

Submission on the Crown Pastoral Land Reform Bill

March 2021

Submitter details:

Name of contact person:	Sam Newton – Advocacy Manager
Organisation name:	New Zealand Recreation Association t/a <i>Recreation Aotearoa</i>
Postal address:	PO Box 11132, Manners Street, Wellington 6142
Telephone number:	027 723 9380
Email:	sam@nzrecreation.org.nz

Submission:

Introduction

1. The New Zealand Recreation Association t/a Recreation Aotearoa is a registered charity and the organisation responsible for providing leadership, advocacy, and professional development opportunities for those involved in the broader recreation sector. We work at an agency, industry and professional level to build capability, develop partnerships, and equip individuals and organisations with the skills they need to deliver high quality recreation experiences that engage participants.
2. Recreation Aotearoa's membership includes recreation policy makers, territorial local authorities, voluntary organisations, regional sports trusts, outdoor recreation businesses, and others involved in the delivery of recreation throughout New Zealand.
3. Our mission is enhancing wellbeing through recreation.
4. Recreation Aotearoa believes recreation is vital to New Zealand society. Recreation is not just about enjoyment, it is about being healthy, engaged, stimulated, and interacting with others. This occurs via outdoor recreation, community recreation, parks, and aquatic and facility-based recreation centres.
5. Recreation is a major contributor to the physical and mental health of individuals, and to the resilience of our communities. 90% of New Zealanders believe that by being active they are in turn maintaining a good level of health and fitness, and this helps to relieve stress.
6. A thriving recreation industry can also help our nation prosper socially and economically. Sport and active recreation contributes \$4.9 billion or 2.3% to our annual GDP, and the sector employs more than 53,000 New Zealanders. The nation's recreation values and opportunities are fundamental to the nation's tourism industry. Approximately 50% of international visitors to New Zealand participate in one form of outdoor recreation or another.
7. Recreation is part of what it is to be a New Zealander. Many of us are members of clubs and groups that enjoy recreation for fun, health and social reasons. 84% of New Zealanders believe sport and physical activity bring people together and create a sense of belonging.

8. For individuals, recreation contributes to physical and mental wellbeing and provides an opportunity to meet new people. People define themselves and their communities through their recreation opportunities. Recreation fosters community cohesion and resilience and supports the integration of social groups such as diverse ethnic groups. 74% of New Zealanders agree that sport and physical activity help build vibrant and stimulating communities.
9. Investment in recreation generates tourism opportunities and supports regional development by encouraging skilled professionals and migrants to consider business options in and beyond the main centres.
10. Research shows that recreation makes a significant contribution to social resilience. It allows individuals to thrive, and to connect with each other. This, in turn, makes communities stronger. A society in which people are active and healthy is also more economically sound.
11. Physical inactivity is associated with loss of productivity, health costs, as well as associated costs such as pain and suffering. Healthier, happier individuals are more likely to do well in other areas of their lives, whether it is in social or professional situations. This has a positive flow-on effect for communities and society as a whole.
12. Greater understanding of these benefits and their downstream impacts, along with awareness of how laws and regulations can influence recreation delivery, are key to ensuring that New Zealand's recreation opportunities remain among the world's best.

General Comments:

13. Recreation Aotearoa submits that outdoor recreation is a key driver of conservation and environmental awareness amongst New Zealanders. Appreciation for our natural heritage and its protection is often a result from people's enjoyment of our natural spaces via recreation.
14. It is also the case that outdoor recreation undertaken in the South Island High Country drives an appreciation of and affinity towards the pastoral farming heritage. By way of proximity and access, New Zealanders can better understand the challenges that high-country farmers face and the efforts they have made to improve conservation outcomes.

15. Crown Pastoral Lease land comprises 5% of New Zealand's land mass and is of enormous importance to the recreation sector. Some of New Zealanders most popular forms of physical activity; including tramping, fishing, walking, mountain biking and hunting, occur on Crown Pastoral Lease land.
16. Recreation Aotearoa submits that Crown Pastoral Lease land has an outside significance, in that it often bounds Public Conservation Land. It is often the case that large tracts of Public Conservation Land are inaccessible for recreation, without passing through Crown Pastoral Lease land. The governance and management of Crown Pastoral leases are significant determinants of outdoor recreation opportunities in the South Island
17. Recreation Aotearoa has long-held concerns around issues of public access to and across Crown Pastoral land during the Tenure Review process.
18. In 2016, Recreation Aotearoa wrote a letter to the CEO of Land Information New Zealand which included the following:

".....the tenure review process does not adequately maintain or enhance access to areas of recreational interest, that was otherwise available when the farms were leasehold. This perception was held by hunters, trampers, people interested in fishing, outdoor education providers and to a lesser extent, those interested in kayaking.

....we also note that the consultation partners in stage 2 are asked to make comment on protection which seems to imply values associated with biodiversity and ecosystems, not recreational access. We also note that when considerations of easements and public access are considered by LINZ, there are no specific consultation partners mentioned.

19. Additionally, in 2016 Recreation Aotearoa wrote to various Conservation Boards expressing:

"It is our belief that there may have been cases of tenure review being tacitly approved by various Conservation Boards, without adequate credence and provision given to recreational access to Public Conservation Land beyond the freehold farm land. While we recognise that in almost all cases, DOC has sought to include an easement of some form, these are often only convenient to the

farmer and not the recreational user. NZRA encourages all Conservation Boards involved in the tenure review process to pay particular care when considering proposals, to ensure that the access interests of the community are provided for and that we can all enjoy reasonable access to our Public Conservation Land.”

20. Recreation Aotearoa submits that improving access for Outdoor Recreation on Crown pastoral lease land should be a central outcome of this legislation. The Bill needs strong and enforceable provisions to ensure recreational access issues to public land.
21. Recreation Aotearoa submits that there have been numerous instances pertaining to the freeholding of land under Tenure Review, that have harmed recreational access to the South Island High Country. The mechanisms for ensuring public access for Outdoor Recreation were already weak, and in some cases, ineffectual under Tenure Review.
22. However, tenure review has also resulted in large tracts of land being converted to Public Conservation Land, which have proven to be beneficial to recreational interests.
23. Recreation Aotearoa points to the establishment of Te Kahui Kaupeka Conservation Park, Hakatere Conservation Park, Hāwea Conservation Park as examples of laudable gains to the recreational interests and broader wellbeing of New Zealand. Recreation Aotearoa commends these outcomes.
24. As such, Recreation Aotearoa submits that the general thrust of this bill should focus on retaining the mechanisms by which the Crown Pastoral Land Act (1998) enhanced inherent values and expanded Public Conservation Land, whilst working to mitigate the various legitimate concerns that have been raised around the freeholding of Crown Pastoral Land.
25. Recreation Aotearoa has previously expressed its support of the halt to Tenure Review, however we submit that it is important that the Government retains the ability to convert Crown Pastoral Lease Land into Public Conservation Land, for the benefit of all New Zealanders.
26. Recreation Aotearoa has previously expressed a desire for enhanced monitoring arrangements, especially with regard to public access for outdoor recreation. We note that previous monitoring, which has often been outsourced to third parties,

has been sub-optimal. Recreation Aotearoa has suggested that there may be a requirement to establish a uniformed operational cadre of staff to carry out this function.

27. Recreation Aotearoa has previously suggested that there are various mechanisms and incentives that could be put in place to encourage and allow for public access for outdoor recreation. Some of these lie in the realm of mitigation and offsetting. Rent discounts is a mechanism that could be applied to establish and preserve public access to and across Crown Pastoral Land.

Feedback in detail:

28. Recreation Aotearoa notes that the Crown Pastoral Land Act (1998) held 'recreation' as an inherent value and explicitly recognised the recreational attributes of a natural resource.

29. Recreation Aotearoa submits that removing 'recreation' as an inherent value, is a backwards step in enhancing outcomes and makes it even harder to preserve recreational access to public land.

30. Recreation Aotearoa submits that 'recreational value' be included in the definition 'Inherent value'.

31. Recreation Aotearoa supports the provisions in the Bill that move the governance of Crown Pastoral Lease land to a full partnership approach and the fulfilment of Treaty of Waitangi obligations.

32. Recreation Aotearoa notes that many public access issues on Crown Pastoral Land centre on unformed legal 'paper' roads. We note instances in which the freeholding of land under the tenure review regime where public access via unformed legal roads has not been maintained or allowed for. We have previously suggested that LINZ has a role to play in conjunction with LTAs and the Walking Access Commission to resolve these issues with the Commissioner.

33. Recreation Aotearoa submits that the Bill needs stronger provisions for and requirements of the Commissioner to ensure recreational access along unformed legal roads.

34. Recreation Aotearoa acknowledges the statutory role of the Walking Access Commission and its objectives and functions. Recreation Aotearoa submits that the Bill in its current form does not pay due regard to the expertise, mechanisms and responsibilities held by the Walking Access Commission.

35. Recreation Aotearoa submits that the Walking Access Commission should be afforded the mandate to provide assessment and advice to the Commissioner on all matters relating to public access, the creation of easements and the monitoring of leases. In its present form, the Bill does not establish the Walking Access Commission as a stakeholder with the appropriate amount of influence.