

# Submission

## REVIEW OF THE WALKING ACCESS ACT 2008

Submission to:  
Ministry for Primary Industries

2 July 2019

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### 1. The submitter

The New Zealand Forest Owners Association Incorporated (FOA) is the representative membership body for the commercial plantation forest growing industry. FOA members are responsible for the management of approximately 1.2 million hectares of New Zealand's plantation forests and over 80% of the annual harvest. In 2018, the forest growing sector was worth \$6.38 billion in export value and is a 12% share of rural land use.

Many of our member's forests are utilised by the public for a wide range of activities including walking, and hunting.

We have provided overall comment from FOA members below and responded to selected questions from the feedback document.

Our submission is supported by the New Zealand Farm Forestry Association (NZFFA). The NZFFA represents smaller woodlot owners (typically farmers with a forest woodlot as part of their land use).

### 2. Overall comment on public access to commercial plantation forests

As noted above, many of our member's forests are widely used and this is encouraged, subject to appropriate management of key risks (safety, fire danger, security and operational constraints).

Activities undertaken in our member's forests are widely varied and commonly include:

- Hunting activities - pig and deer hunting, duck shooting, possum trapping
- Fishing,
- Recreational activities - walking, mountain biking, motorbiking, horse riding, orienteering, photography, picnicking, dog walking/running, tramping/hiking, hang gliding
- Education and research - educational/schools visits, research opportunities for non-forestry individuals and groups (especially of an ecological nature)
- Training exercises - search and rescue and military exercises
- A range of other special events.

Demand for access often depends on location and proximity to major urban centres e.g. Woodhill Forest (Auckland), Whakarewarewa Forest (Rotorua) and City Forests (Dunedin) are examples of production forests with very high public use.

It should also be noted that that many commercial forest companies own the trees but not the land itself, for example forestry rights and leases on Māori land. In such instances access may be managed by either the forest owner or the landowner.

### 3. Questions for feedback

#### **Are the Walking Access Act 2008 and the New Zealand Walking Access Commission needed?**

Due to the nature of our operations, and significant recreational access already provided by forest owners, the Walking Access Act 2008 and Walking Access Commission are not particularly essential to the operations of larger forest owners and managers. We do however recognise it serves a purpose to the general public to maintain access for the public good.

#### **What's working well in your view? Can you provide evidence to support your view?**

FOA members have not had enough interaction with the Commission to comment on this question. The stated intention and approach of the Commission has been to facilitate public access to forest tracks and roads. It appears the Commission is effective at achieving access and publicising where it is located.

### 4. Are the purpose, priorities, objective and functions in the Act right?

#### **Do you think the purpose of the Act should be changed? To what, and why?**

The FOA has no view on this question.

#### **Do you think the New Zealand Walking Access Commission's name should be changed? To what?**

The FOA has no view on this question.

#### **What changes, if any, are needed to the priorities in the Act? Should negotiating access to the following be made priorities: wāhi tapu, traditional sites and areas of cultural significance to Māori or land in or near urban areas**

FOA supports the current priorities of the Act. In our view they reflect the priorities of the general public for gaining access to forests.

FOA supports the government's focus on wellbeing. From a forest owner's perspective the Commission's recent interactions with us have mostly been around improving public knowledge of paper roads within our forests, which in our view is of limited benefit to legitimate users of our forests given they are often historically located roads to provide access to titles within the forest and simply provide uncontrolled access to the middle of our working production forests. Our strong preference is that such access is managed via our permitting processes to ensure hazards to such users can be appropriately managed and illegal activities controlled.

While we recognise the wellbeing benefits to members of the public recreating in forests, forest owners and managers are generally already managing and facilitating access to forests for recreation. Allowing for uncontrolled access would be a backward step for the forest owner and potentially place members of the public and other forest users at risk.

## **Should the priorities for negotiating access apply to public land as well as private land in the Walking Access Act?**

FOA supports this principle.

## **Are changes needed to the objective and functions of the Commission?**

FOA notes the Act currently encompasses walking access and other “associated activities”. We consider it is important to acknowledge the range of issues presented by walking are different to vehicle access.

Vehicle access inevitably brings with it multiple potentially difficult to control issues including driving safety, vandalism, theft, rubbish dumping, poaching etc. FOA is also of the view that hunting access is different to other types of activities and has a significant range of issues that require more intensive management from forest managers. For example, the safety of forestry workers, disturbance of indigenous threatened species, control of dogs and public and employee safety.

FOA considers the Commission’s current powers under the Act meet our needs and do not require expansion.

## **5. Working towards equal access**

### **Do you see the outdoors being less accessible for some groups? If so, who? Can you tell us of any experiences you’ve had?**

FOA considers other stakeholders will have a view on this matter.

### **What role do you see the Commission playing in relation to equity of access?**

FOA considers other stakeholders will have a view on this matter. Generally, the scale, topography and grown cover of production forests limits opportunities for improved access to those with mobility limitations, other than in specific well managed areas.

## **6. Coping with very high numbers of visitors**

### **What should the Commission’s role be in managing the impact of high visitor numbers?**

As noted in the discussion document, increasing pressures created by managing the impact of high visitor numbers is clearly a significant issue. The negative impacts of uncontrolled access by large numbers of people to areas with inadequate facilities is receiving significant publicity. The Commission has a role to play in ensuring that by publicising and encouraging access to private land, they do not unwittingly exacerbate the situation for some landowners leading to poor outcomes for all. This can be managed by the Commission working alongside landowners and recognising their challenges.

As noted above, for forest manager this would be achieved by focussing publicity on forest areas where public access is encouraged, and directing members of the public where they can go to legitimately access such areas, rather than encouraging uncontrolled access to random areas of working forest of limited benefit to legitimate forest users.

## 7. Addressing barriers to landowners providing access

### **What are the barriers to landowners providing public access?**

These are listed in the table at the end of this document and include:

- Safety risks
- Managing visitor numbers
- Detecting, monitoring, and preventing illegal activities
- Fire risk
- Risk of vandalism and dumping of rubbish (household, cars, industrial waste)
- Biosecurity concerns
- Resourcing (staff and funding for managing public access)

### **Can you provide any evidence of which barriers are the most significant?**

A key issue of concern is the ability to appropriately manage safety, both of visitors and workers within the forest. Production forests are a working environment and contain a wide range of potential hazards. For this reason, it is essential that forest managers retain the ability to control access so that those using the forests can be made aware of hazards and constraints on access to keep them safe (for example, directly them to stay out of harvesting operation areas).

In extended periods of dry weather management of fire risk is also a key barrier, as evidenced by recent significant fires in South Island forests.

Time and funding required to appropriately manage access can also become a significant resource drain in high use forests.

### **What should the Walking Access Act and/or the Commission's role be in addressing these barriers?**

Suggestions to overcome barriers.

1. Recognise and support landowners legitimately controlling access to their land to manage risks in favour of uncontrolled open access. At times this will necessarily include the use of access permits and locking forest gates.
2. Improving the mapping website so that currently accessible forest land is included (we found examples where the mapping is incomplete in this regard)
3. The Commission's remit should stay focused on walking as vehicle access is more problematic for forest owners.
4. The Commission could act as an advocate for forest owners who wish to manage alternative access arrangements other than through the often-impractical uncontrolled access to legal roadways.

#### *Retaining the right to close access is important to FOA and NZFFA members*

FOA members who provide access to the public currently seek to ensure the Commission and the Act provide the right for land managers and owners to retain the right to close access to a forest or farm forests if there is an identified risk. A good example of this is for fire. The Pigeon Valley fire is a great example of evidence for reinforcing the risk of fire both from both protection of assets and a safety of people.



Forest managers and owners need to be able to protect valuable assets (such as contractors' machinery and vehicles) from theft and vandalism, as well as managing safety on logging roads. They also need to ensure protection of biodiversity and indigenous vegetation/habitats and fragile ecosystems. For these reasons, FOA members strongly advocate to retain the ability under the Act to exclude the public when required.

## 8. Encouraging positive visitor behaviours

### **Do you have any information that could help us understand the scale of good and poor visitor behaviour on tracks and trails on private land?**

#### *Positive examples of good working relationships*

Several of our members have examples of recreational access working extremely well in their forests. Examples include the mountain bike parks in City Forests (Dunedin), Hira Forest (Nelson), Kinleith Forest (Tokoroa), Waka Forest (Rotorua) and Woodhill Forest (Auckland). In all cases the forest managers have cooperated with local mountain bike clubs to allow them to build a network of trails within their forests near to Dunedin City. In most cases these trails must fit around the forest rotation management cycle, but our member has also set aside a significant patch of forest for the bikers enduring and exclusive use to build trails and hold events. Similar arrangements with walking groups, orienteering and special events, have been made. These relationships work well and are examples of direct cooperation between community groups and the forestry company.

#### *Negative examples of poor behaviour by the public*

Forest owners and managers can provide numerous examples of poor and illegal behaviour by the public. These include theft, damaging forest roads with irresponsible 4WDs and motorcycles, repeated vandalism of amenities provided for public use, rubbish dumping, theft and vandalism of contractors' equipment, fire-lighting, unauthorised camping, damage to protected ecological resources, and poaching. All these cited examples make it even more important that the Act ensures forest owners and managers can restrict and manage access to the public if these behaviours negatively impact on the business.

The link below provides a recent example of the very real challenges faced by forest managers to manager access and the risks to members of their staff.

[www.stuff.co.nz/national/113417845/security-workers-flee-bush-gunfire-in-bay-of-plenty](http://www.stuff.co.nz/national/113417845/security-workers-flee-bush-gunfire-in-bay-of-plenty)

### **What's the Commission's role in improving visitor behaviour? For example, provide the New Zealand Outdoor Access Code in different languages, link this Code to other guidance?**

FOA considers this a core role of the Commission. We support better access to the Code via an app or website, and greater education for young people and visitors to New Zealand. We support the Commissions' approach of working with land owners and managers, rather than enforcing uncontrolled public access where significant barriers and risks exist.

We also strongly support the Commission working to understand the limitations of the paper road network and that alternative access arrangements are often a more suitable, safe and viable substitute.

**What do you think about the information in the Act and the New Zealand Outdoor Access Code on responsible behaviour at wāhi tapu and other sites of cultural significance?**

FOA does not have specific comment on the NZ Outdoor Access Code content on the question above, apart from to endorse the development and updating of these Codes and providing them in a number of formats (for example, online, or app-based versions). We hope to work with the Commission on a section of the guide that directly addressed behaviours in working plantation forests.

## **9. Organisations working together**

**Do you have examples where a lack of coordination between government agencies and/or different pieces of legislation have got in the way of maintaining and improving public access?**

We are not aware of legislation impeding of public access. We do however note the requirement for forest owners to manage operations in compliance with a range of legislation, in particular the Health and Safety at Work Act and Resource Management Act (including the National Environmental Standard for Plantation Forestry). Allowing completely uncontrolled public access, particularly in vehicles or with fire arms, would put forest managers at risk of breaching such legislation.

**Should the Commission have a role in assessing unformed legal road closures?**

FOA members believe that management of unformed legal road closures is best managed by the relevant local authority who understand the local context and the needs of their rate payers. Often legal road closures that provide no benefit to anyone are opposed from people living out of town, based on the principle of access rather than any actual legitimate reason to maintain the road.

In our view the Walking Commission can be a submitter to such process but should not have a regulatory role to assess any application as the need for roads go well beyond recreational use.

**Is information about public access to the outdoors comprehensive and easy to use?**

No, from our perspective it is fragmented, appears incomplete and is not presented in a particularly user-friendly way.

**Would a more flexible means of defining a public access way under the Act, in addition to the gazetted walkway instrument, be a useful addition to the Commission's tool box? What are the risks of this approach?**

FOA members suggest an MOU process could be a more flexible, as a gazetted walkway is a legal line on the map and hard to change if required. While there may be a concern about an MOU not being enduring (particularly on change of ownership), there are circumstances where a walkway or access might need to be altered to consider operational activities, changes in the landscape features, or coastal erosion.

### **How could we ensure adequate infrastructure, like toilets, bins and carparks?**

FOA considers that, where there is high demand for access on private land funding support for amenities is vital. We also consider that access to such amenities needs to generally be restricted to walking and on occasions cycling access particularly in isolated areas, as these areas tend to attract constant vandalism. In addition to initial support, the cost and practicality of regular servicing needs to be considered as part of the funding scope. Land owners and managers cannot be expected to completed fund and manage amenities for public use without government support.

### **What relationship should the Commission have with Nga Haerenga Cycle Trust and with Te Araroa?**

FOA has no view on this question.

### **Should the types of organisations that can be controlling authorities be extended, for example to trusts, iwi, hapū or other community groups? What might be some of the positives and negatives of having a non-public body as a controlling authority?**

Yes. FOA suggests that it could be an option that the surrounding landowner is appointed as the controlling authority.

### **What should controlling authorities be called?**

The FOA has no view on this question.

## **10. Governance for the Act and Commission**

### **Do you think the Ministry for Primary Industries should remain the administrator of the Act? If yes, why? If no, do you think this role should be carried out by another government agency (please say which, and why)?**

FOA strongly supports MPI remaining the administrator of the Act.

## **11. Requirements for the Board of the New Zealand Walking Access Commission**

### **Is the required number of Board members right?**

The FOA has no view on this question.

### **Should the Act specify the spread of background, skills and knowledge that Board members should have? If so, what should these be?**

The FOA has no view on this question.

## **12. Funding**


### **Should the Commission supplement its Government funding with private funding and/or cost recovery? What are the pros and cons of these?**

FOA members, particularly the larger corporate forests, currently spend a significant amount of funds on managing public access, which is a direct cost to them. The public are often not charged for access to forests and we would not support the Commission recovering costs arising from access to private land. However, we do support government funding to support private land owners and managers to raise the profile of walking access. This funding is most effectively used on improving the mapping system, websites listing tracks and open forests, managing or developing an app alert system for the public.

### 13. Final thoughts

FOA considers the current level of public access and accessibility to forest areas is manageable and appropriate for the corporate forestry sector. We consider assisting and supporting smaller woodlot owners and farmers is where the Commission should focus its resources.

Thank you for the opportunity to make a submission on this review.

A handwritten signature in blue ink, appearing to read 'V. Comfort'.

Venise Comfort, Advisor, FOA.

This information has been provided directly to the Walking Access Commission in an earlier engagement.

**BARRIERS AND SOLUTIONS TO INCREASING PUBLIC ACCESS TO PLANTATION FORESTS.**

ISSUE	COMMENT	SOLUTIONS
Resourcing (people and funding)	Managing permits and ins and outs and gates and signage and volumes of people is time-consuming and not core business. Forest managers are already stretched, and this adds to their workload	Can this be centralised or resourced in some way.
Illegal activities	Hunting and guns, marijuana plantations, car dumping	
Damage to gates/property	Forced entry to gates and broken fences and gates cost many companies thousands of dollars a month	Funding for technology and infrastructure.
Operations are unpredictable	Harvesting is a known time but other issues like assessments and track creation or maintenance after bad weather mean it is often difficult to partition off time or zones within the forest, cannot say that machinery will not be operating in a specific area at a specific time.	
Small scale forests	Same issues as larger forests but owner farmers.	
Health and safety and hazard management	Mainly around machinery and harvesting and trucking transport operations	
Liability	Advice on liability would be useful	
Biodiversity	Maintaining kiwi habitat and nests – plus also not alerting poachers to rare or endangered species.	
Biosecurity	Many forest pests and pathogens spread by human and vehicle vectors.	
Fire	Risk increases with people in the forest, especially in dry conditions	
Mapping	Not all forests have maps that show paper roads or tracks created are for machinery for harvest.	App might help