module of the WAMS may become burdened with many minor discrepancies between the physical tracks and the underlying legal tracks. The resulting maps may be functional enough to meet people's needs in the medium term, despite some ugly cartography; but in the longer term the discrepancies between the physical tracks and the theoretical legal tracks may pose legal complications in some places.

A Fresh Look at the WAMS

Two State Map-makers

In 2003 I knew that nearly sixty tracks were missing off the six sheets of the Topographic Map 260 series that covered the area administered by Dunedin City Council. I argued that our national series of 1:50,000 topographic maps should be the primary record of our physically evident tracks and that the government should require Land Information New Zealand (LINZ) to focus more strongly on the needs of outdoor recreators.¹²

What happened in response to the first half of this argument, I'm not sure; since then, to its credit, LINZ has listened to some suggestions and has added a number of tracks to the sheets in question.

But I definitely lost the second half of the argument. The government did not directly impose any new requirement for LINZ to listen to walkers and cyclists and other recreational users of the outdoors. Instead, it approached the issue in a different way. In 2007 the Walking Access Consultation Panel envisaged that a proposed access agency would contract commercial firms to 'establish and manage a single, publicly accessible and officially recognised database of access information' and that 'public access topographical maps derived from this database would become available both through the internet and on paper'.¹³ In response to this recommendation, in 2008 the government established a new map-maker, the New Zealand Walking Access Commission, tasked with providing New Zealanders with information on walking tracks and legal access.

So, since 2008, New Zealand has had two state map-makers. Is this combination working well? Should the two agencies remain separate? How successful is the WAMS? Was I wrong to have preferred having just the one national mapping body? This section will try to answer these questions.

On reading the MPI paper *Reviewing the Walking Access Act 2008*, something on page 21 caught my interest, about mapping and organisations working together:

Agencies could improve the public's ability to find information about access. We've heard people would like to have one source of information about where there is public access to the outdoors, and how you can use each track, trail or areas (for example, are they pram-friendly, do they permit dogs or gun-use). At the moment, there are many locations you can find information, and this can make researching a simple walk a big information exercise. At the moment, the Commission has *WAMS*

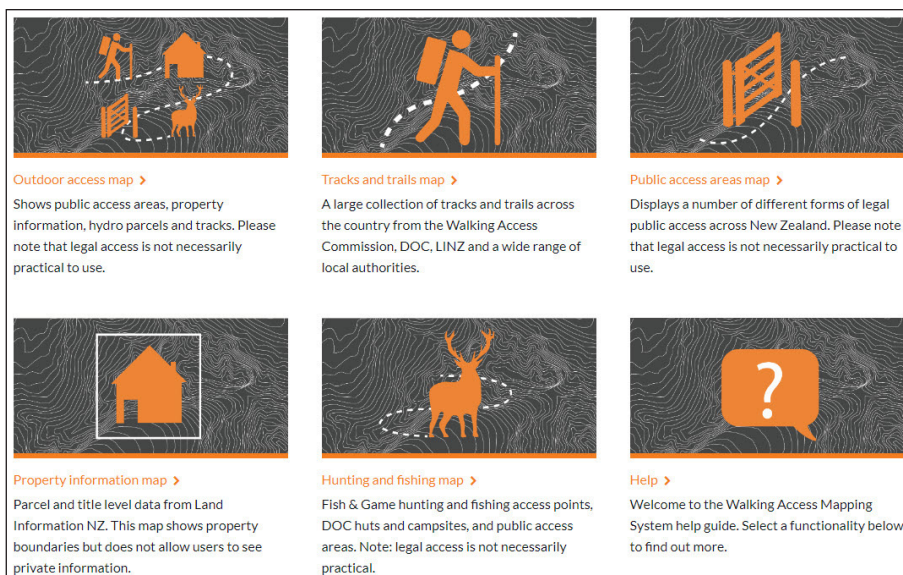
– the *Walking Access Management [sic] System* on its website showing legal public access, hunting and fishing spots and property information. The Department of Conservation’s website shows its conservation sites, and local government often provides information about their area, as do many recreation groups. Not having one point of comprehensive information also means it’s hard for volunteer groups wanting to create new access opportunities to figure out where the gaps are in their area.¹⁴

This well-informed and accurate paragraph raises some important questions that need answering now, during the Ministry’s review of the 2008 Act:

- does the Commission intend the Tracks and Trails part of the WAMS to be a complete map of all the foot-tracks and cycle tracks that are free, certain, practical and enduring?
- to what extent does the present Tracks and Trails map, still under construction, meet that intention?
- how effectively, in terms of map symbols, does the present Tracks and Trails map show those tracks?

A Well-behaved Database

On 22 May, having not used the WAMS for seven years, I decided to open it and to learn, if possible, how to produce and print an A4 map of an area to the north of Dunedin, at a scale of 1:50,000. I wanted the map to show all the physically evident foot-tracks and cycle tracks, on a topographic base, subject to the limitations of the scale. (Given the choice, I would have preferred an A3 map at a scale of 1:25,000, but I did not know whether any topographic mapping at 1:25,000 was available for this area.) I also wanted the map to distinguish between private tracks and tracks freely open to the public.



The Walking Access Mapping System (WAMS) comprises five different maps. The comments made in this submission are based on only a couple of hours of trialling just one of those maps, the Tracks and Trails Map.

The result of this exercise, carried out on a ten-year-old desktop PC, was a welcome surprise. After reading several of the WAMS help pages (Layer list, Download map, and Basemap gallery), I obtained and downloaded the 1:50,000 map extract that is reproduced on page 13 of this submission. Just twenty minutes’ work. No snags. A fast and well-behaved system that produced exactly the page size and map scale that I had entered into the

menu. Furthermore, the LINZ basemap shows a considerable number of tracks that are missing on my old 2002 Dunedin 1:50,000 map. Also, the extract makes gazetted walkways and DOC tracks stand out unmistakably.

But these merits of the Track and Trail Map module of the WAMS, though very impressive, are not quite the full story. The WAMS still has some growing pains. Although it was great to see all the gazetted walkways clearly displayed, the solid red lines that signify them, together with the solid brown lines that show DOC tracks, dominate the track information on this extract. They lend a disproportionate prominence to the walkways and the DOC tracks. This cartographic pre-eminence of the gazetted walkways and the DOC tracks endows them with a greater apparent importance than the several kilometres of Dunedin City Council tracks that mainly appear as black dashed lines. Yet many of the council foot-tracks are physically evident, well signposted, well promoted, adequately maintained and frequently used.

A day or two later, after another twenty minutes of experimenting with the WAMS, I realised that you could enlarge the 1:50,000 topographic base map to, for example, a scale of 1:25,000. This enabled me to generate a 1:25,000 map extract (reproduced on page 14 of this submission) that shows the network of Silver Stream tracks quite well. Ten years ago none of these Silver Stream tracks appeared on the LINZ 1:50,000 maps. The fact that the LINZ topographic base map now shows them is a sign of progress. I hasten to add, here, that my comments are based on just a total of two hours' recent use of the WAMS and on one tiny fraction of the area of New Zealand. If I have inadvertently underestimated the ability of the Tracks and Trails module to show *all* the tracks clearly, I apologise for doing so. I will return to the subject of map scales later.

In creating the WAMS, the Commission and its GIS contractors have sought to meet the requests of more than a thousand people who responded in 2003 to Jim Sutton's question: 'How can greater clarity and certainty about availability of access be provided?'¹⁵ The WAMS has already filled some parts of the information vacuum that existed through the 1990s and up to 2008. Since 2008, GIS professionals have expertly fashioned the WAMS into a vast mapping database, the paper equivalent of which might once have occupied a five-storey office block. The mapping system attempts to meet the widely different needs of a huge variety of users. At one extreme, these users include experts who burrow deeply into the database to dredge up esoteric scraps of vital legal information. At the other extreme, many users may simply be wanting to know where the tracks are and which of them they can use. The latter users may not be the slightest bit interested in the mysteries of unformed public roads, ambulatory marginal strips, easements, esplanade strips, esplanade reserves and so on. The design defect described above, which distorts the relative importance of the various tracks, has probably evolved as an unavoidable and temporary result of the tangled complexities faced by the digital map-makers.

Complexities

Regrettably, it is easier to identify the few shortcomings of the Tracks and Trails module of the WAMS than it is to devise solutions that are cartographically effective and aesthetic and also legally correct. In a submission in October 2003 I anticipated this predicament and I floated a very tentative resolution for it, involving identifying legal statuses that could be unified and regularised.¹⁶ I discussed this radical idea again in 2011 in *Foot-tracks in New Zealand*, in a section titled 'The Mix of Legal Statuses and the Scope

for Unification'.¹⁷ At the present time, such sweeping unification of the legal statuses of tracks looks further away than ever. It may never happen. So we need to persevere in continuing to gradually improve the WAMS so that it clearly shows all physically evident tracks and which of them are open to the public.

Writing this submission has jogged my memory and has reminded me of some of the complexities that underlie recreational access to the New Zealand countryside. Is there any other country in the world where people's rights of recreational access to land are as legally diverse as in New Zealand? Furthermore, if the purpose of the Act is widened to include a greater range of users, the intricacies of the whole access scene will increase. The track symbols in the WAMS, for example, may need to differentiate between walking tracks and multi-use tracks. At the same time, the WAMS must remain an authoritative source of information on the underlying legal status of each section of track. The review of the 2008 Act provides an opportunity to pause for thought and to reconsider and clarify exactly where the Track and Trails module of the WAMS is heading in the longer term.

Map Scales

A mapping matter that has received occasional attention over the years since 2003 is the question of the best map scale for showing all foot-tracks and cycle tracks. One of the questions that the Walking Access Consultation Panel asked in April 2006 was: 'What map scale is necessary to make the maps useful?'¹⁸ My answer back then still seems to me to be relevant today:

This is an interesting question. I have thought for some years that in some places in New Zealand, especially in urban areas and on urban fringes, 1:25,000 maps would show walking tracks more clearly than 1:50,000 maps. But I have always assumed that New Zealand cannot afford to produce 1:25,000 maps, especially not on paper. If, however, producing some 1:25,000 mapping is technically possible and affordable – even if the maps were to become available only online – doing so could radically improve the quality of track information available to New Zealanders (provided that the source data is accurate, up to date and complete).¹⁹

The existing LINZ 1:50,000 topographic mapping functions tolerably well as a WAMS basemap for alpine regions and national parks and many reserves and rural areas. The scale of 1:50,000 will remain the ideal basemap scale for many users. However, there are strong arguments in favour of the scale of 1:25,000 for mapping intricate networks of tracks close to urban areas.

I mentioned earlier that the Tracks and Trails Module of the WAMS allows you to enlarge the 1:50,000 basemap to 1:25,000, a more suitable scale for showing tracks in a peri-urban area. But producing 1:25,000 topographic mapping by enlarging from 1:50,000 topographic mapping should be considered a makeshift temporary solution to the need for maps at a larger scale than 1:50,000. All the conventional signs, magnified, become bigger than is necessary. Roads, for example, acquire a greater line-width than is required or desirable. Purpose-designed 1:25,000 mapping would be far superior in clarity and detail.

A good start would be for the Commission to recognise the potential of 1:25,000 mapping for areas like my Dunedin example. (Perhaps it has done so already?) A pilot project in 1:25,000 topographic mapping could take

place, perhaps in somewhere like Queenstown. There are precedents: the Department of Lands and Survey produced a number of 1:25,000 maps for the New Zealand Army in 1940–1959. The Hocken Library in Dunedin has copies of these. The National Library of New Zealand in Wellington has quite a few Department of Lands and Survey 1:25,000 topographic maps. Who knows what advances might take place when drones and artificial intelligence are applied to surveying and cartography.



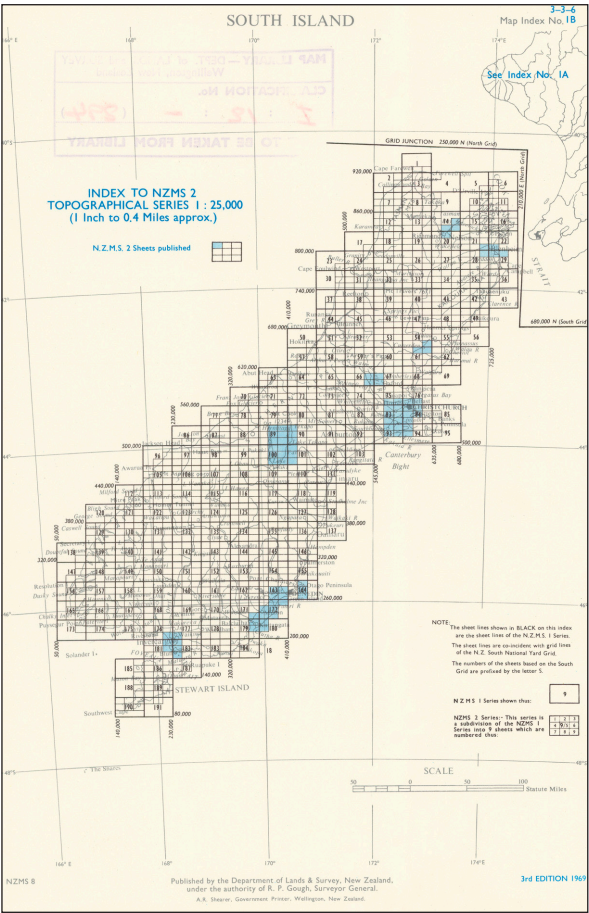
The heavily used Big Easy track in Signal Hill Reserve, on the northern outskirts of Dunedin. The Big Easy is part of a dense network of tracks on Signal Hill developed by mountain bikers. Cyclists and walkers share the Big Easy, although walkers might be wise to avoid this track at weekends. Many of the other, narrower and steeper Signal Hill tracks are for cyclists only.

The intricate and compact web of tracks cannot be clearly shown on a 1:50,000 topographical map. A large-scale plan of the Signal Hill tracks can be extracted from the Dunedin City Council online tracks map.



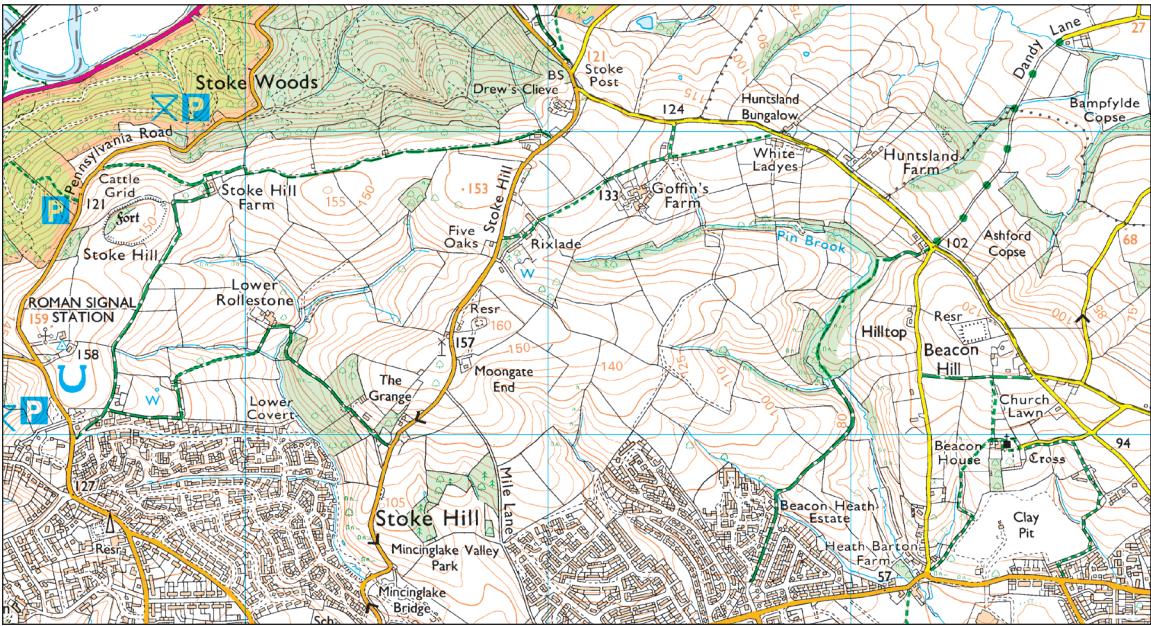
The Woodhaugh Gardens Leithside Track in Dunedin. By combining this track, the Water of Leith Walk, and Ross Creek tracks you can walk on tracks all the way from George Street to the start of the Pineapple Track up Flagstaff, the hill that overlooks the town.

The Woodhaugh Gardens Leithside Track is typical of the growing number of peri-urban tracks in New Zealand that cannot be shown clearly on a 1:50,000 topographic map.



Alexander Turnbull Library, Wellington. Ref: 834bj 1969.

Index to NZMS 2 topographical series 1:25,000 (0.4 miles to 1 inch approx), South Island, 1969. New Zealand experimented with some 1:25,000 mapping in 1942–1972. Now, fifty years later, modern 1:25,000 topographic mapping could play a role in urban fringes.

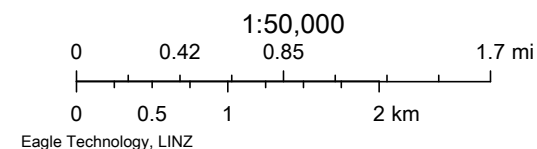


Extract from a UK 1:25,000 topographic map, showing public footpaths (green pecks) and public bridleways (green dashes) on the outskirts of urban areas. Some regional and national trails are shown by spaced green dots (see top right) or spaced green diamonds. This method causes minimal obscuring of the underlying detail, a major advantage when compared to 'overprinting' regional and national trails with solid coloured lines.



May 22, 2019

- | | | | | |
|------------------|----------------------|---------------------|-------------------|---------------------|
| --- Other Tracks | NZ Cycle Trail | Basic campsite | Standard campsite | Serviced Hut |
| DOC Tracks | Our Walkways | Great Walk campsite | DOC Huts | Serviced-Alpine Hut |
| National Trails | DOC Campsites | Serviced campsite | Basic Hut/bivvy | Standard Hut |
| Te Araroa Trail | Backcountry campsite | Great Walk Hut | | |



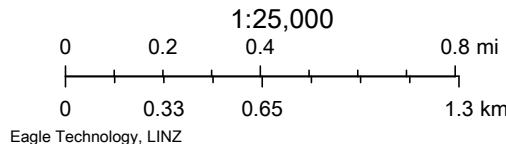
Tracks and Trails Map

Note: producing 1:25,000 topographic mapping by enlarging from 1:50,000 topographic mapping is a makeshift temporary solution. See under the section 'Map Scales'.



May 26, 2019

- | | | | | |
|-------------------|----------------------|---------------------|-------------------|---------------------|
| --- Other Tracks | — NZ Cycle Trail | Basic campsite | Standard campsite | Serviced Hut |
| — DOC Tracks | — Our Walkways | Great Walk campsite | DOC Huts | Serviced-Alpine Hut |
| National Trails | DOC Campsites | Serviced campsite | Basic Hut/bivvy | Standard Hut |
| — Te Araroa Trail | Backcountry campsite | Great Walk Hut | | |



Track Symbols

Looking again at my 1:50,000 extract from the Tracks and Trails module, I can see that the system has superimposed coloured tracks (denoting tracks open to the public) onto some of the basemap's black tracks (denoting physically evident tracks). This superimposing is a common feature of layered webmaps. I will call the technique 'overprinting'. It may produce a satisfactory printed map but it will struggle to produce an excellent printed map. When it is a design afterthought, overprinting is a sticking-plaster approach that ideally would be temporary but which is likely to be around permanently. By 'afterthought' I don't mean that no thought has been put into the overprinting; I mean that the extra layer or layers was not a part of the original design of the basemap. Over the last thirty years, while outdoor recreation has diversified, the basemap has aged and it no longer meets all requirements. The overprinting enables the technical people to adapt the dated basemap to meet new needs. The confusing mix of legal statuses that lie behind New Zealand's foot-tracks and cycle tracks makes it difficult for our webmap designers to manage without the coloured overprinting of tracks.

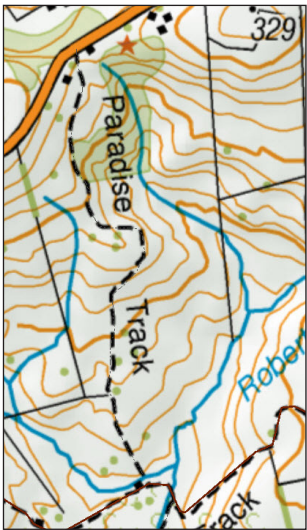
Black Tracks and Other Tracks

I am in danger of sounding churlish. Give credit where credit is due. The Tracks and Trails Map has gained its red tracks (Our Walkways), brown tracks (DOC Tracks), yellow tracks (National Trails) and blue tracks (NZ Cycle Trail). It has also retained the normal black tracks (Foot-tracks or Routes). It has also acquired some rather reticent faint black tracks (called Other Tracks, but a better name would be ghost tracks). We're getting somewhere! Much research has been required. The job has taken ten years. The next phase may take even longer. The Tracks and Trails Map, when used with the topographic basemap, has many kilometres of black tracks. The task ahead, for both the map users and the map-makers, can be summed up in one sentence, repeated hundreds of times: what the hell is the story behind this black track?

I hope that the next decade will gradually answer this question. LINZ has added a number of tracks to the Dunedin 1:50,000 sheet in the last decade, bringing the sheet more up to date. The examples below typify a large number of black tracks that await some indication of whether they are public or private. This access information could be indicated by overprinting in colour or by clicking on the track to obtain a pop-up information box.



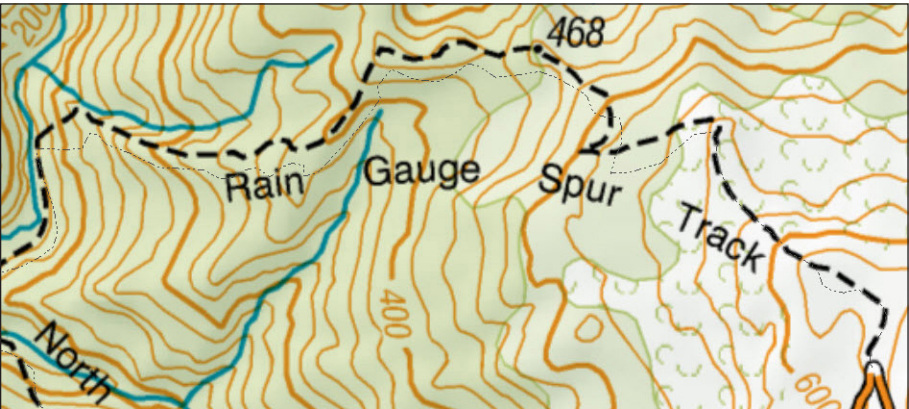
Paradise Track, Otago Peninsula.



A map extract showing a section of Paradise Track on the Otago Peninsula. The track is marked with a dashed line and labeled 'Paradise Track'. It runs alongside a river, with contour lines indicating the terrain. A road labeled '329' is visible at the top.

Other Tracks: Paradise Track	
name	Paradise Track
locality	
mobility_a	
dog_access	
status	
descriptio	
weblink	
data_suppl	Land Information New Zealand
spatial_ac	
local_auth	
Source	NZ Walking and Biking Tracks
FolderPath	
Length_km	
Walk type	
MTB type	
Vehicle access	
Type	

Extract from the Track and Trails Map of the WAMS showing Paradise Track, a long-established multi-use track on the Otago Peninsula. Paradise Track is based on an unformed (or partly formed) public road. If you click on the track, the pop-up information box appears, but most fields are empty. You cannot tell from this pop-up whether the track is open to the public. To check on the existence of the unformed public road, you could quite easily go into the Outdoor Access module of the WAMS. But this slight complication may be one that puts off some casual users of the WAMS.



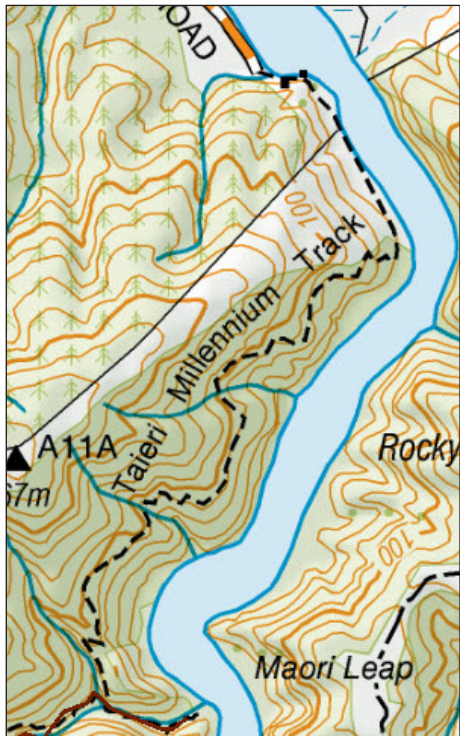
Extract from the Tracks and Trails Map of the WAMS showing Rain Gauge Spur Track near Silver Stream. The heavy black dashes come from the LINZ 1:50,000 basemap and do not necessarily indicate public access.

Look closely and you can see that the basemap track is accompanied by a ghost track, shown with very light black pecks. This ghost track is based on a dataset called NZ Walking and Biking Tracks, which contains data supplied by about 30 local government and central government agencies. This dataset is a work in progress. The existence of a track does not necessarily indicate a public right of access. I presume that having both versions of the track on the map is an intermediate stage in the evolution of the Track and Trails Map.



Other Tracks: Harbour Cone Track	
name	Harbour Cone Track
locality	
mobility_a	
dog_access	
status	
descriptio	
weblink	
data_suppl	
spatial_ac	
local_auth	
Source	NZ Track Centrelines (Topo 50k)
FolderPath	
Length_km	
Walk type	
MTB type	
Vehicle access	
Type	

Extract from the Track and Trails Map of the WAMS showing Harbour Cone Track, one of a number of popular Otago Peninsula tracks that have been added to the LINZ Dunedin 1:50,000 topographic map in the last decade. If you click on the track, the pop-up information box appears, but most fields are empty. You cannot tell from this pop-up whether the track is open to the public. Other sources, such as a DOC/Dunedin City Council tracks leaflet, promote this walk as open to the public but describe two tracks, not one.

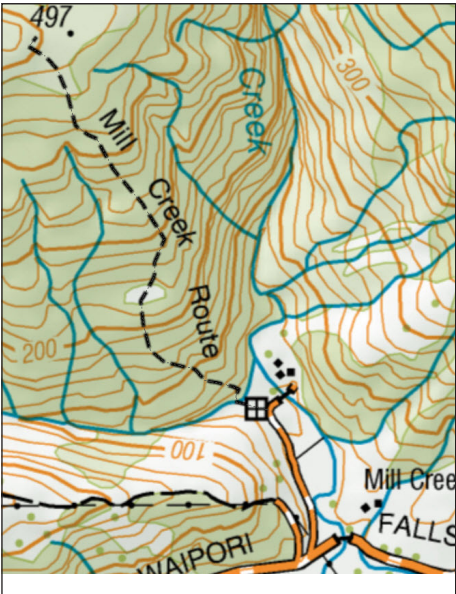


Extract from the Track and Trails Map of the WAMS showing the Taieri Millennium Track, an important track above the Taieri River. If you click on the track, a message flashes up, 'No information available'. You cannot tell from the Track and Trails Map whether this track is open to the public. Some other sources promote this walk as open to the public.



Other Tracks: Escarpment Track	
name	Escarpment Track
locality	
mobility_a	
dog_access	
status	
descriptio	
weblink	
data_suppl	Land Information New Zealand
spatial_ac	
local_auth	
Source	NZ Walking and Biking Tracks
FolderPath	
Length_km	
Walk type	
MTB type	
Vehicle access	
Type	

Extract from the Track and Trails Map of the WAMS showing Escarpment Track, a relatively recently built track that bridged a long-standing gap. Escarpment Track is one of a number of tracks that have been added to the LINZ Dunedin 1:50,000 topographic map in the last decade. If you click on the track, the pop-up information box appears, but most fields are empty. You cannot tell from this pop-up whether the track is open to the public. Other sources promote this important track as a tramping route, open to the public but rough in places.



Other Tracks: Mill Creek Route	
name	Mill Creek Route
locality	
mobility_a	
dog_access	
status	
descriptio	
weblink	
data_suppl	Land Information New Zealand
spatial_ac	
local_auth	
Source	NZ Walking and Biking Tracks
FolderPath	
Length_km	null
Walk type	
MTB type	
Vehicle access	
Type	

Extract from the Track and Trails Map of the WAMS showing Mill Creek Route, which climbs from Waipori Falls Road. The route has been added to the LINZ 1:50,000 basemap at some time since 2005. When I last checked with DOC, some years ago, Mill Creek Route was unmaintained, except by usage. If you click on the track, the pop-up information box appears, but most fields are empty. You cannot tell from this pop-up whether the route is open to the public.

Research

The present functions of the Commission, in Section 10 of the Act, include ‘researching ... topics ... related to walking access’. A very useful project would be for the Commission and LINZ jointly to engage an expert in modern cartography to make an authoritative and independent comparison of the LINZ 1:50,000 topographic maps with the 1:50,000 topographic maps in a range of other countries. The countries chosen would be ones with a similar variety of terrain to New Zealand and with modern high-quality 1:50,000 mapping. Among the aspects examined would be the cartographic clarity, especially that of the foot-tracks or multi-use tracks. Also of interest would be the solutions adopted for depicting different sorts of tracks, such as walking-only tracks and shared-use tracks.

The quality of the WAMS Track and Trails Map is greatly affected by the quality of the 1:50,000 topographic basemap. Internationally, all 1:50,000 maps are not the same; some can show fine detail far better than others. What improvements should we ask of New Zealand’s next-generation 1:50,000 mapping?

It’s Still Early Days

Ten years have passed since the government decided to set up a second state map-maker. Without that decision, no public access mapping system might have been developed at all. A possible downside of that decision, however, is that the NZWAC may have only a limited influence on any redesign of the 1:50,000 topographic basemap. It is impossible to overstate the importance of this basemap in the whole scheme of things. By extension, it is impossible to overstate the importance of collaboration between LINZ and NZWAC.

Although the WAMS has filled some of the main information gaps of the 1990s, it is still in its early days. If the Commission intends the WAMS to become a complete and accessible national record of all foot-tracks and cycle tracks that are certain, practical, free and enduring, further development of the Tracks and Trails module will need to take place. At present the black tracks – either from the LINZ 1:50,000 basemap or from the NZ Walking and Biking Tracks dataset – ‘do not necessarily indicate a public right of access’. To any law-abiding and cautious map-user, this statement means that the status of every black track must be assumed to be private, until authoritatively known to be public.

Inter-agency cooperation and the standardisation and sharing of data will remain a vital part of the process. The ideal world – a national one-stop authoritative source of information about where there is public access to the outdoors – is technically feasible. The review of the Act provides an opportunity to reconsider this goal and to confirm it or adjust it.

I hope that the reviewers’ written report will recognise the great progress that the Commission has made in developing the WAMS to show public access. I also hope that the report will explicitly examine the main mapping challenges that remain to be analysed and solved, particularly the serious issue surrounding the black tracks. This submission has highlighted six Dunedin examples. Five of these are physically evident tracks, well signposted, well promoted, adequately maintained and frequently used. Nationally, there are probably hundreds of kilometres of black tracks. All of these await some direct indication, on the Track and Trails Map, of whether they are open to the public. The speed at which this information is added might depend largely on the number of GIS professionals the commission can afford to employ.

Notes

- 1 Ministry for Primary Industries, *Reviewing the Walking Access Act 2008: Public Feedback Paper* (Wellington: Ministry for Primary Industries, 2019), pp. 12–14.
- 2 Ministry of Agriculture and Forestry, *Summary of Submissions to the Ministerial Reference Group on Land Access* (Wellington, NZ: Ministry of Agriculture and Forestry, July 2003), pp. 8, 9, 11.
- 3 Land Access Ministerial Reference Group, *Walking Access in the New Zealand Outdoors: A Report by the Land Access Ministerial Reference Group* (Wellington, NZ: Ministry of Agriculture and Forestry, 2003), p. 93.
- 4 Pete McDonald, 'High-quality Access: A Response to the Feedback Questions That Were Attached to the Report, *Walking Access in the New Zealand Outdoors*' (Oct 2003) <<https://petemcdonald.co/hqa.pdf>> [accessed 24 May 2019], pp. 27–28.
- 5 Mountain Bike New Zealand, *04/12/03 Draft - MTBNZ Healthy Campaign Submission* (Wellington, NZ: Mountain Bike New Zealand, 2003).
- 6 Dunedin City Council, 'Walking Tracks' (2019) <<https://www.dunedin.govt.nz/community-facilities/walking-tracks>> [accessed 24 May 2019].
- 7 Pete McDonald, 'High-quality Access: A Response to the Feedback Questions That Were Attached to the Report, *Walking Access in the New Zealand Outdoors*' (Oct 2003) <<https://petemcdonald.co/hqa.pdf>> [accessed 24 May 2019], pp. 5, 6, 10, 17–18.
- 8 Pete McDonald, 'Tracks on Web-maps of the Dunedin Area and the Expanding Role of Track-names' (Nov 2013) <<https://petemcdonald.co/T-on-W.pdf>> [accessed 25 May 2019], pp. 46–53.
- 9 Ministry for Primary Industries, *Reviewing the Walking Access Act 2008: Public Feedback Paper* (Wellington: Ministry for Primary Industries, 2019), p. 22.
- 10 Pete McDonald, *Foot-tracks in New Zealand: Origins, Access Issues and Recent Developments*, Pete McDonald (July 2011) [Ebook] <<https://petemcdonald.co/posts/foot-tracks-in-new-zealand/>> [accessed May 2019], pp. 169–170, 205, 553–556, 626–629, 682.
- 11 Ministry for Primary Industries, *Reviewing the Walking Access Act 2008: Public Feedback Paper* (Wellington: Ministry for Primary Industries, 2019), p. 22.
- 12 Pete McDonald, 'High-quality Access: A Response to the Feedback Questions That Were Attached to the Report, *Walking Access in the New Zealand Outdoors*' (Oct 2003) <<https://petemcdonald.co/hqa.pdf>> [accessed 24 May 2019], pp. 7, 11–13, 15.
- 13 Walking Access Consultation Panel, *Outdoor Walking Access: Report to the Minister for Rural Affairs* (Wellington, NZ: Ministry of Agriculture and Forestry, 2007), pp. 39–41, 45.
- 14 Ministry for Primary Industries, *Reviewing the Walking Access Act 2008: Public Feedback Paper* (Wellington: Ministry for Primary Industries, 2019), p. 21.
- 15 Jim Sutton asked this question in August 2003 in a letter that accompanied the report *Walking Access in the New Zealand Outdoors*.
- 16 Pete McDonald, 'High-quality Access: A Response to the Feedback Questions That Were Attached to the Report, *Walking Access in the New Zealand Outdoors*' (Oct 2003) <<https://petemcdonald.co/hqa.pdf>> [accessed 24 May 2019], pp. 14–15.
- 17 Pete McDonald, *Foot-tracks in New Zealand: Origins, Access Issues and Recent Developments*, Pete McDonald (July 2011) [Ebook] <<https://petemcdonald.co/posts/foot-tracks-in-new-zealand/>> [accessed May 2019], pp. 730–731.
- 18 Walking Access Consultation Panel, *Outdoor Walking Access: Consultation Document* (Wellington, NZ: Ministry of Agriculture and Forestry, 2006), p. 35.
- 19 Pete McDonald, 'A Submission on *Outdoor Walking Access: Consultation Document*' (May 2006) <<https://petemcdonald.co/wa.pdf>> [accessed 24 May 2019], p. 9.

Next Priority: The Black Tracks

Supplement to my submission earlier this month to the review of the Walking Access Act 2008.

21 June 2019

Pete McDonald

The Black Tracks and Their Disclaimers

In my submission a few weeks ago, I looked at a 1:50,000 extract from the Track and Trails Map of the Walking Access Mapping System (WAMS). I used the term ‘black tracks’ to refer to the tracks shown by black dashed lines, sometimes bold and sometimes very faint. These supplementary notes look further at the disclaimer quoted on page 19 (and also mentioned in the caption to Rain Gauge Spur Track, on the bottom of page 16).

Most or all of the bold black tracks originate from the Land Information New Zealand (LINZ) topographic basemap, which carries an important disclaimer: ‘Representation of a road or track does not necessarily indicate public right of access.’¹

The very faint black tracks are from NZ Walking and Biking Tracks, a dataset being built by the Local Government Geospatial Alliance (LGGA) and available from the LINZ Data Service. The LINZ Data Service webpage explains that ‘the ultimate aim is to provide a national network of walking and biking tracks, including track grade, conditions of use and supplementary information’. But this webpage includes the familiar LINZ disclaimer: ‘Please be aware of the following ... The existence of [a] track does not necessarily indicate public right of access’.²

It appears that all of the black tracks are covered by the same crucial proviso. This disclaimer is a permanent feature of successive editions of the LINZ 1:50,000 topographic maps. It is, rightly or wrongly, rooted in LINZ’s philosophy of what a topographic map should do, and of what it should not do. But the disclaimer is the antithesis of what the WAMS is about: walking access and certainty. Many users of the Track and Trails module of the WAMS want to know immediately whether a track is open to the public; they do not expect to need to consult additional sources.

As I said in my submission, to any law-abiding and cautious user of the Track and Trails Map, these clear disclaimers mean that the status of every black track must be assumed to be private, until authoritatively known to the user to be public. I included in my submission six screenshots of black tracks, taken from the Track and Trails Map of places in the wider Dunedin area. These six examples show that the vital knowledge that many users of the Track and Trails Map will be seeking – reliable information about the walking-access status (public or private) – is not yet provided in the obvious place and must be sought elsewhere, either from other parts of the WAMS (requiring some familiarity with the different legal foundations of walking access to land) or from other websites.

Had I searched the entire area administered by Dunedin City Council, I probably could have chosen thirty or more examples, many being long-established, clearly signposted, widely promoted and adequately maintained tracks. As regards being long-established, for example, some of the Otago Peninsula tracks, based on isolated and random lengths of unformed public roads, were ‘opened’ by a group of enthusiasts on 10 June 1990, after being

cleared and signposted. After some controversy, in 1992 the Dunedin City Council and the Otago Peninsula Track Working Party re-signposted these tracks.³ Ever since then, these Otago Peninsula tracks have been popular and well used. They have also been promoted by the city council and by guidebook writers.

The history of these Otago Peninsula tracks, and especially the story of their mapping, from the mid-19th century onwards, has been researched and recorded by several writers. But I'm mainly concerned here with the tale since 1990. In 2005, fifteen years after their first signposting, many of these tracks were still missing off the LINZ 1:50,000 topographical map. The WAMS became available to the public on about 22 December 2010. By 2013, LINZ had at long last obtained the data for the Otago Peninsula tracks and had added them to the 1:50,000 Dunedin topographic map. These Otago Peninsula tracks probably reached the WAMS basemap, as black tracks,

shortly after that. Today, twenty-nine years after they were first signposted as being open to the public, they remain black tracks on the Tracks and Trails Map. When viewed in isolation from other parts of the WAMS or other sources, and by a user who lacks any local knowledge, these black tracks do not yet provide the certainty that lies at the heart of the Commission's *raison d'être*. In 2003 I argued that high-quality access was 'easy to find out about', ie, marked on maps as being open to the public.⁴ That remains to be accomplished for every one of the black tracks that are open to the public, even for those that have already been open for thirty years.

I hope the Commission can find a way to add a status (public or private) directly to each of the black tracks on the Track and Trails Map, and hence end the ambiguity and uncertainty.



Peninsula walker, Bruce Mason, with a sign that had been vandalised. His fingers indicate where a sign pointing to Buskin Road has been snapped off. From the *Star*, June 1990.

Notes

- 1 Land Information New Zealand, *Dunedin*, 1:50,000. NZTopo50-CE17, 1.02 edn (Wellington, NZ: Land Information New Zealand, 2015).
- 2 LINZ Data Service, 'NZ Walking and Biking Tracks: National Tracks', Land Information New Zealand (30 Aug 2016) <<https://data.linz.govt.nz/layer/52100-nz-walking-and-biking-tracks/>> [accessed 17 June 2019].
- 3 Pete McDonald, 'High-quality Access: A Response to the Feedback Questions That Were Attached to the Report, *Walking Access in the New Zealand Outdoors*' (Oct 2003) <<https://petemcdonald.co/hqa.pdf>> [accessed 24 May 2019], pp. 30–33.
- 4 Ibid., p. 5.