

1 October 2007

The New Zealand Four Wheel Drive Association (NZFWDA) is the national body for 4x4 recreation, representing over 50 four wheel drive clubs and an individual membership of over 2400 people, without including their families.

The NZFWDA is completely volunteer managed, with a National Executive Council and three regional Zone Committees (Northern, Central and Southern).

There are still quite a few 4x4 clubs and a great proportion of 4x4 owners who do not belong to the NZFWDA, with most of the individuals being difficult to contact with our limited financial resources.

*The West Coast Tai Poutini Conservancy covers 2.277 million hectares of land west of the Main Divide, from Kahurangi Point in the north to Big Bay in the south (see Map 1). Public conservation lands make up almost 1.912 million hectares of land within the Conservancy (84% of the total land area). The West Coast Tai Poutini Conservancy is therefore one of the largest and most comprehensively protected of New Zealand's 13 conservancies, containing approximately one quarter of the country's protected lands.*

This significantly large land area, has a history of mineral extraction and logging that created a network of routes to explore and service those activities. Surveyors defined legal roads to provide access to properties and in many cases alongside rivers and water bodies. Other service routes were developed for ease of access to particular locations.

These old routes are part of the history of New Zealand and must be retained as our heritage.

*The Department is also guided by the purpose and principles of the Historic Places Act 1993. The purpose of the Act is "to promote the identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand". It is based on the principle that historic places have lasting value in their own right and provide evidence of the origins of New Zealand's distinct society.*

The Department of Conservation (DOC) has a wide variety of heritage and historical buildings and structures on the land that it manages but appears to have a policy to eliminate old vehicle access routes whenever possible. 3.5.6.18 Policies... *Many of these roads were formed for purposes other than conservation management (e.g. old forestry roads) and are no longer required by the Department for management purposes. The Department will therefore not actively maintain all of the roads that are currently suitable for recreational driving.*

That statement from the draft West Coast CMS is hardly consistent with the following:

*One of the purposes of conservation, as defined in the Conservation Act 1987, is providing for the appreciation and recreational enjoyment of natural and historic resources by the public. Accordingly, one function of the Department (under section 6(e) of the Act) is "to the extent that the use of any natural or historic resource for recreation or tourism is not inconsistent with its conservation, to foster the use of natural and historic resources for recreation, and to allow their use for tourism".*

*The overall purpose of the Conservation Act 1987 is “to promote the conservation of New Zealand’s natural and historic resources” (Conservation Act, long title). The Conservation Act defines conservation as “the preservation and protection of natural and historic resources for the purpose of maintaining their intrinsic values, providing for their appreciation and recreational enjoyment by the public, and safeguarding the options of future generations”.*

The NZFWDA does not believe that DOC, in the draft West Coast CMS, make any provision for preserving or protecting the historic routes and roads within the conservancy to maintain their “intrinsic values”, their recreation enjoyment by the public, or safeguard the options of future generations.

There is acceptance of the fact that the draft CMS restricts “off-road” travel. The NZFWDA does not endorse driving off roads on conservation lands. That is why we encourage the preservation of existing roads and other routes used by vehicles in the past. The phrase “Off-Highway recreation” provides a more accurate description of 4x4 travel.

*The use of the terms ‘will/should/may’ will be applied as follows: Policy 1(d) of the Conservation General Policy must be used to interpret the use of the words ‘will’, ‘should’ and ‘may’ in the operative parts of this CMS.*

*The words ‘will’, ‘should’ and ‘may’ have the following meanings:*

*(i) policies where legislation provides no discretion for decision-making or a deliberate decision has been made by the Minister to direct decision-makers, state that a particular action or actions ‘will’ be undertaken;*

*(ii) policies that carry with them a strong expectation of outcome, without diminishing the constitutional role of the Minister and other decision-makers, state that a particular action or actions ‘should’ be undertaken;*

*(iii) policies intended to allow flexibility in decision-making, state that a particular action or actions ‘may’ be undertaken. [policy 1(d), Conservation General Policy 2005]*

The NZFWDA request that CMS language with reference to 4x4 recreation, uses in all cases, the more flexible “may”.

The growth of interest in 4x4 recreation has been high over the past twenty years with a high ratio of 4x4 capable vehicles being imported to NZ as part of the national vehicle fleet. While not all will have their four wheel drive system used for exploring our country, a considerable number will and unless there are places to legally travel where a 2WD vehicle would struggle, many uninformed 4x4 users will simply find somewhere, legal or not.

4x4 vehicles allow a wide spectrum of the population to get to a variety of places. The young, old, infirm and those with disabilities can all get to visit a wider array of NZ.

Patterns of social activity have changed from the heyday of tramping clubs, with their specially set up trucks that would take groups as far as possible, before they set out on foot to hike to a destination. Often today it is a family unit that use their 4x4 to achieve the same result and by travelling together with other club member vehicles, there is a greater level of safety during travel to the destination and back..

A “destination” still has a strong role in 4x4 recreation but there is also another side, the “challenge”. Again this is exactly as with many other recreations and there should be provision in DOC recreation planning for accommodating 4x4 routes involving levels of “challenge”. There has been little consultation on the way 4x4 recreation can be integrated into the mix of terrains within the West Coast conservancy.

With the existing and proposed network of walking routes on the West Coast, there is a considerable array of isolated back country experiences available to walkers. 4x4 users have limited requirement for exclusive use of routes and experience shows that on a challenging route, it may be faster to walk. Signs can be used to identify what other recreational users might be expected on a route.

4x4 recreation has very a low level of requirement for outside assistance such as from Search and Rescue and statistics show that attributable injury or death is minimal. In fact the presence of 4x4 vehicles has often meant that people injured in other recreations have been quickly assisted.

As a recreation four wheeling offers;

- Constructive and educational challenges for youth
- A welcome outlet for city dwellers
- Encouragement for physical fitness for both able-bodied and disabled individuals.
- A practical appreciation of the environment
- A spiritual outlet for everyone

## **Reference to the draft West Coast CMS**

### **3.6.2.2 Provision and management of recreational opportunities**

Policies;

- 1 / 2) The zoning framework has been developed without consultation with 4x4 recreation interests and may not reflect reality.
- 6) Risks from 4x4 vehicles to other users are minimal. Experience on many routes, including the Maratoto 4x4 trail in the Coromandel, shows that the main risk is from / to mountain bike riders who move quickly and frequently are looking down watching the immediate track and not observing for other users. Walkers now prefer the 4x4 trail for its openness and ignore the dedicated, single file, Wires walking track that runs almost parallel about 100 metres away. There is no conflict with the walkers on the 4x4 trail.
- 9) Potential adverse effects can be managed in accordance with the RMA 1991 “ Adverse effect on the environment should be no more than minor”
- 11) The NZFWDA supports these goals.
- 15) The NZFWDA encourage DOC to improve the access to information on 4x4 recreation opportunities in the conservancy
- 18\_ The NZFWDA would welcome DOC being proactive in identifying 4x4 expectations for recreation.

### **3.6.31 Provision of recreational facilities**

The NZFWDA hope that DOC will recognise a demand now and a need to anticipate an increase in the availability of possible facilitating of more options for 4x4 travel on existing routes.

### **3.6.5 Recreation Activities**

The overview portrays a variety of adverse effects from recreation and tourism concessions. Some of those could be a consequence of 4x4 use but it is clear that 4x4 use is not alone in creating adverse affects. It is unlikely that an increase in international tourism will result in a jump in 4x4 use.

### **3.6.5.18 Vehicle use**

#### **1. CHANGE TEXT;**

Paragraph 5; line 6;

Remove words; "for use for that original purpose".

Many tracks/routes are used, and will be suitable for use in the future, for purposes other than the original ones, long after the original purpose has ceased.

#### **2. CHANGE HEADING.**

Pg 273. paragraph starting, "roads suitable for recreational driving";

I wish to change the heading by adding the word ROUTE.

Now to read;

ROADS/ROUTES SUITABLE FOR RECREATIONAL DRIVING.

ROUTES as defined REF; general policy document 2005 pg 61

ROADS (b)

3.ROUTES; We ask that routes that have been used historically by 4x4 vehicles are progressively identified now and over time in the future, on topographical maps, in consultation with interested parties. And if necessary, a track grading system applied to restrict access to a particular type and standard of vehicle.

Such as is done with kayaking/rafting and mountain biking.

#### **4. CHANGE TEXT.**

I wish to add new text at the end of the subsection starting, (as 2. above), "roads suitable for---"

The last paragraph would read;

Closure may be by way of gates or other physical barrier but only after public notification and consultation.

#### **5. THE TERMS SAFE OR UNSAFE,**

Wherever it is used as a reason to close roads or tracks, is subjective.

Many recreational activities maybe unsafe, climbing, kayaking and recreational 4x4 driving, but this is subject to the expertise, experience and equipment level of participants.

4x4 recreation is safer than other recreational activities that DOC promotes, and provides facilities for.

Statistics:

Tramping; 1995 to 2006. 3 to 5 deaths each year.

1995 to 2006 1151 injury claims to ACC,

416 Requiring ongoing rehabilitation.

Ref. ACC statistics 2006. section 20, 21.

After extensive enquiries to ACC and STATISTICS NZ, neither organization could provide statistics to show any reported injuries or deaths associated with off highway 4x4 recreational activities, either to participants or the public.

Claims that the sport is dangerous or a threat to public safety then are more perceived than real.

To use safety as a reason to close tracks/routes would appear to be erroneous and unsubstantiated.

In addition, there are plenty of management options available to the department, to mitigate safety concerns, in consultation with interested parties.

REF; general conservation policy 2005

9.3(a) pg37

6. CHANGE TEXT; ADD CLAUSE;

3.6.5.18. pg 274, first paragraph,

After first paragraph ending, authorised parties.

Add new paragraph, heading.

CONCESSIONAIRES;

Public access to, roads/ tracks/ routes, will only be restricted to authorised concessionaires, after public notification and consultation on a case by case basis.

A public right of access should not be blocked/removed, or made subordinate to an exclusive access right granted to concessionaires, or permit holders, (often commercial operators), unless there is an environmental risk clearly attributable to said public access, that has been confirmed and proven as a result of public notification and consultation.

EXAMPLE;

Goat pass, at Arthur's pass, was going to be closed to Coast to Coast runners practicing for Robin Judkins, "The longest day". The activity was blamed for the Blue duck populations in the area declining.

Robin Judkins employed a trapper targeting feral cats, stoats etc, and the duck population significantly recovered.

The athletes were wrongly identified as the cause, and but for the work of Mr Judkins, access would have been closed.

7. CHANGE TEXT;

3.6.5.18

SECTION 3. pg 274

Line 2, after, "exclude motorised vehicles at places": ADD WORDS, "only after public notification and consultation".

REASONS.

As for 6. above.

8. CHANGE TEXT;

3.6.5.18 pg 275.

SECTION 6. first line;" The department will identify",

Change to; The department will (publicly notify and consult with interested parties to) identify.....

The best management plans, developed to avoid or mitigate adverse effect that may be caused by recreational driving, will be developed by consultation with interested parties, rather than left to the departments sole discretion.

Good results have been achieved in other regions with this approach.

Ref general policy 2005, pg 19. 3(e)

9. SECTION 5. first line; The word "road".

Change to; road/route.

As per definition, general policy document 2005. pg 61.heading, ROAD. (b)

3.6.5.18 pg 275

10.SECTION 6.first word. "road"

Change to ROADS/ROUTES.

11.SECTION 6. first line. The word "WILL".

Change to "MAY".

Adverse effects to conservation values, track maintenance and public safety, may be resolved by establishment of a management agreement with interested parties, under section 8 this page.

That option, to stake holders, would cease if "WILL" is left unchanged.

12. SECTION 8. first word. "road".

Change to .ROADS/ROUTES.

## **OBJECTION TO CONSERVATION AREAS/ZONES;**

Most particularly the establishment of ecological areas and wildlife management areas, where clearly general conservation areas should be.

### **ECOLOGICAL AND WILDLIFE AREAS.**

DOC indicates that these areas were in place in 1987 when DOC was established.

This would have required the written approval of the Minister of Lands or Minister of Forestry, prior to the 1<sup>st</sup> of April 87. (s63, 87 conservation act)

Establishment of these areas would also have required supporting scientific, and independently substantiated, reports in support of the necessity to establish them in place prior to the same date. (s18, 1987 Conservation Act)

Substantial research is required on this matter, not possible in the short time open for submissions. This is essential to discover;

- a) whether these areas have been established by the proper process.
- b) whether the science has been done, independently assessed, and whether it is relevant today to achieve the best outcomes for NZ and to meet the objectives of current government policy.

#### ECOLOGICAL AREA;

Defined in 1987 Act.

**a) An area protected for its scientific and ecological value.**

This suggests a smallish area of special scientific significance, not blocks of thousands of hectares, some of it in pine forest.

**b) Which is in at least two thirds natural condition.** Some areas are nowhere close to meeting this criterion.

**c) Should possess features of special interest for scientific research or education.**

This is clearly not the case with large areas of Radiata pine plantations, recently or currently being clear felled. Or even areas that have experienced extensive mining or multiple harvest of native timber.

Some examples of such areas are those previously known as, the Nemona, Hockstetter, and Granville state forest areas.

These ecological zones, if established in 1987 have been established under IUCN criteria.

The nearest category for establishment of these ecological zones is, IUCN 111. NATURAL MONUMENT (Ref Conservation Act 1987). Mount Cook / Aorangi is a natural monument.

Radiata pine plantations definitely are not.

Scientific study completed prior to 1987 is now potentially hopelessly outdated and irrelevant and needs to be completely redone.

Example;

How does wholesale felling of forest with no plan to replant, fit in with NZ obligations under the Kyoto protocol? How many carbon credits do we earn for growing gorse that will replace these forests for the next 20 years, compared to plantation forest?

The creation of large ecological areas is lazy and inappropriate planning that doesn't meet NZ or international criteria and can not be justified.

Large areas of pine plantation or those previously extensively logged, where the infrastructure for logging is already in place need to be looked at again for reforestation to meet current government policy and Kyoto obligations.

#### WILDLIFE MANAGEMENT AREAS.

Some have been created in areas that have been extensively mined and or logged. Such as those immediately south of Reefton and in the old Granville and Hockstetter state forest areas.

Extensive roading networks exist in these areas that are used for all manner of recreation.

Adjustment to boundaries of some areas would serve the purposes for wildlife management, and would achieve desired outcomes just as well, without creating areas where, unnecessarily, **access is prohibited except for scientific or educational purposes. (ref. Wildlife Act 1953. Reserves Act.)**

Further discussion with recreation groups needs to take place on this issue.

The area L30081 Merrijigs Wildlife Management area, 3500.94 HA. needs to be extended south and a portion nearest Reefton should be reclassified as recreation reserve, possibly within the Victoria Conservation Park or excluded from it.

Last Christmas, there were a large number of families at Reefton camping ground; most of the camp, all involved with 4x4 vehicles, 4x4 bikes, and mountain bikes.

This is the case every Christmas and long weekend. The annual Reefton 4x4 Winch Challenge is held partly in the area mentioned.

These activities bring substantial economic benefit to the Reefton community.

With a few small changes everyone could be happy.

## **CONCLUSION.**

The NZFWDA appreciate the assistance of DOC staff at Hokitika.

They asked us to tell them what we like about the draft CMS.

1. We like the intent to identify and designate 4x4 routes, as is done for mountain bikes.
2. We like the intent to balance conflicting activities. We hope that the number and location of routes is sufficient to prevent over-use, and provide for the deep bush experience of solitude and natural quiet that most 4x4 enthusiasts seek, in common with others
3. We like the intent to establish management agreements, to keep existing tracks/routes open (similar to deerstalkers huts) but only where absolutely necessary, to mitigate proven adverse effect. There are many responsible clubs and individuals operating independently within the 4x4 community, and we request that all who wish to be involved with track management are notified and included.

### **4. DEFINE PUBLIC NOTIFICATION;**

The minimum standard for public notification needs to be clearly set out in the CMS, in a similar manner to that contained in the Resource Management Act 1991 vol 32, pages 217/218. And a heading for this section listed in the CMS index.

A standard including but not limited to;

- a) Three advertisements on three different days in the major newspapers in Auckland, Wellington, Christchurch and Dunedin, should be required.

In addition, one advertisement in local/regional papers, and direct notification to interested parties who have registered with the dept to receive planning information.

- b) A notice that contains sufficient information to enable the public to identify the land as it is commonly known and what is proposed, without reference to any other information.

Yours truly,