

**Submission on the review of the Walking Access Act 2008****June 2019****Submitter details:**

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**Submission:**

**Introduction**

1. The New Zealand Recreation 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 role is to champion high-quality recreation for the benefit of New Zealand.
4. Our vision is that by 2020 New Zealand will have a strong recreation industry that meets the needs of current and future participants, so that through recreation, New Zealanders are active, healthy, and connected
5. 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, and this occurs via outdoor recreation, community recreation, parks, and aquatic and facility-based recreation centres.
6. Recreation is a major contributor to the physical and mental health of individuals, and to the resilience of our communities. 90 per cent 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.
7. 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.

8. 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.
9. 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.
10. 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.
11. 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.
12. Physical inactivity is associated with loss of productivity and 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.
13. 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.
14. Recreation Aotearoa enjoys a close relationship with the Walking Access Commission and has previously collaborated on various projects and events.

### **General Comments:**

15. Recreation Aotearoa notes that according to the Sport NZ Active NZ Survey of 2017 (widely regarded as the authoritative data set) Walking is by far the most popular form of physical activity for New Zealanders. Walking is

closely followed by Running/Jogging. Mountain biking and Tramping (both overnight and day walks) are among the most popular remaining forms of physical activity. These activities rely on free public access to walkways, tracks and trails of the type that the Walking Access Commission concerns itself.

16. Recreation Aotearoa also notes that many of the other most popular form of physical activity in New Zealand are heavily reliant on free public access to walkways, tracks and trails. These include Hunting, Fishing and Surfing.

### **Feedback in detail:**

17. Recreation Aotearoa strongly agrees with the assertion in the Public Feedback Paper that there is growing evidence that the outdoors can improve Physical Health. We are aware of studies that have shown that Outdoor Recreation increases fitness and cardiovascular function, reduces blood pressure, obesity and resting heart rate. It reduces risk for major diseases including heart attack, thirteen types of cancer, stroke, and type 2 diabetes. There is also evidence that Outdoor Recreation helps the elderly to maintain their physical performance
18. Recreation Aotearoa strongly agrees with the assertion in the Public Feedback Paper that there is growing evidence that the outdoors can improve Mental Health. We are aware of studies that have shown that Outdoor Recreation has positive effects on general mental health and psychological stability. Other studies have shown that people recreating in natural environments have greater feelings of revitalization and positive engagement, decreases in tension, confusion, anger, and depression. Relatedly, other studies have shown that negative affective mental states like stress, depression, anxiety, tension, confusion, anger, rumination, loneliness, and neuroticism are reduced by participation in outdoor and active recreation. It has been shown that increased self-esteem, self-efficacy, social effectiveness, self-confidence, and a better self-concept come about as a result of Outdoor Recreation, as well as improved personal control, increased sensitivity to one's own wellbeing, self-regulation, emotional coping, and better stress management. Outdoor Recreation is increasingly being used in the treatment of disorders including Alzheimer's disease, dementia and major depressive disorders. Internationally, Outdoor recreation is used as a therapeutic tool for a range of groups with specific needs such as children with disabilities,

persons with disabilities after acute injuries, veterans, MS patients, ADHD sufferers, young people at risk and disorderly adolescents, dementia patients and drug addicts.

19. In response to the question posed in the Public Feedback paper, Recreation Aotearoa submits that there is absolutely a fundamental need for the Walking Access Act and the Walking Access Commission.
20. Recreation Aotearoa submits that the purpose of the Act should be broader than simply the enjoyment of the outdoors. Recreational access has far broader benefits, that span right across both the Capitals and Wellbeing Domains of the Living Standards Framework.
21. Recreation Aotearoa submits the title of the Walking Access Act and the language within it, is not inclusive enough of the various types of recreational access that are advocated for by the Walking Access Commission. A new title and/or language could make reference to Mountain-biking and horse-riding, example. In many cases, walking access is required to reach destinations where other types of recreational activity are undertaken.
22. The issues referred to in the previous paragraph, combines with a general lack of awareness and recognition of the Walking Access Commission, result in an underutilisation of the Commissions expertise and abilities. Recreation Aotearoa submits that this is also a symptom of the commissions relatively low level of government funding.
23. Recreation Aotearoa that the Commissions remit should be broadened beyond negotiating recreational access to and across private land, to include all categories of land ownership. Perhaps the most high-profile recreational access issue in recent years, was the closure of the rock-climbing crag within the grounds of Auckland Grammar School.
24. In response to the question posed in the Public Feedback paper, Recreation Aotearoa submits that The New Zealand Walking Access Commissions name should be changed to better reflect to broad range of recreational activities that require access to and across land.
25. In response to the question posed in the Public Feedback paper, Recreation Aotearoa submits that the Act should make a priority of negotiating access to land in or near urban areas. Recreation Aotearoa

uses the percentage of the population living within 500m of a Park or Green Space as a key metric. This reflects the importance of proximity as a driver of quality recreational opportunities. Given the degree to which the population of New Zealand is urbanised and the extent to which urbanisation is increasing, it makes sense that the Commission prioritises access to land in and near urban areas.

26. In response to the question posed in the Public Feedback paper, Recreation Aotearoa submits that there are barriers to landowners providing public access. With regards to complying with the Health and Safety at Work Act 2015, this is largely due to myths and misperceptions. To alleviate this problem and provide confidence for landowner and managers, Recreation Aotearoa has recently sought a Policy Clarification from WorkSafe. This policy clarification should be helpful to recreational users to alleviate concerns held by those who prohibit access to and across land.
27. In response to the question posed in the Public Feedback paper, Recreation Aotearoa submits that the Walking Access Commission has a significant role to play in improving visitor behaviour. However, to do so, it needs significantly more baseline funding to reflect the increasing number of both International visitors and domestic recreationalists engaging in Outdoor Recreation. To carry out this role effectively, the Commission should seek to collaborate with other organisations including LTA's, the Department of Conservation and Tourism Industry Aotearoa.
28. Recreation Aotearoa submits that while it may be the case that Local Territorial Authorities (LTAs) play a greater role in providing and maintaining recreational access to and across land, we note that many LTAs are approaching debt limits equal or near to 250% of their revenue. A general observation of Recreation Aotearoa is that LTAs understand and generously invest in the value of recreational access, but their financial ability to do even more is limited. This makes it even more important that the Commission is resourced to support and partner with LTAs to develop and maintain recreational access to and across land.
29. Recreation Aotearoa recognises the problem of a lack of toilet facilities, car parks and rubbish bins at some of New Zealand's most popular tracks and trails. Equally, we have concerns about the funding of ongoing maintenance of the New Zealand Cycle Trails network. Since 2016, Recreation Aotearoa has been a supporter of the International Visitor Levy (IVL) and has expressed the hope that the proceeds of the levy would be

spent on infrastructure that suits both International Tourists and Domestic recreationalists. Now that the IVL has been established, we are optimistic that this source of funding will alleviate some of the pressures previously discussed and set up New Zealand for even higher levels of participation in Outdoor Recreation.

30. In response to the question posed in the Public Feedback paper, Recreation Aotearoa submits that the Walking Access Commission does not sit naturally within the realm of the Ministry of Primary Industries. While there is no obvious Ministry to take on the responsibility for the Walking Access Commission, it is our view that Land Information New Zealand (LINZ) is probably the best candidate. This would be especially true if the current norm of having the same Minister overseeing DoC and LINZ is continued.
31. Recreation Aotearoa submits that the Walking Access Commission should be afforded powers beyond assessing unformed legal road closures. It is desirable that the Commission oversees dispute resolution in the realm of unformed legal road closures with the mandate to invoke binding arbitration. It is likely that arbitration decisions will require collaboration with LINZ, which further adds weight to the argument that the Commission should be brought under the purview of LINZ. Recreation Aotearoa recognises that binding arbitration over unformed legal roads will likely imply costs to LTAs. For this reason, we propose that the Commission be funded to allocate one-off Capital Expenditure grants to LTAs, that would operationalise the outcomes of the binding decision.
32. In response to the question posed in the Public Feedback paper, Recreation Aotearoa submits that the Walking Access Commission should be afforded enhanced means of defining and enshrining public access. Recreation Aotearoa submits that the Commission should be afforded the ability to agree and enter into Open Space covenants in a similar fashion that the QEII National Trust applies covenants to private land for conservation purposes. This ability would be particularly helpful for farmers and private landowners who have a genuine interest in providing recreational access and wish to see those traditions enshrined beyond their ownership.