



# INTERNATIONAL ROGAINING FEDERATION Inc.

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## Land access and community relationships for rogaining on private land - A New Zealand experience

### Grant Hunter

Many rogaines in New Zealand are held on privately owned farm and forest land. This article describes land used for rogaining, and sets out some experiences gained in negotiating access. While each country and region has its own challenges around land access, the NZ experience may have some value in other countries. The WRC2010 in North Canterbury is used as a case study. Most evidence in this article is based on South Island experience.

### Rogaining land in New Zealand

As we aim for a fresh navigational challenge for each event, access to suitable new land is an ongoing challenge for rogaing organisers. Usefulness for rogaining is largely determined by two factors: (1) landscape (e.g. landforms and cover) which influences physical suitability, and (2) land tenure or ownership which influences availability. (Other factors include proximity to participants and climatic seasonality).

*Landscapes:* New Zealand is a young and tectonically active country. Seventy percent of the total land area is steep hills and mountains, and only 20% is rolling to

moderately sloping, and 10% flat to gently undulating. Most easy sloping land is intensively developed for agriculture or settlement and is unavailable for rogaining (though we do hold 'urban rogaines'). Most rogaining is on moderate to steep land (with vertical relief often as much as 600m), and this sets us apart from much of the rogaining world where more gently sloping land is favoured.

Land cover or areas potentially available for rogaining tend to be either:

- farmed land, with open grassland and patches of shrubs and forest
- commercial plantation forest (a small total area), or
- conservation land with indigenous (natural) forest and shrub-land, and some areas of natural open grassland, or a mix.

*Land tenure and access:* 40% of New Zealand is public land, either in the conservation estate and managed by the Department of Conservation (DoC), or in local and regional reserves managed by local government and councils. Reserves are often adjacent to population centres, and in some areas are too small to support 12 hour or longer events, unless in combination with other land. The majority (~60%) of New Zealand land area is mostly privately owned farmland and forest (including Maori or native-owned land) with a proportion of this covered by settlements, cities and infrastructure such as highways.

The public has access-of-right to 'public land'. Commercial users, including organisers of some recreational and sporting events, need a concession to operate, and within guidelines. Rogaining has experienced difficulties in accessing conservation land for events in some regions. This is because policy in many conservation management plans lumps

'sporting events' into the commercial category which need a concession to regulate against environmental damage and disturbance to other public users. (DoC's Conservation Strategy for Canterbury has 24 conditions that event organisers must meet). A more enabling framework is now emerging from DoC, with it now agreeing that events such as rogaines organised by non-profit community groups (such as clubs) are not required to go through the expensive and complex concession process, while still expecting them to meet reasonable environmental and social impact expectations.

There are no public access rights on privately owned land, except where some private land is crossed by legal access corridors such as 'paper roads', and 'marginal strips' along waterways. Access on private land is by negotiation with, and through goodwill from, landowners. Landowners include individuals and families, trusts, businesses and corporations. Although public land access is an ongoing practical and political issue in New Zealand, relationships between owners and public users are generally good in much of the country. Though there is a political 'walking access' process underway to give the public greater certainty of access, this still deals with corridors rather than large area rogaining space. Though organised groups such as rogainers tend to have very good relationships with landowners, we cannot take access for granted.

### **So where do rogaines take place?**

Much conservation land is steep land with high relief (long uniform slopes) that even Kiwis find physically very challenging for rogaining, and large landforms that provide limited navigational challenge. Also, the natural forest and shrub-land on conservation land is often too thick and unrelenting for rogaining. Larger rivers

and streams which can create barriers in flood flows – which can happen at short notice any time of year – are also problematic on much conservation land. A greater amount of private farm and forest land has landforms, navigational complexity, vegetation and scale that are very suitable for rogain.

Also, surprisingly, it has often been simpler to negotiate access with private landowners than with managers of public conservation land, even though a typical twelve hour rogain extends from 8 to 20 different properties. The net effect is that more rogaines are held on privately owned, open and patchily-forested rolling to hilly farmland, than on public conservation land.

### **Gaining access to private land**

While whole properties or individual paddocks may be marked out of bounds, in practice we require acceptance of about 80% of adjacent properties, below which a course may become too fragmented. In the long run we have achieved a 90%+ success rate on a farm-by-farm basis (Hunter 2004).

Since recreational access to private land is not a right, and recreational/sporting use may not be entirely compatible with the predominant use for agriculture and forestry, we need to establish and maintain a positive relation between land owner and event organisers. While some landowners regard recreational use as problematic for them, most appear comfortable with the checks and balances that a well-organised event offers over participants.

### **Determining ownership and making the approach**

The first step is to establish who owns the land being sought, and what are the geographical boundaries of each property. These are seldom easily found in the

public domain. Finding out about ownership will vary from country to country, but in New Zealand, ways include names on farm letterboxes, telephone books, word of mouth, land title data, local council maps and information, and neighbouring farmers.

Having established ownership and some idea about boundaries, we may approach landowners individually or as a group, such as a local land-care group. We may go door knocking, make phone calls, or write a letter or email. I prefer to first send a letter or email seeking access and explaining our needs in general terms. This gives the landowner time to think about our proposition before we discuss it in detail in a follow up phone call and then (hopefully) face to face. I also enclose a 'landowners fact sheet' which describes many aspects of rogain in terms of a landowner perspective (Hunter 2011). I try to cover common queries that landowners have before they raise them. Other organisers prefer to telephone landowners first and arrange to meet, with supporting information. Most landowners appreciate face to face contact. Some (but not many) may want some time to digest the request and information, talk to neighbours, and make a decision.

### **Issues landowners raise**

Many farmers are sensitive to any legal liabilities that could arise, as well as practical aspects. Issues include:

- safety (all aspects)
- biosecurity, the risk of spread of weeds, pests and disease by people's movements between paddocks and farms
- disturbing farm stock
- paddock gates left open, or damage to fences, allowing farm animals to wander
- trampling young trees, crops

- fire risk (also covered above under safety) is a particular concern for forest owners.

These are discussed in greater detail in Hunter 2004.

### **Some tools for good-practice event management relevant to landowners**

*Public Liability Insurance:* This covers damage that may be caused to land, animals, and infrastructure arising from any aspect of the event, including fire. (Forestry companies are particularly demanding because of their high tree crop value and risk).

*Health and Safety plan:* Legislation imposes obligations on landowners and event organisers to ensure the safety of all parties, including farm visitors. We need to be able to reassure farmers that our risks are not loaded on to them.

*Event safety planning:* Rogaines are organised within a safety framework, e.g. teams carry essential clothing and equipment, help other team in distress, and are alert to hazards. A dedicated first aid capability is available at larger events. A traffic management plan may be used where extensive use is made of public roads.

*Code of conduct:* This sets out obligations and responsibilities of event organisers and participants to landowners. Though most requirements are commonsense courtesy, listing them provides a safety net and ‘no excuses’.

### **Payment for access**

Whether or not organisers are requested to, or willing, to pay for access to land will depend on in-country traditions and laws. We strenuously avoid such payments – which are seldom sought – since they can create wider expectations as well as undermine rural-urban relationships. A

good alternative is to offer the host rural community a benefit such as donation, or contracting services such as catering, or a working bee, which acknowledges our privilege of access and rewards the community rather than individuals.

### **Some guiding principles for event organisers**

While issues vary, the following principles may have some universal application. The aim is to turn begrudging acceptance of access (the minimum allowing the event to take place) or declined access (no event) into positive interest and engagement. In New Zealand and many countries there is often conflict between town and country views. Building a great relationship with our landowners can help to bridge what we call the ‘urban/rural divide’, so that the ideal is where rogaining can lead to wider community benefits and cohesion that extend beyond our recreation. (In regions or countries where sporting/farming conflict extends to serious hostility, I would be very selective and careful about which properties are approached, or confine events to publicly accessible land.)

#### **Some guiding principles for event organisers**

- Don’t take access on private land for granted but see it as a privilege.
- Look at the event truly from **their** point of view, and while you talk to them, appreciate how they will judge it and you. How will they perceive the downsides (and how can we allay these concerns and ensure they are not realised); how might they benefit from the event (and how can we ensure they do)?
- Do your homework first to avoid ‘impossible’ seasons such as when stock are vulnerable (e.g. lambing / calving), high fire risk.

- Respect the positions on access taken by **individual** landowners – farmers like us are all different. (At WRC2010 one family declining access to land for a biosecurity reason was a leader in developing our wider community relationship and catering).
- Give landowners full information and sufficient time to consult with their neighbours (the ‘bush telegraph’) before seeking their response ...though most seem willing to make an immediate call.
- Inform yourself beforehand on legal requirements – safety responsibilities of landowners and event organisers, and public liability insurance are good examples. (I find it good to set these out for landowners right at the start rather than await their statements or questions).
- If they talk to you **about** their neighbours, learn from this but keep what you hear to yourself.
- Keep them informed of plans and progress. **Check with them each time before you visit.** Ask about any hazards (in NZ they have legal obligation to advise you), or anything else they want us to know. Listen.
- Factor in any constraints – e.g. out of bounds areas, seasonal timing. (They have much more at stake than we do if things go wrong.)
- With a good relationship you can often press for a few favours, such as using a shed as an event base, being shown around the property, and help with transporting water containers.
- From a local perspective, events come with fanfare, then disappear, whereas landowners are there for the long haul – actively ensure that

all you leave behind will be seen as positive. When following up to say ‘thank you’, ask about any residual concerns (e.g. damage), and deal with any that arise.

- Put some lasting, tangible benefit back into the **local community**. Landowners are usually highly appreciative. Pre-notification of some whole-community benefit (e.g. donation, working bee, fundraising) may pre-empt a request for a land access fee for individual properties, which is best avoided.
- Build a great reputation – it is likely to fan out ahead of you.
- Once you have a ‘yes’, don’t expect landowners to contact you, unless it is to raise some concern about an aspect of the event. No matter how engaged they seem, our recreation is a small thing on their agenda. Treat no news as good news, but keep your ears open.

### References

Hunter GG 2004: Recreational access to privately owned rural land: a case study in Canterbury hill country, New Zealand. *New Zealand Geographer* (60)2: 48-57.

Hunter GG 2011: Rogaining – a fact sheet for landowners. (g.hunter@clear.net.nz)

### Case study: 9<sup>th</sup> World Rogaining Championships, Cheviot, New Zealand

**Abstract:** On 20-21 November 2010, the New Zealand Rogaining Association and the rural community of Cheviot hosted the 9<sup>th</sup> World Rogaining Championships sporting event. ‘WRC2010’ attracted 550 participants from 22 countries. Cheviot farmland provided complex terrain (e.g. hills, valleys, ridges) worthy of a world-class event. The event extended over a total of 220 sq kilometres, comprising about 65 privately owned farms. Event infrastructure and base was also supported by the Cheviot town

community. Cheviot Area School provided buildings, camping space and facilities such as cooking rooms. The Home and School Association, supported by the wider community, provided catering and ancillary facilities and services. Funds were raised to heat the school and community swimming pool, supporting water safety training as well as enhancing local recreational facilities.

Cheviot is a small town (pop 400) in rural North Canterbury. It supplies and services a rural hinterland of about 1000 people, as well as traffic flows on State Highway 1, the main arterial route up the South Island, and regional tourism flows. Cheviot Area School, a public school catering for 180 pupils from year 1 to 13, is located in the town.

The Cheviot area comprises low hill country and valleys rising from sea level to 600m. It is mainly open, seasonally dry, farmed grassland (annual rainfall 600-750mm), with bushy gullies and local patches of plantation forest. Farming is traditional dryland grazing of sheep and cattle with some deer. Dairying is extending across irrigated valley floors. Average farm size is about 400 ha, and most are family owned and operated. The community is based on a close inter-fingering of farming, town and school populations.

We had previously developed a positive relationship with landowners in the Cheviot area, having organised three 12-hour events in the previous six years in the general area, each involving at least 10 neighbouring properties. We had engaged Cheviot Area School to provide catering services for all three, and used the school facilities as a base in one of them.

With an opportunity for New Zealand to host a world championship, the first step after selecting a preferred venue was to do an 'access check' using our past farmers as

a sounding board. The positive response encouraged us to the longer process of finding and approaching all potential land owners. The approach involved an explanatory letter (and 'fact sheet') followed by a phone call or visit. In the final stages of planning to fill emergent gaps in coverage we approached several extra landowners with a direct phone call or visit. Of more than 70 approaches, just two landowners declined access, one for biosecurity reasons, the other a family that avoided community interactions. The total area for the event map was about 220 square km. Concurrently, the Home and School association of the Cheviot Area School had approached us, based on its past experiences with rognaining, as being interested in providing assistance.

With land secured, and the school and town community and ourselves committed, we continued to work hard to maintain positive relationships as we worked towards the event. With many players, there was always a risk of things unravelling. We met and communicated as needs dictated. We also wrote to and visited each business in Cheviot so they could understand the opportunities the event offered them. I consistently thought of, and referred to, this event as a rognaine/community partnership, rather than a simply sporting event superimposed on a rural community.

For landowners, we had no written access agreements; these would probably have been unworkable. Instead we relied on mutual trust (and certain amount of peer pressure between neighbours to continue to support a community-based effort). We communicated with landowners by post (we had very few email addresses), at first about 6-monthly and more frequently in the last 3 months. We tried to make phone contact immediately before each course planning visit. There were never any

significant breakdowns in our relationships with any landowner.

For the school, I had drafted a memorandum of understanding (MoU) that set out our respective goals and mutual expectations. It separately covered (1) use of school facilities, and (2) provision of catering services. Each party verbally agreed with the terms of the MoU but none of us actually signed it, relying again on trust. Both parties were in unfamiliar 'territory' and neither knew, for example, if a school would have the capacity to cater for 600 visitors on a one-off basis. Two clauses most critically shaped our relationship:

- The arrangement was not seen (in the early phases) as exclusive, and NZRA may work with other local groups, and commercial organisations, to meet its needs. Equally, the school may choose not to engage on specific actions if it saw no self-benefit in doing so. This depended also on...
- Relationships would be conducted on a fair, open and no-surprises basis. Issues will be raised with the other party at the earliest opportunity. Once specific agreements and arrangements are made, they will be honoured to the best ability.

The partnership approach would not have succeeded without ongoing high levels of trust and an excellent working relationship. Without the partnership, it is unlikely we could have staged the event, given the high dependency on so many landowners linked to the town. Building that WRC-scale relationship depended very strongly on the relationship we had quietly built up over the three previous events.

A feedback from the Cheviot community, and also from the school hosting our

'Heights of Winter' 12 hour rogaine in June 2010, was that as well as appreciating the opportunity for fundraising, the community found that engaging in our events helped to build cohesion and collaboration within their respective communities.

*"We have had so many amazing comments from the community and parents about our catering effort and the event as a whole; I think it has been a fantastic team building exercise too." (Jenny Crump, Chair of CAS Home and School)*

*"The rogaining also brought our whole community together. Thank you."*

(Friends of Broomfield School, June 2010)

**Footnote:** With hindsight, dealing with over 60 landowners was an immense challenge with considerable risks. I would not recommend working with such a large group, nor would it often be necessary to do so. But WRC2010 showed what can be achieved with rural and sporting collaboration, both as a one-off occasion and the importance of building relationships over time for future benefits.

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