

**Submission on Long-term Insights Briefing: *'Pathways to resilience: Future-proofing Crown land stewardship'*.
to Toitū Te Whenua Land Information New Zealand**

25 October 2024

Tēnā koutou

Introduction

1. Herenga ā Nuku Aotearoa, the Outdoor Access Commission, is the Crown agent responsible for providing leadership on outdoor access issues. Our role is to advise on and advocate for free, certain, enduring, and practical access to the outdoors.
2. Herenga ā Nuku has a legislative function to facilitate the resolution of disputes about outdoor access, and one of its priorities is to ensure public access to the outdoors is maintained and enhanced. Crown land offers practical and enduring opportunities for public access to the outdoors which can support future resilience.

Identification of authority over Crown land

3. Most weeks Herenga ā Nuku receives enquiries from members of the public about the ability to use Crown land to access waterways for fishing, access the high country for hunting, access coastal areas for recreation, and access areas to simply enjoy the benefits of being outdoors. Supporting these enquiries is part of our role in advising on practical access to the outdoors. These enquiries show that the public places both a very high value and expectation on Crown land in enabling public access benefits.
4. Unfortunately, there are a significant number of Crown land parcels recorded as 'Crown land under investigation' and 'Management – to be determined' within databases, with no clarity on which Crown entity is responsible for them.
5. This is problematic for getting authority to use Crown land in access projects, but it will be more problematic for the Crown in better conducting its role as steward of the land if it is unclear who holds that stewardship.
6. We support the important topic of resilience and future-proofing Crown land stewardship, and recommend that the scope of the project include determining who holds authority for the stewardship of the significant number of Crown land parcels that are not currently identified.

We need to identify the management authority of this land to allow people to obtain the appropriate permissions easily for the land's use in resilience and other public access projects.

7. The scope of the briefing should also consider the definition of Crown land for exploring the topic 'Future-proofing Crown land stewardship'. Crown land encompasses land managed by many entities, for example the Department of Conservation, the Ministry of Education, the New Zealand Defence Force, and local or regional authorities. The briefing should consider how far to go in exploring or providing direction or a collaborative approach for future-proofing Crown land outside the management of LINZ.

Crown land and public resilience

8. Herenga ā Nuku's public access strategy is informed by the following factors:
 - There are significant regional economic benefits for local communities that use public access to the outdoors well.
 - Many hunters and anglers face a significant issue in obtaining practical access to public conservation land.
 - Supporting and connecting the rapidly growing numbers of community groups seeking support, funding, and advice enables them to create new public access for recreational, social and economic benefits.
 - New Zealand and overseas studies show that improving access to the outdoors and outdoor recreation improves people's mental and physical wellbeing.
 - Developing local tracks supports people to connect with the outdoors.
 - People want to connect to our shared history through the outdoors. In particular, mana whenua want to protect places of historical significance and ensure the history linked to those sites is part of New Zealand's general historical record.
 - Better connections between communities supports communities' natural, human, social and financial wellbeing.
 - A better network of active transport tracks and trails helps us respond to climate change by reducing carbon emissions.
 - Outdoor access also provides alternative transport routes in the event of damage and destruction caused to our formed transport network by extreme weather events and civil emergencies.
 - Enabling and promoting active transport improves health, reduces congestion, protects the environment and connects communities.

9. Enabling public access on Crown land for people to spend time and connect to the outdoors can support all the above factors. There are opportunities for Crown land to provide economic, social, and environmental advantages and build community and individual resilience that we will require in the future.
10. Enabling better public access to Crown land can deliver government priorities, outcomes for Māori, and benefits to all New Zealanders. The expenditure to enable this would not be significant, and it would provide significant benefits. We can support LINZ in exploring these benefits and outcomes as the Crown agent responsible for providing leadership on outdoor access issues.

Resilience focus on practical access

11. We are aware of the changing environment and the need to prepare for significant natural events in the future. Providing the ability to use Crown land in resilience projects focused on public access will enable practical solutions to sea level rise and other climate-induced events in the future. We are currently involved with a significant public access trail being developed between Gisborne and Opotiki. This plans to provide alternative connectivity between communities that have been subject to isolation due to increasing storm events. There will likely be some Crown land involved with this project.
12. Crown land can play an important part in providing practical alternative connectivity for communities as climate change events increase and the existing roading network is put at greater risk of failure.
13. At present, the public does not have a legal right to use Crown land managed by LINZ for legal access. LINZ will not usually object to the public using Crown land for access, provided there are no other conflicting interests over the land. This does not provide legal clarity for long-term access projects for community resilience.
14. Considering ways Crown land can have a recognised right of legal access by default will provide a practical way to facilitate options for connectivity. It will streamline the existing processes for giving authority to use Crown land for access.

Recommendations:

- That the management authority for all currently undetermined Crown land is identified to enable the desired benefits and resilience outcomes to be applied to this land as well as to Crown land that already has a management authority.
- That public access to Crown land is acknowledged as an important benefit in the health and mental well-being of individuals and communities, giving better mental resilience to the future impacts of environmental change.
- That public access be recognised as a legal right by default over relevant Crown land to provide health and economic benefits for people connecting to the outdoors for recreation access over the land and to enable future benefits for alternative legal access connectivity options in the event of natural disasters.

Thank you for the opportunity to submit on this issue

Herenga ā Nuku sees public access as a key pathway to resilience. We welcome an opportunity to speak to this issue if you want further information.

We also welcome the opportunity to be recorded as a key stakeholder who can provide further relevant input on public access to the briefing as the Crown agent responsible for providing leadership on outdoor access issues.

My contact details are mary-anne.baxter@herengaanuku.govt.nz and 027 815 8536.

A handwritten signature in black ink, appearing to read 'MA Baxter'.

Mary-Anne Baxter

Kaitohutohu Mātāmua – Kōkiri | Principal Advisor – Operati3ons